

**AGENDA  
CITY OF CHARLEVOIX CITY COUNCIL MEETING**

**Monday, May 18, 2015 - 7:00 p.m.**

210 State Street, City Hall, Second Floor City Council Chambers, Charlevoix, Michigan

- 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 - May 4, 2015 Regular Meeting PG 1-7
  - B. City Council Meeting Minutes - May 12, 2015 Special Meeting PG 8
  - C. Accounts Payable Check Registers & Payroll Check Registers PG 9-17
  - D. Downtown Development Authority Board Resignation – Jeannine Wallace PG 19
  - E. Certificate of Appreciation – Mary Lee Campbell
  - F. Certificate of Appreciation – Hugh Mason
  - G. Certificate of Appreciation – Arlene Staley
  - H. Certificate of Appreciation – Jeannine Wallace
- V. Public Hearings**
- VI. Reports**
- VII. Requests, Petitions and Communications and Actions Thereon**
  - A. Consideration to Approve a Concession Agreement with Jack and Annie Russell PG
  - B. Update and Clarification on the Donation Acceptance Review Committee PG
  - C. Underground Electric Discussion PG
  - D. Mayoral Appointment PG
- VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**
- IX. Resolutions**
- 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*

Posted May 14, 2015 4:00 p.m.

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, May 4, 2015 – 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 Gabe Campbell.

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Gabe Campbell  
City Attorney: Scott Howard  
Interim City Manager: Mike Spencer  
City Clerk: Joyce Golding  
Members Present: Councilmembers Shane Cole, Shirley Gibson, Luther Kurtz, Leon Perron, Jeff Porter, Bill Supernaw  
Absent: None

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – April 20, 2015 Regular Meeting Minutes
- B. Approval of Minutes – April 27, 2015 Special Meeting Minutes
- C. Special Accounts Payable Check Register – April 22, 2015
- D. Special Accounts Payable Check Register – April 23, 2015
- E. Regular Accounts Payable Check Register – May 5, 2015
- F. Tax Disbursement – May 5, 2015
- G. ACH Payments – April 20, 2015 – April 27, 2015
- H. Payroll Check Register – April 24, 2015
- I. Payroll Transmittal – April 24, 2015

**V. Public Hearings**

A. Amendment to Title III – Parks and Public Grounds, Chapter 31 Parks – General Regulations, Section 3.3 Fireworks

The City of Charlevoix's Fireworks Ordinance currently reads *"No person shall discharge or set off any rocket, firecracker, Roman candle or firework containing any substance of an explosive or flammable nature in any public park or playground. This section shall not apply to special fireworks exhibitions made pursuant to a permit from the City"*.

The amended Fireworks Ordinance will be more detailed and will prohibit Chinese Lanterns (Sky Lanterns). It will list the specific holidays when fireworks are permitted: New Year's Day, Martin Luther King, Jr. Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas Day. Fireworks will be allowed on the day before the holiday, the day of and the day following the holiday.

With the adoption of the amended Fireworks Ordinance, the citizens of Charlevoix will have a better understanding of what is and what is not legal and the holidays when fireworks are permitted. The adoption will also aid Charlevoix City police officers with enforcement of the Ordinance.

Chief Doan stated that some surrounding communities have adopted similar ordinances.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

**VI. Reports**

Interim City Manager Spencer stated that the Alice, Palmer and Huribut water mains have been installed. The State Street project has begun on schedule.

He also stated that he would like to discuss the availability of the old Charlevoix Hotel property under Miscellaneous Business.

**VII. Requests, Petitions and Communications and Actions Thereon**

A. Chamber of Commerce Presentation/Discussion

Allison Hubbard, President of the Charlevoix Area Chamber of Commerce presented a promotional and advertising summary for 2014 and she discussed 2015 goals, advertising, promotions, and events.

Councilmember Gibson expressed her appreciation for the communication received from the Chamber.

Interim City Manager Spencer stated that the multi-year contract with the Chamber will be discussed in 2016 when the term is close to expiring.

Councilmember Supernaw suggested a collective marketing campaign for Charlevoix County.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

B. Consideration of Contract with Charlevoix City Band

The Charlevoix City Band entertains residents in East Park on Tuesday evenings during the summer. The 2015-16 budget has \$3,000 allocated for the Charlevoix City Band to help defray the costs of providing musical programs to both residents and visitors.

Gary Stutzman, Charlevoix City Band Director, on behalf of the Board of Directors, presented a history of the band and requested that Council approve the 2015 contract between the City of Charlevoix and the Charlevoix City Band.

Councilmember Supernaw suggested that more groups should perform at the Pavilion.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Cole, second by Councilmember Gibson, to direct the Mayor to sign the contract with the Charlevoix City Band.

Yeas: Perron, Gibson, Cole, Supernaw, Porter, Kurtz  
Nays: None  
Absent: None

C. Consideration of Approval for the Charlevoix Craft Beer Festival

The Bridge Street Tap Room, Lake Charlevoix Brewing Company and Downtown Development Authority will be presenting the 2<sup>nd</sup> Annual Charlevoix Craft Beer Festival on June 5-6 in Bridge Park. Over 20 Michigan breweries and cideries from around the state will be participating. This year, there will be a silent auction to raise money for the Main Street Program.

The City of Charlevoix City code, Section 3.14 (alcoholic beverages – consumption prohibited in certain places), states:

*It shall be unlawful for any person to consume alcoholic beverages in any part of any park which lies within one thousand (1,000) feet of U.S. Highway 31, except that such restriction does not extend to privately owned vessels moored in the yacht basin nor does it extend to any specific function authorized by the city manager, provided, however, that any person or persons or legal entity authorized to control any playground, recreational area or athletic field covered by the chapter which property is not owned, leased or rented by the City of Charlevoix, may extend authority to consume alcoholic beverages on said premises, upon written notification to the city manager.*

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Supernaw, second by Councilmember Cole, to authorize the [Interim] City Manager to waive the provision in the City Code under Title III: Parks and Public Grounds, Chapter 31, Section 3.14.

Yeas: Perron, Gibson, Cole, Supernaw, Porter, Kurtz  
Nays: None  
Absent: None

D. Discussion on Pre-determined Donation Acceptance Project List and Public Process

Interim City Manager Spencer stated that Charlevoix has been fortunate to receive numerous donations from individuals and groups for projects such as the mural, economic development studies and memorial benches. In the past two years, \$38,000 has been donated for memorial benches. This year we have three more bench requests, and at some given time, the City will reach a saturation point for memorial benches.

He suggested that a proactive process should be put in place to create a list of projects that have public support that donors can give to. Interim City Manager Spencer proposed that the former Donation Acceptance Review Committee be tasked with creating a process and list of projects for future donations.

Council generally consented to create a process for donations. Councilmember Gibson suggested reconvening the previous Donation Acceptance Review Committee. Interim City Manager Spencer indicated that he will gauge the interest of the previous members and report back to Council.

Councilmember Gibson felt that memorials should be limited in East Park.

**VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**  
None.

**IX. Resolutions**  
None.

**X. Ordinances**

- A. Amendment to Title III – Parks and Public Grounds, Chapter 31 Parks – General Regulations, Section 3.3 Fireworks  
Motion by Councilmember Gibson, seconded by Councilmember Kurtz, to approve Ordinance No. 772 of 2015, as follows:

**CITY OF CHARLEVOIX  
ORDINANCE NO. 772 of 2015**

**AN ORDINANCE TO AMEND TITLE III, PARKS AND PUBLIC GROUNDS, CHAPTER 31, PARKS – GENERAL REGULATIONS,  
SECTION 3.3 – FIREWORKS ORDINANCE**

THE CITY OF CHARLEVOIX ORDAINS:

**SECTION 1. Repeal Section 3.3 Fireworks of Title III, Chapter 31 of the Charlevoix City Code is hereby repealed in its entirety and replaced with the following:**

The purpose of this Ordinance is to provide for the regulation of the ignition, discharge and use of Consumer Fireworks, as slowed under the Michigan Fireworks Safety Act, MCL 28.451 – 28.471.

