

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, December 16, 2019 – 6:00 p.m.
Council Chambers, 210 State Street, Charlevoix, MI

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

1. Pledge of Allegiance

2. Roll Call

Mayor: Luther Kurtz
Members Present: Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Leon Perron
Members Absent: None
City Manager: Mark L. Heydlauff
City Clerk: Joyce Golding
City Attorney: Scott Howard

3. Presentations

4. Inquiry Regarding Conflicts of Interest

Cole and Hagen recused themselves from the Special Events item as they have family working for the Chamber of Commerce. Kalbfell recused herself from the Marina Fees item. The Mayor disclosed that he owns a short-term rental in town, but did not see a conflict.

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 – December 2, 2019
- B. Accounts Payable and Payroll Check Registers
 - a. Regular Accounts Payable Check Register – December 17, 2019
 - b. ACH Payments – December 2, 2019 to December 13, 2019
 - c. Payroll Check Register – December 13, 2019
 - d. Payroll Transmittal – December 13, 2019
- C. Resignation from BOR and ZBA – Dennis Kusina (no longer a city resident)
- D. 2019 Bridge Drop Fireworks Approval – issue permit and sign Hold Harmless Agreement with Colonial Fireworks
- E. WTP Filter Rehab Phase II Change Order 1 – \$40,498.04 for additional repainting and sealing of filter cells

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

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

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

7. All Other Actions & Requests

A. Discussion: Special Events Policy

Hagen and Cole recused themselves. City Manager Heydlauff recalled that back in July, Council began discussion about the effect and impact of special events, festivals, and shows held in our community and the necessity for balance between these activities and the need for "normal life" in a northern Michigan resort community. He drafted a Special Events Policy to begin the dialogue on this issue which recognizes three events of historic and commercial importance in our community: Venetian Festival, Waterfront Art Fair, and Apple Festival. He also emphasized the need for a structured event application process.

Mayor Kurtz opened the item to public comment:

- Sarah Hagen, Chamber of Commerce President, was not in favor of eliminating two of our long standing events
- Katherine Forrester, Visit Charlevoix, was in favor of all events downtown and suggested implementing a return on investment (ROI) for each event
- Shirley Gibson felt events were not special anymore and are an inconvenience for local workers; supported the policy
- Jeff Porter felt taxpayers should take back East Park
- Birdie Whitley questioned who pays the bill for all of the overtime with respect to events
- Leilani Durbin suggested one event a month
- Nancy Suzor was not in favor of the policy and suggested modifications to the current events

Council generally agreed that the 2020 event schedule should remain in place. They also agreed to further discussion with the Chamber and DDA. Topics to consider included ROI strategy, current event structure, long-term sustainability of events, and parking. Council will continue the draft policy discussion at the January 20th meeting.

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B. Discussion: Short-Term Rental Ordinance

Hagen and Cole returned to the dais. Zoning Administrator Scheel discussed his research on bedrooms, inspections, and appropriate standards so as not to burden an older home to meet the building code for new construction. He cited the International Property Maintenance Code and suggested applying some of these standards to the ordinance.

Mayor Kurtz opened the item to public comment

- Frances Flanders stated Belvedere Terrace welcomes condo registrations
- Darlene Klien questioned which code the City would follow
- Leilani Durbin cautioned don't cut locals off at the knees; licenses should transfer
- Birdie Whitley questioned the definition of slum landlord
- Bob Timms was in favor of a 100 cap
- Maureen Owens was not in favor of license transfers

After considerable discussion, Council agreed to a 100 cap for business short-term rentals. A license would not transfer with the sale of property. The City Manager, City Attorney and Zoning Administrator will finalize the draft ordinance including definitions and create a license application form to be considered at the January 6th meeting.

C. 2020 Marina Fees

Kalbfell recused herself. Recreation Director Knorr stated that the Michigan State Waterways released a new rate schedule that expands the transient and seasonal rates. The previous schedule offered six choices, the new schedule offers ten choices. Considerations for picking a new tier include our operating expenses, popularity, facility amenities, activities available dock side and how often we are at or near capacity. Staff recommended that we set our new rates for transient dockage at tier "H" and seasonal at tier "E" multiplied by 156 days.

