

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, January 21, 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: Absent
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Dennis Kusina, Jill Picha, Greg Stevens, Bryan Vollmer, Shane Cole, Lyle Gennett
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – January 7, 2013 Regular Meeting Minutes, approved as corrected
- B. Accounts Payable Check Register – January 22, 2013
- C. Tax Disbursement – January 22, 2013
- D. ACH Payments – January 7, 2013 – January 18, 2013
- E. Payroll Check Register – January 18, 2013
- F. Payroll Transmittal – January 18, 2013

V. Public Hearings

None.

VI. Reports

The City Manager asked Council to contact his office if they wish to attend the Government Official's Leadership Summit.

The Mayor reminded Council of the State of the City and State of the Community event Friday, January 25.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration to Approve a Little Free Library (LFL) for Michigan Beach

Charlevoix Public Library Director Val Meyerson was available to review the item and answer questions for Council. The LFL is created as a community gathering center for sharing and exchanging books. The Library would like to have a placement at Michigan Beach this coming summer. Staff checks in on the LFL periodically to make sure there are books in it and check for any damage, and they hope the LFL will maintain itself in the long run. Library Staff proposes putting up a permanent post near the concession stand. City Staff will work with Ms. Meyerson to find the best location for it.

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

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to approve locating a Little Free Library at Michigan Beach for the summer of 2013.

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

B. Consideration to Approve a Resolution for an S-2 Grant for Engineering Improvements to the Wastewater Treatment Plant (WWTP)

City Manager Rob Straebel reviewed the need to update the WWTP to treat for ammonia. New regulations must be implemented by December of 2015. The City would like to submit an S-2 grant to cover up to 90% of the planning and design phase. The project is \$120,000; the grant would be for \$108,000 and the City's portion would be \$12,000. The City's portion has been budgeted in the upcoming fiscal year. There is a possibility that, if the City doesn't secure financing to make the project improvements within the grant timeline (three years), the City could be liable to repay the grant. The Attorney has reviewed and approved the agreement language.

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

Action by resolution.

C. Consideration of Cooperative Partnership to Receive 2013 Revenue Sharing

City Manager Rob Straebel reviewed that this plan is one part of three criteria the City is required to complete to receive its full statutory revenue sharing amount. The Manager reviewed the various items in the plan. Since the packets were sent out, the Manager has received additional information that the State is looking for more specificity regarding timelines for the proposals. The Manager would like latitude to put more specific dates in the narrative for the plan according to that feedback. Council did not propose any changes to the plan.

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

Motion by Councilmember Shane Cole, seconded by Councilmember Dennis Kusina, to approve the 2013 Consolidation/Cooperation/Collaboration Plan, allowing the Manager to amend the specific dates of the plans as necessary.

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

D. Request to Apply for Michigan Department of Transportation Permits

City Manager Rob Straebel reviewed the annual request. Council is authorizing, by resolution, the named individuals to apply for permits as needed for various events and work on US 31 and in the US 31 right-of-way throughout the year.

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

Action by resolution.

E. Appointments

Motion by Councilmember Jill Picha, second by Councilmember Dennis Kusina, to confirm the Mayor's reappointment of Jeannine Wallace to the Downtown Development Authority.

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

Motion by Councilmember Greg Stevens, second by Councilmember Dennis Kusina, to appoint Adam Whitley to the Zoning Board of Appeals.

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

F. Correction to 05/21/2012 Council Minutes

Motion by Councilmember Greg Stevens, second by Councilmember Lyle Gennett, to approve the May 21, 2012 minutes as corrected and shown on p. 68 of the Council packet.

