

REGULAR CITY COUNCIL MEETING
February 9, 2016

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

Roll Call:

Present: Couture, Kwiatkowski, Lavender, Bronson, Temple, King and Riddle

Mayor Pro Tem Couture led the Pledge of Allegiance to the Flag.

Approval of Agenda, and Receive and File all Communications:

Councilman Lavender moved to add the Port Property and the Memo from the City Manager to the Agenda under General Business (8-C); supported by Mayor Pro Tem Couture. Motion carried unanimously.

Councilwoman Riddle asked Mayor Bronson if the addition is just going to be discussion and no vote, because City Manager Eustice who was so involved in the background is not present and cannot answer questions. Mayor Bronson responded he did not know.

Councilman King moved to approve the Agenda, with the addition of 8-C, Port Property and the Memo from the City Manager, and receive and file all communications; supported by Councilwoman Kwiatkowski. Motion carried unanimously.

Approval of Prior Meeting Minutes:

▪ **Regular City Council Meeting Minutes – January 26, 2016.**

Councilwoman Kwiatkowski moved to approve the Regular City Council Meeting Minutes of January 26, 2016 as presented; supported by Councilman Lavender. Motion carried unanimously.

Bills and Disbursements:

▪ **Prepaid Bills and Disbursements for the Month of January 2016.**

Ms. Trudy Lofgren inquired as to what a Refund B-O-R is. Clerk/Treasurer Kwiatkowski replied Board of Review refund.

Councilman Lavender moved to approve the prepaid bills and disbursements for the month of January 2016 in the amount of \$397,775.74; supported by Councilman King. A roll call vote was taken; motion carried unanimously.

▪ **Unpaid Bills and Disbursements for the Month of January 2016.**

Councilman King moved to approve the unpaid bills and disbursements for the month of January 2016 in the amount of \$19,290.43; supported by Councilwoman Kwiatkowski. A roll call vote was taken; motion carried unanimously.

Department, Board and Commission Reports:

▪ **Planning Commission Meeting, January 18, 2016** - Mayor Bronson noted there was a lot of discussion on the Zoning Ordinance re-write. Councilwoman Riddle stated there was a lot of discussion on the sidewalk at the old Carnegie Library and the fact that the building has been

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sold. She asked if it is common knowledge who is purchasing the building. Clerk/Treasurer Kwiatkowski stated according to City Manager Eustice it is not public knowledge. Mayor Bronson added he believes the sale has not been finalized yet and believes the new purchaser will be replacing all the sidewalks and front steps. Mayor Bronson asked if City Manager Eustice gave any indication when the Zoning Ordinance re-write will be ready to bring to Council. Clerk/Treasurer Kwiatkowski replied no.

▪ **Downtown Development Authority Board Meeting, February 2, 2016** – Mayor Bronson noted Festival Square was closed for skating. Clerk/Treasurer Kwiatkowski stated this is due to the weather and believes they will attempt to re-open it when the weather gets colder.

General Business:

▪ **Consideration of Proposals – Hydrant Replacements** – DPW Director Karmol stated bids were taken for hydrant replacements to help us replace some of the down hydrants, noting the City has six new ones in stock. He went on to state he is recommending the low bid from Bryan Lofgren Excavating in the amount of \$960.00 per hydrant. DPW Director Karmol informed Council this is for some of the hydrants that are not working and the City could not fix the hydrant in place. He would like to replace six hydrants before he starts to purchase more new hydrants. DPW Director Karmol stated the six hydrants being replaced may give the City the necessary parts to repair other hydrants. Councilwoman Riddle asked if this can take place during the winter months, or does it need to wait until spring. DPW Director Karmol replied it can be done during the winter months, although we cannot check and test the hydrant until spring so it is best to do it in the spring if we can. Mayor Pro Tem Couture stated he does not see a bid spec that was sent out for the hydrant replacement, noting the bid from Robiadek & Sons excavating appears to be for additional steps. He asked that the Council get the bid specs in the future. DPW Director Karmol explained that Robiadek actually gave more than what was needed, noting this was a project that Robiadek was not necessarily interested in, but he asked for a bid as he wanted three bids. The City still has to be there for the hydrant replacements as we need a certified operator to fix the distribution system – whenever we cut into the water system we need someone there to make sure that the hydrant is okay and not impacting the water quality. It lessens the impact on the staff's daily routine to have somebody doing some excavating that isn't necessarily licensed water works.

Mayor Pro Tem Couture moved to award the proposal for hydrant replacements to Bryan Lofgren Excavating, Inc. in the amount of \$960.00 per hydrant; supported by Councilman Temple. A roll call vote was taken; motion carried unanimously.

