

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, November 18, 2013 – 7:00 p. m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

Council members Shirley Gibson, Leon Perron, and Jeff Porter were sworn in to their respective offices prior to the call to order.

The meeting was called to order at 7:00 p. m. by Mayor Norman L. Carlson, Jr.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Norman L. Carlson, Jr.
City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Deputy Clerk Stephanie Brown
Members Present: Council members Shane Cole, Lyle Gennett, Shirley Gibson, Greg Stevens, Leon Perron, and Jeff Porter
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest:
None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – November 4, 2013 Regular Meeting Minutes
- B. Accounts Payable Check Register – November 6, 2013
- C. Accounts Payable Check Register – November 19, 2013
- D. ACH Payments – October 30, 2013 – November 12, 2013
- E. Tax Disbursement – November 19, 2013
- F. Payroll Check Register – November 8, 2013
- G. Payroll Transmittal – November 8, 2013

H. Election Results – Board of Canvassers' Report

The canvass results are summarized as follows:

Whole number of votes given for the office of Clerk 566

Persons receiving the votes:

Larry Sullivan 433

Write-in 13

Carol Ochs 120

Larry Sullivan having received a sufficient number of votes is elected for the office of City Clerk.

Whole number of votes given for the office of Ward 1 Council Member 315

Persons receiving the votes:

Dennis Kusina 109

Jeffrey Porter 206

Jeffrey Porter having received a sufficient number of votes is elected for the office of Ward 1 Council Member.

Whole number of votes given for the office of Ward 2 Council Member 115

Persons receiving the votes:

Leon R. Perron 110

Write-in 5

Leon R. Perron having received a sufficient number of votes is elected for the office of Ward 2 Council Member.

Whole number of votes given for the office of Ward 3 Council Member 205

Persons receiving the votes:

Shirley Gibson 126

Jill Picha 78

Write-in 1

Shirley Gibson having received a sufficient number of votes is elected for the office of Ward 3 Council Member.

- I. City Planning Commission Resignation: Adam Whitley
Motion by Councilmember Cole, second by Councilmember Stevens, to accept the resignation of Adam Whitley from the Planning Commission.

Yeas: Cole, Gennett, Gibson, Stevens, Perron, Porter
Nays: None
Absent: None

V. Public Hearings
None.

VI. Reports

City Manager Straebel announced that goals from all City Departments will be compiled and brought forward for discussion with City Council on December 2, 2013. He asked that Councilmembers submit their ideas, comments on City initiatives, and programs for the upcoming budget fiscal year to him.

Manager Straebel thanked those Councilmembers who were able to attend the Economic Development Forum at the Library the previous week. He stated that staff would be compiling all the notes from the meeting and providing that to the Council prior to the next Economic Development Forum meeting, which is scheduled for December 4, from 4:30 to 8:00 p.m.

Manager Straebel reported that plans are underway for the Annual Christmas Party, which is scheduled for Thursday, December 12th. The event is a budgeted item and the Mayor, Councilmembers and all City employees are encouraged to attend.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration of Approval for the Second Annual Bridge Drop

Dan Barron and Rick Randall of the Charlevoix Bridge Drop Committee presented the item and answered questions from Council. The Committee is working hard to plan the 2013-14 Charlevoix Bridge Drop and is seeking Council's approval of the event. There will be some family friendly activities during the day on December 31, and restaurants and shops will be encouraged to stay open late, providing entertainment, specials, and late night menus. A select few food trucks will be allowed around Bridge Park to create a fun, festive atmosphere. Ten minutes prior to midnight, the Memorial Bridge will open as a warning to spectators waiting for the fireworks. When the Bridge closes, pedestrians will be allowed on the Bridge to view a spectacular fireworks show down the Pine River Channel, concluding with a grand finale of larger fireworks overlooking the lighthouse at midnight. The Committee has raised the funds to go ahead with the fireworks show, pending approval from City Council.

The Committee will be submitting a completed fireworks application at the Council meeting to be held December 2, 2013. Fire Chief Ivan has been working with the Committee to ensure a high level of safety and security for the show. The US Army Corps of Engineers has been consulted and given permission for the event. The Michigan Department of Transportation has sent a list of conditions for the event, with which the Committee intends to comply. Chief Ivan is communicating with the US Coast Guard.

