

AGENDA
CITY OF CHARLEVOIX CITY COUNCIL MEETING

Monday, January 20, 2014 - 7:00 p.m.
210 State St, City Hall, Second Floor City Council Chambers, Charlevoix, MI

- I. Invocation or Pledge of Allegiance**
- II. Roll Call of Members Present**
- III. Inquiry Regarding Possible Conflicts of Interest**
- IV. Consent Agenda**
 - A. City Council Meeting Minutes – January 2, 2014 Special Meeting PG 1-6
 - B. City Council Meeting Minutes – January 6, 2014 Regular PG 7-13
 - C. Accounts Payable Check Register PG 14-19
 - D. Payroll Check Register PG 20-23
 - E. Second Ward Councilman Greg Stevens Resignation PG 58
- V. Public Hearings**
 - A. Public Hearing Regarding Wastewater Treatment Plant Project and Proposed Sewer Rate Increases PG 24-41
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
 - A. Discussion Regarding City Clerk Position PG 42
 - B. Sewer Maintenance Agreement with Charlevoix Public Schools PG 43-46
 - C. Consideration of a Resolution to Allow Credit Card Transactions PG 47-48
 - D. Consideration of Collaborative Downtown Wifi Study PG 49-56
 - E. Discussion of Second Ward Vacancy PG 57-60
 - F. Consideration of Approve EVIP Collaboration Plan 2014 PG 61-66
 - G. Discussion to Amend City Charter PG 67-75
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. Resolutions**
 - A. Consideration of a Resolution to Allow Credit Card Transactions PG 48
- X. Ordinances**
- XI. Miscellaneous Business**
- XII. Audience – Non-Agenda Input (written requests take precedent)**
- XIII. Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

CITY OF CHARLEVOIX
SPECIAL CITY COUNCIL MEETING MINUTES
Thursday, January 2, 2014 — 5:00 p.m.
210 State Street, City Hall, 2nd Floor Council Chambers, Charlevoix, MI

The meeting was called to order at 5:00 p.m. by Mayor Norman L. Carlson, Jr.

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I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Mayor Norman L. Carlson, Jr.
City Manager: Rob Straebel
City Clerk: Stephanie C. Brown, Deputy Clerk
Members Present: Council members Greg Stevens, Leon Perron, Jeff Porter, Shane Cole, Lyle Gennett, and Shirley Gibson
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Requests, Petitions, and Communication and Actions Thereon

A. Consideration to Pass a Resolution Regarding the Qualification of Clerk-Elect Lawrence Sullivan

Assistant City Attorney Bryan Graham provided a brief overview of the item and answered questions from Council. Legal Counsel has done an interpretation of the City Charter and determined, for multiple reasons, that a County Commissioner cannot hold an elected office with the City, including City Clerk. Those reasons are summarized as:

1. Section 2.16(a) of the City Charter references "elected official". Since there is no limitation associated with "elected official," the plain language of the text must be construed to mean that the reference applies to all elected officials that are subject to the regulations of the City Charter.
2. The pertinent language of Section 2.16(a) is that "no elected official shall hold any other office" during his or her term of office. In examining the text of the provision, the language is clear and unambiguous; therefore, under the rules of statutory construction, no interpretation of this language is permitted.
3. If the language of Section 2.16(a) were considered ambiguous, an interpretation would require ascertaining the intent of the Charter. Section 2.16(a) does not expressly limit the "other office" to a City office. Therefore, the question that must be addressed is whether or not the failure to limit the "other office" to a city office was intentional. Under the rules of statutory construction, the charter must be read as a whole. Other provisions of the City Charter make reference to "official" in contexts that make clear that those references are to City officials. Unlike these other provisions, Section 2.16(a) does not limit the office to a city office. The Michigan Supreme Court has stated that the use of different terms within similar statutes generally implies that different meanings were intended. Therefore, it is reasonable to conclude that the failure to expressly limit "office" to a city office was intentional.
4. Because the objective of Section 2.16(a) of the City Charter is to eliminate the potential for conflicts associated with the City's elected officials, and because conflicts can arise between public offices of different municipalities, it is reasonable to conclude that the Charter Commission intended to eliminate this potential conflict by prohibiting an elected city official from holding any other office, and not just another city office.

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In addition to this opinion, legal counsel advised City Council that per Section 3.1 of the City Charter, City Council has the authority to determine if a Clerk-elect is qualified to assume the office of clerk. Attorney Graham reiterated that Mr. Sullivan has the ability to eliminate any violation of Section 2.16(a), and thus qualify for the office of City Clerk, by resigning his office as a County Commissioner prior to taking office as the City Clerk.

Attorney Graham stated that he had spoken with the Attorney General's (AG) office that morning, and that he was advised that the AG's office is actively reviewing this matter and anticipates issuing a letter to the City within the next seven to ten days. Based on this information, Attorney Graham is suggesting a revision to the proposed resolution to require the City Council to reevaluate the situation if the AG's office renders an opinion that Mr. Sullivan may simultaneously hold both offices.

Councilmember Gibson asked why the AG's office had not offered an opinion months ago. Attorney Graham assured Council that an opinion had been requested, but that the AG's office had declined the request to offer an opinion at that time. Attorney Graham does not know why.

Mayor Carlson asked Council for input.

Councilmember Gibson addressed Council and the audience, noting that the original legal opinion dated August 20, 2013 stated that there was no incompatibility of office, and questioned additional legal opinions that differed. Assistant City Attorney Graham noted that 1) information received by his office after August 20 affected the legal opinion, and 2) the proposed resolution does not address incompatibility of offices, but rather the qualification of a County Commissioner to serve as City Clerk.

Councilmember Gibson asked if the City Attorney had received information from the County Clerk regarding election duties at the time the first legal opinion was rendered. Attorney Graham stated that they had received information, prior to the first opinion, that there were no contracts between the City and the County. Due to questioning by the AG's office, additional information came to light

about the relationship between the City and County Clerks in regards to elections and election equipment. This information was received after the first legal opinion was rendered, and affected legal counsel's opinion.

Councilmember Porter asked if there were any written contracts between the City and the County. Attorney Graham stated that there may be, but of concern is the oral contracts and bailment contracts between the City and the County.

Councilmember Porter believes that the City Charter is nebulous in regards to the City Clerk. On the other hand, the County operates under State law, which is very clear. It is Councilmember Porter's opinion that the City should swear in Mr. Sullivan as City Clerk, and then let the City's law firm and the County's law firm, which happen to be the same, figure out how State law impacts Mr. Sullivan's ability to hold both positions. Councilmember Porter is concerned that if the City does not allow Mr. Sullivan to swear in, it will disenfranchise the voters. Because the Charter is unclear, and State law is not, Councilmember Porter believes this issue should be addressed at the County level under State law.

Councilmember Gennett stated that the primary problem is that the Charter is unclear on this matter. He also stated that a Charter revision is necessary, but noted that is not a viable solution for the problem at hand. Additionally, the AG's office is going to provide an opinion, but Council needs to act tonight, without knowing the outcome of the AG's review.

Attorney Graham noted that Section 3.1 of the City Charter lists the City Clerk as one of the Administration Officials, and stated that "the qualifications, duties, and compensation of City officers shall be determined by the City Council." Therefore, it is legal counsel's opinion that the Charter does provide the guidance needed in this circumstance. City Council has the responsibility and the authority to determine if any of its members are, or would be, in violation of the City Charter.

Both Councilmembers Gibson and Porter stated that the August 20, 2013 opinion provided an opinion on the impact of the Charter regarding a City official holding a position as County official. Attorney Graham reiterated that the August 20, 2013 opinion did not address the Charter, only the Incompatibility of Offices Act. Councilmember Gibson asked, if the opinion was not about the Charter, why an opinion of the impact of the Charter was not provided at that time. Attorney Graham stated that his office had not been asked for an analysis of the Charter, only of the potential incompatibility of office. If an opinion regarding the Charter provision had been requested in August, it would have resulted in the opinion provided now.

Mayor Carlson asked Attorney Graham several questions, and received the following answers:

1. One of the options before Council is to pass a resolution stating that Mr. Sullivan is not qualified to hold the office of City Clerk because doing so would be a violation of the Charter. The only violation would be his holding two offices. The Charter does not state that the offices need to be incompatible, only that no official cannot hold two offices at once.
2. The resolution does not go into effect until January 6, 2013, giving Mr. Sullivan the opportunity to remove the violation by resigning his position as County Commissioner.
3. If the AG's opinion comes back stating that Mr. Sullivan can hold both positions, Council can reevaluate the matter and use the AG's analysis that Mr. Sullivan can hold both offices simultaneously. Under that presumption, Mr. Sullivan would be able to swear into office at that time.
4. The second option before Council is to not pass the resolution. If Council chooses this option, then they have lost the opportunity to determine that Mr. Sullivan is not qualified under the Charter, and Mr. Sullivan could take office. In the scenario where Mr. Sullivan takes office and the AG determines that Mr. Sullivan cannot hold both positions simultaneously, either the County Prosecutor or the State Attorney General's (AG's) office could issue an injunction requiring Mr. Sullivan to choose one of the positions. If the County Prosecutor determines that he cannot file an injunction against one of the people he reports to, then the County Prosecutor would be required to assign a Special Prosecutor. This legal action would not be on the behalf of the City or the County, it would be a legal enforcement of the Incompatibility of Offices Act.
5. Attorney Graham is anticipating that the AG's opinion will address the Charter, but he has no guarantee.

Councilmember Stevens noted that Mr. Sullivan had previously asked for an opinion from the AG's office, and that he has repeatedly stated that he will abide by that opinion. Councilmember Stevens feels that it is in the City's best interest and the simplest option to pass the resolution and wait for an AG opinion. The resolution allows the City and Mr. Sullivan to legally wait for an AG opinion, which is expected in under two weeks.

Mayor Carlson addressed Mr. Sullivan, asking several questions and receiving the following answers:

1. It is clear to Mr. Sullivan that this is not a personal matter; Council is concerned about an individual holding two elected positions, not who that individual is.
2. Mr. Sullivan finds it acceptable for Council to pass the resolution and readdress the situation when the Attorney General's opinion is rendered.
3. Mr. Sullivan is concerned that his "window" for legally being allowed to take the oath might close while Council is waiting for an AG opinion, and asked if Council could direct Staff to check into this matter. [Subsequent to the meeting, it was determined that Mr. Sullivan would need to take the oath prior to acting as City Clerk, but there is no other time stipulation on taking the oath.]
4. Mayor Carlson noted that the proposed actions are being considered to protect Council and the City, which is a primary function of the City Clerk. If the situation is resolved in a way that puts Mr. Sullivan in the position of City Clerk, then he

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and City Council will need to be able to work together effectively for at least two years. Mayor Carlson reiterated that this is not a personal issue with Mr. Sullivan, and he does not want Council and Mr. Sullivan to start their working relationship in a stressful position.

5. Mr. Sullivan will abide by the AG's opinion. If the AG determines that Mr. Sullivan will hold both positions, that is his desire; however, if the AG determines that Mr. Sullivan must choose one position, then he will do so.
6. If an AG opinion is not received in a reasonable time, the City Council will re-address the issue before the position is officially considered "vacant" due to Mr. Sullivan's not taking the oath.
7. Mr. Sullivan's only concern at this point is that no effort has been made to resolve any incompatibility of office issues, in spite of his offering some solutions.
8. Mr. Sullivan disagrees with the City Attorney's opinion that the Charter is clear and unambiguous. The attorneys also stated that if the language was unclear, then the intent should be through a reasonable construction, considering the purpose of the Charter provision and the object sought to be accomplished. Mr. Sullivan argues that since Section 8.5 of the City Charter reads "any other political subdivision", and Section 2.16(a) does not, that it is not the intent of the Charter Commission to include "any other political subdivision" in its limitations.

Mayor Carlson thanked Council and Mr. Sullivan for being willing to work together. Councilmember Gennett offered his copy of the proposed resolution to Mr. Sullivan, and Mr. Sullivan took a few minutes to read it.

Upon questioning, Attorney Graham stated that if Council does not pass the resolution, Mr. Sullivan takes office, and the AG renders an opinion that he cannot hold both positions, legal action is only necessary if Mr. Sullivan does not voluntarily relinquish one of the positions.

Councilmember Porter noted that the August 20 legal opinion states that the language is unclear; however, the December 20 legal opinion states that the language of the Charter is clear and unambiguous. Attorney Graham reminded Council that the August 20 opinion addresses the Incompatibility of Offices Act, while the December 20 legal opinion addresses the Charter. Councilmember Porter disagrees with Attorney Graham's opinion that the Charter is clear.

Council generally agreed that the Charter needs to be reviewed and amended.

Council asked if they could choose to not pass the resolution and take Mr. Sullivan's word that he will not attempt to take office prior to receiving the opinion from the Attorney General's office. Attorney Graham advised Council that they need to take formal action. If they do not, and Mr. Sullivan changes his mind, there is nothing to prevent him from taking the oath. It is the attorney's responsibility to advise the Council how to protect itself: in this case, that means passing this resolution.

Mr. Sullivan, after reviewing the proposed resolution, asked about Item C in Recitals in the proposed resolution, which states that "the Charter prohibits an elected City official from holding any other elected office" and noted that this recital does state that it is a "formal, legal opinion". However, based on that recital, Mr. Sullivan takes issue with items 1 and 2 of the resolution, which states that he is not qualified. Attorney Graham stated that Item 6 requires City Council to reevaluate its determination in the event that the AG determines Mr. Sullivan may hold both positions, during which Council may reverse its earlier opinion.

Mayor Carlson stated that item 6 requires the Council to reevaluate if the AG opinion is favorable to Mr. Sullivan. While that item does not mean that Council would rescind the resolution, it does give Council the opportunity to reevaluate, which is what they are looking for at this time. The City Attorney has asked the AG for an opinion on the Charter, and if that is provided it would supersede the City Attorney's legal opinion.

Mr. Sullivan stated that he is agreeable to the plan to enact the resolution now, and reevaluate after the AG's opinion is received.

Council further discussed whether or not the resolution is necessary, given Mr. Sullivan's statement that he will abide by the AG opinion. Councilmember Stevens noted that the resolution not only protects the City, it also protects Mr. Sullivan, putting the decision on the AG's office.

Mayor Carlson opened the item to public comment at 5:46 p.m.

Michael Doherty addressed Council, suggesting that instead of passing this resolution, Council ask Mr. Sullivan to sign a sworn statement that he will abide by the decision of the AG office. Additionally, Mr. Doherty noted that the City Attorney has an obvious conflict of interest and has caused more problems by not thoroughly pursuing the matter. Mr. Doherty is upset that the City Attorney has not actively pursued a response from the AG, and believes that the City Attorney is "double billing" the City and County for services rendered. Mayor Carlson stated that the County and City are sharing costs for this item. Mr. Doherty restated that he believes the City Attorney is double billing, and that the attorney padded his billing by not giving a thorough opinion in August. Additionally, Mr. Doherty stated that the citizens who voted for Mr. Sullivan knew that he is County Commissioner and expected that he would have both positions.

Deputy Clerk Brown addressed Council, informing them that she was at fault for not providing complete information in August. She had been asked about any contracts between the City and County, but had not considered the potential impact of the City using

County services and equipment. Ms. Brown assured Council that this additional information was provided to the Attorney after he rendered his August opinion. Manager Straebel noted that there was not a City Clerk in place at that time.

Gabe Campbell suggested that Council create a subcommittee of one Councilmember from each ward to clarify some of the issues in the Charter. Council agreed.

Bob Bergmann noted that all of the Administration Officials listed in Section 3.1, except the City Clerk, are appointed officials. In his opinion, that is a conflict in itself. Additionally, Mr. Bergmann noted that Mr. Sullivan was willing to delay taking office until after the AG's opinion is received and that City Council has agreed to reevaluate the issue at that time. Mr. Bergmann stated that the AG's opinion will not address the Charter. Mayor Carlson stated that it may, or it may not, but Council can revisit the matter at that time. Mr. Bergmann asked Council to hold any action until the AG's opinion is received.

Jodi Laurent noted that the both Council's and Mr. Sullivan's intentions are on tape, creating an oral contract; therefore, she does not believe that the resolution is necessary. Additionally, Ms. Laurent asked if there is any stipulation on when Mr. Sullivan should receive his salary, since he is supposed to take office on the 6th but is not taking office until a later date. Mayor Carlson stated that the Compensation Commission handles the Clerk, and all elected officials, compensation.

Councilmember Stevens stated that he would not have a problem with paying Mr. Sullivan retroactively if the AG's office determines that he could have taken office on January 6 without resigning his other position.

Ms. Laurent reiterated that the resolution is unnecessary. Mayor Carlson agreed that, in a perfect world, the resolution would not be necessary; however, the City attorney has stated that not adopting the resolution would result in unnecessary risk to the City and Council. Additionally, adopting the resolution does not result in any adverse condition. Mr. Sullivan has stated he understands the need for the resolution; why are other citizens so opposed? Council is trying to do the right thing, which is not an easy decision in this case.

Mary Eveleigh noted that there are two issues: one regarding the Charter, and one regarding the Incompatibility of Office Act. Ms. Eveleigh suggested that the Council is considering amending the Charter through a resolution, which is illegal. Any change to the Charter would need to go to a vote of the people. Ms. Eveleigh also stated that Mr. Sullivan was elected by the people, and that choice should be respected by Council. Ms. Eveleigh noted that the August 20 legal opinion stated that an AG opinion had been requested, but Council is stating they haven't received one. Mayor Carlson noted that asking for and getting are two different things. Ms. Eveleigh asked how any opinion from the Attorney General could overwrite the City Charter. Mayor Carlson explained that the City Charter reads that a person cannot hold two offices; however, State law supersedes the City Charter. If the AG determines that Mr. Sullivan can hold both offices, that will supersede the City Attorney's opinion that an official cannot hold both offices.

Ms. Eveleigh reiterated that Mr. Sullivan was elected by a vote of the people, and that he should be sworn in. If the AG office returns an opinion that he cannot hold both offices, Mr. Sullivan could resign one of them at that time. However, Ms. Eveleigh believes that the proposed resolution is changing the Charter, and Council does not have that right.