Definitions:

3.3(1) Consumer Fireworks mean fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission, under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer Fireworks include Chinese Lanterns, but do not include Low-Impact Fireworks.

3.3(2) Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

3.3(3) Low-Impact Fireworks mean ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

3.3(4) Chinese Lanterns also known as Sky Lanterns or Kongming Lanterns, are airborne paper lanterns construction from oiled rice or other paper on a frame, and contain a small candle or fuel cell composed of a waxy flammable material. . When lit, the flame heats the air inside the lantern causing the lantern to rise into the air. For purposes of this Ordinance, Chinese Lanterns shall be treated as Consumer Fireworks.

General:

3.3(5) Nuisance – No person shall make, continue, or cause to be made or continue, any loud, unnecessary, or unusual noise or any noise or audible effect, which injures or endangers the health, peace, or safety of others, within the limits of the City of Charlevoix. The ignition, discharge, or use of Consumer Fireworks on the days listed in paragraph 4 below shall not be considered a nuisance unless done so in a way which injures or endangers the health, peace, or safety of others. A person who violates this section is subject to a Municipal Civil Infraction, as prescribed in Chapter 31 of this Code of Ordinances.

3.3(6) No person shall fire, discharge, display or possess any fireworks except of the type and under the conditions permitted under the Michigan Fireworks Safety Act, MCL 29.451 – 28.471, as may be amended.

3.3(7) No person shall bring into a park, have in their possession, set off, or otherwise cause to explode in a park, public land, or public right-of-way, any firecrackers, torpedoes, rockets, or other fireworks or explosives, or discharge or throw them into any park, public land, or public right-of-way, from land adjacent thereto, provide only that a special permit may be granted by the City of Charlevoix Council and the fire chief, which should include restrictions as to time and location.

3.3(8) The ignition, discharge, or use of Consumer Fireworks prohibited all days of the year except the day preceding, the day of, or the day after a national holiday, those being the following:

- New Year's Day, January 1
- Birthday of Martin Luther King Jr., the third Monday in January



It was suggested that Mr. Mack participate as a member of the newly formed Main Street Design Committee, with which he agreed.

Discussion ensued between Council, Interim City Manager Spencer, Chief Doan and Mr. Mack. Interim City Manager Spencer stated that he will discuss possible ways to remedy the issues with the involved parties and Staff and bring options back to Council as soon as possible.

Councilmember Porter stated that marina district businesses should not permit employee parking on the waterfront and the Dock Master parking place should be eliminated.

A 1<sup>st</sup> Ward resident suggested that a valet or shuttle service could be implemented between the airport and downtown to enable offsite parking at the airport.

Councilmember Kurtz disagreed that businesses should not have to pay for parking for their customers and that fee-based parking should be part of the discussion.

Mayor Campbell expressed his appreciation for the community support he received with regards to the passing of his wife.

**XIII. Adjourn**

Motion by Councilmember Supernaw, second by Councilmember Cole to adjourn. Motion passed by unanimous voice vote.  
 Meeting adjourned at 8:39 p.m.

Joyce Golding City Clerk Gabe Campbell Mayor

**Special Accounts Payable – 04/22/2015**

AT&T	1,902.17	METLIFE SMALL BUSINESS CENTER	700.71
AT&T LONG DISTANCE	36.63	NEOFUNDS BY NEOPOST	5,060.50
AT&T MOBILITY	72.81	PRIORITY HEALTH	43,770.88
CHARLEVOIX STATE BANK	2,749.04	VERIZON WIRELESS	56.72
DELTA DENTAL	4,465.23	VISION SERVICE PLAN	550.67
DTE ENERGY	3,770.58		
GREAT LAKES ENERGY	247.62	<b>TOTAL</b>	<b>63,383.56</b>

**Special Accounts Payable – 04/23/2015**

DEVERE CONSTRUCTION COMPANY	575,959.43	<b>TOTAL</b>	<b>575,959.43</b>
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**Accounts Payable – 05/05/2015**

AIRGAS USA LLC	174.02	EMERGENCY MEDICAL PRODUCTS INC	150.08
ALTEC INDUSTRIES INC	726.27	ENMET CORP	227.52
ARGUS/HAZCO	149.00	ETNA SUPPLY	4,026.00
AVFUEL CORPORATION	11,746.82	EVANS, HAL	41.00
BLARNEY CASTLE OIL CO	705.10	FIRE ENGINEERING	29.00
BOB MATHERS FORD	1,314.02	FREEDOM MAILING SERVICES INC.	2,283.00
CHARQUEST OF CHARLEVOIX	1,358.50	FRONT LINE SERVICES INC.	353.95
CENTRAL DRUG STORE	90.80	GALLO, JAMES	2.81
CHAMPION CHARTER	589.82	GALLS AN ARAMARK COMPANY	331.67
CHARLEVOIX CONVENTION &	2,000.00	GARAGE DOOR SERVICES INC.	586.40
CHARLEVOIX SCREEN MASTERS INC	423.00	GINOP SALES INC	1,769.45
CINTAS CORPORATION	116.62	GOLDING, JOYCE	41.00
CINTAS CORPORATION #729	30.00	GORDON FOOD SERVICE	166.81
DCASSESSING SERVICES	4,371.08	HACH COMPANY	1,100.91
DeROSIA, PATTY	41.00	HANKINS, SCOTT	73.90
DOAN, GERARD	41.00	HARBOR STEEL & SUPPLY CORP	640.00
DOMAIN LISTINGS	105.00	HARRELL'S	1,859.80
DORAN, JUSTIN J.	67.85	HEID, THOMAS J.	95.32
DOYLE, ANNIE	41.00	HOLIDAY COMPANIES	4,610.63
EJ USA INC.	8,462.88	HYDE SERVICES LLC	21.42
ELECTION SYSTEMS & SOFTWARE	31.60	INDEPENDENT DRAFTING SERVICES	1,216.00
ELLIOTT, PATRICK M.	41.00	J & B MEDICAL SUPPLY INC	387.97

JACK DOHENY SUPPLIES INC	1,995.01	QUICK CARE MEDICAL CENTER	55.00
KASSBOHRER ALL TERRAIN VEHICLE	4,114.85	RILEY, JEFF	95.00
KIRINOVIC, THOMAS	76.00	SCHWEITZER ENGINEERING	
KLOOSTER, ALIDA K.	41.00	LABORATORIES INC	31,160.00
KSS ENTERPRISES	1,122.45	SEELEY'S PRINTING SERVICE	297.50
LAKESHORE TIRE & AUTO SERVICE	188.90	SIGNATURE FORD L-M	23,742.00
McGINN, KELLY	41.00	SPENCER, MICHAEL	41.00
MYER, ELIZABETH A.	41.00	SPOK INC	678.84
N M A C P	50.00	STATE OF MICHIGAN	120.00
NFPA	165.00	STATE OF MICHIGAN	5,215.22
NORTH COAST FASTENERS LLC	330.40	SUPERIOR MECHANICAL	367.39
NORTHERN LAKES	100.00	SWEM, DONALD L.	41.00
NORTHERN MICHIGAN JANITORIAL	69.90	TEUNIS, STEVEN	41.00
NORTHWEST DESIGN GROUP	239.50	TRAVERS, MANUEL J.	17.43
OLD DOMINION BRUSH	3,219.60	UP NORTH PROPERTY SERVICES LLC	490.00
OLSON BZDOK & HOWARD	3,069.00	VERIBANC INC.	432.00
ORBAN, BARBARA	14.00	WATERMAN, GREG	23.63
OTEC	878.75	WELLER, LINDA	41.00
OWENS, MAUREEN	100.00	WHITLEY, ANDREW	14.00
PARASTAR INC.	1,393.25	WORK & PLAY SHOP	1,322.81
POWER LINE SUPPLY	8,792.12	WYMAN, MATTHEW A.	41.00
PREIN & NEWHOF	30,434.92		
PRO WEB MARKETING LLC	30.00	<b>TOTAL</b>	<b>173,363.49</b>

