

CITY OF CHARLEVOIX  
REGULAR CITY COUNCIL MEETING MINUTES  
Monday, December 19, 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 Dennis Kusina, Jill Picha, Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett  
Absent: None

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

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – December 5, 2011 Regular Meeting Minutes
- B. Accounts Payable Check Register – December 20, 2011
- C. Tax Disbursement – December 20, 2011
- D. ACH Payments – December 5 – December 12, 2011
- E. Payroll Check Register – December 9, 2011
- F. Payroll Transmittal – December 9, 2011

**V. Public Hearings**

**A. Non-Emergency Use of the City Alert System.**

Fire Chief Paul Ivan reviewed the request to use the alert system for essential use and monthly tests only. Council discussed, bringing up the points that too much use can cause people to be "immune" to the noise, the emergency signal is a different tone than the noon/9:30 siren, and concern for malfunction due to such limited use. Chief Ivan reiterated that his role as the Fire Chief is to inform them of the best use is for emergencies and testing only. Council had received public input both for and against non-emergency use of the system, but the majority of the comments were in favor of continued use at noon and 9:30.

The Mayor opened the public hearing at 7:09 p.m.

Jason Staph commented that it is nice as parents to know kids are headed home at 9:30 p.m.

Bob Timms echoed Mr. Staph's comments and stated that because other communities are stopping isn't a reason Charlevoix should. He doesn't think people will get it confused with emergencies.

The Mayor closed the public hearing at 7:11 p.m.

The Mayor stated that it is a nice small town thing, and we have lost a lot of those things, like the train bridge and the water tower. He thinks people are smart enough to know the difference between the tones.

The Chief stated that he is looking for direction from Council. If their direction is to leave the noon and 9:30 sirens, that direction will be incorporated into the policy. Council can always change it later. Council generally agreed to leave the siren alarm as is.

**VI. Reports**

None.

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

**A. Purchase 1/0 Kerite Cable**

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

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to approve the purchase of 8,250 feet of 1/0 Kerite cable from the Resco Corporation for the amount of \$19,882.50.

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

Nays: None

Absent: None

**B. Consideration to Approve Infrastructure Engineering Proposal**

Street Department Superintendent Pat Elliott was available to review the item and answer questions from Council. The proposal from Performance Engineering is based on a percentage of construction costs and includes a 1% increase over last year's proposal. Mr. Elliott reviewed how and why this list of projects varies from the long term infrastructure plan provided earlier this year. Mr. Elliott has been very pleased with the work of Performance Engineering in the past. Staff is still hopeful of pursuing grants for the White parking lot construction. Mr. Elliott stated that, even though specific projects are listed in the proposal, projects may be prioritized or eliminated based on the funds available after taxable values are finalized.

Motion by Councilmember Greg Stevens, seconded by Councilmember Shane Cole, to accept the proposal from Performance Engineering, Inc., dated December 7, 2011, outlined on pp. 21-29 of the packet, and commence the engineering work detailed in the proposal for a total not-to-exceed \$148,329.96.

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

Nays: None

Absent: None

**C. Discussion Regarding Department Head Goals for FY 2012-13**

City Manager Rob Straebel was available to review the items and answer questions from Council. The goals are still in the draft stage and can be amended as needed as the budget process moves forward.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Lyle Gennett, to adopt the Goals for Fiscal Year 2012-13, as outlined on pp. 32-40 of the packet.

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

D. Request to Apply for Michigan Department of Transportation Permits

City Manager Rob Straebel was available to review the item and answer questions from Council. This is an annual item. Action by resolution.

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

A. Project 2011-09, Zone Change Request from American Legion, 106 E. Garfield

City Planner Mike Spencer reviewed the project and answered questions from Council.

Motion by Councilmember Jill Picha, seconded by Councilmember Bryan Vollmer, to set a public hearing for Project 2011-09 on Tuesday, January 3, 2012, at 7:00 p.m., in Council Chambers of City Hall.

