

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, April 1, 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 Pro Tem Jill Picha

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor Pro Tem: Jill Picha
City Attorney: Jim Young
City Manager: Rob Straebel
City Clerk: Stephanie C. Brown, Deputy Clerk
Members Present: Council members Lyle Gennett, Dennis Kusina, Greg Stevens, Shane Cole
Absent: Mayor Norman L. Carlson, Jr., Council member Bryan Vollmer

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – March 11, 2013 Special Concurrent City Council/Planning Commission/DDA Meeting
- B. Approval of Minutes – March 18, 2013
- C. Accounts Payable Check Register – March 20, 2013
- D. Accounts Payable Check Register – April 2, 2013
- E. Tax Disbursement – April 2, 2013
- F. ACH Payments – March 18, 2013 – March 28, 2013
- G. Payroll Check Register – March 28, 2013
- H. Payroll Transmittal – March 28, 2013

V. Public Hearings

None.

VI. Reports

Deputy Clerk Stephanie Brown advised Council that the Compensation Commission will be holding their required bi-annual meeting on April 11, 2013. If there are any items that the Mayor or any Council members want the Commission to consider, they should contact the City Clerk's office, the City Manager's office, or a Commission member directly.

VII. Requests, Petitions and Communications and Actions Thereon

A. Presentation Regarding Draft Wastewater Treatment Plan Evaluation and Consideration to Approve Revised Change of Engineering Scope

Mark Prein of Prein & Newhof presented the item and answered questions from Council. The initial draft of the Wastewater Treatment Plant Evaluation is complete. The next step would be to complete the Project Plan, if Council approves. Mr. Prein has met with representatives from the Department of Environmental Quality (DEQ). The DEQ has agreed to consider factors specific to Charlevoix when renewing the permit in 2016, but will not modify the current permit. There is no guarantee that the DEQ will consider these factors; however, they will need to sign off on any improvements that the City makes and that will help solidify their commitment to lowering limits for Charlevoix based on Charlevoix-specific factors.

Because Alternate 1 is temperature dependent, it is not an adequate option for Charlevoix. Alternate 2 for sludge treatment is less costly than Alternate 3, but has greater potential for requiring additional upgrades in the future. Alternate 3 is cutting-edge technology and will result in better quality effluent.

If Alternate 2 is used, it is possible that additional upgrades may be required. The DEQ is pushing limits down because the technology exists to reduce those limits.

Construction will be staggered to ensure continued operation during upgrades. Prein & Newhof has created a conceptual design for new equipment placement during and after construction, and while the space will be crowded during construction, there is sufficient room at the site for the new equipment both during and after construction.

No special chemicals are used in the proposed upgrades, and if the system works properly no heating of the wastewater will be required.

Mr. Prein discussed funding from the State through the S2 program, which are 90% grants from the State with a 10% local match. The State's S2 program also can provide low-interest loans for construction.

The schedule for grants, design, design approval and construction has very little room for delays. Construction will likely take 18 months.

Manager Straebel reminded Council that, while having the most advanced technology would be very nice, the City needs to balance the technological needs with the financial impact on the community. Sewer rates will need to be increased to cover debt service costs.

The Mayor Pro Tem called for public comment. There were no comments. The item was closed to public comment.

Motion by Councilmember Gennett, seconded by Councilmember Kusina, to approve additional Scope of Work for Engineering Services in the amount of \$25,000 as stated in the March 6, 2013 Prein & Newhof letter.

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

B. Liquor License Transfer, Family Fare, LLC 103 M-66 (Glen's Market)

Mayor Pro Tem Picha presented the item and answered questions from Council. This is a routine request for a liquor license transfer.

The Mayor Pro Tem called for public comment. There were no comments. The item was closed to public comment.

Action by resolution.

C. Consideration to Approve Agreement with Wachs Water Services

DPW Superintendent Pat Elliott presented the item and answered questions from Council. The contract under consideration would result in exercising the approximately half of the main line valves throughout the entire water distribution system in 2013. Superintendent Elliott reviewed the benefits to the City and taxpayer of completing this program. This item is budgeted for 2013-14.

The Mayor Pro Tem called for public comment. There were no comments. The item was closed to public comment.

