

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, August 2, 2021 – 6:00 p.m.
210 State Street, Charlevoix, MI

The meeting was called to order at 6:00 p.m. by Mayor Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Brian Slater
Members Absent: Greg Bryan
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding

3. Presentations

4. Inquiry Regarding Conflicts of Interest

5. Consent Agenda

All items listed under Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

- A. City Council Meeting Minutes – July 19, 2021
- B. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Run – July 21, 2021
 - b. Regular Accounts Payable Check Register – August 3, 2021
 - c. ACH Payments – July 19, 2021 to July 26, 2021
 - d. Payroll Check Register – July 23, 2021
 - e. Payroll Transmittal – July 23, 2021
- C. 2021 MDOT Performance Resolution

CITY OF CHARLEVOIX
RESOLUTION NO. 2021-08-01
PERFORMANCE RESOLUTION FOR MUNICIPALITIES

RESOLVED WHEREAS, the City of Charlevoix hereinafter referred to as the "MUNICIPALITY," 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 utilities 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 MUNICIPALITY agrees that:

1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution 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. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY 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 MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY 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.

5. The MUNICIPALITY 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 MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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.

7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, 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 MUNICIPALITY:

1. City Manager
2. Electric Department Director
3. DPW Superintendent
4. City Clerk.

RESOLVED this 2nd day of August 2021 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Slater, Hagen, Knapp, Kalbfell, Parr

Nays: None

Absent: Bryan

- D. MERS 2021 Officer and Employee Delegate Certificate Form – appoint Officer Delegate Kelly McGinn, Officer Alternate Alida Klooster, Employee Delegate Matthew Umulis, Employee Alternate Barbara Orban
- E. Porous Pave Contract with Robinson Landscaping for \$16,475
- F. Purchase New Sand/Salt Truck Cab & Chassis for \$153,245 – Zarembo Equipment for \$96,865; Truck & Trailer Specialties for \$56,380

Motion by Parr, second by Kalbfell to approve the Consent Agenda.

Yeas: Slater, Hagen, Knapp, Kalbfell, Parr

Nays: None

Absent: Bryan

6 Public Hearings & Actions Requiring Public Hearings

7 All Other Actions & Requests

8 Reports & Communications

A. Public Comments

- Bob Timms felt EMS response times would not improve with the Lake Charlevoix EMS Authority

B. City Manager Comments

- Marion Center property request for proposals will be issued soon

C. Mayor & Council Comments

9. Other Council Business

Slater suggested that the City discuss traffic calming measures specifically for Park Avenue. He noted that Ann Arbor and Traverse City have guidelines in place. Council agreed to have Chief Doan and the City Manager review the guidelines and offer recommendations at a future Council meeting.

A. Closed Session: City Manager Evaluation MCL 15.268(a)

City Manager Heydlauff stated that pursuant to his right under the Michigan Open Meetings Act, he is requesting Council enter Closed Session for the purpose of conducting a periodic personnel evaluation of a public officer.

Motion by Hagen, second by Kalbfell to enter Closed Session pursuant to MCL 15.268(a) for the purpose of conducting the annual evaluation of the City Manager pursuant to his request. Motion carried by unanimous voice vote.

Council moved into Closed Session at 6:09 p.m. Council resumed Open Session at 6:59 p.m.

Motion by Kalbfell, second by Hagen to extend the City Manager's contract by one year through September 2024 and to increase his salary by 5% (1.4% cost of living and 3.6% merit. Motion carried by unanimous voice vote.

