

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, June 15, 2020 – 6:00 p.m.
Virtual Meeting Held via Zoom

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: Greg Bryan, Shane Cole, Aaron Hagen, Janet Kalbfell, Tom Oleksy, Brian Slater
Members Absent: None
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. Kalbfell requested that approval of the Art & Craft Show be removed from the consent Agenda and discussed under All Other Actions & Requests.

- A. City Council Special Meeting Minutes – May 29, 2020
- B. City Council Meeting Minutes – June 1, 2020
- C. Accounts Payable and Payroll Check Registers
 - a. Special Accounts Payable Check Register – May 28, 2020
 - b. Regular Accounts Payable Check Register – June 16, 2020
 - c. ACH Payments – June 1, 2020 to June 12, 2020
 - d. Payroll Check Register – June 12, 2020
 - e. Payroll Transmittal – June 12, 2020
- D. Electric Department Safety Meeting Contract Extension – for 2021 through 2023: \$17,900 for 2021, with an increase not to exceed 5% per year
- E. CARES Act Grant Agreement – Resolution 2020-06-02

CITY OF CHARLEVOIX
RESOLUTION NO. 2020-06-02
EXECUTION OF CARES ACT AGREEMENT WITH MDOT FAA CARES ACT GRANT NO. 3-26-SBGP-117-2020
MDOT SUB GRANT NO. CVX-11720 CARES

WHEREAS, *a grant has been received from the Michigan Department of Transportation to reimburse the Airport operational costs incurred on or after January 20th 2020; and*

WHEREAS, *the City of Charlevoix will be receiving thirty thousand dollars (\$30,000.00) from the State of Michigan through the State Block Grant Program.*

NOW THEREFORE BE IT RESOLVED, *that the City of Charlevoix City Council hereby authorizes the City Manager to execute the CARES Act Grant Agreement CVX-11720 CARES, after review by City Staff and the City Attorney.*

RESOLVED *this 15th day of June, 2020 A.D.*

Resolution was adopted by the following yea and nay vote:

Yeas: Hagen, Bryan, Kalbfell, Cole, Slater, Oleksy
Nays: None

- F. Resolution to Set Alternate Board of Review Dates – Resolution 2020-06-03

CITY OF CHARLEVOIX
RESOLUTION NO. 2020-06-03
RESOLUTION TO SET AN ALTERNATE DATE FOR THE JULY OR DECEMBER BOARD OF REVIEW

WHEREAS, *Section 53b of the General Property Tax Act, MCL 211.53b, requires a Board of Review that meets in July to meet on Tuesday following the third Monday in July, and a Board of Review that meets in December to meet on the Tuesday following the second Monday in December; and*

WHEREAS, assessors who work for multiple jurisdictions are not always able to attend the Board of Review meeting for each township when they meet on the same day; and

WHEREAS, Public Act 122 of 2008, effective May 9, 2008, allows an alternate July Board of Review meeting date during the week of the third Monday in July; and an alternate December Board of Review meeting date during the week of the second Monday of December; and

WHEREAS, the Governor issued Executive Order 2020-87 that included provisions for the July Board of Review in 2020 to expand authority; and

WHEREAS, it will benefit the residents of the City of Charlevoix to have the assessor available to assist the Board of Review and taxpayers in processing tax appeals and poverty exemptions.

NOW THEREFORE BE IT RESOLVED, that the City of Charlevoix authorizes an alternate day may be selected during the week of the third Monday of July and an alternate day may be selected during the week of the second Monday of December for the purpose of conducting Board of Review (MCL 211.53b).

RESOLVED this 15th day of June, 2020 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

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

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

Nays: None

6. Public Hearings & Actions Requiring Public Hearings

A. Public Hearing: Ordinance 821 Outdoor Sales

The Mayor opened the public hearing at 6:04 p.m. City Manager Heydlauff recalled at the last Council meeting, Council set a public hearing to consider an ordinance change allowing Council to adopt a resolution to permit merchandise be sold on the sidewalk at times beyond the annual sidewalk sales. It was Council's consensus to not amend the ordinance at this time.