Motion by Councilmember Kusina, seconded by Councilmember Cole, to accept the proposal from Wachs Water Services in the amount of \$19,170 and schedule them to complete the work starting this spring.

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

D. Consideration to Approve a Donation Acceptance Policy

City Manager Straebel presented the item and answered questions from Council. Per Council's direction, Staff developed a Donation Acceptance Policy for Council's consideration.

The Mayor Pro Tem called for public comment.

Gabe Campbell suggested that, while the policy looks good, any donation that will affect a public park should be approved by a vote of the people. Mr. Campbell also suggested that the City check the legality of allowing a memorial in a public park.

Jodi Bingham stated that a different, more specific, policy should apply to City parks, and referred to a policy that she had provided to staff for their review which included dollar amount factors and a process to slow the donation down to allow public input.

Councilmember Cole stated that the idea of placing a dollar limit as a factor on accepting donations was a good idea.

Shirley Gibson spoke regarding the final fireplace design and asked that detailed drawings be provided and that a publicized public hearing be set when Council reviews the final design. Ms. Gibson also read a definition of public hearing, and when a public hearing is required.

Upon questioning, Deputy Clerk Brown stated that the Fireplace item was not required to have a public hearing, and was not publicized as such. Manager Straebel noted that, since the item became controversial, updates have been included on the web site and articles have been written by reporters to help keep the public informed. Mr. Straebel also stated that an article in the paper is more likely to be seen and read by constituents than a notice in the legal section of the paper.

Ms. Gibson reiterated that the final fireplace design is an important issue and the final design should have a public hearing and be noticed as such.

Jodi Bingham asked if the current discussion was about the fireplace or the policy. Ms. Gibson stated that the policy should also have a public hearing.

Ms. Bingham stated that the dollar amount threshold that she proposes for the policy could help indicate when a public hearing should be held. Manager Straebel noted that the dollar amount of a donation is not necessarily indicative of how controversial a donation may be to the public. Ms. Bingham believes a more specific policy will help protect the park.

Mayor Pro Tem Picha stated that a more flexible policy will be easier for staff to administer.

Upon questioning, City Attorney Young stated that the donation policy, which he has reviewed and Council will adopt by motion, can be amended at any time. Flexibility in the policy is important given the wide variety of types of donations. After using the policy for a while, Council may feel an amendment is in the best interest of the citizens. Mr. Young also stated that the City Charter has extra protections for City parks. Mr. Young suggested that, if the policy were amended, it could include some sort of criteria: If the donation is for a public park, and over a specified dollar amount, then it would trigger a public hearing.

Leon Perron stated that, since the policy was first available on Friday, many constituents have not have time to review it. If the local press has time to write an article to inform the public, then the concerned citizens would be able to attend a meeting and comment on the policy.

Council member Gennett stated that he had requested that establishment of a donation policy be expedited to help address issues with the fireplace. He apologized to anyone who felt the policy was being rushed through.

Art Nash suggested that waiting two weeks to allow public input could be beneficial and strongly suggested that anyone that has comments or suggestions talk to the manager's office and provide specific recommendations using the current draft as a starting point.

Manager Straebel stated that he was not opposed to waiting two weeks to get additional input. Council had no specific recommendations regarding the draft revision.

The item was closed to public comment.

Council generally agreed to wait until the next Council meeting to allow additional public input.

E. Approval of Job Descriptions

~~Human Resources Assistant Jennifer Nash~~ City Manager Rob Straebel presented the item and answered questions for Council regarding two job descriptions: City Treasurer and Golf – Pesticide Applicator/Grounds Maintenance.

The Mayor Pro Tem called for public comment. There were no comments. The item was closed to public comment.

Motion by Councilmember Cole, seconded by Councilmember Kusina, to adopt the two job descriptions [City Treasurer and Golf – Pesticide Applicator/Grounds Maintenance] as written.

Yeas: Gennett, Kusina, Picha, Stevens, Cole

Nays: None
 Absent: Vollmer

- F. Approval of Annual Health Savings Account Incentive Program, Part 2 (April 1, 2013 to September 30, 2013)
 City Manager Rob Straebel presented the item and answered questions for Council.

The Mayor Pro Tem called for public comment. There were no comments. The item was closed to public comment.