**Tax Disbursement – 05/05/2015**

CHARLEVOIX COUNTY TREASURER	802.20	CHARLEVOIX-EMMET ISD	330.54
CHARLEVOIX COUNTY TREASURER	144.93	CITY OF CHARLEVOIX - TAXES DUE	1,664.59
CHARLEVOIX DISTRICT LIBRARY	273.55	RECREATIONAL AUTHORITY	49.60
CHARLEVOIX PUBLIC SCHOOLS	225.80	STATE OF MICHIGAN	2,852.25
CHARLEVOIX PUBLIC SCHOOLS	16.64		
CHARLEVOIX PUBLIC SCHOOLS	103.99	<b>TOTAL</b>	<b>6,464.09</b>

**ACH Payments – 04/20/2015 – 04/27/2015**

MI PUBLIC POWER AGENCY	15,414.24	VANTAGEPOINT (401 ICMA PLAN)	14,230.32
IRS (PAYROLL TAX DEPOSIT)	35,550.43	MERS (DEFINED BENEFIT PLAN)	29,671.73
ALERUS FINANCIAL (HCSP)	370.00	MI PUBLIC POWER AGENCY	260,966.93
STATE OF MI (WITHHOLDING TAX)	5,041.70	<b>TOTAL</b>	<b>361,245.35</b>

**PAYROLL: NET PAY**

**Pay Period Ending 04/18/2015 – Paid 04/24/2015**

WELLER, LINDA JO	1,620.72	WURST, RANDALL W.	1,492.19
GOLDING, JOYCE M.	1,059.15	MAYER, SHELLEY L.	1,373.99
DEROSIA, PATRICIA E.	880.34	HILLING, NICHOLAS A.	1,375.31
DOYLE, ANNE E.	1,385.05	MEIER III, CHARLES A.	1,503.58
LOY, EVELYN R.	1,017.73	ZACHARIAS, STEVEN B	1,565.23
KLOOSTER, ALIDA K.	1,447.08	NISWANDER, JOSEPH F.	1,417.94
SPENCER, MICHAEL D.	2,076.83	JONES, TERRI L.	961.45
SPENCLEY, PATRICIA L.	1,374.03	EATON, BRAD A.	2,906.94
PANOFF, ZACHARY R.	626.91	WILSON, TIMOTHY J.	2,615.07
LEESE, MERRI C.	147.50	LAVOIE, RICHARD L.	3,041.15
MCGINN, KELLY A.	1,585.98	STEVENS, BRANDON C.	2,202.85
DOAN, GERARD P.	1,664.94	DRAVES, MARTIN J.	1,673.06
SHRIFT, PETER R.	1,174.15	BROWN, STEPHANIE C.	1,023.65
SCHLAPPI, JAMES L.	998.83	ELLIOTT, PATRICK M.	2,612.14
UMULIS, MATTHEW T.	1,208.96	WELLS JR, DONALD E	2,835.99
HANKINS, SCOTT A.	1,489.79	BRADLEY, KELLY R.	1,592.62
ORBAN, BARBARA K.	1,306.07	WILSON, RICHARD J.	1,249.09
TRAEGER, JASON A.	1,210.28	HART II, DELBERT W	1,090.22
WARNER, JANINE M.	851.52	JONES, ROBERT F.	1,101.92
SCHWARTZFISHER, JOSEPH L.	1,181.76	DORAN, JUSTIN J.	1,862.82
ROLOFF, ROBERT P.	3,029.38	MANKER JR, DAVID W	225.73
BRODIN, WILLIAM C.	1,459.53	HAWKINS, JAMES S.	71.31
RILEY, DENISE M.	388.62	MCGHEE, ROBERT R.	1,038.32
TEUNIS, STEVEN L.	1,681.68	STANTS, JACOB W.	296.18

KIRINOVIC, THOMAS F.	573.67	TRAVERS, MANUEL J.	796.15
FORRESTER, KATHERINE A.	254.95	RILEY, DANIEL A.	748.19
AMSTUTZ, LINDA J.	116.36	WHITLEY, ADAM	66.07
HEID, THOMAS J.	1,252.44	SWEM, DONALD L.	1,808.24
GRUNCH, RONALD J.	109.92	WHITLEY, ANDREW T.	2,833.88
RYPSTRA III, BART	96.79	MORRISON, KEVIN P.	1,448.41
DAVIS, RONALD L.	120.83	HODGE, MICHAEL J.	1,276.58
MYER, ELIZABETH A.	1,622.72	JOHNSON, STEVEN P.	997.85
VANLOO, JOSEPH G.	621.96	BISHAW, JAMES H.	372.24
WYMAN, MATTHEW A.	955.66	HOLM, ARTHUR R.	107.07
DRAVES, MICHAEL J.	414.40	CURTIS, DENNIS E.	859.14
SCHRADER, LOU ANN	482.14	GILL, DAVID R.	910.91
SCHWAGER, EDWARD J.	599.27	TODD, RICHARD D.	230.65
FUNKEY, KRAIG R.	110.82	STEVENS, JEFFREY W.	450.44
RILEY, TIMOTHY C.	39.65	ROLOFF, AUDREY M.	1,754.45
RAMSEY, KYLE J.	29.65	MATTER, DAWSON K.	1,171.34
RILEY, CASEY W.	294.73	SCOTT JR., WINFIELD.	26.42
THORMAN, MIKAYLA R.	171.46	KITELEY, FISHER L.	52.86
JONES, LARRY M.	590.30	BERGMANN, DOUGLAS M.	26.42
LOPER II, GARY D.	343.58		
WILLSON, BRENDA R.	27.89	<b>TOTAL</b>	<b>92,762.08</b>

**PAYROLL: TRANSMITTAL - 04/24/2015**

4FRONT CREDIT UNION	218.46	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	145.20	COMMUNICATION WORKERS OF AMER	530.68
AMERICAN FAMILY LIFE	271.20	MI STATE DISBURSEMENT UNIT	502.40
CHAR EM UNITED WAY	32.00	PRIORITY HEALTH	1,784.24
CHARLEVOIX STATE BANK	1,021.16	<b>TOTAL</b>	<b>4,655.34</b>

**CITY OF CHARLEVOIX**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**Tuesday, May 12, 2015 – 1:30 p.m.**  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 1:30 p.m. by Mayor Gabe Campbell.

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Gabe Campbell  
City Clerk: Joyce Golding  
Members Present: Councilmembers Shane Cole, Shirley Gibson, Luther Kurtz, Leon Perron, Jeff Porter, Bill Supernaw  
Members Absent: None  
Staff: HR Assistant Patty DeRosia

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Miscellaneous Business**

**A. City Manager Candidate Interviews**

The following candidates for City Manager were present for a finalist interview:

1. Aaron Desentz
2. Mark Heydlauff
3. Michael Spencer

Motion by Supernaw second by Cole, to recess at 4:33 p.m. Motion passed by unanimous voice vote.