Mayor Kurtz opened the item to public comment and two comments were heard. The public hearing was closed at 6:12 p.m.

7. All Other Actions & Requests

A. Power Supply Risk Management Policies

Electric Superintendent Swem recommended the two changes to the power supply risk management policies to Council.

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

Motion by Kalbfell, second by Cole to approve Resolution 2020-06-04 approving the Power Supply Risk Management Policy, the City of Charlevoix Power Supply Risk Management Policy and appointment of the Authorized Representative.

CITY OF CHARLEVOIX RESOLUTION NO. 2020-06-04

RESOLUTION APPROVING POWER SUPPLY RISK MANAGEMENT POLICY, REVISIONS TO CITY OF CHARLEVOIX POWER SUPPLY RISK MANAGEMENT POLICY, AND APPOINTMENT OF AUTHORIZED REPRESENTATIVE

WHEREAS, the City of Charlevoix is a member municipality of the Michigan Public Power Agency ("MPPA"), a joint action agency organized and existent pursuant to Act 448 of the Michigan Public Acts of 1976, as amended; and

WHEREAS, MPPA has created the Energy Services Project and Project Committee pursuant to its Bylaws to allow participating MPPA members to obtain energy services to meet their customers' needs; and

WHEREAS, the City of Charlevoix believes it is in the best interest of the City and its customers for the City to control the risks associated with the transactions conducted through the MPPA's Energy Services Project; and

WHEREAS, the City of Charlevoix must appoint an Authorized Representative to follow the rules of the City of Charlevoix Power Supply Risk Management Policy when approving authorized transactions through the MPPA Energy Services Project.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Charlevoix as follows:

1. The form of MPPA's Power Supply Risk Management Policy is hereby approved and the Authorized Representative is hereby given approval to vote in favor of implementation of this policy in substantially the form as presented on this date with such minor insertions, deletions and modifications as the Authorized Representative deems necessary.

2. *Charlevoix City Council approves the Revisions to the City of Charlevoix Power Supply Risk Management Policy as presented on this date, and by doing so confirms approval of the objectives and hedging plan choices as stated in the Policy.*
3. *Charlevoix City Council appoints the Charlevoix Electric Department Superintendent as the Authorized Representative under the MPPA Power Supply Risk Management Policy and authorizes this individual to approve energy, capacity, transmission and related transactions that have a length of up to one year.*
4. *This resolution shall take effect immediately upon adoption.*

RESOLVED this 15th day of June, 2020 A.D.

Resolution was adopted by the following yea and nay vote:

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

Nays: None

B. Downtown Parking Plan

Kalbfell led a discussion with regards to the Mayor and Council receiving an email signed by approximately 51 business and building owners requesting Council rescind the parking plan set to commence on June 19, 2020. Considerable dialogue ensued regarding the ability to social distance and the public's willingness to do so, the number of reserved parking spaces in front of outdoor dining establishments and for carryout parking, and whether the new parking meters should be installed and where. It was suggested that the City Manager and the individual restaurants could work out a mutually agreeable plan in lieu of specific regulations. Additional wayfinding signage was also discussed.

Mayor Kurtz opened the item to public comment twice and several citizens were heard from both times.

Motion by Kalbfell, second by Cole to cancel the parking plan that was to start June 19, 2020 and allow the parking arrangement currently in place to continue until Labor Day, September 7, 2020.

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

Nays: None

Motion by Slater to block off parking in front of dining areas where anyone would eat outside and take two or more parking spots with extra room for people to walk. There was no second; motion died.

Motion by Kalbfell, second by Cole to direct City Staff to work with the restaurants and evaluate their individual needs for space to allow for social distancing around people dining outdoors. There was no vote called for, therefore the motion died.

Motion by Kalbfell, second by Slater to direct City Staff to evaluate the number of carryout restaurant spaces needed and the possibility of restaurants sharing carry out spaces and move those spaces to the back of the restaurants where applicable [City Staff will work with restaurants to work out a mutually agreeable plan.]

