

**CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, April 17, 2017 – 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 Luther Kurtz.

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Councilmembers Shane Cole, Shirley Gibson, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
City Manager: Mark Heydlauff
City Clerk: Joyce Golding

3. Presentations

A. Certificate of Appreciation – Dan Barron

Dan Barron was presented a Certificate of Appreciation plaque recognizing his 24 years of service on the DDA, Venetian Festival Committee, and Main Street. Mayor Kurtz thanked Mr. Barron for everything that he has done for the City.

B. Tree City USA Proclamation

Mayor Kurtz read a Proclamation acknowledging that the City was certified as a "Tree City USA" and supports National Arbor Day and Earth Day.

4. Inquiry Regarding Conflicts of Interest

None.

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 – March 20, 2017 Regular Meeting
- B. City Council Meeting Minutes – April 3, 2017 Regular Meeting
- C. Special Accounts Payable Check Register – April 3, 2017
- D. Regular Accounts Payable Check Register – April 18, 2017
- E. ACH Payments – April 3, 2017 to April 10, 2017
- F. Payroll Check Register – April 7, 2017
- G. Payroll Transmittal – April 7, 2017

Motion by Councilmember Gibson, second by Councilmember Hagen, to approve the Consent Agenda.

Yeas: Oleksy, Hagen, Kalbfell, Perron, Gibson, Cole

Nays: None

Absent: None

6. Public Hearings & Actions Requiring Public Hearings

None.

7. All Other Actions & Requests

A. Water System Reliability Study Proposal

DPW Superintendent Elliott stated that the Michigan Safe Drinking Water Act recently added a new requirement for communities that supply water to more than 1,000 people. This new requirement is an asset management plan for their water supply system and the plan must be in place by January 1, 2018. He stated this plan needs to include an inventory of our assets, the criticality of each asset, our level of service goals, a long range capital improvement plan and a plan to demonstrate how rates and other funding sources will be sufficient to implement the asset management plan. In the approved 2017/18 City budget, we have allocated \$25,000 to complete this project.

Councilmember Kalbfell questioned if this plan was an annual occurrence, and DPW Superintendent Elliott responded that generally the MDEQ requires a 2-5 year update.

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

Motion by Councilmember Kalbfell, second by Councilmember Cole, to approve the proposal for a Water System Reliability Study from Prein & Newhof for an amount not to exceed \$25,000 and authorize the City Manager to sign all necessary documents.

Yeas: Oleksy, Hagen, Kalbfell, Perron, Gibson, Cole
Nays: None
Absent: None

B. Motor Pool Equipment Purchase

DPW Superintendent Elliott stated that in the approved 2017/18 Motor Pool budget, we allocated \$48,000 to purchase a mini loader and a quick attach vibratory compactor. The loader will be used for a variety of projects such as installing new water services and the compactor will be used whenever we backfill trenches. He stated that currently we use a small hand operated compactor which is more time consuming for larger projects. Due to the fact that we are looking to purchase used equipment, DPW Superintendent Elliott requested that Council pre-authorize him to spend up to the budgeted amount on the two items (\$48,000) in order to purchase the items quickly.

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

Motion by Councilmember Hagen, second by Councilmember Oleksy, to authorize City Staff to purchase both a used rubber tracked mini loader and a used vibratory compactor for a total amount not to exceed \$48,000.

Yeas: Oleksy, Hagen, Kalbfell, Perron, Gibson, Cole
Nays: None
Absent: None

C. Veterans Memorial Flame

City Manager Heydlauff stated that Mike Bartz proposed the donation of an LED "eternal flame" that would sit atop the existing Memorial in Veterans Park. The Electric Superintendent reviewed the proposal and found the estimated yearly cost for supplying electricity to be accurate. The Planning Commission reviewed the proposal at their April 10th meeting and recommended that Council approve the acceptance of the donation.

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

Motion by Councilmember Oleksy, second by Councilmember Gibson, to accept the Veterans Memorial LED "flame" donation.

Yeas: Oleksy, Hagen, Kalbfell, Perron, Gibson, Cole
Nays: None
Absent: None

D. Ethical Conduct Ordinance

City Manager Heydlauff stated that at Council's last meeting, they reviewed an initial draft of an Ethical Conduct Ordinance. Per Council's request, he modified the draft to include some new language regarding its applicability to other boards and commissions and a declaration at the end. He stated that the City Attorney did not recommend splitting an agenda item into two parts and he recommended that it would be better for Councilmembers to have a representative speak for them while they are recused.

Councilmembers Gibson and Hagen agreed that if a question arose that needed to be answered by the recused Councilmember, it could be submitted in writing and answered at the following meeting. It was noted that most questions should be answered in the agenda packet.

