

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, March 7, 2016 – 7:00 p.m.
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Gabe Campbell.

I. Pledge of Allegiance

II. Roll Call of Members Present

Mayor: Gabe Campbell
City Manager: Mark Heydlauff
City Clerk: Joyce Golding
Members Present: Councilmembers Shane Cole, Shirley Gibson, Aaron Hagen, Leon Perron, Bill Supernaw
Absent: Luther Kurtz

III. Inquiry Regarding Possible Conflicts of Interest

None.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – February 15, 2016 Regular Meeting Minutes
 - B. Special Accounts Payable Register – February 22, 2016
 - C. Regular Accounts Payable Check Register – March 8, 2016
 - D. ACH Payments – February 16, 2016–February 29, 2016
 - E. Tax Disbursement March 8, 2016
 - F. Payroll Check Register – February 26, 2016
 - G. Payroll Transmittal – February 26, 2016
 - H. Mayor Proclamation – Sexual Assault Awareness Month April 2016
 - I. Planning Commission Resignation – Don Heise
- Mayor Campbell accepted Don Heise's resignation from the Planning Commission.

V. Public Hearings

None.

VI. Reports

City Manager Heydlauff acknowledged Clerk Golding and her staff involved with tomorrow's election. He extended his sympathy to the John Whitley family.

VII. Requests, Petitions and Communications and Actions Thereon

A. 2016 Infrastructure Work Bids

DPW Superintendent Elliott stated that after advertising throughout the state, the City received two bids for the 2016 Infrastructure project:

MDC Contracting	\$2,700,546.73
Elmer's Crane & Dozer, Inc.	\$2,868,211.01

Staff recommended awarding the contract to MDC Contracting.

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

Motion by Councilmember Supernaw, second by Councilmember Gibson, to award the 2016 Infrastructure project to MDC Contracting in the amount of \$2,700,546.73.

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

B. Resolution Waiving Parking Fees at Ferry Beach Boat Launch

City Manager Heydlauff stated that the Michigan BASS Nation is seeking to hold one of their Team Championship Series tournaments in Lake Charlevoix on June 5th. The event is asking that the parking fees be waived for their practice days (June 2-4) and on the day of the tournament (June 5).

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

Action by Resolution.

C. Revised Lease for WLJN Radio

City Manager Heydlauff stated that for many years, the City has leased space at Mt. McSauba to a radio station - most recently to WCCW from Traverse City. Late last year, WCCW sold their tower to WLJN. WLJN requested that the City update the lease to reflect their lease interest in the site. The City Attorney has reviewed the contract.

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

Motion by Councilmember Hagen, second by Councilmember Cole, to approve the revised lease agreement with WLJN/Good News Media and authorize the Mayor and City Clerk to sign all necessary documents.

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

D. Marina Cable Contract

City Manager Heydlauff explained that we have challenges providing reliable cable service to boaters at the Marina. We advertise the availability of cable on the DNR website but boaters often have difficulty actually using it once they arrive. This contract with Charter will provide a wide array of channels. Approving this contract now should allow us to have this service ready when the Marina opens May 15. The contract cost is approximately \$7,000 per year which includes a half-price reduction during the off season. City Manager Heydlauff explained how the fees are charged.

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

Motion by Councilmember Gibson, second by Councilmember Hagen, to approve the agreement with Charter Communications for cable service at the Marina.

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

E. In-Kind Marketing Policy

Various local events and organizations often request gift certificates or passes for some of our leisure services or activities (including the golf course, ski hill, marina, etc). City Manager Heydlauff said this policy would outline how we make decisions with these kinds of programs. Given the business-like nature of these services, it is important we remain in the public eye and these kinds of opportunities allow us to advertise with various events in the community.

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

Motion by Councilmember Perron, second by Councilmember Gibson, to approve the In-Kind Marketing Policy.

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

F. Mayor Appointment – Planning Commission

The Mayor stated that John Hess did not wish to be re-appointed to the Planning Commission and Don Heise resigned his commission. Mayor Campbell recommended Mary Eveleigh to replace Don Heise.

Motion by Councilmember Supernaw, second by Councilmember Gibson, to approve Mary Eveleigh to the Planning Commission, term expiring April 2018.

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

Mayor Campbell recommended Rick Golding to replace John Hess.

Motion by Councilmember Gibson, second by Councilmember Cole, to approve Rick Golding to the Planning Commission, term expiring April 2019.

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

VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action

A. Lake Harbor Apartment PILOT Ordinance

City Manager Heydlauff explained that a Payment in Lieu of Tax (PILOT) is a method to encourage the improvement and development of housing intended to serve persons of low to moderate income. It can also be applied to other housing situations depending on the types of financing used.

