

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, May 3, 2010 — 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
Assistant City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Shane Cole, Lyle Gennett, Dennis Kusina, Jill Picha, Greg Stevens, Bryan Vollmer
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 19, 2010 Regular Meeting Minutes
- B. Accounts Payable Check Register – April 22, 2010
- C. Accounts Payable Check Register – April 26, 2010
- D. Accounts Payable Check Register – May 4, 2010
- E. Tax Disbursement – May 4, 2010
- F. Payroll Check Register– April 30, 2010
- G. Payroll Transmittal – April 30, 2010

V. Public Hearings

None.

VI. Reports

The Manager asked for direction from Council regarding whether they wanted him to draft a memo to staff or an actual policy regarding cell phone or texting use in City vehicles. The State legislature has recently passed a law making it illegal to text while driving. The Manager has spoken with the department heads, who recognize the safety issue but would rather not develop a policy at this time. Street Superintendent Pat Elliott has been trying out a hands-free device, which seems to be working well. Councilmember Jill Picha would like to see the City pursue the use of hands-free devices. The Manager stated that there is some cost, about \$100 per unit, for the hands-free device. He doesn't think most employees are using their cell phones while they are driving. The Manager proposed putting a memo out to staff recommending they not use their cell phones while driving and possibly working towards purchasing hands-free devices for the department heads who need them.

The Manager gave an update on the interactive water fountain, which will hopefully be started by May 14.

The Manager commended City employees regarding the recent modifier reduction on workmen's compensation claims.

The Manager introduced the new Human Resource Assistant Jennifer Nash and Summer Intern Lauren Bradley, who both started today.

VII. Requests, Petitions and Communications and Actions Thereon

A. Request from WATCH for Idle Free Week

Executive Administrator Michelle Rick-Biddick from Water and Air Team of Charlevoix (WATCH) was available to present the item and answer questions from Council. The campaign would encourage motorists to turn vehicles off when bridge is up, at red lights, and when they run into businesses. WATCH may purchase some banners promoting the campaign; banner samples will be brought to Council for their approval. The Mayor clarified that if Council chooses to do this, they could specify the length of time: a week, a month, or the whole summer season.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Greg Stevens, to declare an Idle Free Season for the year of 2010.

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

B. Consideration of a Resolution Waiving Parking Fees at Ferry Beach Boat Launch for Lake Charlevoix Area Trout Tournament

The Mayor reviewed the item, which is an annual request for the tournament. Chris Mikulski, representing the tournament, was available to answer questions from Council. Action by resolution.

C. Purchase of 500 MCM Kerite Cable

Electric and Water Department Superintendent Don Swem was available to present the item and answer questions from Council.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to approve the purchase of 7,500 feet of 500 MCM Kerite cable from the Resco Corporation to be approved for a maximum cost of \$36,630.

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

D. Power Purchase

Electric and Water Department Superintendent Don Swem was available to present the item and answer questions from Council. The prices for power are still very low and this would be a purchase for blocks of power that will be good through 2015.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to approve the spending of up to a maximum of \$330,000, which is 10% over the requested amount, to purchase certain blocks of power through the Michigan Public Power Agency (MPPA) for the years 2013 through 2015.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer

Nays: None
Absent: None

E. Engineering Bids for Bridge Street Water Main Replacement – Carpenter to M-66

Electric and Water Department Superintendent Don Swem was available to present the item and answer questions from Council. Bids from three engineering firms were received for the replacement of the water main along Bridge Street from Carpenter to the M-66 intersection. Mr. Swem recommends the low bidder, Performance Engineers.

Motion by Councilmember Greg Stevens, seconded by Councilmember Jill Picha, to approve Performance Engineers to be awarded the bid not-to-exceed a total of \$11,326 for the design work outlined in their proposal dated April 22, 2010 for "Bridge Street Water Renovation Project" (PE Proposal Number 2010373).