Mayor Kurtz suggested that an excerpt from the Michigan Municipal League's (MML) Ethics Handbook should be included as it was relevant to Council. Councilmember Hagen suggested that it be included in the forward of the ordinance. Mayor Kurtz read aloud:

"In making the choice to adopt an ordinance, a community should bear in mind that an ethics ordinance is a tool. While adopted with the intent of improving the government of the municipality, care has to be given to how this tool is used. That is, an ethics ordinance can be a shield—to shield the community from unethical conduct—or it can be used as a sword to unfairly attack municipal officials, and if so used, it can be a detriment to the community."

Mayor Kurtz also suggested that it should be a violation to attempt to create the appearance of a conflict. He felt that Council members should be prohibited from perpetually raising an issue of a perceived conflict once it had been determined that such a conflict did not in fact exist.

Councilmember Gibson strongly disagreed with the Mayor and commented that he was "cherry picking" the MML noting the ethics document was over 70 pages long. Councilmember Oleksy felt it was "ridiculous" to go on and on regarding this topic. Councilmember Perron felt that no one on Council has ever tried to create a conflict – the conflicts have been obvious.

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

Motion by Councilmember Gibson, second by Councilmember Oleksy, to set a Public Hearing for May 1, 2017 at 7pm in the Council Chambers of City Hall to consider Ordinance 782 of 2017- Ethical Conduct Ordinance.

Yeas: Oleksy, Hagen, Kalbfell, Perron, Gibson, Cole

Nays: None
 Absent: None

8. Reports & Communications

A. Public Comments

Mike Doherty thanked the City Manager for the speed monitoring sign. He expressed concern that no cleanup has started at Lake Michigan Beach Park and would like to see a deadline set.

John Haggard appreciated the City/Township Fire Department agreement and wanted Oscar P. Stroud, former Township Supervisor, to be recognized for the record.

Perry Matthew questioned the status of the Skate Park initiative. City Manager Heydlauff stated that the Recreation Director was researching best practices and would be discussing these with the City Manager in the next week.

B. City Manager Comments

City Manager Heydlauff noted that the American Legion proposed including a Canadian flag at our Veterans monument to recognize Charlevoix residents who fought under the Canadian flag and are identified on the memorial plaque. The Legion also proposed Veterans recognition during Venetian Festival. The City will be participating in the Wreaths Across American program as well.

City Manager Heydlauff updated Council regarding the fence donation at Lake Michigan Beach Park, noted that a multiple day Bridge Street closure during Venetian is proposed, and that he is collaborating with Charlevoix County Transit to establish a local bus route to eliminate some traffic downtown.

C. Mayor & Council Comments

Councilmember Perron commented on the good construction progress in Van Pelt Alley.

Councilmember Cole referenced the police presence at Shelby Township Board meetings and thanked those in attendance this evening for their good behavior.

9. Other Council Business

None.

10. Adjourn

The Mayor stated if there were no objections, the meeting would adjourn. There were no objections. Meeting adjourned at 7:40 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
------------------	------------	--------------	-------

Special Accounts Payable – 04/03/2017

STATE OF MICHIGAN	95.00		
WINNELL, CHARLES	15,454.17	TOTAL	15,549.17

Regular Accounts Payable – 04/18/2017

a5 BRANDING & DESIGN	6,341.16	CITY OF CHARLEVOIX - PETTY CASH	500.00
ACE HARDWARE	1,386.73	CITY OF CHARLEVOIX - UTILITIES	34,789.95
AIS CONSTRUCTION EQUIPMENT	331.84	DELL MARKETING L P	3,070.12
ALTEC INDUSTRIES INC	3,077.28	ELLSWORTH FARMER'S EXCHANGE	50.00
AMERICAN LEGION AUXILIARY	1,066.41	EMERGENCY MEDICAL PRODUCTS INC	434.41
AMERICAN WASTE INC.	208.76	FASTENAL COMPANY	1.77
APX INC.	100.82	FISHER SCIENTIFIC	3,042.91
ARGUS/HAZCO	1,710.97	FLICKEMA, ANDREW M.	160.00
ASPLUNDH TREE EXPERT CO	10,580.00	FREEDOM MAILING SERVICES INC.	2,255.19
AT YOUR SERVICE PLUS INC	345.00	GALPER, RAYMOND	6.40
AUTO VALUE	1,215.87	GRAINGER	380.14
AVFUEL CORPORATION	18,511.17	GRAND TRAVERSE GARAGE DOOR	176.90
B & L SOUND INC	253.91	GREEN GUARD	370.64
BALLARD'S	12,600.00	HACH COMPANY	417.89
BC/BS OF MI REFUNDS	418.52	HEID, THOMAS J.	116.00
BEAVER ISLAND BOAT CO	4,943.58	HYDE SERVICES LLC	166.69
BIOMEDICAL SOLUTIONS	2,227.80	HYDRO CORP	515.00
CARQUEST OF CHARLEVOIX	1,464.04	INDEPENDENT DRAFTING SERVICES	1,995.00
CHARLEVOIX TOWNSHIP	328.50	KASSBOHRER ALL TERRAIN VEHICLE	149.15
CHARTER COMMUNICATIONS	1,134.74	KIWANIS CLUB OF CHARLEVOIX	40.00

