

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, July 20, 2015 – 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 Gabe Campbell.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Gabe Campbell
Interim City Manager: Mike Spencer
City Clerk: Joyce Golding
Members Present: Councilmembers Shane Cole, Shirley Gibson, Luther Kurtz, Leon Perron, Jeff Porter, Bill Supernaw
Absent: None

Mayor Campbell stated that the meeting will be run according to the "Rules of Procedure for City Council" and "Robert's Rules of Order", and he read the following:

Speakers must address their remarks to the Chair (mayor), maintain a courteous tone, and should avoid injecting a personal note into debate. ...they must never attack or make any allusion to the motives of members. The word "members" shall be deemed to include Council, Mayor, City Staff and all other speakers. The Chair may limit public input to three minutes...

Mayor Campbell advised that speakers need to stay on the subject.

Mayor Campbell stated it was his understanding that the City Attorney and an insurance representative for the City would be present at tonight's meeting. In fairness, he is rescheduling agenda item F "Discussion on Skydiving Operations at Charlevoix Municipal Airport" to the August 3rd Council meeting. Mayor Campbell said that his decision can be overturned by a vote of the Council.

Councilmember Kurtz recused himself from the discussion. He then moved to the podium and as the business proponent, stated that he would like to discuss agenda item F as scheduled.

Interim City Manager Spencer stated for the record that the City Attorney was out of town and unable to attend tonight's meeting. He also read from an email dated July 20, 2015 from Edmund Underwood, President Avsurance Corporation, which stated "I cannot make it to tonight's meeting. Our chairman has committed me to a corporate dinner... I think it would be best if you send me any other questions prior to the meeting and I will mail the answers to you."

Councilmember Supernaw asked the Mayor whether it would be appropriate to ask the audience for their opinion regarding the postponement. Councilmembers Gibson and Porter responded "no".

It was the general consensus of Council to postpone agenda item F until the next meeting.

III. Inquiry Regarding Possible Conflicts of Interest

Councilmember Kurtz stated that if there was discussion regarding agenda item F, he would have a conflict.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – July 6, 2015 Regular Meeting Minutes
Mayor Campbell requested that the Clerk amend the minutes to include verbatim with regards to item D because of the contentious nature of the discussion. Clerk Golding will submit the verbatim minutes for approval at the August 3rd meeting.

Councilmember Supernaw read the following for the record regarding the July 6th agenda item A.3. Consideration of Charlevoix Venetian Festival's Tiki Tent:

The City of Charlevoix City Code, Title III, Chapter 31, Section 3.14 states: It shall be unlawful for any person to consume alcoholic beverages in any part of any park which lies within one thousand (1,000) feet of US Highway 31, except that such restriction does not extend to privately owned vessels moored in the yacht basin nor does it extend to any specific function authorized by the city manager...

Councilmember Supernaw questioned whether the City Manager could approve the use of alcohol in the park or do all requests come before Council. Interim City Manager Spencer replied that based on the language in the code, the City Manager could approve of his own accord, but past practice was to always receive Council's approval.

- B. Special Accounts Payable Check Register – July 2, 2015
C. Special Accounts Payable Check Register – July 14, 2015
D. Regular Accounts Payable Check Register – July 21, 2015
E. ACH Payments – July 6, 2015 – July 17, 2015
F. Tax Disbursement – July 21, 2015
G. Payroll Check Register – July 17, 2015

H. Payroll Transmittal – July 17, 2015

V. Public Hearings

None.

VI. Reports

Interim City Manager Spencer stated that the State Street Project is complete.

VII. Requests, Petitions and Communications and Actions Thereon

A. Biennial Review and Approval of the Energy Optimization Plan

The City has an Energy Optimization Plan that Council originally approved in May of 2009. Every two years the plan must be updated and subsequently reviewed by the Michigan Public Service Commission (MPSC). Electric Superintendent Swem stated that the intent of the plan is to entice customers through various incentive programs to implement energy efficiencies that will lower the customer's electrical usage. He indicated that the new updated plan is very similar to the last cycle's plan.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Cole, second by Councilmember Kurtz, to approve the Energy Optimization Plan for the years 2015 through 2018.

Yeas: Supernaw, Porter, Kurtz, Perron, Gibson, Cole
Nays: None
Absent: None

B. Consideration to Approve RS&H Engineering Contract for 2015 Airport Projects

David Joye, RS&H Engineering, discussed this year's projects as part of the Airport 10 Year Capital Improvement Program. FY 2015-2016 projects include the Friction Improvement Design of Runway 09-27, Lighting and Rehabilitation Design, and Sidewalk Removal Design. The project will be included in this year's FAA grant with the City being responsible for 5% of the funding. ES&H's portion of these projects is \$85,200. Mr. Joye stated that the total local share for the project should be less than \$5,000.