Yeas: Bryan, Kalbfell, Cole, Slater, Oleksy

Nays: None

Abstain: Hagen

Motion by Kalbfell, second by Hagen to direct the City Manager to have City Staff install the parking meters/kiosks in the Acacia lot, on Bridge Street and all other parking spots where meters were planned.

Yeas: Hagen, Kalbfell, Cole

Nays: Bryan, Slater, Oleksy

Motion carried with the Mayor breaking the tie by voting Yea.

C. Request for Legal Opinion

Bryan stated that we are requesting a legal opinion from the City Attorney to clarify several issues that have arisen as a result of the May 18, 2020 and June 1, 2020 Charlevoix City Council meetings. The City Council Rules of Procedure that have come into question:

1. Did the motion made, seconded and unanimously approved on May 18, 2020, require the entire Council be present to vote or did the unanimous vote of the remaining members meet the intent of Rule 12?
2. How does Rule 12, (a), impact this situation and all future situations when a council member is involved?
3. How does Rule 2 impact this situation and future situations when a council member is involved?
4. Does Rule 13, (k), require it be the original three council members who voted unanimously on May 18, 2020 to be considered the "same majority"? Or can council members who were absent that meeting be allowed to vote on the reconsideration to achieve the "same majority"?

Mayor Kurtz opened the item to public comment and two were heard.

Motion by Bryan, second by Kalbfell to request a legal opinion from the City Attorney on the above questions and how Council and/or the Mayor votes on Ordinances.

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

Nays: None

D. Hybrid Council Meetings and Public Engagement

City Manager Heydlauff recalled that Council opted to amend their Rules of Procedure to allow members to participate remotely on a limited basis so long as a majority of the Council was assembled in-person. Similarly, they opened the door in the Rules of Procedure to record video and/or audio of meetings and stream it in real time and/or post it after the fact on our website. He questioned whether Council wished to move forward in this direction and noted that our website provider had this capability.

Mayor Kurtz opened the item to public comment and one was heard.

Motion by Cole, second by Kalbfell to direct the City Manager to research options and bring them back to Council about the hybrid meeting [including livestreaming.]

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

Nays: None

Motion by Kalbfell, second by Hagen to request an opinion from the City Attorney whether the change to the Rules of Procedure allowing remote meetings allows someone to be considered attending the meeting for purposes of the City Charter.

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

Nays: None

Mayor Kurtz requested a moment of silence for former Mayor and Councilman Ken Staley.

E. Approve Annual Art & Craft Show

The Charlevoix Area Chamber of Commerce 52nd Annual Art & Craft Show is scheduled for July 11 & 12, 2020. Being mindful of COVID-19 restrictions the show will be a Petite Art & Craft Stroll: booths will be spaced 10' apart (meaning a reduction in booth count by about two-thirds), aisle ways in the park will be designated one-way for pedestrian traffic, exhibitors and guests will be required to wear face masks, and booths will be required to abide by shopper capacity limits.

Kalbfell discussed her concerns regarding social distancing due to COVID-19 and holding the Art and Craft Show in mid-July. She felt it was unsafe and too soon to hold such a large event downtown. Chamber of Commerce President Sarah Hagen explained their plans for a safe but smaller event.

Mayor Kurtz opened the item to public comment and four were heard.

After discussion, Council generally agreed to not approve the July event dates and suggested that Ms. Hagen find an alternate date in August for further consideration.

8. Reports & Communications

A. Public Comments

B. City Manager Comments

- A split rail fence was installed at Hoffman Park
- Stoplight installation at Clinton and Bridge Streets continues; three crosswalks will be removed to improve traffic flow
- New phone system was installed last week
- Dean Martin is on board as our Community Development Fellow for 15 months
- Demolition of the old electric shop begins next week

C. Mayor & Council Comments

- General comments were heard from all regarding COVID-19 health and safety

9. Other Council Business

The Mayor questioned whether Council wanted to hold their next meeting in-person and they generally affirmed they would be willing.