10. Adjourn

The Mayor adjourned the meeting at 7:00 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
Special Accounts Payable – 07/21/2021			
AT&T	1,590.37	PRIORITY HEALTH	45,754.44
AT&T LONG DISTANCE	20.80	RANGE TELECOMMUNICATIONS	171.25
AT&T MOBILITY	848.68	STANDARD INSURANCE CO	2,564.65
CHARLEVOIX STATE BANK	7,428.46	VERIZON WIRELESS	88.27
CHARTER COMMUNICATIONS	871.10	VSP INSURANCE CO. (CT)	569.48
DELTA DENTAL	3,490.12	WEX BANK	524.74
EQUITABLE FINANCIAL LIFE INSURANCE	467.40	TOTAL	74,228.89
GREAT LAKES ENERGY	233.05		
HOLIDAY STATIONSTORES LLC	9,606.08		
Regular Accounts Payable – 08/03/2021			
ABRAMOWSKI, DWAIN M.	50.00	ETNA SUPPLY	2,452.88
ACE HARDWARE	4,962.63	E-Z-GO A TEXTRON COMPANY	70.68
ACTION FLAG CO	778.95	FARMER WHITE'S	219.00
AIRGAS USA LLC	73.70	FASTENAL COMPANY	73.30
AIS CONSTRUCTION EQUIPMENT	371.81	FEYEN ZYLSTRA LLC	287.50
ALL-PHASE ELECTRIC	149.32	FLETCH'S	87.34
AMAZON CAPITAL SERVICES	329.01	GABLE, BRANDON	97.25
ANDERSON, ELIZABETH A.	50.00	GABRIEL, MATTHEW	700.00
ANZELL, BETH A.	50.00	GALLS LLC	280.89
APPLIED CONCEPTS INC	1,995.00	GELDERBLUM, PAUL	50.00
APX INC.	31.79	GFL ENVIRONMENTAL	1,336.80
AT YOUR SERVICE PLUS INC	500.00	GOLDING, JOYCE M.	50.00
AVFUEL CORPORATION	87,113.94	GOLOVICH, RENEE	54.00
BARUZZINI AQUATICS	3,318.10	GRAINGER	2,919.93
BLARNEY CASTLE OIL CO	558.42	GRIFFITH, JOHN J	50.00
BOUND TREE MEDICAL LLC	346.65	GRP ENGINEERING INC.	3,692.50
BRADFORD'S	65.00	GUNTZVILLER, RHONDA	395.00
BUTZEL LONG	4,665.00	HALSTEAD, JESSE	18.36
CDW GOVERNMENT	335.99	HARRELL'S	3,899.25
CHARLEVOIX SCREEN MASTERS INC	893.00	HEINE, NICHOLAS	53.49
CHARLEVOIX TOWNSHIP	561.43	HEYDLAUFF, MARK L.	416.00
CINTAS	93.43	HILLING, NICHOLAS A.	50.00
CIVIC SYSTEMS LLC	9,451.00	JAREMA, CAROLINE	100.00
CLAGGETT, BARBARA	153.04	KEEP CHARLEVOIX BEAUTIFUL	10,000.00
CONWAY PROFESSIONAL SERVICES	11,832.00	KIWANIS CLUB OF CHARLEVOIX	40.00
CORPORATE SETTLEMENT SOLUTIONS	62.58	KLOOSTER, ALIDA K.	50.00
CORWIN, JASON	19.42	KNORR, KENT J.	50.00
CSI EMERGENCY APPARATUS LLC	860.00	KSS ENTERPRISES	1,934.09
CURTIS, LILLY	100.00	LAKESHORE TIRE & AUTO SERVICE	24.95
DAUGHERTY, KURT	700.00	LITTLE TRAVERSE DISPOSAL LLC	360.00
DeROSIA, PATRICIA E.	50.00	LIVINGSTON, BRIAN D.	50.00
DIGITAL DOLPHIN	169.95	LOTTIE'S BAGELS	416.00
DITCH WITCH SALES OF MICHIGAN	1,326.18	MACGREGOR PLUMBING & HEATING	1,315.00
DOAN, GERARD P.	50.00	MAGGRET, DAVID	450.00
DORAN, JUSTIN J.	50.00	MATELSKI, KRISTEN L.	50.00
DOTSON, LINDSEY J.	50.00	MAY, MEREDITH A.	67.32
EDGEWATER RESOURCES LLC	4,261.92	MCDERMOTT, DENNIS J.	147.21
EJ USA INC.	144.20	McGINN, KELLY A.	162.50
ELLIOTT, PATRICK M.	50.00	MCMULLEN, DONALD R.	146.60
ELLSWORTH FARMER'S EXCHANGE	1,326.00	MDC CONTRACTING LLC	217.50
EMMET COUNTY EMS	250.00	MICHIGAN ASSN OF MUNICIPAL CLERKS	60.00