Councilmember Gibson stated that the public should be aware of the sidewalk removal on the east side of the airport. Mr. Joye responded that the FAA has identified the sidewalk as a potential safety hazard because it resides in the airport's Runway Protection Zone (RPZ) and this situation is not allowed by the FAA. Councilmember Gibson expressed her concern regarding the future impact on the Community Garden.

Mr. Joye stated that RS&H is charging \$2,000 for the design portion of the sidewalk removal and contractor bids will be solicited by the City for its ultimate removal. Councilmember Gibson also asked for a status on the entitlement money. Mr. Joye responded that the FAA allocates \$1,000,000 per year and the City can accumulate \$4,000,000 held for up to three years. He stated that this project would be using monies accumulated in 2012.

Councilmember Kurtz confirmed with Mr. Joye that moving the sidewalk anywhere within the RPZ would not be an option.

Councilmember Porter questioned the effect of the RPZ on the Community Garden. Mr. Joye stated that the garden will be considered when creating the design.

Don Seeyle responded to Councilmember Supernaw saying that the sidewalk is heavily used.

Interim City Manager Spencer stated that the location of the sidewalk is impacting the Lake to Lake Trail and an alternate trail route will need to be found.

Councilmember Supernaw asked if the Community Garden was in jeopardy in anyway. Mr. Joye responded that he could not answer that question at this point in time. He stated that upon Council's approval, design would begin this fall and construction would not commence until August 2016. It was agreed that there would be a potential problem with the FAA if Council insisted on leaving the sidewalk where it is.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Supernaw, second by Councilmember Cole, to approve the engineering agreement with RS&H Michigan, Inc. and authorize the Mayor and City Clerk to sign the agreement after review by the City Attorney.

Yeas: Supernaw, Porter, Kurtz, Perron, Gibson, Cole
Nays: None
Absent: None

C. Appointment for Committee to Decide on Job Description/Responsibilities for DDA/Main Street Director

As a result of the additional Main Street program job responsibilities, the job description for the Community Economic Development (CED) Director has changed and needs to be officially documented and agreed upon by all involved stakeholders. The DDA/Main Street Board voted unanimously at their June 22, 2015 regularly scheduled meeting to create an executive committee tasked with this revision. The Board recommended the following individuals for the committee: Kirby Dipert, Fred DiMartino, Gabe Campbell, Patty DeRosia, Annie Doyle and one City Councilmember. The DDA/Main Street Board is requesting the appointment of one Councilmember for the vacant position.

CED Director Doyle requested that the committee also establish a review process for her new position.

Mayor Campbell thanked CED Director Doyle for her hard work.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Cole, second by Councilmember Supernaw, to appoint Councilmember Kurtz to serve on the executive committee tasked with creating a revised job description and associated set of responsibilities for the DDA/Main Street Director position.

Yeas: Supernaw, Porter, Kurtz, Perron, Gibson, Cole
Nays: None
Absent: None

D. Consideration of Job Descriptions: Firefighter, Lifeguard

The new part-time non-union Firefighter position job description and a revised Lifeguard job description were presented for Council's approval.

Interim City Manager Spencer stated that the City has a lifeguard at Michigan Beach only and it is difficult to fill the position.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Perron, second by Councilmember Gibson, to approve the Lifeguard and Firefighter job descriptions.

Yeas: Supernaw, Porter, Kurtz, Perron, Gibson, Cole
Nays: None
Absent: None

E. MML Worker's Compensation Fund

The City of Charlevoix is a member of the Michigan Municipal League (MML) Worker's Compensation Fund. The City's governing body is asked to vote for the Fund's Board of Trustees each year. Mayor Campbell commented that all looked like good candidates to him. Executive Assistant Weller stated that the trustees are unpaid volunteers.

Mayor Campbell opened the item to public comment. There was no comment, and the item was closed.

Motion by Councilmember Kurtz, second by Councilmember Cole, to authorize the City of Charlevoix to cast their vote for the six Trustees on the MML 2015 Worker's Compensation Fund ballot.

Yeas: Supernaw, Porter, Kurtz, Perron, Gibson, Cole
Nays: None
Absent: None

F. Discussion on Skydiving Operations at Charlevoix Municipal Airport

Per the above discussion, this agenda item is moved to the August 3rd Council meeting agenda.