The meeting reconvened at 4:43 p.m.

After the interviews were completed, candidates were discussed at length:

Motion by Perron, second by Supernaw, to offer the position of City Manager to Mike Spencer.

Yeas: Perron  
Nays: Porter, Supernaw, Cole, Kurtz, Gibson  
Absent: None

Motion by Supernaw, second by Porter, to direct the Mayor to offer the position of City Manager to Mark Heydlauff and direct City Staff to enter into contract negotiations with Mr. Heydlauff.

Yeas: Porter, Supernaw, Cole, Kurtz, Gibson  
Nays: Perron  
Absent: None

Motion by Porter, second by Gibson, to offer the position of City Manager to Mike Spencer should contract negotiations fail with Mark Heydlauff.

Yeas: Porter, Supernaw, Cole, Kurtz, Perron, Gibson  
Nays: None  
Absent: None

**V. Audience – Non-agenda Input (written requests take precedent)**

None.

**VI. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn.  
There were no objections. Meeting adjourned at 6:28 p.m.

Joyce M. Golding

City Clerk

Gabe Campbell

Mayor

Pay Period Date	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
05/02/2015	05/08/2015	113095	4FRONT CREDIT UNION	9024	HSA-EMPLOYEE CONTRIB-4FR	218.46
05/02/2015	05/08/2015	113096	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-POST	145.20
05/02/2015	05/08/2015	113096	AMERICAN FAMILY LIFE	9011	AMERICAN FAMILY LIFE-PRETA	271.20
05/02/2015	05/08/2015	113097	CHAR EM UNITED WAY	9009	UNITED WAY Pay Period: 5/2/20	32.00
05/02/2015	05/08/2015	113098	CHARLEVOIX STATE BA	9016	Lump Sum Employer Contribution	835.16
05/02/2015	05/08/2015	113099	CHARLEVOIX STATE BA	9017	HSA - EMPLOYEE CONTRIB - C	1,021.16
05/02/2015	05/08/2015	113100	CHEMICAL BANK	9018	HSA - EMPLOYEE CONTRIB - C	150.00
05/02/2015	05/08/2015	113101	COMMUNICATION WORK	9004	CWA UNION DUES Pay Period:	496.16
05/02/2015	05/08/2015	113102	MI STATE DISBURSEME	9012	FRIEND OF THE COURT Pay P	502.40
05/02/2015	05/08/2015	113103	POLICE OFFICERS LABO	9003	POL UNION DUES Pay Period: 5	392.00
05/02/2015	05/08/2015	113104	PRIORITY HEALTH	392358	PRIORITY HEALTH Pay Period:	1,685.60
Grand Totals:		11				5,749.34

*km*  
*MS*

## Summary of Check Registers & ACH Payments

### FIRSTMERIT BANK - CHECKS ISSUED

05/08/15 Payroll	\$ 83,467.07
05/08/15 Payroll Transmittal Checks	\$ 5,749.34
05/19/15 Regular Accounts Payable	\$ 231,737.38
<b>Checks Sub-Total:</b>	<b>\$ 320,953.79</b>

### FIRSTMERIT BANK - ACH PAYMENTS

05/04/15 MI Public Power Agency	\$ 4,202.30
05/04/15 Payment Service Network	\$ 218.50
05/08/15 IRS (Payroll Tax Deposit)	\$ 31,548.03
05/08/15 Alerus Financial (HCSP)	\$ 370.00
05/08/15 State of MI (Withholding Tax)	\$ 4,518.56
05/08/15 Vantagepoint (401 ICMA Plan)	\$ 14,094.85
05/08/15 State of MI (Sales Tax)	\$ 20,337.72
05/11/15 MI Public Power Agency	\$ 12,998.13
<b>ACH Sub-Total:</b>	<b>\$ 88,288.09</b>

**First Merit Bank Total:** \$ 409,241.88

### CHARLEVOIX STATE BANK - CHECKS ISSUED

<b>(PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)</b>	
Tax Disbursement	\$ -
<b>Charlevoix State Bank Total:</b>	<b>\$ -</b>

**Grand Total:** \$ 409,241.88

APPROVED:

*MS*  
\_\_\_\_\_  
INTERIM CITY MANAGER

*km*  
\_\_\_\_\_  
CITY TREASURER

*UG*  
\_\_\_\_\_  
CITY CLERK

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
05/02/2015	PC	05/08/2015	19237	WELLER, LINDA JO	101		1,620.72
05/02/2015	PC	05/08/2015	19238	GOLDING, JOYCE M.	106		1,059.15
05/02/2015	PC	05/08/2015	19239	DEROSIA, PATRICIA E.	107		880.34
05/02/2015	PC	05/08/2015	19240	DOYLE, ANNE E.	108		1,385.05
05/02/2015	PC	05/08/2015	19241	LOY, EVELYN R.	117		1,017.73
05/02/2015	PC	05/08/2015	19242	KLOOSTER, ALIDA K.	121		1,675.15
05/02/2015	PC	05/08/2015	19243	SPENCER, MICHAEL D.	132		2,304.90
05/02/2015	PC	05/08/2015	19244	SPENCLEY, PATRICIA L.	136		1,555.60
05/02/2015	PC	05/08/2015	19245	PANOFF, ZACHARY R.	141		626.91
05/02/2015	PC	05/08/2015	19246	MILLER, FAITH G.	142		45.17
05/02/2015	PC	05/08/2015	19247	LEESE, MERRI C.	145		92.35
05/02/2015	PC	05/08/2015	19248	MCGINN, KELLY A.	146		1,585.98
05/02/2015	PC	05/08/2015	19249	DOAN, GERARD P.	201		1,664.94
05/02/2015	PC	05/08/2015	19250	SHRIFT, PETER R.	203		1,070.84
05/02/2015	PC	05/08/2015	19251	SCHLAPPI, JAMES L.	204		1,031.83
05/02/2015	PC	05/08/2015	19252	UMULIS, MATTHEW T.	205		1,237.06
05/02/2015	PC	05/08/2015	19253	HANKINS, SCOTT A.	208		1,489.79
05/02/2015	PC	05/08/2015	19254	ORBAN, BARBARA K.	209		1,148.86
05/02/2015	PC	05/08/2015	19255	TRAEGER, JASON A.	210		1,104.68
05/02/2015	PC	05/08/2015	19256	WARNER, JANINE M.	213		1,079.60
05/02/2015	PC	05/08/2015	19257	EVANS JR, HALBERT K.	214		127.82
05/02/2015	PC	05/08/2015	19258	SCHWARTZFISHER, JOS	303		1,329.94
05/02/2015	PC	05/08/2015	19259	ROLOFF, ROBERT P.	304		1,072.97
05/02/2015	PC	05/08/2015	19260	BRODIN, WILLIAM C.	305		956.52
05/02/2015	PC	05/08/2015	19261	RILEY, DENISE M.	306		390.59
05/02/2015	PC	05/08/2015	19262	TEUNIS, STEVEN L.	402		1,681.68
05/02/2015	PC	05/08/2015	19263	WURST, RANDALL W.	411		1,671.93
05/02/2015	PC	05/08/2015	19264	MAYER, SHELLEY L.	412		1,280.07
05/02/2015	PC	05/08/2015	19265	HILLING, NICHOLAS A.	413		1,164.05
05/02/2015	PC	05/08/2015	19266	MEIER III, CHARLES A.	421		1,547.00
05/02/2015	PC	05/08/2015	19267	ZACHARIAS, STEVEN B.	422		1,701.26
05/02/2015	PC	05/08/2015	19268	NISWANDER, JOSEPH F.	504		1,473.03
05/02/2015	PC	05/08/2015	19269	JONES, TERRI L.	511		2,430.50
05/02/2015	PC	05/08/2015	19270	EATON, BRAD A.	515		1,645.84
05/02/2015	PC	05/08/2015	19271	WILSON, TIMOTHY J.	516		2,214.04
05/02/2015	PC	05/08/2015	19272	LAVOIE, RICHARD L.	519		2,041.06
05/02/2015	PC	05/08/2015	19273	STEVENS, BRANDON C.	521		1,582.33
05/02/2015	PC	05/08/2015	19274	DRAVES, MARTIN J.	523		1,726.04
05/02/2015	PC	05/08/2015	19275	BROWN, STEPHANIE C.	524		1,023.66
05/02/2015	PC	05/08/2015	19276	ELLIOTT, PATRICK M.	600		1,762.40
05/02/2015	PC	05/08/2015	19277	WELLS JR., DONALD E.	609		1,689.57
05/02/2015	PC	05/08/2015	19278	BRADLEY, KELLY R.	614		1,486.80
05/02/2015	PC	05/08/2015	19279	WILSON, RICHARD J.	615		1,112.92
05/02/2015	PC	05/08/2015	19280	HART II, DELBERT W.	616		877.78
05/02/2015	PC	05/08/2015	19281	JONES, ROBERT F.	618		1,285.48
05/02/2015	PC	05/08/2015	19282	DORAN, JUSTIN J.	621		1,486.28
05/02/2015	PC	05/08/2015	19283	MANKER JR, DAVID W.	638		493.95
05/02/2015	PC	05/08/2015	19284	MANKER SR, DAVID W.	639		717.35
05/02/2015	PC	05/08/2015	19285	NEUMANN, DANA L.	640		539.51
05/02/2015	PC	05/08/2015	19286	HAWKINS, JAMES S.	662		282.18
05/02/2015	PC	05/08/2015	19287	MCGHEE, ROBERT R.	663		1,038.32
05/02/2015	PC	05/08/2015	19288	STANTS, JACOB W.	664		538.77
05/02/2015	PC	05/08/2015	19289	BLOOMER, GABRIELLE J.	665		525.04
05/02/2015	PC	05/08/2015	19290	KIRINOVIC, THOMAS F.	700		744.21
05/02/2015	PC	05/08/2015	19291	FORRESTER, KATHERIN	704		580.30
05/02/2015	PC	05/08/2015	19292	SROUFE, MARC E.	705		124.67
05/02/2015	PC	05/08/2015	19293	AMSTUTZ, LINDA J.	706		102.51