The Lake Harbor Apartments on Petoskey Avenue received a PILOT from the City in 2013 by way of an ordinance. The ordinance required they make improvements to the complex within two years of passage in order to qualify for the PILOT terms. They were unable to meet this timeline and the ownership of the complex has changed slightly. They have requested an update to the ordinance accounting for this change and a new two-year window during which they will make the improvements. The City Attorney has updated the paperwork accordingly.

Jeff Gates representing Lake Harbor Apartments explained how residents are selected for low income housing and welcomed Council to review any documents. Councilmember Gibson requested that local contractors be used on the project when possible.

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

Motion by Councilmember Cole, second by Councilmember Supernaw, to set a public hearing for March 21, 2016 at 7pm [in Council Chambers] to consider amending Ordinance 761 of 2013.

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

IX. Resolutions

A. Resolution Waiving Parking Fees at Ferry Beach Boat Launch for Michigan BASS Nation Tournament

Motion by Councilmember Supernaw, second by Councilmember Cole, to approve Resolution 2016-03-01 Waive Parking Fees for Bass Tournament, as follows:

**CITY OF CHARLEVOIX
RESOLUTION 2016-03-01
WAIVE PARKING FEES FOR BASS TOURNAMENT**

WHEREAS, Michigan BASS Nation plans to host a bass tournament named "Michigan BASS Bassmaster Team Championship Series" on June 5, 2016; and

WHEREAS, Tournament organizers are requesting that parking fees be waived for practice fishing on June 2, 3, and 4, 2016 and on the day of the tournament June 5, 2016; and

WHEREAS, the City Code permits City Council to waive parking fees for special or public events.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Charlevoix hereby waives parking fees for the "Michigan BASS Bassmaster Team Championship Series Tournament" on June 2-5, 2016.

RESOLVED this 7th day of March, 2016, A.D.

Resolution was adopted by the following yeas and nays vote:

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

X. Ordinances
None.

XI. Miscellaneous Business

Councilmember Supernaw expressed his appreciation for John Elzinga's institutional knowledge acquired during his involvement in City government. He also congratulated Chief Doan for a third place finish in the soup contest at St. Mary's.

Councilmember Cole stated that he was absent from the last Council meeting and has received numerous calls from constituents regarding the proposed conservation easement. He recommended a motion to "end it [conservation easement] and not have Staff go forward with it". He stated that the easement issue has presented itself four times in the past with no success. Discussion ensued and comments were re-addressed from the February 15th meeting. City Manager Heydlauff clarified the direction to Staff on how the easement process would work. Councilmember Supernaw supported Councilmember Cole and stated that several of his constituents concur.

Councilmember Gibson restated her desire to have the citizens vote on the easement issue.

Councilmember Supernaw questioned the procedure to rescind a previous motion.

Mayor Campbell opened the item to public comment.

Mary Eveleigh, 1st Ward, felt that people do not understand the idea of a conservation easement and recommended that more education be available to the public in the newspaper. She is in favor of the easement.

Councilmember Perron stated that he did not trust future Councils to protect the properties and felt that an easement would be a "safety blanket".

Discussion continued on the merits of the easement and how the land is currently protected.

Tony Duerr, 2nd Ward, discussed the Charter sections regarding sale of property specifically with the sale of a park. Mr. Duerr was in favor of a conservation easement and he felt that the property is not protected now.

Maureen Owens expressed concern that the public was not present at this meeting to discuss the easement proposal further. She felt that the process should move forward and draft language be crafted. Ms. Owens felt that Councilmember Supernaw had only heard from people that are not in favor of the easement or those that did not attend the February 15th meeting.

Clerk Golding explained how a motion made at the previous Council meeting can be reconsidered and rescinded.

Motion by Councilmember Cole, second by Councilmember Supernaw, to reconsider [the February 15th conservation easement motion].

Yeas: Cole, Supernaw, Hagen
Nays: Perron, Gibson
Absent: Kurtz

Motion by Councilmember Cole, second by Councilmember Supernaw, to rescind [the February 15th conservation easement motion].

Yeas: Cole, Supernaw, Hagen
Nays: Perron, Gibson
Absent: Kurtz

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

John Campbell, 1st Ward, shared his affiliation with conservation easements and some history regarding the preservation of the property. He stated that the next step would be to go forward with a petition for a vote in November. He expressed his frustration with Council's decision tonight.