Interim City Manager Spencer requested that Council submit questions for both the City Attorney and the insurance representative in advance of the meeting in order to facilitate a more productive meeting. Council agreed.

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 Supernaw mentioned that there was a memorial service for Kari Way in East Park tonight at 8:30 p.m. He extended his congratulations to the DPW Department for their fantastic job in cleaning up the parks and beaches after the weekend's events.

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 7:35 p.m.

Joyce Golding City Clerk Gabe Campbell Mayor

Special Accounts Payable – 07/02/2015

MICHIGAN JAZZ TRAIL BIG BAND	1,000.00	TOTAL	1,000.00
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Special Accounts Payable – 07/14/2015

MDS OF MICHIGAN INC	4,457.95	TOTAL	4,457.95
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Regular Accounts Payable – 07/21/2015

ACE HARDWARE	5,039.42	GELDERBLOM, PAUL	25.00
ALL-PHASE ELECTRIC SUPPLY CO.	1,830.96	GERBER HOMEMADE SWEETS	76.00
AMERICAN LEGION AUXILLARY	273.66	GINOP SALES INC	292.84
AMERICAN WASTE INC.	93.52	GORDON FOOD SERVICE	476.96
AMSTUTZ, LINDA	63.91	GOSLING CZUBAK	2,837.25
APX INC.	51.89	GRAINGER	152.14
ARROW UNIFORM-TAYLOR L.L.C.	1,375.58	GRIFFIN BEVERAGE CO	40.00
AT&T	2,007.49	GRULER'S FARM SUPPLY INC	79.90
AUTO VALUE	731.83	GUNTZVILLER, RHONDA	291.00
AVFUEL CORPORATION	61,232.40	HACH COMPANY	516.60
BC/BS OF MI REFUNDS	280.86	HAGGARD'S INC	1,549.71
BLACK PEARL PLATINUM BRAND	46.00	HARWOOD GOLD	97.00
BLARNEY CASTLE OIL CO	862.06	HEID, THOMAS J.	66.64
BRADFORD'S	71.50	HEYDLAUFF, MARK L	2,500.00
BULBS.COM	48.80	HOLIDAY COMPANIES	6,538.63
CARQUEST OF CHARLEVOIX	1,035.62	HYDE SERVICES LLC	141.50
CENTRAL DRUG STORE	131.78	HYDRO CORP	515.00
CHARLEVOIX AREA COMMUNITY POOL	475.00	JOHN CROSS FISHERIES	122.00
CHARLEVOIX COUNTY NEWS	35.00	JOHN DEERE LANDSCAPES LLC	603.53
CHARLEVOIX SCREEN MASTERS INC	1,026.25	JTHOMAS PARTS	307.76
CHARLEVOIX VENETIAN FESTIVAL	15,000.00	KIWANIS CLUB OF CHARLEVOIX	39.00
CINTAS CORPORATION	174.62	KMart	421.88
CIRCLE K SERVICE	1,893.30	KORTHASE FLINN	135.00
CITY OF CHARLEVOIX - UTILITIES	55,158.95	KSS ENTERPRISES	1,080.91
CLEAR WATER PLUMBING & HEATING	5,813.88	LAKESHORE TIRE & AUTO SERVICE	16.00
CONKLIN, CLIFF	28.75	LAVANWAY, PHILLIP	46.00
COOK FAMILY FARMS	163.00	LEESE, M. CHRIS	31.25
COVEYOU FARMS LLC	79.00	LOTTIE'S BAGELS	122.00
DHASELEER, CARL	31.00	MACKINAW ART & SIGN	266.80
DITCH WITCH SALES OF MICHIGAN	206.54	MDC CONTRACTING LLC	146,595.51
DORNBOS SIGN INC.	134.10	METTLER TOLEDO INC	813.39
ELLSWORTH FARMER'S EXCHANGE	132.28	MICHIGAN MUSHROOM MARKET LLC	75.00
EMERGENCY MEDICAL PRODUCTS INC	202.20	MICHIGAN OFFICEWAYS INC	3,200.00
EMMET BRICK & BLOCK	485.91	MICHIGAN RURAL WATER ASSN	620.00
EMSHWILLER, ERIC	10.00	MID STATES BOLT & SCREW CO	58.90
ETNA SUPPLY	2,012.82	MITCHELL GRAPHICS INC.	866.00
FAMILY FARM & HOME	641.27	NORTHERN CREDIT BUREAU	643.94
FARMER WHITE'S	73.00	NORTHERN FIRE & SAFETY INC.	165.00
FISHER SCIENTIFIC	555.71	NORTHERN LIGHTS FAMILY	999.00
FREEDOM MAILING SERVICES INC.	2,276.30	NORTHERN MICHIGAN DUST CONTROL	624.00

