

REGULAR CITY COUNCIL MEETING

February 28, 2024

The Regular City Council meeting was called to order by Mayor Mallory in the Council Chambers at City Hall at 7:00 p.m.

Roll Call:

Present: Kwiatkowski, Dodd, Bedwin, Raab, Mallory, Darling, and Mills.

Absent:

Public Comments on Agenda Items Only:

- Dr. Amanda Tanner asked regarding agenda item 8-A: Consideration of Contract for the City Manager. Dr. Tanner asked questions regarding Sabolsky's pension and the indemnification clause. Dr. Tanner expressed that the City Manager should live within City limits.
- Janet Gahn commented on agenda item 7-A: Resolution to approve the Notice of Intent to Issue Revenue Bonds and Notice of Right of Referendum. Gahn commented on the project description in the notice of intent. Gahn spoke on the importance of using north, south, east, west when it comes to describing the streets. Gahn discussed agenda item 9-D: Request for Proposals for Cemetery Services. Gahn commented on the grass length listed in the proposal, the maintenance of the water spigots, and the clean-up and burial period. Gahn also commented on agenda item 8-A. Gahn spoke regarding the car allowance/reimbursement and if the items in the contract are detrimental to the City.
- Roger Kopernik spoke regarding 8-A. Kopernik expressed that he has shared that this leadership does not represent him. Kopernik commented on the importance of transparency. Kopernik discussed the importance of having a Treasurer.
- Dick Cartmill requested that the Council refrain from making any decisions regarding Sabolsky's contract. Cartmill referred to information recently received by Council and for them to review it.
- Scott Hancock spoke regarding Sabolsky's contract. Hancock spoke in support of Sabolsky and mentioned multiple projects Sabolsky has accomplished since he has been here, such as the fishing piers and new Zamboni. Hancock mentioned the care Sabolsky has for the City. Hancock discussed the multiple members of City staff that support Sabolsky.
- Wes LeMarble expressed to Council that he wishes them to approve Sabolsky's contract.
- Jeff Laudenslager spoke in support of Sabolsky. Laudenslager commented on the amount Sabolsky has accomplished in his time here. Laudenslager spoke on how the DPW Department has improved since Sabolsky has taken office of City Manager.
- Paul Tanner discussed the contract, stating that this isn't about Sabolsky's job performance, but the contract itself. Tanner began discussing the removal of three mills from City taxes, the Special Assessment District and old fire gear, the inoperable elevators on the footbridge and other maintenance not being done in the City.

- Bill Horntvedt spoke in support of Sabolsky. Horntvedt voiced that he agreed with what Hancock and Laudenslager said in regards to Sabolsky. Horntvedt spoke regarding Sabolsky's character and all he has accomplished for the City.
- Fire Chief Don Dailey spoke regarding Sabolsky's support during the Great Lakes Tissue fire and the support he has shown for the Fire Department. Dailey commented on the support he has for Sabolsky as a City Manager and for his contract renewal.
- Misty Enos, former employee for Great Lakes Tissue, spoke regarding Sabolsky's contract. Enos commented on Sabolsky's support and help during the fire. Enos spoke about how Sabolsky helped get the workers of Tissue Depot unemployment pay. Enos told Council Sabolsky's contract should be renewed.
- Paul Welitzkin from the Cheboygan Tribune spoke regarding letters Council received regarding Sabolsky's contract. Welitzkin requested those letters be read into the record.
- David Martin suggested for Council to share more information about the contract with the public.
- Louis Vallance spoke regarding Sabolsky's contract. Vallance spoke regarding his disappointment for lack of development on the East side of town and the water rate increases. Vallance expressed that the City Manager's job description needs to be reviewed as well as the results of Sabolsky as City Manager. Vallance commented on the importance of the East side of town.
- Sherry Caldwell, a former worker of Great Lakes Tissue/Tissue Depot, commented on Sabolsky's involvement in Great Lakes Tissue/Tissue Depot's operations.
- Mike O'Brien spoke in support of Sabolsky. O'Brien commented on the contract, stating that Cheboygan is years behind in pay, benefits, etc. O'Brien discussed the importance of moving the City forward and that a proper contract is needed.
- Sharen Lange spoke to Council regarding their job as elected officials to make sure that they see the good stuff, the bad stuff and to make a responsible decision with the people of the City in mind. Lange also commented on agenda item 8-B: Legal Services Contract. Lange stated what she would like on record regarding Mr. Tom Hungerford and if he submitted a bid or not.
- Cindy Bauer spoke in support of Sabolsky's contract renewal. Bauer commented on the importance of a good contract to retain talent.
- Stephanie Sudzinski asked Council if this proposed contract is accepted, will the City be able to afford to have this same contract, or an even better contract, offered as time moves forward.
- Jerry Malloy told Council that an attorney should review and give their opinion on the contract.

