



**Agenda**  
**City of Charlevoix City Council Regular Meeting**  
**Monday, December 5, 2022 - 6:00 PM**  
**Council Chambers, 210 State Street, Charlevoix, MI**

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- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Presentations**
- 4. Inquiry Regarding Conflicts of Interest**
- 5. Consent Agenda**
  - A. City Council Meeting Minutes - November 21, 2022
  - B. Accounts Payable and Payroll Check Registers
  - C. Amended and Restated Power Purchase Commitment Authorization
  - D. 500 kVA Transformer: \$35,887.23
- 6. Public Hearings and Actions Requiring Public Hearings**
- 7. All Other Actions and Requests**
- 8. Reports and Communications**
  - A. Public Comment
  - B. City Manager's Comments
  - C. Mayor and Council Comments
- 9. Other Council Business**
  - A. Freedom of Information Act Appeal
- 10. Adjourn**

**Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Clerk's Office at 231-547-3250 or by email [clerk@charlevoixmi.gov](mailto:clerk@charlevoixmi.gov). A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.**

# Charlevoix City Council

## Consent Agenda

**Title:** City Council Meeting Minutes - November 21, 2022

**Date:** December 5, 2022

**Presented By:**

**Background:**

**Recommendation:**

Motion to approve the minutes as presented.

**Attachments:**

1. City Council Draft Meeting Minutes November 21, 2022

**City of Charlevoix**  
**City Council Regular Meeting minutes**  
**Monday, November 21, 2022 - 6:00 PM**  
Council Chambers, 210 State Street, Charlevoix, MI

**1. Pledge of Allegiance**

The meeting was called to order at 6:00 p.m. by Mayor Gennett. The Council, staff, and members of the public rose and recited the Pledge of Allegiance.

**2. Roll Call**

Mayor: Lyle Gennett

Members Present: Aaron Hagen, Janet Kalbfell, Mark Knapp, Phil Parr, Richard Spring

Members Absent: Shane Cole

City Manager: Mark L. Heydlauff

City Clerk: Sarah J. Dvoracek

**3. Presentations**

**4. Inquiry Regarding Conflicts of Interest**

**5. Consent Agenda**

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Kalbfell to approve the consent agenda as presented.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

**A. City Council Meeting Minutes - November 7, 2022**

Motion to approve the minutes as presented.

**B. Accounts Payable and Payroll Check Registers**

Motion to approve the accounts payable and payroll check registers as presented.

| Dates                                                                                               | Description                | Amount              |
|-----------------------------------------------------------------------------------------------------|----------------------------|---------------------|
| 11/10/2022                                                                                          | Payroll Transmittal Checks | \$5,931.83          |
| 11/10/2022                                                                                          | Payroll (net pay)          | \$113,860.81        |
| 11/22/2022                                                                                          | Regular Accounts Payable   | \$225,643.68        |
| 11/02/2022-11/10/2022                                                                               | ACH/WIRE Payments          | \$105,300.73        |
| <b>Grand Total</b>                                                                                  |                            | <b>\$450,737.05</b> |
| To view the entire accounts payable and payroll check registers, <a href="#">please Click here.</a> |                            |                     |

C. Revised Job Description: Chief of Police

Motion to approve the revised job description for Chief of Police as presented.

D. Set Work Session for December 5, 2022

Motion to set a City Council Work Session for 4:30pm on December 5, 2022 in the Council Chambers of City Hall for the purpose of discussing the Electric Department and the Michigan Public Power Agency.

E. Selection of Walsh Municipal Services for Chief of Police Search: \$10,900

Motion to authorize the City Manager to engage the services of Walsh Municipal Services to lead the process of recruiting and selecting a new Chief of Police for a cost not to exceed \$10,900.

**6. Public Hearings and Actions Requiring Public Hearings**

A. Public Hearing: Deer Cull

Robert Scholey, Interim Chief of Police

Interim Chief of Police Scholey stated the department has received numerous complaints regarding deer being destructive to properties. Mr. Scholey gave a brief summary of his report to Council and stated that Ms. Swell from the DNR was unable to attend the meeting. Mr. Scholey answered questions from Council.

Mayor Gennett opened the public hearing at 6:06 p.m. Six were heard in favor and two were heard opposed. The public hearing was closed at 6:20 p.m.

Motion by Hagen, seconded by Parr to approve Resolution 2022-11-02 and direct the Interim Chief of Police to move forward with all necessary arrangements.

**CITY OF CHARLEVOIX  
RESOLUTION NO. 2022-11-02  
RESOLUTION AUTHORIZING DEER CULL**

**WHEREAS**, since 2019 the City of Charlevoix has received 65 deer population complaints, as well as follow-up inquiries regarding the City conducting a deer cull to reduce deer herds within the Charlevoix City limits where our complaints originated; and

**WHEREAS**, the Chief of Police has proposed that if a deer culling is to be conducted within the City of Charlevoix, it shall be conducted by the U.S. Department of Agriculture Wildlife Services and between 20 and 40 deer will be removed; and

**WHEREAS**, the U.S. Department of Agriculture Wildlife Services will draft a Cooperative Service Agreement, which will include a Work Plan and a Financial Plan, that would allow for 3 visits (one site visit prior to removal efforts and two visits to conduct the removal) not to exceed \$15,000; and

**WHEREAS**, if the deer cull is successful on the first day, there will be no need for a second day and the cost will be reduced, whereby the City will only be billed for the work required to harvest an acceptable number of deer; and

**WHEREAS**, harvested deer would be field dressed by Wildlife Services and turned over to the City for donation to charity.

**NOW THEREFORE BE IT RESOLVED**, the Chief of Police is hereby authorized to conduct a deer cull during nighttime hours in 2023, within the Charlevoix City limits; and

**BE IT FURTHER RESOLVED**, a contract be established between the City of Charlevoix and the U.S. Department of Agriculture Wildlife Services for actual expenses incurred and the Chief of Police is authorized to sign said contract.

**RESOLVED** this 21st day of November 2022 A.D.

Resolution was adopted by the following yea and nay vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

**B. Public Hearing: Signs in Bridge Park (Ordinance 834)**

Jennifer Neal, Community Planner

Community Planner Neal provided Council with the history of the signs on Bridge Park Drive and explained the proposed ordinance amendment language in detail. Mayor Gennett opened the public hearing at 6:30 p.m. Mayor Gennett opened the item for public comment. None were heard. The public hearing was closed at 6:35 p.m. Ms. Neal answered questions from Council. No action was taken due to Council Member Cole being absent.

**C. Public Hearing: Building Type Combined Changes (Ordinance 835)**

Jennifer Neal, Community Planner

Community Planner Neal stated the purposes behind the proposed zoning ordinance amendments. Ms. Neal stated the changes were reviewed by the City Attorney. Ms. Neal highlighted the major proposed changes in the ordinance. Mayor Gennett opened the public hearing at 6:35 p.m. Ms. Neal answered questions from Council. Council Member Kalbfell questioned the middle picture under (Section 153.117 (B)(4) Examples of ADUs) depicting the exterior staircase in the front of the house and suggested that a different picture be used. Mayor Gennett opened the item for public comment. None were heard. The public hearing closed at 6:50 p.m. No action was taken because Council Member Cole was absent.

## **7. All Other Actions and Requests**

**A. 2022 Master Plan Adoption**

Jennifer Neal, Community Planner

Community Planner Neal stated that over a year ago the Planning Commission began the process of updating the Master Plan. The Commission has had many public input sessions and conducted public surveys. The law requires the Planning Commission to review the Master Plan every five years, if major changes occur within the community, then the plan should be updated to reflect the future. The Planning Commission has worked very hard at reviewing sections of the plan at every meeting. Ms. Neal answered questions from Council.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to adopt Resolution 2022-11-01 and adopt the 2022 City of Charlevoix Master Plan as presented.

