

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, April 5, 2010 — 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:01 p.m. by Deputy Mayor Jill Picha.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Absent
Deputy Mayor: Jill Picha
Assistant City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Stephanie C. Brown, Deputy Clerk
Members Present: Councilmembers Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett, Dennis Kusina, and Jill Picha

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – March 15, 2010 Regular Meeting Minutes
- B. Approval of Minutes – March 24, 2010 Special Meeting Minutes
- C. Accounts Payable Check Register – March 18, 2010
- D. Accounts Payable Check Register – March 26, 2010
- E. Accounts Payable Check Register – April 6, 2010
- F. Payroll Check Register– March 19, 2010
- G. Payroll Transmittal – March 19, 2010
- H. Payroll Check Register– April 1, 2010
- I. Payroll Transmittal – April 1, 2010

V. Public Hearings

None.

VI. Reports

City Manager Straebel asked any Council members interested in attending the Northern Lakes Economic Alliance luncheon on May 10, 2010 to contact his office. Manager Straebel also stated that the two underground storage tanks at the airport need a current inspection. The estimated cost will be approximately \$6,700 and is not budgeted. Now is an opportune time to do the inspection, as there is little fuel currently in the tank. Council had no objection to performing these inspections.

VII. Requests, Petitions and Communications and Actions Thereon

A. Fire and EMS Contract with Eveline Township

Manager Straebel reviewed this item and answered questions for Council.

Citizen Pete Phillips asked the amount of Eveline Township's contract and the amount if all the townships sign on. Manager Straebel stated that the contract amount for Eveline Township is \$19,320 and the total for all townships is about \$190,000.

Motion by Councilmember Gennett, second by Councilmember Kusina that City officials and staff are authorized to sign individual contracts for fire/EMS services with one or more townships in the County when the City Manager determines that such an individual contract is in the best financial interests of the City and, when the City Manager makes this determination, the provision in the uniform fire/EMS contract, which requires execution of fire/EMS contracts by all of the listed townships, is waived.

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

B. Parking Enforcement Proposal for the Dewitt Parking Lot

DDA Director Keith Carey reviewed options and answered questions from Council. Staff's recommendation is a pay-by-space meter. Council asked specific questions about the pay-and-display meter. Council is interested in having a meter that will take credit cards. Council queried if the appropriate conduit could be laid now for potential use later and if the pay-by-space meter can be upgraded at a later date to a credit card capable machine. There is no lighting planned for the lot; however, Council feels lighting of the lot is important. Council recommended that only five spaces be available for seasonal leasing.

There was no public comment.

Council generally agreed that Staff should investigate installing conduit at this time and the options and cost of a credit card capable machine.

C. Consideration to Approve Two Resolutions Verifying Non-Profit Status for a Charitable Gaming License

City Manager Robert Straebel reviewed the items and answered questions from Council. Richard O'Leary from the Serenity House confirmed that his paperwork is on file in the Manager's office. Mariners' representative Keith Attee stated that he believes that the paperwork has been correctly filed. Manager Straebel suggested that the motion be contingent on receipt of the non-profit status paperwork. 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. Introduction of an Ordinance to Amend Title VI, Chapter 61 - Nuisances

City Planner Mike Spencer reviewed the item and answered questions from Council. Planner Spencer stated that "grandfathering" is not an option with this ordinance. The proposed ordinance treats all property, residential, industrial, and commercial, the same.

Attorney Graham advised the Mayor Pro Tem that, while she may take general questions from the audience, the purpose of this item is to set a Public Hearing and that is the appropriate time for public comment.

Citizen Robert Timms noted that the City should not be treated the same across the board. The north side and south side have different expectations, different property values, and different atmosphere.

Citizen Pete Phillips stated that his property is commercial and this ordinance should not be passed to appease a small number of complaints.

Spencer reported that nearly one third of questionnaire respondents stated that nuisance items should be regulated and that more than half of respondents stated that nuisance issues should be addressed with property owners first, and that regulations should be used as a last resort. Only five out of three hundred respondents stated that the City should not be concerned with nuisance issues.

Manager Straebel stated that this is not a zoning issue. The commercial and residential mix generally works well.

Motion by Councilmember Cole, second by Councilmember Gennett, to set a public hearing on Amendments to Title VI, Chapter 61 – Nuisances for April 19, 2010 at 7:00 p.m. at City Hall.

