

September 5, 2017

Mayor Brown called the eighteenth meeting of the eighty-fourth Harbor Springs City Council to order at 7:00 p.m. in the City Council Chambers at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

1. Roll Call and Verification of Quorum

City Council:

Present: William M. Brown Jr., Matthew Bugera, John L. Cupps, and Pringle Pfeifer

Absent: Jeff V. James

City Clerk Whitaker stated that a quorum was present.

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Chief Kyle Knight, Officer Josh Johnston, DDA Administrator Rachel Smolinski, and City Clerk Nick Whitaker

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

Minutes for the August 21, 2017 regular City Council Meeting were presented for approval. No corrections were made. A motion to approve the minutes as presented was entertained.

# 8506 – Motion by Cupps, second by Bugera, to approve the minutes of the August 21, 2017, regular City Council Meeting as read.

Ayes – 4

Nays – 0

Absent – James

Motion carried.

B. Approval of Bills

The bills on the following vouchers, as listed below, have been examined. It has been recommended that they be approved for payment from the following funds:

<u>Voucher number</u>	<u>Description</u>	<u>Payment</u>	<u>Fund</u>	<u>Amount</u>
8534	Payroll	P.P.E. 8/20/17	General	\$42,448.20
			Major St.	\$686.55
			Local St.	\$965.35
			Historical	\$920.88
			Electric	\$13,285.78
			Water/Sewer	\$5,793.29
			Waterfront	\$7,430.73
			Equipment	\$2,279.05
8535	Wire	MPPA 8/22/17	Electric	\$29,242.71
8536	Wire	MPPA 8/29/17	Electric	\$30,050.10
8537	Council	Accounts Payable 9/5/2017	General	\$35,417.41
			Major St.	\$551.54
			Local St.	\$265.63
			Historical	\$43.29
			Electric	\$22,182.42
			Water/Sewer	\$15,101.76
			W.T. Water	\$11,034.55
			Waterfront	\$5,352.78
			Equipment	\$10,993.82

BE IT RESOLVED that claims on vouchers 8534 through, and including, voucher number 8537 as checked by the Finance Committee, in the amount of \$234,045.84 be allowed for payment, and the Mayor and the City Manager are hereby authorized to execute warrants to be drawn on the following funds:

General	\$77,865.61
Major St.	\$1,238.09
Local St.	\$1,230.98
Historical	\$964.17
Electric	\$94,761.01
Water/Sewer	\$20,895.05
W.T. Water	\$11,034.55
Waterfront	\$12,783.51
Equipment	\$13,272.87
Totals	<u>\$234,045.84</u>

# 8507 – Motion by Bugera, second by Pfeifer, to approve the bills in the amount of \$234,045.84

Ayes – 4  
Nays – 0  
Absent – James

Motion carried.

### 3. Citizen Comments

Police Chief Kyle Knight updated Council on the status of the investigation into larcenies from several vehicles that were reported the morning of August 14, 2017. Since that time two suspects have been identified and will be charged. Both suspects are sixteen year old Harbor Springs residents. Chief Knight credited Officer Josh Johnston for his outstanding investigative work on the case.

### 4. City Manager's Section

#### A. 405 Glenn Dr. Right-of-Way Obstacle/Obstruction Violation – Consideration of Code Exception/Agreement

City Manager Richards gave a briefing on the background of the obstruction/violation on Glenn Dr. stating that Council previously requested City Attorney Ramer to make a recommendation that would allow the wall/fence to remain at 405 Glenn Drive. City Attorney Ramer advised that he had drafted an agreement for Council's consideration to allow the obstruction to remain. Mayor Brown asked if members of Council had a chance to review the draft agreement and if there were any questions. No questions or discussion followed. City Attorney Ramer stated that if Council generally approved the proposed agreement, which would enable the property owner to maintain the encroachment, it would be presented to the property owners and their legal representative for consideration.

#8508 – Motion by Cupps, second by Brown, to generally approve the Agreement and to authorize City Attorney Ramer to present the Agreement to the owners of 405 Glenn Drive and their legal representative for review that would allow the wall and fence at 405 Glenn Drive to remain.

Ayes – 2 (Cupps, Brown)  
Nays – 2 (Bugera, Pfeifer)  
Absent – James

Motion failed.

Discussion followed to bring the question up for consideration at the next regular meeting.

B. Request to Underground Aerial Electric Lines – Consideration of Approval

City Manager Richards reviewed the City's 2007 adopted policy which allows property owners to underground the ariel high voltage distribution lines near their property at the expense of the property owner. The request for approval from the property owner of 1351 Fern Ave. to convert the overhead electric lines adjacent to his property was discussed and the builder representing the property owner, John Kane, briefly discussed the project. No objections were made to the approval.

#8509 - Motion by Cupps, second by Brown, to approve the application for 1351 Fern Ave., allowing the conversion of overhead electric distribution lines to underground as presented.

Ayes – 4  
Nays – 0  
Absent – James

Motion carried.

C. Zorn Park Cannon – Consideration of Historical Plaque

City Manager Richards presented the proposal received from the Harbor Springs Historical Society to provide and install a historical plaque near the base of the cannon at Zorn Park which would educate the public about the historic importance of the cannon. The plaque, to be purchased, installed, and maintained by the Historical Society would be affixed to the cement base of the cannon so that it does not create an obstruction.

#8510 - Motion by Cupps, second by Pfeifer, to approve the request from the Harbor Springs Historical Society to install a plaque on the base of the cannon at Zorn Park.