The Committee is asking City Council to waive the following City Ordinances for the event:

1. Section 3.6 of the City Code and Resolution 88-6-6 established park hours; City parks close at midnight. The Committee is asking permission to use Robert Bridge Memorial Park for the celebration until 12:30 a.m. on January 1, 2014.
2. Section 6.21(9) of the City Code prohibits loud noises and music between 11:00 p.m. and 7:00 a.m. The Committee is would like various downtown restaurants to have live music, and a local radio station to be in Bridge Park, whose speakers will be used for announcements and the official count-down to the New Year.
3. Section 6.21(11) of the City Code regulates the use of sirens and whistles; the Committee would like the Fire Department to sound the siren at 11:50 p.m. to remind people to make their way downtown and gather around the drawbridge.

Mayor Carlson opened the item to public comment. There was no public comment. The item was closed to public comment.

Motion by Councilmember Stevens, second by Councilmember Cole, that City Council authorize the use of the Robert Bridge Memorial Park, revoke the noise ordinance for December 31st from 11 p.m. until January 1st at 1:00 a.m., and allow the use of the City Hall siren to be used at 11:45 p.m.

Yeas: Cole, Gennett, Gibson, Stevens, Perron, Porter
Nays: None
Absent: None

B. Discussion Regarding Draft Public Safety Study

City Manager Straebel and Consultant Lynn Harvey presented the item and answered questions from Council. Dr. Harvey has completed a draft study regarding the development of a Public Safety Department, along with the position of Public Safety Director. The City currently has two departments that encompass what is commonly called "Public Safety": the Police Department and the Fire/EMS Department. The pending retirement of the current Fire Chief makes this an opportune time to consider reorganizing these departments under one director. Both Fire Chief Ivan and Police Chief Doan are supportive of transitioning to a "nominal consolidation", keeping the Fire/EMS and Police Departments separate, but with one person appointed as both the Fire Chief and

Police Chief. The City Attorney has determined that, while the Charter does not recognize the position of "Public Safety Director", Chief Doan could be appointed to the position of Fire Chief while retaining his position as Police Chief.

Dr. Harvey stated that there is only one city in Michigan that has a full-time Public Safety Director, but still maintains a separate Police Department and Fire Department: the City of Marshall. He reported that most Public Safety Departments have relinquished their medical transport and/or ALS systems to a privatized system or an Authority outside of the Public Safety Department. Charlevoix is unique in that it provides Fire, Police, and EMS services not only for Charlevoix residents but also for the five townships in the area, leading to a high degree of interdependency between the City and the townships for those services.

Dr. Harvey complimented the Fire Chief and Police Chief for the type of system Charlevoix has and the collaboration with units of government surrounding Charlevoix. He reported that the services provided are highly professional and very timely, with well-equipped Departments. Costs are consistent with other departments in the State, both on a per capita basis and as a percent of the budget. He summarized the start-up costs associated with transitioning to a Public Safety Department, including: cross training of employees, overtime expenses, and additional equipment needs. In other cities, the transition period has ranged from 18 months to 2 years.

Councilmember Gennett noted that the Fire Chief currently covers the office for vacations in his Department. Dr. Harvey is recommending that Council create a subcommittee to work with Staff to iron out these issues.

Councilmember Porter noted that, according to Dr. Harvey's study, Charlevoix's Public Safety expenses as a percentage of the General Fund is the lowest of the twelve cities in the survey group. Dr. Harvey reported that he took into account seasonal demand and the revenue Charlevoix receives from selling Public Safety services to the surrounding townships. These things lower the percent cost. Net cost to City residents for Public Safety expenses is 22% of the budget.

Mayor Carlson opened the item to public comment. There was no public comment. The item was closed to public comment.

Council generally agreed to create a "Public Safety Department Consolidation Ad Hoc Committee", and Councilmembers Porter, Gibson, Gennett, and Cole expressed interest in serving on said committee. Mayor Carlson appointed all four members to the ad hoc committee.

