

August 15, 2011

Mayor Dika called the nineteenth meeting of the seventy-ninth Harbor Springs City Council to order at 7:00 p.m., in the City Council Chambers at 160 Zoll Street, Harbor Springs, Michigan.

1. Roll Call and Verification of Quorum

Present: Alan Dika, Alan Hegedus, Frederick Holdorph, Cecelia Johnston and Pringle Pfeifer

Absent: None

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

#7832 – Motion by Pfeifer, second by Holdorph, to approve the August 1, 2011 regular City Council meeting minutes as read.

Ayes – 5

Nays – 0

Motion carried.

B. Approval of Bills

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

Voucher Number	Description	Fund Name	Amount
7739	Property Tax Payouts 7/16/11 – 7/31/11	Trust	\$948,497.44
7740	Payroll Ending 7/31/11	General Fund	\$44,056.02
		Major St. Fund	511.66
		Local St. Fund	505.22
		Historical Fund	920.88
		Electric Fund	11,606.09
		Water/Sewer Fund	6,005.17
		Waterfront Fund	9,944.77
		Equipment Fund	865.61
7741	Sales and State Income Taxes 7/31/11	General Fund	\$5,745.98
		Electric Fund	17,935.18

7742	Accounts Payable Council 8/15/11	General Fund	\$34,159.76
		Major St. Fund	631.60
		Local St. Fund	631.59
		Police Reserve Fund	3.25
		Historical Fund	272.16
		Electric Fund	94,931.03
		Water & Sewer Fund	92,884.19
		WTTP Water Fund	0.00
		Waterfront Fund	3,849.10
		Weather Buoy Fund	0.00
		Equipment Fund	6,160.70

#7833 – Motion by Hegedus, second by Johnston, to approve the bills in the amount of \$1,280,117.40.

Ayes – 5
 Nays – 0

Motion carried.

THEREFORE, BE IT RESOLVED that claims on voucher numbers 7739, 7740, 7741 and 7742, checked by the Finance Committee, in the amount of \$1,280,117.40 be allowed for payment, and the City Manager and the Mayor are hereby authorized to execute warrants to be drawn on the following funds:

General Fund	\$83,961.76
Major Streets Fund	1,143.26
Local Streets Fund	1,136.81
Police Reserve	3.25
Historical Fund	1,193.04
Electric Fund	124,472.30
Water & Sewer Fund	98,889.36
West Traverse Water Fund	0.00
Waterfront Fund	13,793.87
Weather Buoy Fund	0.00
Equipment Fund	7,026.31
Trust Fund	948,497.44

Total	\$1,280,117.40
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3. Citizen Comments

None

4. City Manager's Section

- A. Harbor Springs Hotel, LLC, Request for a Two-Year Extension on the Hotel Janelle Project, including the Special Land Use Permit, Conditional Zoning and Planned Unit Development Permit

City Manager Richards stated that he received a letter from Robert E. Mossburg requesting a two-year extension of the above referenced approvals. City Attorney Ramer has recommended that City Council direct the Planning Commission to consider the question and submit its recommendation to City Council. It was the consensus of City Council to follow the City Attorney's recommendation.

B. Outdoor Music Performance Request by the Island Bean

City Manager Richards stated that Pam Pfeifle of the Island Bean has requested approval of outdoor music performances from the portico at the Island Bean. Pfeifle stated that she would like to do the performances from 6:00 p.m. to 8:30 to 9:00 p.m. on Sunday evenings. The performances would end around the second Sunday after Labor Day Weekend.

The proposed music would be from acoustic guitars. City Council discussed some concerns with Pfeifle. After the concerns were reviewed, the consensus from City Council was to approve the request for this year.

C. Restrict On-Street Parking of Commercial Trucks

City Manager Richards stated that he received a letter from Larry Haras, 148 Snyder Street, requesting that the City Council enact an ordinance prohibiting certain trucks from being parked on City streets in a residential neighborhood. Haras believes that the massive size of the semi-tractor causes a blind spot with respect to vehicular and pedestrian traffic. City Manager Richards also received similar letters from Carole and Gregg Brumm, 141 Snyder Street, and Dave Gaudet, 149 Snyder Street.

