

August 1, 2016

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

1. Roll Call and Verification of Quorum

City Council:

Present: Pringle Pfeifer, Matt Bugera, John L. Cupps, Alan J. Dika and Jeffrey V. James

Absent: None

City Clerk McRae stated that a quorum was present.

Also Present: City Manager Thomas C. Richards, City Attorney James T. Ramer, Police Chief Daniel J. Branson and City Clerk Ronald B. McRae

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

#8375 – Motion by James, second by Cupps, to approve the minutes of the July 18, 2016 regular City Council Meeting as read.

Ayes – 5

Nays – 0

Motion carried.

B. Approval of Bills

I have examined the bills appearing on the vouchers listed below and recommend they be allowed and payment made from the following funds:

<u>Voucher Number</u>	<u>To or For</u>	<u>Description</u>	<u>Fund</u>	<u>Amount</u>
8386	Payouts	Trust 7/1-15/16	Trust	\$913,487.62
8387	WIRE	MPPA 7/20/16	Electric	\$33,384.00
8388	WIRE	MPPA 7/26/16	Electric	\$35,842.00
8389	PAYROLL	P.P.E 7/24/16	General	\$68,317.22
			Major St.	565.09
			Local St.	743.88
			Historical	920.88
			Electric	11,089.84
			Water & Sewer	8,991.80
			Waterfront	6,538.97
			Equipment	2,605.99

<u>Voucher Number</u>	<u>To or For</u>	<u>Description</u>	<u>Fund</u>	<u>Amount</u>
8390	A/P	COUNCIL 8/1/16	General	\$21,056.29
			Major St.	4,685.00
			Local St.	4,685.00
			Historical	22,950.39
			DDA/PSD	0.00
			Electric	13,221.48
			Water & Sewer	4,425.21
			Waterfront	4,653.90
			Equipment	3,970.90

THEREFORE, BE IT RESOLVED that claims on vouchers 8386, 8387, 8388, 8389, and 8390, as checked by the Finance Committee, in the amount of \$1,164,135.98 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	\$89,373.51
Major St.	5,250.09
Local St.	5,428.88
Historical	23,871.27
DDA/PSD	0.00
Electric	95,537.84
Water & Sewer	13,417.01
West Traverse Water	0.00
Waterfront	11,192.87
Weather Buoy	0.00
Equipment	6,576.89
Trust	913,487.62
Totals	\$1,164,135.98

#8376 - Motion by James, second by Cupps, to approve the bills in the amount of \$1,164,135.98.

Ayes – 5
 Nays – 0

Motion carried.

3. Citizen Comments

Maurice Dunne, a Wequetonsing resident, stated that parking for downtown visitors becomes a problem during the regatta when many of the downtown and waterfront parking spaces are taken up by regatta participants and crew members. He asked for the regatta organizers find a way to improve the situation in the future.

4. City Manager's Section

A. DDA – PSD Revised District Projects

City Manager Richards stated that City Council adopted a Resolution approving the District Project recommended by the DDA / PSD Board. The elements of the project are proposed to be funded through a special assessment on all non-residential properties located within the boundaries of the DDA / PSD boundaries.

City Manager Richards stated that the three elements of the project are:

- Administration services for the DDA / PSD including research, development and implementation of goals, initiatives and activities within the City of Harbor Springs DDA / PSD; and,
- The development and implementation of a wayfinding system within the City of Harbor Springs DDA / PSD to assist with navigation, branding, and to maintain consistency with informational and directional signage; and,
- Planning and implementation of holiday lighting on the portion of Third Street located within the City's PSD.

City Manager Richards recommended that the "Resolution Declaring Tentative Necessity and Tentative Intent to Proceed with the Project and Setting the Public Hearing" should be approved this evening. Further, the public hearing for the DDA / PSD Project will be scheduled for mid-September.

City Council discussed this issue with City Manager Richards. After the discussion, the following motion was offered:

#8377 – Motion by James, second by Cupps, to adopt the "Resolution Declaring Tentative Necessity and Tentative Intent to Proceed with the Project and Setting the Public Hearing" and to schedule the required Public Hearing on Monday, September 19, 2016.

