

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, January 18, 2016 – 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
City Manager: Mark Heydlauff
City Clerk: Joyce Golding
Members Present: Councilmembers Shirley Gibson, Aaron Hagen, Luther Kurtz, Leon Perron, Bill Supernaw
Absent: Councilmember Shane Cole

III. Inquiry Regarding Possible Conflicts of Interest

Councilmember Gibson recused herself from agenda item C. 2016 Infrastructure Plan Approval as her street is involved. Councilmember Hagen disclosed that he is on the Farmers Market board and Council agreed that there was no conflict. Councilmember Kurtz declared he has a business at the Airport and would recuse himself from D. Airport Schedule of Insurances. Councilmember Supernaw and Mayor Campbell disclosed they are parish members of St. Mary's Church and it was agreed that there was no conflict.

Mayor Campbell read an excerpt from the *Rules of Procedure for City Council*.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – January 4, 2016 Regular Meeting Minutes
- B. Regular Accounts Payable Check Register – January 19, 2016
- C. ACH Payments – January 4, 2016–January 15, 2016
- D. Tax Disbursement – January 19, 2016
- E. Payroll Check Register – January 15, 2016
- F. Payroll Transmittal – January 15, 2016

Mayor Campbell announced that this meeting was not against skydiving, but a discussion on the Airport Schedule of Insurances which "should have been addressed years ago."

V. Public Hearings

None.

VI. Reports

City Manager Heydlauff clarified details regarding the Marina season and further discussion occurred during the budgets agenda item. He extended his thanks and appreciation to Staff who continue their work despite the snow.

The Food Truck Committee met on January 12th and City Manager Heydlauff stated that the Committee would like Staff to investigate options for beach concessions. The Committee will be reporting their progress to Council on February 15th.

VII. Requests, Petitions and Communications and Actions Thereon

A. Charlevoix County Millage Recreation Grant Application

City Manager Heydlauff stated that the Recreation Department would like to submit a grant application to the Charlevoix County Board of Commissioners to seek funding for wayfinding signage for parks and recreation assets. The wayfinding signs would be located at Depot, Lake Michigan, and Ferry Beaches, as well as the Mt. McSauba Recreation Area and Lake to Lake Trail. He clarified that the \$10,000 request was based upon initial estimates.

City Manager Heydlauff stated that he and the DDA Chairman would be working together to create complimentary wayfinding signage throughout downtown.

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

Action by Resolution.

B. Farmers Market Wine Tasting

DDA/Main Street Executive Director Doyle stated that the goal for the Farmers Market is to fill East Park with visitors and foot traffic each Thursday, May 1 through Apple Festival. She indicated that the Market is seeking to enhance the range of products offered by including wine and hard cider sales. Director Doyle proposed to offer wine and hard cider tastings along with sales in the "South Garden" area adjacent to the pavilion. Vendors wishing to offer wine tasting must receive a license from the State of Michigan and

the approval of the Charlevoix Police Chief. Shoppers would be limited to six one-ounce pours, the equivalent of a six ounce glass of wine and vendors would be required to use certified pourers.

The DDA requested that City Council authorize the City Manager to waive alcohol restrictions to permit wine and hard cider tastings during the Farmers Market. Council generally agreed on the idea of adding wine tasting to the Market.

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

Motion by Councilmember Gibson, second by Councilmember Kurtz, to authorize the City Manager to waive alcohol restrictions as outlined in City of Charlevoix City Code Section 3.14 in order to permit wine and hard cider tasting for the Charlevoix Farmers Market.

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

C. 2016 Infrastructure Plan Approval

DPW Superintendent Elliott stated that during the last month there were many discussions and one public meeting regarding the upcoming infrastructure work and sidewalks. He explained that the decision to install a sidewalk is based on pedestrian traffic, vehicular traffic (speed and volume), generally accepted engineering principles and how many trees may need to be removed. DPW Superintendent Elliott recommended the following:

- St. Mary's Drive: install one sidewalk on each of the North and South sides
- Wood Street: install sidewalk on the North side
- Green Street: install sidewalk on the South side
- 200 block of E. Upright: no sidewalks
- Alice Street: no sidewalks, existing sidewalk south of W. Hurlbut will be removed
- Nichols Street: no additional sidewalks
- Burns Street: no additional sidewalks

DPW Superintendent Elliot stated that during the project, grades will be corrected, curbing installed and new driveway approaches will be installed up to the edge of the right of way.

City Manager Heydlauff discussed three emails of concern as part of public comment that his office received from Dennis Rasmussen, Peggy Wilson, and Susan Killam regarding the proposed sidewalk installation on Wood Street. DPW Superintendent and the City Manager resolved Mr. Rasmussen's issues. Ms. Wilson's concern regarding her yard was addressed by removing the proposed sidewalk on the south side of the street.