Cole introduced Dan Barron's preliminary proposal to hold a mini-Venetian event July 24-25. Council discussed health concerns and it was noted that plans were not finalized by the Venetian Committee yet. Council agreed to add a possible agenda item at the next meeting to consider the final proposal. After this determination, some Council members felt that to be fair, the Art & Craft Show decision should be revisited.

Mayor Kurtz opened the item to public comment and two were heard.

Motion by Cole, second by Slater to keep the Chamber function as is [pursuant to the Charlevoix Special Event Policy, the Chamber of Commerce to hold their Art and Craft Show on July 11 and 12, 2020 with the caveat that it may be cancelled if warranted due to changing COVID-19 conditions.]

Yeas: Hagen, Bryan, Cole, Slater Oleksy

Nays: Kalbfell

10. Adjourn

The Mayor adjourned the meeting at 8:37 p.m.

Joyce M. Golding	City Clerk	Luther Kurtz	Mayor
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Special Accounts Payable – 05/28/2020

WHARFSIDE ENT. LTD.	1,750.00	TOTAL	1,750.00
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Regular Accounts Payable – 06/16/2020

ACCUMED GROUP, THE	3,457.19	JOHN E. GREEN COMPANY	488.90
ACE HARDWARE	3,260.96	JONES & JONES GARAGE DOOR SVCS	690.00
ALLEN SUPPLY	508.00	KLOIBER, JEFF	260.00
ALL-PHASE ELECTRIC	395.21	KSS ENTERPRISES	933.45
ALTEC INDUSTRIES INC	6,092.46	LEMANSKI, AMANDA	14.34
APOLLO FIRE EQUIPMENT	765.16	LOTTIE'S BAGELS	161.00
ASPEN WIRELESS	352.00	MACGREGOR PLUMBING & HEATING	1,033.00
AT YOUR SERVICE PLUS INC	407.41	MICHIGAN OFFICEWAYS INC	742.61
AT&T MOBILITY	577.08	MINERAL MASTERS	1,935.00
AUTO VALUE	431.44	MUSTAFA, KIM	155.00
AVFUEL CORPORATION	18,126.41	NAVIA BENEFIT SOLUTIONS	50.00
BELL EQUIPMENT COMPANY	1,160.14	NOIROT, BRYAN	462.00
BEMIS, JACKSON	98.50	NORTHERN LAKES	3,500.00
BOUND TREE MEDICAL LLC	68.21	NORTHERN MICHIGAN REVIEW INC.	279.13
CARQUEST OF CHARLEVOIX	2,032.80	NORTHERN PUMP SERVICE INC.	1,400.00
CDW GOVERNMENT INC.	1,221.13	OLESON'S FOOD STORES	47.86
CERTIFIED LABORATORIES	1,202.39	PERFORMANCE ENGINEERS INC	26,132.70
CHX AREA CHAMBER OF COMMERCE	7,588.00	PREIN & NEWHOF	3,646.10
CHARLEVOIX PEST CONTROL LLC	50.00	R & R PRODUCTS INC	30.00
CHARLEVOIX SCREEN MASTERS INC	35.00	RCL CONSTRUCTION CO INC	1,161,965.26
CHARLEVOIX TOWNSHIP	33,157.12	RICHMAN, LISA	80.00
CINTAS	32.74	ROTARY CLUB OF CHARLEVOIX	37.50
CINTAS CORPORATION	108.01	SAUL, GINNIE	200.00
CITY OF CHARLEVOIX - PETTY CASH	950.00	SPARTAN DISTRIBUTORS INC	430.98
CITY OF CHARLEVOIX - UTILITIES	31,814.93	SPARTAN STORES LLC	29.95
CONWAY PROFESSIONAL SERVICES	1,911.00	STATE AND MASON LLC	1,000.00
D & D ELECTRONICS	150.00	STATE OF MICHIGAN	257.03
ELECTIONSOURCE	194.99	STATE OF MICHIGAN	95.00
ELZINGA, RICHARD & PAMELA	29.33	STOLT, GLEN	50.00
EMERGENCY MEDICAL PRODUCTS INC	183.27	STRICKER'S OUTDOOR POWER EQUIP	920.85
ETNA SUPPLY	248.00	TAYLOR 12501 LLC	4,417.50
F.H. BLACK & COMPANY	1,845.00	TAYLOR, LAURA	80.00
FARMER WHITE'S	46.00	UNIFIRST CORPORATION	1,298.94
FASTENAL COMPANY	134.20	UNIVERSAL CLEANERS LLC	3,875.00
FREEDOM MAILING SERVICES INC.	2,299.73	USA BLUE BOOK	1,548.78
GEMINI GROUP LLC	2,857.00	VALENTINE, MISTY	32.52
GOVERNMENTAL PRODUCTS INC.	391.60	VANDERHOOF, ASHLEE	35.96
GRIFFIN BEVERAGE CO	190.00	VILLAGE GRAPHICS INC.	945.32
GUNTZVILLER, RHONDA	151.00	WINNIE'S ORIGINAL LLC	34.00
HARBOR FENCE COMPANY	319.27	XEROX FINANCIAL SERVICES	168.84
HARRELL'S	1,211.40	TOTAL	1,347,044.99
HERITAGE-CRYSTAL CLEAN LLC	120.00		
HYDRO CORP	539.50		
JACK DOHENY COMPANIES	866.89		