**CITY OF CHARLEVOIX  
RESOLUTION NO. 2022-11-01**

**RESOLUTION ADOPTING THE 2022 CITY OF CHARLEVOIX MASTER PLAN**

**WHEREAS**, Resolution 2004-09-01 established that City Council reserved the authority to grant final approval to any proposed Master Plan; and

**WHEREAS**, the City of Charlevoix Planning Commission, under the provisions of MCL 125.3807 of PA 33 of 2008 of the State of Michigan may adopt a Master Plan; and

**WHEREAS**, MCL 125.38452 of PA 33 of 2008 requires the Planning Commission to review and, if necessary, revise or amend the Plan at least once every five years and the current *Waterfront Areas Management and City Master Plan* was adopted in 1982; and

**WHEREAS**, the City of Charlevoix Planning Commission recognized the need to revise and adopt a Master Plan, including establishment and support of visions, goals, actions, implementations, and the Future Land Use Plan as described within the document; and

**WHEREAS**, the Master Plan is a living document intended to be amended and updated with changing conditions and has been prepared for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development of the City of Charlevoix; and

**WHEREAS**, the Planning Commission forwarded copies of the Draft Master Plan to all neighboring townships and jurisdictions pursuant to the Michigan Planning Enabling Act (PA 33 of 2008), the Master Plan has been reviewed by all neighboring townships and jurisdictions, various businesses, local organizations and institutions, and all utilities operating within the City; and

**WHEREAS**, after the preparation of the Draft Master Plan, the Planning Commission gave notice of the time and place of Public Hearing by giving notice in a newspaper of general circulation in the City, on the City's website, and through regular mail; and

**WHEREAS**, the Planning Commission provided the Notice of Intent to Conduct Master Planning on February 18, 2021; and

**WHEREAS**, the Planning Commission finalized amendments to the Master Plan, and unanimously recommended approval the 2022 City of Charlevoix Master Plan on October 10, 2022.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Charlevoix hereby adopts the 2022 City of Charlevoix Master Plan, pursuant to MCL 125.3843 of PA 33 of 2008.

**RESOLVED** this 21<sup>st</sup> day of November, 2022 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

B. Spark Grant Submission

Mark Heydlauff, City Manager

City Manager Heydlauff explained the Spark Grant, the requirements and the proposed project.

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Kalbfell to authorize the City Manager to sign an agreement with Edgewater Resources to complete and submit the Spark Grant Application with the State of Michigan for a fee not to exceed \$8,700.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

Mayor Gennett opened the item for public comment. None were heard.

Motion by Spring, seconded by Parr to approve Resolution 2022-11-03 Lake Michigan Beach Upland Development 2nd Phase Spark Grant Application.

**CITY OF CHARLEVOIX  
RESOLUTION NO. 2022-11-03**

**LAKE MICHIGAN BEACH UPLAND DEVELOPMENT 2<sup>nd</sup> PHASE**

**WHEREAS**, the City of Charlevoix previously supported the submission of an application titled "Michigan Beach Upland Renovation and Development" to the Recreation Passport Grant Program for development of site improvements at Michigan Beach Park; and

**WHEREAS**, the City of Charlevoix has been awarded a Recreation Passport Grant from the State of Michigan for this project; and

**WHEREAS**, the City of Charlevoix is committed to increased use and development of trails;

and

**WHEREAS**, the proposed project agreement is supported by the current annual Capital Improvement Plan; and

**WHEREAS**, the City of Charlevoix has previously made a financial commitment to the project in the amount of \$48,500 matching funds, in cash and/or force account; and

**WHEREAS**, the City of Charlevoix supports the submission of an application titled, “Lake Michigan Beach Upland Development 2<sup>nd</sup> Phase” to the Spark Grant program for accessible connection to the beach sidewalk and safer crosswalks to the planned trail.

**NOW THEREFORE BE IT RESOLVED** that the City of Charlevoix authorizes the submission of the Spark Grant for \$144,000.

**RESOLVED** this 21<sup>ST</sup> day of November, 2022 A.D.

Resolution was adopted by the following yeas and nays vote:

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

C. Organizational Meeting

Sarah Dvoracek, City Clerk

Mayor Gennett opened the item for public comment. None were heard.

Motion by Hagen, seconded by Kalbfell to set the 2023 City Council meetings for the first and third Mondays of the month at 6:00 p.m.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

Mayor Gennett opened the item for public comment. None were heard.

Motion by Parr, seconded by Kalbfell to appoint Aaron Hagen as Deputy Mayor.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

D. Council Appointment

Janet Kalbfell-1st Ward Council Member

Mayor Gennett opened the item for public comment. None were heard.

Motion by Kalbfell, seconded by Spring to appoint Gail Demeyere to the Historic District Commission for a term to expire on June 30, 2024.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

## **8. Reports and Communications**

### A. Public Comment

### B. City Manager's Comments

- Thanked the Public Works Department for all their hard work transitioning between seasons
- Reminded everyone about the Christmas Tree Lighting and parade on Friday
- Congratulated Mayor Gennett and the First Lady

### C. Mayor and Council Comments

- Council collectively thanked the Public Works Department for their hard work dealing with the winter storm

## **9. Other Council Business**

### A. Release a Communication from the City Attorney

City Manager Heydlauff stated the City Attorney recommended that Council release the communication to the public.

Mayor Gennett opened the item to the public. None were heard.

Motion by Parr, seconded by Knapp to authorize the release of communication from the City Attorney.

Yeas: Kalbfell, Hagen, Spring, Knapp, Parr

Nays: None

Absent: Cole

**Motion carried.**

## **10. Adjourn**

Mayor Gennett adjourned the meeting at 7:08 p.m.

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Sarah J. Dvoracek

City Clerk

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Lyle Gennett

Mayor

# Charlevoix City Council

## Consent Agenda

**Title:** Accounts Payable and Payroll Check Registers

**Date:** December 5, 2022

**Presented By:**

**Background:**

**Recommendation:**

**Attachments:**

1. Check Registers 12-05-22 Agenda

| Check Number      | Payee                        | Amount    |
|-------------------|------------------------------|-----------|
| <b>11/22/2022</b> |                              |           |
| 138222            | AT&T                         | 1,539.75  |
| 138223            | AT&T MOBILITY                | 759.19    |
| 138224            | CHARTER COMMUNICATIONS OPERA | 751.76    |
| 138225            | DELTA DENTAL                 | 3,199.63  |
| 138226            | HARTFORD, THE                | 4,287.79  |
| 138227            | PRIORITY HEALTH              | 45,641.47 |
| 138228            | TELNET WORLDWIDE             | 196.52    |
| 138229            | VSP INSURANCE CO. (CT)       | 527.03    |
| 138230            | WALSH MUNICIPAL SERVICES LLC | 7,400.00  |
| Total 11/22/2022: |                              | 64,303.14 |
| Grand Totals:     |                              | 64,303.14 |

### Summary of Check Registers & ACH Payments HUNTINGTON NATIONAL BANK - CHECKS ISSUED

|                                       |           |                   |
|---------------------------------------|-----------|-------------------|
| 11/22/22 Special Accounts Payable Run | \$        | 64,303.14         |
| 11/23/22 Payroll (net pay)            | \$        | 99,874.33         |
| 11/23/22 Payroll Transmittal Checks   | \$        | 5,556.70          |
| 11/29/22 Special Accounts Payable Run | \$        | 5,390.28          |
| 12/06/22 Regular Accounts Payable     | \$        | 240,188.28        |
| <b>Checks Sub-Total:</b>              | <b>\$</b> | <b>415,312.73</b> |

### HUNTINGTON NATIONAL BANK - ACH/WIRE PAYMENTS

|                                            |    |            |
|--------------------------------------------|----|------------|
| 11/21/22 Enterprise FM Trust (fleet lease) | \$ | 1,916.16   |
| 11/23/22 IRS (Payroll Tax Deposit)         | \$ | 36,181.53  |
| 11/23/22 Alerus Financial (HCSP)           | \$ | 250.00     |
| 11/23/22 Vantagepoint (401 Plan)           | \$ | 1,062.00   |
| 11/23/22 Vantagepoint (457 Plan)           | \$ | 19,340.69  |
| 11/23/22 Vantagepoint (Roth IRA)           | \$ | 1,180.76   |
| 11/23/22 State of MI (Withholding Tax)     | \$ | 5,305.51   |
| 11/23/22 MERS (Defined Benefit Plan)       | \$ | 56,195.35  |
| 11/25/22 MI Public Power Agency            | \$ | 330,596.01 |
| 11/28/22 MI Public Power Agency            | \$ | 13,230.39  |
| 11/29/22 Neofunds by Neopost               | \$ | 5,000.00   |
| 11/30/22 DTE Energy                        | \$ | 43.57      |