With regards to Ms. Killam's request to move the sidewalk closer to the street, Councilmember Kurtz questioned the possibility. DPW Superintendent Elliott responded that it may be possible but he would have to investigate if trees or other obstacles would be involved. He stated that moving the sidewalk would affect the green space as well as the ability to plant trees in the right of way. DPW Superintendent Elliott cited several streets where sidewalks are very close to residences and he believed that a sidewalk 17 feet from the Killam residence was reasonable. From a safety perspective, he would not recommend moving the sidewalk adjacent to the curb.

DPW Superintendent Elliott explained that sidewalks are very beneficial in the area of schools and churches. He stated that the proposed north sidewalk on St. Mary's Drive adjacent to the school was most important and existing trees near the classrooms would not be affected. He indicated that there would be a cost savings if Council eliminated the south sidewalk. Mayor Campbell recalled that the board at St. Mary's voted in favor of the sidewalk. Councilmember Supernaw commented that the playground was heavily used.

Councilmember Supernaw questioned whether locating the sidewalk adjacent to the curb on Wood Street was negotiable and the DPW Superintendent replied that a large maple would have to be removed. The width of sidewalks in town was discussed. Councilmember Perron felt that the concerns of the Wood Street residents should "have some weight". DPW Superintendent Elliott noted that a new sidewalk adjacent to the Dairy Grille is warranted to provide safe access for users as vehicles enter from Bridge Street at 35 mph. Jim Malewitz, Performance Engineers, concurred with DPW Superintendent Elliott. Councilmember Kurtz suggested that Council defer to the engineer and Staff. Councilmembers Perron and Hagen also voiced their concerns with safety in this area.

Mayor Campbell opened the item to public comment.

Chuck Sherping, requested consideration to repair retaining walls on Ferry Avenue and Eaton Avenue where timbers are falling apart. City Manager Heydlauff responded that Eaton Avenue will be addressed in 2016/2017 but, repairs to the retaining wall on Ferry Avenue will be deferred until Council determines the future of the Public Works building.

Patty Sitzema, 102 St. Marys Drive, spoke with her neighbors and they agreed that a sidewalk on the south side would be disruptive. She suggested a four foot sidewalk on the north side to save money and suggested that it be maintained in the winter.

DPW Superintendent Elliott highly recommended the use of a five foot wide sidewalk for snow removal purposes. He is monitoring the sidewalk snow removal throughout the City and is considering some changes to sidewalks that are maintained.

Jodi Laurent, 1st Ward, endorsed that Petoskey Avenue near Mercer should not be maintained. She stated that residents in this area had damage to their landscape because of salt and accumulated snow along the sidewalk.

The item was closed to the public.

Motion by Councilmember Supernaw, second by Councilmember Perron, that we proceed with the plans as presented by Mr. Elliott's department and the engineering department [Performance Engineers] with the exception of eliminating the sidewalk on the south side of St. Marys Drive.

Yeas: Supernaw, Hagen, Kurtz, Perron
Nays: None
Abstain: Gibson
Absent: Cole

D. Airport Schedule of Insurances

City Manager Heydlauff stated that the Charlevoix City Code Chapter 2.191 indicates the City will adopt a Schedule of Insurances specifying the coverage required for licensees at the Charlevoix Municipal Airport. History shows that this schedule was never adopted and City Attorney Howard recommended that a schedule be adopted when he spoke to Council last fall. Council also retained Cliff Maine of Barnes & Thornburgh in Grand Rapids to write a waiver for skydivers at the Charlevoix Municipal Airport and Mr. Maine advised that the City could follow the standard set by the city of Lincoln, California as to the requirements for insurance, specifically for skydiving.

City Manager Heydlauff stated that this schedule establishes minimum insurance requirements for all commercial operators at the Airport. Some operators have not, heretofore, been obligated to supply insurance certificates. This will change when they file for the annual renewal of their license. The requirements are broken down by type of license. In general, all operators must have a basic \$1 million general commercial aviation insurance liability policy and others must have different additional requirements based on the type of operation.

City Manager Heydlauff explained that in the case of skydiving, the requirements listed are copied directly from the agreement between Skydive Sacramento and the city of Lincoln, California. This standard is the strictest set of requirements for skydiving insurance without violating Federal Aviation Administration (FAA) grant assurances. Specifically in Lincoln, the FAA determined the city was unreasonably denying access to the airfield (an obligation contained in grant assurances) by requiring unattainable insurance. The FAA determined commercial insurance covering skydivers has not been available since the 1980's (FAA Docket 16-09-09 Skydive Sacramento v. City of Lincoln- Director's Determination, pg. 2). As such, the requirement to obtain insurance not readily attainable violates FAA grant assurances.

City Manager Heydlauff clarified that the City holds a policy for all operations currently underway at the airport (including the existence of skydiving). This is not new coverage and does not affect the premium the City pays. He stated that this coverage will protect the City's interests if a claim is made regarding the City at the Airport. Whether it is a trip and fall accident or something more serious involving a potential skydiver, the City's interest is covered by our policy. The City requires an indemnification agreement from all operators with a stipulation that they name the City as an additional insured on their policies. This means the City gains the benefit of their coverage for a loss but it does not provide our insurance to the operator in the event of a loss.