Pay Period Date	Journal Code	Check Issue Date	Check Number	Payee	Emp ID	Description	Amount
05/02/2015	PC	05/08/2015	19294	SROUFE, PAMELA B.	707		200.36
05/02/2015	PC	05/08/2015	19295	HEID, THOMAS J	802		1,252.44
05/02/2015	PC	05/08/2015	19296	STEIN, DONNA E.	830		168.20
05/02/2015	PC	05/08/2015	19297	BOOTHE, STEVEN A.	832		40.41
05/02/2015	PC	05/08/2015	19298	GRUNCH, RONALD J.	844		300.89
05/02/2015	PC	05/08/2015	19299	RYPSTRA III, BART	852		119.44
05/02/2015	PC	05/08/2015	19300	DAVIS, RONALD L.	853		229.08
05/02/2015	PC	05/08/2015	19301	MYER, ELIZABETH A.	900		1,850.80
05/02/2015	PC	05/08/2015	19302	VANLOO, JOSEPH G.	902		533.22
05/02/2015	PC	05/08/2015	19303	WYMAN, MATTHEW A.	927		1,011.83
05/02/2015	PC	05/08/2015	19304	DRAVES, MICHAEL J.	928		414.40
05/02/2015	PC	05/08/2015	19305	SCHRADER, LOU ANN	929		247.46
05/02/2015	PC	05/08/2015	19306	SCHWAGER, EDWARD J.	930		655.48
05/02/2015	PC	05/08/2015	113082	KLOOSTER, PATRICK H.	216		84.58
05/02/2015	PC	05/08/2015	113083	GREYERBIEHL, KELLY M.	260		47.57
05/02/2015	PC	05/08/2015	113084	SWEM, DONALD L.	512		1,808.24
05/02/2015	PC	05/08/2015	113085	WHITLEY, ANDREW T.	522		1,610.50
05/02/2015	PC	05/08/2015	113086	MORRISON, KEVIN P.	601		902.16
05/02/2015	PC	05/08/2015	113087	HODGE, MICHAEL J.	606		1,270.61
05/02/2015	PC	05/08/2015	113088	JOHNSON, STEVEN P.	617		1,205.16
05/02/2015	PC	05/08/2015	113089	BISHAW, JAMES H.	633		632.13
05/02/2015	PC	05/08/2015	113090	DUTCHER, ROBERT G.	710		193.82
05/02/2015	PC	05/08/2015	113091	HOLM, ARTHUR R.	791		183.74
05/02/2015	PC	05/08/2015	113092	CURTIS, DENNIS E.	831		861.74
05/02/2015	PC	05/08/2015	113093	GILL, DAVID R.	856		931.81
05/02/2015	PC	05/08/2015	113094	TODD, RICHARD D.	859		585.98
Grand Totals:			83				83,467.07

*Kim MS*

- Report Criteria:
- Computed checks included
  - Manual checks included
  - Supplemental checks included
  - Termination checks included
  - Void checks included

Check Number	Payee	Amount
<b>05/19/2015</b>		
113105	ACE HARDWARE	3,402.19
113106	AIRGAS USA LLC	1,106.13
113107	ALL-PHASE ELECTRIC SUPPLY CO.	78.49
113108	ALTA CONSTRUCTION EQUIP LLC	3,584.58
113109	ALTEC INDUSTRIES INC	693.00
113110	AMERICAN WASTE INC.	2,111.40
113111	ARROW UNIFORM-TAYLOR L.L.C.	1,275.74
113112	AT&T	1,904.28
113113	AUTO VALUE	2,067.50
113114	AVFUEL CORPORATION	35,483.13
113115	B & L SOUND INC	504.30
113116	BC/BS OF MI REFUNDS	197.38
113117	BOB MATHERS FORD	226.00
113118	BOGGEMAN, SUSAN	3.44
113119	BRADFORD'S	39.00
113120	BS& A SOFTWARE	1,657.00
113121	BY THE BAY WINDOW CLEANING SVC	357.00
113122	CARQUEST OF CHARLEVOIX	1,007.45
113123	CERTIFIED LABORATORIES	138.67
113124	CHARLEVOIX SCREEN MASTERS INC	71.00
113125	CHARLEVOIX TOWNSHIP	15.23
113126	CHARTER COMMUNICATIONS	991.39
113127	CHESAPEAKE GROUP INC.	8,700.00
113128	CINTAS CORPORATION #729	30.00
113129	CITY OF CHARLEVOIX - PETTY CASH	730.00
113130	CITY OF CHARLEVOIX - UTILITIES	34,265.02
113131	DITCH WITCH SALES OF MICHIGAN	2,659.34
113132	DTE ENERGY	9,076.87
113133	EARTH ART	2,800.00
113134	EJ USA INC.	124.02
113135	ELLSWORTH FARMER'S EXCHANGE	244.72
113136	EMERGENCY MEDICAL PRODUCTS I	53.28
113137	ENMET CORP	227.52
113138	ETNA SUPPLY	2,222.06
113139	FASTENAL COMPANY	18.60
113140	FERGUSON & CHAMBERLAIN	525.00
113141	FISHER SCIENTIFIC	582.21
113142	FREEDOM MAILING SERVICES INC.	2,276.30
113143	GARAGE DOOR SERVICES INC.	28.54
113144	GCSAA	375.00
113145	GINOP SALES INC	275.65
113146	GOLDING, JOYCE	60.30
113147	GRAND TRAVERSE GARAGE DOOR	141.00
113148	GRIFFIN BEVERAGE CO	170.85
113149	GRULER'S FARM SUPPLY INC	151.81
113150	HACH COMPANY	214.74
113151	HARRELL'S	6,245.81
113152	HI-LINE	434.83