Mayor Kurtz opened the item to public comment:

- Mark Greyerbiehl questioned why the change in fees

Motion by Perron, second by Oleksy to set the Marina Transient Fees at column level "H" for and the Seasonal Dockage Rate at level "E" multiplied by 156 days, and set the Burns Street Dock rate at \$49 per foot. Motion passed by unanimous voice vote.

D. Deer Management Update

Kalbfell returned to the dais. Police Chief Doan explained that the City can lift the ordinance banning the discharge of a fire arm, bow and arrow, or a pellet gun within the City limits to perform a cull. If a cull was implemented, he recommended the use of archery only; no firearms would be permitted. The DNR would issue Deer Management Assistance Permits to the City which would be managed by Chief Doan. After discussion, Council agreed to have the City Attorney draft an ordinance which would be considered for the next hunting season.

Mayor Kurtz opened the item to public comment and none was heard.

E. Maximum Residential Building Size

Bryan stated that currently, the zoning code does not specify a maximum square footage for a residence and it is limited only by virtue of secondary factors like setbacks and maximum lot coverage. Commercial retail buildings do have a maximum square footage so there is some precedent in our code for applying a maximum standard.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Bryan, second by Perron to have the Planning Commission consider setting a square footage limitation for residential homes. Motion passed by unanimous voice vote.

F. 2020 City Goals

City Manager Heydlauff presented the latest draft based on Council's last work session.

Mayor Kurtz opened the item to public comment and none was heard.

Motion by Hagen, second by Kalbfell to adopt City Council Goals [and Action Steps for FY 2020-2021.] Motion passed by unanimous voice vote.

8. **Reports & Communications**

A. Public Comments

- Tom Kapanoski questioned whether short-term rentals would be governed by the Americans with Disabilities Act
- Dave Coen shared highlights from the EPA meeting last week

B. City Manager Comments

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- Requested an extension from the EPA until January 18, 2020 for public comment regarding the cleanup plan; issue was poorly communicated by the EPA; there are no concerns with the quality of City water
- There were three dangerous building hearings last week

C. Mayor & Council Comments

- Bryan commented on the festive dock lights
- Kalbfell stated the Charlevoix Commission on Aging is issuing snow removal vouchers for seniors