Ayes – 5
Nays – 0

Motion carried.

B. Sidewalk Cafe Operations – Recommendation to Extend Evening Time Limits

City Manager Richards stated that at the June Planning Commission, the Planning Commission considered some proposed amendments to the ordinance that permits and regulates outdoor food service on the public sidewalk. Currently the Paper Station and Muer's Kitchen are permitted for sidewalk cafe dining under the new rules.

City Manager Richards stated that at the June meeting, the Planning Commission found only one item that they supported changing, and that was the hours of operation. The Planning Commission proposed that Council allow the sidewalk cafés to operate until midnight. Previously the limit was set at 11:00 PM.

City Manager Richards stated that Ordinance No. 400 changes the code to allow sidewalk cafés to remain open until 12:00 midnight.

#8378 – Motion by Cupps, second by James, to approve Ordinance No. 400, which extends the operation time of the sidewalk cafés to 12:00 midnight.

Ayes – 5
Nays – 0

Motion carried.

C. Purchase of a Postage Machine

City Manager Richards stated that the City Clerk has researched the purchase of a postage machine to replace the old postage machine that had failed recently. Staff recommended replacing the 15 year old machine rather than investing in a replacement for the critical circuit board that had failed.

City Manager Richards stated that two machines were quoted. They were:

- A Pitney Bowes 1000 which would process 180 letters per minute; and,
- A Neopost IN 760 which would process 175 letters per minute.

The Neopost has an initial cost of \$5,543.00. The Pitney Bowes has an initial cost of \$7,419.

City Manager Richards stated that staff has been pleased with the service and reliability it has experienced with the Neopost – Hasler Machines.

City Council discussed the postage machine quotes. After the discussion, the following motion was offered:

#8379 – Motion by James, second by Bugera, to authorize the purchase of the Neopost Postage Machine at a cost of \$5,543.

Ayes – 5

Nays – 0

Motion carried.

5. City Manager's Report

A. Utility Bills

City Manager Richards stated that an error was made in the preparation of the utility bills. On six (6) of the eight routes billed, some charges were not included on the last bills. To remedy this issue, a letter will be mailed to all of the effected customers explaining the error and advising them that the unbilled amounts can be paid now or they will be included in their next bills.

B. Audit Presentation Delay

City Manager Richards stated that the 2015 audit has been completed, except for some required "Other Post Retirement Employee Benefits" ("OPEB") actuarial/audit information which is needed from another firm. The City Clerk explained that the information should be received shortly so that the final audit can be presented soon.

C. Food Trucks – Consideration of 2017 Operations

City Manager Richards stated that he was aware of concerns expressed by a small number of local property owners about the operation of Food Trucks on East Bay Street. He asked Council Members if they wanted to consider making possible amendments to the portable food vendor rules and policies for 2017. City Manager Richards stated that he believed that changing the operational policies in the mid-year of 2016 was not appropriate due to the fact that the operators have signed agreements based on the current rules offered by the City.

Following a brief discussion, City Manager Richards offered to prepare some background for a September review and discussion about the rules and regulation of portable food vendors for the 2017 season.

There was no other action taken by City Council on this issue.

D. Schedule of Up-Coming Board and Commission Meetings

City Manager Richards reviewed the upcoming Board and Commission meetings. The schedule is as follows:

- The DDA / PSD Board will be meeting at 5:30 p.m., Wednesday, August 17, 2016 in the City Council Chambers at City Hall, 160 Zoll Street, Harbor Springs, MI 49740.
- The Harbor Commission will be meeting at 4:00 p.m., Wednesday, August 10, 2016 in the City Council Chambers, 160 Zoll Street, Harbor Springs, MI 49740.
- The Zoning Board of Appeals will be meeting at 5:30 p.m., Wednesday, August 10, 2016 in the City Council Chambers at City Hall, 160 Zoll Street, Harbor Springs, MI 49740.
- The Planning Commission will be meeting at 6:00 p.m., Thursday, August 18, 2016 in the City Council Chambers at City Hall, 160 Zoll Street, Harbor Springs, MI 49740.