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

F. Consideration to Approve Bids for Restroom Cleaning

Street Superintendent Pat Elliott was available to present the item and answer questions from Council. Taking into account all the extra cleaning during festivals, Up North Properties Service is the overall low bidder. Mr. Elliott recommends a two year contract with Up North Properties Service, as they have agreed to hold their pricing for the two year period.

Motion by Councilmember Shane Cole, seconded by Councilmember Bryan Vollmer, to accept the bid as presented [on p. 32 of the packet] by Up North Properties Service and enter into a two year contract with them.

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

G. Consideration to Approve Bids for Uniform Bids

Street Superintendent Pat Elliott was available to present the item and answer questions from Council. Mr. Elliott recommends a three year contract with the only bidder and current provider, Arrow Uniform. The previous contract with Arrow was also a three year contract. Arrow will hold the pricing for the three year term, barring some major cost change.

Motion by Councilmember Jill Picha, seconded by Councilmember Lyle Gennett, to accept the bid as presented [on p. 33 of the packet] by Arrow Uniform and enter into a three year contract with them.

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

H. Street Sweeper Purchase

Street Superintendent Pat Elliott was available to present the item and answer questions from Council. Mr. Elliott reviewed the differences between the two bidders' proposed vehicles. Mr. Elliott recommends the unit from Bell Equipment, even though it is not the low bid, as it meets or exceeds all the bid specifications; the AIS unit does not.

Motion by Councilmember Jill Picha, seconded by Councilmember Lyle Gennett, to approve the purchase of a Pelican street sweeper from Bell Equipment at the cost of \$149,900.

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

I. Formation of Policy Advisory Committee (PAC) for Airport Master Plan

Airport Manager Matt Bailey was available to answer questions from Council.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to form a Policy Advisory Committee [for the Airport] that would include two to three members of City Council.

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

Motion by Councilmember Lyle Gennett, seconded by Councilmember Greg Stevens, to appoint the City Attorney, the City Manager, and the Airport Manager to the PAC.

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

Motion by Councilmember Greg Stevens, seconded by Councilmember Shane Cole, to appoint Councilmember Lyle Gennett, Councilmember Jill Picha, and Mayor Norman L. Carlson, Jr., to the PAC.

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

J. Consideration to Revise Act 51 Map

The Manager presented the item. MDOT has asked us to make changes to the resolution adopted on March 15, 2010 regarding adding the Alice Street road end to the Act 51 map. Additional action by resolution.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to rescind Resolution 2010-03-03 adopted on March 15, 2010.

Yeas: Cole, Gennett, Kusina, Picha, Stevens, Vollmer
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. Consideration of a Resolution Waiving Parking Fees at Ferry Beach Boat Launch for Lake Charlevoix Area Trout Tournament
Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to approve Resolution 2010-05-01 as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2010-05-01
WAIVE PARKING FEES FOR TROUT TOURNAMENT**

WHEREAS, the Lake Charlevoix Area Trout Tournament will be held on June 11, 12, and 13, 2010; and

WHEREAS, the Lake Charlevoix Area Trout Tournament is requesting that parking fees be waived for the tournament; and

WHEREAS, the Charlevoix Area Trout Tournament is requesting parking fees to be waived for a practice fishing day on June 10, 2010.

WHEREAS, the City Code permits the City Council to waive parking fees for special or public events; and

BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF CHARLEVOIX, hereby waives parking fees for the Lake Charlevoix Area Trout Tournament from June 10 to June 13, 2010.

RESOLVED, this 3rd day of May, A.D. 2010.

Resolution was adopted by the following yea and nay vote:

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

- B. Consideration to Revise Act 51 Map

**CITY OF CHARLEVOIX
RESOLUTION NO. 2010-05-02
ADDITION OF COMPLETE LENGTH OF ALICE STREET TO ACT 51 MAP**

At a regular meeting of the City Council of the City of Charlevoix, Michigan, held at the City Hall on May 3, 2010, the following resolution was offered by member Greg Stevens, and supported by member Shane Cole.

Whereas the City acquired title to Alice Street by virtue of the Plat of Newman's Addition to the City of Charlevoix in 1871 and by virtue of the highway by user doctrine.