Jim Berlage noted his concern regarding the lack of handicapped parking along Bridge Street. He shared his experience trying to find handicapped parking. He requested eight additional handicap parking places and location ideas were discussed. City Manager Heydlauff indicated that any parking changes on Bridge Street would need to be approved by MDOT. Councilmember Supernaw stated that they would look into the situation.

Janet Kalbfell, 1st Ward, asked whether there was a way to change the City Charter to "tighten things up" with regards to protecting McSaubia. City Manager reiterated that the Charter can be amended, but would require legal review and a vote of the people.

Councilmember Supernaw recalled Councilmember Kurtz's suggestions for changing the Charter to protect the property in lieu of an

easement.

Councilmember Gibson commented that “this is exactly the type of City Council that we need to be afraid of and that you won’t let the citizens of this community exercise their right to vote.” Councilmember Supernaw recalled an instance where this Council approved a committee appointee who was not disclosed in the appointment agenda item. Mayor Campbell felt that “you should always let the people vote”. Councilmember Perron stated that “apparently we can’t afford a democracy”.

Brenda Bryan felt that the previous discussion was embarrassing and suggested that Council work together.

XIII. Adjourn

It was generally agreed to adjourn at 8:00 p.m.

Joyce M. Golding	City Clerk	Gabe Campbell	Mayor
Special Accounts Payable – 02/22/2016			
AT&T	11,137.69	MICHIGAN ELECTRIC	15,610.00
AT&T LONG DISTANCE	49.52	PRIORITY HEALTH	39,444.75
AT&T MOBILITY	72.90	STATE OF MICHIGAN	70.00
CHARLEVOIX STATE BANK	3,042.75	VERIZON WIRELESS	56.72
DELTA DENTAL	3,798.85	VISION SERVICE PLAN	507.41
GREAT LAKES ENERGY	224.03		
METLIFE SMALL BUSINESS CENTER	756.58	TOTAL	74,771.20
Regular Accounts Payable – 03/08/2016			
ABILITA	877.50	LUKE, AMY	70.00
AIRGAS USA LLC	532.98	MANAGEMENT AND BEHAVIOR	725.00
ALTEC INDUSTRIES INC	2,743.43	MATELSKI, KIM	85.37
AMERICAN WASTE INC.	2,102.36	MAYER, SHELLEY L.	82.00
ARCADIA BENEFITS GROUP INC	25.00	McGINN, KELLY	41.00
ARROW UNIFORM-TAYLOR L.L.C.	998.88	MCVEIGH'S TRUCK SPRINGS INC.	1,044.46
AVFUEL CORPORATION	28,184.67	METAL HEAD WELDING LLC	659.88
B & L SOUND INC	338.35	MICHIGAN MUNICIPAL LEAGUE	16,466.00
BOB MATHERS FORD	560.16	MICHIGAN RURAL WATER ASSN	450.00
BOYNE IRRIGATION	484.64	MIGCSA	65.00
CHARLEVOIX TOWNSHIP	15.00	MYER, ELIZABETH A.	122.16
CINTAS CORPORATION	131.90	NETSOURCE ONE INC.	859.00
CINTAS CORPORATION #729	56.58	NORTH COUNTRY POWER GENERATION	385.00
CITY OF CHARLEVOIX - UTILITIES	33,691.27	NORTHERN FIRE & SAFETY INC.	854.50
COACHING SYSTEMS LLC	194.94	NORTHERN SAFETY CO .INC	1,080.58
COLORADO CHALLENGE	5,000.00	O'REILLY AUTOMOTIVE INC	460.93
CRYSTAL FLASH ENERGY	626.08	OTWELL MAWBY	9,050.00
DCASSESSING SERVICES	4,371.08	PALACIOS, GILBERTO	100.00
DELL MARKETING L P	567.74	PANOFF, ZACH	41.00
DeROSIA, PATTY	41.00	PARASTAR INC.	1,277.95
DOAN, GERARD	41.00	PENCHURA LLC	3,000.00
DOYLE, ANNIE	41.00	PERFORMANCE ENGINEERS INC	29,950.50
EJ EQUIPMENT INC	408.17	PERSONAL GRAPHICS	60.34
ELLIOTT, PATRICK M.	41.00	POLLARD WATER	161.63
EVANS, ERIN	65.00	POWER LINE SUPPLY	9,400.79
EVANS, HAL	41.00	PREIN & NEWHOF	2,082.50
FISHER SCIENTIFIC	477.20	PRO WEB MARKETING LLC	20.00
FORCE FLOW	866.60	REHMANN-ROBSON & CO	1,200.00
FOX CHARLEVOIX	118.68	ROLOFF, ROBERT	41.00
FREIGHTLINER OF GRAND RAPIDS	673.63	RTI LABORATORIES INC.	432.00
GOECKER, JAMIE	75.00	SCIENTIFIC BRAKE & EQUIP CO	236.84
GOLDING, JOYCE	41.00	SIGMA-ALDRICH RTC	260.84
GREAT LAKES ELEVATOR LLC	335.48	SPENCLEY, PATTI	284.04
GREAT LAKES PIPE & SUPPLY	509.79	STANDARD ELECTRIC CO	45.00
GRP ENGINEERING INC.	589.08	STATE OF MICHIGAN	70.00
GRULER'S FARM SUPPLY INC	457.39	STATE OF MICHIGAN	200.00
HACH COMPANY	1,162.83	SUPERIOR MECHANICAL	240.00
HAGGARD'S INC	3,291.40	SVATORA, RONALD	88.00
HANKINS, SCOTT	41.00	SWEM, DONALD L.	41.00
HEID, THOMAS J.	41.00	TERMINAL SUPPLY CO	118.79
HEIGHTS MACHINERY	695.00	THE BANK OF NEW YORK MELLON N.A.	101,319.13
HERITAGE-CRYSTAL CLEAN LLC	143.50	TRUCK & TRAILER SPECIALTIES	621.30
HEYDLAUFF, MARK L	429.25	UP NORTH PROPERTY SERVICES LLC	308.00
HOLIDAY COMPANIES	6,303.05	USA BLUE BOOK	377.45
HOSLER, MAGGIE	27.08	VALLEY TRUCK - GAYLORD	318.72
IDEXX DISTRIBUTION INC.	1,074.57	VANGUILDER, JESSICA	22.50
INDEPENDENT DRAFTING SERVICES	1,960.00	VILLAGE GRAPHICS INC.	91.80
JOPPA HOUSE TRANSITIONAL PROGRAM	15,500.00	WELLER, LINDA	41.00
KENNEDY, ROBERT	115.50	WEST SHORE FIRE INC	61.37
KEVIN'S METER TESTING	1,904.24	WHITLEY INVESTMENTS LTD	43.10
KEY CONTROLS ELECTRICAL SERVICES	1,435.00	WITHROW, GREGORY	88.00
KIRINOVIC, THOMAS	41.00	WORK & PLAY SHOP	154.38
KLOOSTER, ALIDA K.	41.00	WURST, RANDALL W.	82.00
KMart	75.96	WYMAN, MATTHEW A.	41.00
KSS ENTERPRISES	715.61		
LAKESHORE TIRE & AUTO SERVICE	24.95	TOTAL	306,769.37