Councilmember Porter suggested that Recitals C, G, and Resolution Items 1, 2, and 3, be stricken from the proposed resolution. Attorney Graham noted that, if these items were stricken from the resolution, the resolution would be meaningless.

Attorney Graham pointed out that elected officials frequently run for other office, and are required to relinquish their current position before taking the new one. For example, if a township board member holding a four year term were to run for and win a State Legislature seat, Attorney Graham stated that the public would expect the elected official to resign his board position before taking the oath for the State Legislature position; furthermore, if a District Court judge with a six year term should run for and win a Circuit Court judgeship, the public would expect the judge to resign the District Court judgeship before taking the Circuit Court judgeship. Therefore, the fact that Mr. Sullivan has won the position of City Clerk does not mean that the public was anticipating that he would hold both positions.

Councilmember Porter stated that, if the Attorney General's opinion is that Mr. Sullivan can hold both positions, the City Attorney's opinion is mute. Attorney Graham agreed.

Mr. Doherty restated that Council should ask Mr. Sullivan for a sworn statement to the effect that he would abide by the Attorney General's opinion. Mr. Doherty thanked Ms. Brown for her service, but noted that the City needs a City Clerk.

Mayor Carlson restated that, if the AG has not provided an opinion within 30 days, which is more than three times what is anticipated, City Council can revisit the issue without the AG's opinion; however, there is no reason why the AG's opinion should not be available in that time frame.

Mayor Carlson thanked Mr. Sullivan for working with the City on this matter, and suggested that if it is legal, Council seems agreeable to providing retroactive pay if the AG's office determines that he could have taken office on January 6 without resigning his other position.

Councilmember Gibson asked Mr. Sullivan why he couldn't choose one position. Mr. Sullivan stated that, if the AG says he can do both, then he will.

John Haggard objects to the idea that Council might pay Mr. Sullivan retroactively for work that he didn't perform. Mayor Carlson clarified that Council would consider the retroactive pay only if the AG's office determines that the City's decision was wrong. Mr. Haggard insists that it is not appropriate to pay someone not to work, regardless of a third party's opinion.

Motion by Councilmember Stevens, second by Councilmember Gibson, to adopt Resolution 2014-01-01, a Resolution to Determine the Qualification of Clerk-Elect, County Commissioner Sullivan.

RESOLUTION 2014-01-01
A RESOLUTION TO DETERMINE THE QUALIFICATION OF CLERK-ELECT, COUNTY COMMISSIONER SULLIVAN

Recitals

- A. WHEREAS, Larry Sullivan is a currently serving member of the Charlevoix County Board of Commissioner;
- B. WHEREAS, Mr. Sullivan received the most votes for the elected position of City Clerk in the last election and, pursuant to section 4.7 of the City Charter, is to assume office at the first City Council meeting in 2014, which will be on January 6, 2014;
- C. WHEREAS, the City Attorney has provided a formal legal opinion that section 2.16.a of the Charter prohibits an elected City official from holding any other elected office;
- D. WHEREAS, the Michigan Attorney General's Office is currently reviewing whether Mr. Sullivan can simultaneously hold both the office of County Commissioner and the office of City Clerk;
- E. WHEREAS, Mr. Sullivan's status as a currently serving County Commissioner and his stated position that he also intends to assume the office of City Clerk requires a determination regarding whether Mr. Sullivan is qualified to assume the office of City Clerk;
- F. WHEREAS, section 3.1 of the City Charter mandates that the City Council shall determine the qualifications of City Officers, which includes the City Clerk;
- G. WHEREAS, Mr. Sullivan has the right to either resign his position as a County Commissioner or elect not to assume the office of City Clerk and the Council desires to give Mr. Sullivan the opportunity to decide which elected office he wishes to hold; and
- H. WHEREAS, the Council has an obligation to uphold the intent of the City Charter and, thereby, promote public confidence in government and avoid even an appearance of impropriety.

Resolution

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Charlevoix that:

1. The Council finds that section 2.16.a of the Charter prohibits a City official from holding another office during the term for which the City official is elected and that this prohibition includes the position of a County Commissioner.
2. The Council finds that Mr. Sullivan's serving as City Clerk, while simultaneously serving as a County Commissioner, would violate section 2.16.a the City Charter.
3. Based on the findings stated above and pursuant to section 3.1 of the Charter, the City Council determines that Mr. Sullivan is not currently qualified to assume or hold the office of City Clerk and shall neither be given the oath of office nor assume the office of City Clerk for the City of Charlevoix.
4. This resolution relates only to the obligation of the City Council to determine the qualifications of its City officers under the City Charter and this resolution does not pertain to whether there would be a violation of the Incompatibility of Public Offices Act (MCL 15.181 et seq.), if Mr. Sullivan simultaneously would hold the position of City Clerk and County Commissioner.
5. This resolution shall become effective on January 6, 2014 unless Mr. Sullivan resigns as a Charlevoix County Commissioner prior to that date.
6. The Council, however, shall reevaluate its determination in this Resolution in the event the Michigan Attorney General's Office renders an opinion that Mr. Sullivan may simultaneously hold both the office of County Commissioner and the office of City Clerk.

RESOLVED, this 2nd day of January, A.D. 2014.

Resolution was adopted by the following yea and nay vote:

Yeas: Stevens, Cole, Gennett
Nays: Perron, Porter, Gibson
Absent: None.
TIE VOTE
Mayor Carlson: Yea
RESOLUTION ADOPTED.

V. Audience Input (Non-agenda)

The Mayor called for non-agenda public comment. There were no comments.

VI. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 6:21 p.m.

Stephanie C. Brown

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Deputy City Clerk

Norman L. Carlson, Jr.

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Mayor

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, January 6, 2014 – 7:00 p. m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p. m. by Mayor Norman L. Carlson, Jr.

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I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Absent
City Manager: Rob Straebel
City Clerk: Deputy Clerk Stephanie Brown
Members Present: Council members Shirley Gibson, Greg Stevens, Leon Perron, Jeff Porter, Shane Cole, and Lyle Gennett
Absent: None.

III. Inquiry Regarding Possible Conflicts of Interest:

None

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – December 16, 2013 Regular Meeting Minutes
- B. Accounts Payable Check Register – December 20, 2013
- C. Accounts Payable Check Register – January 7, 2014
- D. ACH Payments – December 16, 2013 – January 3, 2014
- E. Tax Disbursement – January 7, 2014
- F. Payroll Check Register – December 20, 2013
- G. Payroll Transmittal – December 20, 2013
- H. Payroll Check Register – January 3, 2014
- I. Payroll Transmittal – January 3, 2014

- J. Motion by Councilmember Gennett, second by Councilmember Gibson, to accept the resignation of Larry Sullivan from the Zoning Board of Appeals and the Historic District Commission.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

V. Public Hearings

None

VI. Reports

Manager Straebel reminded Council of the Budget Workshop/Worksession scheduled for January 13, 2014, at 5:30 p.m.

VII. Requests, Petitions and Communications and Actions Thereon

A. Liquor License Application 307 Bridge Street

David Campbell, Attorney representing Eric and Dana Hodgson presented the item and answered questions from Council. This is a transfer of the liquor license from Whitney's to Celebrate Me Home (building lessor) to the Quay Restaurant and Bar (building lessee.) Owners of the Quay intend the establishment to be a "fine-dining" experience. Planning and Zoning, the Clerk's office, and the Treasurer's office have reviewed this application and found no adverse conditions.

Councilmember Gibson noted that, when the building was operated as Whitney's, there had been complaints of excessive noise coming from entertainment on the top, open, floor. Mr. Campbell assured Council that it is the intention of the owner's to provide a fine-dining experience, and excessive noise will not be a problem.

Council decided not to hold a public hearing on this item. Action by resolution.

B. City Council Appointments

1. Zoning Board of Appeals

Motion by Councilmember Stevens, second by Councilmember Perron, to reappoint Member Patricia Miller as a regular member of the Zoning Board of Appeals for a three year term, expiring December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

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Motion by Councilmember Cole, second by Councilmember Stevens, to accept the resignation of Gary Anderson as a regular member of the Zoning Board of Appeals, and to appoint Mr. Anderson as an alternate member of the Zoning Board of Appeals for a three year term, expiring December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

Motion by Councilmember Stevens, second by Councilmember Gennett, to reappoint Greg Bryan as a regular member of the Zoning Board of Appeals to complete the term expiring December 31, 2015.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

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2. Board of Review

Motion by Councilmember Cole, second by Councilmember Stevens, to reappoint Member Kimberly Vanmeter-Sanderson to the Board of Review for a three year term ending December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

Motion by Councilmember Stevens, second by Councilmember Gibson, to reappoint Councilmember Gennett and appoint Councilmember Perron to the Board of Review for one year terms ending December 31, 2014.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

C. Mayoral Appointments

1. Shade Tree Commission

Motion by Councilmember Cole, second by Councilmember Stevens, to accept the Mayor's reappointment of Member Jessica Spencer to the Shade Tree Commission for a three year term, expiring December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

2. Compensation Commission

Motion by Councilmember Gennett, second by Councilmember Perron, to affirm the Mayor's reappointment of Member Dale Meredith to the Compensation Commission for a five year term, expiring December 31, 2018.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

3. Recreation Advisory Board

NOTE: Member Brandon Stevens membership term ended December 31, 2012.

Motion by Councilmember Stevens, second by Councilmember Gibson, to affirm the Mayor's reappointment of Member Brandon Stevens to the Recreation Advisory Board for a three year term ending December 31, 2015.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

Motion by Councilmember Perron, second by Councilmember Cole, to affirm the Mayor's reappointment of Member Amy Pulman to the Recreation Advisory Board for a two year term ending December 31, 2015.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

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Motion by Councilmember Cole, second by Councilmember Stevens, to affirm the Mayor's reappointment of Member Matt Peterson to the Recreation Advisory Board for a three year term ending December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

Motion by Councilmember Stevens, second by Councilmember Gennett, to affirm the Mayor's reappointment of Member Davenport to the Recreation Advisory Board as the township representative for a three year term ending December 31, 2016.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

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VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

A. Budget Amendment #1 for Fiscal Year 2013-14

Motion by Councilmember Porter, second by Councilmember Gibson, to set a public hearing for the 2013-14 Budget Amendment Ordinance on February 17, 2014 at 7:00 p.m. in Council Chambers.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

B. Fiscal Year 2014-15 Budget Ordinance

Motion by Councilmember Porter, second by Councilmember Gibson, to set a public hearing for the 2014-15 Budget Ordinance [and to set the 2014-15 millage rate] on February 17, 2014 at 7:00 p.m. in Council Chambers.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

IX. Resolutions

A. Liquor License Transfer, 307 Bridge Street (Whitney's/Celebrate Me Home/Quay Restaurant and Terrace Bar)

Motion by Councilmember Leon Perron, seconded by Councilmember Shane Cole, to approve Resolution 2014-01-02 as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2014-01-02
LOCAL GOVERNING BODY APPROVAL OF LIQUOR LICENSE TRANSFER
(Authorized by MCL 436.1501)**

DRAFT

At a REGULAR meeting of the City of Charlevoix City Council called to order by Mayor Norman L. Carlson, Jr., on January 6, 2014 at 7:00 p.m., the following resolution was offered:

Moved by Councilmember Perron and supported by Councilmember Cole that the application from D&E Hodgson, Inc. d/b/a Quay Restaurant and Terrace Bar for the following license(s): Class C & SDM to be located at 307 Bridge St., Charlevoix, MI 49720

and the following permit, if applied for: ___ Banquet Facility Address of Banquet Facility: N/A

be considered for approval by the Michigan Liquor Control Commission.

RESOLVED this 6th day of January, A.D. 2014.

Yeas: Perron, Porter, Cole, Gennett, Gibson, Stevens
Nays: None
Absent: None

X. Ordinances

None

XI. Miscellaneous Business

Councilmember Porter asked why the Compensation Commission has five year terms when all other committees are three year terms. Deputy Clerk Brown stated that there are five members and one member's term expires each year.

Councilmember Porter noted that the frigid temperatures on New Year's Eve day left the "petting zoo" animals exposed to the elements for over 6 hours and believes that this animal cruelty should have been halted when it was understood how cold the temperatures would be. An animal control officer who was called to the scene stated that the farm animals were used to exposure and no action was necessary. Councilmember Porter disagrees.

Councilmember Gibson suggested that Council set up a Charter Commission to review the Charter in its entirety and noted that the Charter was last overhauled in 1978. Council generally agreed and asked that this item go on the next agenda.

Councilmember Stevens asked that Staff follow up on the New Year's Eve animal issue because the issue was brought forth by a Councilmember and an article was written on the topic. Mayor Carlson noted that the animals' owner stated that he has a barn for them; however, they very rarely use it because they prefer the cold. Manager Straebel stated that his office will follow up and get an answer for Council.

XII. Audience - Non-agenda input (written requests take precedent)

Mary Eveleigh addressed Council. She has reviewed the resolution passed by Council on January 2, 2014 [Resolution 2014-01-01], and noted that Item 1 of the Resolution, which references Section 2.16(a) of the City Charter, states "... this prohibition includes the position of a County Commissioner." It is Ms. Eveleigh's opinion that, by including this statement, City Council has attempted to amend the City Charter and noted that the Charter can only be amended by a vote of the people. Ms. Eveleigh strongly believes that the action taken by Council was not legal. Additionally, Ms. Eveleigh noted that the Charter cannot be interpreted without a complete understanding of the entire Charter. Ms. Eveleigh stated that, if Section 2.16(b) had been read when interpreting Section 2.16(a), it would have been clear that Section 2.16(a) does not apply in this case. Finally, Ms. Eveleigh commended those Councilmembers that voted against passing this resolution [Resolution 2014-01-01].

Larry Sullivan asked that all correspondence between City Staff, Council and the City Attorney be carbon-copied to himself. Mr. Sullivan further explained that he does not have the ability to contact the Attorney General's office, and stated that if the Attorney General's office had additional questions when rendering its opinion, Mr. Sullivan would like the opportunity to address those questions. Manager Straebel assured Council that he would continue to share information with Mr. Sullivan as it is received.

Councilmember Stevens introduced Joe Zielinski, City Treasurer, to the audience.

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 7:37 p. m.

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Stephanie Brown

Deputy City Clerk

Norman L. Carlson, Jr.

Mayor

Accounts Payable - 12/20/2013			
AT&T MOBILITY	72.07	PRIORITY HEALTH	44,570.78
CHARLEVOIX STATE BANK	4,417.83	STANDARD INSURANCE CO	1,409.39
CHARTER COMMUNICATIONS	1,029.80	VERIZON WIRELESS	56.72
DELTA DENTAL	4,514.90	VISION SERVICE PLAN	517.80
GREAT LAKES ENERGY	253.12	TOTAL	56,842.41

Accounts Payable - 01/07/2014			
ACCESS LOCKSMITHING INC	695.00	BERGMANN MARINE	85.60
AETNA	79.51	BLARNEY CASTLE OIL CO	1,460.52
AIRGAS USA LLC	1,881.68	BOB MATHERS FORD	48.80
ALL-PHASE ELECTRIC SUPPLY CO.	101.98	BOLLINGER	300.00
ALTEC INDUSTRIES INC	330.62	BRANDI, RICHARD	41.00
AMERICAN WASTE INC.	2,149.00	BREATHING AIR SYSTEMS	1,107.00
ANYBATTERY INC.	109.66	CARQUEST OF CHARLEVOIX	997.26
APOLLO FIRE	625.00	CENTRAL DRUG STORE	59.98
ARGUS/HAZCO	1,256.18	CHARLEVOIX TOWNSHIP	16.21
ARINC INCORPORATED	240.00	CHEMICAL SYSTEMS INC.	1,872.00
ASPLUNDH TREE EXPERT CO	2,222.64	CIG BENEFIT CONSULTING GROUP	210.19
AT&T LONG DISTANCE	442.60	CITY OF CHARLEVOIX - MISC	273.81
AVFUEL CORPORATION	1,445.00	CITY OF CHARLEVOIX - UTILITIES	39,002.80
BC/BS OF MI REFUNDS	83.07	CSI EMERGENCY APPARATUS LLC	67.22
BELLEROC TIRE/GAYLORD	740.00	DCASSESSING SERVICES	4,291.92