▪ **Consideration of Request from the Cheboygan Street Rods Custom Car Club – 2016 Custom Car Show and Parade – June 17 and 18, 2016, including Street Closures** Clerk/Treasurer Kwiatkowski stated this event has gone on for many years and the utilization of Festival Square is all set. He went on to state he takes care of the trunkline closure with MDOT.

Councilman King moved to approved the request from the Cheboygan Street Rods Custom Car Club to hold their annual 2016 Custom Car Show and Parade on June 17 and 18, 2016, including a parade permit for June 17, 2016 beginning at 7:00 pm and Main Street closure from W. State Street to Elm Street and North Festival Square Drive and Backus Street from 6:00 am to 5:00 pm on Saturday, June 18, 2016; supported by Mayor Pro Tem Couture. A roll call vote was taken; motion carried unanimously.

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▪ **Port Property and the Memo from the City Manager** - Councilman Lavender stated Council received a nice summary from City Manager Eustice regarding the Port property, including a recommendation of where to go with it. He went on to state he would like to discuss this as we initially wanted to partner with the Township and that seems to have lost all its steam. Also, we are paying an attorney a lot of money to negotiate this process, which in his opinion seems to be stalling out and has lost steam completely. We do have a Letter of Intent from another purchaser and he would like to see us move forward as it's been six months now. Councilman Lavender then asked for discussion from Council.

Councilwoman Riddle asked if there has also been recommendations from the Port Commission. Mayor Bronson stated there was some discussion about this, but they wanted to see what the Township had to say at their next meeting, adding there was some consensus that since this was initially proposed there have been developments in the cost and also, in particular, the DNR property becoming available for a ferry boat setup. Mayor Bronson went on to state he thinks the Port Commission believes that it would be a better use to use the property the Township is trying to buy now as part of the Port project rather than ferry dock. Councilwoman Riddle commented she read some of that in the information that City Manager Eustice presented. Mayor Bronson clarified there was not any formal vote on it by the Port Commission, but consensus. He believes the game changer is the availability of the DNR property, which has been provided to the Township by City Manager Eustice.

Clerk/Treasurer Kwiatkowski informed Council he spoke with City Attorney Steve Joppich today and got some comments from him when asked if he thought it was appropriate for Council to take any action tonight. Attorney Joppich stated if Council did, his recommendation is to direct the Attorney and City Manager to negotiate and prepare a purchase agreement with Ryba Construction and that once they work with Ryba and come up with a purchase agreement, it would then come back to City Council for their consideration. Clerk/Treasurer Kwiatkowski said Attorney Joppich thought if Council is going to do something that is the action Council should take. Mayor Bronson asked if Attorney Joppich mentioned having some kind of language saying that we have a purchase agreement on the table now and action to not go any further with it. Clerk/Treasurer Kwiatkowski replied no, he said that basically the Council should leave that open. Mayor Bronson asked if Attorney Joppich thought they could move forward simultaneously. Clerk/Treasurer Kwiatkowski stated Attorney Joppich thought they could and was hoping something could be worked out to satisfy Ryba and the Township. He went on to state that everyone he has talked to right now thinks that the four acre DNR site north of the County Marina would be a great spot and away from the Port activity. Mayor Bronson commented there are issues of wetlands with the DNR site, so not all four acres is available, noting there are some protective species in there that may cause some issues. He went on to state that the DNR was going to build a ferry dock on that site and must have looked at all these issues.

Councilman Lavender moved to direct the City Attorney, Steve Joppich, and the City Manager to negotiate and prepare a purchase agreement with Ryba Marine; supported by Councilman King. A roll call vote was taken; motion carried unanimously.

Councilman Temple commented the City made a mistake by not putting a deadline on the purchase agreement with the Township. He was one of the original ones that voted to sell to the Township because they made it sound like they had the money in their back pocket. Well, this