C. Discussion Regarding Conceptual Plans to Expand Boat Slips at the City Marina

City Manager Straebel presented the item and answered questions from Council. As requested by Council, staff has gathered further information regarding an expansion of the City Marina to accommodate larger (80') vessels. Other than approving the engineered plans, the Waterway's Commission does not have any requirements for the City. They are supportive of the project, but no funding is available. Financing appears to be the most challenging aspect of the project. Staff does not feel that the project is large enough to sell bonds and also that it would not be appropriate to dip into the General Fund reserves for this project. The expansion needs to take place on Dock A to accommodate 80' vessels, and construction costs are estimated at a minimum of \$363,000. Due to current obligations, there are no bonding options until 2018. Estimated revenues from the new dock are \$101,000 per year, based upon a seasonal lease for an 80' boat at the current season rates. These estimated revenues put the return on investment at 3.5 to 4 years. One financing option is to "pre-lease" slips for a period of three to five years.

As this is a capital project, the Planning Commission will need to review the project and provide comment to Council. Additionally, public hearings need to be held to gauge the public sentiment and amount of support for the project.

Councilmember Porter noted that the General Fund reserve is one million dollars, and that the return on the proposed docks would be much higher than the rate of return in the current market. City Treasurer Brandi reported that, due to the financial forecast for the next few years, one million is not an over-large reserve. In the General Fund, the City needs approximately \$600,000 in reserves for cash flow.

Councilmember Gibson suggested that an environmental impact study be done, and asked about demand for larger boat slips. Harbormaster Evans assured Councilmember Gibson that the City's docks, including the larger ones, were full all summer and that some larger boats were turned away. He stated that the average boat size this past year was 48'.

Mayor Carlson opened the item to public comment. There was no public comment. The item was closed to public comment.

Council directed City staff to do additional research to discover if boat owners might be interested in pre-leasing 80' boat slips, and to pursue the idea of a blended, part pre-lease, part City investment from the General Fund, financing option. Additionally, Council directed staff to send the item to the Planning Commission for their input.

D. Consideration of a Resolution Approving Ballot Language to Change the City Clerk Position from Elected to Appointed

City Manager Straebel presented the item and answered questions from Council. As requested by Council, staff has developed ballot language to change the City Clerk position from elected to appointed. Staff believes that this is professional position that needs a certain administrative skill set for which the City may or may not get a qualified individual with the current elected structure of the position. Staff had prepared two questions for Council to consider. The difference between the two questions is when the appointed Clerk, if approved by the electors, would take office immediately, based upon when the Charter amendment is effective

under law, or after the term expires of the current elected Clerk. Based on previous input by Council, staff and legal counsel have prepared language that would make the change, as specified in the ballot language and if approved by the voters, effective when the Charter amendment is approved, not at the end of the term of the Clerk who is in office at the time. A February 25th election would cost approximately \$4,800; to minimize costs, City Council could place the ballot question in August or November. The Governor's and Attorney General's offices will need to approve ballot language, which may be done in time if Council adopts the resolution at tonight's meeting.

City Manager Straebel stated that the City Attorney, Jim Young, and the County Attorney, Bryan Graham, have agreed that it is an incompatibility of offices' to have one person serve both as County Commissioner and as City Clerk. Commissioner Sullivan has not indicated whether it is his intention to continue to serve as County Commissioner or to accept the position of City Clerk.

Councilmember Porter reported that he was on the Charter Commission in the 70s. He stated that the proposed Charter had gone to the voters twice with an appointed Clerk. The third time it was sent to the voters, the Charter Commission proposed an elected Clerk. There were other changes in those three versions, and it was not clear what the key issue was, but the original intent of the Charter Commission was for an appointed City Clerk with the City Manager form of government.

Councilmember Gennett suggested that, in addition to the methods described by the City Manager to educate electors on this issue, the City consider using the high school auditorium to hold an information session for the electors.

Councilmember Gibson stated that she would prefer a February election. Mayor Carlson asked if there was enough time to get ballot language approved and educate the voters on the intent of the change. Councilmember Gibson believes there is sufficient time. Manager Straebel stated that the City must go through a State process to have the ballot language approved. Once approved by the State, the item could be brought back to City Council to set the election date.

Councilmember Perron reported that, while he likes the idea of making the position appointed, he is uncomfortable with a February election. He believes that the additional cost of a February Special election is unwarranted, and that this item is being "pushed through" too quickly. Councilmember Perron would prefer that the item be placed on the General Election ballot in November. Mayor Carlson stated that this issue was first discussed by City Council in July; the item has not been rushed.

Councilmember Stevens stated that, if the Clerk elected in November accepts the job, he would not be opposed to waiting for a May election date; however, if the elected Clerk chooses not to accept the position, a February election date is preferable.