ACH Payments – 06/01/2020 to 06/12/2020

MI PUBLIC POWER AGENCY	20,530.34	STATE OF MI (WITHHOLDING TAX)	6,739.00
PROXIMITY SPACE INC (THE VAULT)	101.60	VANTAGEPOINT (401 ICMA PLAN)	858.02
PAYMENT SERVICE NETWORK INC	241.70	VANTAGEPOINT (457 ICMA PLAN)	20,363.18
STATE OF MI (SALES TAX)	19,031.13	VANTAGEPOINT (ROTH IRA)	1,186.52
MI PUBLIC POWER AGENCY	18,849.21	TOTAL	138,951.04
DTE ENERGY	4,347.11		
IRS (PAYROLL TAX DEPOSIT)	46,353.23		
ALERUS FINANCIAL (HCSP)	350.00		

Payroll Net Pay – Check Date 06/12/2020

HEYDLAUFF, MARK L.	3,012.48	DOAN, GERARD P.	2,407.54
GOLDING, JOYCE M.	2,085.86	UMULIS, MATTHEW T.	1,344.13
DEROSIA, PATRICIA E.	1,094.36	HANKINS, SCOTT A.	1,953.28
DOTSON, LINDSEY J.	1,422.46	ORBAN, BARBARA K.	1,490.70
KLOOSTER, ALIDA K.	2,129.16	FLICKEMA, ANDREW M.	2,231.70
GOLOVICH, KAREN J.	985.70	RILEY, DENISE M.	447.87
BARNEVELD, RICHELLE L.	1,151.92	MUNK, CHRISTOPHER J.	1,827.45
EDWARDS, MACKENZIE R.	1,685.53	SCHICK, TIELER R.	1,693.68
MILLER, FAITH G.	82.35	MATELSKI, KRISTEN L.	1,356.19
MCGINN, KELLY A.	2,518.08	BINGHAM, LARRY E.	1,006.88
LAVENDER, JOSEPH E.	1,728.90	MACGILLIVRAY, ROGER	332.97