ACH Sub-Total: \$ 470,301.97

Huntington National Bank Total: \$ 885,614.70

### CHARLEVOIX STATE BANK - CHECKS ISSUED (PROPERTY TAX DISBURSEMENT TO VARIOUS TAXING AUTHORITIES)

|                                       |           |                  |
|---------------------------------------|-----------|------------------|
| 11/17/22 Special A/P Tax Disbursement | \$        | 78,746.70        |
| 11/30/22 Special A/P Tax Disbursement | \$        | 3,908.59         |
| <b>Charlevoix State Bank Total:</b>   | <b>\$</b> | <b>82,655.29</b> |

Grand Total: \$ 968,269.99

APPROVED:



CITY MANAGER



CITY TREASURER



CITY CLERK

| Pay Period<br>Date | Journal<br>Code | Check<br>Issue Date | Check<br>Number | Payee                 | Emp<br>ID | Description | Amount   |
|--------------------|-----------------|---------------------|-----------------|-----------------------|-----------|-------------|----------|
| 11/19/2022         | PC              | 11/23/2022          | 36450           | HEYDLAUFF, MARK L.    | 102       |             | 3,372.53 |
| 11/19/2022         | PC              | 11/23/2022          | 36451           | DVORACEK, SARAH J.    | 105       |             | 2,280.63 |
| 11/19/2022         | PC              | 11/23/2022          | 36452           | DEROSIA, PATRICIA E.  | 107       |             | 971.71   |
| 11/19/2022         | PC              | 11/23/2022          | 36453           | DOTSON, LINDSEY J.    | 109       |             | 1,392.18 |
| 11/19/2022         | PC              | 11/23/2022          | 36454           | KLOOSTER, ALIDA K.    | 121       |             | 1,850.79 |
| 11/19/2022         | PC              | 11/23/2022          | 36455           | BARNEVELD, RICHELLE   | 123       |             | 1,216.01 |
| 11/19/2022         | PC              | 11/23/2022          | 36456           | SCHULZ, GINNY L.      | 125       |             | 1,584.18 |
| 11/19/2022         | PC              | 11/23/2022          | 36457           | BRADLEY, KATHLEEN R.  | 126       |             | 1,202.44 |
| 11/19/2022         | PC              | 11/23/2022          | 36458           | MILLER, FAITH G.      | 142       |             | 51.33    |
| 11/19/2022         | PC              | 11/23/2022          | 36459           | MCGINN, KELLY A.      | 146       |             | 2,274.43 |
| 11/19/2022         | PC              | 11/23/2022          | 36460           | SCHOLEY, ROBERT W.    | 204       |             | 2,042.89 |
| 11/19/2022         | PC              | 11/23/2022          | 36461           | UMULIS, MATTHEW T.    | 205       |             | 1,400.05 |
| 11/19/2022         | PC              | 11/23/2022          | 36462           | ORBAN, BARBARA K.     | 209       |             | 1,621.75 |
| 11/19/2022         | PC              | 11/23/2022          | 36463           | RILEY, DENISE M.      | 213       |             | 558.78   |
| 11/19/2022         | PC              | 11/23/2022          | 36464           | MUNK, CHRISTOPHER J.  | 215       |             | 1,343.58 |
| 11/19/2022         | PC              | 11/23/2022          | 36465           | SCHICK, TIELER R.     | 216       |             | 1,828.62 |
| 11/19/2022         | PC              | 11/23/2022          | 36466           | STEWART, MORGAN J.    | 217       |             | 1,505.00 |
| 11/19/2022         | PC              | 11/23/2022          | 36467           | YOUNG, KRISTEN L.     | 230       |             | 1,380.54 |
| 11/19/2022         | PC              | 11/23/2022          | 36468           | WURST, RANDALL W.     | 411       |             | 1,688.17 |
| 11/19/2022         | PC              | 11/23/2022          | 36469           | HILLING, NICHOLAS A.  | 413       |             | 1,865.02 |
| 11/19/2022         | PC              | 11/23/2022          | 36470           | MEIER III, CHARLES A. | 421       |             | 1,649.04 |
| 11/19/2022         | PC              | 11/23/2022          | 36471           | ZACHARIAS, STEVEN B.  | 422       |             | 1,465.00 |
| 11/19/2022         | PC              | 11/23/2022          | 36472           | NEWMAN, MARK J.       | 424       |             | 1,459.32 |
| 11/19/2022         | PC              | 11/23/2022          | 36473           | LOUGHMILLER, JOHN A.  | 425       |             | 1,555.54 |
| 11/19/2022         | PC              | 11/23/2022          | 36474           | GRIFFITH, JOHN J.     | 500       |             | 2,816.54 |
| 11/19/2022         | PC              | 11/23/2022          | 36475           | EATON, BRAD A.        | 515       |             | 2,557.13 |
| 11/19/2022         | PC              | 11/23/2022          | 36476           | WILSON, TIMOTHY J.    | 516       |             | 2,791.79 |
| 11/19/2022         | PC              | 11/23/2022          | 36477           | LAVOIE, RICHARD L.    | 519       |             | 2,406.23 |
| 11/19/2022         | PC              | 11/23/2022          | 36478           | STEVENS, BRANDON C.   | 521       |             | 2,783.32 |
| 11/19/2022         | PC              | 11/23/2022          | 36479           | WHITLEY, ANDREW T.    | 522       |             | 2,126.57 |
| 11/19/2022         | PC              | 11/23/2022          | 36480           | DRAVES, MARTIN J.     | 523       |             | 2,499.13 |
| 11/19/2022         | PC              | 11/23/2022          | 36481           | FARRELL, MITCHELL L.  | 524       |             | 1,989.17 |
| 11/19/2022         | PC              | 11/23/2022          | 36482           | ANDERSON, ELIZABETH   | 526       |             | 1,341.90 |
| 11/19/2022         | PC              | 11/23/2022          | 36483           | KENWABIKISE, DAVID L. | 528       |             | 1,185.91 |
| 11/19/2022         | PC              | 11/23/2022          | 36484           | ELLIOTT, PATRICK M.   | 600       |             | 3,061.76 |
| 11/19/2022         | PC              | 11/23/2022          | 36485           | SCHWARTZFISHER, JOS   | 603       |             | 1,593.93 |
| 11/19/2022         | PC              | 11/23/2022          | 36486           | BRADLEY, KELLY R.     | 614       |             | 1,558.01 |
| 11/19/2022         | PC              | 11/23/2022          | 36487           | HART II, DELBERT W.   | 616       |             | 1,596.19 |
| 11/19/2022         | PC              | 11/23/2022          | 36488           | JONES, ROBERT F.      | 618       |             | 2,109.08 |
| 11/19/2022         | PC              | 11/23/2022          | 36489           | THORP JR, WILLIAM D.  | 623       |             | 1,570.40 |
| 11/19/2022         | PC              | 11/23/2022          | 36490           | LEITNER, RYAN S.      | 624       |             | 1,759.79 |
| 11/19/2022         | PC              | 11/23/2022          | 36491           | FERGUSON, ROYCE L.    | 625       |             | 1,400.83 |
| 11/19/2022         | PC              | 11/23/2022          | 36492           | REID, ROB A.          | 632       |             | 1,293.78 |
| 11/19/2022         | PC              | 11/23/2022          | 36493           | DORAN, JUSTIN J.      | 634       |             | 2,265.74 |
| 11/19/2022         | PC              | 11/23/2022          | 36494           | NEDWICK, DAVID J.     | 642       |             | 1,015.85 |
| 11/19/2022         | PC              | 11/23/2022          | 36495           | HART III, DELBERT W.  | 657       |             | 560.68   |
| 11/19/2022         | PC              | 11/23/2022          | 36496           | FINNERTY, HOLLY E.    | 669       |             | 720.29   |
| 11/19/2022         | PC              | 11/23/2022          | 36497           | MUMICH, BARRY J.      | 671       |             | 690.59   |
| 11/19/2022         | PC              | 11/23/2022          | 36498           | RABIDEAU, JACOB L.    | 696       |             | 892.41   |
| 11/19/2022         | PC              | 11/23/2022          | 36499           | KNORR, KENT J.        | 700       |             | 2,137.46 |
| 11/19/2022         | PC              | 11/23/2022          | 36500           | ANZELL, BETH A.       | 702       |             | 1,396.82 |
| 11/19/2022         | PC              | 11/23/2022          | 36501           | MCDERMOTT, DENNIS J.  | 732       |             | 54.44    |
| 11/19/2022         | PC              | 11/23/2022          | 36502           | DRENTH, DOUGLAS A.    | 838       |             | 166.72   |
| 11/19/2022         | PC              | 11/23/2022          | 36503           | GILL, DAVID R.        | 856       |             | 866.54   |
| 11/19/2022         | PC              | 11/23/2022          | 36504           | LIVINGSTON, BRIAN D.  | 866       |             | 1,782.59 |
| 11/19/2022         | PC              | 11/23/2022          | 36505           | WYMAN, MATTHEW A.     | 927       |             | 1,906.16 |
| 11/19/2022         | PC              | 11/23/2022          | 36506           | MILLER, WILLIAM S.    | 933       |             | 1,027.64 |