Check Number	Payee	Amount
113153	HILLIGAN, JEFF	136.29
113154	HOWLAND, JEFFERY H.	1,100.00
113155	HYDRO CORP	515.00
113156	INDEPENDENT DRAFTING SERVICES	1,920.00
113157	INDUSTRIAL MARKETING	590.31
113158	JACOBSEN	381.72
113159	JOHNSON, MEGHAN	75.00
113160	JOHNSTONE SUPPLY #383	307.69
113161	KORTHASE FLINN	1,080.05
113162	KSS ENTERPRISES	237.09
113163	LAKESHORE TIRE & AUTO SERVICE	23.45
113164	LOWERY UNDERGROUND SERVICE	525.00
113165	McGINN, KELLY	229.00
113166	MICHIGAN MUNICIPAL LEAGUE	16,466.00
113167	MICHIGAN OFFICeways INC	2,576.98
113168	MYER, ELIZABETH A.	86.59
113169	NGUYEN, DAT	75.00
113170	NMFCA	25.00
113171	NORTH COAST FASTENERS LLC	21.87
113172	NORTHERN FIRE & SAFETY INC.	316.00
113173	NORTHERN MICHIGAN HARDWOODS	2,520.00
113174	NORTHERN MICHIGAN JANITORIAL	23.35
113175	NORTHERN MICHIGAN REAL ESTATE	3,000.00
113176	NORTHERN MICHIGAN REVIEW INC.	562.64
113177	NORTHERN PUMP SERVICE INC.	189.00
113178	OLD DOMINION BRUSH	51.62
113179	OLESON'S FOOD STORES	71.77
113180	PERFORMANCE ENGINEERS INC	26,427.50
113181	PICTURE THIS	115.00
113182	POLYDYNE INC	379.50
113183	POWER LINE SUPPLY	1,001.84
113184	PRESTON FEATHER	170.73
113185	PRO WEB MARKETING LLC	72.00
113186	QUILL CORP	483.14
113187	R & R FIRE TRUCK REPAIR INC.	1,073.85
113188	R & R PRODUCTS INC	597.00
113189	REHMANN-ROBSON & CO	10,000.00
113190	RESIDEX LLC	494.80
113191	SECURITY SANITATION INC.	110.85
113192	SEELYE, DON	576.00
113193	SHINDORF BUILDERS	240.00
113194	SPARTAN DISTRIBUTORS INC	1,216.79
113195	SPRAYER DEPOT	3,659.00
113196	STATE OF MICHIGAN	528.77
113197	STATE OF MICHIGAN	200.00
113198	STRICKER'S OUTDOOR POWER EQUI	12,599.03
113199	SYSTEMS SPECIALISTS INC	100.00
113200	TERMINAL SUPPLY CO	44.98
113201	TEUNIS, STEVEN	260.48

Check Number	Payee	Amount
113202	TRUCK & TRAILER SPECIALTIES	37.50
113203	U S BANK	150.00
113204	UNITED STATES PLASTIC CORP.	489.03
113205	UP NORTH PROPERTY SERVICES LL	630.00
113206	UTILITIES INSTRUMENTATION SERVI	6,972.00
113207	VAN'S BUSINESS MACHINES	25.90
113208	VILLAGE GRAPHICS INC.	205.63
113209	WHITLEY, ANDREW	14.00
113210	WORK & PLAY SHOP	207.87
Total 05/19/2015:		<u>231,737.38</u>
Grand Totals:		<u><u>231,737.38</u></u>

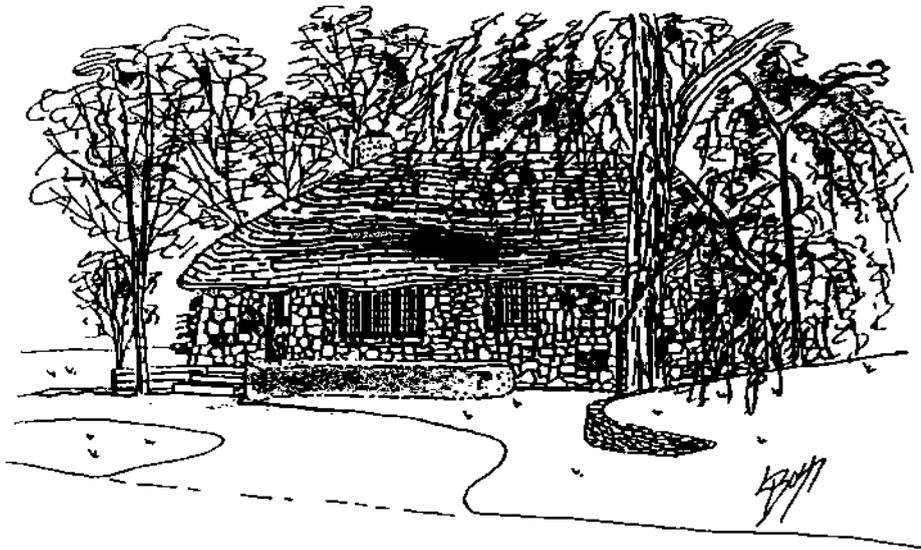
Check Number	Payee	Amount
<b>05/04/2015</b>		
50415001	MICHIGAN PUBLIC POWER AGENCY	4,202.30
50415002	PAYMENT SERVICE NETWORK INC.	218.50
Total 05/04/2015:		4,420.80
Grand Totals:		4,420.80

Check Issue Date	Check Number	Payee	Amount
<b>50815001</b>			
05/08/2015	50815001	**EFTPS* Payroll Taxes	7,906.08
05/08/2015	50815001	**EFTPS* Payroll Taxes	7,906.08
05/08/2015	50815001	**EFTPS* Payroll Taxes	1,848.99
05/08/2015	50815001	**EFTPS* Payroll Taxes	1,848.99
05/08/2015	50815001	**EFTPS* Payroll Taxes	12,037.89
Total 50815001:			
	5		31,548.03
<b>50815002</b>			
05/08/2015	50815002	Alerus Financial	370.00
Total 50815002:			
	1		370.00
<b>50815003</b>			
05/08/2015	50815003	STATE OF MICHIGAN	4,518.56
Total 50815003:			
	1		4,518.56
<b>50815004</b>			
05/08/2015	50815004	Vantagepoint - 457 Plan 300959	5,809.58
05/08/2015	50815004	Vantagepoint - 457 Plan 300959	159.69
05/08/2015	50815004	Vantagepoint - 457 Plan 300959	1,970.77
05/08/2015	50815004	Vantagepoint - 457 Plan 300959	6,154.81
Total 50815004:			
	4		14,094.85
Grand Totals:			
	11		50,531.44

*km*  
*ms*

Check Number	Payee	Amount
<b>05/08/2015</b>		
50815005	STATE OF MICHIGAN	20,337.72
Total 05/08/2015:		20,337.72
Grand Totals:		20,337.72

Check Number	Payee	Amount
<b>05/11/2015</b>		
51115001	MICHIGAN PUBLIC POWER AGENCY	12,998.13
Total 05/11/2015:		12,998.13
Grand Totals:		12,998.13



To: The Mayor of the City of Chardok.