E. Police Department Report

City Manager Richards stated that the Police Department Report for the July 2016 activity is in the City Council packets.

F. Street Musique Fund Raiser

City Manager Richards mentioned the request included the meeting packet, to approve the temporary location of food trucks on Main Street for the Car Festival event. He said the request was being withdrawn since the Chamber of Commerce could not come to agreement with the Car Festival event coordinator.

G. Sale of Fireplace

City Manager Richards stated that an employee asked if he could purchase a fireplace that was located at the Ford Park Building. The fireplace has not been used in a number of years. City Manager Richards stated that he would advertise the fireplace for sale and take bids. In this manner the employee requesting to purchase the fireplace would not have an advantage over anyone else who may want the fireplace.

City Manager Richards stated that if there were no objections from City Council, he would place the advertisement in the Harbor Light.

There were no objections from City Council Members.

6. Appointments

Mayor Pfeifer stated that she had no appointments to make this evening.

7. New and Old Business


None

8. Next Meeting

City Manager Richards stated the next City Council Meeting is scheduled for 7:00 p.m., Monday, August 15, 2016.

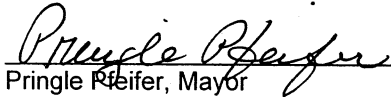
9. Adjournment

With no further business, Mayor Pfeifer adjourned the meeting at 7:32 p.m.



Ronald B. McRae, City Clerk

Approved: August 15, 2016



Pringle Pfeifer, Mayor

City Council Meeting Minutes
August 1, 2016
Attachments Page

ORDINANCE NO. 400

An ordinance to amend Chapter 40 of Title IV of the Code of the City of Harbor Springs, by amending Section 40.113(6)(a) therein.

WHEREAS, the City Council of the City of Harbor Springs has studied the existing provisions of the City Code and has determined that changes to the City Code were desirable in order to increase the hours of operation of sidewalk cafes; and,

WHEREAS, the City Council finds that the adoption of the within Ordinance is necessary for the health, safety and welfare of the City of Harbor Springs,

NOW, THEREFORE, THE CITY OF HARBOR SPRINGS ORDAINS:

Section 1

Chapter 40 of Title IV of the Code of the City of Harbor Springs is hereby amended by amending Section 40.113(6)(a) to read as follows:

(a) All sidewalk cafés shall be allowed to operate only between the hours of 7:00 a.m. until 12:00 midnight on any day of the week.

Section 2

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

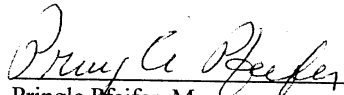
Section 3

This ordinance shall take effect ten days after its adoption and publication.

Section 4

A copy of this Ordinance may be purchased or inspected during normal business hours at City Hall, 160 Zoll Street, Harbor Springs, Michigan.

We hereby certify that the foregoing is a true copy of an ordinance adopted by the City Council of the City of Harbor Springs at a regular meeting held on August 1, 2016.


Pringle Pfeifer, Mayor


Ronald B. McRae, City Clerk

I hereby certify that the publication of Ordinance Number 400 was made in the August 3, 2016, issue of the *Harbor Light*, a weekly newspaper published and circulated in the City of Harbor Springs.


