

CITY COUNCIL MINUTES

November 1, 2010

The Cadillac City Council met in a regular meeting on Monday, November 1, 2010, at 7:00 p.m. in the Council Chambers of the Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.

COUNCIL PRESENT: Schippers, Mellema, Spoelman, Stevens, Mayor Barnett

COUNCIL ABSENT: None

Staff Present: Peccia; Barbieri; Homier; Adams; Benson

Mayor Barnett called the regular Cadillac City Council meeting to order at 7:03 p.m.

APPROVAL OF AGENDA

2010.238 Agenda approved as amended

Motion was made by Schippers and supported by Stevens to amend the agenda by requesting that public comments regarding Tabled Item XIV-A be held until the TABLED ITEM section of the meeting is reached.

Motion unanimously approved.

PUBLIC COMMENTS

Michael MacCready, 117 Roberts Street, Manton told council that the city is lucky to have Marcus Peccia as City Manager and that Wexford County is lucky to have Ken Hinton as County Administrator.

Phil Potvin, former president of Western Concrete and candidate for State Representative of the 102nd district said he was involved in the CAMA lighthouse project and urged support.

CONSENT AGENDA

2010.239 Consent agenda approved as amended

Motion was made by Spoelman and supported by Mellema to amend the minutes from the October 18, 2010 regular meeting as follows:

...Another option (which has not been discussed with the county) is to amend the plan now with a provision that would trigger elimination of flow control ~~now~~ *in the future upon the sale of the landfill*. The amendment would be acted upon by the current Board of Commissioners. ~~which would require the current plan to undergo amendments~~. Or *another option is to ask the county to amend the plan to eliminate flow control within a set time period, regardless of the sale or not....*

and to approve the minutes from the work session held on October 18, 2010 as presented.

Motion unanimously approved.

PROCLAMATIONS

PUBLIC HEARINGS

At 7:07 p.m., a public hearing was held to consider the approval of Resolution No. 1951 which would adopt Ordinance No. 2010-14, the 2009 International Property Maintenance Code. City Attorney Mike Homier said the ordinance would designate the officials responsible for certain sections in the code. There was no public comment. The public hearing closed at 7:13 p.m.

2010.240 Ordinance No. 2010-14 adopted, 2009 International Property Maintenance Code

Motion was made by Schippers and supported by Stevens to approve Resolution No. 1951 to adopt Ordinance No. 2010-14, 2009 International Property Maintenance Code.

Motion unanimously approved.

COMMUNICATIONS

2010.241 Street closure request approved

Motion was made by Stevens and supported by Mellema to approve the request from the Downtown Cadillac Association to close Lake Street between Harris and Cass Streets from 1:30 p.m. until approximately 9:00 p.m. for the annual Storybook Christmas event to be held December 3, 2010.

Motion unanimously approved.

CITY MANAGER'S REPORT

Mayor Barnett and city council commended City Manager Marcus Peccia on his outstanding job in his first year as city manager. Mayor Barnett said Peccia's evaluation was "glowing". He also said that Peccia's harshest critic was himself.

City Attorney Mike Homier told council that City Manager Peccia did not ask for a raise in his salary, just that an extension of the housing allowance of \$900 a month be added to his contract. The housing allowance extension would be added until October 31, 2011 or until his house in Illinois is sold. After that happens, the \$900 per month will be put in the city's 457 deferred compensation plan, in which the city manager is not now participating. Details of comments made are on file in the city clerk's office.

2010.242 Amended city manager contract approved

Motion was made by Schippers and supported by Mellema to amend paragraph 8 to extend the housing allowance until October 31, 2011 and to approve the city manager contract for Marcus Peccia.

Motion unanimously approved.

City Manager Peccia gave a presentation on the progress of the draft mission & vision concepts for the City of Cadillac. Two work sessions have been held regarding the language. Four draft versions were presented to council. The word “is” versus “will be” was discussed. Councilmember Spoelman felt that the word “is” means it is the way things are and “will be” is a goal.

2010.243 Council Mission & Vision Concept version no. 3 denied

Motion was made by Spoelman and supported by Schippers to approve version no. 3, which uses “is” in the Mission/Vision Concept.

Ayes: Spoelman

Nays: Schippers, Stevens, Mellema, Mayor Barnett

Motion denied

2010.244 Council Mission & Vision Concept version no. 4 approved

Motion was made by Schippers and supported by Stevens to approve version no. 4, which uses “will be” in the Mission/Vision Concept.

Motion unanimously approved.

Jerry Adams, Community Development Coordinator, gave council a presentation showing where the Cadillac Area Manufacturers Association would like to erect a 25 foot lighthouse. The projected site would be on city property where the canal runs into Lake Cadillac. Council member Mellema said it would be a functional lighthouse that visitors could enter and would feature plaques detailing the city’s manufacturing history. CAMA is only asking for support from city council to study the proposed site. They will present their findings to city council upon completion of the study.

2010.245 CAMA lighthouse study supported

Motion was made by Spoelman and supported by Stevens to support the study for placement of a lighthouse by the Cadillac Area Manufacturing Association.

Motion unanimously approved.

An agreement for phase 1 of the Mid-Michigan Innovation Center’s Cadillac Area Regional Business Incubation Network (RBIN) was presented by City Manager Peccia. The agreement would partner the city and the county with the center’s network which would provide business programs, services and education to the area. The city and county would split the cost of \$5,000 (\$2,500 each) to join the RBIN Initiative. Peccia pointed out that phase 2 would not be implemented unless funding was available.