Ayes – 4  
Nays – 0  
Absent – James

Motion carried.

D. Sewage Authority – Consideration of Bond Refinancing Approvals

City Manager Richards explained the resolution presented authorizing the contract for refinancing/refunding of the Harbor Springs Area Sewage Disposal Authority bonds. City Clerk Whitaker provided further explanation, stating that the Sewage Authority would benefit from approximately \$350,000 debt expense reduction due to today's lower interest rates.

#8511 - Motion by Cupps, second by Pfeifer, to adopt the resolution and approve authorizing the contract as presented for the refinancing/refunding of the Harbor Springs Area Sewage Disposal Authority bonds.

Ayes – 4  
Nays – 0  
Absent – James

Motion carried.

5. Manager's Report

City Manager Richards reviewed his Manager's Report and briefed Council on the status of the following:

- the sale of surplus equipment by sealed bid, as advertised in local publications;
- the crosswalk at Main St. and Nelson;
- a new handicap parking spot on eastbound Main St. at Judd.;

- the new M-119 directional signage;
- the replacement of guardrails on Lake St.;
- the recent Ford Explorer advertising photo shoot in the downtown area;
- the investigation of larcenies from parked vehicles, as previously addressed by Chief Knight;
- the completion of the Peffer well pump installation and energy efficiency incentive payment;
- and, the new cleaning service at four City buildings.

City Manager Richards indicated the schedule for the City's upcoming Board and Commission meetings:

- DDA/PSD – Thursday, September 7, 2017 at 8:00 a.m.
- Zoning Board of Appeals – Wednesday, September 13, 2017 5:30 p.m.
- Planning Commission – Thursday, September 21, 2017 at 6:00 p.m.
- Harbor Commission – Wednesday, October 18, 2017 4:00 p.m.

#### 6. Appointments

None

#### 7. Old and New Business

Mayor Brown discussed concerns, as previously addressed by City Manager Richards, about community event banners that are hung across Main St. Discussion followed about the integrity and safety of power poles used to hang the banners, the associated cost for hanging the banners, and other potential options to consider in the future. No action was taken.

Mayor Brown asked for an update on the utility pole replacement on Third St. City Manager Richards responded, stating that once the telecom utilities have removed their attachments and the streets are not so crowded with parked cars, the Electric crew would be able to remove the remaining poles.

Mayor Brown also asked about the Judd St. retaining wall project, City Manager stated that it is scheduled for this fall.

Mayor Brown commented on the top boardwalks in Michigan.

Mayor Brown opened the discussion for additional comments and invited public comment, there was none.

#### 8. Next Meeting

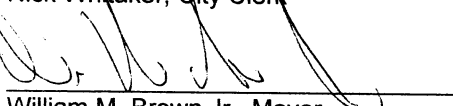
City Manager Richards stated the next regular City Council Meeting is scheduled for 7:00 p.m., Tuesday, September 18, 2017.

#### 9. Adjournment

With no further business, Mayor Brown adjourned the meeting at 7:26 p.m.

  
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Nick Whitaker, City Clerk

Approved: September 18, 2017

  
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William M. Brown Jr., Mayor

Attachments page 1 of 2

Resolution Approving Refunding Contract for Harbor Springs Area Sewage Disposal Authority Bond Refunding

## RESOLUTION APPROVING REFUNDING CONTRACT

City of Harbor Springs  
County of Emmet, State of Michigan

September 5, 2017

Minutes of a regular meeting of the City Council (the "Governing Body") of the City of Harbor Springs, County of Emmet, State of Michigan (the "Local Unit"), held on the 5th day of September, 2017, at 7:00 o'clock p.m., prevailing Eastern Time.

PRESENT: Members: William M. Brown, Jr., Matthew Bugera, John L. Cupps,  
and Pringle Pfeifer

ABSENT: Members: Jeffrey V. James

The following preamble and resolutions were offered by Member John L. Cupps and supported by Member Pringle Pfeifer.

WHEREAS, it is deemed necessary to refund certain maturities of the Harbor Springs Area Sewage Disposal Authority's Sewage Disposal System Bonds, Series 2011 (Limited Tax General Obligation) (the "Prior Bonds") so as to produce interest savings to the Local Unit; and

WHEREAS, a Refunding Contract has been prepared between the Local Unit and the Harbor Springs Area Sewage Disposal Authority (the "Authority") to provide for the refunding of certain of said Prior Bonds; and

WHEREAS, this Governing Body has carefully reviewed the proposed Refunding Contract and finds that it provides the best means for accomplishing the necessary savings to the Local Unit.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Approval of Refunding Contract. The Refunding Contract, described in the preamble to this resolution, is approved, and the Mayor and the City Clerk of the Local Unit are directed to execute and deliver the Refunding Contract on behalf of the Local Unit.

2. Treasury Filings. The City Manager and Comptroller/Treasurer of the City (each, an "Authorized Officer") are each hereby authorized to file a Qualifying Statement with the Michigan Department of Treasury (the "Department") in accordance with Act 34, Public Acts of Michigan, as amended. In the event the City is not granted qualified status by the Department, each Authorized Officer is hereby authorized to file for prior approval of the bonds from the Department and to pay the fees relating thereto. Each Authorized Officer is further authorized to apply for any waivers or other orders from the Department as may be necessary or advisable to issue, sell and deliver the bonds as contemplated herein and to pay any filing fees related thereto.