Dear Mike,

Due to health problems, I must resign from the D.D.A. Board. I wish I could continue but feel I wouldn't be able to fulfill my obligations & didn't want to let my fellow board members down.

After 20 years of being a part of our beautiful city, I will truly miss being a D.D.A. member.

Respectfully Yours,

James Wallace

**CHARLEVOIX CITY COUNCIL  
AGENDA ITEM**

**AGENDA ITEM TITLE:** Consideration to Approve a Concession Agreement with Jack and Annie Russell

**DATE:** May 18, 2015

**COVER PAGE:** Tom Kirinovic

**PRESENTED BY:** Michael Spencer

**ATTACHMENTS:** Concession Agreement

**BACKGROUND INFORMATION:** Jack and Annie Russell have had concession agreements for Lake Michigan Beach, Ferry Beach, and Carpenter Street Ball Field concession stands. The Russell's are again pursuing a concession agreement with the City. The proposed concession agreement will take effect June 1, 2015 and conclude Labor Day, September 7, 2015. The days and hours of operation will be set forth at the discretion of the concessionaire with discussion with the Recreation Director. The concessionaire will be responsible for buying a business license at the time of signing the concession agreement. The Russell's will be responsible for providing monthly rent payments and they will be responsible for all costs associated with propane/gas. The electric and water for the concession stands shall be provided by the City. Concession stands provide a public service to visitors and residents.

**RECOMMENDATION:** The Recreation Department recommends approving the concession agreement with Jack and Annie Russell.

Motion to approve the agreement with Jack and Annie Russell to operate the Lake Michigan Beach, Ferry Beach, and the Carpenter Street Ball Field Concessions (contingent upon receipt of liability insurance validation, purchase of a business license) and authorize the Recreation Director to sign the concession agreement.

## CONCESSION AGREEMENT

AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2015 between the CITY OF CHARLEVOIX, a Michigan municipal corporation (the "City"), of 210 State Street, Charlevoix, Michigan 49720, and Jack and Annie Russell ("Concessionaire") PO Box 393, Charlevoix, Michigan 49720 as follows:

In consideration of Concessionaire's payment to the City of \$100 Business License fee at the time of signing this agreement, the City grants to Concessionaire the privilege and right of conducting concession sales within the concessions buildings on the grounds of Lake Michigan Beach, the Ferry Avenue Beach Park, and the Carpenter Avenue Ball fields. The Concessionaire shall pay the City \$300 per month, with \$300 payable on the dates of June 15<sup>th</sup>, July 15<sup>th</sup> and August 15<sup>th</sup>. No other business is to be performed on the premises. The electric and water for the concession shall be paid by the City. The Concessionaire is responsible for paying all costs associated with any propane/gas.

1. The space presently set aside for concession sales at each of the venues mentioned above is not being leased to the Concessionaire. The Concessionaire is a licensee and not a lessee thereof. The Concessionaire shall comply with all of the requirements of this Agreement. If the Concessionaire defaults in strict and prompt performance of any portion of this Agreement, in lieu of terminating this Agreement without cause upon 7 days notice as described below, the City may immediately or at any time after such default close up and take possession of said area designated for and presently utilized for concession sales at said beach concession and any improvements made thereon, and the license to Concessionaire shall be forfeited together with all privileges to occupy or use any part of said area.
2. Concessionaire shall have no authority whatsoever, nor any power to permit any other person or party to have any interest in or use any part of the premises, building space, or space covered by this concession for any purpose whatsoever. It is the purpose of this Agreement to grant said concession and privilege solely to the Concessionaire and neither directly nor indirectly to any other person or party.
3. Concessionaire shall supply and have ready for sale sufficient quantities of food and drink to satisfy the demands of the patrons at all three venues mentioned previously. Hours of Operation will be mutually agreed upon between the Recreation Director on behalf of the City and the Concessionaire within the parameters as follows below for each venue:

LAKE MICHIGAN BEACH: beginning no earlier than Monday, June 1, 2015 and ending no later than Monday, September 7, 2015 (Labor Day) the stand will open no later than 11:00 a.m. and close no later than 9:00 p.m. each business day.

FERRY AVENUE BEACH: beginning no earlier than Monday, June 1, 2015 and ending no later than Monday, September 7, 2015 (Labor Day) the stand will open at the discretion of the Concessionaire, with hours of operation beginning no later than 11:30 a.m. and close no later than 9:00 p.m.

CARPENTER STREET BALL FIELDS: the Carpenter Street Ball Fields Concessions will be open at the discretion of the Concessionaire. If staffing is available, the concession stand will open no sooner than **Monday, June 1, 2015** and no later than **Labor Day, September 7, 2015.**

Either party may terminate this Agreement without cause upon 7 days written notice to the other party. This Agreement, which includes the license granted by this Agreement, shall terminate on September 1, 2015.

4. It shall be the responsibility of the Concessionaire to maintain the premises in a clean and neat fashion, to assume maintenance of the grounds in the immediate area of the beach concession with respect to any paper, wrappings, or other evidence of concession sales and to insure the efficient operation of said concession by staffing with responsible employees. It shall be the duty of the Concessionaire to inspect the premises, including building, equipment, grounds and appurtenances and promptly report in writing to the City Manager or Street Superintendent any portion of the premises in need of repair.
5. Concessionaire, as well as any persons named above, shall be personally responsible for the management of said concession including but not limited to such important management functions as maintenance of inventory, security of premises, and designation of qualified and responsible employees of Concessionaire.
6. Concessionaire shall at their own cost and expense procure all necessary licenses and official permits necessary for carrying out the provisions of this Agreement, with the exception that the City of Charlevoix shall obtain the Michigan Public Health Department license and the Concessionaire shall comply with the terms of the Michigan Public Health Department license and the applicable sections of the Public Health Code during the term of this Agreement.
7. All notices and orders given to Concessionaire shall be served by delivering a copy thereof to them in person, or by leaving same addressed to Concessionaire at the Ferry Avenue Beach Concession with any person then in charge of same.

8. Concessionaire shall conduct the business of all Concessions at all times in a courteous, respectful and business-like manner, and the premises shall be kept in a neat, clean and sanitary manner.
9. The CITY OF CHARLEVOIX agrees that it will not, during the existence of this Agreement grant like or similar privileges hereby granted to any other person(s) or corporations to locate and/or operate at the Ferry Avenue Beach Concession, Lake Michigan Beach, and the Carpenter Street Ball Fields with the exception that additional concessionaires will be permitted during the Venetian Festival which will include the following dates from July 18<sup>th</sup> to July 25<sup>th</sup>, 2015, inclusive.
10. Concessionaire shall not improve or alter the improvements set aside for concession sales at the Concessions in any manner without the prior written consent of the Manager of the City of Charlevoix. All improvements or alterations so approved and erected or made on the premises shall belong to the City upon expiration or sooner termination of this Agreement.
11. The CITY OF CHARLEVOIX shall not be liable, and Concessionaire waives all claims, for injury or damage to persons or property sustained by Concessionaire or any occupant of the space presently set aside for concession sales at the Concessions and surrounding areas resulting from:
  - (A) Any part of the building, equipment, or appurtenances in the space set aside at the Concessions as afore described in need of repair, unless the Concessionaire has reported the need of repair as required by paragraph 4;
  - (B) Any injury or damage resulting directly or indirectly from any act or negligence of Concessionaire.
12. Concessionaire indemnifies the City against all liability, loss, costs, damage, or expense sustained by the City, including reasonable attorney fees and other expenses of litigation arising prior to the termination of this Agreement even if such claims are made after the termination of this Agreement:
  - (A) On account of or which relate to the Concessionaire's exercise of the rights and privileges granted in this Agreement; and/or
  - (B) Arising out of, or directly or indirectly due to, any failure of Concessionaire in any respect promptly and faithfully to satisfy their obligations under this Agreement.