City Manager Heydlauff explained that in Lincoln, the use of a waiver was deemed to be appropriate and an additional set of protection for the city from potential claims. In California (as in Michigan), there is a governmental immunity clause further protecting the City from a claim of responsibility in the case of injury. To be successful in a claim, an aggrieved party must show the City was negligent in its responsibilities. City Manager Heydlauff stated that this schedule is the right step to make sure we have the best coverage we can require but it does not cover all circumstances and Staff advised its adoption.

Councilmember Gibson liked the proposed schedule and stated that "it seems that we are getting everyone on the same page that operates at the Airport." She cited item 4 under the Parachuting and Jump Schools paragraph dealing with fire liability coverage and suggested that this item should be deleted because other Airport operators are not required to carry this type of insurance. City

Manager Heydlauff agreed. Councilmember Gibson recommended that automobile liability insurance should apply to all operators transporting people on the airfield. She indicated that the Schedule of Insurance and Indemnification Agreement as required by City Ordinance, protects the operators, customers and the City. Councilmember Hagen also suggested removing item 2 whereby the schedule would "read cleaner". Councilmember Gibson felt that item 2 should remain in case available insurance changes in the future.

Discussion continued regarding the proposed waiver and schedule, governmental immunity, the potential for City liability and the facts surrounding the case in the city of Lincoln.

Councilmember Supernaw found it interesting that an airplane owner is not required to have insurance. City Manager Heydlauff stated that only those businesses operating out of the Airport are bound by the Schedule of Insurances.

Councilmember Hagen confirmed that any operator with a vehicle on the airport would require \$1 million automobile liability coverage. Councilmember Gibson concurred.

City Manager Heydlauff stated that protocol would be established with regards to how the new waiver will be handled and the issuance of an Airport License will require operators to comply with the Schedule of Insurances and the need for skydive waivers.

Mayor Campbell opened the item to public comment.

Chuck Shering, Emmet Sports Flyers Club President, stated that the flying club is a not-for-hire private club and not a commercial operation, therefore the club should not be required to hold \$1 million commercial liability coverage. The club currently maintains a \$500,000 liability policy and he felt that requiring commercial coverage would cost the club additional money and serve no purpose. He indicated that the FAA does not recognize "commercial flying clubs". The City Clerk confirmed that the club filed for an Airport Business License. The City Manager felt that the flying club qualifies under the Schedule of Insurances.

Luther Kurtz cited his letter to Council dated January 18 and requested that Council consider a way to better define a reasonable maximum increase in cost if a different skydive insurance becomes available in the future. Mr. Kurtz stated that removing item 2 would be another option. City Manager Heydlauff stated that if item 2 were removed and another commercially available skydive insurance becomes available in the future, a change to the schedule could be addressed at that time. He reiterated that the FAA ruled that this type of insurance was unavailable commercially. Councilmember Hagen recommended deleting item 2 to clean up the Schedule language and a future Council could address the Schedule if insurance availability changes. Councilmember Gibson agreed.

The item was closed to the public.

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. Budget Amendment for 2015/2016

City Manager Heydlauff explained changes to the 2015/2016 Budget and stated that the proposed budget amendment will keep the City's budget process in compliance with Public Act 202 by holding a public hearing and update the estimated year end budget for 2015/2016.

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

Motion by Councilmember Gibson, second by Councilmember Hagen, to set a public hearing and introduction of an amendment to the 2015/2016 Budget Ordinance for 7pm on February 15, 2016, in the Council Chambers of City Hall, 210 State Street, Charlevoix, Michigan.

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

B. 2016/2017 Budget Ordinance

City Manager Heydlauff stated that City Council must hold a public hearing for the 2016/2017 Budget, which also sets the millage rates to support the budget. The budget needs to be in place prior to the start of the new fiscal year beginning on April 1, 2016.

City Manager Heydlauff noted that after utility rates were reviewed by the consultant the recommendation was made to reduce the scheduled rate of increase in the sewer rates from 24.5% to 18%. The consultant also recommended that due to the aging

infrastructure, water rates should increase by 15%. Mayor Campbell stated that Councils over the years were negligent (himself included) by keeping utility rates low and "we are paying for it now." He felt that the increase was reasonable.

City Manager Heydlauff recalled that Council discussed increasing Marina rates. He discussed moving seasonal rates from Tier B to Tier C with the Michigan State Waterways Commission (MSWC) and Council would need to define how many days the Marina will be open.

Harbormaster Evans commented that the seasonal lessees are an asset to the Marina and community in general. He felt that the four large live-aboard boats should be "grandfathered" and not be required to pay the increased rate with the knowledge that the rate would go up next season. Any new lessee would pay the new rate. City Manager Heydlauff advised that rates are required to be consistent across the board.