Motion by Councilmember Gennett, seconded by Councilmember Stevens, to adopt the Annual HSA Incentive Program, [April 1, 2013 – September 30, 2013].

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

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. Resolution – Liquor License Transfer, Family Fare, LLC 103 M-66 (Glen's Market)

**CITY OF CHARLEVOIX
 RESOLUTION NO. 2013-04-01
 LIQUOR LICENSE TRANSFER FAMILY FARE, LLC**

At a Regular meeting of the City of Charlevoix City Council called to order by Mayor Pro Tem Jill Picha on April 1, 2013 at 7:00 p.m., the following resolution was offered:

Moved by Councilmember Gennett and supported by Councilmember Kusina that the application from FAMILY FARE LLC (Glen's Market #1506) for the following license(s): SDD, with am/pm Sunday sales, Beer & Wine Sampling to be located at 103 M-66, Charlevoix MI

be considered for Approval.

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

It is the consensus of this body that it recommends this application be considered for approval by the Michigan Liquor Control Commission

RESOLVED, this 1st day of April, 2013.

Resolution adopted by the following yea and nay votes:

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

X. Ordinances
 None.

XI. Miscellaneous Business
 None.

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

XIII. Adjourn
 The Mayor Pro Tem stated that, if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 8:47 p.m.

Stephanie C. Brown Deputy City Clerk Norman L. Carlson, Jr. Mayor

Carol A. Ochs City Clerk

Accounts Payable – 03/20/2013

AT&T	5,171.92	PRIORITY HEALTH	40,188.62
AT&T MOBILITY	74.06	STANDARD INSURANCE CO	1,354.31
CHARLEVOIX STATE BANK	5,802.12	VERIZON WIRELESS	56.74
DELTA DENTAL	4,498.37	VISION SERVICE PLAN	511.34
GREAT LAKES ENERGY	220.03	TOTAL	57,877.51

Accounts Payable – 04/02/2013

AIRGAS USA LLC	929.86	ANYBATTERY INC.	44.05
ALL-PHASE ELECTRIC SUPPLY CO.	675.15	ARBOR DAY FOUNDATION	10.00
AMERICAN WASTE INC.	2,019.20	ARROW UNIFORM-TAYLOR L.L.C.	924.23