Ronald B. McRae, City Clerk

**RESOLUTION
OF
THE CITY COUNCIL OF
THE CITY OF HARBOR SPRINGS
(a Michigan municipal corporation)**

August 1, 2016

**RESOLUTION DECLARING TENTATIVE NECESSITY AND TENTATIVE
INTENT TO PROCEED WITH PROJECT AND SETTING PUBLIC HEARING**

At a regular meeting of the City Council of the City of Harbor Springs, Emmet County, Michigan, held in the Council Chambers at 160 Zoll Street, Harbor Springs, Michigan 49740, at 7:00 p.m. on the 1st day of August, 2016, the following resolution was offered by Councilperson Jeffrey V. James and supported by Councilperson John L. Cupps:

WHEREAS, the City has received a request from the Principal Shopping District Board requesting implementation of the proposed improvement described below, and the establishment of a special assessment district to defray the cost of such improvement by special assessment against the benefited properties; and

WHEREAS, the proposed project (“the project”) includes:

- Administration services for the DDA/PSD including the research, development and implementation of goals, initiatives, and activities within the City of Harbor Springs DDA/PSD and
- The development and implementation of a wayfinding system within the City of Harbor Springs DDA/PSD to assist with navigation, branding, and to maintain consistency with informational and directional signage; and
- Planning and implementation of holiday lighting on the portion of Third Street located within the City of Harbor Springs PSD; and,

WHEREAS, the City has considered the proposed project described above, and a proposed special assessment district; and

WHEREAS, the City Manager has prepared plans and specifications for the project and a cost estimate for the project that have been filed with the City Clerk, for completion of the project and the City is tentatively considering the establishment of a special assessment district to finance and defray the costs of the project and the City Manager has recommended that the City Council proceed with the project; and

WHEREAS, the project is designed and intended to specially benefit the commercial properties in the PSD by increasing customer traffic, sales and property values for commercial property owners in the district, among other things.

NOW, THEREFORE, it is hereby resolved as follows:

1. The City Council tentatively determines that the project is necessary and that it tentatively intends to proceed with the project and to establish the special assessment district to defray a portion of the costs of the project.

2. The City Manager has prepared plans describing the project and a preliminary estimate of the cost of the project in the amount of Ninety One Thousand Eight Hundred Dollars (\$91,800.00) has now been determined. Such plans and cost estimates have been filed with the City Clerk and the City Manager recommends proceeding with the project.

3. The City Council has determined that all of the cost of the project should be borne by the commercial properties located within the Principal Shopping District and not by the City at large.

4. The City Council tentatively designates all of the properties on the list, being the commercial taxable parcels within the Principal Shopping District, as attached to this Resolution, as the special assessment district against which the costs of the project is to be assessed and which will be identified as Special Assessment District No. 1 (the "district").

5. The City Council tentatively has determined that the special assessment shall be assessed equally on each parcel within the district, in two equal annual installments to be due on December 1, 201~~8~~⁶ and July 1, 201~~8~~⁷.

6. The City Clerk shall give notice that the City Council shall conduct a public hearing on September 19, 2016, at 7:00 p.m. in the City Hall at 160 Zoll Street, Harbor Springs, Michigan, for the purpose of hearing statements and objections to the project and to the tentatively established district. Notice of the public hearing shall be published in a newspaper published and/or circulated in the City, with the publication being at least fifteen (15) days before the September 19, 2016, hearing and notice shall also be sent by first class mail to each record owner or party in interest in whose name the land in the district is to be assessed as shown on the City's last preceding tax assessment roll for ad valorem tax purposes, with said notices to be mailed at least fifteen (15) days before the date of the hearing. The notice to be published and mailed by first class mail shall include the following:

- (a) The date, time and place of the public hearing;
- (b) A statement that the report plan estimate and City Manager's recommendation is on file with the City Clerk for public examination.

- (c) A statement that appearance and protest at the hearing is required in order to appeal the matters to be considered at the hearing to the Michigan Tax Tribunal and that an owner and/or party in interest, or their agent, may appear in person at the hearing to protest, or they may appear by filing their appearance or protest by letter, which shall then not require their personal appearance provided that said letter is received by the City Clerk prior to and/or at the September 19, 2016, hearing.

Ayes: 5

Nays: 0

Abstain: 0

RESOLUTION DECLARED ADOPTED

STATE OF MICHIGAN)
COUNTY OF EMMET)

I hereby certify that the foregoing is a true and complete copy of a resolution that was passed by the City Council of the City of Harbor Springs at a regular meeting held on August 1, 2016.



Ronald B. McRae, Clerk