Harbormaster Evans confirmed that there are eight seasonal slips and lessees affirmed that they would be returning for the 2016 season. The slip waiting list was discussed. Councilmember Kurtz indicated that he called five names on the wait list and spoke to two that said they were willing to pay the new rate. He recalled that boaters were made aware in 2015 that the rates would increase this season and Councilmembers Perron, Hagen and Gibson agreed to implement the increase. Possible season length options were debated. Harbormaster Evans recommended June 1 through September 30 (122 days) and felt that the larger boats would not be willing to pay the higher rate on a 154 day season.

Councilmember Supernaw and Harbormaster Evans discussed large boats at the Marina which block the view of the Venetian Parade.

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

City Manager Heydlauff noted the importance of raising water and sewer rates to keep up with infrastructure improvements and suggested that the Marina follow suit by looking at future costs to maintain the Marina. He confirmed that as the 2016/2017 Budget stands now, Tier C rate would be charged for a 154 day season, May 15 through October 15. Councilmember Kurtz reiterated that if current lessees refuse the new rate and "we go down the list and there is still a slip available we should go back to the first person that decided not to take it instead of just starting arbitrarily again."

Motion by Councilmember Perron, second by Councilmember Gibson, to introduce the budget ordinance and set a public hearing for 7pm on February 15, 2016 in the City Hall Council Chambers, 210 State Street, Charlevoix for the 2016/2017 Budget Ordinance.

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

IX. Resolutions

A. Charlevoix County Millage Recreation Grant Application

Motion by Councilmember Hagen, second by Councilmember Perron, to adopt Resolution 2016-01-02 Application to Charlevoix County for Parks Millage Funding for Parks and Recreation Assets Wayfinding Signage, as follows:

CITY OF CHARLEVOIX
RESOLUTION NO. 2016-01-02
APPLICATION TO CHARLEVOIX COUNTY FOR PARKS MILLAGE FUNDING
FOR PARKS AND RECREATION ASSETS WAYFINDING SIGNAGE

WHEREAS, the City of Charlevoix wishes to increase the visibility of parks and recreation assets in the City of Charlevoix; and

WHEREAS, the City of Charlevoix is requesting a \$10,000 appropriation from the Charlevoix County Board of Commissioners; and

WHEREAS, the City of Charlevoix desires to enhance and promote wayfinding signage for parks and recreation assets in the City of Charlevoix to meet the recreation needs of users in Charlevoix County.

NOW THEREFORE BE IT RESOLVED by the City of Charlevoix that, pursuant and subject to all of the terms and provisions of the Charlevoix County Parks millage, application be made to the Charlevoix County Board of Commissioners for funding; and

BE IT FURTHER RESOLVED that the City Manager of the City of Charlevoix is hereby authorized and directed to cause the necessary data to be prepared and the application to be signed and filed with the County of Charlevoix.

RESOLVED this 18th day of January, 2016 A.D.

Resolution was adopted by the following yeas and nays vote.

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

B. Airport Schedule of Insurances

Motion by Councilmember Gibson, second by Councilmember Hagen, to adopt Resolution 2016-01-01 Charlevoix Municipal Airport Schedule of Insurances noting the following changes to the draft resolution: under Parachuting and Jump Schools delete item 2 [Any aviation, drop zone, parachute jumping and skydiving activities exclusions must be deleted;], delete item 4 [fire liability coverage], item 3 [automobile liability] should be required of all Airport operators with the stipulation of vehicles transporting persons [customers on the airfield] and under Flying Club delete the word "commercial". After final edits, the resolution reads as follows:

CITY OF CHARLEVOIX
RESOLUTION NO. 2016-01-01
CHARLEVOIX MUNICIPAL AIRPORT SCHEDULE OF INSURANCES

WHEREAS, Chapter 26 of the Charlevoix City Code permits the Charlevoix City Council to establish a Schedule of Insurances for the Charlevoix Municipal Airport; and

WHEREAS, said schedule shall outline a list of types of insurance, limits of coverage and other insurance-related requirements for Aeronautical Commercial Activity at the Airport.

NOW THEREFORE BE IT RESOLVED, that the City of Charlevoix City Council hereby adopts the following Schedule of Insurances for the Charlevoix Municipal Airport:

*Charlevoix Municipal Airport
Schedule of Insurances*

Pursuant to Charlevoix City Code 2.191, the following shall constitute the Schedule of Insurances for commercial operators at the Charlevoix Municipal Airport. Copies of certificates of insurance (the limits of which are set below) shall be filed with the City Clerk prior to the issuance of any license for operation at the Airport. The City Attorney shall draft an indemnification agreement indemnifying the City and its agents and employees from any liability associated with the licensee's use of the Airport and licensee's use of the Airport shall be conditioned on licensee signing the indemnification agreement.

Licensees shall at all times during the term of the granted license, maintain at least the level of insurance stipulated below so long as the insurance is reasonably available to the licensee in the insurance market. Any and all insurance coverage held by the licensee shall be primary to any insurance coverage held by the City.