Approval of Agenda and Receive and File all Communications:

- Councilman Kwiatkowski moved to approve the agenda, with the exception of item 8-A being discussion only, and receive and file all communications. Seconded by Councilwoman Darling. A roll call vote was taken. Ayes from Councilman Kwiatkowski, Councilwoman Raab, and Councilwoman Darling. Nays from Mayor Mallory, Councilwoman Mills, Mayor Pro Tem Bedwin, and Councilwoman Dodd. Motion failed.
- Councilwoman Mills moved to approve the agenda and receive and file all communications, as presented. Seconded by Mayor Pro Tem Bedwin. A roll call vote was taken. Ayes from Mayor Mallory, Councilwoman Mills, Mayor Pro Tem Bedwin, and Councilwoman Dodd. Nays from Councilman Kwiatkowski, Councilwoman Raab, and Councilwoman Darling. Motion carried.

Approval of Prior Meeting Minutes:

- Councilwoman Mills moved to approve the Regular City Council meeting minutes of February 13, 2024, as presented. Seconded by Mayor Pro Tem Bedwin. Motion carried.

Resolutions:

- Resolution to approve the Notice of Intent to Issue Revenue Bonds and Notice of Right of Referendum.
 - Councilwoman Mills moved to adopt the resolution to approve the Notice of Intent to Issue Revenue Bonds and Notice of Right of Referendum. Seconded by Councilwoman Dodd.
 - Sabolsky explained the Notice of Intent to Issue Revenue Bonds and Notice of Right of Referendum. This gives us the right to finance up to a certain dollar amount so that we can then move forward by collecting bids. Sabolsky said some extra money will need to be used from the PA 51 Funds for the roadwork, and hopefully more grants can be collected. Sabolsky explained that this is the first step in the process. Sabolsky further discussed the process after this step is accomplished.
 - Council discussed the resolution and the description of the project, allowing the necessary changes to be made to the description so it is accurate.
 - A roll call was taken. Motion carried unanimously.

General Business:

- Consideration of Contract.
 - Councilwoman Dodd moved to approve the City Manager contract, as presented. Seconded by Councilwoman Mills.
 - Council discussed the City Manager contract. Mayor Pro Tem Bedwin mentioned a typo in section 15. Councilwoman Raab spoke her concerns regarding the contract. Councilwoman Raab commented that she wants to know if the City can handle this contract financially. Councilwoman Raab voiced that she cannot approve this contract as it is currently presented. Councilman Kwiatkowski commented regarding the items he would like removed from the contract; stating items/sentences in performance evaluation, resignation/termination/modification of agreement, severance, and indemnification. Councilwoman Darling voiced her concerns regarding the indemnification clause and paying of legal fees.
 - Attorney Lindsay addressed, explained and answered questions regarding the indemnification clause to Council. Councilwoman Darling brought up the threat of lawsuits. Councilwoman Raab asked Lindsay his opinions on the contract and if it was financially in the best interest for the City. Lindsay responded in support of the contract. In regard to the financial aspect, Lindsay explained that it all depends and referred back to the negotiators for Council to better explain the addition to the severance clause.
 - Mayor Mallory explained the reasoning behind the additions and the changes to the contract. Councilwoman Raab discussed her disagreement with the severance clause and why. Council further discussed severance and the contract. Councilwoman Mills reiterated that this is not a performance evaluation. Councilwoman Mills discussed her own findings comparing other municipalities and their contracts for City Manager. Councilwoman Mills explained how having a good City Manager contract is important

for the present and the future. Mayor Pro Tem Bedwin further discussed the contract, the severance clause, and the indemnification clause. Mayor Pro Tem Bedwin shared his thoughts on Sabolsky's performance as City Manager.