DOAN, GERARD	41.00	NASH, JENNIFER	41.00
DTE ENERGY	9,027.85	NORTHERN CREDIT BUREAU	172.55
ELLIOTT, PATRICK M.	41.00	NORTHERN FIRE & SAFETY INC.	26.00
ELLSWORTH FARMER'S EXCHANGE	224.00	NORTHERN PUMP SERVICE INC.	1,839.70
EMERGENCY MEDICAL PRODUCTS INC	369.92	NORTHWEST DESIGN GROUP	336.50
EVANS, HAL	41.00	OMS COMPLIANCE SERV INC	78.75
FASTENAL COMPANY	278.29	ORBAN, BARBARA	820.00
FERGUSON & CHAMBERLAIN	1,340.00	OTSEGO CRANE & HOIST CO.	252.00
FISHER SCIENTIFIC	1,525.91	PARASTAR INC.	1,078.57
FOX CHARLEVOIX	79.10	PEARSON, BETHANY	41.00
FREIGHTLINER OF GRAND RAPIDS	313.45	PHELPS, JEANNE	12.00
GARAGE DOOR SERVICES	270.00	PLUNKETT & COONEY	1,613.03
GEMPLER'S	283.80	PLYMKRAFT INC	2,480.00
GORDON FOOD SERVICE	81.42	POLYDYNE INC	379.50
GRAINGER	159.20	POWER LINE SUPPLY	434.40
GRAND TRAVERSE GARAGE DOOR	1,134.00	PREIN & NEWHOF	24,269.79
GREAT LAKES AUTOMATIC DOOR INC.	389.70	QUILL CORP	122.98
GREAT LAKES PIPE & SUPPLY	612.29	SCHLAPPI, JAMES	28.00
GREY GABLES INN	861.25	SCIENTIFIC BRAKE & EQUIP CO	4,184.24
HACH COMPANY	5,482.82	SECURITY SANITATION INC.	190.00
HAGUE EQUIP. CO. OF MICH. INC.	1,955.25	SITZEMA, KYLE	34.51
HAND, HEATHER	41.00	SPENCER, MICHAEL	41.00
HANKINS, SCOTT	41.00	STANDARD ELECTRIC CO	252.30
HEID, THOMAS J.	41.00	STATE OF MICHIGAN	60.00
HOLIDAY COMPANIES	9,222.45	STATE OF MICHIGAN	1,729.12
HYDRO DESIGNS INC.	515.00	STEVENS, BRANDON	14.00
IDEXX DISTRIBUTION INC.	1,168.77	STRAEBEL, ROBERT J.	41.00
INDEPENDENT DRAFTING SERVICES	1,888.00	SUPERIOR MECHANICAL	376.39
ISLAND AIRWAYS	9.04	SWEM, DONALD L.	41.00
IVAN, PAUL	41.00	SWIDORSKI, RAYMOND	30.00
J & B MEDICAL SUPPLY INC.	392.19	SYN-TECH SYSTEMS INC.	433.00
KMart	49.95	SYSCO GRAND RAPIDS	213.80
KSS ENTERPRISES	180.07	T & R SERVICE INC	3,831.20
LAKESHORE TIRE & AUTO SERVICE	164.00	TERMINAL SUPPLY CO	373.55
LAKEVIEW MAINTENANCE INC.	1,023.00	TEUNIS, STEVEN	41.00
LANDSCAPE FORMS INC.	2,160.00	TRAVERSE REPRODUCTION	70.44
LAVANWAY FARMS	1,585.00	TRUCK & TRAILER SPECIALTIES	4,123.44
LAVOIE, RICHARD	14.00	VAN'S BUSINESS MACHINES	79.00
M A A E AIRPORTS DIVISION	70.00	WALGREENS #12508	1,455.00
MATTER, DAWSON	117.02	WELLER, LINDA	41.00
MDC CONTRACTING LLC	3,089.00	WHITLEY, ANDREW	14.00
MEIER III, CHARLES A.	60.36	WILKIN, AMANDA	41.00
MICHIGAN APPRAISAL CO INC	2,750.00	WOODY, SCOTT	41.00
MICHIGAN MUNICIPAL LEAGUE	4,731.15	YOUNG GRAHAM	2,563.00
MICHIGAN WATER ENV ASSOC	340.00	ZIELINSKI, JOSEPH A.	41.00
MISS DIG SYSTEM INC	160.51	TOTAL	170,981.77

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Tax Disbursement – 01/07/2014

BELLOWS, WILLIAM & BONNIE	1,158.21	HAGEN, AARON	829.35
CHARLEVOIX COUNTY TREASURER	213,457.21	MALLETT, STEVEN	16.66
CHARLEVOIX COUNTY TREASURER	12.16	PAPIERNIK, THOMAS & KATHRYN	2,218.60
CHARLEVOIX DISTRICT LIBRARY	78,082.88	PUTMAN, JODY	84.92
CHARLEVOIX PUBLIC SCHOOLS	11,251.13	RECREATIONAL AUTHORITY	13,895.34
CHARLEVOIX PUBLIC SCHOOLS	3,342.65	ROCHLIN, MORRIS	1,791.93
CHARLEVOIX PUBLIC SCHOOLS	158.20	SPRING, RICHARD	846.00
CHARLEVOIX PUBLIC SCHOOLS	1,627.61	WHITLEY, RAY	423.00
CITY OF CHARLEVOIX - TAXES DUE	66,909.57		
GUNNIN, JOHN	2,683.80	TOTAL	398,789.22

ACH Payments – 12/16/2013 – 01/03/2014

MI PUBLIC POWER AGENCY	45,668.57	MI PUBLIC POWER AGENCY	277,837.39
IRS (Payroll Tax Deposit)	31,147.70	MI PUBLIC POWER AGENCY	13,241.77
ALERUS FINANCIAL (HCSP)	380.00	IRS (Payroll Tax Deposit)	34,146.08
STATE OF MI (Withholding Tax)	4,471.65	ALERUS FINANCIAL (HCSP)	380.00
VANTAGEPOINT (401 ICMA Plan)	728.06	STATE OF MI (Withholding Tax)	4,759.13
VANTAGEPOINT (457 ICMA Plan)	12,635.96	VANTAGEPOINT (401 ICMA Plan)	728.06
MERS (Defined Benefit Plan)	26,819.78	VANTAGEPOINT (457 ICMA Plan)	13,082.53
MI PUBLIC POWER AGENCY	11,044.05	TOTAL	477,070.73

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PAYROLL: NET PAY

Pay Period Ending 12/14/2013 – Paid 12/20/2013

WELLER, LINDA JO	1,338.23	WELLS JR., DONALD E.	1,233.44
STRAEBEL, ROBERT J.	2,184.66	BRADLEY, KELLY R.	1,226.19
BRANDI, RICHARD M.	1,795.75	WILSON, RICHARD J.	1,142.04
LOY, EVELYN R.	996.51	JOHNSON, STEVEN P.	1,053.96
KLOOSTER, ALIDA K.	1,333.16	JONES, ROBERT F.	1,107.67
BROWN, STEPHANIE C.	1,347.35	DORAN, JUSTIN J.	1,404.06
SPENCER, MICHAEL D.	1,514.20	MCGHEE, ROBERT R.	533.32
SPENCLEY, PATRICIA L.	1,066.29	WILKIN, AMANDA J.	820.52
NASH, JENNIFER B.	863.83	BOSS JR, DALE E.	1,112.75
PANOFF, ZACHARY R.	590.98	BOSS, JAMES W.	918.57
PEARSON, BETHANY S.	1,229.02	BERTINELLI, DAVID P.	515.52
ZIELINSKI, JOSEPH A.	1,582.00	HOLM, ARTHUR R.	936.11
DOAN, GERARD P.	1,210.88	HEID, THOMAS J	1,245.15
SHRIFT, PETER R.	1,151.53	STEIN, DONNA E.	14.35
SCHLAPPI, JAMES L.	1,293.09	WOODY, SCOTT R.	1,520.01
UMULIS, MATTHEW T.	1,331.36	VANLOO, JOSEPH G.	622.96
HANKINS, SCOTT A.	1,441.76	LUNDHOLM, ROBERT A.	580.66
ORBAN, BARBARA K.	1,312.09	HAND, HEATHER K.	791.21
TRAEGER, JASON A.	1,246.16	TABER, HOLLY S.	517.24
WARNER, JANINE M.	919.52	CROFT, JAMES E.	281.34
IVAN, PAUL M.	1,689.17	WYMAN, MATTHEW A.	690.68
SCHWARTZFISHER, JOSEPH L.	1,075.85	ROLOFF, AUDREY M.	770.89
ROLOFF, ROBERT P.	1,722.65	MATTER, DAWSON K.	581.26
BRODIN, WILLIAM C.	1,293.67	MARSH JR., JAMES D.	54.95
TEUNIS, STEVEN L.	1,771.34	RILEY, TIMOTHY C.	115.97
MCDONNELL JR, JOHN W.	217.36	RAMSEY, KYLE J.	46.25
WURST, RANDALL W.	1,257.59	RILEY, CASEY W.	34.63
MAYER, SHELLEY L.	1,404.03	THORMAN, MIKAYLA R.	45.39
HILLING, NICHOLAS A.	1,372.16	JONES, LARRY M.	439.19
MEIER III, CHARLES A.	1,919.87	TRAVERS, MANUEL J.	135.85
ZACHARIAS, STEVEN B.	1,131.26	SCOTT JR., WINFIELD	85.90
NISWANDER, JOSEPH F.	1,379.22	SILVA, JESSE L.	15.85
BLANCHARD, SCOTT W.	1,681.11	KITELEY, FISHER L.	33.04
FRYE, EDWARD J.	960.28	COLLINS, CHAD M.	390.88
JONES, TERRI L.	1,010.26	RILEY, DANIEL A.	858.68
EATON, BRAD A.	1,698.59	BERGMANN, DOUGLAS M.	39.65
WILSON, TIMOTHY J.	1,879.94	WHITLEY, ADAM	132.14
LAVOIE, RICHARD L.	1,247.76	SCHOOF, WILLIAM R.	491.63
STEVENS, BRANDON C.	1,170.27	RILEY, DENISE M.	381.05
WHITLEY, ANDREW T.	1,226.95	STEVENS, JEFFREY W.	196.14
ELLIOTT, PATRICK M.	1,583.34	SWEM, DONALD L.	1,626.82
MORRISON, KEVIN P.	1,062.31		
HODGE, MICHAEL J.	1,099.22	TOTAL	81,346.48

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PAYROLL: TRANSMITTAL

12/20/2013

AMERICAN FAMILY LIFE	158.34	COMMUNICATION WORKERS OF AMER	537.18
AMERICAN FAMILY LIFE	269.17	MI STATE DISBURSEMENT UNIT	596.19
BAY WINDS FEDERAL CREDIT UNION	50.00	NORTHWESTERN BANK	150.00
BAY WINDS FEDERAL CREDIT UNION	170.00	PRIORITY HEALTH	942.91
CHAR EM UNITED WAY	76.54		
CHARLEVOIX STATE BANK	1,016.16	TOTAL	3,966.49

PAYROLL: NET PAY

Pay Period Ending 12/28/2013 – Paid 01/03/2014

CARLSON JR., NORMAN	2,006.87	BRANDI, RICHARD M.	1,797.19
GIBSON, SHIRLEY J.	304.75	LOY, EVELYN R.	997.09
PORTER, JEFFREY L.	290.72	KLOOSTER, ALIDA K.	1,675.47
PERRON, LEON R.	140.18	BROWN, STEPHANIE C.	1,376.00
STEVENS, GREGORY L	558.72	SPENCER, MICHAEL D.	1,714.91
COLE, SHANE	443.28	SPENCLEY, PATRICIA L.	1,077.77
GENNETT, LYLE E.	533.01	NASH, JENNIFER B.	354.89
VANMETER-SANDERSON, KIMBERLY K	44.04	MILLER, FAITH G.	83.11
TIMMS, ROBERT N	46.17	PEARSON, BETHANY S.	1,224.97
STALEY, ARLENE L	46.17	ZIELINSKI, JOSEPH A.	1,586.39
WELLER, LINDA JO	1,339.67	DOAN, GERARD P.	1,549.43
STRAEBEL, ROBERT J.	2,496.76	SHRIFT, PETER R.	1,093.96

SCHLAPPI, JAMES L.	1,275.11
UMULIS, MATTHEW T.	1,562.38
HANKINS, SCOTT A.	1,482.44
ORBAN, BARBARA K.	1,855.96
TRAEGER, JASON A.	1,660.46
WARNER, JANINE M.	1,070.82
IVAN, PAUL M.	1,774.47
SCHWARTZFISHER, JOSEPH L.	1,421.42
ROLOFF, ROBERT P.	1,709.70
BRODIN, WILLIAM C.	1,326.91
RILEY, DENISE M.	334.98
TEUNIS, STEVEN L.	1,772.79
WURST, RANDALL W.	1,245.75
MAYER, SHELLEY L.	1,448.91
HILLING, NICHOLAS A.	1,109.76
MEIER III, CHARLES A.	1,588.63
BLANCHARD, SCOTT W.	1,590.39
FRYE, EDWARD J.	936.79
JONES, TERRI L.	1,130.51
SWEM, DONALD L.	1,628.63
EATON, BRAD A.	1,700.03
WILSON, TIMOTHY J.	2,081.36
LAVOIE, RICHARD L.	1,209.48
STEVENS, BRANDON C.	1,126.66
WHITLEY, ANDREW T.	1,175.07
ELLIOTT, PATRICK M.	1,587.16
MORRISON, KEVIN P.	1,672.75
HODGE, MICHAEL J.	1,309.27
WELLS JR., DONALD E.	1,636.69
BRADLEY, KELLY R.	1,352.66

WILSON, RICHARD J.	1,656.19
JOHNSON, STEVEN P.	1,779.87
JONES, ROBERT F.	1,876.89
DORAN, JUSTIN J.	1,821.28
WILKIN, AMANDA J.	694.76
BOSS JR, DALE E.	1,114.57
BOSS, JAMES W.	919.97
STEBE JR, JOHN M.	304.39
BOSS, SHERRY M.	302.57
RAMSEY, MADISON L.	274.19
BERTINELLI, DAVID P.	442.10
STEBE, CATHERINE M.	232.58
STEVENS, RODNEY M.	257.69
ARNOLD, HAILEE M.	239.69
HOLM, ARTHUR R.	681.10
HEID, THOMAS J.	1,248.98
STEIN, DONNA E.	75.14
LUNDHOLM, ROBERT A.	593.29
HAND, HEATHER K.	791.78
TABER, HOLLY S.	661.75
CROFT, JAMES E.	189.78
WYMAN, MATTHEW A.	644.67
STEVENS, JEFFREY W.	99.83
ROLOFF, AUDREY M.	92.35
RILEY, DANIEL A.	22.11
ZACHARIAS, STEVEN B.	1,730.09
WOODY, SCOTT R.	1,473.85
NISWANDER, JOSEPH F.	1,255.82
VANLOO, JOSEPH G.	476.81
TOTAL	87,513.55

DRAFT

**PAYROLL: TRANSMITTAL
 01/03/2014**

AMERICAN FAMILY LIFE	182.40
AMERICAN FAMILY LIFE	269.17
BAY WINDS FEDERAL CREDIT UNION	50.00
BAY WINDS FEDERAL CREDIT UNION	170.00
BAY WINDS FEDERAL CREDIT UNION	100.00
CHAR EM UNITED WAY	134.54
CHARLEVOIX STATE BANK	1,016.16
CHARLEVOIX STATE BANK	350.00

COMMUNICATION WORKERS OF AMER	537.18
MI STATE DISBURSEMENT UNIT	596.19
NORTHWESTERN BANK	150.00
NORTHWESTERN BANK	50.00
POLICE OFFICERS LABOR COUNCIL	382.00
PRIORITY HEALTH	942.91
TENHOUTEN RINGSTROM, PLLC	158.94
TOTAL	5,089.49

DRAFT

Check Number	Payee	Amount
01/08/2014		
108490	STATE OF MICHIGAN	95.00
Total 01/08/2014:		95.00
Grand Totals:		95.00

Summary of Check Registers & ACH Payments

FIRST MERIT BANK - CHECKS ISSUED

01/08/14	Special Accounts Payable Run	\$	95.00
01/17/14	Payroll	\$	97,657.86
01/17/14	Payroll Transmittal Checks	\$	4,045.76
01/21/14	Regular Accounts Payable	\$	157,855.31

Checks Sub-Total: \$ 259,653.93

FIRST MERIT BANK - ACH PAYMENTS

01/06/14	MI Public Power Agency	\$	13,520.48
01/13/14	MI Public Power Agency	\$	14,480.67
01/16/14	State of MI (Sales Tax)	\$	19,082.28
01/17/14	IRS (Payroll Tax Deposit)	\$	36,487.81
01/17/14	Alerus Financial (HCSP)	\$	380.00
01/17/14	State of MI (Withholding Tax)	\$	5,346.68
01/17/14	Vantagepoint (401 ICMA Plan)	\$	728.06
01/17/14	Vantagepoint (457 ICMA Plan)	\$	12,928.64

ACH Sub-Total: \$ 102,954.62

First Merit Bank Total: \$ 362,608.55

CHARLEVOIX STATE BANK - CHECKS ISSUED

(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

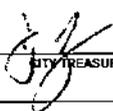
01/21/14	Tax Disbursement	\$	416,726.81
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Charlevoix State Bank Total: \$ 416,726.81

Grand Total: \$ 779,335.36

APPROVED:


CITY MANAGER


CITY TREASURER


DEPUTY CITY CLERK

Check Number	Payee	Amount
01/21/2014		
108544	ACE HARDWARE	964.96
108545	ALTEC INDUSTRIES INC	792.00
108546	AMERICAN TOTAL SECURITY INC	235.00
108547	AMERICAN WASTE INC.	2,120.20
108548	APOLLO FIRE EQUIPMENT	857.26
108549	APX INC.	53.01
108550	ARROW UNIFORM-TAYLOR L.L.C.	1,241.85
108551	ASPEN PUBLISHERS INC.	465.00
108552	ASPLUNDH TREE EXPERT CO	5,556.60
108553	AT&T	4,692.16
108554	AUTO VALUE	1,078.22
108555	AVFUEL CORPORATION	18,716.96
108556	B & L SOUND INC	101.82
108557	BARRETT'S AUTO & MARINE TRIM	295.00
108558	BIOTECH AGRONOMICS INC	14,272.44
108559	BRADFORD'S	52.00
108560	BY THE BAY CLEANING LLC	1,114.00
108561	CARQUEST OF CHARLEVOIX	988.57
108562	CASSIDY, THOMAS	56.00
108563	CENTRAL DRUG STORE	35.49
108564	CHAIN O' LAKES DISC GOLF CLUB	1,125.00
108565	CHARLEVOIX COUNTY TREASURER	789.88
108566	CHARLEVOIX SEWER & DRAIN	530.00
108567	CHARTER COMMUNICATIONS	1,000.13
108568	CINTAS CORPORATION	67.80
108569	CIVIC SYSTEMS	8,279.00
108570	CLEAR WATER PLUMBING & HEATIN	250.19
108571	CNA SURETY	100.00
108572	DAVE KRING CHEVROLET	42.68
108573	DENBOER, MARK	76.00
108574	DEWILDT, GARY	52.00
108575	DIXON ENGINEERING INC	2,000.00
108576	DTE ENERGY	1,973.71
108577	ELLSWORTH FARMER'S EXCHANGE	1,443.50
108578	EMERGENCY MEDICAL PRODUCTS I	4.78
108579	EXELBY, DON	32.00
108580	FAMILY FARM & HOME	404.09
108581	FASTENAL COMPANY	32.71
108582	FAYER, CHRIS	8.00
108583	FELS, BARBARA	8.00
108584	GINOP SALES INC	792.67
108585	GORDON FOOD SERVICE	174.36
108586	GRP ENGINEERING INC.	937.17
108587	HAMMERSMITH EQUIPMENT CO	2,725.00
108588	HELNER, JOHN	16.00
108589	HOLIDAY COMPANIES	11,671.46
108590	HYDE SERVICES LLC	205.68
108591	HYDRO DESIGNS INC.	515.00