If such insurance is reasonably available in the insurance market, licensee shall obtain and maintain at all times during the term of the license, from a financially solvent insurance carrier(s), liability insurance for all items set forth below. Such coverage shall be maintained at licensee's sole expense to assure payment of damages occasioned by licensee's operation in and upon the Airport including aircraft and ramp vehicles. Such insurance coverage shall be in the amounts described below, or, if not reasonably available in these amounts, shall be in the maximum amount reasonably available in the insurance market. Such insurance coverage shall cover the scope of activities/events described below, or, if not reasonably available to cover the scope activities/events described below, shall be in the maximum coverage of scope of activities/events reasonably available in the insurance market.

Licensees shall provide to the City and keep current a Certificate of Insurance indicating the coverage and limits of coverage that it obtains and providing 30 days' notice of cancellation to the City for all insurance stipulated below.

The City Council may, from time to time at its sole discretion, amend this schedule. Licensees expressly agree that any such amended insurance requirements will become incorporated into their license upon adoption by the City Council. Licensees may terminate their license with written notice if they choose not to comply with updated insurance requirements. In no case will licensees be required to obtain insurance not reasonably available in the insurance market.

Should a dispute arise between the City and a licensee(s) whether insurance is reasonably available in the insurance market, the parties agree they will meet in a good faith effort to resolve the dispute. If the dispute is not resolved through that meeting, then either the City or the Licensee may terminate the license upon 30 days' written notice.

The schedule below is the minimum coverage required. Nothing in it shall be construed to prohibit a licensee to exceed the minimum coverage standards.

Part 135 and Part 121 Operators

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. \$1 million aircraft liability with coverage for bodily injury and property damage including passengers
3. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield
4. Licensees shall meet or exceed any and all insurance standards as may be required by the United States Department of Transportation and/or the Federal Aviation Administration.

Aircraft Charter

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. \$1 million aircraft liability with coverage for bodily injury and property damage including passengers
3. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield
4. Licensees shall meet or exceed any and all insurance standards as may be required by the United States Department of Transportation and/or the Federal Aviation Administration.

Specialized Aviation Services

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. \$1 million aircraft liability with coverage for bodily injury and property damage including passengers
3. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield

Aircraft Painting and Interior Fitting

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield

Aircraft Rental and Leasing

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. \$1 million aircraft liability with coverage for bodily injury and property damage including passengers
3. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield
4. \$500,000 Student and renters liability

Aircraft Sales

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield

Authorized Repair Station for Avionics

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield

Flight Instruction

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. \$1 million aircraft liability with coverage for bodily injury and property damage including passengers
3. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield
4. \$500,000 Student and renters liability

Flying Club

1. \$1 million general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield

Aircraft Maintenance Facility

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the air field

Parachuting and Jump Schools

1. \$1 million commercial general aviation liability policy with coverage for premises, operations and products
2. Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield
3. Licensee agrees it will require all individuals sign a comprehensive waiver of liability, including the City and to be provided by the City, prior to permitting any such individual to participate in skydiving activities conducted by licensee, whether those activities take place on the Airport, over the airport, or elsewhere.
4. Licensee agrees that it will require all individual skydivers (and at least one person in each tandem skydive pair) be members of the United States Parachute Association ("USPA"), covered by the USPA individual member third-party liability insurance coverage, prior to

Licensee permitting any individual skydiver to participate in skydiving activities conducted by Licensee, whether those activities take place on the Airport, over the Airport, or elsewhere. Such insurance shall be primary to any insurance coverage held by the City.

5. *The City will make reasonable efforts to obtain liability insurance coverage for the ensuing calendar year that is acceptable to the City for all then-current on-Airport activities, including skydiving at a reasonable price and without a significant premium increase.*
 - a) *Should the City be able to obtain such insurance coverage at no additional premium cost to the City for the ensuing calendar year, the licensee will not be required to reimburse the City for any insurance premiums for that ensuing calendar year.*
 - b) *Should the City be able to obtain such insurance coverage only with a premium increase for the ensuing calendar year, then the licensee shall reimburse the City for any portion of the premium increase directly attributable to coverage for licensee's on-airport activities. The City shall notify licensee of any such premium increase within 30 days of first hearing of such increase. The licensee shall then have 30 days to reimburse the City for the premium increase. If the licensee fails to reimburse the City as described, the license shall be terminated.*
 - c) *If the licensee provides notice to the City that licensee would like to negotiate with the City regarding the amount of insurance premium it pays to the City for the ensuing year, the City shall meet with the licensee not less than 60 days prior to the renewal date of the City's insurance policy. The licensee and the City shall negotiate in good faith and reach an agreement not less than 30 days prior to the date of renewal for the policy. If the City and the licensee are unable to reach agreement, the license shall terminate upon expiration of that year's insurance policy.*

Repair Station for Aircraft, Engines, Propellers and Accessories

1. *\$1 million commercial general aviation liability policy with coverage for premises, operations and products*
2. *Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield*

Self-Fueling

1. *\$1 million commercial general aviation liability policy with coverage for premises, operations and products*
2. *Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield*

Through-the-Fence Operations (TTF)

1. *\$1 million commercial general aviation liability policy with coverage for premises, operations and products*
2. *Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield*

On-Airport Car Rental

1. *\$1 million general liability policy*
2. *Automobile liability- \$1 million per occurrence for bodily injury and property damage when transporting customers on the airfield*

RESOLVED this 18th day of January, 2016 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Supernaw, Hagen, Perron, Gibson
Nays: None
Abstain: Kurtz
Absent: Cole

X. Ordinances

None.