Whereas in 1971 the neighboring property owner challenged the City's title to a portion of Alice Street that ends on Round Lake (called, the "foot" of Alice Street) in the case of Hamilton v. City of Charlevoix, Charlevoix County Circuit Court file 275-2 (1971).

Whereas that litigation was settled in 1971 in which the parties agreed that the previously disputed portion of Alice Street (the foot of Alice Street) was a city street under "ownership" of the city in perpetuity.

Whereas it has been discovered that the City has inadvertently failed to add the foot of Alice Street to information which it submits to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

And whereas it is necessary to furnish corrected information to the State of Michigan to place the entire length of this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951 as amended.

NOW THEREFORE IT IS RESOLVED:

1. That the street is described as depicted in the Plat of Newmans' Addition to the Village of Charlevoix as recorded with the Register of Deeds, Charlevoix County, Michigan.
2. That said street is located within a City right-of-way and is under the control of the Village of Charlevoix.
3. That said street is a public street and is used for public street purposes.
4. That said street is and has been accepted into the City Local Street System and has been open to the public for well over 50 years.

Resolution duly adopted, this 3rd day of May, A.D. 2010.

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

X. Ordinances
None.

XI. Miscellaneous Business
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 8:00 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
Accounts Payable – 04/22/2010			
Information Only Check	0.00 V	PRIORITY HEALTH	\$ 33,643.87
AT&T LONG DISTANCE	\$ 100.46	STANDARD INSURANCE CO	\$ 1,310.16
AT&T MOBILITY	\$ 271.43		
DELTA DENTAL	\$ 3,711.07	TOTAL	\$ 39,036.99