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didn't happen and he is ready to move on to somewhere else. He thinks we should put a deadline on this new purchase agreement with Ryba. Councilwoman Riddle asked how long the City Manager is planning on being gone. Clerk/Treasurer Kwiatkowski replied he will be back on Monday. Mayor Pro Tem Couture stated we have a Letter of Intent and a Purchase Agreement from Ryba Marine currently that they have sent and he thinks this is obviously a starting point for the City Manager, adding whether there needs to be negotiation or not that it is between them to decide that. Mayor Bronson noted there has been discussions between the City Manager and Ryba. Clerk/Treasurer Kwiatkowski informed Council that the Township is meeting tomorrow night and apparently they have a counter to the purchase agreement that the City sent to them, but at the same time the Supervisor has asked City Manager Eustice to send him the information on the DNR property. Mayor Bronson stated he talked about an hour and one-half with Mr. Mike Harrington, which included the DNR property and many other things. Councilwoman Riddle stated she does like Councilman Temple's idea that with future purchase agreements we always build in a deadline to keep things moving in a forward fashion. Councilman Temple commented he is sure Ryba is going to move quicker than the Township. Mayor Pro Tem Couture mentioned that the City has not sent Ryba any sort of agreement, but Ryba has sent the City one, so if we are going to put in a deadline it is on our response, which is fine as we should do a quick and timely response. He then stated he is sure that Ryba is waiting, as well. Mayor Pro Tem Couture also stated he thinks it is realistic that the Attorney and City Manager, barring anything holding them back, by the Council's next meeting can have something in front of Council to send to Ryba, be it a counter or acceptance. Mayor Bronson commented he thinks we can suggest it. Councilman Lavender stated he thinks if we negotiate a purchase agreement once that comes to Council, if it doesn't have something like that, it can always be added. Councilman King stated, for the record, he would like to commend the work that City Manager Eustice has done in the memo packet to Council, which is very clear. Also, the work he did on another option for the Township and negotiations with the Coast Guard has been very impressive and does appreciate what he has done. Mayor Pro Tem Couture stated this clearly aligns us with the original Mission Statement of the Port.

Clerk/Treasurer Kwiatkowski then asked if it is Council's wishes to have something as far as a preliminary purchase agreement by the next Council meeting. Mayor Bronson replied yes, that is the consensus.

Public Comments:

Ms. Trudy Lofgren asked if the Township is out of the original contract. Mayor Bronson replied no, the City is moving forward simultaneously with negotiations with the Township and also formalizing some kind of negotiation with Ryba. Ms. Lofgren then asked if the properties still overlap. Mayor Bronson replied yes, noting the City's Attorney said we could proceed with negotiations with both parties at the same time. Ms. Lofgren then asked if it is whoever comes in first. Mayor Bronson responded they are also looking at the plan and what we want to happen there, too. Part of the reason we can choose who to sell to is because we have this underlying plan of the Port development and so we need to look at what best fits that mission, also. Mayor Pro Tem Couture commented we are limited to who we could sell it to. Mayor Bronson then stated it protects us from just sending the property out to a general auction for the highest bidder and not necessarily getting what we want in there.

City Clerk/Treasurer's Comments: *(None.)*

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DPW Director Comments: Mayor Bronson asked if DPW Karmol had any comments. DPW Director Karmol replied the Council has a copy of the DPW Semi-Annual Report, July 2015 – December 2015, adding he is available to address any questions. Mayor Bronson stated it is nice to have a report, noting one was received last year, too. DPW Director Karmol commented he does the report every six months. He timed them for the first six months of the year and the last six months of the year. DPW Director Karmol also stated he is prepared to answer questions on bio-solids and the letter received “as information only” in their packet. Councilman King asked DPW Director Karmol if he sees this as a problem area. DPW Director Karmol answered the first part of both his Reports focus on infiltration because it is nearly triple all the time. If you take the water production and triple it, that is the sewer plant’s inflow. Before he can give Council recommendations on how to refurbish the wastewater plant, he doesn’t want to build one three times bigger than what is needed. We are putting stress on the 40 year-old plant three times harder than it needs to be. It is a major concern. He said he would like Council to keep in mind that when he goes through and finds the problems with the storms and the combined and infiltration, he is looking at it as a flow-based problem. He knows individuals have problems with drainage, but when he comes to Council with recommendations he wants projects that eliminate the most flow regardless of who it helps. When he tells Council we need to go fix an area, it is not necessarily to quiet somebody. It is to chunk the biggest flows and on down. Eventually as this is done, we will help people in these letters, but he can’t let it drive our priorities because we are still determining what the biggest problem to fix is. We are still finding them and dyeing them and still taking data on them. He is still talking to people and taking input because, regardless of how much time is spent talking to people, he still wants to hear everything they have to say and listen to what is valid to him as it helps him fix it, in addition to what’s been done in the past. DPW Director Karmol commented that some people have provided good information, and some not so good, but you still want to listen to it and see what’s pertinent. When he makes recommendations going forward, there might be some contention because he is not supplying a fix to that area. He will be applying it on a flow base, non-bias recommendation.