ACH Payments – 02/16/2016 – 02/29/2016			
DTE	9,005.91	STATE OF MI (WITHHOLDING TAX)	5,105.00
MI PUBLIC POWER AGENCY	21,508.83	VANTAGEPOINT (401 ICMA PLAN)	686.22
MI PUBLIC POWER AGENCY	13,328.30	VANTAGEPOINT (457 ICMA PLAN)	13,149.27
MI PUBLIC POWER AGENCY	245,298.37	MERS (DEFINED BENEFIT PLAN)	25,234.74
IRS (PAYROLL TAX DEPOSIT)	35,649.39	MI PUBLIC POWER AGENCY	15,052.05
ALERUS FINANCIAL (HCSP)	420.00	TOTAL	384,438.08

Tax Disbursement – 03/08/2016			
CHARLEVOIX COUNTY TREASURER	1,161.00	CITY OF CHARLEVOIX/DDA	93,024.72
CHARLEVOIX COUNTY TREASURER	1,915.87	STATE OF MICHIGAN	2,923.36
CHARLEVOIX PUBLIC SCHOOLS	127.98	CHARLEVOIX COUNTY TREASURER	312,884.42
CHARLEVOIX PUBLIC SCHOOLS	576.59	CHARLEVOIX DISTRICT LIBRARY	99,806.77
CHARLEVOIX PUBLIC SCHOOLS	27.30	CITY OF CHARLEVOIX - TAXES DUE	64,054.86
CHARLEVOIX PUBLIC SCHOOLS	280.69	RECREATIONAL AUTHORITY	18,197.21
CHARLEVOIX PUBLIC SCHOOLS	60.67	TOTAL	595,041.44