| Pay Period<br>Date | Journal<br>Code | Check<br>Issue Date | Check<br>Number | Payee                 | Emp<br>ID | Description | Amount    |
|--------------------|-----------------|---------------------|-----------------|-----------------------|-----------|-------------|-----------|
| 11/19/2022         | PC              | 11/23/2022          | 36507           | DOUGLAS, MARK         | 935       |             | 1,126.26  |
| 11/19/2022         | PC              | 11/23/2022          | 36508           | MCCRANEY, RUSSELL R.  | 936       |             | 1,328.15  |
| 11/19/2022         | PC              | 11/23/2022          | 36509           | FRATRICK, JOSEPH W.   | 940       |             | 390.10    |
| 11/19/2022         | PC              | 11/23/2022          | 36510           | DVORACEK, BRIAN N.    | 952       |             | 810.98    |
| 11/19/2022         | PC              | 11/23/2022          | 36511           | FRANCIS, CATHERINE A. | 2029      |             | 96.00     |
| 11/19/2022         | PC              | 11/23/2022          | 36512           | DALY, SUZETTE M.      | 2040      |             | 168.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36513           | HERDER, DIANE M.      | 2044      |             | 96.00     |
| 11/19/2022         | PC              | 11/23/2022          | 36514           | SEEGER, LINDA J.      | 2045      |             | 253.50    |
| 11/19/2022         | PC              | 11/23/2022          | 36515           | LINKLATER, LINDA K.   | 2049      |             | 108.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36516           | EATON, JOHN R.        | 2053      |             | 238.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36517           | VOORHEIS, MARGARET    | 2054      |             | 236.25    |
| 11/19/2022         | PC              | 11/23/2022          | 36518           | KOZLAUSKOS, KENDRA    | 2055      |             | 204.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36519           | FOCHTMAN, MICHAEL A.  | 2059      |             | 174.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36520           | HENNE, BETTY M.       | 2060      |             | 102.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36521           | PRICE, JOY A.         | 2061      |             | 210.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36522           | LOCKWOOD, KELLI L.    | 2062      |             | 177.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36523           | COEN, MARY S.         | 2063      |             | 120.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36524           | HAMPTON, PETER L.     | 2064      |             | 144.00    |
| 11/19/2022         | PC              | 11/23/2022          | 36525           | KURZAVA, JILL A.      | 2065      |             | 138.00    |
| 11/19/2022         | PC              | 11/23/2022          | 138209          | MORRISON, KEVIN P.    | 601       |             | 1,744.65  |
| 11/19/2022         | PC              | 11/23/2022          | 138210          | COX, RONALD L.        | 869       |             | 74.52     |
| 11/19/2022         | PC              | 11/23/2022          | 138211          | BUDAY, JOAN E.        | 2011      |             | 150.00    |
| 11/19/2022         | PC              | 11/23/2022          | 138212          | CAMPBELL, KAREN L.    | 2013      |             | 96.00     |
| 11/19/2022         | PC              | 11/23/2022          | 138213          | CIUK, JULIA A.        | 2035      |             | 108.00    |
| 11/19/2022         | PC              | 11/23/2022          | 138214          | HAVEMAN, NANCY A.     | 2048      |             | 96.00     |
| Grand Totals:      |                 |                     | 82              |                       |           |             | 99,874.33 |

## Report Criteria:

☐ Computed checks included  
☐ Manual checks included  
☐ Supplemental checks included  
☐ Termination checks included  
☐ Void checks included

| Pay Period<br>Date | Check<br>Issue Date | Check<br>Number | Payee                | Emp<br>ID | Description                     | Amount   |
|--------------------|---------------------|-----------------|----------------------|-----------|---------------------------------|----------|
| 11/19/2022         | 11/23/2022          | 138215          | 4FRONT CREDIT UNION  | 9024      | HSA-EMPLOYEE CONTRIB-4FR        | 1,116.73 |
| 11/19/2022         | 11/23/2022          | 138216          | AMERICAN FAMILY LIFE | 9011      | AMERICAN FAMILY LIFE-POST T     | 86.90    |
| 11/19/2022         | 11/23/2022          | 138216          | AMERICAN FAMILY LIFE | 9011      | AMERICAN FAMILY LIFE-PRETA      | 418.07   |
| 11/19/2022         | 11/23/2022          | 138217          | CHARLEVOIX STATE BAN | 9017      | HSA - EMPLOYEE CONTRIB - C      | 1,195.00 |
| 11/19/2022         | 11/23/2022          | 138218          | COMMUNICATION WORK   | 9004      | CWA UNION DUES Pay Period:      | 704.33   |
| 11/19/2022         | 11/23/2022          | 138219          | MI STATE DISBURSEMEN | 9012      | FRIEND OF THE COURT Pay Pe      | 116.55   |
| 11/19/2022         | 11/23/2022          | 138220          | PRIORITY HEALTH      | 392358    | PRIORITY HEALTH Pay Period:     | 1,504.29 |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | LIFE - VOLUNTARY Pay Period:    | 310.65   |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | SPOUSE LIFE Pay Period: 11/19/  | 61.98    |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | CHILD LIFE Pay Period: 11/19/20 | 9.58     |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | AD&D - VOLUNTARY Pay Period     | 24.18    |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | SPOUSE AD&D Pay Period: 11/1    | 4.39     |
| 11/19/2022         | 11/23/2022          | 138221          | THE HARTFORD         | 9035      | CHILD AD&D Pay Period: 11/19/2  | 4.05     |
| Grand Totals:      |                     | 13              |                      |           |                                 | 5,556.70 |

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| Check Number      | Payee                        | Amount   |
|-------------------|------------------------------|----------|
| <b>11/29/2022</b> |                              |          |
| 138296            | CHARLEVOIX STATE BANK        | 5,020.00 |
| 138297            | CHARLEVOIX TOWNSHIP TREASURE | 68.69    |
| 138298            | GREAT LAKES ENERGY           | 301.59   |
| Total 11/29/2022: |                              | 5,390.28 |
| Grand Totals:     |                              | 5,390.28 |

