

**CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, April 18, 2011 — 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.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Assistant City Attorney Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha
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 4 , 2011 Regular Meeting Minutes
- B. Accounts Payable Check Register – April 19, 2011
- C. ACH Payments – April 1-11, 2011
- D. Payroll Check Register– April 15, 2011
- E. Payroll Transmittal – April 15, 2011

V. Public Hearings

None.

VI. Reports

The City Manager reminded Council about the upcoming Northern Lakes Economic Alliance luncheon at Boyne Mountain and to contact Linda Weller if they are interested in attending.

The Manager informed Council that the City of Charlevoix was named by *Forbes* magazine as one of America's prettiest towns.

The Clerk stated that petitions are available for anyone who wants to run for Council or Clerk.

VII. Requests, Petitions and Communications and Actions Thereon

A. Firefighter Right-to-Know Updates

Fire Chief Paul Ivan was available to review the item. Firefighter Right-to-Know is something required by the State Fire Marshall. It is time to do another round of it, and the Chief is informing Council so they are aware of the process. This mostly concerns places like the industrial park, that have supplies like chemicals that could be hazardous to the firefighters should a fire occur there. No action required.

B. Color Coding of Fire Hydrants

Fire Chief Paul Ivan was available to present the item and answer questions from Council. The hydrants will be identified with paint color to show water flowage rate at a glance to the firefighters. The Chief hopes to recruit public service volunteers to execute the project. No action required.

C. Charlevoix Energy Risk Management Policy

Charlevoix Electric Department Superintendent Don Swem was available to review the policy and answer questions from Council. This City policy would replace the current policy and work in conjunction with the Michigan Public Power Agency (MPPA) policy. This policy establishes objectives for the City to direct MPPA in the conduction of transactions for energy, capacity and related accessories. The policy also opts into a stability hedge plan to control the transactions. The stability plan offers the most stability of all the hedge plans and is consistent with the objective put forth in the policy to maintain stable and predictable rates. The resolution will approve the policy and appoint an authorized representative who will in turn educate Council about the policies. The authorized representative would be able to approve transactions and transaction strategies for energy, capacity, or transmission as long as they follow the policy and are for a period up to a year in length. Anything with a period of up to a month in length is automatically approved in Lansing; this policy gives them better direction for those purchases. Action by resolution.

D. Purchase 4/0 Kerite Cable

Charlevoix Electric Department Superintendent Don Swem reviewed the item and answered questions from Council.

Motion by Councilmember Jill Picha, seconded by Councilmember Lyle Gennett, to approve the purchase of 8,250 feet of 4/0 Kerite cable from the Resco Corporation for \$21,285.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

E. Consideration to Purchase a Spare Replacement Pump for Bridge Park Lift Station

Wastewater Treatment Plant Superintendent Jim Caldwell presented the item and answered questions from Council.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to allow the City Manager to sign a purchase order to Kennedy Industries, Inc for the amount of \$19,867 for the purchase of a new pump for the Bridge Park Pump Station as a spare.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

F. Resolution to Extend the Moratorium of Certain Medical Marihuana Operations and Facilities

City Planner Mike Spencer reviewed the item and answered questions from Council. This resolution extends the current moratorium

until the City can finish drafting an ordinance to regulate the location of medical marihuana operations and facilities; it does not restrict the use of medical marihuana. Action by resolution.

G. Approval of Job Descriptions

The City Manager reviewed the items and answered questions from Council. The job descriptions are for five seasonal positions: Skatepark Supervisor, Skatepark Attendant, Harbormaster, Assistant Harbormaster, and Dock Attendant.