Mayor Carlson addressed the audience, assuring everyone that the election of a specific candidate had, and has, no bearing on this issue. Council is not taking a stand against Mr. Sullivan, the individual that won the race for Clerk in November. If Mr. Sullivan accepts the position in January, and if the Charter amendment is passed, Council could appoint him to the position and that there would be no reason not to if Mr. Sullivan was doing a good job. Since July, 2013, Council has been considering making the City Clerk position into a Council appointed position, so that they could ensure the quality of the person that holds the position. The Clerk's position is very important, and the Clerk is responsible for protecting Council from making mistakes in parliamentary procedures and the Open Meetings Act. Mayor Carlson emphasized that, while he does not want to rush the process, he doesn't believe the item should wait until the next General Election. Councilmembers Gibson and Gennett stated they would like to see the election in February.

Mayor Carlson opened the item to public comment.

Gabe Campbell reminded Council that the City had just had the election and that the citizen's had elected a qualified candidate. Mr. Campbell acknowledged that Council did discuss this item last spring, but stated that it should have been taken care of before the November election. Mr. Campbell stated that, to be fair, this change should be made effective at the end of the term of the current elected Clerk. Mr. Campbell also suggested that the elected Clerk be brought "on board" immediately, as the office is without a City Clerk at this time.

Mary Eveleigh restated that there was an election, and reported that the public understood that Mr. Sullivan was elected to a two-year term. She believes the process is moving too fast, and the question should be placed on the November ballot.

Councilmember Gibson asked when the most recent Charter Review process was held. Councilmember Porter, who was on the Charter Commission, reported that the review was done in 1975-1976, and the current Charter was adopted in [1978](#)~~1976~~.

Councilmember Gennett noted that Mr. Sullivan was in attendance, and asked him if he had any questions for Council, or could share any information on his acceptance or refusal of his pending term.

Larry Sullivan reported that he originally ran for City Clerk because no one else had filed for the position, and he was concerned about who would be appointed and their qualifications. At that time, he contacted three attorneys and all three concluded that there was no conflict of interest. Mr. Sullivan believes that he has the qualifications to do the job, and noted that he has overseen the generation of minutes for Planning Commissions for the last 35 years and is familiar with the Freedom of Information and Open Meetings Acts. He admitted that he has not conducted elections. When the initial opinion came back from Bryan Graham and Jim Young, he felt comfortable that they did not see a conflict of interest. However, the second opinion from them states that there is an

incompatibility of office. Mr. Sullivan is going back to his original attorneys to see if they concur. He stated that, if it is determined that he can only hold one position, he has not yet made a decision as to which position he would do. Mr. Sullivan also reported that Council's discussions and subsequent action are going to figure significantly into his ultimate decision.

June Cross reported that there are a lot of people who are angry because they feel that, since Mr. Sullivan was elected, he should be allowed to finish his term.

Jodi Laurent asked if the ballot language states that this appointed position would take effect after the current elected official was no longer seated. Mayor Carlson stated that was something yet to be decided.

The item was closed to public comment.

Mayor Carlson repeated some of his earlier comments, stating that this matter was not something that was sprung up after an election or after a particular person was elected. Council originally directed staff to look into the matter at the July 15, 2013 meeting. At that time, there was insufficient time to get this language on the ballot in November; Council wanted to, but it could not be done. Mayor Carlson noted that Council's problem is "kind of a Catch 22", as Mr. Sullivan has not yet made a decision. The City's legal counsel opined that he cannot hold both offices at the same time. Council has to work under that premise and continue to work on what is best for the City. The question of when an appointed person would take office, if the ballot question is passed, may not affect Mr. Sullivan. If Mr. Sullivan chooses the City Clerk position and is doing an adequate job, Mayor Carlson does not believe that Council would want "to boot him out". If Mr. Sullivan chooses not to take the position, Council needs to be prepared to put someone in the position as soon as possible, and do what's in the best interest of the City of Charlevoix. Without knowing what the future holds, Council must move forward with the decision made in July: to pursue this change on the ballot.

Action by Resolution.