| Check Number      | Payee                           | Amount    |
|-------------------|---------------------------------|-----------|
| <b>12/06/2022</b> |                                 |           |
| 138231            | ABILITA                         | 6,142.37  |
| 138232            | ABRAMOWSKI, DWAIN M.            | 50.00     |
| 138233            | AMAZON CAPITAL SERVICES         | 540.80    |
| 138234            | ANDERSON, ELIZABETH A.          | 50.00     |
| 138235            | ANZELL, BETH A.                 | 50.00     |
| 138236            | APPLIED CONCEPTS INC            | 217.50    |
| 138237            | AVFUEL CORPORATION              | 31,966.24 |
| 138238            | BELL EQUIPMENT COMPANY          | 116.81    |
| 138239            | BIOTECH AGRONOMICS INC          | 41,724.80 |
| 138240            | CDW GOVERNMENT                  | 461.68    |
| 138241            | CHARLEVOIX ROD & GUN CLUB       | 525.00    |
| 138242            | CHARLEVOIX SCREEN MASTERS INC   | 11.95     |
| 138243            | CHARLEVOIX TOWNSHIP TREASURE    | 36,625.00 |
| 138244            | CINTAS                          | 244.85    |
| 138245            | CITY OF CHARLEVOIX - PETTY CASH | 491.40    |
| 138246            | CONWAY PROFESSIONAL SERVICES    | 2,086.00  |
| 138247            | DeROSIA, PATRICIA E.            | 50.00     |
| 138248            | DITCH WITCH SALES OF MICHIGAN   | 1,401.60  |
| 138249            | DOTSON, LINDSEY J.              | 50.00     |
| 138250            | DROST LANDSCAPE                 | 12,642.99 |
| 138251            | DVORACEK, SARAH                 | 50.00     |
| 138252            | EDGEWATER RESOURCES LLC         | 5,444.50  |
| 138253            | ELECTIONSOURCE                  | 82.05     |
| 138254            | ELLIOTT, PATRICK M.             | 50.00     |
| 138255            | ELLSWORTH FARMERS EXCHANGE      | 2,966.66  |
| 138256            | GOLDEN HILLS MAPLE SYRUP LLC    | 6.00      |
| 138257            | GRIFFITH, JOHN J                | 50.00     |
| 138258            | HACH COMPANY                    | 535.95    |
| 138259            | HARTFORD, THE                   | 3,365.66  |
| 138260            | HEALTH DEPT OF NW MICHIGAN      | 263.00    |
| 138261            | HERZOG ELECTRIC                 | 290.47    |
| 138262            | HEYDLAUFF, MARK L.              | 50.00     |
| 138263            | HILLING, NICHOLAS A.            | 50.00     |
| 138264            | INTEGRITY BUSINESS SOLUTIONS    | 496.72    |
| 138265            | KLOOSTER, ALIDA K.              | 50.00     |
| 138266            | KNORR, KENT J.                  | 50.00     |
| 138267            | KRAFT BUSINESS SYSTEMS          | 14.68     |
| 138268            | LITTLE TRAVERSE DISPOSAL LLC    | 1,664.00  |
| 138269            | LOUIS A. HOFFMAN NURSERY INC    | 22,519.00 |
| 138270            | MCDERMOTT, DENNIS J.            | 50.00     |
| 138271            | McGINN, KELLY A.                | 50.00     |
| 138272            | MICHIGAN MUNICIPAL LEAGUE       | 18,441.00 |
| 138273            | MILLER, WILLIAM S.              | 50.00     |
| 138274            | NAVIA BENEFIT SOLUTIONS         | 50.00     |
| 138275            | OLSON BZDOK & HOWARD            | 3,379.10  |
| 138276            | ORBAN, BARBARA K.               | 50.00     |
| 138277            | PEARSON, JAMES & SUSAN          | 2,288.15  |
| 138278            | POWER LINE SUPPLY               | 4,159.00  |

| Check Number      | Payee                        | Amount     |
|-------------------|------------------------------|------------|
| 138279            | POWER SYSTEM ENGINEERING INC | 5,847.50   |
| 138280            | PREIN & NEWHOF               | 6,941.77   |
| 138281            | QUILL LLC                    | 41.99      |
| 138282            | R & R PRODUCTS INC           | 497.75     |
| 138283            | SCHOLEY, ROBERT W.           | 50.00      |
| 138284            | SCIENTIFIC BRAKE - GAYLORD   | 450.00     |
| 138285            | SOS ANALYTICAL INC           | 627.00     |
| 138286            | UNIFIRST CORPORATION         | 388.22     |
| 138287            | UP NORTH ASSESSING INC       | 5,300.00   |
| 138288            | UPS                          | 8.21       |
| 138289            | USABLUBOOK                   | 680.98     |
| 138290            | UTILITY FINANCIAL SOLUTIONS  | 7,205.00   |
| 138291            | VISIT CHARLEVOIX             | 10,000.00  |
| 138292            | WURST, RANDALL W.            | 50.00      |
| 138293            | WYMAN, MATTHEW A.            | 50.00      |
| 138294            | YAZAKI NORTH AMERICA         | 34.93      |
| 138295            | YOUNG, KRISTEN L.            | 50.00      |
| Total 12/06/2022: |                              | 240,188.28 |
| Grand Totals:     |                              | 240,188.28 |

| Check Number      | Payee               | Amount   |
|-------------------|---------------------|----------|
| <b>11/21/2022</b> |                     |          |
| 112122001         | ENTERPRISE FM TRUST | 1,916.16 |
| Total 11/21/2022: |                     | 1,916.16 |
| Grand Totals:     |                     | 1,916.16 |

| Check<br>Issue Date | Check<br>Number | Payee                           | Amount    |
|---------------------|-----------------|---------------------------------|-----------|
| <b>112322001</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | **EFTPS* Payroll Taxes          | 9,434.42  |
| 11/23/2022          | 11232200        | **EFTPS* Payroll Taxes          | 9,434.42  |
| 11/23/2022          | 11232200        | **EFTPS* Payroll Taxes          | 2,206.45  |
| 11/23/2022          | 11232200        | **EFTPS* Payroll Taxes          | 2,206.45  |
| 11/23/2022          | 11232200        | **EFTPS* Payroll Taxes          | 12,899.79 |
| Total 112322001:    |                 |                                 |           |
|                     | 5               |                                 | 36,181.53 |
| <b>112322002</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | Alerus Financial                | 250.00    |
| Total 112322002:    |                 |                                 |           |
|                     | 1               |                                 | 250.00    |
| <b>112322003</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | MissionSquare - 401 Plan 109153 | 1,062.00  |
| Total 112322003:    |                 |                                 |           |
|                     | 1               |                                 | 1,062.00  |
| <b>112322004</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | MissionSquare - 457 Plan 300959 | 4,300.00  |
| 11/23/2022          | 11232200        | MissionSquare - 457 Plan 300959 | 2,548.21  |
| 11/23/2022          | 11232200        | MissionSquare - 457 Plan 300959 | 4,154.97  |
| 11/23/2022          | 11232200        | MissionSquare - 457 Plan 300959 | 8,337.51  |
| Total 112322004:    |                 |                                 |           |
|                     | 4               |                                 | 19,340.69 |
| <b>112322005</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | MissionSquare - Roth IRA 706117 | 1,180.76  |
| Total 112322005:    |                 |                                 |           |
|                     | 1               |                                 | 1,180.76  |
| <b>112322006</b>    |                 |                                 |           |
| 11/23/2022          | 11232200        | STATE OF MICHIGAN               | 5,305.51  |
| Total 112322006:    |                 |                                 |           |
|                     | 1               |                                 | 5,305.51  |
| Grand Totals:       |                 |                                 |           |
|                     | 13              |                                 | 63,320.49 |

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| Check Number      | Payee | Amount    |
|-------------------|-------|-----------|
| <b>11/23/2022</b> |       |           |
| 112322007         | MERS  | 56,195.35 |
| Total 11/23/2022: |       | 56,195.35 |
| Grand Totals:     |       | 56,195.35 |

| Check Number      | Payee                        | Amount     |
|-------------------|------------------------------|------------|
| <b>11/25/2022</b> |                              |            |
| 112522001         | MICHIGAN PUBLIC POWER AGENCY | 330,596.01 |
| Total 11/25/2022: |                              | 330,596.01 |
| Grand Totals:     |                              | 330,596.01 |

| Check Number      | Payee                        | Amount    |
|-------------------|------------------------------|-----------|
| <b>11/28/2022</b> |                              |           |
| 112822001         | MICHIGAN PUBLIC POWER AGENCY | 13,230.39 |
| Total 11/28/2022: |                              | 13,230.39 |
| Grand Totals:     |                              | 13,230.39 |

| Check Number      | Payee               | Amount   |
|-------------------|---------------------|----------|
| <b>11/29/2022</b> |                     |          |
| 112922001         | NEOFUNDS BY NEOPOST | 5,000.00 |
| Total 11/29/2022: |                     | 5,000.00 |
| Grand Totals:     |                     | 5,000.00 |

| Check Number      | Payee      | Amount |
|-------------------|------------|--------|
| <b>11/30/2022</b> |            |        |
| 113022001         | DTE ENERGY | 43.57  |
| Total 11/30/2022: |            | 43.57  |
| Grand Totals:     |            | 43.57  |

| Check Number      | Payee                          | Amount    |
|-------------------|--------------------------------|-----------|
| <b>11/17/2022</b> |                                |           |
| 3908              | CHARLEVOIX COUNTY TREASURER    | 21,596.26 |
| 3909              | CHARLEVOIX PUBLIC SCHOOLS      | 27,636.58 |
| 3910              | CHARLEVOIX PUBLIC SCHOOLS      | 1,653.23  |
| 3911              | CHARLEVOIX PUBLIC SCHOOLS      | 1,942.53  |
| 3912              | CHARLEVOIX PUBLIC SCHOOLS      | 454.56    |
| 3913              | CHARLEVOIX PUBLIC SCHOOLS      | 826.57    |
| 3914              | CITY OF CHARLEVOIX - TAXES DUE | 24,630.49 |
| 3915              | LEONARD, PAMELA                | 6.48      |
| Total 11/17/2022: |                                | 78,746.70 |
| Grand Totals:     |                                | 78,746.70 |

**CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT**

| Check Number      | Payee                          | Amount   |
|-------------------|--------------------------------|----------|
| <b>11/30/2022</b> |                                |          |
| 3916              | CHARLEVOIX COUNTY TREASURER    | 743.11   |
| 3917              | CHARLEVOIX COUNTY TREASURER    | 311.89   |
| 3918              | CHARLEVOIX DISTRICT LIBRARY    | 250.55   |
| 3919              | CHARLEVOIX PUBLIC SCHOOLS      | 482.28   |
| 3920              | CHARLEVOIX PUBLIC SCHOOLS      | 58.31    |
| 3921              | CHARLEVOIX PUBLIC SCHOOLS      | 69.32    |
| 3922              | CHARLEVOIX PUBLIC SCHOOLS      | 16.05    |
| 3923              | CHARLEVOIX PUBLIC SCHOOLS      | 28.95    |
| 3924              | CHARLEVOIX-EMMET ISD           | 594.89   |
| 3925              | CITY OF CHARLEVOIX - TAXES DUE | 1,083.98 |
| 3926              | LAKE CHARLEVOIX EMS AUTHORITY  | 220.85   |
| 3927              | RECREATIONAL AUTHORITY         | 48.41    |
| Total 11/30/2022: |                                | 3,908.59 |
| Grand Totals:     |                                | 3,908.59 |

**CHECKS DRAWN ON CHARLEVOIX STATE BANK ACCOUNT**

# Charlevoix City Council

## Consent Agenda

**Title:** Amended and Restated Power Purchase Commitment Authorization

**Date:** December 5, 2022

### **Presented By:**

### **Background:**

Michigan Public Power Agency (MPPA) entered into a Power Purchase Agreement (PPA) with Calhoun Solar Energy, LLC on September 18, 2018. The initial agreement included a commercial operation date of December 2022. The cost was \$39.45 per MWh and included a two percent (2%) annual escalator. The term was 25 years. As a member of MPPA's Energy Services Project committee, Charlevoix would receive a pro-rata share of this renewable energy for its power supply portfolio.

Since the agreement was signed, issues have surfaced that have impacted the cost and commercial operation date. 85% of solar modules or the key materials for the modules come from China and the surrounding region. The United States has implemented a very public set of international trade disputes with China over solar materials and the labor used to make the modules. The disputes include import tariffs (cost increases) and import restrictions ("forced labor" law violations). Inflation has added to the cost increases.

An amendment to the initial agreement would increase the cost to \$42.45 per MWh. This represents an increase in the cost of energy from the project of approximately eight percent (8%). The two percent (2%) annual escalator language will remain in the amended agreement. The commercial operating date would be extended to May 2023. If the agreement is canceled, the commercial operating date would be extended by three to four years and the cost would approach \$60 per MWh. MPPA staff has reviewed other power supply options and recommended that its members execute the Amended and Restated Power Purchase Commitment Authorization. The MPPA Board of Commissioners authorized the amendment at its November 9, 2022, meeting.

### **Recommendation:**

Motion to approve the Amended and Restated Power Purchase Commitment Authorization and authorize John Griffith, Charlevoix's Member Authorized Representative, to sign the agreement as presented.

### **Attachments:**

1. Invenergy Calhoun Solar PPA Amended Restated PPC Authorization - Charlevoix 11.28.2022



## **ENERGY SERVICES PROJECT Amended and Restated Power Purchase Commitment Authorization**

This Amended and Restated Power Purchase Commitment Authorization (“Authorization”) is made and entered into as of \_\_\_\_\_, 2022, by and between MICHIGAN PUBLIC POWER AGENCY (“MPPA”), a public body corporate and politic of the State of Michigan, created pursuant to 1976 PA 448 and the City of Charlevoix (the “Participant”).

WHEREAS, MPPA and Participant previously executed a Power Purchase Commitment (“PPC”) for a percentage of the output of the renewable power supply from the Power Purchase Agreement (“Invenergy Calhoun Solar PPA or PPA”) executed between MPPA and Invenergy Solar Development North America, LLC, whose successor in interest is Calhoun Solar Energy LLC, a Delaware limited liability company (“Invenergy”); and

WHEREAS, MPPA and Invenergy entered into a First Amendment to the PPA on October 23, 2018 to address an edit to the termination calculation in the Defaults and Remedies Section and a Second Amendment on November 13, 2018 to allow for the use of Performance Bonds for Seller Development Security; and

WHEREAS, more recently MPPA and Invenergy mutually negotiated a Third Amendment to the PPA (“Third Amendment”) to resolve potential disputes under the PPA associated with delays to the Commercial Operation Date (“COD”) and a new Contract Rate driven by increased costs of solar modules caused by international trade disputes; and

WHEREAS, the MPPA Board of Commissioners passed a Resolution approving the Third Amendment to the PPA at its November 9, 2022 Board of Commissioner’s Meeting; and

WHEREAS, the Third Amendment changes the Contract Rate and COD in the previously executed PPC between MPPA and Participant; and

WHEREAS, this Amended and Restated Authorization is being executed by Participant as a PPC between the Participant and MPPA for the PPA, as amended, including the Third Amendment to modify the Contract Rate and COD from the previously executed PPC.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, it is agreed by and between the parties hereto as follows:

**Section 1. Solar Power Supply Agreement**

The PPA for the solar facility in Calhoun County is known as the Invenergy Calhoun Solar PPA. MPPA will allocate a pro-rata portion of MPPA's right and obligations contained in the PPA, as amended, to the Participant, as provided in Section 4 of this Authorization.

**Section 2. Delivery Point**

The delivery point for solar power will be located at the solar facility's interconnection point(s) with the transmission system.

**Section 3. Term**

The term of the PPC will begin upon the declared COD currently committed to be no later May 31, 2023 and shall continue for at least 25 years thereafter.

**Section 4. Quantity**

The Participant is allocated the following percentage share of the renewable energy, capacity and environmental attributes provided to MPPA under the PPA:

| <b>MPPA's PPA Installed Capacity</b> | <b>Participant's Allocation Percentage</b> | <b>Participant's Installed Capacity (approximate)</b> |
|--------------------------------------|--------------------------------------------|-------------------------------------------------------|
| 50 MW                                | 1.00%                                      | .5 MW                                                 |

"MPPA's PPA Installed Capacity" shall mean 50 MW, which may be reduced if Commercial Operation is declared with less than 50 MW of Installed Nameplate Capacity (but for avoidance of doubt, no less than 45 MW). If MPPA's PPA Installed Capacity is reduced, Participant's Installed Capacity will be reduced by MPPA's PPA Installed Capacity total reduction multiplied by Participant's Allocation Percentage.

**Section 5. Product**

Energy, Capacity and Environmental Attributes.

**Section 6. Price**

Each Participant will pay to MPPA the Contract Rate for each Contract Year of the PPA as depicted in Exhibit A attached hereto multiplied by the Quantity allocated to the Participant.

**Section 7.     Energy Services Agreement**

This Authorization is subject to the terms and provisions of the Energy Services Agreement (“ESA”). In the event the terms of this Authorization conflict with the ESA, the ESA shall control.

**Section 8.     Evidence**

Authority of the Participant’s Member Authorized Representative to execute this Authorization is evidenced through the Participant resolution passed appropriately by the Participant’s governing body or through the meeting minutes of the Participant’s governing body where approval was granted to the Member Authorized Representative to execute this Authorization.

**Section 9.     Effectiveness**

This Authorization is not effective until MPPA has received a sufficient number of executed Amended and Restated authorizations from the other MPPA members who have their own PPC under the PPA.