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

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. Consideration to Approve a Resolution for an S-2 Grant for Engineering Improvements to the Wastewater Treatment Plant

Motion by Councilmember Bryan Vollmer, seconded by Councilmember Jill Picha, to approve Resolution 2013-01-02 as follows:

**CITY OF CHARLEVOIX CITY COUNCIL
RESOLUTION NO. 2013-01-02
RESOLUTION AUTHORIZING THE S2 GRANT AGREEMENT FOR ENGINEERING IMPROVEMENTS
TO THE WASTEWATER TREATMENT PLANT**

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204a that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2010 PA 231, which provides grants to assist municipalities in completing loan application requirements under MDL 324.5308 or completing loan application requirements for other sources of financing for sewage treatment works projects, storm water treatment projects or nonpoint source projects; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "S2 Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204a, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to undertake planning, revenue system development, and/or design activities related to a project for which it intends to seek financing for construction; and

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$120,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the planning and/or design activities; and

WHEREAS, the Municipality shall obtain this Grant by entering into the S2 Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Manager, a position currently held by Robert J. Straebel, is designated as the Authorized Representative for the purposes of the S2 Grant Agreement.
2. The proposed form of the S2 Grant Agreement between the Municipality, the MFA and DEQ (attached hereto as Appendix I) [Clerk note: Executed Appendix I is filed in Clerk Contract file] is hereby approved and the Authorized Representative is authorized and directed to execute the S2 Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.
3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if any of the following conditions occur:
 - (a) the Municipality fails to submit an administratively complete loan application for assistance from the SRF, the SWQIF or other source of financing for the project within 3 years of the Grant award;
 - (b) the project has been identified as being in the fundable range or is approved for funding from another source and the Municipality declines loan assistance for 2 consecutive fiscal years unless the Municipality proceeds with funding from another source; and
 - (c) the Municipality is unable to, or decides not to, proceed with constructing the project.
4. The Grant, if repayable, shall be a first budget obligation from the general fund of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees.
6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.
7. The Municipality acknowledges that the S2 Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

RESOLUTION DECLARED ADOPTED.

RESOLVED this 21st day January, A.D. 2013.

Resolution adopted by the following yea and nay votes:

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

B. Request to Apply for Michigan Department of Transportation Permits

Motion by Councilmember Greg Stevens, seconded by Councilmember Bryan Vollmer, to approve Resolution 2013-01-03 as follows:

CITY OF CHARLEVOIX CITY COUNCIL
RESOLUTION NO. 2013-01-03
PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the City of Charlevoix hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations; within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
6. The incorporation by the DEPARTMENT of this resolution as a part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Name	And/or	Title
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Robert J. Straebel
 Patrick Elliott
 Don Swem
 Linda Jo Weller

City Manager
 Superintendent DPW
 Electric Superintendent
 Executive Assistant

RESOLVED this 21st day January, A.D. 2013.

Resolution adopted by the following yea and nay votes:

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

X. Ordinances
 None.

XI. Miscellaneous Business

Councilmember Jill Picha said there was quite a bit of ice around the marina docks and asked staff to check on the bubbler system.

Ms. Picha complimented department heads, staff, and Council on the great job at the budget work session.

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

Gabe Campbell proposed Council place a referendum on the ballot for a millage to fund gas-fired memorials in the park. It would be a way to have the project funded and get public feedback at the same time.

The Mayor closed public comment at 7:23 p.m.

XIII. Adjourn

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

There were no objections.

Meeting adjourned at 7:23 p.m.