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

IX. Resolutions

A. Consideration to Approve Two Resolutions Verifying Non-Profit Status for a Charitable Gaming License

1. Serenity House/Alano Club

Motion by Councilmember Cole, seconded by Councilmember Kusina, to approve Resolution 2010-04-01, contingent on receipt of the 501c-3, as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2010-04-01
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
SERENITY HOUSE/ALANO CLUB**

At a Regular meeting of the City of Charlevoix City Council called to order by Mayor Pro Tem C. Jill Picha on April 5, 2010 at 7:00 p.m. the following resolution was offered:

Moved by Councilmember Cole, supported by Councilmember Kusina, that the request from SERENITY HOUSE/ALANO CLUB of Charlevoix, County of Charlevoix, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license, be considered for Approval.

RESOLVED, this 5th day of April, 2010.

Resolution adopted by the following yea and nay votes:

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

2. Lake Charlevoix Mariners/4H Youth Sailing School

Motion by Councilmember Stevens, seconded by Councilmember Vollmer, to approve Resolution 2010-04-02, contingent on receipt of the 501c3, as follows:

**CITY OF CHARLEVOIX
RESOLUTION NO. 2010-04-02
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
LAKE CHARLEVOIX MARINERS/4H SAILING SCHOOL**

At a Regular meeting of the City of Charlevoix City Council called to order by Mayor Pro Tem C. Jill Picha on April 5, 2010 at 7:00 p.m. the following resolution was offered:

Moved by Councilmember Stevens, supported by Councilmember Vollmer, that the request from LAKE CHARLEVOIX MARINERS/4H SAILING SCHOOL of Charlevoix, County of Charlevoix, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license, be considered for Approval.

RESOLVED, this 5th day of April, 2010.

Resolution adopted by the following yea and nay votes:

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

X. Ordinances

None.

XI. Miscellaneous Business

None.

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

Citizen Robert Timms argued that if the City retains its tanker trucks to fulfill its fire and ambulance contract with Eveline Township, then the additional revenue generated by contracting with the other townships is extra. The fixed cost will be absorbed by the City whether or not the City services the townships. Council explained its decision.

XIII. Adjourn

The Mayor Pro Tem stated if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 8:09 p.m.

Stephanie C. Brown	Deputy City Clerk	C. Jill Picha	Mayor Pro Tem
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Carol A. Ochs	City Clerk
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Accounts Payable – 03/18/2010

AT&T	2,835.71	PRIORITY HEALTH	32,549.84
AT&T MOBILITY	270.96	STANDARD INSURANCE CO	1,391.16
CHARLEVOIX STATE BANK	6,052.18		
MICHIGAN PUBLIC POWER AGENCY	171,332.47	TOTAL:	214,432.32

Accounts Payable – 03/26/2010

BANC OF AMERICA LEASING	117,526.11		
DELTA DENTAL	3,586.29	TOTAL:	121,112.40

Accounts Payable – 04/06/2010

AIRGAS GREAT LAKES INC.	625.49	EATON, BRAD	75.30
ALL-PHASE ELECTRIC SUPPLY CO.	66.64	ELLIOTT, PATRICK	91.00
AMERICAN SAFETY UTILITY CORP	133.07	EMERGENCY MEDICAL PRODUCTS INC	537.30
AMERICAN WASTE INC.	3,741.50	ENOS, CRYSTAL	24.73
AMERICAN WATER WORKS ASSN	40.00	EVANS, HAL	41.00
APPLIED INDUSTRIAL TECH	341.84	FASTENAL COMPANY	19.86
ARINC INCORPORATED	878.37	FIRESERVICE MANAGEMENT	181.71
ASSOC OF PUBLIC TREASURERS	85.00	FISHER SCIENTIFIC	431.17
AT&T LONG DISTANCE	81.89	FOX CHARLEVOIX FORD	1,802.70
BAILEY, MATT	41.00	FRED PRYOR SEMINARS	199.00
BIOMEDICAL SOLUTIONS	1,000.00	FREIDINGER M.D., REED K.	83.00
BLANCHARD, KRISTINE	49.75	FRYE, EDWARD	98.00
BLANCHARD, SCOTT	50.00	GBS INC.	32.28
BOSS, DWIGHT	41.00	GREAT LAKES ENERGY	186.67
BOUND TREE MEDICAL LLC	692.97	GREAT LAKES PIPE & SUPPLY	549.92
BRADLEY, KELLY	50.00	HACH COMPANY	401.31
BRANDI, RICHARD	41.00	HAGGARD'S INC	1,586.30
CALDWELL, JAMES	91.00	HANKINS, SCOTT	41.00
CAREY, KEITH	41.00	HEALTH DEPT OF NW MICHIGAN	592.00
CDW GOVERNMENT INC.	366.64	HEID, THOMAS	91.00
CHARLEVOIX COURIER	52.80	HILLING, NICHOLAS	50.00
CHARLEVOIX TOWNSHIP	10.50	HODGE, MIKE	50.00
CHARLEVOIX-EMMET ISD	110.00	HOLIDAY COMPANIES	4,169.51
CHARTER COMMUNICATIONS	93.50	HYDRO DESIGNS INC.	900.00
CNU MICHIGAN	60.00	HYDRO DYNAMICS	4,997.00
COLORADO CHALLENGE	5,000.00	INDEPENDENT DRAFTING SERVICES	1,984.00
COPE, STEPHANIE	45.31	ISLAND AIRWAYS	10,519.48
COPPOCK, TIM	50.00	IVAN, PAUL	41.00
CUMMINS BRIDGEWAY LLC	659.23	J & S PORTABLE RESTROOMS	118.80
DELL MARKETING L P	121.82	JACOBS, DOUGLAS R.	50.00
DELTA VISION	448.60	JOHNSON, STEVEN	50.00
DESIGN ASSOCIATES	160.00	JONES, ROBERT	50.00
DITCH WITCH SALES OF MICHIGAN	156.05	KIRTLAND COMMUNITY COLLEGE	80.00
DOAN, GERARD	41.00	KMart	68.39
DTE ENERGY	3,242.97	KORTHASE FLINN	922.74
EAST JORDAN FAMILY HEALTH CTR	70.00	KSS ENTERPRISES	191.07