\_\_\_\_\_  
Member Authorized Representative

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

## EXHIBIT A

### CONTRACT RATE

| Contract Year         | Contract Rate<br>(\$/MWh) |
|-----------------------|---------------------------|
| Annual Escalation: 2% |                           |
| Year 1                | 42.45                     |
| Year 2                | 43.30                     |
| Year 3                | 44.16                     |
| Year 4                | 45.05                     |
| Year 5                | 45.95                     |
| Year 6                | 46.87                     |
| Year 7                | 47.81                     |
| Year 8                | 48.76                     |
| Year 9                | 49.74                     |
| Year 10               | 50.73                     |
| Year 11               | 51.75                     |
| Year 12               | 52.78                     |
| Year 13               | 53.84                     |
| Year 14               | 54.91                     |
| Year 15               | 56.01                     |
| Year 16               | 57.13                     |
| Year 17               | 58.27                     |
| Year 18               | 59.44                     |
| Year 19               | 60.63                     |
| Year 20               | 61.84                     |
| Year 21               | 63.08                     |
| Year 22               | 64.34                     |
| Year 23               | 65.63                     |
| Year 24               | 66.94                     |
| Year 25               | 68.28                     |

# Charlevoix City Council

## Consent Agenda

**Title:** 500 kVA Transformer: \$35,887.23

**Date:** December 5, 2022

**Presented By:**

**Background:**

An industrial customer for the Charlevoix Electric Department is upgrading its electric service to 800 amperes at 480 volts. A new pad mounted transformer is needed to accommodate their expansion. Through its Vendor Managed Inventory Agreement with Power Line Supply, Reed City, Michigan, the Electric Department received two quotes. The quotation from Howard Industries was the lowest responsive bid.

**Recommendation:**

Motion to approve the purchase of one (1) 500 kVA pad mounted transformer from Power Line Supply, Reed City, Michigan in the amount of \$35,887.23 with an estimated delivery of December 15, 2023.

**Attachments:**

1. Copy of 500 kVA Bid Tabulation 11.28.2022

500 kVA Pad Mount Transformer  
28-Nov-22

| Manufacturer                   | 12.47GRDY/7.2 kV | 95 kV BIL | 480Y/277 V | 30 kV BIL | Price        | Warranty <sup>2</sup><br>Months | Delivery<br>Weeks | FOB              |
|--------------------------------|------------------|-----------|------------|-----------|--------------|---------------------------------|-------------------|------------------|
| Howard Industries <sup>1</sup> | X                | X         | X          | X         | \$ 35,887.23 | 12 - 18                         | 52 - 54           | Destination, F/A |
| WEG Transformers               | X                | X         | X          | X         | \$ 31,540.00 | 12 - 18                         | 84 - 86           | Destination, F/A |
|                                |                  |           |            |           |              |                                 |                   |                  |
|                                |                  |           |            |           |              |                                 |                   |                  |
|                                |                  |           |            |           |              |                                 |                   |                  |
|                                |                  |           |            |           |              |                                 |                   |                  |
|                                |                  |           |            |           |              |                                 |                   |                  |
|                                |                  |           |            |           |              |                                 |                   |                  |

Notes

1) Recommended bid based on delivery.

2) 12 months after installation, not to exceed 18 months from date of shipment

# Charlevoix City Council

## Reports and Communications

**Title:** City Manager's Comments

**Date:** December 5, 2022

**Presented By:**

**Background:**

### **A. Northside Paving Work**

As you know, we completed repaving work on several north side street projects this fall. This project came in at approximately \$14,000 under the approved amount of \$220,000. I appreciate Pat Elliott overseeing this project and ensuring we get the best deal while providing an improvement to our infrastructure.

### **B. Long Lead Times**

Early in 2020, we ordered a chassis for a replacement plow/dump truck. We learned this week that delivery is not projected now until 2024 and the price has increased \$7,000. In spite of this, we believe waiting is worth it since the supply chain is not likely to improve anytime quickly for these vehicles.

### **C. Staffing Update**

Searches are underway for the Chief of Police. Frank Walsh planned to begin publicizing this position this week in accordance with our agreement for the recruitment process. I appointed Bill Miller to be the Interim Airport Manager; Matthew Wyman's last day with the City is December 2. This position is also posted and we have begun receiving some applications.

### **D. Legislative Lame Duck Session**

The Michigan Legislature is set to wind down its session--as early as next week. Currently, no session days are scheduled after December 7. There may be some legislative action on items where a wide consensus is reached, but most observers predict little appetite for controversial topics yet this term, including short-term rental legislation. We shall see how the remainder of the term concludes.

**Recommendation:**

**Attachments:**

1. Board of Canvassers of the County of Charlevoix- November 8, 2022 Election
2. DDA Meeting Minutes from 10/24/2022

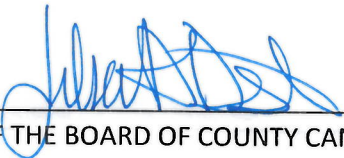
STATE OF MICHIGAN )  
 )ss  
CHARLEVOIX COUNTY )

Page 35 of 44

SEAL

Yigit Dab a  
Ashka Bardin  
Meria Goodrich  
Huen Klues - Sg

ATTEST:

  
CLERK OF THE BOARD OF COUNTY CANVASSERS

**City of Charlevoix**  
**Downtown Development Authority Meeting minutes**  
**Monday, October 24, 2022 - 5:30 PM**  
Council Chambers, City Hall

**1. Call to Order**

The meeting was called to order at 5:30 p.m. by Chair Owens.

**2. Pledge of Allegiance**

**3. Roll Call**

Chair: Maureen Owens

Members Present: Sam Bingham, Kirby Dipert, Liam Dreyer, Mayor Luther Kurtz, Annie Oosthuizen, Paul Silva

Members Present: Ron Way

Members Absent:

Absent:

Staff Present: Lindsey Dotson, DDA Executive Director; Mark Heydlauff, City Manager

**4. Inquiry Regarding Conflicts of Interest**

**5. Consent Agenda**

Member Dreyer stated regarding the draft minutes (from September 26, 2022 under Section B. DDA Restructuring), he would have made a motion to rescind if he had been given the correct information by Member Dipert. Chair Owens stated that she contacted Eleanor "Coco" Siewart, Professional Registered Parliamentarian for the Michigan Municipal League, regarding the motion and if the motion could in fact could have been made. After consulting with Ms. Siewart, Ms. Owens stated that any member could have rescinded the motion at the next meeting, however since action had been taken regarding the motion, the motion could not have been made. Action was taken by the DDA submitting the letter requesting to graduate from MMS and then the State acknowledged the letter with the next steps. Member Dreyer requested the minutes be amended to include, "Member Dipert stated that a motion to rescind can be made anytime within a reasonable period of time but it has to be done by someone voting in the affirmative. Ms. Owens stated that any member of the board could have made a motion to rescind at the next meeting if no action was taken; however, the decision stands according to Robert's Rules.

Motion by Mayor Kurtz, seconded by Member Bingham to approve the Consent Agenda with the Regular Meeting minutes of September 26, 2022 amended as discussed.

**Motion carried by unanimous voice vote.**

**A. DDA Financial**

Motion to approve the Financial Report as presented.

**B. Minutes - Regular Meeting**

Motion to approve the minutes as amended.

**C. Monthly Reports to MEDC**

Motion to approve the August & September 2022 Monthly Reports to MEDC as presented.

D. Annual Report to Treasury

Motion to approve the Annual Report to Treasury (FY 22 TIF District PA 57 Annual Report Charlevoix) as presented.

E. Minutes - Work Session

Motion to approve the work session minutes of September 23, 2022 as presented.

**6. Reports**

A. Director's Report

Lindsey Dotson, DDA Director

Director Dotson asked if any Board Members were interested in attending the State of the Community on November 2, 2022, and if needed, she could arrange for a table for DDA members. Director Dotson announced that on September 27, 2022, there was the ribbon cutting for Bella's Pizzeria. Chair Owens questioned a comment made by Director Dotson that Redevelopment Ready Communities certification and/or engagement is no longer required to receive state funding and/or incentives. Director Dotson stated that MEDC had stated that because there were so many communities that were either engaged or certified in the RRC program, there was no longer a requirement for funding or incentives.

**7. Old Business**

A. Mason Street Infrastructure Updates

Mark Heydlauff, City Manager

City Manager Mark Heydlauff reviewed the background information provided in the agenda packet regarding the Mason Street infrastructure upgrades. He stated the reconstruction of Mason Street is necessary to reconstruct the rest of Antrim Street and it also made sense to look at the Mason Street parking lot. He stated it would be the recommendation of City staff to publish the bid for the construction of Mason Street in December with bidding on the parking lot as an alternative (cost estimate of \$500,000 for the street itself and \$700,000 for the parking lot). Mr. Heydlauff responded to questions from the Board Members and discussion followed regarding a potential contribution from DDA funding towards this project.

Chair Owens opened the item for public comment, none were heard.

Motion by Member Dipert, seconded by Mayor Kurtz to offer \$100,000 from DDA funds toward the enhancement project and alleyway off Mason Street. Mayor Kurtz requested to amend the motion to include all of the pavers on Mason Street that are included in the Alleyway Improvement Plan and that it has to be completed in 2023, seconded by Dipert.