XI. Miscellaneous Business

Councilmember Kurtz attended the Food Truck Committee in which the members were considering food trucks at Michigan Beach. He suggested that Staff issue a request for proposal to obtain ideas for serving food at the beaches. This would aid the Committee in their recommendations to Council. City Manager Heydlauff noted that the 2015 concessionaire's agreement contains a non-compete clause and this may need to be addressed with the 2016 agreement. He also indicated that the concession stands will need repairs in the next three years. Discussion continued. Council directed Staff to issue a request for proposal.

Councilmember Kurtz questioned whether a committee should be established to discuss wayfinding signage connecting the Wheelway to the Lake to Lake Trail. DDA/Main Street Executive Director Doyle commented that the Main Street Design Committee would be interested in forming a collaborative committee to address possible routes between the two trail systems. City Manager Heydlauff suggested that a committee may not be necessary and that Staff could work collaboratively with the Recreation Director, DDA/Main Street and the Top of Michigan Trails Council. Councilmember Kurtz agreed.

Councilmember Supernaw questioned whether there was interest in a joint School Board/Council meeting. Councilmember Gibson didn't see the point of a meeting. Councilmember Supernaw stated that Council could help the Board with the middle school. Councilmember Supernaw stated that there was one item addressed on the November 2014 list of Council goals. He would like to see a joint meeting

with the School Board and a Work Session before his term is up. City Manager Heydlauff suggested that if there were specific topics to discuss, then a meeting may be warranted. Otherwise, he and the Superintendent of Schools would continue their discussions and collaboration. Mayor Campbell felt Council should not have a meeting "just to have a meeting". Councilmember Gibson agreed.

Councilmember Supernaw stated that the City will have to fight for the County grant money. City Manager Heydlauff will inform Council which grant was funded last fall by the County.

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

XIII. Adjourn
 Motion by Councilmember Kurtz, second by Councilmember Perron to adjourn.
 Motion passed by unanimous voice vote. Meeting adjourned at 9:12 p.m.

Joyce M. Golding City Clerk Gabe Campbell Mayor

Regular Accounts Payable – 01/19/2016

| | | | |
|---------------------------------|-----------|-----------------------------------|-------------------|
| ACE HARDWARE | 1,189.15 | HOLIDAY COMPANIES | 3,799.88 |
| ACKLAND, AMY | 107.00 | HYDRO CORP | 515.00 |
| AIRGAS USA LLC | 395.76 | INDEPENDENT DRAFTING SERVICES | 560.00 |
| ALL-PHASE ELECTRIC SUPPLY CO. | 207.16 | JIM WERNIG CHEVROLET | 18,229.00 |
| AMERICAN CEMETERY SUPPLIES INC. | 213.97 | KMart | 6.99 |
| APX INC. | 51.89 | KSS ENTERPRISES | 85.06 |
| ARROW UNIFORM-TAYLOR L.L.C. | 1,287.44 | LAKEVIEW MAINTENANCE INC. | 1,716.00 |
| AT&T | 1,537.81 | MCCARDEL CULLIGAN-PETOSKEY | 50.00 |
| AUTO VALUE | 468.52 | MD SOLUTIONS | 43.00 |
| AVFUEL CORPORATION | 33,476.70 | MDS OF MICHIGAN INC | 3,390.00 |
| B & L SOUND INC | 546.80 | MICHIGAN ASSN OF MUNICIPAL CLERKS | 600.00 |
| BALES, KEITH | 4,500.00 | MICHIGAN ASSN OF MUNICIPAL CLERKS | 120.00 |
| BARUZZINI GENERAL CONTRACTORS | 2,750.00 | MICHIGAN MUNICIPAL LEAGUE | 1,687.85 |
| BERGMANN MARINE | 90.00 | MICHIGAN OFFICEWAYS INC | 6,644.29 |
| BOB MATHERS FORD | 275.72 | MICHIGAN SECTION AWWA | 25.00 |
| BOSS, LINDA K. | 307.62 | MYER, ELIZABETH A. | 419.79 |
| BOUND TREE MEDICAL LLC | 137.23 | NETSOURCE ONE INC. | 627.00 |
| BRADFORD'S | 55.45 | NORTHERN MICHIGAN REVIEW INC. | 439.97 |
| BUDDE, RAYMOND | 82.98 | OLESON'S FOOD STORES | 126.63 |
| CARQUEST OF CHARLEVOIX | 1,172.89 | OTEC | 129.50 |
| CCI SOUTH LLC | 1,306.60 | PANOFF, ZACH | 56.92 |
| CHARLEVOIX COUNTY CLERK | 1,950.67 | PERFORMANCE ENGINEERS INC | 47,453.87 |
| CHARLEVOIX COUNTY FIRE | 279.40 | POLLARD WATER | 495.98 |
| CHARLEVOIX SCREEN MASTERS INC | 27.00 | POWER LINE SUPPLY | 1,858.99 |
| CHARTER COMMUNICATIONS | 1,141.98 | PURITY CYLINDER GASES INC | 324.62 |
| CITY OF CHARLEVOIX - PETTY CASH | 557.41 | RANGE TELECOMMUNICATIONS | 238.80 |
| CITY OF CHARLEVOIX - UTILITIES | 33,452.34 | STATE OF MICHIGAN | 57.00 |
| CLARK, SANDRA | 250.00 | TEUNIS, STEVEN | 10.00 |
| DITCH WITCH SALES OF MICHIGAN | 6,045.35 | UNITED STATES PLASTIC CORP. | 190.06 |
| ELLSWORTH FARMER'S EXCHANGE | 503.32 | UP NORTH PROPERTY SERVICES LLC | 308.00 |
| FAMILY FARM & HOME | 847.17 | VOSS LIGHTING | 746.32 |
| FREEDOM MAILING SERVICES INC. | 2,269.61 | WILLCOME TREE SERVICE | 320.00 |
| HACH COMPANY | 515.90 | WORK & PLAY SHOP | 18.40 |
| HAGGARD'S INC | 2,961.00 | | |
| HODGE, MICHAEL J. | 20.00 | TOTAL | 192,275.76 |