KSS ENTERPRISES	185.46	PRIORITY HEALTH	319.05
LAKE SHORE TIRE & AUTO SERVICE	265.98	PURITY CYLINDER GASES INC	157.25
MAILLOUX, MICHELLE	58.78	R & R PRODUCTS INC	559.01
MCCARDEL CULLIGAN-PETOSKEY	50.00	RANGE TELECOMMUNICATIONS	114.00
MCMASTER-CARR	708.47	ROLOFF, ROBERT	1,500.00
METAL HEAD WELDING LLC	341.29	ROWE PROFESSIONAL SERVICES CO	945.00
MI MUNICIPAL TREASURERS ASSOC	50.00	SAFARILAND	33.04
MI-AWWA	160.00	SCIENTIFIC BRAKE & EQUIP CO	149.00
MITCHELL GRAPHICS INC.	529.00	SPICER GROUP INC	625.50
MUNICIPAL UNDERWRITERS OF MICH	50.00	SPOK INC	566.20
MUTT MITT	1,586.36	STANDARD ELECTRIC CO	1,615.26
N M A C P	50.00	STEVENS FIRE CHEMICAL	142.16
NATIONAL MAIN STREET CENTER	350.00	STUART C IRBY CO	397.94
NEALIS ENGINEERING	6,645.00	T & R ELECTRIC	7,050.00
NORTHERN CREDIT BUREAU	421.92	TERMINAL SUPPLY CO	261.60
NORTHERN MICHIGAN HARDWOODS	2,205.00	TOP QUALITY GLOVE	119.70
NORTHERN MICHIGAN REVIEW INC.	1,342.38	TREDROC TIRE GAYLORD 758	660.00
NORTHERN SAFETY CO INC	100.14	TRUCK & TRAILER SPECIALTIES	2,310.24
OLESON'S FOOD STORES	110.56	U S BANK	500.00
OLSON BZDOK & HOWARD	2,666.00	UP NORTH PROPERTY SERVICES LLC	290.00
OTEC	525.00	UPPER CASE PRINTING INK.	1,105.30
PARASTAR INC.	1,590.49	USA BLUE BOOK	161.25
PERFORMANCE ENGINEERS INC	13,232.50	VILLAGE GRAPHICS INC.	39.00
PERSONAL GRAPHICS	128.98	WELLER TRUCK	4,600.74
PLUNKETT & COONEY	1,300.00	WILHELM, GLENDA	124.09
POWER LINE SUPPLY	12,483.60	TOTAL	188,367.50

ACH Payments – 04/03/2017 to 04/10/2017

MI PUBLIC POWER AGENCY	9,353.20	VANTAGEPOINT (457 ICMA PLAN)	12,764.80
PAYMENT SERVICE NETWORK	242.90	VANTAGEPOINT (ROTH IRA)	911.53
IRS (PAYROLL TAX DEPOSIT)	31,602.92	DTE ENERGY	8,449.04
ALERUS FINANCIAL (HCSP)	420.00	MI PUBLIC POWER AGENCY	16,084.30
STATE OF MI (WITHHOLDING TAX)	4,505.01	STATE OF MI (SALES TAX)	21,239.19
VANTAGEPOINT (401 ICMA PLAN)	699.94	TOTAL	106,272.83

Payroll Net Pay – Pay Period Ending 04/01/2017 (Paid 04/07/2017)