Yeas: Bingham, Dreyer, Dipert, Kurtz, Oosthuizen, Owens, Silva

Nays: None

Absent: Way

**Motion carried.**

B. Budget Obligations Update

Lindsey Dotson, DDA Director

Mayor Kurtz questioned the cost for the remainder of the design/engineering costs for the remainder of the alleyways in the Alleyway Improvement Plan and Mr. Heydlauff stated that typically the cost for design/engineering services is 7-10% of the total cost of the project. Mr. Heydlauff stated that the VanPelt Alley portion included going from asphalt to brick pavers and not underground utility work, and his estimate for those engineering costs would be \$50,000. The Board concurred to add this item to the discussion for the upcoming budget.

Chair Owens stated that they were going to add \$50,000 for the engineering costs associated with Van Pelt Alley and the other half from Clinton to Mason to the Future Commitments portion of the budget. Director Dotson stated that she had removed the Library contribution amount of \$58,500 from the Future Commitments and the Chamber line should reflect \$15,000 rather than \$1,500. Discussion followed regarding housing incentives.

Mayor Kurtz left the meeting at this time (6:31 p.m.) and thanked everyone as this was his last DDA meeting.

Chair Owens opened the item for public comment, none were heard.

C. Portable Restrooms

Lindsey Dotson, DDA Director

Director Dotson reviewed two estimates from companies that could provide different types of port-a-john units. Member Silva stated that he had brought this up as a need due to a shortage of public restrooms in the downtown area and they were exploring the idea of a permanent structure with plumbing and electrical which came up to an estimated cost of over \$100,000 and then the discussion changed to providing nicer port-a-johns. Discussion followed regarding potential locations for the port-a-johns.

D. Downtown Housing Incentive Program

Lindsey Dotson, DDA Director

The item was previously discussed.

**8. New Business**

A. Igloos

Lindsey Dotson, DDA Director

Director Dotson summarized the history and issues regarding the igloos used in the winter. The proposed new location for the igloos is the patio space of J. Bird Provisions. Discussion followed regarding borrowing, selling or renting the igloos to J. Bird Provisions.

Chair Owens opened the item for public comment, one was heard.

Motion by Member Dipert, seconded by Member Oosthuizen to ask the Parks Department if they have an interest in the igloos and if that doesn't work, then allow J. Bird Provisions the opportunity to make an offer to purchase the igloos.

**Motion carried by unanimous voice vote.**

B. Renewal of Property Management Agreement

Lindsey Dotson, DDA Director

Motion by Member Bingham, seconded by Member Oosthuizen to approve the renewal of the property management agreement in its current form for another year with Northwest Rentals for the Bridge Park Building.

**Motion carried by unanimous voice vote.**

**9. Public Comment**

**10. Request for Future Agenda Items**

**11. Board Comments**

**12. Adjourn**

The meeting was adjourned at 6:51 p.m.

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Sarah J. Dvoracek/fgm    City Clerk

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Maureen Owens                      Chair

**CHARLEVOIX DDA MISSION**

The mission of the DDA is to strengthen the year-round economic vitality of our vibrant historic business district through community efforts, events, and public/private partnerships while fostering a sense of community pride and ownership.

# Charlevoix City Council

## Other Council Business

**Title:** Freedom of Information Act Appeal

**Date:** December 5, 2022

**Presented By:** Mark Heydlauff, City Manager  
Sarah Dvoracek, City Clerk

### Background:

On November 2, the City received a FOIA request from Annie Doyle. The request was for the following documents:

- a copy of former police chief Gerard Doan's personnel file
- any and all complaints against Gerard Doan from Jan. 1, 2017, to Nov. 1, 2022 (5 years)
- any and all performance reviews for Gerard Doan from Jan. 1, 2017 to Nov. 1, 2022 (5 years)
- any and all communications, electronic or otherwise, between elected officials that might have discussed Gerard Doan's performance or employment in their city emails or that contain the key words "police chief" or "Gerard Doan" between the dates of Oct. 1, 2022, to Nov. 1, 2022

The City consulted with our City Attorneys and they recommended that we deny the request for the personnel file, complaints, and performance reviews because the public interest in disclosure does not outweigh the public interest in non-disclosure. Ms. Doyle was provided all communications between elected officials discussing Gerard Doan's performance or employment.

On November 22, the City received an appeal from Ms. Doyle (see attached). Per the law, Ms. Doyle can appeal the original decision to deny the request for records to the governing body. The Council has 10 business days after receiving a written appeal to do one of the following:

- (a) Reverse the disclosure denial.
- (b) Issue a written notice to the requesting person upholding the disclosure denial.
- (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
- (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

### Recommendation:

Motion to grant the appeal with personal information redacted.

### Attachments:

1. 2022.11.21 FOIA APPEAL DOYLE
2. 2022-03-17 Memo re FOIA appeal of Doan personel file

## Sarah Dvoracek

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**From:** Doyle, Anne <adoyle@charlevoixcourier.com>  
**Sent:** Monday, November 28, 2022 4:53 PM  
**To:** Sarah Dvoracek; Mark Heydlauff  
**Cc:** Leach, Sarah  
**Subject:** FOIA appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Dvoracek:

This is an appeal under the Freedom of Information Act.

My initial request was made on Nov.2 for the following:

1. a copy of former police chief Gerard Doan's personnel file
2. any and all complaints against Gerard Doan from Jan. 1, 2017, to Nov. 1, 2022 (5 years)
3. any and all performance reviews for Gerard Doan from Jan. 1, 2017 to Nov. 1, 2022 (5 years)
4. any and all communications, electronic or otherwise, between elected officials that might have discussed Gerard Doan's performance or employment in their city emails or that contain the key words "police chief" or "Gerard Doan" between the dates of Oct. 1, 2022, to Nov. 1, 2022

I received a response to my request in a letter signed by you on Nov. 21. It stated the records listed 1 through 3 were exempt from FOIA pursuant to MCL 15.243(1)(s)(ix) and that "the public interest in disclosure does not outweigh the public interest in non-disclosure."

As you know, it is not simply enough to respond to a FOIA request quoting the statute. That is particularly true here, where there is an important public interest involved.

I appeal the decision to deny my request, as disclosure of the documents I requested in is in the public interest because the information is likely to contribute significantly to public understanding of the operations or activities of government; specifically, of possibly pervasive misconduct on the part of a high-level city official who has been accused of wrong doing.

I request you release the withheld documents. The public interest in their release outweighs the public interest in withholding them because a better look into any possible past behavior similar to what is being alleged currently is vital for government accountability and the public's right to know. Given that the personnel files of officials paid with public money are subject to public disclosure, the details contained in the documents requested are particularly important as they might shed light on Doan's activities beyond the most recent complainant and any larger organizational issues within the city's police department that may have resulted from his actions.

If you need to discuss this request, I can be reached at (231) 675-0099. Thank you for your consideration of this appeal.

Sincerely,

**Annie Doyle**

News Editor, Charlevoix Courier  
Staff Writer, Petoskey News-Review  
(231) 675-0099

GANNETT

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To: Charlevoix City Council  
From: Scott Howard  
Date: December 5, 2022  
Re: FOIA Request for Doan Personnel File

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A Freedom of Information Act request has been filed seeking the disclosure of former Chief Doan's personnel file. The request was originally denied as personnel records of law enforcement agencies are not subject to disclosure unless the disclosure is in the public interest. The statute specifically states that personnel records of law enforcement agencies may be exempt from disclosure under the FOIA "Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance...."

The City Council has the authority to determine whether disclosure of the personnel files in question would be within the public interest. While it is my opinion that the original denial is supported by the FOIA statute and accompanying case law, I am also of the opinion that there are sufficient facts for Council to determine that the public interest supports disclosure in this instance. Those facts include Council's decision to release a summary of the investigation into former Chief Doan's conduct in office and the conclusions resulting from that investigation. The original denial of the request was prior to the release of the summary of the investigation. Also potentially weighing in favor of disclosure is the fact that former Chief Doan has retired from his position and is no longer an employee of the City Police Department.

In light of these circumstances, it is my opinion that there are sufficient facts for Council to conclude that disclosure of the personnel files would be in the public interest. If Council agrees, then the appropriate action would be for Council to authorize the release of former Chief Doan's personnel file, subject to review by legal counsel to redact any information that needs to be redacted (items like social security numbers or personal financial information).