

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, February 4, 2013 – 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: Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Jill Picha, Greg Stevens, Bryan Vollmer, Shane Cole, Dennis Kusina
Absent: Councilmember Lyle Gennett

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – January 21, 2013 Regular Meeting Minutes
- B. Accounts Payable Check Register – January 24, 2013
- C. Accounts Payable Check Register – February 5, 2013
- D. Tax Disbursement – February 5, 2013
- E. ACH Payments – January 17, 2013 – February 1, 2013
- F. Payroll Check Register – February 1, 2013
- G. Payroll Transmittal – February 1, 2013

V. Public Hearings

None.

VI. Reports

The City Manager gave an update on the Fireplace Design Steering Committee. The Manager clarified that the committee is not set up to say yes or no to the fireplace; they are there to design it and address issues with the design. Their next meeting will be February 28.

The Manager stated that they had hoped to present the revised airport fees at this meeting, but that Airport Manager Scott Woody would like some more time to do research. They plan to have something for Council's consideration at the February 18 meeting.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration of Paddleworks Mobile Rental of Kayaks and Paddleboards at City Beaches

Bill Schulman reviewed his request to rent kayaks and paddleboards at Depot and/or Ferry Beach. The Manager said that staff has reviewed the request and ironed out some of the details. The Manager answered various questions regarding the location of the operations. Staff has addressed possible conflicts with the sailing school. Council expressed concerns that the Chicago Club might object to that location. The Manager stated that he thought there would be minimal conflicts with the Chicago Club as the business will be a day operation only. The Clerk said that the location at the south end of Depot beach had been used for the sailing school in the past.

The Mayor called for public comment at 7:09 p.m.

Jeff Porter stated that the sailing school is a non-profit operation. This would be a for profit operation. The Clerk clarified that Paddleworks would be operating as a roadside stand, and would be required to pay for the appropriate licenses. Staff had felt this business offers the types of amenities the City wishes to provide. The Mayor stated that Paddleworks is also required to provide proof of insurance and liability.

The Mayor closed public comment at 7:10 p.m.

Council asked additional questions. The rentals will operate outside the swimming area. The permit is for one season, and if it doesn't work out the City does not have to continue it. Staff will bring the item back to Council after the season is over to review and get their input before continuing the operation.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Shane Cole, to authorize Schulman Paddleworks to use the south end of Depot Beach and the north end of Ferry Beach to rent kayaks and paddleboards to beach patrons, with the condition that they (1) provide the City with liability insurance, which names the City as co-insured; (2) has its patrons sign a Release of Liability prior to renting the kayaks/paddleboards; (3) acquire all necessary licenses from the Clerk's office; and (4) the mobile rental must conform with the City's zoning ordinance and its sign regulations.

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

B. Consideration to Approve the Sale of Property Located at the Intersection of Dixon Avenue and Mercer Boulevard

The Manager summarized the item. This is a purchase agreement with Todd Wyett for the sale of an approximately 4,900 square foot parcel of land at the intersection of Dixon Avenue and Mercer Boulevard for the appraised value of \$4,000. There is a blanket easement for the right-of-way for work on utilities or changes in the roadway. There is also a reverter clause that if the owner violates anything in the blanket easement and doesn't correct it within 14 days, the land would revert to the City. The Manager reminded Council that the land would no longer be public land, it would be private land, and the City would no longer have control over what happens to the trees unless they put some language regarding them in the purchase agreement. Mr. Wyett has no plans to remove the healthy trees in the near future, and he does not object to a clause, but he asked that if Council puts a clause in the agreement regarding the trees that it have a sunset on it of between 3 to 5 years. Council discussed the pros and cons of putting a tree provision in the agreement. Councilmember Vollmer said that, while he has nothing against Mr. Wyett, he does not see a benefit to the City in selling this piece of property. Mr. Wyett plans to landscape, water and maintain the property. The Attorney clarified for Council that, although Mr. Wyett has stated he does not have any immediate plans to remove the trees unless they are unhealthy,

he can sell the property to someone else who may not be as cooperative as Mr. Wyett. If Council is concerned about the trees and want some protections, they can't just go by Mr. Wyett's good faith.

The Mayor called for public comment at 7:22 p.m.