- Councilwoman Mills moved to call the question. Seconded by Councilman Kwiatkowski.
- A roll call vote was taken. Ayes from Councilwoman Dodd, Mayor Mallory, Councilwoman Mills, Mayor Pro Tem Bedwin and Councilman Kwiatkowski. Nays from Councilwoman Darling and Councilwoman Raab. Motion carried.
- Legal Services Contract.
 - Councilwoman Mills moved to authorize the City Manager to explore entering into a contractual agreement with the County Prosecutors Office for legal/prosecuting services. Seconded by Councilman Kwiatkowski.
 - Police Chief Scott Rifenberg explained that at this time, this is just to explore the option of working with the County Prosecutors Office. Chief Rifenberg explained that Mr. Tom Hungerford did submit a bid to continue employment as the City Prosecuting Attorney. Chief Rifenberg explained why they would like to explore this option with the County Prosecutors Office. The decision would have to come back to Council.
 - Council further discussed and asked questions regarding this matter with Chief Rifenberg.
 - A roll call vote was taken. Ayes from Mayor Mallory, Councilwoman Mills, Councilman Kwiatkowski, Mayor Pro Tem Bedwin, Councilwoman Darling, and Councilwoman Dodd. Nays from Councilwoman Raab. Motion carried.
- Request for Proposals for a Consultant for the Universal Access to Cheboygan River and Children's Trail – Phase II Project.
 - Councilwoman Mills moved to authorize the City Manager to advertise for a Request for Proposals (RFP) for a Consultant for the Universal Access to Cheboygan River and Children's Trail – Phase II Project.
 - Sabolsky explained that this is for the 871,000-dollar grant that was received and this will allow us to hire a consultant to layout the trails, fishing piers and put together the bid documents so we can then bid it out for construction. Sabolsky discussed the grant, the plans and explained that this project needs to be completed by October of 2026.
 - A roll call vote was taken. Motion carried unanimously.
- Request for Proposals for Cemetery Services.
 - Councilman Kwiatkowski moved to authorize the City Manager to advertise for a Request for Proposals (RFP) for Independent Contracted Services for Maintenance, Interments and Sexton Services at Pinehill Cemetery. Seconded by Councilwoman Darling.
 - Councilwoman Raab asked regarding the contract and the changes Gahn suggested. Sabolsky explained that this allows to advertise for bids, then the details of the contract can be finalized.
 - A roll call vote was taken. Motion carried unanimously.

Clerk's Comments:

- Clerk Singles reported on the Presidential Primary election. Singles thanked all her election inspectors and the Parks and Recreation crew for their help. Singles reported that the City will not have a May election this year.

Public Comments:

- Dr. Amanda Tanner spoke regarding the emails she has been sending Council regarding a fence issue. Dr. Tanner passed around pictures of the fence to Council. Dr. Tanner gave Council a timeline of the fence issue, explaining when panels fell and were put back up. Dr. Tanner referred to and discussed the City Zoning code.
- Paul Tanner told Council that the City has many non-conforming lots, structures and uses. Tanner expressed that the code today needs to be followed. Tanner gave examples of non-conforming uses. Tanner referred to and quoted the City Zoning code and discussed conforming use versus non-conforming use.
- Janet Gahn spoke regarding residency of the City Manager. Gahn inquired for the total cost the City has spent on receiving assistance from Rehmann Group. Gahn commented that she would like an ethics policy and a complaint form.
- Sabolsky discussed the State law regarding employee residency. Sabolsky informed Gahn he responded to her inquiry about Rehmann Group.
- Brad Ormsbee commented that he gave his information to the Cheboygan Housing Commission to volunteer his time. However, his packet got lost. Ormsbee has not heard from the Housing Commission and has attempted to contact them with no success. Ormsbee discussed the importance of housing for Cheboygan.
- Sabolsky told Ormsbee that the gentleman who works at the Housing Commission is currently out and he is the only full-time employee in the office. Sabolsky instructed Ormsbee to come to City Hall tomorrow.
- Misty Enos commented that she doesn't think Facebook is the appropriate place for Council to air their grievances.
- Roger Kopernik asked Council regarding his street (Cedar Street) getting paved.
- Mary Hebert referred to a letter she wrote and inquired about the Historic District Commission.

Committee Updates:

- Councilwoman Dodd reported on the DDA. The DDA met last week. Multiple things for the spring/summer time were discussed. Councilwoman Dodd reported that Shine-Up Cheboygan will not include dumpsters this year, the Farmers Market will be open outdoors in May, a vibrancy micro grant was approved and Ramsby Drilling donated a large number of eggs for the Easter egg hunt.
- Councilwoman Mills reported that there hasn't been a Housing Commission meeting since January, but they have been working towards getting everything needed for the upcoming housing project. Councilwoman Mills discussed the structure of the Housing Commission and how it is operated.
- Councilwoman Darling reported that a dog park meeting will be at the library on March 19th at 6:00pm.

Messages and Communications from Mayor and Council Members:

- Councilwoman Raab brought up the letters of concern and support received by Council. Councilwoman Raab inquired about what Council should do going forward when receiving letters from citizens. Mayor Pro Tem Bedwin commented that he is open to suggestions on how

other municipalities handle this topic. Paul Welitzkin commented to Council regarding the letters, saying he would reach out to Gaylord to see how they handle this.

- Councilwoman Darling commented that some people she has talked to are afraid of repercussions from City staff for speaking out. Council and Sabolsky discussed Councilwoman Darling’s comment.
- Councilwoman Raab thanked the public for coming to the meeting and speaking. Councilwoman Raab commented on the hard work of City staff.
- Sabolsky commented on and thanked City staff for their support.

Adjournment:

- Mayor Mallory adjourned the meeting at 9:17pm.

Mayor Brett Mallory

Clerk Alyssa Singles

Mayor Pro Tem Adam Bedwin

Councilwoman Diane Mills

Councilman Kenneth Kwiatkowski

Councilwoman Mary Darling

Councilwoman Diane E. Raab

Councilwoman Hayley Dodd