GIBSON, SHIRLEY J.	668.94	EATON, BRAD A.	2,031.40
PERRON, LEON R.	560.09	WILSON, TIMOTHY J.	2,255.61
KURTZ, LUTHER J.	840.38	LAVOIE, RICHARD L.	1,707.07
HAGEN, AARON W.	477.91	STEVENS, BRANDON C.	1,674.70
OLEKSY, THOMAS M.	378.82	DRAVES, MARTIN J.	1,650.53
KALBFELL, JANET P.	627.98	BROWN, STEPHANIE C.	1,088.30
WELLER, LINDA JO	1,469.19	ANDERSON, ELIZABETH A.	1,151.82
HEYDLAUFF, MARK L.	2,405.58	ELLIOTT, PATRICK M.	1,962.28
GOLDING, JOYCE M.	1,080.00	SCHWARTZFISHER, JOSEPH L.	988.21
DEROSIA, PATRICIA E.	750.47	BRADLEY, KELLY R.	1,398.48
DOTSON, LINDSEY J.	1,393.28	HART II, DELBERT W.	1,097.90
LOY, EVELYN R.	1,050.16	JONES, ROBERT F.	1,197.06
KLOOSTER, ALIDA K.	1,736.98	DORAN, JUSTIN J.	1,425.56
GOLOVICH, KAREN J.	970.67	KIRINOVIC, THOMAS F.	505.65
SPENCLEY, PATRICIA L.	1,206.11	BITELY, KATHERINE A.	35.04
PANOFF, ZACHARY R.	1,169.91	MILAN, JANE E.	72.03
MILLER, FAITH G.	130.94	ANZELL, BETH A.	24.01
LEESE, MERRI C.	165.12	BERNIER, RACHEL M.	22.16
MCGINN, KELLY A.	1,564.07	BERTINELLI, DAVID P.	486.21
DOAN, GERARD P.	1,559.33	BOSS, BEAU J.	849.92
SCHLAPPI, JAMES L.	1,046.68	HEID, THOMAS J	1,273.44
UMULIS, MATTHEW T.	1,180.47	LIVINGSTON, BRIAN D.	694.33
HANKINS, SCOTT A.	1,568.37	VANLOO, JOSEPH G.	477.80
ORBAN, BARBARA K.	1,107.38	WYMAN, MATTHEW A.	1,426.68
TRAEGER, JASON A.	1,161.34	BOSS, RYDER S.	546.20
FLICKEMA, ANDREW M.	1,463.19	MILLER, WILLIAM S.	1,216.66
MATELSKI, KIMBERLY A.	1,143.81	DOUGLAS, MARK	399.62
RILEY, DENISE M.	422.67	STEVENS, JEFFREY W.	72.03
WURST, RANDALL W.	1,151.02	FUNKEY, KRAIG R.	23.09
MAYER, SHELLEY L.	1,732.42	MEGGISON, JERRY B.	44.93
HILLING, NICHOLAS A.	1,137.34	RILEY, CASEY W.	374.21
MEIER III, CHARLES A.	1,151.32	JONES, LARRY M.	534.82
ZACHARIAS, STEVEN B.	1,621.64	FLORE, ROBERT A.	465.69

WILLSON, BRENDA R.	936.85	ORBAN, BARBARA K.	927.01
BEAN, PETER J.	1,031.94	TRAEGER, JASON A.	158.75
FENNELL, DREW M.	654.16	FLICKEMA, ANDREW M.	169.30
RILEY, REBECCA J.	223.62	SWEM, DONALD L.	1,834.08
WHITLEY, TYLER J.	370.38	WHITLEY, ANDREW T.	1,733.88
MCCALIB, RACHELLE L.	262.68	MORRISON, KEVIN P.	969.68
SUTHERLAND, SARA A.	42.28	HODGE, MICHAEL J.	1,259.66
TRAVERS, MANUEL J.	559.66	JOHNSON, STEVEN P.	1,144.97
SILVA, JESSE L.A.	79.13	BOSS JR, DALE E.	1,212.17
RILEY, DANIEL A.	1,417.09	HOLM, ARTHUR R.	192.34
COLE, SHANE	720.33	GILL, DAVID R.	1,065.31
DOAN, GERARD P.	181.89	SCOTT JR., WINFIELD	94.70
SCHLAPPI, JAMES L.	1,514.89	WHITLEY, ADAM T.	269.67
UMULIS, MATTHEW T.	175.84		
HANKINS, SCOTT A.	175.35	TOTAL	84,644.63

Payroll Transmittal – 04/07/2017

4FRONT CREDIT UNION	307.69	COMMUNICATION WORKERS OF AMER	537.32
AMERICAN FAMILY LIFE	191.88	MI STATE DISBURSEMENT UNIT	323.45
AMERICAN FAMILY LIFE	461.64	POLICE OFFICERS LABOR COUNCIL	251.25
CHAR EM UNITED WAY	59.00	PRIORITY HEALTH	2,014.96
CHARLEVOIX STATE BANK	1,284.62		
CHEMICAL BANK	150.00	TOTAL	5,581.81