Jeff Porter asked if this property was within 300 feet of Lake Charlevoix. The Mayor said it is not. Selling property within 300 feet of the lake would need to go to a vote of the people.

Leon Perron asked if Council would address what could be added to the property, such as memorials. The Mayor stated the property would be no different than any other front yard. It is not a buildable piece of property. He can plant trees, plants, bushes, etc. If the City does any work on that property or accesses utilities in the easement, Mr. Wyett will be responsible for paying any reconstruction/refurbishing costs.

The Mayor closed public comment at 7:25 p.m.

Council generally agreed not to put a tree provision in the agreement.

Motion by Councilmember Jill Picha, seconded by Councilmember Shane Cole, to approve the sale of a parcel of city land approximately 4,918 square feet in area located at the corner of Dixon Avenue and Mercer Boulevard to the Todd A. Wyett 1995 Trust for the sale price of \$4,000.00, subject to the approval of the final language of the purchase agreement and quit claim deed, including the blanket easement and reverter clause, by the City Manager and City Attorney consistent with the directives of the City Council and to authorize the Mayor and City Clerk to execute the purchase agreement, quit claim deed, and any other document necessary to close the transaction.

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

C. City Investment Depositories - Update

City Treasurer Rick Brandi reviewed the item for Council. The auditors would like Council to approve the accounts within the banks as well as the list of depositories.

The Mayor called for public comment. There were no comments.

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Jill Picha, to approve (1) the updated list of investment depositories on p. 38 of the packet, and (2) per our auditor, all bank accounts shown on our regular investment report on p. 40 of the packet which lists all of our current investment accounts.

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

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

None.

XI. Miscellaneous Business

Councilmember Jill Picha confirmed that one of the gentlemen receiving Eagle Scout recognition did the work on the sign at the channel. He did an excellent job.

Council member Picha will be gone from the February 18 meeting. Mayor Carlson and Councilmember Vollmer will be absent from the April 1 meeting.

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

The Mayor called for public comment.

Jeff Porter stated he had served on the City Charter Commission in the seventies. The Charter established a strong Council/weak Mayor system that hasn't worked out so well. He thinks the Charter provides for policymakers, and then people to carry out that policy. The people who would carry out the policies would represent City Staff. Policy makers would be individuals from the community appointed to commissions, committees, or elected to Council. Dr. Porter was taken back by the fact that Mr. Straebel was on the fireplace committee. Dr. Porter does not believe staff should be involved in policymaking decisions. He thinks Mr. Straebel should either resign from the committee or resign as City Manager.

XIII. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 7:35 p.m.

Accounts Payable – 01/24/2013			
AT&T MOBILITY	75.66	STANDARD INSURANCE CO	1,302.87
CHARLEVOIX STATE BANK	5,085.20	VERIZON WIRELESS	56.72
DELTA DENTAL	4,417.89	VISION SERVICE PLAN	505.75
GREAT LAKES ENERGY	220.86		
PRIORITY HEALTH	40,230.62	TOTAL	51,895.57