Carol A. Ochs	City Clerk	Norman L. Carlson, Jr.	Mayor
Accounts Payable – 01/22/2013			
ACE HARDWARE	2,266.85	JACK DOHENY SUPPLIES INC	227.24
AIRGAS USA LLC	799.47	JERRY'S TIRE	545.76
ALL-PHASE ELECTRIC SUPPLY CO.	333.84	KIWANIS CLUB OF CHARLEVOIX	39.00
AMERICAN WASTE INC.	2,210.56	KMart	209.98
APPLIED INDUSTRIAL TECH	301.26	LASHMIT, JANA	34.69
ARROW UNIFORM-TAYLOR L.L.C.	830.56	MACDONALD GARBER	125.00
AT&T	4,023.44	MDC CONTRACTING LLC	300.00
AT&T	666.68	MICHIGAN OFFICEWAYS INC	458.47
AT&T	1,036.46	NORTHERN CREDIT BUREAU	324.88
AUTO VALUE	533.18	NORTHERN MICHIGAN REVIEW INC.	494.02
B & L SOUND INC	301.89	OLESON'S FOOD STORES	31.72
BIOTECH AGRONOMICS INC	12,578.85	PARASTAR INC.	1,055.90
BOB MATHERS FORD	27,714.84	PEASE, TIM	52.46
BRADFORD'S	48.75	PERFORMANCE ENGINEERS INC	15,768.00
CARQUEST OF CHARLEVOIX	932.44	PINNACLE DESIGN	3,768.96
CHARLEVOIX AGENCY	100.00	POWER LINE SUPPLY	1,278.80
CHARLEVOIX AREA	100.00	PRESTON FEATHER	29.44
CHARLEVOIX CAR WASH	20.70	PURITY CYLINDER GASES INC	470.90
CHARLEVOIX GLASS INC.	266.17	ROTARY CLUB OF CHARLEVOIX	37.50
CHARTER COMMUNICATIONS	961.28	SPENCER, MICHAEL	81.03
CITY OF CHARLEVOIX - MISC	271.33	STATE OF MICHIGAN	180.00
CLOSSON, KARY	100.00	STATE OF MICHIGAN	1,302.75
DOUGLASS SAFETY SYSTEMS LLC	108.99	SUNRISE ELECTRONICS & SECURITY	115.00
ELLSWORTH FARMER'S EXCHANGE	1,876.20	SUPERIOR MECHANICAL	470.83
EMERGENCY MEDICAL PRODUCTS INC	8.76	SYSCO GRAND RAPIDS	143.20
FAMILY FARM & HOME	829.18	T & R ELECTRIC	5,165.00
FREIGHTLINER OF GRAND RAPIDS	66.37	TRUCK & TRAILER SPECIALTIES	465.70
FRISCHMAN APPRAISAL &	3,000.00	UP NORTH PROPERTY SERVICES LLC	973.00
GALLS AN ARAMARK COMPANY	281.49	VILLAGE GRAPHICS INC.	62.55
GORDON FOOD SERVICE	79.92	WELLER, LINDA	41.00
HACH COMPANY	432.95	WILLCOME TREE SERVICE	21,020.00
HOLIDAY COMPANIES	5,980.94	WOODY, SCOTT	41.00
HUGH'S EXCAVATING LLC	500.00	WORK & PLAY SHOP	163.50
HYDRO DESIGNS INC.	515.00	WURST, RANDALL W.	41.00
INDEPENDENT DRAFTING SERVICES	704.00	TOTAL	126,300.63
Accounts Payable – 01/22/2013			
Tax Disbursements			
CHARLEVOIX COUNTY TREASURER	129,548.26	CHARLEVOIX PUBLIC SCHOOLS	96.65
CHARLEVOIX DISTRICT LIBRARY	45,582.78	CITY OF CHARLEVOIX - TAXES DUE	45,593.78
CHARLEVOIX PUBLIC SCHOOLS	11,966.64	RECREATIONAL AUTHORITY	8,201.08
CHARLEVOIX PUBLIC SCHOOLS	2,828.02		
CHARLEVOIX PUBLIC SCHOOLS	1,413.98	TOTAL	245,231.19
ACH Payments – 01/07/2013 – 01/18/2013			
MI PUBLIC POWER AGENCY	11,544.46	IRS (PAYROLL TAX DEPOSIT)	29,765.80
MI PUBLIC POWER AGENCY	16,988.99	VANTAGEPOINT (401 ICMA PLAN)	713.78
STATE OF MI (SALES TAX)	18,996.54	VANTAGEPOINT (457 ICMA PLAN)	12,217.76
STATE OF MI (WITHHOLDING TAX)	9,093.62	TOTAL	99,320.95