LAKESHORE TIRE & AUTO SERVICE	12.50	QUILL CORP	140.11
LASCO INC. LASER & INSTRUMENT	2,345.00	R & R FIRE TRUCK REPAIR	638.02
LEGAL BRIEFINGS FOR FIRE CHIEF	98.76	RESCO	148.75
LTAP/MTU	10.00	RIETH-RILEY CONSTRUCTION INC	920.00
MACKINAC ENVIRONMENTAL TECH.	1,817.00	ROLOFF, ROBERT	540.00
MAGNUM ELECTRIC INC.	502.78	ROTTA, RUSSELL M.	50.00
MAYER, SHELLEY	50.00	SCIENTIFIC BRAKE & EQUIP CO	310.00
MCMASTER-CARR	53.58	SPENCER, MICHAEL	390.82
MED-TECH RESOURCE INC	247.00	STANDARD ELECTRIC CO	65.71
MEIER III, CHARLES A.	50.00	STRAEBEL, ROBERT J.	41.00
MICH ASSOC OF MUNICIPAL CLERKS	55.00	SUPERIOR MECHANICAL	475.27
MICHIGAN MUNICIPAL ELECTRIC	300.00	SWANSON K & D INC	120.00
MICHIGAN MUNICIPAL LEAGUE	25,953.94	SWEM, DONALD	91.00
MICHIGAN PUBLIC POWER AGENCY	140,780.33	SYSTEMS SPECIALISTS INC	47.50
MICHIGAN WATER ENV ASSOC	100.00	TEMPERATURE CONROL INC.	1,081.31
MID STATES BOLT & SCREW CO	78.84	TRUCK & TRAILER SPECIALTIES	280.32
MISS DIG SYSTEM INC	46.10	UNITED STATES PLASTIC CORP.	160.79
MORRISON, KEVIN P.	50.00	UP NORTH PROPERTY SERVICES LLC	860.00
MUNICIPAL SUPPLY CO	653.25	VERIBANC INC.	396.00
NFPA	150.00	VILLAGE GRAPHICS INC.	158.70
NISWANDER, JOSEPH	50.00	VOSS LIGHTING	492.92
NORTHERN CREDIT BUREAU	89.59	WELLS JR., DONALD E.	50.00
OLD DOMINION BRUSH	1,468.80	WHITLEY, JOHN F.	50.00
PERFORMANCE ENGINEERS INC	5,889.95	WILSON, RICHARD J.	50.00
PLUNKETT & COONEY	1,120.59	WILSON, TIMOTHY J.	50.00
POLYDYNE INC	379.50	WURST, RANDALL	50.00
POWER LINE SUPPLY	4,533.93	YOUNG GRAHAM	7,028.00
POWERPLAN	178.85	ZIPP, DON	50.00
PRECISION DATA PRODUCTS	190.51		
PSYBUS	3,930.00	TOTAL:	256,009.20