Check Number	Payee	Amount
108592	INDEPENDENT DRAFTING SERVICES	1,856.00
108593	JACK DOHENY SUPPLIES INC	242.76
108594	JOHNSON, REBECCA	16.00
108595	KENNEDY, TOM	16.00
108596	KIRKPATRICK, TOM	80.00
108597	KIWANIS CLUB OF CHARLEVOIX	78.00
108598	KSS ENTERPRISES	176.84
108599	KUHN, DOUGLAS	80.00
108600	LAKESHORE TIRE & AUTO SERVICE	12.50
108601	LAME, KATHLEEN	80.00
108602	LAME, MARC	80.00
108603	LEADERSHIP CHARLEVOIX COUNTY	200.00
108604	LEVIN, JOHATHAN	20.00
108605	MADDIN, RICHARD	44.00
108606	MERIDIAN ADVISORY SERVICES	76.22
108607	MICH ASSOC OF MUNICIPAL CLERKS	50.00
108608	MICHIGAN LOCAL GOVERNMENT	275.00
108609	MICHIGAN OFFICEWAYS INC	561.61
108610	MICHIGAN WATER ENV ASSOC	60.00
108611	MID STATES BOLT & SCREW CO	414.31
108612	MISS DIG SYSTEM INC	82.91
108613	MONCION, PIERRE	12.00
108614	MONTIETH, DANIEL	8.00
108615	MURASKY, THOMAS	72.00
108616	NEFF, JEROLD	8.00
108617	NEPTUNE INDUSTRIES / PLANET SNO	16,040.00
108618	NORTH COUNTRY POWER GENERATI	574.40
108619	NORTHERN CREDIT BUREAU	251.80
108620	NORTHERN MICHIGAN ELECTRIC	119.00
108621	NORTHERN MICHIGAN REVIEW INC.	1,254.26
108622	OLESON'S FOOD STORES	138.95
108623	ORTWINE, MICHAEL	20.00
108624	PARASTAR INC.	1,126.88
108625	PARKWOOD PROPERTIES	80.00
108626	PEARSON, BETHANY	568.20
108627	PERFORMANCE ENGINEERS INC	515.00
108628	POWER LINE SUPPLY	4,112.97
108629	PURITY CYLINDER GASES INC	557.18
108630	QUILL CORP	79.45
108631	RAECKE, MICHAEL	4.00
108632	ROTH, JULIE	8.00
108633	RTI LABORATORIES INC.	111.00
108634	S&W HEALTHCARE CORPORATION	235.10
108635	SCANTRON CORPORATION	101.67
108636	SCHARRER, JAMI	100.00
108637	SECURITY SANITATION INC.	12.68
108638	SEELEY'S PRINTING SERVICE	133.04
108639	SEELYE, DEBRA	80.00
108640	SHACKET, SUSAN	24.00

Check Number	Payee	Amount
108641	SIGNS LETTERS & GRAPHICS	340.00
108642	SIMPSON ELECTRIC INC.	375.13
108643	SPENCER, MICHAEL	248.25
108644	STATE OF MICHIGAN	25.00
108645	STATE OF MICHIGAN	70.00
108646	STATE OF MICHIGAN	75.00
108647	STATE OF MICHIGAN	256.28
108648	SUGDEN, BARBARA	12.00
108649	SUPERIOR MECHANICAL	245.00
108650	SYSTEMS SPECIALISTS INC	125.00
108651	T & R ELECTRIC	2,853.00
108652	T & R SERVICE INC	1,908.10
108653	TOP QUALITY GLOVE	232.50
108654	TRAEGER, LINDSEY	100.00
108655	TRUCK & TRAILER SPECIALTIES	266.28
108656	UP NORTH PROPERTY SERVICES LL	592.00
108657	USA BLUE BOOK	610.77
108658	UTILITY FINANCIAL SOLUTIONS	12,130.00
108659	VILLAGE GRAPHICS INC.	56.00
108660	WARNER, JANINE	75.56
108661	WILLCOME TREE SERVICE	15,910.00
108662	WILLIAMSON, HOLLY	75.00
108663	WOODY, SCOTT	246.34
108664	WORK & PLAY SHOP	1,124.77
108665	WYMAN, MATT	36.50
108666	ZD METAL PRODUCTS	71.75
Total 01/21/2014:		157,855.31
Grand Totals:		157,855.31

Check Number	Payee	Amount
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10614001	MICHIGAN PUBLIC POWER AGENCY	13,520.48
Total 01/06/2014:		13,520.48
Grand Totals:		13,520.48

Check Number	Payee	Amount
01/16/2014		
11614001	STATE OF MICHIGAN	19,082.28
Total 01/16/2014:		19,082.28
Grand Totals:		19,082.28

Check Number	Payee	Amount
01/13/2014		
11314001	MICHIGAN PUBLIC POWER AGENCY	14,480.67
Total 01/13/2014:		14,480.67
Grand Totals:		14,480.67

Check Number	Payee	Amount
01/21/2014		
2281	CHARLEVOIX COUNTY TREASURER	383.85
2282	CHARLEVOIX COUNTY TREASURER	211,902.34
2283	CHARLEVOIX COUNTY TREASURER	1,269.31
2284	CHARLEVOIX DISTRICT LIBRARY	73,732.47
2285	CHARLEVOIX PUBLIC SCHOOLS	30,826.88
2286	CHARLEVOIX PUBLIC SCHOOLS	5,278.89
2287	CHARLEVOIX PUBLIC SCHOOLS	276.32
2288	CHARLEVOIX PUBLIC SCHOOLS	2,542.89
2289	CITY OF CHARLEVOIX - TAXES DUE	76,757.12
2290	HUNTINGTON NATIONAL BANK	245.64
2291	PNC MORTGAGE	389.58
2292	RECREATIONAL AUTHORITY	13,121.52
Total 01/21/2014:		416,726.81
Grand Totals:		416,726.81

CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
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01/11/2014	PC	01/17/2014	16920	BROWN, STEPHANIE C.	126		1,258.79
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01/11/2014	PC	01/17/2014	16922	SPENCLEY, PATRICIA L.	136		1,227.45
01/11/2014	PC	01/17/2014	16923	NASH, JENNIFER B.	138		345.73
01/11/2014	PC	01/17/2014	16924	PANOFF, ZACHARY R.	141		395.89
01/11/2014	PC	01/17/2014	16925	PEARSON, BETHANY S.	143		1,224.97
01/11/2014	PC	01/17/2014	16926	ZIELINSKI, JOSEPH A.	144		1,586.40
01/11/2014	PC	01/17/2014	16927	DOAN, GERARD P.	201		1,380.55
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01/11/2014	PC	01/17/2014	16929	SCHLAPPI, JAMES L.	204		1,306.30
01/11/2014	PC	01/17/2014	16930	UMULIS, MATTHEW T.	205		1,563.97
01/11/2014	PC	01/17/2014	16931	HANKINS, SCOTT A.	208		1,443.20
01/11/2014	PC	01/17/2014	16932	ORBAN, BARBARA K.	209		1,521.24
01/11/2014	PC	01/17/2014	16933	TRAEGER, JASON A.	210		1,288.68
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01/11/2014	PC	01/17/2014	16942	MAYER, SHELLEY L.	412		1,683.11
01/11/2014	PC	01/17/2014	16943	HILLING, NICHOLAS A.	413		1,274.96
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01/11/2014	PC	01/17/2014	16945	ZACHARIAS, STEVEN B.	422		1,234.14
01/11/2014	PC	01/17/2014	16946	NISWANDER, JOSEPH F.	504		1,255.82
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01/11/2014	PC	01/17/2014	16952	STEVENS, BRANDON C.	521		1,126.66
01/11/2014	PC	01/17/2014	16953	ELLIOTT, PATRICK M.	600		1,587.17
01/11/2014	PC	01/17/2014	16954	WELLS JR., DONALD E.	609		1,279.96
01/11/2014	PC	01/17/2014	16955	BRADLEY, KELLY R.	614		1,366.93
01/11/2014	PC	01/17/2014	16956	WILSON, RICHARD J.	615		1,327.40
01/11/2014	PC	01/17/2014	16957	JONES, ROBERT F.	618		1,379.67
01/11/2014	PC	01/17/2014	16958	DORAN, JUSTIN J.	621		1,423.67
01/11/2014	PC	01/17/2014	16959	WILKIN, AMANDA J.	700		757.26
01/11/2014	PC	01/17/2014	16960	RAMSEY, MADISON L.	752		258.57
01/11/2014	PC	01/17/2014	16961	BERTINELLI, DAVID P.	764		461.61
01/11/2014	PC	01/17/2014	16962	ARNOLD, HAILEE M.	768		280.31
01/11/2014	PC	01/17/2014	16963	HEID, THOMAS J	802		1,248.98
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01/11/2014	PC	01/17/2014	16966	VANLOO, JOSEPH G.	902		435.00
01/11/2014	PC	01/17/2014	16967	LUNDHOLM, ROBERT A.	911		609.39
01/11/2014	PC	01/17/2014	16968	HAND, HEATHER K.	913		841.78
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01/11/2014	PC	01/17/2014	16970	CROFT, JAMES E.	926		189.78
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Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
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01/11/2014	PC	01/17/2014	16976	JONES, LARRY M.	1057		427.55
01/11/2014	PC	01/17/2014	16977	TRAVERS, MANUEL J.	1071		150.65
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01/11/2014	PC	01/17/2014	16979	RILEY, DANIEL A.	1079		893.44
01/11/2014	PC	01/17/2014	16980	SCHOOF, WILLIAM R.	1094		477.96
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01/11/2014	PC	01/17/2014	108493	BRANDI, RICHARD M.	110	2013 Sick Leave Payout	720.46
01/11/2014	PC	01/17/2014	108494	LOY, EVELYN R.	117	2013 Sick Leave Payout	485.80
01/11/2014	PC	01/17/2014	108495	SPENCER, MICHAEL D.	132	2013 Sick Leave Payout	551.53
01/11/2014	PC	01/17/2014	108496	DOAN, GERARD P.	201	2013 Sick Leave Payout	566.28
01/11/2014	PC	01/17/2014	108497	SHRIFT, PETER R.	203	2013 Sick Leave Payout	600.41
01/11/2014	PC	01/17/2014	108498	SCHLAPPI, JAMES L.	204	2013 Sick Leave Payout	672.18
01/11/2014	PC	01/17/2014	108499	UMULIS, MATTHEW T.	205	2013 Sick Leave Payout	315.91
01/11/2014	PC	01/17/2014	108500	HANKINS, SCOTT A.	208	2013 Sick Leave Payout	184.96
01/11/2014	PC	01/17/2014	108501	ORBAN, BARBARA K.	209	2013 Sick Leave Payout	808.14
01/11/2014	PC	01/17/2014	108502	IVAN, PAUL M.	301	2013 Sick Leave Payout	452.00
01/11/2014	PC	01/17/2014	108503	SCHWARTZFISHER, JOS	303	2013 Sick Leave Payout	523.32
01/11/2014	PC	01/17/2014	108504	ROLOFF, ROBERT P.	304	2013 Sick Leave Payout	702.42
01/11/2014	PC	01/17/2014	108505	BRODIN, WILLIAM C.	305	2013 Sick Leave Payout	793.78
01/11/2014	PC	01/17/2014	108506	WURST, RANDALL W.	411	2013 Sick Leave Payout	824.25
01/11/2014	PC	01/17/2014	108507	MAYER, SHELLEY L.	412	2013 Sick Leave Payout	807.66
01/11/2014	PC	01/17/2014	108508	BLANCHARD, SCOTT W.	505	2013 Sick Leave Payout	957.73
01/11/2014	PC	01/17/2014	108509	BLANCHARD, SCOTT W.	505		1,722.73
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01/11/2014	PC	01/17/2014	108512	ELLIOTT, PATRICK M.	600	2013 Sick Leave Payout	384.55
01/11/2014	PC	01/17/2014	108513	MORRISON, KEVIN P.	601		1,113.50
01/11/2014	PC	01/17/2014	108514	HODGE, MICHAEL J.	606	2013 Sick Leave Payout	234.62
01/11/2014	PC	01/17/2014	108515	HODGE, MICHAEL J.	608		1,077.23
01/11/2014	PC	01/17/2014	108516	WILSON, RICHARD J.	615	2013 Sick Leave Payout	740.91
01/11/2014	PC	01/17/2014	108517	JOHNSON, STEVEN P.	617		1,174.00
01/11/2014	PC	01/17/2014	108518	BOSS JR, DALE E.	701		1,114.57
01/11/2014	PC	01/17/2014	108519	BOSS, JAMES W.	719		919.97
01/11/2014	PC	01/17/2014	108520	STEBE JR, JOHN M.	729		477.44
01/11/2014	PC	01/17/2014	108521	BOSS, SHERRY M.	730		415.42
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01/11/2014	PC	01/17/2014	108523	STEBE, CATHERINE M.	765		369.90
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01/11/2014	PC	01/17/2014	108525	HOLM, ARTHUR R.	791		534.70
01/11/2014	PC	01/17/2014	108526	HEID, THOMAS J	802	2013 Sick Leave Payout	484.55
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01/11/2014	PC	01/17/2014	108528	ROLOFF, AUDREY M.	1037		1,065.28
01/11/2014	PC	01/17/2014	108529	MATTER, DAWSON K.	1038		929.01
01/11/2014	PC	01/17/2014	108530	MARSH JR., JAMES D.	1043		31.40
01/11/2014	PC	01/17/2014	108531	SCOTT JR., WINFIELD	1072		66.07
01/11/2014	PC	01/17/2014	108532	KITELEY, FISHER L.	1074		52.86
01/11/2014	PC	01/17/2014	108533	COLLINS, CHAD M.	1076		562.64
01/11/2014	PC	01/17/2014	108534	BERGMANN, DOUGLAS	1087		52.86
Grand Totals:			109				97,657.86

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01/11/2014	01/17/2014	108536	BAY WINDS FEDERAL C	9024	HSA-EMPLOYEE CONTRIB-BAY	170.00
01/11/2014	01/17/2014	108537	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 1/11/2	84.54
01/11/2014	01/17/2014	108538	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,016.16
01/11/2014	01/17/2014	108539	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	537.18
01/11/2014	01/17/2014	108540	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	596.19
01/11/2014	01/17/2014	108541	NORTHWESTERN BANK	9018	HSA - EMPLOYEE CONTRIB - N	150.00
01/11/2014	01/17/2014	108542	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	942.91
01/11/2014	01/17/2014	108543	TENHOUTEN RINGSTRO	9019	GARNISHMENT PER 90TH DIST	97.21
Grand Totals:		10				4,045.76

Check Issue Date	Check Number	Payee	Amount
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01/17/2014	11714001	**EFTPS* Payroll Taxes	9,037.61
01/17/2014	11714001	**EFTPS* Payroll Taxes	2,113.63
01/17/2014	11714001	**EFTPS* Payroll Taxes	2,113.63
01/17/2014	11714001	**EFTPS* Payroll Taxes	14,185.33
Total 11714001:			
	5		36,487.81
11714002			
01/17/2014	11714002	Alerus Financial	380.00
Total 11714002:			
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11714003			
01/17/2014	11714003	STATE OF MICHIGAN	5,346.68
Total 11714003:			
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11714004			
01/17/2014	11714004	Vantagepoint - 401 Plan 109153	728.06
Total 11714004:			
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11714005			
01/17/2014	11714005	Vantagepoint - 457 Plan 300959	5,003.64
01/17/2014	11714005	Vantagepoint - 457 Plan 300959	1,767.50
01/17/2014	11714005	Vantagepoint - 457 Plan 300959	6,157.50
Total 11714005:			
	3		12,928.64
Grand Totals:			
	11		55,871.19

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Public Hearing Regarding Wastewater Treatment Plant Project and Proposed Sewer Rate Increases

DATE: January 20, 2014

PRESENTED BY: Mark Prein, Prein and Newhof
Dawn Lund, Utility Financial Solutions

ATTACHMENTS:

1. Memo from Mark Prein
2. Table 8 Basic Plant Improvements
3. Table 11 Advanced Treatment
4. Figure 7, 8, 9
5. Powerpoint -Utility Financial Solutions

BACKGROUND INFORMATION: At the December 16, 2013 City Council meeting, City Council directed Staff to set a Public Hearing for January 20, 2014 to solicit comments about the Wastewater Treatment Plant project and subsequent rate increases. At that meeting, Council members showed an interest in raising sewer rates 24.5% for three consecutive years to pay for debt service and achieve Debt Coverage Ratio of at least 1.4.

We have asked both Project Engineer Mark Prein and rate study author Dawn Lund to give brief presentations to better inform public about need for the project. After the presentations, the Mayor will open a Public Hearing.

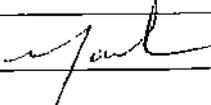
RECOMMENDATION: Hold a Public Hearing.

Memorandum

Date: December 11, 2013

To: Rob Straebel, Manager

Company: City of Charlevoix

From: Mark Prein 

Project #: 2110372

Re: WWTP Project Update

Rob,

The following is a brief summary of the project need and an update on the design process.

As a reminder, the project is being driven by the State of Michigan. The State is mandating by permit the need to improve the wastewater treatment plant to reduce the amount of ammonia discharged by the plant. The requirement to reduce ammonia concentrations during winter months is the key factor. We have met with the State and attempted to secure permit modifications to minimize the impact to the plant. Although the state will allow slight modifications to the permit at the time of renewal, the overall impact of needing a plant upgrade remains.