E. Consideration to Approve Two Resolutions in Support of Two SAW Grant Applications

City Manager Straebel presented the item and answered questions from Council. Staff has been working with engineers from Prein and Newhof to submit applications for Storm Water, Asset Management and Wastewater (SAW) grants. The SAW grant program has been developed to create better asset management plans for municipalities as well as promoting high water quality. If awarded grant funding, the Michigan Department of Environmental Quality (MDEQ) will send the City a grant agreement stipulating amounts and requirements; however, the City is not obligated to the terms unless it accepts the grants. The total Wastewater Asset Management Plan project cost is \$662,048, with a 10% match of \$66,205 that would be spread over three years, and a grant amount of \$595,843. The total Storm Water Asset Management Plan project cost is \$352,616, with a 10% match of \$35,262 that would be spread over three years, and a grant amount of \$317,354. Applications are due to the MDEQ by December 2, 2013, and final determination of grant awards will be made in March, 2014.

Mayor Carlson opened the item to public comment. There was no public comment. The item was closed to public comment.

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

None.

IX. Resolutions

- A. Consideration of a Resolution Approving Ballot Language to Change the City Clerk Position from Elected to Appointed
Motion by Councilmember Gibson, second by Councilmember Porter, to adopt Resolution 2013-11-01 as follows:

RESOLUTION 2013-11-01

RESOLUTION TO PROPOSE AMENDMENT TO THE CITY CHARTER SECTION 3.8

WHEREAS, for approximately the last 12 months, the City has been considering whether to place before the electors of the City the question of amending the City Charter to make the City Clerk's position an appointed, rather than an elected, position;

WHEREAS, the City believed that a ballot question regarding such a charter amendment in the November 2013 election would be confusing, since the November 2013 election also would contain one or more candidates for the City Clerk's position under the current Charter provision;

WHEREAS, the City determined that such confusion should be avoided; and

WHEREAS, the City has determined that the electors of the City should determine whether the City Clerk should be appointed in the same manner as the City Treasurer, Police Chief, Fire Chief and other important city positions and that this charter amendment question should be submitted to the electors in February of 2014, which will be the first election after November of 2013;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The electors of the City be asked whether the current City Clerk provisions of Article III, Section 3.8 CITY CLERK – ELECTION - DUTIES of the City Charter be amended to allow the City Council to appoint the City Clerk in the same manner as the City Treasurer is appointed and if the proposed Charter Amendment is approved by the electors, to allow the City Council to make an appointment which will become effective when the Charter Amendment goes into effect under Michigan law;
2. The amendment is being proposed for the following reason(s): currently, the City Clerk is an elected position and there are no minimum job skills to assume this position; the City Clerk is an integral part of city government with numerous legal and administrative duties and is a component of a financial “checks and balances” system with the City Treasurer; the City Treasurer is appointed by the City Council as provided in the City Charter and it is in the best interests of the City to appoint the City Clerk in an identical manner; and if the proposed Charter amendment is approved by the electors, a vacancy in the office can be avoided by authorizing the City Council to select a City Clerk, who would assume that position only when the Charter amendment becomes effective as provided in Michigan law.
3. The proposed amendment (including the Statement of Purpose) be submitted to the City’s electors at the election to be held on February 25, 2014 pursuant to the following ballot language:

“Shall Article III, Section 3.8 CITY CLERK - ELECTED - DUTIES of the City Charter be changed to provide that the City Clerk shall be appointed in the same manner as are the City Treasurer and other appointed officials, and, if this proposed Charter amendment is approved by the electors, to allow the City Council to appoint a City Clerk with the appointee to assume office when the Charter amendment becomes effective under Michigan law as follows:

Section 3.8 CITY CLERK - APPOINTED – DUTIES

The City Clerk shall be appointed by a majority vote of the entire Council for an indefinite term. The first appointee shall assume office when the Charter amendment becomes effective under Michigan law.

The City Clerk shall be Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint a Deputy Clerk.

STATEMENT OF PURPOSE

This Charter provision currently states that the City Clerk is elected for a two (2) year term. The proposed amendment would authorize the City Council to appoint the City Clerk in the same manner as appointed officials, such as the City Treasurer, Fire Chief, Police Chief, Assessor and City Attorney, are appointed. Also, for the purpose of avoiding a vacancy in the City Clerk’s position, the proposed amendment authorizes the City Council, if this amendment is approved by the electors, to appoint a City Clerk, but with the Clerk assuming office only when the amendment becomes effective under Michigan law.