AT&T LONG DISTANCE	479.11	JMK SPORTS INC.	52.54
AVFUEL CORPORATION	26,152.12	JOHNSON, STEVEN P.	50.00
B & L SOUND INC	24.98	JONES, ROBERT F.	50.00
BARRINGER & ASSOCIATES LTD.	105.00	KENDALL ELECTRIC INC.	208.80
BCBS REFUND DEPT.	254.62	KSS ENTERPRISES	135.10
BEAVER ISLAND BOAT CO	10,952.84	LAVOIE, RICHARD	76.19
BEHAN WINDOW CLEANING	105.00	MAYER, SHELLEY L.	50.00
BERGMANN MARINE	508.02	MDC CONTRACTING LLC	1,612.50
BLANCHARD, SCOTT W.	50.00	MEIER III, CHARLES A.	50.00
BRADLEY, KELLY R.	64.00	MICHIGAN POLICE EQUIPMENT	230.00
BRANDI, RICHARD	41.00	MORRISON, KEVIN P.	50.00
BREWER, JOHN	180.00	NASH, JENNIFER	41.00
BULBS.COM	134.70	NISWANDER, JOSEPH F.	50.00
CAMPBELL, JOHN	30.00	NORTHERN CREDIT BUREAU	151.48
CAREY, KEITH	173.88	NORTHERN FIRE & SAFETY INC.	172.00
CENTRAL DRUG STORE	11.38	NORTHERN MICHIGAN JANITORIAL	385.55
CHARLEVOIX TOWNSHIP	10.50	NORTHERN PUMP SERVICE INC.	1,080.00
CHARLEVOIX YOUTH SPORTS ASSN	637.50	OTEC	186.95
CINTAS FAS LOCKBOX 636525	65.75	PHYSIO-CONTROL INC.	704.00
COPPOCK, TIMOTHY M.	50.00	PLUNKETT & COONEY	1,037.72
COUNTY OF EMMET	100.00	POSTMASTER	36.31
DC ASSESSING SERVICES LLC	4,291.92	POWER LINE SUPPLY	5,107.22
DETROIT AIR COMPRESSOR	307.48	PREIN & NEWHOF	8,688.09
DICKINSON COUNTY SHERIFF'S DEPARTMENT	35.00	PRO WEB MARKETING	240.00
DOAN, GERARD	41.00	PUROLL EQUIPMENT COMPANY LLC	111.20
DORAN, JUSTIN J.	75.00	SCHMUCKAL OIL CO	215.22
DRAVES, MARTIN J.	50.00	SEELEY'S PRINTING SERVICE	177.00
DVORACEK, DANA J.	41.00	SPENCER, MICHAEL	41.00
EATON, BRAD A.	50.00	STATE OF MICHIGAN	70.00
ELLIOTT, PATRICK M.	504.44	STEVENS, BRANDON	70.68
ELLSWORTH FARMER'S EXCHANGE	1,760.64	STRAEBEL, ROBERT J.	41.00
EMERGENCY MEDICAL PRODUCTS INC	218.44	SWEM, DONALD L.	91.00
EVANS, HAL	41.00	TERMINAL SUPPLY CO	73.57
FISHER SCIENTIFIC	630.11	UP NORTH PROPERTY SERVICES LLC	455.00
FRYE, EDWARD J.	50.00	VILLAGE GRAPHICS INC.	101.59
GBS INC.	129.05	WASTECORP.PUMPS LLC	483.30
GOVERNMENT FINANCE	160.00	WELLER, LINDA	41.00
GREAT LAKES PIPE & SUPPLY	73.92	WELLS JR., DONALD E.	64.00
HANKINS, SCOTT	41.00	WHITLEY, ANDREW	78.00
HEID, THOMAS J.	91.00	WHITLEY, LUKE	50.00
HILLING, NICHOLAS A.	50.00	WILKIN, AMANDA	41.00
HODGE, MICHAEL J.	50.00	WILSON, RICHARD J.	50.00
HOLIDAY COMPANIES	9,903.95	WILSON, TIMOTHY J.	50.00
IDEXX DISTRIBUTION INC.	1,005.23	WISCONSIN RURAL WATER ASSOCIATION INC.	60.00
ISLAND AIRWAYS	23,166.00	WOODY, SCOTT	41.00
IVAN, PAUL	41.00	WURST, RANDALL W.	91.00
J & B MEDICAL SUPPLY INC.	854.92	YOUNG GRAHAM	11,077.46
J & S PORTABLE RESTROOMS	197.00	ZOLL MEDICAL CORPORATION	856.17
JERRY'S TIRE	1,007.91	TOTAL	124,475.54

Accounts Payable - 04/02/2013

Tax Disbursements

CHARLEVOIX COUNTY TREASURER	1,589.59	CHARLEVOIX PUBLIC SCHOOLS	66.94
CHARLEVOIX DISTRICT LIBRARY	263.64	CITY OF CHARLEVOIX - TAXES DUE	1,229.83
CHARLEVOIX PUBLIC SCHOOLS	543.97	RECREATIONAL AUTHORITY	47.00
CHARLEVOIX PUBLIC SCHOOLS	152.79		
CHARLEVOIX PUBLIC SCHOOLS	2.73	TOTAL	3,896.49

ACH Payments - 03/18/2013 - 03/28/2013

STATE OF MI (WITHHOLDING TAX)	8,478.26	IRS (PAYROLL TAX DEPOSIT)	28,992.64
STATE OF MI (SALES TAX)	26,076.40	VANTAGEPOINT (457 ICMA PLAN)	12,106.38
MI PUBLIC POWER AGENCY	22,010.23	VANTAGEPOINT (4017 ICMA PLAN)	713.78
MI PUBLIC POWER AGENCY	270,656.33		
MI PUBLIC POWER AGENCY	19,049.59	TOTAL	388,083.61