Mayor Bronson asked DPW Director Karmol if the tree trimming that Consumers could affect this. DPW Director Karmol replied yes, in addition to people who put their refuse in a convenient area of a ditch, as has been pointed out to him by Chief Jones. He went on to state that none of this is going away and that debris is not too hard to figure out where it came from. There are bush trimmings and leaves, and they don’t tend to go too far from where they collected their refuse, i.e. dumping it across the street, so he doesn’t have to look too far for the person who dumped in the storm ditch. DPW Director Karmol told Council the other consideration he would like them to make is that people want to fill in these open ditches with culvert, but then when they do they say it’s the City’s when it fails. He would like all open structures because they are easy to clean and easy to get flowing again, noting it doesn’t require him to jet them or replace a culvert requiring an excavation to get storm waters going. DPW Director Karmol understands people want a green the yard by covering all of these ditches, but there is a negative effect to that, as well, in the long term. One of the considerations he would like to keep in everybody’s mind is that we should stick to providing a culvert per driveway and if a person says they have 2, 3, 4 or 5 driveways, we can’t maintain them all or keep maintaining these culverts shoots they want to keep filling in their yard with. There were multiple people that wanted several shoots but he only gave them one, and they weren’t too happy about it because they say all the culverts the City wanted. But at some point, those culverts had to be paved in by a resident who then says it’s now the City after a certain period of time. Just because a person paid the City to complete that project, it doesn’t mean that

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it's the City's culvert for the rest of the time. DPW Director Karmol reiterated he would like an open ditch structure to keep the water flowing, and the resident that wanted to have that yard should maintain the culvert that they installed for their aesthetics because it is getting pretty expensive to put culverts in for aesthetics.

Councilman King asked if the east side is still worse off for drainage than other areas. DPW Director Karmol replies yes and no. There are some problem areas and he has spoken with Mr. Cavitt, the Drain Commissioner, because usually coordination with their cleaning helps determine the City's cleaning. You want to work as the flow goes so that everything stays clean when you're done. Mr. Cavitt did not have many projects, which puts the City on its own. For the most part, we are going to be spending time clearing this debris, less so time excavating between tube to tube. He is also going to be trying to identify some of these people that are putting debris in the drain because storm drain cleaning requires Miss Digs and we need to watch out for any other infrastructure so just cleaning some leaves that got dumped down there becomes a pretty big process and we need to have utilities marked over a large area. DPW Director Karmol informed Council that if staff takes a couple days to fix a water main, we are then a couple days behind in our normal recordkeeping, so these are things to consider as we spend more time with things, because we also have to go back and catch up to the normal routine. He then informed Council that the options they have given him as far as bids, allow him to get some help so that their normal routine doesn't fall behind and State recordkeeping keeps intact. There are times when they can go out and repair a main, but there are other times that he can't, and that's why it's important to be able to balance that and have everything get done without sacrificing normal recordkeeping and maintenance.

Councilwoman Riddle stated last fall she brought to DPW Director Karmol's attention the church on North Street on the corner, asking if all of the issues were addressed, or are there still some things up in the air that he is watching. DPW Director Karmol answered there are still some things they still addressing and he is working with the church. Councilwoman Riddle stated that is good to know because those people have been waiting a while.

Mayor Bronson asked if the property the City got with the purchase of the River frontage is where some of this in-flow on the east side is going into Lake Huron. DPW Director Karmol replied not necessarily. Just going out and dye testing once doesn't determine the whole scope of things. Sometimes you have to dye it at different flows/amounts of rain so that we can see proportions. For instance there will be flows with no rain and that gives him an indication; there will be flows with a heavy rain; there will be flows with melt; and there will be flows with storm drainage (storm drains and ditches are full) but there is no rain. All of these things are clues as to what he should be looking for and how they are connecting. He needs to see all of those variables to tell Council which fix where eliminates the most flow.

Mayor Bronson stated DPW Director Karmol had commented in December the rain downfall caused a lot of issues at the treatment plant. DPW Director Karmol answered yes, stating there was three inches of rain and the plant took in 13 million gallons. He noted he will be working with the State on this issue.

DPW Director Karmol thanked the Utility Committee for their time because it is important that we are able to progress fixing the infrastructure and providing the correct deliberation about it.

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Councilwoman Riddle commented she finds the Committee meetings very informative. DPW Director Karmol stated he puts some preparation into them so that we can get some discussion on moving some of our projects forward and working with the new infrastructure and getting some scope of projects. He then stated it is important to get some feedback.

Messages and Communications from Mayor Pro Tem and Council Members: *(None.)*

Adjournment:

Mayor Pro Tem Couture moved to adjourn the meeting at 7:44 p.m.; supported by Councilman Temple. Motion carried unanimously.

Mayor Mark C. Bronson

Clerk/Treasurer Kenneth J. Kwiatkowski

Councilman Joseph Lavender

Councilwoman Winifred L. Riddle

Councilman Vaughn Temple

Councilman Nathan H. King

Mayor Pro Tem Nicholas C. Couture

Councilwoman Betty A. Kwiatkowski