PAYROLL: NET PAY
Pay Period Ending 03/13/2010 – Paid 03/19/2010

WELLER, LINDA JO	1,545.34	JACOBS, DOUGLAS R.	1,948.00
STRAEBEL, ROBERT J.	1,963.03	NISWANDER, JOSEPH F.	1,222.92
BRANDI, RICHARD M.	1,592.94	WELLS JR., DONALD E.	1,250.37
LOY, EVELYN R.	929.18	JONES, TERRI L.	901.67
KLOOSTER, ALIDA K.	1,009.63	BRADLEY, KELLY R.	1,185.87
BROWN, STEPHANIE C.	1,069.29	EATON, BRAD A.	1,207.03
OCHS, CAROL A.	931.07	WILSON, TIMOTHY J.	1,294.23
CAREY, KEITH V.	1,153.17	ELLIOTT, PATRICK M.	1,551.83
SPENCER, MICHAEL D.	1,435.00	WILSON, RICHARD J.	1,081.27
SPENCLEY, PATRICIA L.	1,026.38	STEVENS, BRANDON	349.31
SOMERVILLE, COLLIN P.	406.34	ZIPP, DONALD R.	1,229.18
BAILEY, MATTHEW L.	1,152.54	BOSS, DWIGHT M.	321.45
UMULIS, MATTHEW T.	1,526.29	CHAMBERLAIN, BAILEY L	98.00
DOAN, GERARD P.	1,691.92	GILLESPIE, MURPHY L.	319.08
METDEPENNINGEN, SARAH	1,230.20	STEBE, DAVID S.	716.52
WARNER, JANINE M.	1,037.79	WITTHOFT, MARVIN J.	184.70
SCHLAPPI, JAMES L.	949.28	SILVA, JESSE L.	39.60
ORBAN, BARBARA K.	1,388.74	O'CONNOR, BRUCE E	322.62
IVAN, PAUL M.	1,625.16	RILEY, ANDREW	490.96
SCHWARTZFISHER, JOSEPH	1,394.46	VANMETER, KIMBERLEY K	176.00
ROLOFF, ROBERT P.	2,441.82	TIMMS, ROBERT N	184.70
BRODIN, WILLIAM C.	1,180.00	STALEY, ARLENE L	184.70
CALDWELL, JAMES P.	1,282.92	LALEWICZ, AMELIA	46.17
MAYER, SHELLEY L.	1,435.79	SHRIFT, PETER R.	1,123.86
HILLING, NICHOLAS A.	1,042.36	HANKINS, SCOTT A.	1,421.35

COPPOCK, TIMOTHY M.	1,053.63	STEVENS, WILLIAM J.	426.77
WURST, RANDALL W.	1,195.41	HOLM, ARTHUR R.	478.83
MEIER III, CHARLES A.	1,419.95	HEID, THOMAS J	1,315.84
WHITLEY, JOHN F.	1,654.89	STEVENS, JEFFREY W.	120.12
BLANCHARD, SCOTT W.	1,521.98	HAND, REBECCA J.	78.18
FRYE, EDWARD J.	1,000.87	MEGGISON, JERRY B.	266.89
SWEM, DONALD L.	1,697.29	ROLOFF, AUDREY M.	254.70
ROTTA, RUSSELL	1,542.47	MARSH JR., JAMES D.	109.89
MORRISON, KEVIN P.	1,165.08	BUCKNER, DAVID D	537.72
HODGE, MICHAEL J.	1,104.12	TRAVERS, MANUEL J	74.80
JOHNSON, STEVEN P.	1,189.76	SCOTT, WINFIELD	72.59
JONES, ROBERT	1,073.99	WINNELL, CHARLES J.	115.88
BOSS JR, DALE E.	1,083.38	RILEY, DANIEL	296.52
WASHBURNE, MICHAEL J	55.41	BARRETT, SCOTT T	738.82
BOSS, JAMES W.	910.23	RILEY, JEFFERY C	26.39
STEBE JR, JOHN M.	434.27	BERGMANN, DOUGLAS M.	13.20
BOSS, SHERRY M.	125.37	MACDONALD, BRIAN K	759.91
WITTHOEFT, CHARLES F.	149.59	HERRIMAN, LUKE J.	26.39
BEHAN, DEAN T.	252.09	ZIMMERMAN, ANTHONY J.	138.63
BEHAN, HALEY C.	348.82	TOTAL:	76,122.70