PAYROLL: NET PAY

Pay Period Ending 03/23/2013 - Paid 03/28/2013

WELLER, LINDA JO	1,295.29	RAMSEY, MADISON L.	35.24
STRAEBEL, ROBERT J.	1,986.92	BERTINELLI, DAVID P.	55.41
BRANDI, RICHARD M.	1,760.01	STEBE, CATHERINE M.	162.10
LOY, EVELYN R.	995.94	WITTHOEF, MARVIN J.	129.29
KLOOSTER, ALIDA K.	1,590.03	STEVENS, JEFFREY W.	149.32
BROWN, STEPHANIE C.	1,175.62	HEID, THOMAS J	1,239.11
CAREY, KEITH V.	1,132.45	COPPOCK, TIMOTHY M.	1,514.64
SPENCER, MICHAEL D.	1,488.86	WURST, RANDALL W.	1,646.41
SPENCLEY, PATRICIA L.	1,025.44	MAYER, SHELLEY L.	1,184.32
NASH, JENNIFER B.	835.14	HILLING, NICHOLAS A.	1,052.33
PANOFF, ZACHARY R.	573.44	IVAN, PAUL M.	1,699.14
OCHS, CAROL A.	922.24	SCHWARTZFISHER, JOSEPH L.	1,020.34
VANLOO, JOSEPH G.	129.29	ROLOFF, ROBERT P.	2,364.46
WOODY, SCOTT R.	1,494.56	BRODIN, WILLIAM C.	1,061.84
DVORACEK, DANA J.	1,134.82	RILEY, DENISE M.	333.34
TOUGH, KENDALL J.	213.49	DOAN, GERARD P.	1,212.67
SCHNEIDER, DENNIS R.	591.79	SHRIFT, PETER R.	1,068.09
WILKIN, AMANDA J.	571.98	SCHLAPPI, JAMES L.	1,118.08
BOSS JR, DALE E.	1,112.75	UMULIS, MATTHEW T.	1,359.22
WASHBURNE, MICHAEL J.	129.29	HANKINS, SCOTT A.	1,440.60
BOSS, JAMES W.	918.57	ORBAN, BARBARA K.	1,293.01
STEBE JR, JOHN M.	232.37	TRAEGER, JASON A.	1,103.34
BOSS, SHERRY M.	133.44	WARNER, JANINE M.	965.96
MURPHY IV, MICHAEL J.	102.18	VANMETER-SANDERSON, KIMBERLY K	220.24
BEHAN, DEAN T.	129.29	TIMMS, ROBERT N	230.87
BEHAN, HALEY C.	52.86	STALEY, ARLENE L	230.87
SCAFIDI, DAVID J.	174.43	MCDONNELL JR, JOHN W.	1,426.76

HOLM, ARTHUR R.	242.73	NISWANDER, JOSEPH F.	1,225.44
MEIER III, CHARLES A.	1,475.47	BLANCHARD, SCOTT W.	1,650.67
ELLIOTT, PATRICK M.	1,498.92	FRYE, EDWARD J.	966.85
MORRISON, KEVIN P.	947.31	JONES, TERRI L.	710.91
HODGE, MICHAEL J.	1,106.40	SWEM, DONALD L.	1,588.83
WELLS JR., DONALD E.	1,221.46	EATON, BRAD A.	1,669.29
BRADLEY, KELLY R.	1,201.74	WILSON, TIMOTHY J.	1,905.65
WILSON, RICHARD J.	1,093.48	LAVOIE, RICHARD L.	1,264.89
JOHNSON, STEVEN P.	1,219.25	STEVENS, BRANDON C.	1,152.20
JONES, ROBERT F.	1,128.66	WHITLEY, ANDREW T.	1,267.23
DORAN, JUSTIN J.	1,058.20	DRAVES, MARTIN J.	1,585.50
HAND, HEATHER K.	825.83	TOTAL	75,226.40

PAYROLL: TRANSMITTAL
03/28/2013

COMMUNICATION WORKERS OF AMERICA	530.72	NORTHWESTERN BANK	300.00
CHAR EM UNITED WAY	98.54	MERS	390.00
AMERICAN FAMILY LIFE	158.34	CHARLEVOIX STATE BANK	2,650.00
AMERICAN FAMILY LIFE	244.27	NORTHWESTERN BANK	1,400.00
MI STATE DISBURSEMENT UNIT	596.19	PRIORITY HEALTH	703.47
INDIANA STATE	80.00		
CHARLEVOIX STATE BANK	960.39	TOTAL	8,111.92