MILLER, WILLIAM S.	50.00	TELE-RAD INC	126.80
MINERAL MASTERS	3,870.00	TERMINAL SUPPLY CO	179.60
MWEA	154.00	Tillie's Tafel	50.00
NCL OF WISCONSIN INC.	156.69	UNIFIRST CORPORATION	438.51
NORTHWEST ELECTRONICS & REPAIR	465.39	UNIVERSAL CREDIT SERVICES INC	30.00
NW MI COG	24,832.50	UP NORTH ASSESSING INC	5,100.00
OHM ADVISORS	3,280.00	VELZY, RYAN	175.05
OLACH, JONI	67.18	VILLAGE GRAPHICS INC.	373.00
PENINSULA FIBER NETWORK LLC	470.00	WALKER, SAVANNAH	32.19
POWER LINE SUPPLY	20,197.10	WHITE, HORACE	62.10
PRO-VISION SOLUTIONS LLC	565.07	WLODARCZAK, ERIC	98.90
QUALITY CAR & TRUCK REPAIR INC	816.42	WURST, RANDALL W.	50.00
RCL CONSTRUCTION CO INC	54,832.79	WYMAN, MATTHEW A.	50.00
SCHOLEY, ROBERT W.	50.00	YUILLE, RONALD	99.41
SHARROW, JACOB	750.00	ZIIBIMIJWANG INC	227.00
SOUND ENVIRONMENTS	678.00	TOTAL	289,637.52
SPARTAN DISTRIBUTORS INC	74.85		
SPRAGUE, CHEYENNE	100.00		
STREETTER, JOSEPH	40.17		

ACH Payments – 07/19/2021 to 07/26/2021

MI PUBLIC POWER AGENCY	33,092.07	VANTAGEPOINT (ROTH IRA)	1,180.76
IRS (PAYROLL TAX DEPOSIT)	48,822.11	MERS (DEFINED BENEFIT PLAN)	52,749.59
ALERUS FINANCIAL (HCSP)	350.00	MI PUBLIC POWER AGENCY	201,954.36
STATE OF MI (WITHHOLDING TAX)	7,418.95	MI PUBLIC POWER AGENCY	8,725.65
VANTAGEPOINT (401 ICMA PLAN)	912.07	TOTAL	375,472.58
VANTAGEPOINT (457 ICMA PLAN)	20,269.02		

Payroll Net Pay – Check Date 07/23/2021

HEYDLAUFF, MARK L.	2,927.52	DORAN, JUSTIN J.	2,173.13
GOLDING, JOYCE M.	1,920.62	FREY, DYLAN V.	657.47
DEROSIA, PATRICIA E.	824.99	HART III, DELBERT W.	744.26
DOTSON, LINDSEY J.	1,455.09	DOTSON, WILLIAM R.	310.12
KLOOSTER, ALIDA K.	1,787.66	BEMIS, JACKSON R.	659.88
GOLOVICH, KAREN J.	997.57	FINNERTY, HOLLY E.	774.04
BARNEVELD, RICHELLE L.	1,163.84	CRANDELL, ZACKARY R.	676.99
SCHULZ, GINNY L.	1,462.22	BLAIN, TAYLOR W.	422.88
MILLER, FAITH G.	40.73	FRANCE JR, JAMES A.	1,149.63
MCGINN, KELLY A.	1,673.43	RABIDEAU, JACOB L.	619.97
SCHEEL, CRESTON R.	402.69	MORGRIDGE, ALEXANDER J.	601.21
DOAN, GERARD P.	2,466.09	SPEER, KEEGAN L.	573.11
SCHOLEY, ROBERT W.	1,627.57	KNORR, KENT J.	1,999.54
UMULIS, MATTHEW T.	1,210.08	ANZELL, BETH A.	1,345.76
ORBAN, BARBARA K.	1,423.22	STEBE, LAURA A.	46.17
RILEY, DENISE M.	450.08	MCDERMOTT, DENNIS J.	1,856.11
MUNK, CHRISTOPHER J.	1,758.42	JASURDA, DONALD J.	841.99
SCHICK, TIELER R.	1,641.78	DORST, KRISTA M.	735.26
STEWART, MORGAN J.	1,663.68	PARRISH, SAMANTHA K.	702.47
MATELSKI, KRISTEN L.	1,382.24	MEEHAN, MAXIMUS M.	743.27
BINGHAM, LARRY E.	943.07	WHITE III, MARCUS W.	939.08
MACGILLIVRAY, ROGER	1,164.56	CUNNINGHAM, ABIGAIL A.	753.86
WESTRICK, AARON J.	623.87	JAREMA, CAROLINE J.	806.37
MILLER, ZACHARY S.	887.69	PRIMAK, JACOB L.	826.58
WURST, RANDALL W.	2,055.60	CURTIS, LILY E.	753.67
HILLING, NICHOLAS A.	1,826.41	MAY, MEREDITH A.	1,089.79
MEIER III, CHARLES A.	1,570.06	PETROSKY, JACOB D.	869.26
ZACHARIAS, STEVEN B.	2,102.53	SPRAGUE, CHEYENNE L.	782.44
NEWMAN, MARK J.	2,171.71	WALKER, SAVANNAH P.	799.11
GRIFFITH, JOHN J.	2,995.57	SHRIFT, EMILY K.	709.97
EATON, BRAD A.	2,346.09	KIRINOVIC, THOMAS F.	193.63
WILSON, TIMOTHY J.	2,975.43	WAGNER, KIRSTEN M.	429.98
LAVOIE, RICHARD L.	2,285.33	SHEETS, SOPHIA R.	684.39
STEVENS, BRANDON C.	2,838.75	SMITH, ELLERY S.	198.89
DRAVES, MARTIN J.	2,344.63	MOOAR, ISAAK S.	339.19
ANDERSON, ELIZABETH A.	1,234.96	COFFEY, JASON J.	309.55
KENWABIKISE, DAVID L.	1,106.38	DRENTH, DOUGLAS A.	703.25
ELLIOTT, PATRICK M.	3,065.84	RITTER, DAVID M.	672.28
SCHWARTZFISHER, JOSEPH	1,312.03	GILL, DAVID R.	1,088.12
BRADLEY, KELLY R.	1,430.42	MASSON, DONALD J.	429.85
HART II, DELBERT W.	1,560.90	LABLANCE, MAUREEN J.	316.21
JONES, ROBERT F.	1,546.42	LIVINGSTON, BRIAN D.	1,891.80
FARRELL, MITCHELL L.	1,432.13	STANLEY, MARK J.	69.26
THORP JR, WILLIAM D.	1,620.24	KLOOSTER, PATRICK H.	459.28
LEITNER, RYAN S.	1,697.70	WAY, KRISTINA M.	197.98
FERGUSON, ROYCE L.	1,554.35	DIETRICH, ARLENE M.	271.42