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

B. Introduction of an Ordinance to Amend Title V, Planning and Zoning, Chapter 51, Zoning, Article X: Regulation of Medical Marijuana

City Planner Mike Spencer reviewed the ordinance for Council and was available to answer questions.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Lyle Gennett, to set a public hearing for Monday, January 16, 2012 at 7:00 p.m., in Council Chambers of City Hall on a proposed ordinance to amend Title V, Planning and Zoning, Chapter 51, Article X: Regulation of Medical Marijuana.

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

IX. **Resolutions**

A. Request to Apply for Michigan Department of Transportation Permits

Motion by Councilmember Jill Picha, seconded by Councilmember Shane Cole, to approve Resolution 2011-12-01 as follows:

**CITY OF CHARLEVOIX CITY COUNCIL  
RESOLUTION NO. 2011-12-01  
PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".*

RESOLVED WHEREAS, the City of Charlevoix hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation

Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this resolution as a part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	And/or	Title
Robert J. Straebel		City Manager
Patrick Elliott		Street Superintendent
Don Swem		City Engineer

RESOLVED this 19<sup>th</sup> day of December, 2011.

Resolution adopted by the following yea and nay votes:

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

**X. Ordinances**

None.

**XI. Miscellaneous Business**

Councilmember Jill Picha commented that, when stopping at a Michigan Welcome Center, she had picked up pamphlets that contained ads for other areas, but nothing for Charlevoix. The Mayor led a discussion and answered questions about advertising.

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

Bob Timms asked about Consumer's Energy Co. project to replace the electric line in Lake Charlevoix. The project has been postponed until spring.

**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
<b>Accounts Payable – 12/20/2011</b>			
ACE HARDWARE	1,683.64	J & S PORTABLE RESTROOMS	102.00
ALL-PHASE ELECTRIC SUPPLY CO.	195.18	KENNEDY INDUSTRIES INC	117.06
AMERICAN LEGION AUXILIARY	175.00	KMart	5.97
AMERICAN WASTE INC.	3,966.40	KORTHASE FLINN	1,955.70
ANYBATTERY INC.	100.58	MI ASSOC OF AIRPORT EXECUTIVES	70.00
APOLLO FIRE	780.04	MICHIGAN ELECTRIC	15,000.00
ARROW UNIFORM-TAYLOR L.L.C.	985.92	MICHIGAN OFFICEWAYS INC	602.30
AT&T	3,314.35	MICHIGAN WATER ENV ASSOC	300.00
AUTO VALUE	918.48	MISS DIG SYSTEM INC	582.51
B & L SOUND INC	225.40	NORTHERN LIGHTS FAMILY	66.00
BAILEY, MATTHEW L.	13.52	NORTHERN MICHIGAN JANITORIAL	131.80
BELLEROC TIRE/GAYLORD	833.64	NORTHERN MICHIGAN REVIEW INC.	714.00
BYE, SHERRY	75.00	OLD DOMINION BRUSH	479.13
CALDWELL, JAMES P.	411.16	PARASTAR INC.	1,075.20
CARQUEST OF CHARLEVOIX	862.43	PETERSON, TENA	65.63
CHARLEVOIX CAR WASH	39.60	POSTMASTER - CHARLEVOIX	4,190.00
CHARLEVOIX COUNTY EQUALIZATION	826.05	POWER LINE SUPPLY	3,399.90
CHARLEVOIX COUNTY TREASURER	1,194.71	PRESTON FEATHER	14.31
CHARLEVOIX ELECTRICAL SVC INC.	1,085.00	PROGRESSIVE MEDICAL INT'L	498.15
CHARLEVOIX SCREEN MASTERS INC	296.45	QUICK CARE MEDICAL CENTER	78.00
CHARTER COMMUNICATIONS	905.24	QUILL CORP	345.80
CINTAS FAS LOCKBOX 636525	65.04	R B LYONS INC	2,590.00
COMPLETE MUFFLER	146.95	RIETH-RILEY CONST CO INC	387.00
CONTRACTORS SUPPLY INC.	79.00	SALES & MARKETING OF MICHIGAN	79.75
CROSSROADS CHEVROLET	2,394.00	SCHMUCKAL OIL CO	657.90
CUMMINS BRIDGEWAY LLC	3,534.75	SEELEY'S PRINTING SERVICE	297.37
DITCH WITCH SALES OF MICHIGAN	166.73	SKI TRAIN DEPOT	2,446.40
ELHORN ENGINEERING COMPANY	1,545.00	SPARTAN STORES LLC	40.21
ELLSWORTH FARMER'S EXCHANGE	92.00	STATE OF MICHIGAN	3,000.00
FAMILY FARM & HOME	1,252.58	STEIN, DONNA	34.94
FASTENAL COMPANY	39.69	SYSTEMS SPECIALISTS INC	308.75
FERGUSON & CHAMBERLAIN	3,400.00	UP NORTH PROPERTY SERVICES LLC	476.00
FOX CHARLEVOIX	42.78	W. PEARSALL CONSTRUCTION	130.00
FOX CHARLEVOIX FORD	68.88	WILBERT BURIAL VAULT CO	53.76
GALLS AN ARAMARK COMPANY	289.96	WORK & PLAY SHOP	486.10
GREAT LAKES ELEVATOR LLC	276.00	YUZBA, SHARON	75.00
HYDRO DESIGNS INC.	900.00		
INDEPENDENT DRAFTING SERVICES	576.00	<b>TOTAL</b>	<b>74,613.79</b>