FALCON INS AGCY - HOUSTON INC.	\$ 3,452.00	TOTAL	\$ 3,452.00
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Accounts Payable – 05/04/2010			
AIRGAS GREAT LAKES INC.	\$ 63.00	KING PAR LLC	\$ 227.28
ALL STAR PRO GOLF INC	\$ 308.86	KIWANIS CLUB OF CHARLEVOIX	\$ 37.00
ALL-PHASE ELECTRIC SUPPLY CO.	\$ 1,091.94	KORTHASE FLINN	\$ 405.50
AMERICAN WASTE INC.	\$ 3,881.80	KUSINA, DENNIS	\$ 372.48
ARBOR DAY FOUNDATION	\$ 10.00	LOUIS A. HOFFMAN NURSERY INC	\$ 840.00
ARVILLA, DENIS	\$ 170.69	LSL PLANNING INC.	\$ 8,724.33
BAILEY, MATT	\$ 41.00	MARSHALL, LINDA	\$ 100.00
BEHAN WINDOW CLEANING	\$ 105.00	MARVIN'S GARDENS INC	\$ 114.00
BISHAW, TINA	\$ 60.00	MCMASTER-CARR	\$ 474.22
BOLLINGER	\$ 300.00	MICH ASSOC OF MUNICIPAL CLERKS	\$ 375.00
BOSS, DWIGHT	\$ 41.00	MICHIGAN PUBLIC POWER AGENCY	\$ 114,711.64
BRADLEY, KELLY	\$ 5.50	MIDWEST GOLF & TURF	\$ 116.68
BRANDI, RICHARD	\$ 41.00	MISS DIG SYSTEM INC	\$ 185.31
CALDWELL, JAMES	\$ 330.66	MPOWER TECHNOLOGIES INC.	\$ 2,000.00
CAREY, KEITH	\$ 41.00	NETSOURCE ONE INC.	\$ 120.00
CCP INDUSTRIES INC	\$ 494.34	NORTHERN CREDIT BUREAU	\$ 86.86
CHARLEVOIX COUNTY TREASURER	\$ 201.30	NORTHERN LAKES	\$ 60.00
CHARLEVOIX SCREEN MASTERS INC	\$ 470.00	NORTHERN MICHIGAN REVIEW INC.	\$ 1,545.72
CHARLEVOIX TOWNSHIP	\$ 10.50	NORTHERN SAFETY CO INC	\$ 332.50
CHARTER COMMUNICATIONS	\$ 83.39	NORTHWEST ACADEMY	\$ 10,000.00
CINTAS FIRST AID & SAFETY	\$ 30.15	NW MI COMMUNITY ACTION AGENCY	\$ 130.41
CUMMINS BRIDGEWAY LLC	\$ 605.31	OCHS, CAROL	\$ 239.50
DELL MARKETING L P	\$ 1,779.53	PERFORMANCE ENGINEERS INC	\$ 6,670.00
DELTA VISION	\$ 462.69	PICHA, JILL	\$ 368.32
DEVLON CORPORATION	\$ 75.34	POLLUTION CONTROL SERVICES INC	\$ 900.00
DISTRICT 21 SOFTBALL	\$ 424.00	POWER LINE SUPPLY	\$ 4,007.64
DITCH WITCH SALES OF MICHIGAN	\$ 419.89	QUILL CORP	\$ 89.01
DOAN, GERARD	\$ 41.00	ROTARY CLUB OF CHARLEVOIX	\$ 37.50
DTE ENERGY	\$ 8,061.71	SEELEY'S PRINTING SERVICE	\$ 46.00
EAST JORDAN IRON WORKS	\$ 4,127.36	SOCIETY FOR HUMAN RESOURCE MGT	\$ 160.00
EDM PUBLISHERS INC.	\$ 158.48	SPARTAN DISTRIBUTORS INC	\$ 256.47
ELHORN ENGINEERING COMPANY	\$ 920.00	SPEEDWRENCH INC.	\$ 335.00
ELLIOTT, PATRICK	\$ 85.00	SPENCER, MICHAEL	\$ 41.00
EVANS, HAL	\$ 41.00	STANDARD ELECTRIC CO	\$ 30.55
FASTENAL COMPANY	\$ 172.77	STATE OF MICHIGAN	\$ 726.00
GRAND TRAVERSE RUBBER SUPPLY	\$ 198.40	STRAEBEL, ROBERT J.	\$ 41.00
GREAT LAKES ENERGY	\$ 172.49	SUPERIOR MECHANICAL	\$ 532.72
HACH COMPANY	\$ 1,338.46	SWEM, DONALD	\$ 41.00
HANKINS, SCOTT	\$ 275.13	THE TROPHY CASE	\$ 90.00
HEID, THOMAS	\$ 41.00	TURFGRASS INC	\$ 563.04
HOLIDAY COMPANIES	\$ 4,703.48	UP NORTH PROPERTY SERVICES LLC	\$ 630.00
HYDRO DESIGNS INC.	\$ 900.00	USA BLUE BOOK	\$ 135.65
IDEXX DISTRIBUTION INC.	\$ 942.93	VOSS LIGHTING	\$ 182.00
INTELLIGENT PRODUCTS INC	\$ 954.92	WADE TRIM OPERATIONS SERVICES	\$ 1,177.83
INTERNATIONAL INSTITUTE	\$ 125.00	WOODWARD, DEB	\$ 30.00
IVAN, PAUL	\$ 41.00	YOUNG GRAHAM	\$ 11,038.06
JACK DOHENY SUPPLIES INC	\$ 111.00		
JP LANN GOLF	\$ 428.07	TOTAL	\$ 204,714.31