PAYROLL: NET PAY

Pay Period Ending 01/12/2013 – Paid 01/18/2013

WELLER, LINDA JO	1,295.29	WITTHOEFT, MARVIN J.	156.99
STRAEBEL, ROBERT J.	1,986.92	HEID, THOMAS J	1,309.86
BRANDI, RICHARD M.	1,709.29	WOODY, SCOTT R.	1,494.56
LOY, EVELYN R.	976.99	DVORACEK, DANA J.	1,134.82
KLOOSTER, ALIDA K.	1,359.30	TOUGH, KENDALL J.	572.74
BROWN, STEPHANIE C.	1,062.03	WENZEL, PEGGY A.	445.71
OCHS, CAROL A.	887.27	RAMSEY, KYLE J.	52.86
CAREY, KEITH V.	1,132.46	RILEY, CASEY W.	78.50
SPENCER, MICHAEL D.	1,488.86	THORMAN, MIKAYLA R.	86.87
SPENCLEY, PATRICIA L.	997.04	JONES, LARRY M.	134.79
NASH, JENNIFER B.	324.74	OCHS, THOMAS F	41.56
DOAN, GERARD P.	1,418.06	TRAVERS, MANUEL J.	131.52
SHRIFT, PETER R.	1,068.09	SILVA, JESSE L.	234.52
SCHLAPPI, JAMES L.	1,222.18	RILEY, DANIEL	602.76
UMULIS, MATTHEW T.	1,404.49	WHITLEY, ADAM	156.89
ORBAN, BARBARA K.	1,376.01	SCHOOOF, WILLIAM R.	356.41
TRAEGER, JASON A.	1,333.20	HANKINS, SCOTT A.	1,671.44
WARNER, JANINE M.	965.95	COPPOCK, TIMOTHY M.	1,558.70
IVAN, PAUL M.	1,660.25	BLANCHARD, SCOTT W.	1,642.91
SCHWARTZFISHER, JOSEPH	1,229.16	SWEM, DONALD L.	1,588.83
ROLOFF, ROBERT P.	1,993.28	WHITLEY, ANDREW T.	1,179.42
BRODIN, WILLIAM C.	1,421.64	MORRISON, KEVIN P.	1,116.64
RILEY, DENISE M.	333.35	HODGE, MICHAEL J.	1,060.28
WURST, RANDALL W.	1,732.94	JOHNSON, STEVEN P.	1,122.41
MAYER, SHELLEY L.	1,184.32	BOSS JR, DALE E.	1,112.75
HILLING, NICHOLAS A.	1,052.33	BOSS, JAMES W.	918.57
MEIER III, CHARLES A.	1,549.94	STEBE JR, JOHN M.	691.08
NISWANDER, JOSEPH F.	1,348.36	BOSS, SHERRY M.	368.47
FRYE, EDWARD J.	966.85	BEHAN, DEAN T.	92.35
JONES, TERRI L.	977.79	SCAFIDI, DAVID J.	607.85
EATON, BRAD A.	1,612.08	STEBE, CATHERINE M.	288.08
WILSON, TIMOTHY J.	1,836.53	STEVENS, RODNEY M.	198.23
LAVOIE, RICHARD L.	1,173.23	HOLM, ARTHUR R.	589.01
STEVENS, BRANDON C.	1,163.96	HAND, HEATHER K.	854.48
DRAVES, MARTIN J.	1,706.58	SCHNEIDER, DENNIS R.	81.58
ELLIOTT, PATRICK M.	1,498.92	STEVENS, JEFFREY W.	235.51
WELLS JR., DONALD E.	1,264.67	ROLOFF, AUDREY M.	702.16
BRADLEY, KELLY R.	1,203.16	MATTER, DAWSON K.	573.44
WILSON, RICHARD J.	1,137.41	MARSH JR., JAMES D.	15.70
JONES, ROBERT F.	1,040.84	RILEY, TIMOTHY	199.21
VANLOO, JOSEPH G.	226.70	SCOTT JR., WINFIELD	52.86
WASHBURNE, MICHAEL J.	73.88	KITELEY, FISHER L.	74.89
MURPHY IV, MICHAEL J.	35.24	BERGMANN, DOUGLAS M.	132.14
BEHAN, HALEY C.	70.48	MACDONALD, BRIAN K.	443.92
RAMSEY, MADISON L.	250.56		
BERTINELLI, DAVID P.	443.88	TOTAL	78,360.77

PAYROLL: TRANSMITTAL
01/18/2013

AMERICAN FAMILY LIFE	402.61	MERS	390.00
CHAR EM UNITED WAY	98.54	MI STATE DISBURSEMENT	596.19
CHARLEVOIX STATE BANK	960.39	NORTHWESTERN BANK	300.00
COMMUNICATION WORKERS	530.11	PRIORITY HEALTH	682.47
INDIANA STATE	80.00	TOTAL	4,040.31