YES: _____

NO: _____

A “Yes” vote will be a vote in favor of the proposed amendment.

A “No” vote will be a vote against the proposed amendment.

RESOLVED, this 18th day of October, A.D. 2013.

Resolution was adopted by the following yea and nay vote:

Yeas: Cole, Gennett, Gibson, Stevens, Porter

Nays: Perron

Absent: None

B. Consideration to Approve Two Resolutions in Support of Two SAW Grant Applications

Motion by Councilmember Stevens, second by Councilmember Cole to adopt Resolution 2013-11-02 as follows:

RESOLUTION 2013-11-02
RESOLUTION AUTHORIZING THE SAW GRANT AGREEMENT

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 324.5204e 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 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; 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 "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (select one or more)
 establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$595,843 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

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

NOW, THEREFORE, BE IT RESOLVED THAT:

1. City Manager (*title of the designee's position*), a position currently held by Robert Straebel (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW 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 the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation 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 that are unrelated to the project.
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 SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

RESOLVED, this 18th day of October, A.D. 2013.

Resolution was adopted by the following yea and nay vote:

Yeas: Cole, Gennett, Gibson, Stevens, Perron, Porter

Nays: None

Absent: None

Motion by Councilmember Stevens, second by Councilmember Gennett, to adopt Resolution 2013-11-02 as follows:

RESOLUTION 2013-11-03
RESOLUTION AUTHORIZING THE SAW GRANT AGREEMENT

- 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 324.5204e 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 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; 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 "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and
- WHEREAS, the Municipality does hereby determine it necessary to **(select one or more)**
 establish an asset management plan, establish a stormwater management plan, establish a plan for wastewater/stormwater, establish a design of wastewater/stormwater, pursue innovative technology, or initiate construction activities (up to \$500,000 for disadvantaged community).
- WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$317,354 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and
- WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. City Manager (*title of the designee's position*), a position currently held by Robert Straebel (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.
2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW 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 the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.
4. The Grant, if repayable, shall be a first budget obligation 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 that are unrelated to the project.
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 SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

RESOLVED, this 18th day of October, A.D. 2013.

Resolution was adopted by the following yea and nay vote:
Yeas: Cole, Gennett, Gibson, Stevens, Perron, Porter
Nays: None
Absent: None

X. Ordinances

None.

XI. Miscellaneous Business

None.

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

None.

XIV. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn.
 There were no objections.
 Meeting adjourned at 8:44 p. m.

Stephanie Brown

Deputy City Clerk

Norman L. Carlson, Jr.