NOVOTNY, SANDRA	65.00	SIEGRIST, DAVID	108.00
NYE UNIFORM CO	95.53	SIMPSON ELECTRIC INC.	766.23
OLD DOMINION BRUSH	343.56	SITE PLANNING DEVELOPMENT INC	1,100.00
OLSTROM EXCAVATING AND PAVING	27,711.00	SOS ANALYTICAL	353.00
ORIENTAL TRADING COMPANY INC	234.01	SPARTAN DISTRIBUTORS INC	506.48
OSTLUND PEST CONTROL LLC	580.00	STATE OF MICHIGAN	225.00
OTEC	1,295.00	STEVENS, JEFF	599.00
P.K. CONTRACTING	11,312.10	UP NORTH PROPERTY SERVICES LLC	4,284.00
PATTERSON, TONY	160.00	UPPER CASE PRINTING INK.	1,094.24
PERFORMANCE ENGINEERS INC	21,765.25	VILLAGE GRAPHICS INC.	50.10
POND HILL FARM LLC	212.00	WASHBURNE, BRENDA	74.00
POWER LINE SUPPLY	4,709.12	WATERTRONICS LLC	545.70
PURITY CYLINDER GASES INC	312.52	WHITLEY, MARIA	29.83
RIEHL, CAROLINE	30.00	WHOLLY GRANOLY LLC	31.00
RILEY, DENISE	19.67	WITTHOEFT, CHARLES	25.00
ROAD WEASEL ENTERPRISES LLC	54.00	WORK & PLAY SHOP	17.64
ROCKY TOP FARMS	30.00		
RUSTIC BAKER	88.00	TOTAL	414,661.18

ACH Payments – 07/06/2015 – 07/17/2015

PAYMENT SERVICE NETWORK	224.90	ALERUS FINANCIAL (HCSP)	370.00
STATE OF MI (SALES TAX)	19,526.83	STATE OF MI (WITHHOLDING TAX)	7,019.72
MI PUBLIC POWER AGENCY	13,748.78	VANTAGEPOINT (457 ICMA PLAN)	14,093.31
IRS (PAYROLL TAX DEPOSIT)	49,533.67	TOTAL	104,517.21

Tax Disbursement – 07/21/2015

ERBER, THOMAS	60.00	TOTAL	110.00
HEID, RALPH	50.00		

PAYROLL: NET PAY

Pay Period Ending 07/11/2015 – Paid 07/17/2015

WELLER, LINDA JO	1,620.71	WILSON, TIMOTHY J.	1,944.37
GOLDING, JOYCE M.	1,059.15	LAVOIE, RICHARD L.	1,838.62
DEROSIA, PATRICIA E.	1,145.44	STEVENS, BRANDON C.	1,599.42
DOYLE, ANNE E.	1,385.05	DRAVES, MARTIN J.	1,684.15
LOY, EVELYN R.	1,017.73	BROWN, STEPHANIE C.	1,023.65
KLOOSTER, ALIDA K.	1,447.08	ELLIOTT, PATRICK M.	1,762.40
GOLOVICH, KAREN J.	883.21	SCHWARTZFISHER, JOSEPH L.	1,319.30
SPENCER, MICHAEL D.	2,238.33	WELLS JR., DONALD E.	1,217.43
SPENCLEY, PATRICIA L.	1,498.51	BRADLEY, KELLY R.	1,330.83
PANOFF, ZACHARY R.	626.91	WILSON, RICHARD J.	8,912.05
LEESE, MERRI C.	262.02	HART II, DELBERT W.	716.45
MCGINN, KELLY A.	1,585.98	JONES, ROBERT F.	1,352.00
DOAN, GERARD P.	1,883.38	DORAN, JUSTIN J.	1,312.38
SHRIFT, PETER R.	1,319.36	MANKER JR, DAVID W.	493.95
SCHLAPPI, JAMES L.	1,259.16	MANKER SR, DAVID W.	653.30
UMULIS, MATTHEW T.	1,345.90	NEUMANN, DANA L.	507.53
HANKINS, SCOTT A.	1,503.29	BECKER, MICHAEL S.	604.43
ORBAN, BARBARA K.	1,393.34	SHEPARD, ZACHARY N.	502.73
TRAEGER, JASON A.	1,671.39	BUTLER, SEAN C.	586.95
WARNER, JANINE M.	851.52	HAWKINS, JAMES S.	500.75
EVANS JR, HALBERT K.	1,442.49	MCGHEE, ROBERT R.	1,047.25
GODDARD, RYAN D.	884.99	STANTS, JACOB W.	555.86
JOHNSON, KYLE W.	732.77	BLOOMER, GABRIELLE J.	505.36
BINGHAM, LARRY E.	820.38	MCCLANATHAN, BRANDON R.	459.96
VANLOO, JORDAN C.	570.48	KIRINOVIC, THOMAS F.	635.68
TELGENHOF, WILL G.	521.87	STEBE, LAURA A.	150.53
GREYERBIEHL, KELLY M.	557.33	FORRESTER, KATHERINE A.	549.31
ROLOFF, ROBERT P.	4,724.12	AMSTUTZ, LINDA J.	991.91
RILEY, DENISE M.	465.78	DUTCHER, ROBERT G.	237.86
TEUNIS, STEVEN L.	1,681.68	SABSOOK, SARA E.	479.33
WURST, RANDALL W.	1,474.39	BROSIO, VALERIE L.	584.74
MAYER, SHELLEY L.	2,333.15	RUDOLPH, TRISTAN M.	528.92
HILLING, NICHOLAS A.	1,092.80	GOLOVICH, SAWYER P.	469.34
MEIER III, CHARLES A.	1,651.86	ECKHARDT, LOGAN R.	509.64
ZACHARIAS, STEVEN B.	2,223.89	WEBB, MICHAEL B.	330.30
NISWANDER, JOSEPH F.	1,283.76	PARKER-DROST, HERO	514.12
EATON, BRAD A.	1,826.24	HOLECHECK, JENNACA R.	537.42