ACH Payments – 01/04/2016 – 01/15/2016

| | | | |
|---------------------------|-----------|-------------------------------|-------------------|
| MI PUBLIC POWER AGENCY | 10,126.66 | ALERUS FINANCIAL (HCSP) | 420.00 |
| PAYMENT SERVICES NETWORK | 258.10 | STATE OF MI (WITHHOLDING TAX) | 5,554.86 |
| STATE OF MI (SALES TAX) | 17,912.19 | VANTAGEPOINT (401 ICMA PLAN) | 686.22 |
| MI PUBLIC POWER AGENCY | 12,945.54 | VANTAGEPOINT (457 ICMA PLAN) | 13,412.76 |
| DTE ENERGY | 4,194.25 | | |
| IRS (PAYROLL TAX DEPOSIT) | 37,994.77 | TOTAL | 103,505.35 |

Tax Disbursement – 01/19/2016

| | | | |
|-----------------------------|------------|----------------------------|-------------------|
| CHARLEVOIX COUNTY TREASURER | 415.99 | CHARLEVOIX PUBLIC SCHOOLS | 1,216.51 |
| CHARLEVOIX COUNTY TREASURER | 215,801.90 | CHARLEVOIX PUBLIC SCHOOLS | 262.96 |
| CHARLEVOIX COUNTY TREASURER | 3.95 | CORELOGIC | 3,715.15 |
| CHARLEVOIX DISTRICT LIBRARY | 76,325.75 | RECREATIONAL AUTHORITY | 13,916.11 |
| CHARLEVOIX PUBLIC SCHOOLS | 19,738.18 | SPENCER, MICHAEL & JESSICA | 700.41 |
| CHARLEVOIX PUBLIC SCHOOLS | 2,498.82 | WELLS FARGO HOME MORTGAGE | 246.77 |
| CHARLEVOIX PUBLIC SCHOOLS | 118.26 | TOTAL | 334,960.76 |