On October 21, 2013 the City authorized design activities to commence using State S-2 grant funds to reimburse the City for 90% of the costs. Subsequently the State has issued a project milestone schedule to the City. This schedule dictates work milestones for the project related to SRF project plan compliance, revenue system and project funding approval, and construction plan submission and approval.

Prein&Newhof and the City are working on the preliminary design of the wastewater treatment plant upgrade. As part of the process, the design concept continues to be refined with additional investigation into equipment selection and associated costs. Figures 7, 8, and 9 are attached for reference. Figure 7 is the process schematic for an attached growth concept and Figure 8 is the process schematic for the membrane bioreactor concept. Figure 9 is site map of the wastewater treatment plant showing the likely location of the additional structures needed for the project.

Final equipment selection and contract document preparation remains to be completed. To date, cost estimates continue to be in line with the previously provided estimates. For reference, we have attached Table 8- Basic Improvements and Table 11 - Advanced Treatment cost estimates from the Project Plan. The project cost estimate remains at approximately \$11,000,000.

On Monday December 16, 2013, we will be present at the City Council meeting to provide additional background data and assist in the discussion related to project costs and the impact to your uses.

If you have any questions on the matter, please call me.

City of Charlevoix
Wastewater Treatment Plant
Table 8

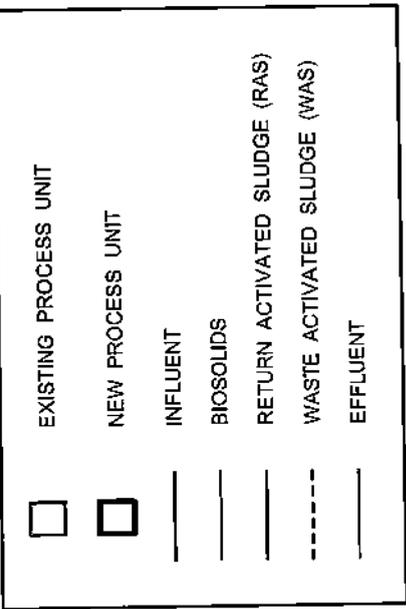
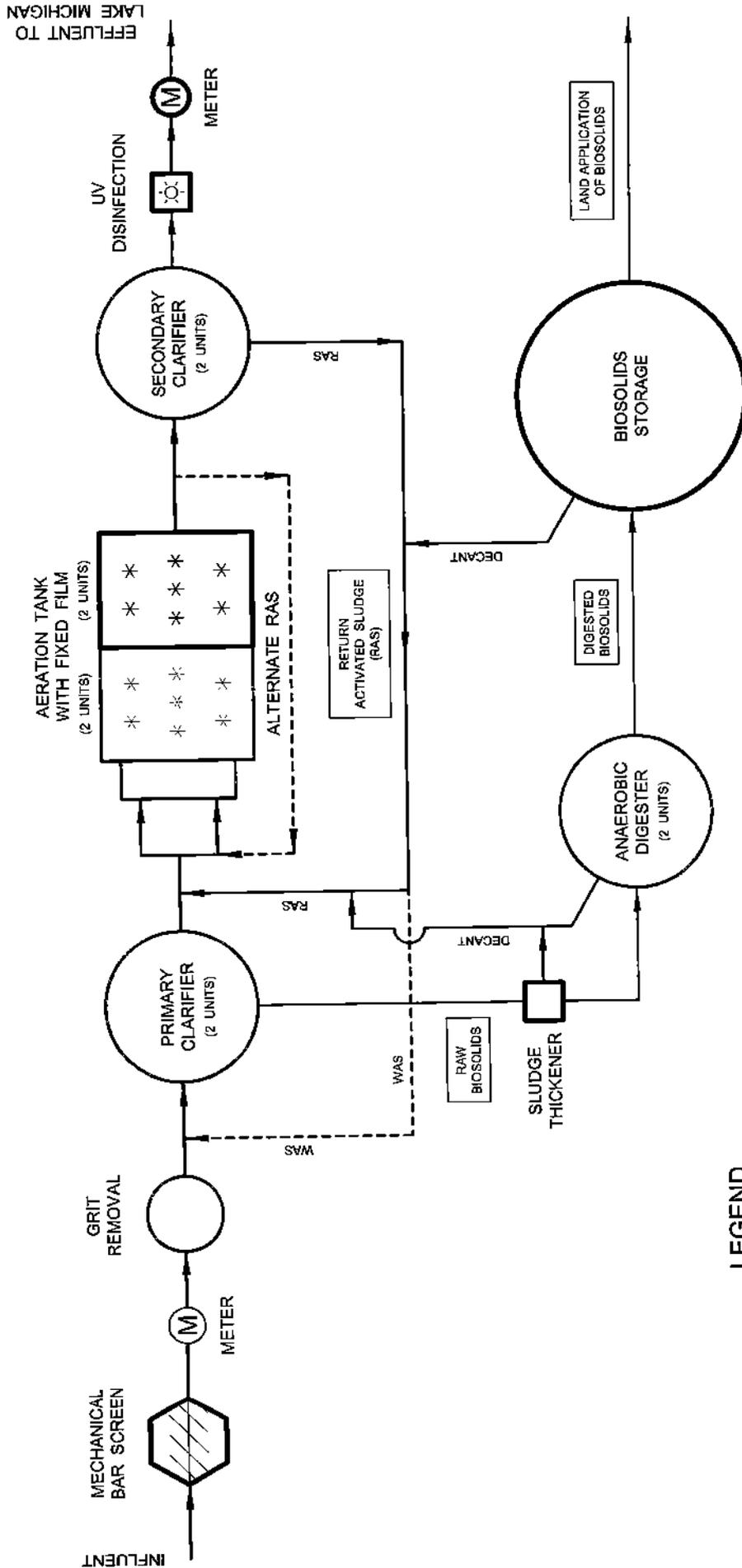
Basic Plant Improvements

<u>Plant Unit</u>	<u>Purpose</u>	<u>Cost Estimate</u>
1. Headworks		
a. Dual Screens, Finer Mesh	10 States	\$200,000
b. Grit Classifier	Improved Performance	\$60,000
c. Redundant Meter (Effluent w/ UV)	10 States	\$30,000
2. Primary Settling		
a. Drain, Repair, Re-coat, Replace Mechanical Eq.	10 States, Routine O&M	\$420,000
b. Revise Piping: 2 Trains, Scum, WAS	Improved Performance	\$50,000
c. FRP Covers	Improved Performance	\$240,000
3. Aeration - See Alternatives		
4. Final Settling		
Drain, Repair, Re-Coat, Replace Mechanical Eq. Except Alt. 3	Routine O&M	\$400,000
5. Disinfection		
Convert to UV	Safety, Improved O&M	\$200,000
6. Sludge Digesters		
Drain, Repair, Re-Coat Both Tanks	Routine O&M	\$300,000
Replace Transfer Pumps	Improved O&M	\$85,000
7. Sludge Thickening	Improved O&M	\$750,000
8. Sludge Storage 300,000 gal	Improved O&M	\$500,000
9. Admin. Building (2,000 sf) & SCADA	Improved O&M	\$1,000,000
10. BioFilter	Odor Control	\$500,000
11. Site Lift Station Force Main	Improved O&M	\$60,000
12. Mechanical (HVAC)	Improved O&M & Meet Codes	\$175,000
13. Generator	Improved O&M	\$150,000
14. Electrical Improvements	Improved O&M & Meet Codes	<u>\$575,000</u>
Construction Total		<u>\$5,695,000</u>

City of Charlevoix
Wastewater Treatment Plant

Table 11
Alternate 3: Advanced Treatment

<u>Plant Unit</u>	<u>Purpose</u>	<u>Cost Estimate</u>
1. Basic Plant Improvements	Table 8	\$5,695,000
2. Additional Aeration Tanks	Alternate	\$200,000
3. Complete Advanced Treatment System		\$1,650,000
4. Process Requirements		\$350,000
5. Piping Systems	10 States	\$500,000
Total		<hr/> \$8,395,000
Contingency, Legal, Engineering, and Fiscal		\$2,500,000
Project Total		<hr/> \$10,895,000



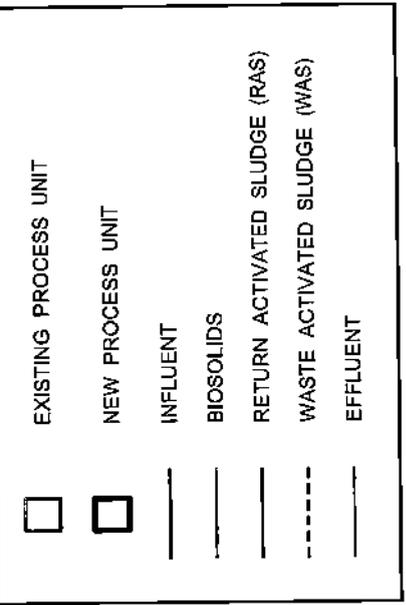
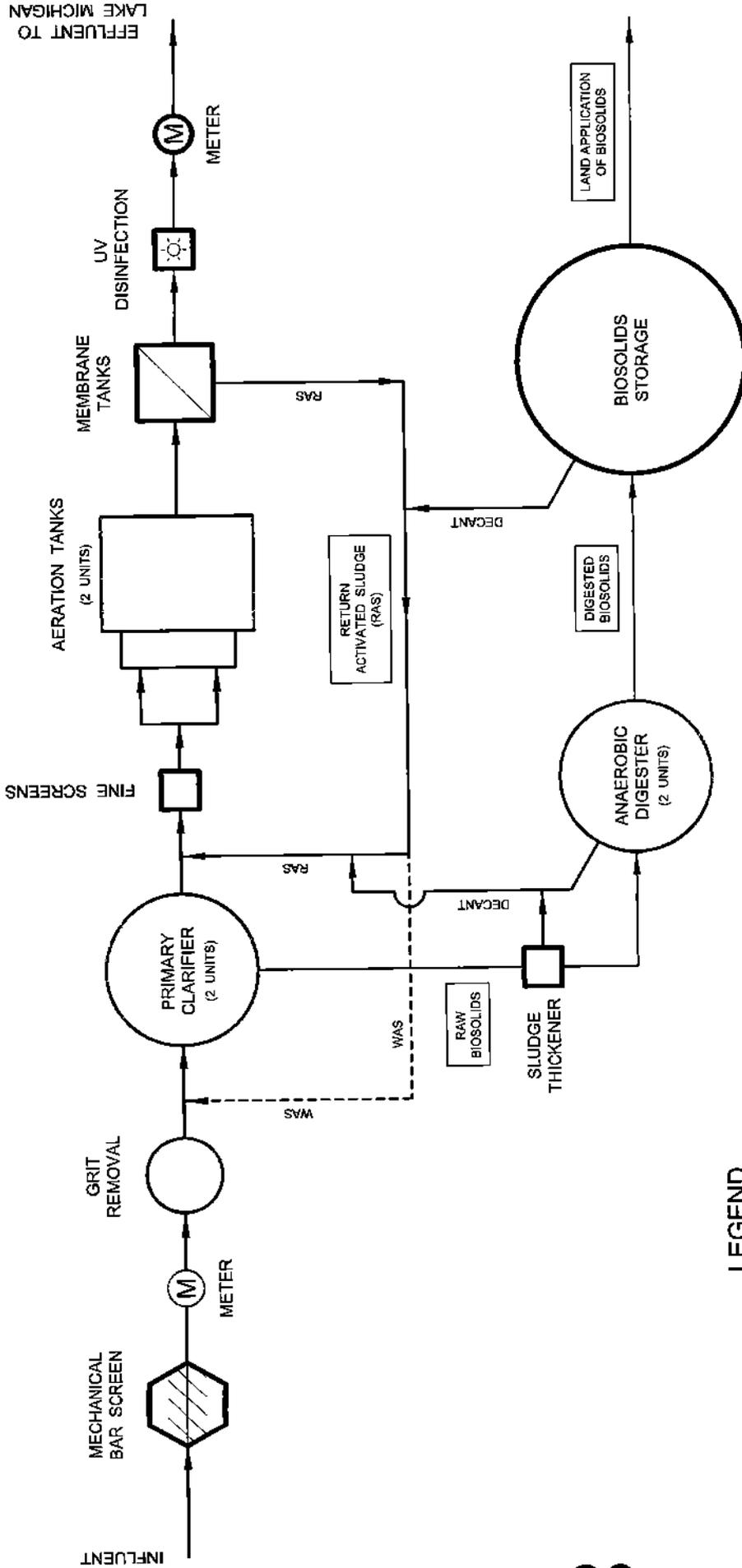
CITY OF CHARLEVOIX
CHARLEVOIX COUNTY, MICHIGAN

WASTEWATER TREATMENT PLANT PROCESS SCHEMATIC

ALTERNATE 3 : ADVANCED TREATMENT
ACTIVATED SLUDGE WITH FIXED FILM SURFACES
FIGURE 7



Prein&Newhof
2110372



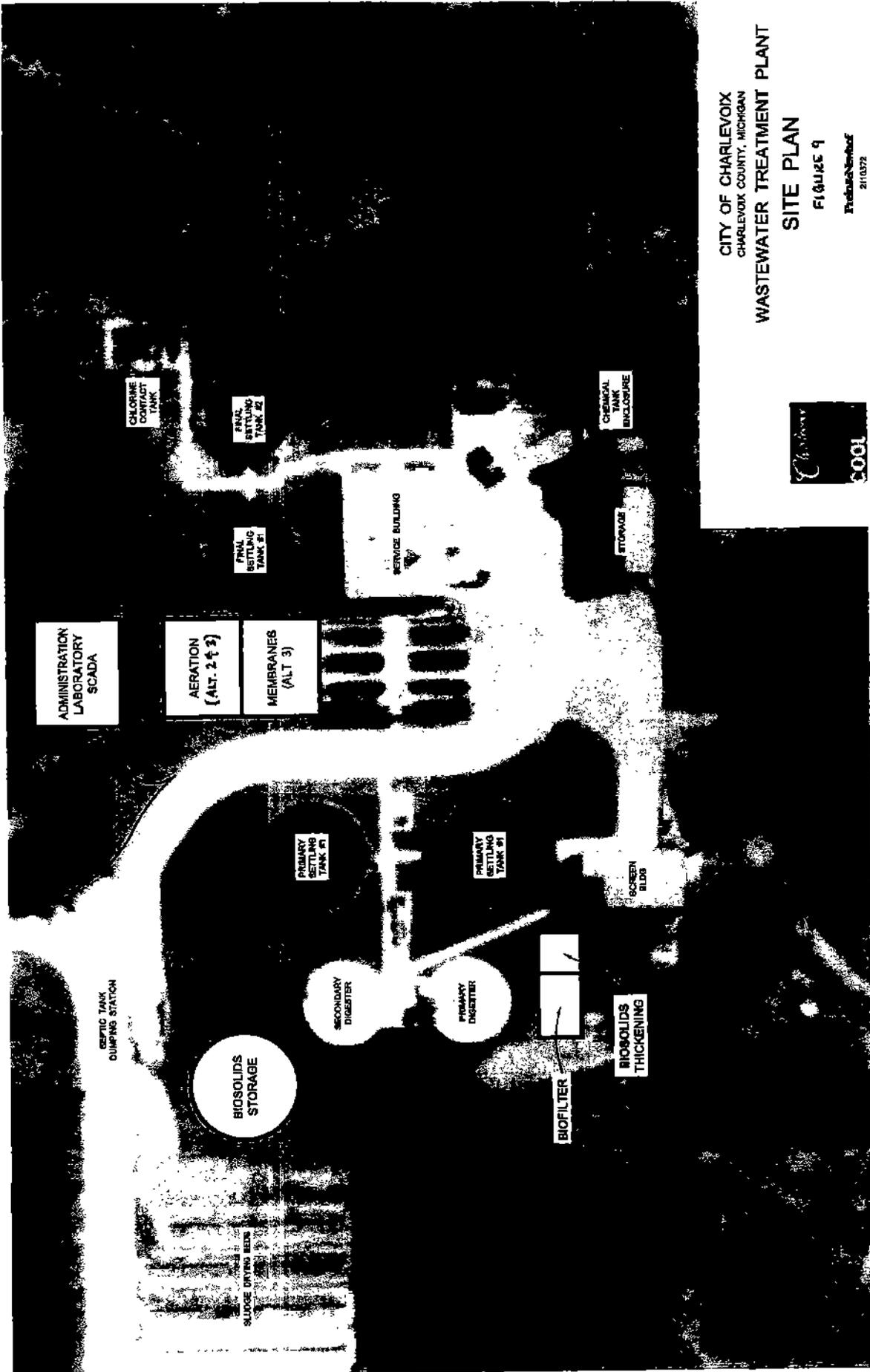
CITY OF CHARLEVOIX
CHARLEVOIX COUNTY, MICHIGAN

WASTEWATER TREATMENT PLANT PROCESS SCHEMATIC

ALTERNATE 3 : ADVANCED TREATMENT
ACTIVATED SLUDGE WITH MEMBRANE BIOREACTOR
FIGURE 8



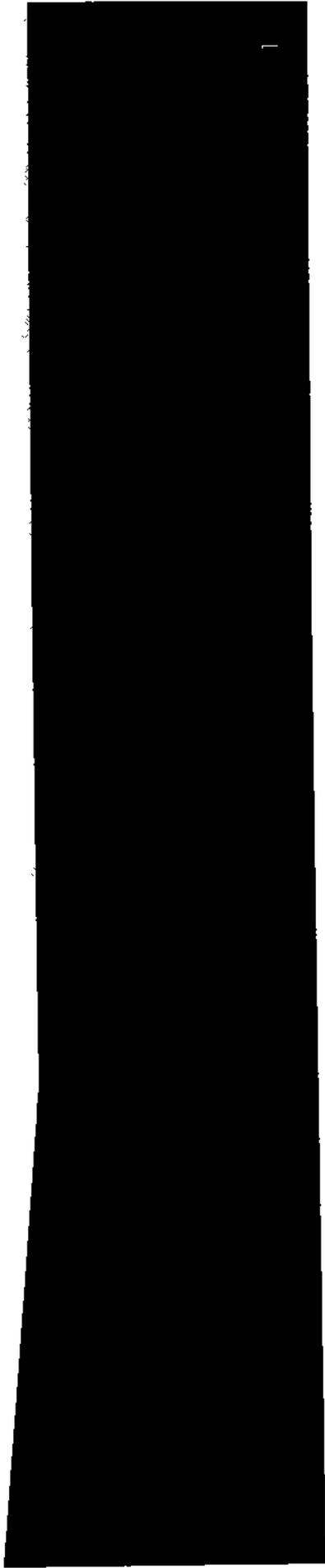
Prein&Newhof
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CITY OF CHARLEVOIX
 CHARLEVOIX COUNTY, MICHIGAN
 WASTEWATER TREATMENT PLANT
 SITE PLAN
 Figure 9
 Prepared by: *ProQuest*
 2/10/07



Charlevoix Wastewater COS and Financial Position



Cost of Service

- ▶ The City of Charlevoix wastewater system retained Utility Financial Solutions to complete a cost of service study and 5-year financial projection
- ▶ The City is mandated by the DEQ to expand the WW plant
- ▶ The COS and financial projection can help indicate where rates need to move to help support the plant and keep the system financially healthy

Current Financial Position

- ▶ The Wastewater Department has had several increases in the past few years to build toward financial targets. The fund is seeing cash move on a upward trend but more increases would be needed to fully fund depreciation and meet financial targets.