WELLS, IVY L.	537.04	KLOOSTER, PATRICK H.	682.84
ROCKAFELLOW, SARAH C.	549.94	LABELLE, DAVIS B.	521.15
HEID, THOMAS J	1,252.44	KLINGER, LUCAS D.	580.41
STEIN, DONNA E.	204.23	SPEGELE, GREYSON H.	586.95
BOOTHE, STEVEN A.	280.20	GREENE, GLORIA C.	528.09
GRUNCH, RONALD J.	414.68	KLINGER, BRADLEY W.	274.39
RYPSTRA III, BART	299.27	DAVIS, LEAH R.	528.09
DAVIS, RONALD L.	117.29	SWEM, DONALD L.	1,808.24
MACLEOD, SAMUEL R.	422.78	WHITLEY, ANDREW T.	1,600.85
DAKROUB, JOSEPH E.	220.90	MORRISON, KEVIN P.	1,050.91
MASSON, DONALD J.	169.42	HODGE, MICHAEL J.	1,270.61
MYER, ELIZABETH A.	1,732.35	JOHNSON, STEVEN P.	1,535.69
VANLOO, JOSEPH G.	873.38	BISHAW, JAMES H.	526.42
WYMAN, MATTHEW A.	955.66	HERRIMAN, COBY M.	441.11
SCHRADER, LOU ANN	687.60	HINDLE, LYDIA R.	459.24
SCHWAGER, EDWARD J.	461.43	MACGILLIVRAY, RAYMOND L.	545.82
BOSS, RYDER S.	896.56	HALL, CHASE D.	572.69
FUNKEY, KRAIG R.	124.67	PETERS, MEGAN M.	579.62
RILEY, TIMOTHY C.	13.21	CURTIS, DENNIS E.	1,098.72
RILEY, CASEY W.	562.46	GILL, DAVID R.	1,200.78
THORMAN, MIKAYLA R.	296.42	TODD, RICHARD D.	297.87
JONES, LARRY M.	1,493.69	STEVENS, JEFFREY W.	777.81
LOPER II, GARY D.	435.65	ROLOFF, AUDREY M.	2,738.93
WILLSON, BRENDA R.	755.83	MATTER, DAWSON K.	2,358.47
OCHS, THOMAS F	103.89	SCOTT JR., WINFIELD	99.11
TRAVERS, MANUEL J.	1,147.65	KITELEY, FISHER L.	33.04
RILEY, DANIEL A.	2,205.73	TOTAL	129,147.88

PAYROLL: TRANSMITTAL – 07/17/2015

4FRONT CREDIT UNION	218.46	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	145.20	COMMUNICATION WORKERS OF AMER	477.94
AMERICAN FAMILY LIFE	271.20	MI STATE DISBURSEMENT UNIT	401.83
CHAR EM UNITED WAY	32.00	PRIORITY HEALTH	1,558.16
CHARLEVOIX STATE BANK	1,021.16	TOTAL	4,275.95