2010.246 Phase 1 of the RBIN Initiative approved

Motion was made by Stevens and supported by Mellema to approve the agreement with the Mid-Michigan Innovation Center to establish a Regional Business Incubation Network in the Cadillac area and to authorize the city attorney to review the contract for legal issues and make corrections accordingly.

Motion unanimously approved.

2010.247 Support for moving forward approved

Motion was made by Schippers and supported by Stevens to continue to support the Mid-Michigan Innovation Center's Regional Business Incubation Network and to move forward with the job creation plan.

Motion unanimously approved.

Students from the Northern Michigan Christian School were present in the audience. Mayor Barnett acknowledged them and asked them to introduce themselves. The students said that they were at the council meeting for a project to be involved with government and they would get credit for attending.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ADOPTION OF ORDINANCES AND RESOLUTIONS

REPORTS OF BOARDS AND COMMISSIONS

MINUTES OF BOARDS AND COMMISSIONS

The minutes of the Cadillac/Wexford Transit Authority from the meeting held September 16, 2010, the minutes of the Cadillac Housing Commission from the meeting held September 20, 2010 and the minutes of the Wexford County Airport Authority from the meeting held September 21, 2010 were presented for information only.

APPOINTMENTS

PUBLIC APPEARANCES

Michael MacCready of Manton said that the millage request for Lake Cadillac should be for Lake Mitchell too because they are one entity.

TABLED ITEMS

At the October 18, 2010 council meeting, the Solid Waste Management Plan Amendment was tabled. City Attorney Chuck Barbieri gave a brief summary of events since that meeting. He said Wexford County approved the contract to sell the landfill to American Waste. The contract eliminates flow control but is contingent on plan approval by 67% of the townships and municipalities in Wexford County and also by the Department of Natural Resources and Environment. He told council the county has said it will endorse a new solid waste management plan to eliminate flow control. He said the options are to approve the plan, which does not assure elimination of flow control but is a step towards what the city wants, or reject the plan. Barbieri said the best option is to approve the plan so the landfill could be sold. Mayor Barnett was skeptical about the intentions of the county. To amend the plan again, the plan would have to go thru this process all over again. Council member Mellema said he has talked with the incoming commissioners and they seem to want to get rid of flow control.

Joe Quandt, the attorney representing American Waste, said that if the sale goes through,

there will be an immediate rate decrease and also said that the plan is likely to be amended to eliminate flow control. If the landfill is not sold the rates will not go down. Mayor Barnett asked him if he knew the value of the landfill. Mr. Quandt said that the value is based on volume.

Mayor Barnett asked what happened to the money already put into the landfill. John Divozzo, Wexford County Public Works Director said that the money was used to continue operations of the landfill, not to get ready for a sale.

Bob Joseph, Wexford County's financial consultant explained that American Waste would get the landfill assets including equipment, cells and buildings but would also get closure and post-closure costs. They must also relocate trash that is already in an unlined cell. He said if the solid waste management amendment plan is not passed, tipping fees will stay high and may go higher. ~~Bob~~ **John Divozzo** further reiterated that the County has pledged to no longer pursue a flow control enforcement ordinance, as well as pledged to remove flow control from the Solid Waste Management Plan itself once this current Plan Amendment is approved, and the sale of the landfill is final.

Council member Mellema said the city should take this opportunity to approve the plan. Council member Schippers said there is no proof that the county will follow through and that she thinks the process is flawed. Mayor Barnett said he doesn't want the landfill sold and the city will get a better deal later.

Details of comments made are on file in the city clerk's office.

2010.248 Solid Waste Management Plan Amendment approved

Motion was made by Spoelman and supported by Mellema to approve the 2009 amendment to the Wexford County Solid Waste Management Plan.

Ayes: Mellema, Spoelman, Stevens

Nays: Schippers, Mayor Barnett

Motion carried.

2010.249 Move to closed session approved

Motion was made by Schippers and supported by Spoelman to move to closed session to discuss a confidential legal opinion.

Motion unanimously approved.

At 10:24 p.m. Council moved to the conference room for a closed session discussion.

At 10:38 p.m. Council returned to the council chambers.

2010.250 Resumption of regular meeting approved

Motion was made by Stevens and supported by Mellema to return to the regularly scheduled city council meeting.

Motion unanimously approved.

2010.251 Request to publish Court of Appeals Opinion approved

Motion was made by Schippers and supported by Mellema to approve the request from the City of Detroit to request publication of the Michigan Court of Appeals' decision in *Township of Haring v City of Cadillac* lawsuit.

Motion unanimously approved.

GOOD OF THE ORDER

City Manager Peccia said he is glad council voted on the Solid Waste Management Plan Amendment. He also thanked council for approving the amendment to his contract.

Council Member Mellema thanked council for their support of the lighthouse study. He said that it will be wonderful addition to Cadillac. He also thanked council for their support of the agreement with the Mid-Michigan Innovation Center.

Council Member Stevens said he remembers the council meeting from a year ago. He said it was bad and it has been interesting to watch the change happen.

Mayor Barnett said he hope the municipalities support the city's position. He said the grand opening for the Diggins Hill tennis courts was great. He recognized the Weidner family for donating \$20,000 to the renovation. Barnett offered condolences and prayers to the family of Frank Weikel, chairman of the Zoning Board of Appeals, who passed away. He told council that the new VA Center would be located behind Bob Evans Restaurant on North Mitchell Street. He said it could be open by January 2011.

Council Member Schippers said she found out that there is a well supervised teen center at the YMCA for grades 6 -12 with a free bus ride by CWTA after school.

Council Member Spoelman said Frank Weikel was truly a leader in this community and will be missed.

ADJOURNMENT

As there was no further business to come before the City Council, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

William S. Barnett, Mayor

Christine L. Benson, City Clerk