BERRY, ROBERT J.	113.98	RILEY, CASEY W.	337.70
WYMAN, MATTHEW A.	1,976.42	JONES, LARRY M.	478.68
MILLER, WILLIAM S.	1,438.88	MOYER, DAVID T.	12.99
DOUGLAS, MARK	1,393.98	WHEELER, MICHAEL W.	1,577.77
MCCRANEY, RUSSELL R.	1,390.90	CORNELL, BRITTA J.	517.90
FRATRICK, JOSEPH W.	623.73	PECK, JARICA L.	459.47
PAALMAN, STEPHEN J.	1,315.14	WELLS, JANINNA J.	125.53
MCMULLEN, DONALD R.	1,802.20	THAYER, MAELYN E.	223.28
SILVA, JESSE L.A.	1,491.33	WHITLEY, ANDREW T.	2,215.53
TRAVERS, MANUEL J.	2,162.07	MORRISON, KEVIN P.	1,549.03
HOSLER, ERIK R.	1,722.91	SNYDER, JACOB M.	743.27
MOYER, NATHAN I.	2,065.64	TOTAL	140,983.36
HOLOWACH, ROGER E.	2,197.93		
AZZOPARDI, ANTHONY J.	1,434.16		
FALKENBERG, AMANDA M.	1,263.52		
JOSLIN, ISABELLE G.	1,158.76		

Payroll Transmittal – 07/23/2021

4FRONT CREDIT UNION	1,068.00	DISCOVER BANK	353.51
AMERICAN FAMILY LIFE	479.51	EQUITABLE FINANCIAL LIFE INSURANCE	339.76
CALIF STATE DISBURSEMENT UNIT	92.19	INSTANT CASH	164.73
CHAR EM UNITED WAY	30.00	MI STATE DISBURSEMENT UNIT	429.88
CHARLEVOIX STATE BANK	867.00	PRIORITY HEALTH	1,522.95
COMMUNICATION WORKERS OF AMER	652.33	TOTAL	5,999.86

Tax Disbursement – 08/03/2021

CHARLEVOIX COUNTY TREASURER	2,295.35	CHARLEVOIX PUBLIC SCHOOLS	18,826.55
CHARLEVOIX COUNTY TREASURER	389.37	CHARLEVOIX-EMMET ISD	1,234.08
CHARLEVOIX COUNTY TREASURER	388,228.85	CITY OF CHARLEVOIX - TAXES DUE	321,597.25
CHARLEVOIX DISTRICT LIBRARY	562.66	CITY OF CHARLEVOIX/DDA	323,936.77
CHARLEVOIX PUBLIC SCHOOLS	503,999.06	RECREATIONAL AUTHORITY	109.03
CHARLEVOIX PUBLIC SCHOOLS	591.30	STATE OF MICHIGAN	10,509.05
CHARLEVOIX PUBLIC SCHOOLS	51,347.38	TOTAL	1,729,356.23
CHARLEVOIX PUBLIC SCHOOLS	89,778.73		
CHARLEVOIX PUBLIC SCHOOLS	15,950.80		