Motion by Councilmember Greg Stevens, seconded by Councilmember Bryan Vollmer, to approve the five job descriptions as outlined on pp. 72-76 of the packet.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

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**

A. Charlevoix Energy Risk Management Policy

Motion by Councilmember Jill Picha, seconded by Councilmember Shane Cole, to approve Resolution 2011-04-01 as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2011-04-01**

RESOLUTION APPROVING MPPA ENERGY RISK MANAGEMENT POLICY, MPPA HEDGE POLICY, CITY OF CHARLEVOIX ENERGY RISK MANAGEMENT POLICY, AND APPOINTMENT OF AUTHORIZED REPRESENTATIVE

WHEREAS, the City of Charlevoix is a member municipality of the Michigan Public Power Agency ("MPPA"), a joint agency organized and existent pursuant to Act No. 448 of the Michigan Public Acts of 1976, as amended; and

WHEREAS, MPPA has created the Energy Services Project and Project Committee pursuant to its Bylaws to allow participating MPPA members to obtain energy services to meet their customers' needs; and

WHEREAS, the City of Charlevoix believes it is in the best interest of the City and its customers for the City of Charlevoix to control the risks associated with the transactions conducted through the MPPA's Energy Services Project; and

WHEREAS, the City of Charlevoix must appoint an Authorized Representative to follow the rules of the City of Charlevoix Energy Risk Management Policy when approving authorized transactions through the MPPA Energy Services Project.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Charlevoix as follows:

1. The form of the MPPA Energy Risk Management Policy and the MPPA Hedge Policy is hereby approved and the Authorized Representative is hereby given approval to vote in favor of implementation of these policies in substantially the form as presented on this date with such minor insertions, deletions and modifications as the Authorized Representative deems necessary.
2. The City of Charlevoix City Council approves the City of Charlevoix Energy Risk Management Policy as presented on this date, and by doing so approves the objectives and hedging plan choices as stated in the Policy.
3. The City of Charlevoix City Council appoints the Charlevoix Electric and Water Department Superintendent as the Authorized Representative under the MPPA Energy Risk Management Policy and authorizes this individual to approve energy, capacity, transmission and related transactions that have a length of up to one year.
4. This resolution shall take effect immediately upon adoption.

RESOLVED, this 18th day of April, A.D. 2011

Resolution was adopted by the following yea and nay vote:

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

B. Resolution to Extend the Moratorium of Certain Medical Marihuana Operations and Facilities

Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to approve Resolution 2011-04-02 as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2011-04-02**

CHARLEVOIX CITY COUNCIL RESOLUTION FOR MORATORIUM ON CERTAIN MEDICAL MARIHUANA OPERATIONS AND FACILITIES

WHEREAS, the Michigan Medical Marihuana Act (MMMA) was approved by the voters as Proposal 08-1 at the November 4, 2008 general election and became effective December 4, 2008; and

WHEREAS, the Michigan Zoning Enabling Act (MZEA) provides in Section 207 that land uses may not be excluded unless the use is unlawful; and

WHEREAS, the MZEA provides in Section 501 that site plans for special land uses must comply with state and federal statutes and public notice requirements for special land uses may violate MMMA; and

WHEREAS, previously, the City Council enacted a moratorium related to medical marihuana and that moratorium expired on April 4, 2011; and

WHEREAS, the City of Charlevoix's Planning Commission and the City's planning staff have used the time provided by the initial moratorium to work, in good faith and with due diligence, toward the selection of a planning/regulatory approach and the drafting and enactment of a zoning ordinance amendment regarding medical marihuana. This work includes, but is not limited to the following: adopting a master plan that recognizes the need to regulate land uses that are likely to have negative second impacts such as medical marihuana, attending seminars on various planning/regulatory approaches, meeting with its legal counsel, conducting research into planning approaches taken elsewhere, and holding a joint meeting with representatives of Charlevoix Township, Sheriff's Department and Prosecutor's Office regarding cooperative regulation; and

WHEREAS, despite reasonable, good faith efforts, the planning process is still not completed due in part to the complex nature of regulating medical marihuana, attempting to interpret the poorly written MMMA and the time consuming nature of evaluating varying interpretations of the MMMA and new information related to this topic that continues to be found by City planning staff; and

WHEREAS, the City Council believes that it would be in the City's best interest to enact a second moratorium on land uses in the City involving the cultivation, manufacture, distribution, dispensing, or possession of marihuana in order to give the Planning Commission, City staff and the City Council time to finalize a planning/regulatory approach and to enact a thoughtfully-drafted zoning ordinance amendment on this subject.