PAYROLL: NET PAY			
Pay Period Ending 02/20/2016 – Paid 02/26/2016			
WELLER, LINDA JO	1,648.61	DORAN, JUSTIN J.	1,286.05
HEYDLAUFF, MARK L.	2,079.77	KIRINOVIC, THOMAS F.	306.82
GOLDING, JOYCE M.	1,061.95	BITELY, KATHERINE A.	328.81
DEROSIA, PATRICIA E.	878.25	GREGORY, CHRISTOPHER I.	107.94
DOYLE, ANNE E.	1,362.36	BOSS, SHERRY M.	403.69
LOY, EVELYN R.	1,029.15	MURPHY IV, MICHAEL J.	266.43
KLOOSTER, ALIDA K.	1,431.24	RAMSEY, MADISON L.	250.75
GOLOVICH, KAREN J.	1,010.00	BERTINELLI, DAVID P.	870.74
SPENCLEY, PATRICIA L.	1,270.99	BOSS, BEAU J.	398.13
PANOFF, ZACHARY R.	1,027.00	BARNEVELD, VLADIMIR R.	327.29
MILLER, FAITH G.	30.10	FICHTNER, KRISTIE S.	295.00
LEESE, MERRI C.	129.29	HEID, THOMAS J	1,244.10
MCGINN, KELLY A.	1,456.33	MYER, ELIZABETH A.	1,623.20
DOAN, GERARD P.	1,514.92	VANLOO, JOSEPH G.	409.74
SCHLAPPI, JAMES L.	1,321.73	WYMAN, MATTHEW A.	930.30
UMULIS, MATTHEW T.	1,332.62	SCHRADER, LOU ANN	476.74
HANKINS, SCOTT A.	1,492.97	BOSS, RYDER S.	158.58
ORBAN, BARBARA K.	1,411.14	MILLER, WILLIAM S.	941.42
TRAEGER, JASON A.	1,098.76	FUNKEY, KRAIG R.	320.91
FLICKEMA, ANDREW M.	1,230.06	MEGGISON, JERRY B.	279.28
MATELSKI, KIMBERLY A.	1,134.50	RILEY, CASEY W.	335.35
ROLOFF, ROBERT P.	4,292.62	JONES, LARRY M.	1,548.83
RILEY, DENISE M.	412.65	WILLSON, BRENDA R.	100.43
LOPER II, GARY D.	1,667.61	BEAN, PETER J.	213.99
TEUNIS, STEVEN L.	1,664.99	TRAVERS, MANUEL J.	1,235.50
WURST, RANDALL W.	1,366.59	RILEY, DANIEL A.	1,544.50
MAYER, SHELLEY L.	1,627.29	LALEWICZ, AMELIA	46.17
HILLING, NICHOLAS A.	1,284.40	SWEM, DONALD L.	1,790.16
MEIER III, CHARLES A.	1,244.18	WHITLEY, ANDREW T.	1,462.41
ZACHARIAS, STEVEN B.	1,298.24	MORRISON, KEVIN P.	995.23
NISWANDER, JOSEPH F.	1,373.17	HODGE, MICHAEL J.	1,301.01
EATON, BRAD A.	1,771.18	JOHNSON, STEVEN P.	983.83
WILSON, TIMOTHY J.	1,962.89	BOSS JR, DALE E.	1,116.49
LAVOIE, RICHARD L.	1,662.97	STEBE JR, JOHN M.	358.35
STEVENS, BRANDON C.	1,873.81	BEHAN, DEAN T.	165.12
DRAVES, MARTIN J.	1,676.02	STEBE, CATHERINE M.	295.10
BROWN, STEPHANIE C.	1,020.24	HOLM, ARTHUR R.	712.86
ELLIOTT, PATRICK M.	1,738.94	STEVENS, JEFFREY W.	712.74
SCHWARTZFISHER, JOSEPH L.	1,469.98	ROLOFF, AUDREY M.	3,197.35
WELLS JR., DONALD E.	1,233.99	MATTER, DAWSON K.	3,627.36
BRADLEY, KELLY R.	1,336.01	SCOTT JR., WINFIELD	213.63
JONES, ROBERT F.	1,186.16	TOTAL	91,298.00

PAYROLL: TRANSMITTAL – 02/20/2016			
4FRONT CREDIT UNION	248.46	CHEMICAL BANK	150.00
AMERICAN FAMILY LIFE	166.74	COMMUNICATION WORKERS OF AMER	525.02
AMERICAN FAMILY LIFE	311.88	MI STATE DISBURSEMENT UNIT	323.45
CHAR EM UNITED WAY	56.00	PRIORITY HEALTH	1,981.09
CHARLEVOIX STATE BANK	1,336.16	TOTAL	5,098.80