PAYROLL: NET PAY

Pay Period Ending 04/24/2010 – Paid 04/30/2010

WELLER, LINDA JO	\$ 1,509.43	JACOBS, DOUGLAS R.	\$ 1,930.93
STRAEBEL, ROBERT J.	\$ 1,963.03	NISWANDER, JOSEPH F.	\$ 1,240.66
BRANDI, RICHARD M.	\$ 1,620.18	WELLS JR., DONALD E.	\$ 1,402.53
LOY, EVELYN R.	\$ 948.05	JONES, TERRI L.	\$ 953.49
KLOOSTER, ALIDA K.	\$ 1,127.57	BRADLEY, KELLY R.	\$ 1,265.46
BROWN, STEPHANIE C.	\$ 1,021.56	EATON, BRAD A.	\$ 1,122.42
OCHS, CAROL A.	\$ 947.49	WILSON, TIMOTHY J.	\$ 1,524.59
CAREY, KEITH V.	\$ 1,153.17	ELLIOTT, PATRICK M.	\$ 1,578.40
SPENCER, MICHAEL D.	\$ 1,459.24	WILSON, RICHARD J.	\$ 1,085.65
SPENCLEY, PATRICIA L.	\$ 1,025.85	SIEGMUND, CHRISTOPHER	\$ 342.61
SOMERVILLE, COLLIN P.	\$ 414.46	BROWE, RAYMOND L.	\$ 247.90
BAILEY, MATTHEW L.	\$ 1,106.02	EAGLESON, WAYNE L.	\$ 446.65
UMULIS, MATTHEW T.	\$ 1,433.91	MCGHEE, ROBERT R.	\$ 1,003.99
DOAN, GERARD P.	\$ 1,723.47	CROSS, MARCUS E.	\$ 387.20
METDEPENNINGEN, SARAH	\$ 1,187.26	VANLOO, JOSEPH G.	\$ 322.82
WARNER, JANINE M.	\$ 1,045.65	BOSS, DWIGHT M.	\$ 362.72
SCHLAPPI, JAMES L.	\$ 1,034.51	MILLIGAN, DESMOND E.	\$ 51.48
ORBAN, BARBARA K.	\$ 1,244.91	BENNETT, THOMAS A.	\$ 723.14
IVAN, PAUL M.	\$ 1,657.66	DURRENBERGER, LARRY J	\$ 120.16
SCHWARTZFISHER, JOSEPH	\$ 1,013.73	SHRIFT, PETER R.	\$ 1,154.83
ROLOFF, ROBERT P.	\$ 1,223.23	HANKINS, SCOTT A.	\$ 1,435.21
BRODIN, WILLIAM C.	\$ 1,162.06	COPPOCK, TIMOTHY M.	\$ 1,075.11
CALDWELL, JAMES P.	\$ 1,400.21	WURST, RANDALL W.	\$ 1,155.62
MAYER, SHELLEY L.	\$ 1,345.19	MEIER III, CHARLES A.	\$ 1,168.93
HILLING, NICHOLAS A.	\$ 1,041.60	WHITLEY, JOHN F.	\$ 1,589.57

BLANCHARD, SCOTT W.	\$	1,798.84	ZIPP, DONALD R.	\$	1,250.27
FRYE, EDWARD J.	\$	1,053.13	HOLM, ARTHUR R.	\$	830.47
Void	\$	-	HEID, THOMAS J	\$	1,338.55
ROTTA, RUSSELL	\$	1,543.20	KING, LYLE S.	\$	153.77
MORRISON, KEVIN P.	\$	1,030.06	BOAL, DAVID W.	\$	899.55
HODGE, MICHAEL J.	\$	1,101.57	GRUNCH, RONALD J.	\$	140.96
JOHNSON, STEVEN P.	\$	1,221.49	BOOTH, GEORGE E.	\$	253.37
JONES, ROBERT F.	\$	1,168.18	SWEM, DONALD L.	\$	1,704.92
BISHAW, JAMES H.	\$	341.88			
DISHONG, AARON S.	\$	936.04	TOTAL:	\$	71,267.76

PAYROLL: TRANSMITTAL
04/30/2010

**EFTPS* Payroll Taxes	\$	25,411.88	MI STATE DISTRICT UNIT	\$	128.28
CHAR EM UNITED WAY	\$	40.00	NORTHWESTERN BANK	\$	75.00
CHARLEVOIX STATE BANK	\$	83.00	PRIORITY HEALTH	\$	73.49
COMMUNICATION WORKERS	\$	512.52	STATE OF MICHIGAN	\$	3,890.32
ICMA RETIREMENT TRUST 401	\$	669.43			
ICMA RETIREMENT TRUST 457	\$	6,504.89	TOTAL:	\$	37,388.81