WURST, RANDALL W.	1,781.72	WHITE III, MARCUS W.	158.32
MAYER, SHELLEY L.	2,100.05	GREYERBIEHL, KELLY M.	183.32
HILLING, NICHOLAS A.	1,556.77	CUNNINGHAM, ABIGAIL A.	77.57
MEIER III, CHARLES A.	1,172.61	MAY, MEREDITH A.	267.66
ZACHARIAS, STEVEN B.	1,305.58	HART, DAVID R.	471.99
NEWMAN, MARK J.	1,084.25	MCDONNELL, JENNA N.	652.96
SWEM, DONALD L.	2,478.25	GILL, DAVID R.	928.69
EATON, BRAD A.	2,362.94	MASSON, DONALD J.	528.41
WILSON, TIMOTHY J.	3,159.36	KUSINA, DENNIS W.	146.90
LAVOIE, RICHARD L.	2,233.91	LABLANCE, MAUREEN J.	122.13
STEVENS, BRANDON C.	2,759.02	LIVINGSTON, BRIAN D.	1,708.92
DRAVES, MARTIN J.	2,442.60	STANLEY, MARK J.	58.18
ANDERSON, ELIZABETH A.	1,209.90	WYMAN, MATTHEW A.	1,648.40
KENWABIKISE, DAVID L.	1,097.59	MILLER, WILLIAM S.	1,357.99
ELLIOTT, PATRICK M.	2,381.82	DOUGLAS, MARK	1,075.61
SCHWARTZFISHER, JOSEPH	988.26	PRIOR, ERIN C.	1,076.90
BRADLEY, KELLY R.	1,330.92	FRATRICK, JOSEPH W.	504.84
HART II, DELBERT W.	1,527.86	MCMULLEN, DONALD R.	2,098.14
JONES, ROBERT F.	1,255.59	SILVA, JESSE L.A.	2,014.60
FARRELL, MITCHELL L.	1,709.10	JOHNSON, MELISSA A.	1,675.23
THORP JR, WILLIAM D.	1,563.17	STEPHENS, LYON G.	1,112.05
LEITNER, RYAN S.	1,421.72	TRAVERS, MANUEL J.	2,102.65
FERGUSON, ROYCE L.	1,739.85	STEVENS, JEFFREY W.	158.85
DORAN, JUSTIN J.	2,107.26	RILEY, CASEY W.	493.08
MANKER SR, DAVID W.	181.01	JONES, LARRY M.	935.95
NEDWICK, DAVID J.	766.99	FLORE, ROBERT A.	953.15
FREY, DYLAN V.	507.80	MATZ, EMILY S.	1,035.55
HART III, DELBERT W.	812.76	WHEELER, MICHAEL W.	1,212.11
SLADEK, RYLYNN S.	655.00	MISHLER, MICHAEL J.	1,800.97
LOUISELLE, ELLIE N.	627.60	AZZOPARDI, ANTHONY J.	1,532.29
BEMIS, JACKSON R.	599.64	DEKORNE, ELIZABETH A.	113.65
FINNERTY, HOLLY E.	776.79	DIETZ, AMANDA M.	1,026.79
CRANDELL, ZACKARY R.	589.83	MOYER, NATHAN I.	853.55
MUELLER, JASON C.	705.22	MARIHUGH, ANDREW J.	93.60
KNORR, KENT J.	1,953.46	SPREEMAN, ASHLEY M.	539.95
ANZELL, BETH A.	1,318.58	FAULKNER, CHRISTOPHER J.	2,225.64
STEBE, LAURA A.	116.36	WHITLEY, ANDREW T.	1,942.01
KLOOSTER, PATRICK H.	1,655.71	MORRISON, KEVIN P.	1,451.10
EVANS JR, HALBERT K.	254.57	BISHAW, JAMES H.	451.89
DAVIS, LEAH R.	161.44	TOTAL	125,395.08
TELGENHOF, WILL G.	161.44		

Payroll Transmittal – 06/12/2020

4FRONT CREDIT UNION	1,002.01	MI STATE DISBURSEMENT UNIT	209.65
AMERICAN FAMILY LIFE	608.28	MONEY LIFE INSURANCE	338.77
CHAR EM UNITED WAY	90.00	POLICE OFFICERS LABOR COUNCIL	251.25
CHARLEVOIX STATE BANK	967.00	PRIORITY HEALTH	1,440.59
CHEMICAL BANK	25.00		
COMMUNICATION WORKERS OF AMER	659.38	TOTAL	5,591.93