NOW THEREFORE, BE IT RESOLVED that the City of Charlevoix through its City Council hereby adopts a new short-term moratorium on the establishment or operation anywhere within the City of (1) any medical marihuana dispensary, compassion center, or other similar operation for the use and/or consumption of medical marihuana, and/or (2) any commercial medical marihuana growing facility, other than that allowed under Michigan law for single caregivers; and

BE IT FURTHER RESOLVED that, unless extended by resolution of the City Council, said moratorium shall expire on the date of the City Council's first regular meeting in October, 2011 or October 31, 2011, whichever is earlier.

RESOLVED, this 18th day of April, A.D. 2011

Resolution was adopted by the following yeas and nays vote:
Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

X. Ordinances
None.

XI. Miscellaneous Business

Councilmember Lyle Gennett enquired about the flag pole installation at Michigan Beach. The Manager didn't have details, but he thinks Staff is working toward getting it installed before Memorial Day. He will check and report back to Council.

Councilmember Jill Picha spoke about the regional Michigan Municipal League meeting in Kalkaska in May. She asked if the City would be interested in doing a project such as the petunia planting for the Race for the Cup. Council briefly discussed. Ms. Picha will do some research and review with Staff to see if there is still time to get something ready for the meeting.

The Mayor disclosed that he was asked to perform some work on a bathroom at the electric department that needed some scale drawings and permits. He did the work at invoice cost for the materials. He stated he will be bidding on some City work in the future in order to keep his staff working, but he will keep Council posted of the jobs he plans to bid on.

The Mayor stated that he has taken a job working with the construction tech class at the High School. He will be unavailable for anything between 12:00 and 3:30 p.m. Monday-Friday, but he can be reached by phone.

The Mayor presented nominees for the Recreation Advisory Board appointments.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Dennis Kusina, to confirm the Mayor's appointments of Nick Popoff, Matt Peterson, Toni Felter, Mark Greyerbiehl, and Dean Davenport to the Recreation Advisory Board.

Yeas: Stevens, Vollmer, Cole, Gennett, Kusina, Picha
Nays: None
Absent: None

XII. Audience - Non-agenda Input (written requests take precedent)
None.

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
There were no objections.
Meeting adjourned at 7:55 p.m.

Carol A. Ochs City Clerk Norman L. Carlson, Jr. Mayor

Accounts Payable – 04/19/2011

VOID - HEALTH DEPT OF NW MICHIGAN	444.00	-M	3 J ELECTRIC	240.00
TOTAL	(444.00)		ACCESS LOCKSMITHING INC	140.00
			ACE HARDWARE	2,785.52