9. **Other Council Business**

10. **Adjourn**

The Mayor adjourned the meeting at 8:35 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
Regular Accounts Payable – 12/17/2019			
ABRAMOWSKI, DWAIN M.	50.00	KEN'S REAL FOOD	93.00
ACCESSREC	12,276.80	KSS ENTERPRISES	180.05
ACCUMED GROUP, THE	3,172.56	LANDSCAPE FORMS INC.	2,800.00
ACE HARDWARE	1,898.70	LASER PRINTER TECHNOLOGIES	95.00
AIS CONSTRUCTION EQUIPMENT	207.05	MACKINAC ENVIRONMENTAL TECH IN	240.00
ALTEC INDUSTRIES INC	1,208.19	MCCARDEL CULLIGAN-PETOSKEY	50.50
AMERICAN WASTE INC.	827.50	MICHAEL MURPHY IV PHOTOGRAPHY	175.00
ANNIS, JOEL	50.00	MICHIGAN OFFICEWAYS INC	994.30
AT YOUR SERVICE PLUS INC	345.00	NAVIA BENEFIT SOLUTIONS	50.00
AT&T LONG DISTANCE	81.47	NORTH COAST FASTENERS LLC	58.00
AUTO VALUE	426.17	NORTHERN MICHIGAN REVIEW INC.	1,099.95
AVFUEL CORPORATION	21,923.16	NORTHWEST FIRE	84.00
BARTLETT'S HOME INTERIORS INC.	8,200.00	O'HANLON, MARIVIC	425.11
BASES	20.00	OLESON'S FOOD STORES	58.86
BENNETT, KAILIN	23.05	OLSON BZDOK & HOWARD	3,999.00
BOSS, ERICA	12.00	OLSTROM EXCAVATING AND PAVING	2,814.00
BOX WHEELCHAIRS/AMDF INC	2,216.18	ONE BEAT CPR	144.30
CARQUEST OF CHARLEVOIX	2,189.24	O'REILLY AUTOMOTIVE INC	2.47
CHARLEVOIX COUNTY SHERIFF	2,062.50	OTEC	86.00
CHARLEVOIX COUNTY TREASURER	304.33	PEREZ, JAIME	50.00
CHX GROUNDHOG SHADOW FEST	2,500.00	PERFORMANCE ENGINEERS INC	728.15
CHARLEVOIX TOWNSHIP	29.65	PHYSICIAN'S CLINIC OF CHARLEVOIX	117.00
CHARTER COMMUNICATIONS	907.72	PLUNKETT & COONEY	1,000.00
CINTAS	54.09	POWER LINE SUPPLY	2,552.42
CINTAS CORPORATION	110.16	POWERPLAN	1,438.18
CITY OF BOYNE CITY	199.71	PREIN & NEWHOF	2,665.00
CITY OF CHARLEVOIX - MISC	18,362.74	PROVIDENCE FARM LLC	5.00
CITY OF CHARLEVOIX - UTILITIES	34,492.25	PTM DOCUMENT SYSTEMS	205.78
CONWAY PROFESSIONAL SERVICES	980.00	PURITY CYLINDER GASES INC	61.86
COOK FAMILY FARMS	75.00	PVS TECHNOLOGIES INC	6,594.62
COOPER, MELANIE SUE	38.00	RAINEY, SUSAN	75.00
DOMINIC, JESSICA	50.00	RCL CONSTRUCTION CO INC	146,579.45
DUVERNOIS, KATHERINE	77.90	RESCO	28,383.60
EDGEWATER RESOURCES LLC	3,458.18	S & P GLOBAL RATINGS	16,000.00
EJ USA INC.	159.20	SIEGRIST, DAVID	20.00
ENERCO CORPORATION	700.00	SIMPSON SAWMILL	700.00
ETNA SUPPLY	2,325.00	STATE AND MASON LLC	1,000.00
FAMILY FARM & HOME	807.22	STATE OF MICHIGAN	204.88
FARMER WHITE'S	52.00	STEVENS, JEFF	50.00
FEYEN ZYLSTRA LLC	152.96	STRYKER SALES CORPORATION	4,475.55
FREEDOM MAILING SERVICES INC.	2,252.35	TERMINAL SUPPLY CO	102.32
GALLS AN ARAMARK COMPANY	176.95	THAO, MA	75.00
GELEFF, THOMAS	18.04	THE DUTCH OVEN	77.00
GERBER HOMEMADE SWEETS	73.00	THUNDER BAY TREE SERVICE LLC	8,854.40
GRAND TRAVERSE CONSTRUCTION	195,238.57	TOP LINE	270.00
GRAND TRAVERSE DIESEL INC.	582.11	TRUCK & TRAILER SPECIALTIES	7,396.66
GRP ENGINEERING INC.	2,340.00	UNIFIRST CORPORATION	497.94
HYDRO CORP	539.50	USA BLUE BOOK	253.56
INDEPENDENT DRAFTING SERVICES	1,938.00	VALLEY TRUCK - GAYLORD	3,455.82
J & N CONSTRUCTION	15,498.00	VILLAGE GRAPHICS INC.	597.46
JEWELL, JESSICA	18.98	WILBERT BURIAL VAULT CO	591.36
JORDAN VALLEY EMS AUTHORITY	250.00	TOTAL	590,478.73

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ACH Payments – 12/02/2019 to 12/13/2019

MI PUBLIC POWER AGENCY	23,680.00	ALERUS FINANCIAL (HCSP)	350.00
PROXIMITY SPACE, INC	101.04	STATE OF MI (WITHHOLDING TAX)	6,837.27
PAYMENT SERVICE NETWORK, INC	242.90	VANTAGEPOINT (401 ICMA PLAN)	858.02
STATE OF MI (SALES TAX)	18,116.88	VANTAGEPOINT (457 ICMA PLAN)	21,228.43
MI PUBLIC POWER AGENCY	20,120.52	VANTAGEPOINT (ROTH IRA)	1,286.52
DTE ENERGY	5,609.95	TOTAL	143,656.66
IRS (PAYROLL TAX DEPOSIT)	45,225.13		