33

Current WW Rate Structure

- ▶ The Wastewater rates include a monthly customer charge and a commodity rate
- ▶ The WW commodity revenues are determined by the Water revenues times a factor: 1.45 Inside City; 1.08 for Outside City
- ▶ Creates revenue instability for the WW department - when water sales decline due to weather, affects WW sales.

Proposed New Rate Structure

- ▶ Wastewater rates should have a customer charge based on meter size
- ▶ Wastewater rates should have a commodity charge based on usage (non-sprinkling water usage)
- ▶ The rate structure change should take place with the next rate increase

Expansion of the Plant

- ▶ A significant plant expansion is expected in the next year
 - The expansion is a requirement of the DEQ
- ▶ The capital amount is estimated at \$11.0 million
- ▶ Rate increases of approximately 71% would be needed to fund the financial obligations of the new plant and meet minimum financial targets.
- ▶ There are several options for the City Council to consider:
 - Total one-year increase
 - A “front loaded” rate increase over a two or more years
 - Smoothed out rate increase over a five-year period

Expansion of \$11.0 Million

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Adjusted Operating Income	Projected Cash Balances	Capital Improvements	Bond Issues	Debt Coverage Ratio
FY 2014/15	70.55%	1,921,038	1,460,851	460,187	2,368,285	11,109,100	11,000,000	n/a
FY 2015/16	3.50%	1,998,215	1,722,010	300,827	2,497,261	79,100	-	1.19
FY 2016/17	3.50%	2,078,494	1,758,494	344,621	2,695,033	59,100	-	1.26
FY 2017/18	3.50%	2,161,997	1,795,706	390,912	2,943,882	59,100	-	1.34
FY 2018/19	3.50%	2,248,855	1,833,982	439,495	3,246,189	59,100	-	1.41
Recommended Target in 2015				\$ 460,187	\$ 1,324,471			1.40
Recommended Target in 2019				\$ 438,414	\$ 1,356,973			1.40

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Adjusted Operating Income	Projected Cash Balances	Capital Improvements	Bond Issues	Debt Coverage Ratio
FY 2014/15	35.00%	1,520,573	1,460,851	59,723	1,967,821	11,109,100	11,000,000	n/a
FY 2015/16	35.00%	2,063,038	1,722,010	365,650	2,161,620	79,100	-	1.28
FY 2016/17	2.50%	2,125,187	1,758,494	391,315	2,406,086	59,100	-	1.32
FY 2017/18	2.50%	2,189,208	1,795,706	418,123	2,682,146	59,100	-	1.37
FY 2018/19	2.50%	2,255,158	1,833,982	445,798	2,990,755	59,100	-	1.42
Recommended Target in 2015				\$ 460,187	\$ 1,324,471			1.40
Recommended Target in 2019				\$ 438,414	\$ 1,356,973			1.40

Expansion \$11.0 million

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Adjusted Operating Income	Projected Cash Balances	Capital Improvements	Bond Issues	Debt Coverage Ratio
FY 2014/15	24.50%	1,402,307	1,460,851	(58,544)	1,849,554	11,109,100	11,000,000	n/a
FY 2015/16	24.50%	1,754,601	1,722,010	57,213	1,734,917	79,100	-	0.84
FY 2016/17	24.50%	2,195,401	1,758,494	461,528	2,049,596	59,100	-	1.41
FY 2017/18	2.00%	2,250,505	1,795,706	479,420	2,386,953	59,100	-	1.45
FY 2018/19	2.00%	2,306,993	1,833,982	497,633	2,747,397	59,100	-	1.49
Recommended Target in 2015				\$ 460,187	\$ 1,324,471			1.40
Recommended Target in 2019				\$ 438,414	\$ 1,356,973			1.40

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Adjusted Operating Income	Projected Cash Balances	Capital Improvements	Bond Issues	Debt Coverage Ratio
FY 2014/15	14.50%	1,289,672	1,460,851	(171,179)	1,736,919	11,109,100	11,000,000	n/a
FY 2015/16	14.50%	1,484,057	1,722,010	(213,331)	1,351,738	79,100	-	0.46
FY 2016/17	14.50%	1,707,742	1,758,494	(26,131)	1,178,758	59,100	-	0.72
FY 2017/18	14.50%	1,965,141	1,795,706	194,056	1,230,751	59,100	-	1.04
FY 2018/19	14.50%	2,261,337	1,833,982	451,977	1,545,539	59,100	-	1.41
Recommended Target in 2015				\$ 460,187	\$ 1,324,471			1.40
Recommended Target in 2019				\$ 438,414	\$ 1,356,973			1.40



Surrounding Community Survey

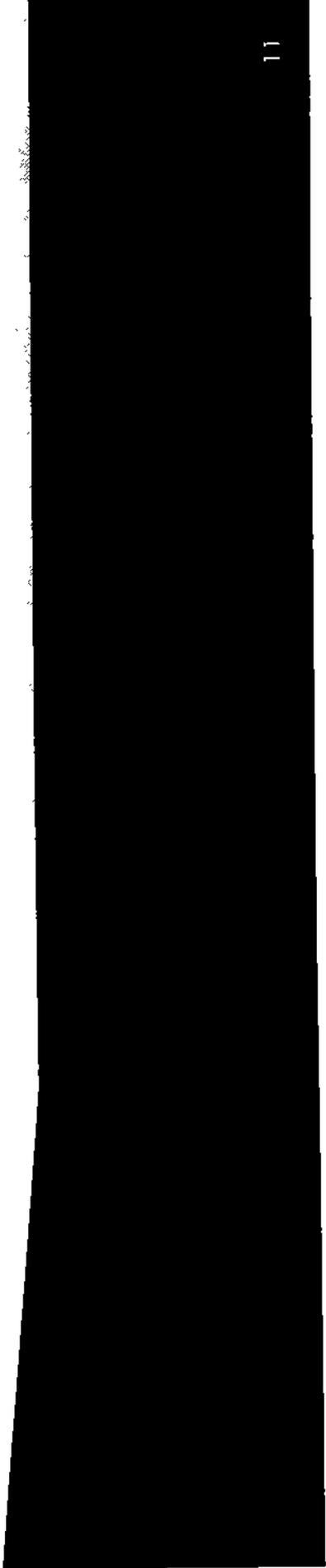
Effective Date	Utility	6,000 GAL Per Month	Monthly \$ Change from Current
Jul-10	CHEBOYGAN	\$31.20	
May-13	BOYNE CITY	34.56	
July-12	EAST JORDAN	38.50	
April-13	Charlevoix Current	39.08	
April-14	Charlevoix 14.5%	44.75	\$ 5.67
April-14	Charlevoix 24.5%	48.65	9.57
July-13	ROGERS CITY	51.59	
January-13	PETOSKEY	51.70	
April-14	Charlevoix 35.0%	52.76	13.68
November-13	HARBOR SPRINGS	61.10	
July-13	GAYLORD	61.87	
April-14	Charlevoix 71.0%	66.83	27.75

Survey provided by City of Charlevoix

Summary

- ▶ Continued wastewater increases are currently needed
- ▶ A plant expansion will cause the need for greater increases
- ▶ The rate structure of the Wastewater Department should be restructured to provide revenue stability
- ▶ All information are estimates at this point until firm construction numbers are available

Questions?



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Discussion Regarding City Clerk Position

DATE: January 20, 2014

PRESENTED BY: Bryan Graham

ATTACHMENTS:

BACKGROUND INFORMATION: As of Thursday afternoon, January 16, Staff has not received any correspondence from the Attorney General's Office regarding the Larry Sullivan issue. We will forward any communication to the Mayor and City Council as well as Larry Sullivan as soon as we receive something from their office.

On a slightly different note, City Council should discuss whether they want the Compensation Commission to address certain compensation and work responsibilities associated with the position. Council may desire the Commission address the following topics:

- ❖ Starting Salary?
- ❖ Required work hours?
- ❖ Benefits?
- ❖ Time sheet submission?
- ❖ Set schedule?

There may also be more topics that the City Council may want the Compensation Commission to address.

RECOMMENDATION: Discussion.

CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: SEWER MAINTENANCE AGREEMENT - City Of Charlevoix and Charlevoix Public Schools.

DATE: January 20, 2014

PRESENTED BY: Steven Teunis, Water/Wastewater Superintendent

ATTACHMENTS: Sewer Maintenance Agreement

BACKGROUND INFORMATION

The city of Charlevoix Wastewater Department has maintained the lift station located on the Charlevoix High School property for the past 12 years. The work was done under an agreement both parties signed with the terms of the agreement to stipulate work performed and reimbursement made. The agreement expired on January 1, 2014. The superintendent of the public schools, Robert Gendron would like to continue the maintenance agreement. The city attorney has reviewed the agreement and recommends council approval.

RECOMMENDATION

Staff recommends council approve the attached agreement with the Charlevoix Public Schools, and authorize the mayor to sign the agreement.

SEWER MAINTENANCE AGREEMENT

BACKGROUND

The Charlevoix Public Schools, a Michigan general powers school district organized and operating under the provisions of the revised school code, as amended, whose address is 104 East St. Mary's Drive, Charlevoix, Michigan 49720 (the School) owns a sewer line and pump station (collectively, the sewer improvements) as described in the Agreement for Sanitary Sewer Improvements and related attachments and which is dated on or about November 4, 2002. The City of Charlevoix, a Michigan municipal corporation operating under the home rule cities act, whose address is 210 State Street, Charlevoix, Michigan 49720 (the City), is one of the parties to the Agreement for Sanitary Sewer Improvements. The School has asked the City to maintain the pump station and to consider performing other maintenance or repairs on the sewer improvements as may be required from time to time. The City is willing to assist the School. Accordingly, this Agreement is intended to describe the rights and obligations of the parties.

AGREEMENT

The parties agree as follows:

1. Pump Station Inspection. The City will inspect the pump station on the same schedule that it inspects its city-owned pump stations. It is anticipated that there will be two inspections per week. If an inspection reveals that maintenance or repairs are needed, then the City will so advise the school within seven working days. Emergency repairs will be made possible, with the school being notified in a timely fashion.
2. Inspection Charges. The School will pay the City an annual inspection fee of \$5,397.67, which is payable upon the execution of this Agreement. The annual inspection fee assumes that there will be a maximum of 104 inspections. The City agrees to include a maximum of six (6) call-in inspections for any unforeseen problems that arise with the lift station after normal business hours. If the School asks the City to perform in excess of 104 inspections in a year, then there will be a charge of \$47 for each inspection in excess of the 104 inspections. A year shall be measured from the effective date of this Agreement.
3. Annual Inflation Adjustments On January 1st of each year following commencement of the agreement in each year during the term of this agreement and any renewal periods hereof, the basic yearly service fee set forth in the foregoing paragraph shall be increased for the ensuing year based on the direct percentage of the Wastewater Treatment Plant (B) operator's hourly negotiated wages with the City of Charlevoix. In no event shall the yearly service fee be less than the prior year's service fee.
4. Maintenance and Repair. The City shall perform such other repair and maintenance on the sewer improvements as the City would perform on its similar city-owned sewer lines or pump stations. Such work shall be done on a time and material basis. "Time" shall be calculated using the hourly rate paid by the City to its employee to perform such work on the sewer improvements plus 78% of the employee's applicable hourly rate for fringe benefits. "Materials" shall be calculated using the cost of any materials purchased by the City for use on the sewer improvements or equipment rental used by the City plus 20% for City overhead. Payment shall be due 30 days after being billed.
5. Term. This Agreement shall be for five (5) years and may be extended or revised in writing upon the mutual consent of the parties.

6. Governmental Immunity. Nothing in this Agreement alters the liability of either party to one another or to third parties for torts as provided by law.
7. Settlement Agreement and Consent Judgment. This Sewer Maintenance Agreement shall be interpreted consistent with the consent judgment entered in Charlevoix County Circuit Court File No. 02-1388-19-CE and associated settlement agreement.
8. Effective Date. The effective date of this Agreement shall be January 1, 2014 even if this Agreement is signed before or after that date.

In recognition of this Agreement, this document has been signed by authorized representatives of the parties.

CHARLEVOIX PUBLIC SCHOOLS

Date: _____

By: _____
 Its: Robert Gendron
 Superintendent of Schools

CITY OF CHARLEVOIX

Date: _____

By: _____
 Its: Norman L. Carlson, Jr.
 Mayor

Date: _____

By: _____
 Its: _____
 Clerk

Linda Weller

From: James G. Young [jyoung@upnorthlaw.com]
Sent: Wednesday, January 15, 2014 9:30 PM
To: Linda Weller
Cc: Steve Teunis; Rob Straebel
Subject: Re: Sewer maintenance agreement

Linda -

The updated contract is fine and should be placed on the Council's agenda. Thank you!

James G. Young
Attorney at Law
of Counsel
Young, Graham, Elsenheimer & Wendling, P.C.
P.O. Box 398
Bellaire, MI. 49615

mobile: 231 288-7700
fax: 231 533-6225

On Jan 15, 2014, at 10:35 AM, Linda Weller <lindaw@cityofcharlevoix.org> wrote:

Good Morning Jim

The City of Charlevoix has a sewer maintenance agreement with Charlevoix Public Schools to maintain the lift station near the High School. The agreement expired on January 1, 2014. Attached is a copy of the signed 2009 agreement.

It is my understanding that the School is agreeable to renewing the agreement.

Also attached is a draft agreement. The agreement will start on January 1, 2014 and have a term of 5 years. The draft agreement has been modified to include the following changes:

- Paragraph 2 – the annual inspection fee is now \$5,397.67. This figure is the original 2009 amount plus the annual inflation adjustment outlined in paragraph 3
- Paragraph 4 – the City fringe benefit rate is now 78%.

Please review and advise if this item can be placed on the Council agenda for their approval.

Linda Jo A. Weller
Executive Assistant
City of Charlevoix
210 State Street
Charlevoix, Michigan 49720
231-547-3270
231-547-3617 FAX
mgr@cityofcharlevoix.org
www.cityofcharlevoix.org

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Consideration of a Resolution to Allow Credit Card Transactions

DATE: January 20, 2014

PRESENTED BY: Bethany Pearson and Amanda Wilkin

ATTACHMENTS: Draft Resolution

BACKGROUND INFORMATION: The Charlevoix DDA will be taking over the Charlevoix Farmer's Market starting in April of 2014. The Farmer's Market has a token reimbursement system set up that allows customers to pay for purchases with vendors using a central credit card terminal. Since allowing credit card purchases at the Farmer's Market, vendor profitability and the number of customers shopping at the market has increased significantly.

The City of Charlevoix has in the past accepted credit card payments at the City Airport, the City Marina, City Hall, the Electric Car Charging Station and at City Recreational Facilities to strengthen internal controls and provide improved customer service. We would like for this to be the case for all recreation department activities.

RECOMMENDATION: To pass a resolution to allow credit card transactions at the Charlevoix Farmers Market and for the Charlevoix Recreation Department.

CITY OF CHARLEVOIX
RESOLUTION 2014-01-XX
APPROVE CREDIT CARD PAYMENTS FOR FARMER'S MARKET TRANSACTIONS,
RECREATION DEPARTMENT REGISTRATIONS AND RESERVATIONS

WHEREAS, Act 280 of the Public Acts of Michigan of 1985 authorizes units of local government to accept payments by credit card, or other electronic funds transfer card; and

WHEREAS, the City has in the past accepted credit card payments at the City Airport, the City Marina, City Hall, the Electric Car Charging Station and at City Recreational Facilities to strengthen internal controls and provide improved customer service; and

WHEREAS, the City currently has an agreement to accept Visa and Mastercard with direct verification and validation of cards at a negotiated rate per transaction;

WHEREAS, except for the items mentioned in this resolution, the City does not wish to accept credit cards at this time for any additional services provided citizens, due to the cost; and

WHEREAS, the City has internal controls in place to monitor credit card transactions to verify the proper recording of non-cash transactions; and

THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CHARLEVOIX authorizes staff to provide for acceptance of payments by credit card, debit card or other electronic funds transfer card for use for the Farmer's Market or for Recreation Department registrations and reservations.

RESOLVED, this _____ day of _____, A.D. 2014.

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

Absent:

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Consideration of Collaborative Downtown WI-FI Study

DATE: January 20, 2014

PRESENTED BY: Bethany Pearson and Rob Straebel

ATTACHMENTS: Childs Consulting Terms and Scope of Work Statement

BACKGROUND INFORMATION: The Charlevoix Chamber of Commerce, City of Charlevoix, and Charlevoix Downtown Development Authority have been working with Childs Consulting Associates, Inc on discussing the feasibility of incorporating free public WI-FI throughout the downtown area and to some of the City's public beaches. Our organizations look at this project as a vehicle for economic development that will essentially allow potential business owners to work from virtually anywhere in Downtown Charlevoix. The program would also allow current downtown business owners to utilize the network.