Accounts Payable – 12/20/2011

Tax Disbursements			
CHARLEVOIX APARTMENTS	5,166.13	CHARLEVOIX PUBLIC SCHOOLS	337.95
CHARLEVOIX COUNTY TREASURER	35,008.50	CITY OF CHARLEVOIX - TAXES DUE	9,222.25
CHARLEVOIX DISTRICT LIBRARY	4,310.98	CITY OF CHARLEVOIX/DDA	114,238.12
CHARLEVOIX PUBLIC SCHOOLS	5,307.19	RECREATIONAL AUTHORITY	6,753.32
CHARLEVOIX PUBLIC SCHOOLS	912.83	<b>TOTAL</b>	<b>181,257.27</b>

ACH Payments – 12/05/2011 – 12/12/2011

MI PUBLIC POWER AGENCY	9,589.47		
MI PUBLIC POWER AGENCY	18,719.58	<b>TOTAL</b>	<b>28,309.05</b>

PAYROLL: NET PAY

Pay Period Ending 12/03/2011 – Paid 12/09/2011

WELLER, LINDA JO	1,230.39	BROWN, STEPHANIE C.	87.13
STRAEBEL, ROBERT J.	2,337.34	DOAN, GERARD P.	450.81
BRANDI, RICHARD M.	1,739.67	DOAN, GERARD P.	1,895.49
LOY, EVELYN R.	983.31	SHRIFT, PETER R.	317.80
KLOOSTER, ALIDA K.	1,427.38	SHRIFT, PETER R.	1,212.65
BROWN, STEPHANIE C.	1,073.37	SCHLAPPI, JAMES L.	240.37
OCHS, CAROL A.	900.00	UMULIS, MATTHEW T.	91.35
CAREY, KEITH V.	1,153.11	HANKINS, SCOTT A.	350.38
SPENCER, MICHAEL D.	1,500.84	HANKINS, SCOTT A.	1,622.34
SPENCLEY, PATRICIA L.	1,110.65	WARNER, JANINE M.	188.70
NASH, JENNIFER B.	968.77	IVAN, PAUL M.	-
SCHLAPPI, JAMES L.	1,428.88	SCHWARTZFISHER, JOSEP	240.37
UMULIS, MATTHEW T.	1,596.77	ROLOFF, ROBERT P.	340.10
ORBAN, BARBARA K.	1,910.51	BRODIN, WILLIAM C.	85.51
WARNER, JANINE M.	1,223.34	CALDWELL, JAMES P.	350.38
IVAN, PAUL M.	1,676.29	COPPOCK, TIMOTHY M.	240.37
SCHWARTZFISHER, JOSEPH	1,472.81	COPPOCK, TIMOTHY M.	1,073.26
ROLOFF, ROBERT P.	2,099.41	WURST, RANDALL W.	267.58
BRODIN, WILLIAM C.	1,468.10	MAYER, SHELLEY L.	182.70
RILEY, DENISE M.	351.70	HILLING, NICHOLAS A.	85.51
CALDWELL, JAMES P.	1,742.17	WHITLEY, JOHN F.	428.94
WURST, RANDALL W.	1,279.35	WHITLEY, JOHN F.	1,911.95