Payroll Net Pay – Check Date 12/13/2019

HEYDLAUFF, MARK L.	3,008.26	RILEY, DANIEL A.	52.86
GOLDING, JOYCE M.	2,260.16	WHEELER, MICHAEL W.	1,323.55
DEROSIA, PATRICIA E.	919.33	AZZOPARDI, ANTHONY J.	1,937.69
DOTSON, LINDSEY J.	1,390.27	DEKORNE, ELIZABETH A.	765.83
KLOOSTER, ALIDA K.	2,097.09	MCCRANEY, RUSSELL R.	216.94
GOLOVICH, KAREN J.	984.98	WELLS, JANNINA J.	273.10
BARNEVELD, RICHELLE L.	1,174.06	MOYER, NATHAN I.	1,516.59
SPENCLEY, PATRICIA L.	908.45	HEYDLAUFF, MARK L.	92.35
MILLER, FAITH G.	78.28	GOLDING, JOYCE M.	264.30
MCGINN, KELLY A.	2,464.31	DEROSIA, PATRICIA E.	264.30
LAVENDER, JOSEPH E.	1,692.80	DOTSON, LINDSEY J.	92.35
DOAN, GERARD P.	2,033.70	KLOOSTER, ALIDA K.	437.42
SCHLAPPI, JAMES L.	1,410.49	GOLOVICH, KAREN J.	88.10
UMULIS, MATTHEW T.	1,454.81	BARNEVELD, RICHELLE L.	88.10
HANKINS, SCOTT A.	1,611.30	SPENCLEY, PATRICIA L.	359.59
ORBAN, BARBARA K.	1,487.51	MILLER, FAITH G.	277.05
FLICKEMA, ANDREW M.	2,166.83	MCGINN, KELLY A.	92.35
RILEY, DENISE M.	466.32	GERBER, SAMUEL A.	22.16
MUNK, CHRISTOPHER J.	2,241.36	LAVENDER, JOSEPH E.	88.10
MATELSKI, KRISTEN L.	1,296.96	DOAN, GERARD P.	693.53
WURST, RANDALL W.	1,113.19	SCHLAPPI, JAMES L.	469.04
MAYER, SHELLEY L.	1,798.84	UMULIS, MATTHEW T.	402.02
HILLING, NICHOLAS A.	1,353.34	HANKINS, SCOTT A.	592.08
MEIER III, CHARLES A.	1,377.17	ORBAN, BARBARA K.	258.55
ZACHARIAS, STEVEN B.	1,981.55	FLICKEMA, ANDREW M.	88.10
NEWMAN, MARK J.	1,120.49	RILEY, DENISE M.	248.92
SWEM, DONALD L.	2,023.85	MUNK, CHRISTOPHER J.	88.10
EATON, BRAD A.	2,546.21	MATELSKI, KRISTEN L.	88.10
WILSON, TIMOTHY J.	3,005.57	WURST, RANDALL W.	521.43
LAVOIE, RICHARD L.	2,223.84	MAYER, SHELLEY L.	493.70
STEVENS, BRANDON C.	2,691.18	HILLING, NICHOLAS A.	319.30
DRAVES, MARTIN J.	2,295.98	MEIER III, CHARLES A.	358.17
ANDERSON, ELIZABETH A.	1,233.28	ZACHARIAS, STEVEN B.	243.77
KENWABIKISE, DAVID L.	1,097.45	NEWMAN, MARK J.	88.10
ELLIOTT, PATRICK M.	2,331.90	SWEM, DONALD L.	127.69
SCHWARTZFISHER, JOSEPH	1,550.55	EATON, BRAD A.	394.05
BRADLEY, KELLY R.	1,402.63	WILSON, TIMOTHY J.	350.97
HART II, DELBERT W.	1,414.33	LAVOIE, RICHARD L.	265.75
JONES, ROBERT F.	1,643.34	STEVENS, BRANDON C.	265.75
FARRELL, MITCHELL L.	1,757.35	WHITLEY, ANDREW T.	2,220.38
THORP JR, WILLIAM D.	1,895.70	WHITLEY, ANDREW T.	258.55
LEITNER, RYAN S.	1,585.64	DRAVES, MARTIN J.	243.77
FERGUSON, ROYCE L.	2,338.48	ANDERSON, ELIZABETH A.	92.35
DORAN, JUSTIN J.	581.68	KENWABIKISE, DAVID L.	88.10
KNORR, KENT J.	1,916.46	ELLIOTT, PATRICK M.	359.59
ANZELL, BETH A.	1,287.41	MORRISON, KEVIN P.	1,660.93
BOSS, BEAU J.	1,138.88	MORRISON, KEVIN P.	635.17
WYMAN, MATTHEW A.	1,764.94	SCHWARTZFISHER, JOSEPH	469.04
MILLER, WILLIAM S.	1,383.24	BRADLEY, KELLY R.	395.59
DOUGLAS, MARK	872.78	HART II, DELBERT W.	68.10
PRIOR, ERIN C.	1,060.84	JONES, ROBERT F.	343.78
CERTA, BRIAN	568.26	FARRELL, MITCHELL L.	88.10
MCMULLEN, DONALD R.	1,687.59	THORP JR, WILLIAM D.	92.35
SILVA, JESSE L.A.	1,930.36	LEITNER, RYAN S.	92.35
WILLSON, BRENDA R.	0.03	FERGUSON, ROYCE L.	88.10
JOHNSON, MELISSA A.	1,889.20	DORAN, JUSTIN J.	88.10
STEPHENS, LYON G.	2,362.04	KNORR, KENT J.	92.35
STEVENS, JEFFREY W.	186.03	BOSS JR, DALE E.	1,528.08
RILEY, CASEY W.	827.66	ANZELL, BETH A.	92.35
JONES, LARRY M.	861.05	HOLM, ARTHUR R.	1,178.26
FLORE, ROBERT A.	595.72	GILL, DAVID R.	88.10
MATZ, EMILY S.	910.74	WYMAN, MATTHEW A.	271.49
TRAVERS, MANUEL J.	901.16	MILLER, WILLIAM S.	92.35