This indemnification provision shall be effective regardless of whether such claims are proximately caused by an act or omission of the Concessionaire (such as a food-related illness that the Concessionaire asserts was caused by a

supplier or other third party) and regardless of any such claims resulted from a wrongful act or omission of the Concessionaire. As used in this Agreement, "claims" include, but are not limited to any damage to real or personal property and the injury, illness or death of a person or animal.

13. The City shall not be responsible for any claims arising from any act or omission in connection with the Concessionaire's operation, management or maintenance of any equipment or facilities on the space set aside for concession sales at the Concessions. Concessionaire shall assume all of such liability and indemnify the City against any liability arising there from. The Concessionaire shall inspect all equipment owned by the City and which is being used by the Concessionaire and shall promptly notify the City in writing if any repairs are needed. If repairs are needed to any equipment, then such equipment shall not be used without written permission of the City until all repairs have been made.
14. The City shall have no obligation to issue a new license to Concessionaire or enter into a new agreement with Concessionaire in the future.
15. The Concessionaire shall under go a standard background check as is required by all City employees or volunteers who have contact with the public. If the results of that background check are unsatisfactory to the City, then City may terminate this contract immediately and without prior notice. This shall be in addition to the right of either party to terminate this contract as described in paragraph 3.
16. The Concessionaire shall not employ or accept the services of another person as a volunteer on the premises unless the person has been approved in advance by the City. Any person whom the Concessionaire proposes to perform services on the premises shall undergo a standard background check as is required by all City employees or volunteers who have contact with the public.
17. The City of Charlevoix owns a stove hood and an old cooler at the Ferry Beach Concession.

**CITY OF CHARLEVOIX**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Tom Kirinovic

Its: Recreation Director

**CONCESSIONAIRE**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

## CHARLEVOIX CITY COUNCIL

### AGENDA ITEM

**AGENDA ITEM TITLE:** Update and Clarification on the Donation Acceptance Review Committee

**DATE:** May 18, 2015

**PRESENTED BY:** Mike Spencer, Interim City Manager

#### **BACKGROUND INFORMATION:**

At the last meeting council was generally supportive of the idea of contacting the previous Donation Acceptance Review Committee to work with staff and the general public to determine a predefined list of acceptable projects or programs that we could provide to potential donors. Linda has contacted all of the members who are all interested in serving on the committee again with this new objective. At this point staff felt a formal motion would be necessary to publicly reestablish and appoint the committee members and also clarify their purpose up front.

As I understand it, the committee will work with staff to create a specific list of projects or programs that individuals or groups would be able to donate to. The committee would also examine whether it is in the public interest to have "memorials" in parks or other public areas, and/or under what circumstances they should be permitted. The committee may determine what forms of public recognition for donations or memorials are appropriate. The committee meetings would be open to the public. Once the committee finalizes their recommendation the document would be provided to the Planning Commission and DDA who would have the opportunity to submit comments to council either individually or as a group. We would also have the document on the city website for public comment and I would think the newspaper would be willing to do an article. Ultimately council should have at least one public hearing and adopt a council resolution.

#### **RECOMMENDATION:**

Motion to appoint the following members to the Donation Acceptance Committee:

Birdie Whitley, Tom Ochs, Kay Heise, Dave Robinson, Robert Klein

Staff would also like clarification on the purpose of the committee and the review process discussed above in paragraph 2 above.

**CHARLEVOIX CITY COUNCIL**

**AGENDA ITEM**

**AGENDA ITEM TITLE:** Underground Electric Discussion

**DATE:** May 18, 2015

**PRESENTED BY:** Don Swem

**BACKGROUND INFORMATION:**

For at least the last twenty years Charlevoix electric customers have been encouraged to put their services on their own property underground. This has been done by offering a reduced charge for burying the wire on their property. For a customer to bury their service today, all they have to pay the City is \$20 for a permit, roughly \$60 for a meter base, and \$3.00 per foot of buried cable from their property line to the meter base. The property owner must also pay an electrician to convert the equipment and wiring at the meter base from overhead to underground and get that approved by the County Electrical Inspector. For some homeowners, this expense is minimal, while for others the cost can be very high. Each house is different. If a customer opts for an overhead service we install that at no charge, as the vast majority of overhead services are quick and easy to install.

During Council's recent discussions involving burying the electric lines it was requested that the electric lines be buried as much as possible during the present State Street reconstruction. We are in the process of doing that but have come up to a situation that needs to be decided.

The two residences on the west side of State Street north of the Hurlbut intersection currently have overhead electric services. One of these houses has a relatively modern service that is easily converted to underground at little extra cost. The other is a much older service that is difficult at best to convert to underground. The question is does the Electric Department incur the cost to put both of these services underground on the private property to the houses, or do we leave the last spans (from the pole in their front yard to the house) in the air and let the homeowners decide whether to pay to bury them or not?

To answer this question we need to consider all of the ramifications. If we put in an underground electric service to one house for no charge then it seems to me that we must be

willing to do that for all houses. We have to be fair to our customers. If a customer has already paid to put their service underground, how can we justify doing it at no charge for their neighbors. This would mean that even if I paid several hundred dollars or more to bury my service last week I am now stuck paying a portion of the bills for every other customer in the system that did not originally pay for anything, and they only have to pay that same portion that I am (through the electric bills). I personally do not see how this can be justified.

Even if Council decides to go ahead and bury to the house, we still have to decide what exactly the City is going to be responsible for at the house itself. Several houses in the system have outdated service equipment. These services are grandfathered in until they make any changes to the service at which time it must be brought up to code. This can involve very expensive repairs or reconstruction of the original service. I strongly recommend that the City does NOT get involved with this work. Even if we try to sidestep this issue by just cutting into existing meter bases and shoving our wires in the side we will still be taking on liability for the new connections inside an unusable meter base. What if disturbing the connections is shown to cause a fire? Would the City be liable for the entire house? I would much rather not touch the house unless an electrician is doing the work and getting it approved by the county inspector before we hook up the underground power to it.

On top of all this the estimated cost to put all services underground is incredibly high. We have roughly 3,500 residential customers and if 75% of these have to be switched from overhead to underground and each one cost us \$750 to bury the total cost would be nearly two MILLION dollars. To me that is pretty outrageous. Of course this assumes that we bury ALL services, when we could actually pick and choose which ones to bury, but how do you pick and choose? And what do you tell the ones you choose not to do?

I recommend that we leave the pole in the front yard and give the homeowner the choice of whether to bury the last span on their property or not and make them pay for it if they do choose to bury it. I will need some direction from Council on what to do in this particular case. Thank you.

**RECOMMENDATION:**

Discussion of alternatives, direction from Council.

**CHARLEVOIX CITY COUNCIL  
AGENDA ITEM**

**AGENDA ITEM TITLE:** Mayoral Appointment

**DATE:** May 18, 2015

**PRESENTED BY:** Joyce Golding, City Clerk

**ATTACHMENTS:**

**BACKGROUND INFORMATION:**

With the resignation of Jeanine Wallace, the City has one vacancy on the Downtown Development Authority to fill her term expiring April 2016. DDA members are appointed by the Mayor.

**RECOMMENDATION:**

Motion to appoint xxx to the DDA, term expiring April 2016.