ACTIVE INDUSTRIAL SUPPLY	32.00	MANAGEMENT AND BEHAVIOR	2,325.00
AIRGAS GREAT LAKES INC.	1,207.00	MICHIGAN DOWNTOWN ASSOCIATION	35.00
ALL-PHASE ELECTRIC SUPPLY CO.	593.94	MICHIGAN ELECTRIC	50.00
AMERIGAS – PETOSKEY	177.20	MICHIGAN OFFICEWAYS INC	3,370.85
ARROW UNIFORM-TAYLOR L.L.C.	944.30	MICHIGAN RECREATION & PARK	115.00
AT&T	3,220.28	MISS DIG SYSTEM INC	70.30
AUTO VALUE	425.94	MPOWER TECHNOLOGIES INC.	2,000.00
B & L SOUND INC	602.19	NASH, JENNIFER	50.00
BAKER COLLEGE OF CADILLAC	1,986.18	NEALIS ENGINEERING	720.00
BARTLETT'S HOME INTERIORS INC.	45.00	NORTH COAST FASTENERS LLC	11.18
BICKERSTETH, DANIEL T.	390.00	NORTHERN CREDIT BUREAU	222.95
BOHN, LYNN	43.80	NORTHERN FIRE & SAFETY	435.00
BRANDI, RICHARD	366.68	NORTHERN MICHIGAN REVIEW INC.	2,407.25
BROOKS, SADIE	30.00	OLESON'S FOOD STORES	15.92
CARQUEST OF CHARLEVOIX	618.66	OTEC	119.00
CCP INDUSTRIES INC	240.44	PARASTAR INC.	1,353.28
CHANNING BETE COMPANY INC.	209.28	PERFORMANCE ENGINEERS INC	11,700.50
CHARLEVOIX CAR WASH	59.40	PHELPS SAW-MILL	116.00
CHARLEVOIX COUNTY TREASURER	101.54	PICHA, JILL	290.46
CHARTER COMMUNICATIONS	951.86	POSTMASTER - CHARLEVOIX	3,500.00
CINTAS FIRST AID & SAFETY	65.20	POTTER, JAKE	67.50
CITY OF CHARLEVOIX – UTILITIES	26,781.48	POWER LINE SUPPLY	148.80
COBB COMMUNICATIONS INC.	520.00	PRESTON FEATHER	422.84
DVORACEK, DANA J.	41.00	PURITY CYLINDER GASES INC	293.61
ELECSYS INTERNATIONAL CORP	280.00	QUILL CORP	461.70
ELLSWORTH FARMER'S EXCHANGE	1,782.60	R & R PRODUCTS INC	124.21
EMERGENCY MEDICAL PRODUCTS INC	342.72	S&W HEALTHCARE CORPORATION	142.12
FAMILY FARM & HOME	479.94	SAFARILAND	139.76
FASTENAL COMPANY	54.93	SEARS COMMERCIAL ONE	9.99
FINDLAY, IVAN	100.00	SEELEY'S PRINTING SERVICE	236.00
GALLS AN ARAMARK COMPANY	48.98	SPARTAN DISTRIBUTORS INC	1,880.07
GELDERBLOM, KAYLA	75.00	SPARTAN STORES LLC	40.21
GREAT LAKES PIPE & SUPPLY	597.29	STATE OF MICHIGAN	25.00
HAGGARD'S INC	84.23	STATE OF MICHIGAN	15,345.58
HANKINS, SCOTT	25.00	STEPHAN, NORA	100.00
VOID - HEALTH DEPT OF NW MICHIG	444.00	SWANK MOTION PICTURES	1,438.00
HEATH, ROBERT	150.00	SYN-TECH SYSTEMS INC.	558.40
HOGAN, HENRY	59.65	SYSTEMS SPECIALISTS INC	95.00
HYDRO DESIGNS INC.	900.00	T & R ELECTRIC	5,781.00
INDEPENDENT DRAFTING SERVICES	1,984.00	TELE-RAD INC	413.00
INSTALLATION SPECIALTIES	270.00	TRAVERS, MANUEL J.	285.00
ISLAND AIRWAYS	301.15	TRI-COM CELLULAR, INC.	72.47
IVAN, PAUL	259.08	TRI-TURF	525.00
J & B MEDICAL SUPPLY INC.	185.80	TRUCK & TRAILER SPECIALTIES	272.82
J & S PORTABLE RESTROOMS	102.00	U.S. BANK N.A./MMBA	13,431.25
JACOBS, DOUGLAS R.	140.00	UP NORTH PROPERTY SERVICES LLC	775.00
JBR GRAPHICS INC.	110.00	USA MOBILITY WIRELESS INC.	739.65
JOHNSON, RONALD & NICOLE	150.00	VAN'S BUSINESS MACHINES	106.83
KIWANIS CLUB OF CHARLEVOIX	39.00	WATCH INC.	100.00
KMart	87.18	WEINGARTZ	172.99
KORTHASE FLINN	2,321.51	HEALTH DEPT OF NW MICHIGAN	776.00
KSS ENTERPRISES	265.16		
KUSINA, DENNIS	234.75	TOTAL	128,627.75
LAKESHORE TIRE & AUTO SERVICE	46.40	TOTALS:	128,183.75
LAURENT, MICHELE & JOCELYN	1.00		

ACH Payments – 04/01/2011-04/11/2011

MI PUBLIC POWER AGENCY	959.53	MI PUBLIC POWER AGENCY	27,670.28
MI PUBLIC POWER AGENCY	29,966.41		
NEOPOST	5,000.00	TOTAL	63,596.22

