

## CITY COUNCIL MINUTES

July 1, 2013

The Cadillac City Council met in a scheduled regular meeting on Monday, July 1, 2013, at 7:00 p.m. in the Council Chambers of the Municipal Complex, 200 N. Lake Street, Cadillac, Michigan.

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

COUNCIL ABSENT: None

Staff Present: Peccia, Homier, Adams, Dietlin, Benson

Others: Cadillac News staff writer

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

### APPROVAL OF AGENDA

#### 2013.171 Agenda approved as presented

Motion was made by Spoelman and supported by Schippers to approve the agenda as presented.

Motion unanimously approved.

### PUBLIC COMMENTS

Terry Harvey, M-55, commented on the restrooms in the city park and that there were no trash cans in them. He thanked the Class of '58 for placing the historic plaques in the park. He also feels that it is not up to government to keep someone in business, referring to Ms. Green, a local recycling business, he would prefer to do his own recycling.

Cal Caldwell, Cadillac resident, said he is a retired chemical engineer with a background in recycling and offered to help Ms. Green. He added that this city council is expert at doing the wrong thing.

Phil Potvin, State Representative for the 102<sup>nd</sup> District and Cadillac resident, informed council that the state budget is balanced and the schools and municipalities are receiving more money than before.

### CONSENT AGENDA

Council Member Spoelman pointed out that the Drain Commissioner's name was wrong in the PUBLIC COMMENTS section of the June 17, 2013 regular meeting minutes and asked to have it corrected.

#### 2013.172 Consent agenda approved

Motion was made by Schippers and supported by Mellema to approve the City Council minutes from the special meeting held June 17, 2013, the minutes of the regular meeting, with the Drain Commissioner's name corrected, held June 17, 2013, the request from the Downtown Cadillac Association to hang a banner over Mitchell Street from September 16 - 30, 2013, for a community fundraising concert and the request from United Way of Wexford & Missaukee counties to hang a banner over Mitchell Street, from September 9-16, 2013 and September 30-October 7, 2013.

Motion unanimously approved.

### PROCLAMATIONS

### PUBLIC HEARINGS

At 7:20 p.m., Mayor Barnett opened a public hearing to consider adoption of a resolution to approve Ordinance No. 2013-06 to exchange property on Mason Street, owned by Baker College with property on W. Harris Street, owned by the City of Cadillac and to authorize the Mayor and City Clerk to execute a quit claim deed. Community Development Director Jerry Adams said the DDA has reviewed the request and supports the transaction. There was no public comment. The public hearing closed at 7:23 p.m.

#### 2013.173 Resolution No. 3006 approved to adopt Ordinance No. 2013-06

Motion was made by Spoelman and supported by Schippers to approve the resolution to adopt Ordinance No. 2013-06, exchange of property with Baker College, and to authorize the Mayor and City Clerk to execute a quit claim deed.

Motion unanimously approved.

### COMMUNICATIONS

### APPOINTMENTS

### CITY MANAGER'S REPORT

City Manager Peccia said to resolve the health insurance issue for deceased police officer William Kanitz's family, it has been determined that those officers with 20 years or more of service who pass away and are covered by Public Act 345, be considered retired. The Cadillac Police and Fire Retirement Board declared Kantiz retired on May 9, 2013. Due to that determination, the city's health insurance agency has suggested that a letter be sent to them requesting that they change William Kanitz's surviving spouse and eligible dependent status from the active plan to the retiree plan effective 1/15/2013 along with letters from the Retirement Board and the Cadillac Police Officers' Association Union that requests the status change.

#### 2013.174 Status change recommended

Motion was made by Stevens and supported by Mellema to send a letter from the city to the insurance agency to change William Kanitz's surviving spouse and eligible dependent status from the active plan to the retiree plan along with letters from the Retirement Board and Cadillac Police Officers' Association.

Motion unanimously approved

The Cadillac Housing Commission has requested an adjustment to their health insurance regarding their deductible.

2013.175 Insurance adjustment approved

Motion was made by Stevens and supported by Schippers to approve the Housing Commission insurance adjustment.

Motion unanimously approved.

At the June 17, 2013 council meeting, the recycling contract was awarded to Rita Meech from Ms. Green LLC with the condition that the City Manager and Utilities Director meet with Mrs. Meech to discuss the possibility of an opt-out provision in the plan. City Manager Peccia said that after discussion, it was determined that the feasibility of an opt-out provision was not financially viable. Rita Meech of Ms. Green LLC informed council that the cost for the recycling service would still cost less than what residents are paying now for just trash pick-up. She added that every household will receive a recycling tote. Council Member Stevens asked if there would be a public hearing for the residents to voice their opinion. City Attorney Homier said an ordinance would have to be passed which would provide for a public hearing before adoption. A lengthy discussion followed.