Mayor

Accounts Payable – 11/06/2013

MUNICIPAL UNDERWRITERS OF MICH

86,004.00

TOTAL

86,004.00

Accounts Payable – 11/19/2013

ACE HARDWARE	2,082.18	INDEPENDENT DRAFTING SERVICES	1,472.00
ADVANCED BUILDING	319.50	J & B MEDICAL SUPPLY INC.	35.40
ALL-PHASE ELECTRIC SUPPLY CO.	102.00	KIWANIS CLUB OF CHARLEVOIX	39.00
APOLLO FIRE EQUIPMENT	93.37	KMart	118.97
ARROW UNIFORM-TAYLOR L.L.C.	1,290.29	KSS ENTERPRISES	223.94
ASPLUNDH TREE EXPERT CO	8,261.76	MDC CONTRACTING LLC	198,682.08
AT&T	4,705.18	MICHIGAN MUNICIPAL LEAGUE	11,164.00
AUTO VALUE	107.19	MICHIGAN OFFICEWAYS INC	1,443.07
AVFUEL CORPORATION	14,685.72	MICHIGAN STATE FIREMEN'S ASSN	75.00
BAKER COLLEGE OF CADILLAC	228.00	MILLER, RAYDEN	43.62
BARUZZINI GENERAL CONTRACTORS	2,550.00	MUNICIPAL UNDERWRITERS OF MICH	420.00
BATTERY TECH STORE	256.50	NEOPOST INC	50.00
BELL EQUIPMENT COMPANY	49.10	NORTHERN CREDIT BUREAU	40.41
BELLEROC TIRE/GAYLORD	6,000.00	NORTHERN MICHIGAN JANITORIAL	30.95
BRADFORD'S	81.25	NORTHERN MICHIGAN REVIEW INC.	646.16
BS& A SOFTWARE	1,090.00	NORTHERN PUMP SERVICE INC.	9,335.57
BULBS.COM	134.85	OLESON'S FOOD STORES	24.75
CARQUEST OF CHARLEVOIX	960.77	OTEC	1,122.00
CHARLEVOIX COTTAGE CARE INC.	700.00	PEARSON, BETHANY	289.79
CHARLEVOIX SCREEN MASTERS INC	100.00	PERFORMANCE ENGINEERS INC	6,156.50
CHARLEVOIX SEWER & DRAIN	90.00	PICTURE THIS	420.00
CHARTER COMMUNICATIONS	1,276.65	PREIN & NEWHOF	14,936.49
CITY OF CHARLEVOIX - UTILITIES	32,197.93	PRIEST, ELIZABETH	35.66
CITY OF CHARLEVOIX-PETTY CASH	401.09	PRO WEB MARKETING LLC	240.00
DSS CORPORATION	700.00	PTM DOCUMENT SYSTEMS	171.78
DURABLE ROOFING SYSTEMS	4,500.00	SALESIN, HEATHER	208.00
EJ USA INC.	1,172.15	SCHMUCKAL OIL CO	498.40
ELLSWORTH FARMER'S EXCHANGE	181.81	SECURITY SANITATION INC.	228.04
FAMILY FARM & HOME	354.15	SEELEY'S PRINTING SERVICE	856.92
FASTENAL COMPANY	8.03	SHORELINE POWER SERVICES INC.	672.75
FEATHERLY'S AUTO & TRUCK SERVICE	70.00	SIMPSON ELECTRIC INC.	703.20
FISHER SCIENTIFIC	662.27	SPENCLEY, PATTI	95.60
FRONT LINE SERVICES INC.	2,355.95	SPRINGFIELD INC.	865.00
GALLS AN ARAMARK COMPANY	83.48	STATE OF MICHIGAN	1,224.94
GEMPLER'S	82.95	SUPERIOR MECHANICAL	280.00
GRAINGER	326.00	T & R ELECTRIC	7,113.00
GRAPHIC CONTROLS LLC	280.22	T & R SERVICE INC	15.00
HACH COMPANY	790.70	TOBY'S INSTRUMENT SHOP	320.75
HENDERSON, KEVIN	17.68	TRAVERSE REPRODUCTION	20.35
HI-LINE	241.41	U S BANK	112.50
HYDRO DESIGNS INC.	515.00	VANTAURA ENERGY SERVICES	1,364.03
IDEXX DISTRIBUTION INC.	990.07	VILLAGE GRAPHICS INC.	178.50

VOSS LIGHTING	317.61	WILBERT BURIAL VAULT CO	206.08
WACHS WATER SERVICES	4,685.20	WILKIN, AMANDA	15.70
WHITELOON, MARCIE	34.00	WORK & PLAY SHOP	382.24
WHITLEY, LUKAS	39.92	TOTAL	358,750.07

Tax Disbursement – 11/19/2013

BRYAN, GREG & BRENDA	575.84	CHARLEVOIX PUBLIC SCHOOLS	8,366.89
CHARLEVOIX COUNTY TREASURER	353.20	CHARLEVOIX PUBLIC SCHOOLS	388.91
CHARLEVOIX COUNTY TREASURER	46,238.62	CHARLEVOIX PUBLIC SCHOOLS	4,055.09
CHARLEVOIX COUNTY TREASURER	159.79	CITY OF CHARLEVOIX - TAXES DUE	52,844.17
CHARLEVOIX DISTRICT LIBRARY	64.08	RECREATIONAL AUTHORITY	11.52
CHARLEVOIX PUBLIC SCHOOLS	73,001.25	TOTAL	186,059.36

ACH Payments – 10/30/2013 – 11/12/2013

Neopost (postage refill)	5,000.00	State of MI (Withholding Tax)	4,564.78
MI Public Power Agency	12,419.98	Vantagepoint (401 ICMA Plan)	728.06
State of MI (Sales Tax)	18,977.52	Vantagepoint (457 ICMA Plan)	12,557.38
IRS (Payroll Tax Deposits)	32,346.68	MI Public Power Agency	12,880.92
Alerus Financial (HCSP)	380.00	TOTAL	99,855.32