PAYROLL: TRANSMITTAL
03/19/2010

**EFTPS* Payroll Taxes	26,192.64	ICMA RETIREMENT TRUST 457	5,744.98
AMERICAN FAMILY LIFE	34.60	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	501.99	STATE OF MICHIGAN	3,936.92
ICMA RETIREMENT TRUST 401	669.43	TOTAL:	37,480.33

PAYROLL: NET PAY
Pay Period Ending 03/27/2010 – Paid 04/01/2010

WELLER, LINDA JO	1,362.79	JACOBS, DOUGLAS R.	2,191.93
STRAEBEL, ROBERT J.	2,277.48	NISWANDER, JOSEPH F.	1,335.35
BRANDI, RICHARD M.	1,592.94	WELLS JR., DONALD E.	1,519.21
LOY, EVELYN R.	929.18	JONES, TERRI L.	1,167.86
KLOOSTER, ALIDA K.	1,261.08	BRADLEY, KELLY R.	1,303.15
BROWN, STEPHANIE C.	1,051.42	EATON, BRAD A.	1,109.71
OCHS, CAROL A.	931.07	WILSON, TIMOTHY J.	1,558.67
CAREY, KEITH V.	1,153.17	ELLIOTT, PATRICK M.	1,551.83
SPENCER, MICHAEL D.	1,435.00	WILSON, RICHARD J.	1,058.30
SPENCLEY, PATRICIA L.	1,017.44	STEVENS, BRANDON	131.99
SOMERVILLE, COLLIN P.	406.34	ZIPP, DONALD R.	1,306.81
BAILEY, MATTHEW L.	1,046.56	BOSS, DWIGHT M.	362.72
MASON, CHARLES F.	114.39	CHAMBERLAIN, BAILEY L	21.78
UMULIS, MATTHEW T.	1,193.32	GILLESPIE, MURPHY L.	154.65
DOAN, GERARD P.	1,691.92	STEBE, DAVID S.	716.52
METDEPENNINGEN, SARAH	1,326.53	WITTHOEFT, MARVIN J.	92.35
WARNER, JANINE M.	1,303.79	CARLSON JR., NORMAN	951.20
SCHLAPPI, JAMES L.	580.45	STEVENS, GREGORY L	452.51
ORBAN, BARBARA K.	1,632.19	PICHA, C JILL	404.80
IVAN, PAUL M.	1,629.98	KUSINA, DENNIS	580.80
SCHWARTZFISHER, JOSEPH	958.65	COLE, SHANE	397.10
ROLOFF, ROBERT P.	1,158.00	GENNETT, LYLE E	607.19
BRODIN, WILLIAM C.	1,082.26	VOLLMER, BRYAN R.	352.00
CALDWELL, JAMES P.	1,298.67	SHRIFT, PETER R.	1,126.80
MAYER, SHELLEY L.	1,298.34	HANKINS, SCOTT A.	1,433.62
HILLING, NICHOLAS A.	899.95	COPPOCK, TIMOTHY M.	1,091.99

WURST, RANDALL W.	1,387.94	BOSS, JAMES W.	910.23
MEIER III, CHARLES A.	1,253.92	STEBE JR, JOHN M.	97.01
WHITLEY, JOHN F.	1,776.01	BOSS, SHERRY M.	117.74
BLANCHARD, SCOTT W.	1,745.90	WITTHOEFT, CHARLES F.	105.60
FRYE, EDWARD J.	1,035.47	BEHAN, DEAN T.	92.35
SWEM, DONALD L.	1,697.29	BEHAN, HALEY C.	179.95
ROTTA, RUSSELL	1,609.42	STEVENS, WILLIAM J.	121.86
MORRISON, KEVIN P.	1,013.87	HOLM, ARTHUR R.	671.49
HODGE, MICHAEL J.	1,346.49	HEID, THOMAS J	1,315.84
JOHNSON, STEVEN P.	1,064.54	STEVENS, JEFFREY W.	64.67
JONES, ROBERT	1,182.68		
BOSS JR, DALE E.	1,083.38	TOTAL:	73,487.40

**PAYROLL: TRANSMITTAL
 04/01/2010**

**EFTPS* Payroll Taxes	25,610.00	MI STATE DISTRICT UNIT	128.28
CHAR EM UNITED WAY	40.00	NORTHWESTERN BANK	75.00
CHARLEVOIX STATE BANK	83.00	POLICE OFFICERS LABOR	299.25
COMMUNICATION WORKERS	501.99	PRIORITY HEALTH	73.49
ICMA RETIREMENT TRUST 401	669.43	STATE OF MICHIGAN	3,855.21
ICMA RETIREMENT TRUST 457	5,745.23	TOTAL:	37,080.88