Childs Consulting group has put together a proposal for a feasibility study (attached) that is broken into three segments. The study, equally paid for by the three organizations, would determine if this idea is a possibility, and if it is what the equipment, cost and scope of work would be in the future. Stage one includes concept development, field assessment and technical feasibility, determining the proper WIFI type, capacity and implementation issues and developing cost estimates for the project.

There are currently very few municipalities and organizations that have offered this type of service on a large scale, proving that Charlevoix is a stand out destination for entrepreneurs and small tech based business.

Although the expense for this item is not accounted for in the DDA or City budgets in the 2013-2014 fiscal year, City Treasurer Joe Zielinski has determined that both the DDA and the General Fund budget does have the ability to cover the costs for stage #1 of this project in the current year. The DDA and the General Fund have budgeted for the possible remaining expenses associated with stage #2 and #3 in the 2014-2015 budgets, should the organizations elect to continue with the study.

RECOMMENDATION: Approve an expenditure of \$700/organization for Childs Consulting Associates to complete stage #1 of the feasibility study.



Agreement for Consulting Services

**City of Charlevoix Wi-Fi spots, Downtown and
DDA Area**

Terms and Scope of Work Statement

Initial Agreement Prepared ~~November 11, 2013~~

**Submitted to: Rob Straebel
City Manager
City of Charlevoix
210 State Street
Charlevoix, MI 49720**

**Prepared & Submitted by:
CHILDS CONSULTING ASSOCIATES, INC.
513 Lakeside Drive, PO Box 550
Mackinaw City, MI 49701
Phone 231.436.4099 or 231.436.5104
Fax 231.436.7405**

General Statement

It is our understanding that the City of Charlevoix (City) requires professional assistance in studying the feasibility of creating and operating Wi-Fi spots in the City with a focus on the downtown area (DDA); if feasible technically and economically, then an RFQ/RFP development, bid process support, bid evaluation, and selected vendor supervision during installation and contract completion may be needed.

Childs Consulting Associates, Inc. (CCA) will provide the necessary professional assistance as required and in accord with several Stages of work as defined in the Scope of Work Statement. Each stage is dependent on the prior stage and no work will be done in a later stage without prior approval of City of Charlevoix.

This is a time and materials agreement. Each stage has an estimated “not to exceed” amount. Changes in any preceding stage, may require a re-estimate of the “not to exceed” amount and the subsequent authorization before the commencement of any succeeding Stage work.

Proposed Scope of Work with Time and Cost Estimates

Description of Work Stages	Estimated Hours Required	Hourly Rate	Estimated Cost
STAGE 1 – Feasibility and Planning			
Concept and planning development	3	100	300
Face-to-Face Discussion of above Wi-Fi requirements and design alternatives	3	100	300
Field assessment of selected locations for technical feasibility and area of coverage	5	80	400
Evaluation of alternative Wi-Fi type, system, capacity, and implementation issues	5	80	400
Prepare Cost Estimates for fiscal feasibility	3	100	300
Summary of findings and recommendation of course of action	4	100	400
Subtotal	23		2,100

STAGE 2 – Detailed planning and specifications; draft RFQ or RFP			
Field assessment of connection to City for service; need for fiber or wireless connection; Wi-Fi antenna location and connection; development of plan suitable for RFQ or RFP	5	80	400
Prepare maps and installation schematics; if necessary for coverage, assist City in working with business owners / property owners in obtaining rights to install antennas	5	80	400
Preliminary development of an RFQ / RFP for bidding; create Scope of Work Statement for RFQ/RFP; review with City;	10	80	800
Meet with City & receive permission to circulate the invitation to request the RFQ/RFP to “known to City” and CCA vendors list; City places web invitation and posts – (possibly use Bid4Michigan as distribution and bidding site)	4	100	400
Distribute requests for the RFQ/RFP to all those who request the RFP (possibly use Bid4Michigan as distribution and bidding site)	6	80	480
Hold and conduct pre-bid meeting at City facilities; includes touring sites with vendors;	4	100	400
Issue pre-bid addendum # 1 to all respondents of the RFP	3	100	300
Collect and answer vendor questions; #2 addendum for questions presented in writing by vendors prior to question cutoff date	6	100	600
Hold Bid Opening Session at City of Charlevoix; provide guidance; perform reading of bids; City records bid information	2	100	200
Evaluate received proposals and recommendations to City	8	100	800
Assist City in award of work	4	100	400
Develop and prepare vendor contract	5	100	500
Subtotal	62		\$5,680

STAGE 3 – Implementation and Vendor Supervision – Only As Required			
Review and advise on vendor scope of work & schedule	3	100	300
Assist City in working with selected vendor	2	100	200
Check work of vendor in the field	8	80	640
Assist City with any contract performance issues with vendor	4	100	400
Oversight of final vendor testing and recommendation to City for substantial completion	6	100	600
Subtotal	23		2,140
Total Cost for STAGES 1, 2, 3			9,920

Please note: The accuracy of our estimates depend on our assumption of “typical” conditions occurring during the course of RFP production, bidding, bid evaluation and installation of the replacement telephone system. Conditions or occurrences which are unknown to us now, atypical, or result from “running” changes during the process, and/or from actions of the vendor or supplier may alter the amount of work required and, therefore, the cost of services as described above.

No work on reconfiguring fiber usage and/or fiber transmission equipment is anticipated at this time; such service is available in concert with our “on staff” fiber engineer, if needed. Any such need will be arranged through City available fiber strands.

The compensation basis for providing the above services assumes monthly invoices for time and tasks on which progress work is performed. This is NOT a fixed price proposal. The cost incurred will be continuously monitored by CCA. If they begin to depart from the estimates, immediate discussion of the issues involved will occur with City staff. Changes in how the work is done and/or the tasks performed will be considered for revision to maintain the proposed estimates. Otherwise, City of Charlevoix will need to specifically approve increases in the estimated costs before further work proceeds.

We will proceed with the first stage in this project upon receiving notice from City of Charlevoix to proceed with the Scope of Work.

John W. Childs, President

Project Operation

The resources of CCA will be made available to the City on an initial start of work invoice. Actual stage by stage work will be invoiced on a time and materials basis. The purpose of this agreement model is to achieve rapid and appropriate support of all of the tasks requested by and authorized by City authorized persons.

The concept is to be available to the City on an “as needed” basis to perform tasks in the Scope of Work and to undertake such additional work as may be defined by City authorized personnel and accepted by CCA over an agreed upon calendar time period. Currently, that time period is December 2013 through March 2014. This period may be changed prior to the start of work.

Work undertaken during the stated stages will be reported and invoiced monthly. Documents produced as “work product” will be supplied to City to track the work performed by CCA.

Key project personnel:

While there is specialization within CCA, all of the persons assigned to provide service have extensive knowledge and skill in instructional technology (degrees and experience), wide knowledge and experience in school settings, and excellent project operations skills.

Our staff works well with diverse students, communities, teachers, administrators, board members, and vendors supplying services under contract. Each member of CCA has “hands on” knowledge of all aspects of technology in cities, counties, and schools.

a) Overall Project Support, John W. Childs, Ph.D.

Dr. Childs’ degrees include a doctorate in Curriculum and Instruction and an M.A. in School Administration from Michigan State University. As Professor of Education at Wayne State University, 1965–1994, he directed the Instructional Technology Program, served as Interim Dean of the College of Education, and engaged in extensive research and development work with the application of technology to instruction and administration of schools. He was named Distinguished Educator of the Year in 1989. He has performed many planning and development functions for schools, cities, and counties. He has worked with telephone system bidding and installation over the past 30 years and with fiber optic network use in the multi-facility use of telephone systems since 1979.

**b) Project Fiber Optic Technical Designer and Field Supervisor:
Charles Hardin**

Chuck's extensive experience with national and local fiber optic networks equips him to design large or small networks for our clients. For many years, he has had direct responsibility for engineering and supervising installation of fiber for utilities as well as managing quality control for fiber transmission for a major national telephone company. Recently, he has provided design engineering for fiber optic network outside plant throughout Genesee ISD and local district systems in Ypsilanti, Walled Lake, Clarkston, Farmington, Saginaw, Midland County, City of Midland, and Midland Educational Service Agency, and others.

**c) Project Design Support Staff:
Ralph Bach, BA, MBA, CNE, CCNA, Data Network Engineer**

Blending his educational skills with his data network engineering skills makes Ralph uniquely suited to provide our clients with the best possible educational technology outcomes. In addition to his teaching degree, Ralph is a Certified Novell Engineer, a Cisco Certified Network Associate, and has completed his Information Technology and Services Certification at MSU as well as his Cisco Certified Network Professional.

**d) Project Evaluation and Analysis
Doug Bevill, Ph. D.**

During evaluation of RFP responses, Dr. Bevill conducts compliance and requirements analysis and exams vendor accuracy in responding to the RFP. He also assists in the process of validating the costs proposed by the respondent and cross checks the table of analysis for each vendor.

e) Sheryl Childs

Maintains project documents, and constructs the client's final project documentation. Sheryl supports each member of the project team and arranges client meetings.

Project Fee

CCA agrees to make available to the City its professional guidance, design, implementation, and field supervision support services as indicated in the Scope of Work and the estimated Costs.

Additionally, estimated Reimbursable Expense
for the project for large quantity duplication
of reports, prints, and bid documents
(only actual expenditures are billed)

\$ 250.00

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Discussion of Second Ward Vacancy

DATE: January 20, 2014

PRESENTED BY: Robert Straebel, City Manager

ATTACHMENTS: Resignation Letter from Second Ward Councilman Stevens
Application for City Council Position
Map of Second Ward

BACKGROUND INFORMATION:

Second Ward Councilmember Greg Stevens has submitted a letter of resignation, see attached. Section 2.5 of the Charlevoix City Charter states that the office of any councilmember shall become vacant upon Council's receipt and acceptance of the resignation at a regular council meeting. It is anticipated that Council will accept Councilmember Stevens' resignation on Monday, January 20, 2014. The Charter also states in Section 2.6 "When a vacancy occurs on the Council, the Council shall appoint another person from the ward in which the vacancy occurs to serve for the remainder of the vacant term. This appointment is to be completed within thirty (30) days of the time at which the vacancy occurs."

Mr. Stevens' term will expire on November 18, 2014. Please note that if the new appointee desires to be on the November 2014 ballot, petitions must be filed with the City Clerk's office in May 2014.

Staff is recommending that the City seeks applications from second ward residents who are interested in serving as a Councilmember by completing the attached form. The applications will be reviewed by the City Council at its February 3rd meeting. The appointment must be made no later than February 17th.

Attached is an application form for Council's consideration with all applications due by the end of the day on January 29th. Also attached is a map showing the second ward boundary lines.

RECOMMENDATION:

Authorize the City Manager's office to accept applications for second ward councilmember.

January 16, 2014

RECEIVED

JAN 16 2014

Dear,

City of Charlevoix

Mayor: Norman Carlson Jr.

City Manager: Rob Straebel

Deputy Clerk: Stephanie Brown

City Council Members:

It has been an honor and pleasure to serve the residents of the 2nd ward for the past 7 plus years.

My wife and I are moving our residence outside of the city limits. Because of this move I need to resign my position on City Council.

With that said, I am asking Council to accept my resignation from City Council being effective today, January 16, 2014.

As I have also served on the Big Rock Point Citizen Advisory Board please accept my resignation from this board as well. Effective today January 16, 2014.

Sincerely,



Greg Stevens

Greg Stevens

City of Charlevoix
Application for Second Ward Councilmember
January 2014

Date: _____

Name: _____

Address: _____

Phone: _____ Cell Phone: _____ Email: _____

Business Phone: _____ May we call you there? _____

Describe the reasons you are interested in serving as a Councilperson: _____

Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

Occupation: _____

Education: _____

Experience: _____

(Please attach a detailed resume if desired)

Have you served on any previous boards or in any governmental positions in the past? If yes, please explain: _____

Are you available for night meetings? _____ Daytime meetings? _____

Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed position? If yes, please explain: _____

If a conflict of interest arose for you, how would you deal with it as an appointed member of this board? _____

Please return this application to the City of Charlevoix Manager Office. It can be returned in person, by mail to 210 State Street, Charlevoix, MI 49720, by fax to 231.547.3617 or by email to mgr@cityofcharlevoix.org

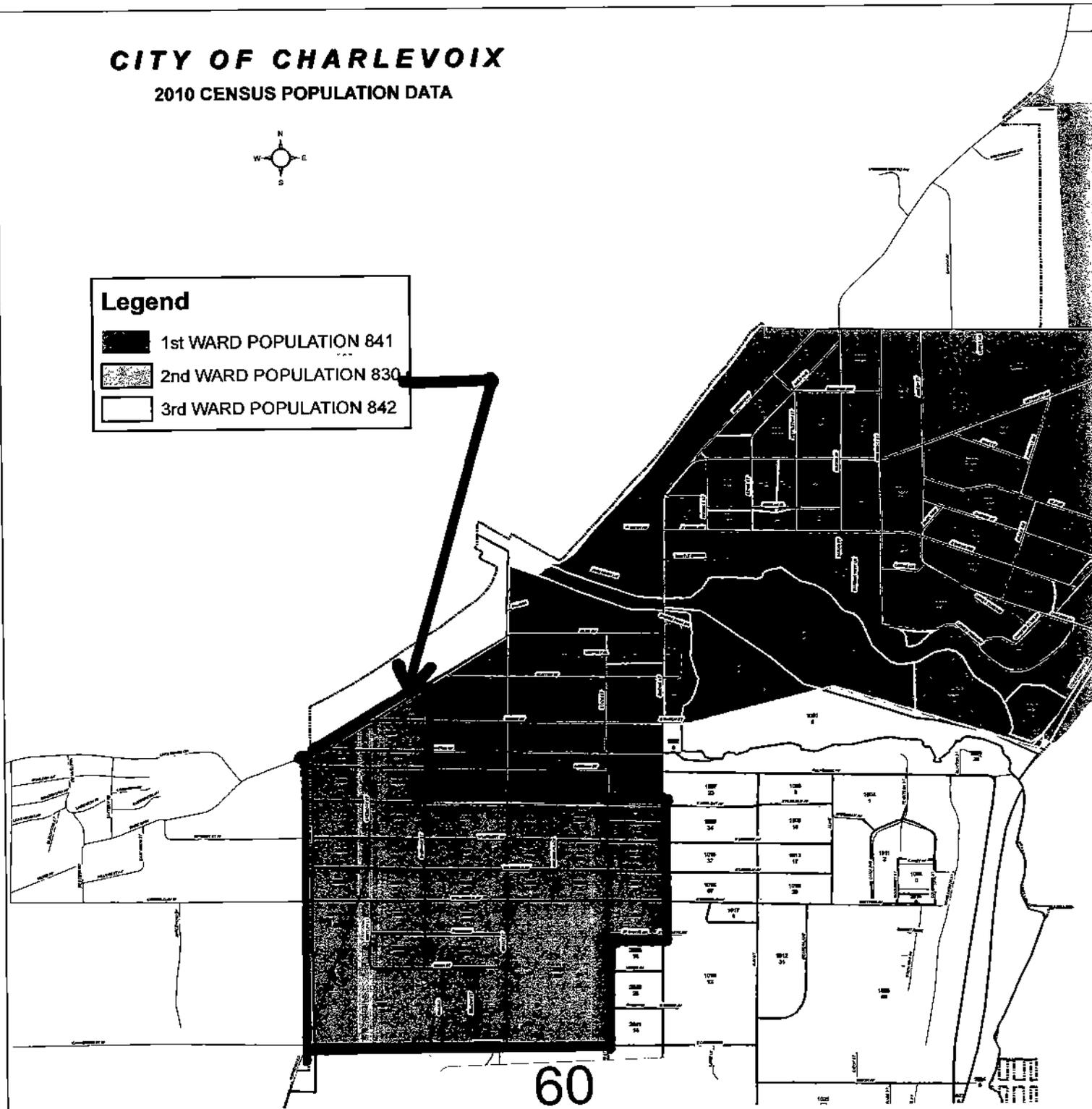
CITY OF CHARLEVOIX

2010 CENSUS POPULATION DATA



Legend

- 1st WARD POPULATION 841
- 2nd WARD POPULATION 830
- 3rd WARD POPULATION 842



CHARLEVOIX CITY COUNCIL

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve EVIP Collaboration Plan for 2014

DATE: January 20, 2014

PRESENTED BY: Rob Straebel

ATTACHMENTS: 2014 Cooperation, Collaboration, Consolidation Plan

BACKGROUND INFORMATION: To receive a third of the City's allotment of revenue sharing dollars, the City must annually submit a Cooperation, Collaboration, Consolidation Plan to the State Treasurer's Office. Total revenue sharing dollars amount to approximately \$24,000. The collaborative efforts must be achievable and a final report is required to be sent to the State regarding status of each effort.

RECOMMENDATION: Motion to Approve the City of Charlevoix's 2014 Cooperation, Collaboration, Consolidation Plan.

**City of Charlevoix
2014 Cooperation, Collaboration and
Consolidation of Services Plan
Category 2 of the State of Michigan
Economic Vitality Incentive Program**



In an unique public/private cooperative effort, the City of Charlevoix, Charlevoix Township and St. Mary's Cement Company are collaborating on the construction of the Lake to Lake Multi-Use Trail

EXECUTIVE SUMMARY

As part of the state government requirements to improve intergovernmental cooperation throughout state and local governments, the City of Charlevoix has developed this report to our residents. Charlevoix's Collaboration/Cooperation/Consolidation Plan provides an in-depth look at areas of Charlevoix's government that have the potential for intergovernmental cooperative efforts.