PAYROLL: NET PAY

Pay Period Ending 11/02/2013 – Paid 11/08/2013

WELLER, LINDA JO	1,338.23	EATON, BRAD A.	1,698.59
STRAEBEL, ROBERT J.	2,489.18	WILSON, TIMOTHY J.	2,233.65
BRANDI, RICHARD M.	1,795.75	LAVOIE, RICHARD L.	1,331.56
LOY, EVELYN R.	996.51	WHITLEY, ANDREW T.	1,173.63
KLOOSTER, ALIDA K.	1,507.28	DRAVES, MARTIN J.	1,516.43
BROWN, STEPHANIE C.	1,491.22	ELLIOTT, PATRICK M.	1,583.33
SPENCER, MICHAEL D.	1,711.07	MORRISON, KEVIN P.	1,002.97
SPENCLEY, PATRICIA L.	1,119.40	HODGE, MICHAEL J.	1,309.72
NASH, JENNIFER B.	893.84	WELLS JR., DONALD E.	1,464.33
PANOFF, ZACHARY R.	766.79	BRADLEY, KELLY R.	1,223.39
MILLER, FAITH G.	707.28	WILSON, RICHARD J.	1,164.69
PEARSON, BETHANY S.	1,229.02	HART II, DELBERT W.	781.68
ZIELINSKI, JOSEPH A.	1,582.00	JONES, ROBERT F.	1,087.33
DOAN, GERARD P.	1,210.87	DORAN, JUSTIN J.	1,579.20
SHRIFT, PETER R.	1,105.03	BISHAW, JAMES H.	462.64
SCHLAPPI, JAMES L.	958.12	TOWSLEY, CALVIN J.	434.47
UMULIS, MATTHEW T.	1,261.78	MANKER JR, DAVID W.	457.63
HANKINS, SCOTT A.	1,450.48	MANKER SR, DAVID W.	668.39
ORBAN, BARBARA K.	1,628.83	NEUMANN, DANA L.	357.34
TRAEGER, JASON A.	1,265.96	BECKER, MICHAEL S.	528.98
WARNER, JANINE M.	1,192.89	COLE, STEVEN D.	342.32
IVAN, PAUL M.	1,749.84	MCGHEE, ROBERT R.	1,020.81
SCHWARTZFISHER, JOSEPH L.	1,242.06	WILKIN, AMANDA J.	669.20
ROLOFF, ROBERT P.	881.91	HEID, THOMAS J.	1,245.15
BRODIN, WILLIAM C.	1,514.57	CURTIS, DENNIS E.	840.90
RILEY, DENISE M.	381.05	DOAN JR, RALPH W.	28.08
TEUNIS, STEVEN L.	1,774.51	GILL, DAVID R.	857.64
WURST, RANDALL W.	1,382.34	MACLEOD, SAMUEL R.	242.48
MAYER, SHELLEY L.	1,447.21	WOODY, SCOTT R.	1,520.01
HILLING, NICHOLAS A.	1,106.50	VANLOO, JOSEPH G.	499.49
MEIER III, CHARLES A.	1,208.25	HAND, HEATHER K.	834.81
ZACHARIAS, STEVEN B.	1,190.31	TABER, HOLLY S.	517.24
NISWANDER, JOSEPH F.	1,429.33	CROFT, JAMES E.	267.01
BLANCHARD, SCOTT W.	1,830.41	WYMAN, MATTHEW A.	714.10
FRYE, EDWARD J.	960.28	STEVENS, BRANDON C.	1,232.20
JONES, TERRI L.	1,013.38	LUNDHOLM, ROBERT A.	596.38
SWEM, DONALD L.	1,626.83	TOTAL	81,928.08

PAYROLL: TRANSMITTAL

11/05/2013

AMERICAN FAMILY LIFE	158.34	COMMUNICATION WORKERS OF AMER	547.91
AMERICAN FAMILY LIFE	269.17	MI STATE DISBURSEMENT UNIT	674.57
BAY WINDS FEDERAL CREDIT UNION	50.00	NORTHWESTERN BANK	170.00
BAY WINDS FEDERAL CREDIT UNION	250.00	POLICE OFFICERS LABOR COUNCIL	372.00
CHAR EM UNITED WAY	76.54	PRIORITY HEALTH	938.61
CHARLEVOIX STATE BANK	966.16	TOTAL	4,473.30