PAYROLL: NET PAY

Pay Period Ending 04/09/2011 – Paid 04/15/2011

WELLER, LINDA JO	1,402.05	JONES, TERRI L.	946.87
STRAEBEL, ROBERT J.	2,097.16	BRADLEY, KELLY R.	1,239.93
BRANDI, RICHARD M.	1,726.83	EATON, BRAD A.	1,470.03
LOY, EVELYN R.	974.05	WILSON, TIMOTHY J.	1,427.27
KLOOSTER, ALIDA K.	1,260.02	ELLIOTT, PATRICK M.	1,522.64
BROWN, STEPHANIE C.	1,160.43	WILSON, RICHARD J.	1,162.90
OCHS, CAROL A.	895.44	JONES, ROBERT F.	1,119.12
CAREY, KEITH V.	1,160.62	HART, TERESA M.	514.22
SPENCER, MICHAEL D.	1,495.71	BOAL, DAVID W.	879.71
SPENCLEY, PATRICIA L.	1,023.85	BENNETT, THOMAS A.	515.32
NASH, JENNIFER B.	942.89	BAILEY, MATTHEW L.	2,013.29
UMULIS, MATTHEW T.	1,270.72	DVORACEK, DANA J.	1,537.61
METDEPENNINGEN, SARAH	1,310.76	GILL, DAVID R.	483.99
WARNER, JANINE M.	986.58	HAYNES, STEPHANIE L.	735.77
SCHLAPPI, JAMES L.	1,197.81	MERRILL JR, CARL J.	467.88
ORBAN, BARBARA K.	1,468.99	HAND, REBECCA J.	167.23
IVAN, PAUL M.	1,700.45	CESARO, JASON M.	134.99
SCHWARTZFISHER, JOSEPH	1,214.50	TRAVERS, MANUEL J.	262.25
ROLOFF, ROBERT P.	1,935.09	SILVA, JESSE L.	178.50
BRODIN, WILLIAM C.	1,330.40	RILEY, JEFFERY C	3.50
RILEY, DENISE M.	366.49	O'CONNOR, BRUCE E.	261.54
CALDWELL, JAMES P.	1,535.23	SCHOOOF, WILLIAM R.	525.82
WURST, RANDALL W.	1,517.37	BROWN, STEPHANIE C.	435.65
MAYER, SHELLEY L.	1,271.39	SPENCLEY, PATRICIA L.	437.96
HILLING, NICHOLAS A.	1,162.09	SHRIFT, PETER R.	1,156.43
MEIER III, CHARLES A.	1,480.17	DOAN, GERARD P.	1,693.39
RAMSEY, KYLE J.	128.07	HANKINS, SCOTT A.	1,433.13
JACOBS, DOUGLAS R.	2,069.49	KLOOSTER, JUSTIN N.	8.99
NISWANDER, JOSEPH F.	1,230.43	COPPOCK, TIMOTHY M.	1,094.91
WELLS JR., DONALD E.	1,392.40	WHITLEY, JOHN F.	1,855.01

BLANCHARD, SCOTT W.	1,567.14	MATTER, DAWSON K.	365.54
FRYE, EDWARD J.	1,224.18	MARSH JR., JAMES D.	152.38
SWEM, DONALD L.	1,694.05	RILEY, TIMOTHY	141.75
MORRISON, KEVIN P.	994.62	MACMILLAN, RACHEL A.	39.97
HODGE, MICHAEL J.	1,108.78	SCOTT JR., WINFIELD	155.25
JOHNSON, STEVEN P.	1,165.52	RILEY, DANIEL	590.34
ZIPP, DONALD R.	938.33	BARRETT, SCOTT T.	948.19
HEID, THOMAS J	1,307.19	BERGMANN, DOUGLAS M.	134.99
BOOTH, GEORGE E.	46.13	MACDONALD, BRIAN K.	825.09
BULLARD, ANDREW D.	815.69	RILEY, ANDREW P.	45.97
ROLOFF, AUDREY M.	208.62	TOTAL	78,863.05

PAYROLL: TRANSMITTAL
04/15/2011

**EFTPS* Payroll Taxes	25,749.06	ICMA RETIREMENT TRUST 457	6,430.86
AMERICAN FAMILY LIFE	34.60	MI STATE DISTRICT UNIT	441.26
CHAR EM UNITED WAY	63.00	NORTHWESTERN BANK	422.76
CHARLEVOIX STATE BANK	619.21	PRIORITY HEALTH	200.41
COMMUNICATION WORKERS	504.23	STATE OF MICHIGAN	4,133.63
ICMA RETIREMENT TRUST 401	692.86	TOTAL	39,291.88