PAYROLL: NET PAY

Pay Period Ending 01/09/2016 – Paid 01/15/2016

| | | | |
|---------------------------|----------|------------------------|-------------------|
| CAMPBELL, GABRIEL M. | 886.56 | BERTINELLI, DAVID P. | 870.74 |
| GIBSON, SHIRLEY J. | 564.76 | BOSS, BEAU J. | 180.47 |
| PERRON, LEON R. | 449.96 | BARNEVELD, VLADIMIR R. | 67.40 |
| KURTZ, LUTHER J. | 443.28 | HEID, THOMAS J | 1,244.10 |
| SUPERNAW, WILLIAM J. | 581.80 | MYER, ELIZABETH A. | 1,851.27 |
| HAGEN, AARON W. | 199.81 | VANLOO, JOSEPH G. | 580.05 |
| WELLER, LINDA JO | 1,653.61 | WYMAN, MATTHEW A. | 930.30 |
| HEYDLAUFF, MARK L. | 2,363.72 | SCHRADER, LOU ANN | 220.17 |
| GOLDING, JOYCE M. | 1,063.96 | BOSS, RYDER S. | 629.84 |
| DEROSIA, PATRICIA E. | 836.28 | MILLER, WILLIAM S. | 1,171.91 |
| DOYLE, ANNE E. | 1,362.36 | FUNKEY, KRAIG R. | 131.59 |
| LOY, EVELYN R. | 1,029.15 | MEGGISON, JERRY B. | 226.86 |
| KLOOSTER, ALIDA K. | 1,669.42 | RILEY, CASEY W. | 432.59 |
| GOLOVICH, KAREN J. | 973.50 | THORMAN, MIKAYLA R. | 79.28 |
| SPENCLEY, PATRICIA L. | 1,171.58 | JONES, LARRY M. | 1,061.98 |
| PANOFF, ZACHARY R. | 1,027.00 | WILLSON, BRENDA R. | 345.36 |
| MILLER, FAITH G. | 73.11 | BEAN, PETER J. | 254.99 |
| MCGINN, KELLY A. | 1,456.33 | TRAVERS, MANUEL J. | 689.98 |
| DOAN, GERARD P. | 1,514.92 | RILEY, DANIEL A. | 938.13 |
| SHRIFT, PETER R. | 1,202.37 | COLE, SHANE | 651.07 |
| SCHLAPPI, JAMES L. | 1,229.92 | WELLER, LINDA JO | 635.01 |
| UMULIS, MATTHEW T. | 1,356.36 | LOY, EVELYN R. | 554.47 |
| HANKINS, SCOTT A. | 1,465.98 | KLOOSTER, ALIDA K. | 558.18 |
| ORBAN, BARBARA K. | 1,503.04 | DOAN, GERARD P. | 757.09 |
| TRAEGER, JASON A. | 1,280.53 | SHRIFT, PETER R. | 647.88 |
| MATELSKI, KIMBERLY A. | 1,134.50 | SCHLAPPI, JAMES L. | 729.08 |
| ROLOFF, ROBERT P. | 4,307.00 | UMULIS, MATTHEW T. | 679.58 |
| RILEY, DENISE M. | 408.67 | HANKINS, SCOTT A. | 512.23 |
| LOPER II, GARY D. | 876.07 | ORBAN, BARBARA K. | 864.46 |
| TEUNIS, STEVEN L. | 1,664.99 | TRAEGER, JASON A. | 457.09 |
| WURST, RANDALL W. | 1,756.86 | ROLOFF, ROBERT P. | 611.13 |
| MAYER, SHELLEY L. | 1,442.76 | TEUNIS, STEVEN L. | 135.49 |
| HILLING, NICHOLAS A. | 1,136.03 | WURST, RANDALL W. | 856.13 |
| MEIER III, CHARLES A. | 1,374.60 | MAYER, SHELLEY L. | 748.44 |
| ZACHARIAS, STEVEN B. | 1,415.59 | SWEM, DONALD L. | 1,790.16 |
| NISWANDER, JOSEPH F. | 1,373.17 | WHITLEY, ANDREW T. | 1,666.36 |
| EATON, BRAD A. | 1,771.19 | ELLIOTT, PATRICK M. | 759.59 |
| WILSON, TIMOTHY J. | 2,190.96 | MORRISON, KEVIN P. | 1,194.74 |
| LAVOIE, RICHARD L. | 1,823.35 | HODGE, MICHAEL J. | 1,424.81 |
| STEVENS, BRANDON C. | 1,669.87 | JOHNSON, STEVEN P. | 1,237.53 |
| DRAVES, MARTIN J. | 1,755.68 | BOSS JR, DALE E. | 1,116.49 |
| BROWN, STEPHANIE C. | 1,020.24 | STEBE JR, JOHN M. | 167.31 |
| ELLIOTT, PATRICK M. | 1,738.94 | BOSS, SHERRY M. | 218.87 |
| SCHWARTZFISHER, JOSEPH L. | 1,514.81 | HOLM, ARTHUR R. | 618.74 |
| WELLS JR., DONALD E. | 1,468.75 | HEID, THOMAS J | 225.72 |
| BRADLEY, KELLY R. | 1,317.60 | STEVENS, JEFFREY W. | 652.48 |
| JONES, ROBERT F. | 1,696.38 | ROLOFF, AUDREY M. | 2,767.97 |
| DORAN, JUSTIN J. | 1,541.35 | MATTER, DAWSON K. | 2,702.94 |
| MCGHEE, ROBERT R. | 440.25 | SCOTT JR., WINFIELD | 79.28 |
| KIRINOVIC, THOMAS F. | 402.93 | | |
| BITELY, KATHERINE A. | 384.67 | TOTAL | 102,913.85 |

PAYROLL: TRANSMITTAL – 01/15/2016

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| 4FRONT CREDIT UNION | 248.46 | COMMUNICATION WORKERS OF AMER | 525.02 |
| AMERICAN FAMILY LIFE | 166.74 | MI STATE DISBURSEMENT UNIT | 323.45 |
| AMERICAN FAMILY LIFE | 311.88 | POLICE OFFICERS LABOR COUNCIL | 251.25 |
| CHAR EM UNITED WAY | 27.00 | PRIORITY HEALTH | 2,073.09 |
| CHARLEVOIX STATE BANK | 1,361.16 | | |
| CHEMICAL BANK | 150.00 | TOTAL | 5,438.05 |