Accounts Payable – 02/05/2013			
ADVANCED BUILDING	452.44	KORTHASE FLINN	30.60
AIRGAS USA LLC	132.80	KSS ENTERPRISES	408.02
ALL-PHASE ELECTRIC SUPPLY CO.	186.25	LAKESHORE TIRE & AUTO SERVICE	86.50
AMERICAN PUBLIC WORKS ASSN	284.00	LAVOIE, RICHARD	14.00
AT&T LONG DISTANCE	101.38	LOSSE, MATTHEW	19.64
AVFUEL CORPORATION	1,415.00	MICHIGAN MUNICIPAL ELECTRIC	8,630.00
B & L SOUND INC	109.99	MICHIGAN RECREATION & PARK	50.00
BC/BS OF MI REFUNDS	91.54	MID STATES BOLT & SCREW CO	22.64
BCBS REFUND DEPT.	111.09	MUTUAL OF OMAHA	36.33
BLANCHARD, SCOTT W.	65.69	NASH, JENNIFER	41.00
BLAZEN, DANIEL	46.61	NFPA	165.00
BLUEGLOBES LLC	103.32	NORTHERN MICHIGAN JANITORIAL	303.15
BRANDI, RICHARD	41.00	NYE UNIFORM CO	872.40
CAREY, KEITH	41.00	OLESON'S FOOD STORES	525.00
CCI SOUTH LLC	9,341.03	ORBAN, BARBARA	795.00
CHARLEVOIX COUNTY TREASURER	2,785.51	PERFORMANCE ENGINEERS INC	1,200.00
CHARLEVOIX SCREEN MASTERS INC	384.50	POLLARDWATER.COM - EAST	1,274.08
CHARLEVOIX TOWNSHIP	10.50	POWER LINE SUPPLY	2,166.37
CIVIC SYSTEMS	7,529.00	PREIN & NEWHOF	9,401.50
COAST TO COAST COMPUTER	201.72	ROLOFF, ROBERT	150.00
CRYSTAL FLASH ENERGY	1,615.12	RTI LABORATORIES INC.	207.00
DC ASSESSING SERVICES LLC	4,291.92	S.A. MORMAN & CO.	67.53
DITCH WITCH SALES OF MICHIGAN	827.50	SIMPSON ELECTRIC INC.	256.38
DOAN, GERARD	41.00	SPENCER, MICHAEL	41.00
DTE ENERGY	9,584.59	STATE OF MICHIGAN	130.00
DVORACEK, DANA J.	41.00	STEVENS, BRANDON	8.98
ELLIOTT, PATRICK M.	41.00	STRAEBEL, ROBERT J.	41.00
ELLSWORTH FARMER'S EXCHANGE	1,208.88	SUPERIOR MECHANICAL	824.98
EMERGENCY MEDICAL PRODUCTS INC	137.60	SWEM, DONALD L.	41.00
EVANS, HAL	41.00	TRAVERSE REPRODUCTION	60.98
FERGUSON & CHAMBERLAIN	1,119.00	TRUCK & TRAILER SPECIALTIES	660.10
FISHER SCIENTIFIC	405.79	USA BLUE BOOK	538.39
GINOP SALES INC	343.29	VILLAGE GRAPHICS INC.	62.55
GORDON FOOD SERVICE	165.61	VOSS LIGHTING	269.62
GOVERNMENTAL PRODUCTS INC.	2,663.69	WELLER, LINDA	41.00
GREAT LAKES PIPE & SUPPLY	612.29	WHITLEY, ANDREW	14.00
HACH COMPANY	621.78	WOLTERS KLUWER LAW & BUSINESS	415.00
HAGGARD'S INC	320.96	WOODY, SCOTT	41.00
HANKINS, SCOTT	41.00	WORK & PLAY SHOP	78.61
INDEPENDENT DRAFTING SERVICES	416.00	WURST, RANDALL W.	41.00
INTELLIGENT PRODUCTS INC	764.04	YOUNG GRAHAM	9,174.88
IVAN, PAUL	41.00	ZIPP, SHERRY	165.00
J & S PORTABLE RESTROOMS	232.00		
KIWANIS CLUB OF CHARLEVOIX	39.00	TOTAL 2/5/2013	88,420.66

Accounts Payable – 02/05/2013			
Tax Disbursements			
BECK, LOUIS	256.62	CHARLEVOIX PUBLIC SCHOOLS	460.79
CHARLEVOIX COUNTY TREASURER	100,578.40	CHARLEVOIX PUBLIC SCHOOLS	31.27
CHARLEVOIX COUNTY TREASURER	135.09	CITY OF CHARLEVOIX - TAXES DUE	28,536.23
CHARLEVOIX DISTRICT LIBRARY	38,322.23	RECREATIONAL AUTHORITY	6,894.76
CHARLEVOIX PUBLIC SCHOOLS	4,521.71		
CHARLEVOIX PUBLIC SCHOOLS	918.77	TOTAL	180,655.87

ACH Payments – 01/17/2013 – 02/01/2013			
MERS OF MICHIGAN	25,725.93	IRS (PAYROLL TAX DEPOSIT)	29,784.58
AV FUEL	2.16	VANTAGEPOINT (457 ICMA PLAN)	12,126.61
MI PUBLIC POWER AGENCY	22,393.81	VANTAGEPOINT (4017 ICMA PLAN)	713.78
MI PUBLIC POWER AGENCY	248,273.11		
MI PUBLIC POWER AGENCY	24,602.84	TOTAL	363,622.82