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DOUGLAS, MARK	92.35	TRAVERS, MANUEL J.	435.88
PRIOR, ERIN C.	92.35	MOYER, DAVID T.	88.10
CERTA, BRIAN	92.35	RILEY, DANIEL A.	327.02
MCMULLEN, DONALD R.	92.35	WHEELER, MICHAEL W.	88.10
SILVA, JESSE L.A.	38.10	CORNELL, BRITTA J.	92.35
WILLSON, BRENDA R.	88.10	AZZOPARDI, ANTHONY J.	92.35
JOHNSON, MELISSA A.	68.10	DEKORNE, ELIZABETH A.	88.10
STEPHENS, LYON G.	48.10	MCCRANEY, RUSSELL R.	88.10
STEVENS, JEFFREY W.	615.43	WELLS, JANNINA J.	88.10
RILEY, CASEY W.	271.49	MOYER, NATHAN I.	92.35
JONES, LARRY M.	203.92	MARIHUGH, ANDREW J.	88.10
FLORE, ROBERT A.	88.10	TOTAL	124,402.87
MATZ, EMILY S.	88.10		
LAGASSE, TRACY M.	63.10		

Payroll Transmittal – 12/13/2019

4FRONT CREDIT UNION	932.01	MI STATE DISBURSEMENT UNIT	533.10
AMERICAN FAMILY LIFE	673.86	MONEY LIFE INSURANCE	326.65
CHAR EM UNITED WAY	90.00	POLICE OFFICERS LABOR COUNCIL	201.00
CHARLEVOIX STATE BANK	1,165.00	PRIORITY HEALTH	1,493.39
CHEMICAL BANK	175.00	TOTAL	6,228.73
COMMUNICATION WORKERS OF AMER	638.72		