The City of Charlevoix has a long and successful history of collaborating and cooperating with its neighboring communities. In many cases, municipal services would not be possible without collaborating with our neighbors. In other cases, the level of service that we can provide through collaboration is much greater than if we had provided the service for just our residents. In some collaborative/cooperative efforts, the benefits of collaboration are more through coordinated efforts that enhance the service for each community than simply cost savings for the community. Please keep in mind that the cost savings by collaborative effort is difficult to estimate. In many instances there is not a numerical value that can be placed on the cooperative efforts. The calculation of the cost savings often depends on the perspective of the entity making the estimate and the set of assumptions about the level of service to be provided. Finally, not all collaborative efforts are undertaken for cost saving reasons. Sometimes a collaborative effort is just good public policy and prudent to undertake.

As demonstrated in this report, the City of Charlevoix has a long and successful track record with collaborating and cooperating with outside agencies. City officials continually strive to improve services or reduce costs via cooperation or consolidation efforts. The City of Charlevoix is committed to continue working with its neighboring municipalities on existing and potential collaborative efforts. It is important to note some of the ideas are simply conceptual at this point; there may be unknown factors that might make the idea uneconomical or unlikely. The Plan will be made available at City Hall and posted on the City's website.

1. Consolidate Fire Chief and Police Chief positions into a Public Safety Director Position

In mid-2014, the City's Fire Chief will be retiring. Based upon a Public Safety Study completed by Dr. Lynn Harvey, the City will consolidate two department head positions, Fire Chief/Police Chief into a Director of Public Safety.

Implementation Timeline- Completed by September of 2014

Jurisdictions Involved- City of Charlevoix

Potential Savings Amount- Substantial savings if completed, potentially \$50,000-\$75,000. Reduces personnel costs by reducing the number of department heads by one.

Other Consolidation Benefits- Cost savings, better communication between police and fire/ems departments.

2. Complete Construction with Charlevoix Township in the Development of the Lake to Lake Multi-Use Trail

The City and Charlevoix Township will complete construction of the Lake to Lake Multi-Use Trail located in both the township and the city. The trail would connect Lake Charlevoix and Lake Michigan at Fisherman's Island State Park. The trail will use an abandoned rail bed dedicated to Charlevoix Township by St. Mary's Cement Company. A connection to the City's trail system allowing for linkage to the Little Traverse Wheel Way would be included in the initiative. Costs savings using grant dollars are in the \$285,000 range.

Implementation Timeline- Construction drawings and bidding completed by Spring. Construction commences in Spring, 2014 and completed 6-8 weeks after start of construction.

Jurisdictions Involved- City of Charlevoix and Charlevoix Townships

Potential Savings Amount - Grant of \$285,000 would not have been possible without partnership between City and Charlevoix Township. Substantial savings if completed.

Other Consolidation Benefits- More efficient service delivery, taxpayer savings with MDOT grant, offering a new alternate transportation option, positive public relations through collaborative efforts.

3. Partner with Tip of the Mitt Watershed Council on Storm Water Pollution Study

Recently, the City of Charlevoix was awarded a Charlevoix County Community Foundation (CCCF) grant to study sources of non-point pollution associated with storm water runoff. The City will partner with Tip of the Mitt Watershed Council to complete the pollution study.

Implementation Timeline- Project will commence in Spring/Early Summer completing storm water pollution study by end of summer 2014.

Jurisdictions Involved- City of Charlevoix, Tip of the Mitt Watershed Council, CCCF

Potential Savings Amount - Difficult to determine. Invaluable benefits in preserving and protecting high water quality of lakes and rivers. Positive public relations by partnering with a local environmental group.

Other Consolidation Benefits- Preservation/protection of water quality; proactive approach to identifying potential pollution sources; community education.

4. Explore the Development of a Downtown WIFI Network with DDA, City and Chamber of Commerce

In an effort to promote more comprehensive WIFI coverage in the downtown area, the City, DDA and Chamber of Commerce will jointly fund and commission a WIFI feasibility study. The study will address various technical and legal issues with implementation of such a plan and look at overall sustainability and funding for such a community amenity.

Implementation Timeline- Seeking approval from respective boards in January of 2014 for funding Phase I of the study. Phases II and III will be approved at a later date dependent upon overall results of Phase I.

Jurisdictions Involved- City of Charlevoix, Charlevoix DDA, Charlevoix Chamber of Commerce

Potential Savings Amount- Difficult to quantify. If implemented, downtown WIFI could be a strong attraction for visitors. This could also reduce local internet costs for downtown businesses.

Other Consolidation Benefits- Unique private/public partnership, comprehensive WIFI coverage in downtown area, unique attraction for visitors.

5. Implement on-line registration for City Recreation programs

The City's Recreation Department spends innumerable hours in registering recreation program participants through paper registration forms. The City can use cloud-based registration programs by having all participants access on-line registration forms on the City's website.

Implementation Timeline- Entire transition to on-line registration should be completed by September, 2014.

Jurisdictions Involved- City of Charlevoix

Potential Savings Amount - Creates a more efficient registration method saving Recreation Director hours of her time in data input.

Other Consolidation Benefits- Quicker, more customer service oriented approach.

6. Create a Shared Landing Page for DDA and Chamber of Commerce

The City of Charlevoix's DDA and the Charlevoix Chamber of Commerce are proposing to create a "joint landing page" for both the DDA's and Chamber's websites. The project would benefit both organizations while sharing development costs and annual maintenance costs.

Implementation Timeline- Should be ready for public viewing by summer, 2014.

Jurisdictions Involved- City of Charlevoix's DDA, Charlevoix Chamber of Commerce

Potential Savings Amount - \$5,000 cost savings to the DDA to not design a new website. Annually, \$1,000 in savings by sharing annual maintenance and upkeep costs.

Other Consolidation Benefits- Better public access to both websites, more customer service oriented approach.

**CHARLEVOIX CITY COUNCIL
AGENDA ITEM**

AGENDA ITEM TITLE: Discussion to Amend the City Charter

DATE: January 20, 2014

PRESENTED BY: Robert Straebel, City Manager

ATTACHMENTS: Charter Revision and Amendment for Home Rule Cities and Villages

BACKGROUND INFORMATION: At its January 6th meeting, the Council asked that this item be placed on the January 20th agenda. Attached is a guide to revising and amending City Charters from the Michigan Municipal League.

The Charlevoix City Charter was adopted in 1978. Since that time, fifteen Charter sections have been amended. Staff is recommending that Councilmember's review the City Charter and note areas they feel should be amended and/or clarified. A copy of the Charter is being forwarded to Council for this purpose. There are two different forms of charter changes – revisions or amendments. Revision implies the examination of the entire document. This type of change would require the creation of a nine member Charter Commission, whose members are elected by the general public. This process will take at least two years. A charter amendment is a correction and/or clarification of one or more sections of the charter, which may be submitted to the electors at the next municipal/general election.

RECOMMENDATION:

Review the City Charter and discuss areas to be amended at a future Council meeting. Staff recommends that Council plan to discuss the item again at its February 17th meeting.

Charter Revision and Amendment for Home Rule Cities and Villages

by Daniel C. Matson

Background for Change

Michigan cities and villages exist within a framework that is part of a greater system of state and federal law. The system is described in governing documents which fit into a hierarchy of importance and must be kept current. Constitutions, statutes and charters are primary examples of these documents.

Most Michigan cities are incorporated under the Home Rule City Act, 1909 PA 279 (HRCA) (MCL 117.1 et seq.). Home rule villages are created through the Home Rule Village Act, 1909 PA 278 (HRVA) (MCL 78.1 et seq.) The HRCA and HRVA are statutes that were authorized by the Michigan Constitution of 1908, and currently by Article VII, Section 22, of the Michigan Constitution of 1963.

Locally, the city or village charter is the principal governing document. This article addresses existing charters of home rule cities and villages. As each community changes in various ways over time, its charter has to change with it. The same is true at the state and federal levels. The U.S. Constitution has been amended 27 times to date. Michigan has had four constitutions and numerous amendments. Statutes are being enacted and amended constantly.

When a charter becomes outdated it hinders the ability of local government to serve properly. A charter that is no longer current is one with provisions that are illegal, obsolete or missing. Changes are needed to correct misleading, unreliable or unresponsive charters.

Illegal Charter Provisions

Charter provisions may be preempted by other law. No provision of any city or village charter shall conflict with or contravene the provisions of any general law of the state (MCL 117.36; 78.27). Other instances of illegality result when a court declares them so.

Obsolete Charter Provisions

The mere passage of time contributes to charter obsolescence.

Provisions that once made sense in the history of a community may later be irrelevant or too restrictive. Certain dollar limitations for expenditures, titles of municipal officers and departments, and descriptions of functions are some of them. Archaic charter language, or charters dominated by male pronouns, also contribute to examples of obsolescence. One charter provision may be in conflict with another, leading to confusion of interpretation.

Omitted Charter Provisions

Does the charter claim all powers allowed by law or does it unduly limit their exercise?

The HRCA and HRV provide in similar language that each city or village charter may provide “for the exercise of all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers are expressly enumerated or not; for any act to advance the interests of the city or village, the good government and prosperity of the municipality and its inhabitants and to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state” (MCL 117.4j(3); 78.24(m)).

The HRVA permits a village to adopt as part of its charter any chapter, act or section of state statutes not inconsistent with the act, which relates to the powers or government of villages generally (MCL 78.25).

The HRCA and HRVA prescribe certain charter content. Essential provisions are mandated. Others are permissive. Still other provisions are prohibited, or are further restricted.

Room for Improvement

With decades of experience under municipal home rule, generations of citizens have come to view home rule as deserving of the public trust, as reflected increasingly in modern charter language.

Does the community want or need more innovative charter provisions than presently exist? It is possible to guide local officials, officers and employees in their various functions by specific creative charter authorizations declared to be in the public interest. Examples are continual planning for change, providing continuing education at all levels of civic participation, improving intergovernmental relationships, employing alternative dispute resolution methods, conserving resources, both human and environmental, keeping the public informed of vital concerns, enhancing cultural qualities, and promoting ethical standards and behavior.

Examination of the local charter for practical use should also raise the following questions:

- I. Is it organized in logical sequence?
- II. Does it define key terms?
- III. Is the language clear and understandable?
- IV. Are provisions easy to locate when needed?
- V. Does it have an index?
- VI. Is it preceded by a meaningful preamble and historic statement?

To Revise or to Amend

The two forms of legally authorized changes are by revision or amendment of the charter.

The home rule acts allow communities to make substantial or nominal changes in their charters by different routes. Charter revision implies re-examination of the entire document and that it may be recreated without obligation to maintain the form, scheme, or structure of the former charter. Amendment implies that the general plan and scope of the former will be maintained, with corrections to better accomplish its purpose. Revision suggests fundamental change, while amendment is a correction of detail, according to the Michigan Supreme Court.

A change in the form of government will require charter revision and not merely amendment. What constitutes such a change may require in-depth study. Legal advice should be sought if that question arises.

Charter Revision

Revision of city charters may be initiated by a resolution adopted by 3/5 of the legislative body or by petition signed by at least five percent of the registered voters, unless the present charter provides otherwise. In any case, the decision to revise is for the electors to approve or reject. They must also select a nine member charter commission to revise the charter, none of whom may be an elected or appointed city officer or employee. Both matters may be voted upon at the same or separate elections. An advisory vote may also be taken on the question of a change in the form of government.

The initiation of a home rule village charter revision requires a 2/3 approval vote by the legislative body, or by electors' petition of at least 20 percent of the total vote cast for president (village) at the last preceding election, unless otherwise provided by charter. The village charter commission consists of five elected members.

The municipal legislative body determines the place of meeting, the compensation of charter commission members, and provides funds for expenses and ballots.

The city charter commission convenes on the second Tuesday after the election. The city clerk presides at the first meeting. The clerk administers oaths of office and acts as the clerk of the commission.

The village charter commission convenes within ten days after its election, and frames a charter within 60 days thereafter.

The city and village charter commissions assess the qualifications of their members, choose their officers, determine their rules of proceeding, keep a journal, and fill their vacancies. City charter commission members are compensated for attending a maximum of 90 meetings (one per day). A majority of city charter commission members constitute a quorum. Three or more village charter commission members are a quorum. Commission sessions are public.

It is generally advisable for a city charter commission to engage a legal consultant experienced in these matters as there are numerous legal issues at stake. The county prosecutor is required by statute to advise village charter commissions.

A proposed revised charter is submitted to the governor for approval. The attorney general reviews it and advises the governor regarding its legality. The governor signs the charter if approved; otherwise the charter is returned to the charter commission with a commentary of recommended corrections.

An approved proposed city charter is to be published in full as prescribed by the charter commission. The attorney general's position is that publication is to be in a newspaper in general circulation within the community, which is the statutorily required method of publication of village charters.

The adoption of the revised charter is for the electorate to decide by a simple majority of those voting on the question. Specific provisions for a city charter may also be decided as separate ballot propositions. The ballot questions are to be approved for clarity and impartiality by the attorney general. The ballot contains voting instructions and explains the effect of each proposal.

If a proposed city charter revision is rejected, the charter commission reconvenes and determines whether to take no further action or to proceed with a further revision. If no action is taken, the city charter commission ceases to exist. Proposed revised city charters may be submitted to electors by a charter commission three times within a three-year period. A new proposal to revise a charter may be voted upon at any time after termination of the charter commission.

A proposed revised village charter must be filed with the village clerk not less than 90 days before the election. A revision may be submitted to the electors only once in two years.

Charter Amendment

Amendment of a city charter may be proposed by 3/5 of the members of the legislative body, or by an initiatory petition of electors. If proposed by the legislative body, the proposal is submitted to the electors at the next municipal or general state election, or

special election held in the city not less than 60 days after it is proposed. In the case of petitions, the election is to occur not less than 90 days following their filing.

A village charter amendment may be submitted to the electors by a 2/3 vote of the legislative body or petitioned for by not less than 20 percent of the number of electors voting for president at the last election.

The governor is presented with the proposed amendment of a city or village charter for approval, and signs it if approved. If not approved, it is returned to the legislative body with stated objections for reconsideration. If 2/3 of the members agree to pass it, it is submitted to the electors. If the amendment was initiated by petition, it is submitted to electors notwithstanding the objections.

An amendment to a village charter is submitted to electors at the next general or special election. An amendment originated by the legislative body is published and remains on the table for 30 days before action on it is taken. The form of a proposed amendment to appear on the ballot is determined by resolution of the legislative body, unless provided for in the initiatory petition. Publication is made in a newspaper published or circulating in the village at least once, not less than two weeks, nor more than four weeks before the election.

Proposed amendments are to be published in full with existing charter provisions to be altered or abrogated by them. The purpose of a city charter amendment is designated on the ballot in not more than 100 words, exclusive of caption. The statement of purpose must be true and impartial so as to create no prejudice for or against the amendment. The attorney general examines it for compliance before its printing. The amendment is conspicuously posted in full in each polling place. The form of the proposed amendment is determined by resolution of the legislative body unless provided for in the initiatory petition. In the latter case the legislative body may add an explanatory caption.

A proposed amendment is confined to one subject. If a subject embraces more than one related proposition, each of them must be separately stated to allow an elector to vote for or against each proposition.

A majority vote of electors voting on the question is required to pass an amendment.

A failed proposed amendment to a city charter may not be resubmitted for two years.

Legal References

The sections of the Home Rule City Act that directly relate to charter revision are 18, 19, 20, 22, 23, 24, 26, and 28. Those that govern amendment are 21, 22, 23, 24, 25, 26, and 28. The corresponding sections of the Home Rule Village Act are 14, 15, 18, 19, 20, 21, and 26 for revision and 17, 18, 19, 20, and 21 for amendment.

The remaining provisions of each of the acts, respectively, must be referred to in considering changes to a city or village charter. Certain features of each municipal charter are mandatory and are not subject to exclusion. Others as noted above are permissive or restrictive and deliberate consideration is to be given to them. Constitutional provisions and a host of statutory laws also bear upon what may appear in charters, and to what extent and content.

Courts have interpreted the validity of various charter provisions and the statutes that dictate their use. The Michigan attorney general has also rendered opinions, when requested, for guidance in areas of specific legal concern.

All sources of law that bear upon charter issues need to be consulted in any effort to reform charters, to achieve the desired benefit to the communities served by them.

Charter Revision Strategies

To do justice to the charter revision process, it is well to project an 18-month time frame after the election of the charter commission in order to complete the task. Each commission will set its own pace. It should meet regularly and assign a chapter of the charter at a time to be considered at a subsequent meeting or meetings. The review of each provision should be by all members so that each participant has a grasp of the issues involved. The entire charter document is subject to revision and improvement. Officeholders are to be consulted for views regarding the effect of current charter provisions upon their duties and performances.

It is well for the commission members to wrestle with and to dispose of the most volatile issues first and to resolve them expeditiously and to then close ranks. The charter commission must present to the public a unified approach and avoid divisions caused by single or limited issue positions, which tend to discourage voters and lead to defeat of the product of countless hours of study, debate and drafting. It is also well to have one

person draft all segments of the document, to preserve continuity of style and form. Until the commission approves a final version, each draft should be regarded as tentative to allow the entire work product to evolve into a cohesive whole.

The election cycle is a foremost consideration in the timing of charter submission to the electorate. To achieve timely completion of the charter is to also allow sufficient opportunity for review by the attorney general on behalf of the governor. It is prudent and a courtesy to those offices to request their optimum timing in advance. The review of total charter language is given expert, in-depth analysis by the highly experienced assistant attorney general in charge of that service. The reviewer may need to refer various articles of the charter to other state agencies for inspection. Further consideration must be given to the prospect that added time will be needed for adjustment if objections are raised.

Revised charters and amended charter provisions approved by the electorate with the vote for and against are filed in duplicate with the county clerk and the secretary of state, within 30 days after the vote is taken. They become effective upon filing, unless a different effective date is specified in the document, in the case of a city charter.

Conclusion

The service performed for the community by the members of a charter commission is immeasurable and has its own reward. It is a significant honor to participate in the creation of the document that most directly affects the quality of local government and the well-being of its citizens.

http://www.mml.org/pdf/charter_revision/city1.pdf