2013.176 City-wide recycling approved

Motion was made by Spoelman and supported by Schippers to approve the city-wide recycling program as originally bid by Ms. Green with bi-weekly pick-up.

Ayes: Spoelman, Schippers, Mellema, Mayor Barnett

Nays: Stevens

Motion carried.

A special assessment petition has been received from property owners for the paving of an alley between E. Division Street and N. Park Street. It is recommended that the petition be referred to the City Manager to prepare a report and recommendation.

2013.177 Petition referred to City Manager

Motion was made by Schippers and supported by Stevens refer the special assessment petition to the City Manager for a report and recommendation.

Motion unanimously approved.

A request was received from the Michigan Municipal League to cast a ballot for reappointment of seven trustees to the Workers' Compensation Fund Board of Trustees.

2013.178 Ballot cast for MML

Motion was made by Schippers and supported by Spoelman to cast the ballot for reappointment of seven incumbent trustees to the Michigan Municipal League Board of Directors.

Motion unanimously approved.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

## ADOPTION OF ORDINANCES AND RESOLUTIONS

## REPORTS OF BOARDS AND COMMISSIONS

## MINUTES OF BOARDS AND COMMISSIONS

The minutes of the Wexford County Board of Commissioners from meetings held May 1 and May 15, 2013, the minutes of the Cadillac/Wexford Transit Authority from the meeting held May 16, 2013 and the minutes of the Cadillac-Wexford Airport Authority from the meeting held June 13, 2013 were presented for information only.

## PUBLIC COMMENTS

Cal Caldwell, Cadillac resident, said operational costs for recycling usually is not profitable without outside financing. He suggested using jail personnel to work in the recycling center.

Patrick Vaughan, 401 Fairway Drive, commented he is glad to have recycling and said the public will need to be educated on how to recycle.

Terry Harvey, M-55, said Ms. Green already has a good customer base so why should it be subsidized by city residents.

## TABLED ITEMS

### GOOD OF THE ORDER

City Manager Peccia urged the public to be safe during the holiday. He reminded them that the use of fireworks on city property is prohibited.

Council Member Mellema said that several communities were cancelling events because of lack of volunteers and he is pleased that our community steps forward. He said the surveys about the Innovation Center in Northwest Michigan were due on June 28. He added there was an excellent response from manufacturers. Mellema invited Cal Caldwell to the next "Issues and Ideas Over Coffee" session to be held July 10. Location to be determined.

Council Member Stevens thanked Council Member Mellema and city staff; they deserve credit for working with the townships and the county on the Innovation Center and Economic Plan. He wished everyone a happy 4<sup>th</sup>.

Council Member Spoelman said she would like to see the outdoor smoking ordinance brought back up. She also asked for a discussion on regulating fireworks in the city.

Council Member Schippers thanked Mr. Vaughan regarding educating the public on recycling. She said the county has put the Animal Control Committee together and they met briefly to discuss the parameters of the committee. She invited those interested to attend an

animal control meeting on July 9, 2013 at 5:30 p.m. at the library. She added that the county will have an ordinance change to the animal control program. She asked everyone to remember the 19 firefighters who died in the wildfires in Arizona. She also thanked retiring City Clerk Chris Benson for her support of council.

Mayor Barnett also thanked Benson. He commended Michigan Department of Transportation (MDOT) for the “unbelievable” job they did on Sherman Hill on M-37 by Mesick. He thanked the state for increasing they city’s revenue sharing. He went on to tell council that there was a grant awarded for the Sundial Project, from Home Depot, to help complete the project that is being done by the Cadillac Garden Club.

### CLOSED SESSION

City Manager Peccia asked council for a motion to adjourn to closed session to discuss trial or settlement strategy in connection with specific pending arbitration with the Police Officers Association, legal opinions of the city attorney and pending litigation with Haring Township v City of Cadillac and Don and Gloria Boersma.

#### 2013.179 Move to closed session approved

Motion was made by Schippers and supported by Mellema to move to closed session for the reasons presented.

Motion unanimously approved.

At 8:50 p.m., council moved to closed session.

#### 2013.180 Return to open meeting approved

Motion was made by Schippers and supported by Mellema to return to the open meeting. Motion unanimously approved.

At 10:16 p.m. council returned to the open meeting.

#### 2013.181 City Attorney recommendation accepted

Motion was made by Schippers and supported by Mellema to accept the recommendation of City Attorney Homier.

Motion unanimously approved.

### ADJOURNMENT

The meeting was adjourned at 10:19 p.m.

Respectfully submitted,

William S. Barnett, Mayor

Christine L. Benson, City Clerk