PAYROLL: NET PAY			
Pay Period Ending 01/28/2013 – Paid 02/01/2013			
WELLER, LINDA JO	1,295.29	RILEY, DENISE M.	333.34
STRAEBEL, ROBERT J.	2,315.87	WURST, RANDALL W.	1,500.55
BRANDI, RICHARD M.	1,709.30	MAYER, SHELLEY L.	1,412.14
LOY, EVELYN R.	976.99	HILLING, NICHOLAS A.	1,185.14
KLOOSTER, ALIDA K.	1,491.22	MEIER III, CHARLES A.	1,557.18
BROWN, STEPHANIE C.	1,062.02	NISWANDER, JOSEPH F.	1,225.44
OCHS, CAROL A.	887.27	FRYE, EDWARD J.	966.85
CAREY, KEITH V.	1,132.46	JONES, TERRI L.	1,199.56
SPENCER, MICHAEL D.	1,685.74	EATON, BRAD A.	1,800.70
SPENCLEY, PATRICIA L.	1,015.98	WILSON, TIMOTHY J.	2,314.40
NASH, JENNIFER B.	288.82	LAVOIE, RICHARD L.	1,364.92
DOAN, GERARD P.	1,253.04	STEVENS, BRANDON C.	1,181.47
SHRIFT, PETER R.	1,021.59	DRAVES, MARTIN J.	1,585.50
SCHLAPPI, JAMES L.	984.59	ELLIOTT, PATRICK M.	1,498.92
UMULIS, MATTHEW T.	1,244.83	WELLS JR., DONALD E.	1,583.70
ORBAN, BARBARA K.	1,361.65	BRADLEY, KELLY R.	1,326.08
TRAEGER, JASON A.	1,317.51	WILSON, RICHARD J.	1,492.73
WARNER, JANINE M.	1,194.03	JONES, ROBERT F.	1,627.24
IVAN, PAUL M.	1,532.14	VANLOO, JOSEPH G.	317.01
SCHWARTZFISHER, JOSEPH	1,252.59	WASHBURNE, MICHAEL J.	217.90
ROLOFF, ROBERT P.	979.05	MURPHY IV, MICHAEL J.	211.52
BRODIN, WILLIAM C.	1,130.52	BEHAN, HALEY C.	149.04

RAMSEY, MADISON L.	35.24	HODGE, MICHAEL J.	1,288.35
BERTINELLI, DAVID P.	358.86	JOHNSON, STEVEN P.	1,515.99
WITTHOEFT, MARVIN J.	258.58	BOSS JR, DALE E.	1,112.75
HEID, THOMAS J	1,309.86	BOSS, JAMES W.	918.57
WOODY, SCOTT R.	1,494.56	STEBE JR, JOHN M.	588.09
DVORACEK, DANA J.	1,284.48	BOSS, SHERRY M.	262.26
TOUGH, KENDALL J.	498.54	BEHAN, DEAN T.	264.22
WENZEL, PEGGY A.	439.13	SCAFIDI, DAVID J.	349.89
LALEWICZ, AMELIA	46.17	STEBE, CATHERINE M.	190.30
HANKINS, SCOTT A.	1,414.96	STEVENS, RODNEY M.	264.30
COPPOCK, TIMOTHY M.	1,165.48	HOLM, ARTHUR R.	654.39
BLANCHARD, SCOTT W.	1,700.20	HAND, HEATHER K.	509.86
SWEM, DONALD L.	1,588.83	SCHNEIDER, DENNIS R.	525.40
WHITLEY, ANDREW T.	1,457.33	STEVENS, JEFFREY W.	119.80
MORRISON, KEVIN P.	1,405.72	TOTAL	76,205.94

PAYROLL: TRANSMITTAL
02/01/2013

AMERICAN FAMILY LIFE	402.61	MI STATE DISBURSEMENT	596.19
CHAR EM UNITED WAY	98.54	NORTHWESTERN BANK	300.00
CHARLEVOIX STATE BANK	960.39	POLICE OFFICERS LABOR	372.00
COMMUNICATION WORKERS	530.72	PRIORITY HEALTH	682.47
INDIANA STATE	80.00		
MERS	390.00	TOTAL	4,412.92