MAYER, SHELLEY L.	1,430.60	NISWANDER, JOSEPH F.	305.10
HILLING, NICHOLAS A.	1,416.88	BLANCHARD, SCOTT W.	409.96
MEIER III, CHARLES A.	1,420.63	BLANCHARD, SCOTT W.	1,552.10
NISWANDER, JOSEPH F.	1,260.49	FRYE, EDWARD J.	448.94
FRYE, EDWARD J.	1,001.00	WELLS JR., DONALD E.	310.10
WELLS JR., DONALD E.	1,719.74	JONES, TERRI L.	297.10
JONES, TERRI L.	1,213.43	SWEM, DONALD L.	64.35
BRADLEY, KELLY R.	1,266.63	SWEM, DONALD L.	1,645.45
EATON, BRAD A.	1,488.02	BRADLEY, KELLY R.	57.13
WILSON, TIMOTHY J.	2,241.74	EATON, BRAD A.	55.59
LAVOIE, RICHARD L.	1,236.21	ELLIOTT, PATRICK M.	94.35
STEVENS, BRANDON C.	1,123.21	MORRISON, KEVIN P.	323.10
ELLIOTT, PATRICK M.	1,457.00	MORRISON, KEVIN P.	988.80
WILSON, RICHARD J.	1,082.25	HODGE, MICHAEL J.	315.10
JONES, ROBERT F.	1,161.69	HODGE, MICHAEL J.	1,328.24
MCGHEE, ROBERT R.	376.02	WILSON, RICHARD J.	317.80
HART, TERESA M.	736.73	JOHNSON, STEVEN P.	174.26
BAILEY, MATTHEW L.	1,947.80	JOHNSON, STEVEN P.	1,270.81
DVORACEK, DANA J.	1,153.36	ZIPP, DONALD R.	1,213.60
SCHERPING, CHARLES L.	511.99	BOSS JR, DALE E.	1,113.28
STEIN, DONNA E.	261.98	BOSS, JAMES W.	917.42
TOUGH, KENDALL J.	529.61	HEID, THOMAS J	268.50
WELLER, LINDA JO	470.38	HEID, THOMAS J	1,318.54
BRANDI, RICHARD M.	350.38	SARASIN, CHRISTIAN M.	296.89
LOY, EVELYN R.	364.36		
KLOOSTER, ALIDA K.	87.13	<b>TOTAL</b>	<b>84,733.62</b>

PAYROLL: TRANSMITTAL

12/09/2011

**EFTPS* Payroll Taxes	28,403.31	MERS	990.00
AMERICAN FAMILY LIFE	402.61	MI STATE DISBURSEMENT	274.35
CHAR EM UNITED WAY	63.00	NORTHWESTERN BANK	252.00
CHARLEVOIX STATE BANK	743.47	POLICE OFFICERS LABOR	316.75
COMMUNICATION WORKERS	518.51	PRIORITY HEALTH	707.85
ICMA RETIREMENT TRUST 401	699.79	STATE OF MICHIGAN	4,582.96
ICMA RETIREMENT TRUST 457	7,071.22	<b>TOTAL</b>	<b>45,025.82</b>