City Manager Richards stated that he did not know if the owner of the semi-tractor had been contacted about this issue. City Manager Richards stated that the City Staff would try and contact the owner to discuss this issue with him/her. Perhaps an ordinance may not be necessary.

D. Regulation of Solid Waste Collection

City Manager Richards stated that the Emmet County Department of Public Works has regulated the solid waste collection in Harbor Springs for quite a while. They do the regulation based on a contract approved by City Council. The first few contracts were done over five (5) year periods. The last contract was approved approximately ten (10) years ago in 2001. The Emmet County Department of Public Works has submitted an Agreement for City Council consideration which would expire in 2021.

Councilperson Pfeifer questioned the last line of the proposed Agreement which calls for an automatic renewal of the Agreement between the City of Harbor Springs and the Emmet County Department of Public Works. She believes that the Agreement should not be an automatic renewal.

After further discussion, the following motion was offered:

#7834 – Motion by Pfeifer, second by Johnston, to approve the “Resolution to Approve the Agreement to Regulate Solid Waste Collection between the City of Harbor Springs and the Emmet County Department of Public Works”, as amended.

Ayes – 5
Nays – 0

Motion carried.

E. Contribution Request from the Harbor Springs Garden Club

City Manager Richards stated that he received a letter from the Harbor Springs Garden Club requesting a contribution for buying supplies and flowers for the areas that the Garden Club maintains each year. City Manager Richards stated that last year the City contributed \$700. He had noticed that over the years the City had contributed \$500 to \$1,000.

Mayor Dika asked if the City Council could direct a portion of the contribution come from the Electric Fund and a portion come from the Waterfront Fund. City Clerk McRae stated that City Council could make that direction.

#7835 – Motion by Holdorph, second by Pfeifer, to contribute \$1,000 to the Harbor Springs Garden Club with \$700 being contributed by the Electric Fund and \$300 being contributed by the Waterfront Fund.

Ayes – 5

Nays – 0

F. Software Upgrade Plan

City Manager Richards stated that City Clerk McRae is recommending the purchase of the “Clarity” software upgrade from CIVIC Systems. The City planned to purchase the software upgrade in 2012 and 2013. CIVIC Systems is offering a substantial discount if the City commits to the purchase all of the software in 2012.

City Clerk McRae stated that \$27,800 was budgeted for the software purchase in 2011. The rest of the software purchase was planned over a two-year period. However, CIVIC Systems offered to sell the remaining portion of the software to the City for \$16,675. If the City committed to that purchase in 2012, we would be able to purchase one of the module upgrades at no charge, and 50% of the software cost for the modules we have had for as long as ten years.

Council discussed this issue. Following the discussion, the following motion was offered:

#7836 – Motion by Johnston, second by Hegedus, to authorize the purchase of the software in 2011 at the quoted price of \$27,375 and to commit to the purchase of software in 2012 at the cost of \$16,675. Further, to authorize the City Manager or City Clerk to issue a purchase agreement for said software modules at a total cost not to exceed \$44,050.

Ayes – 5

Nays – 0

G. Special Event Street Food Vendor Approvals

City Manager Richards stated that for the Fourth of July, art fair, and other public celebrations, City Council has considered and frequently given specific approval for various civic or non-profit groups to sell food or drinks to the public attending those events.

After contacting Council members about the most recent request, it was proposed that City Council may want to discuss a uniform policy or specific approval process for considering requests from groups requesting to sell food or drinks to raise funds for their organization. During the discussion on this issue, City Manager Richards requested City Council members to e-mail their concerns, thoughts or input on this issue so that the information can be considered and included in the draft policy that he will prepare for their consideration.

No further action was taken.

5. Manager's Report

A. Construction Projects

City Manager Richards stated that the Traverse Street Project is now completed. The East Fairview Street Project is now completed. The Leighton Park Project will be starting very soon. An informational meeting was held last week with construction beginning next week. The West Main Street Project, the State Street and West Bluff Drive Project, and the Shay Water Reservoir Removal Project are scheduled to begin in early September.

B. Private Fire Works Display

City Manager Richards stated that after a follow-up call to the fireworks company that enquired about the private fireworks show for a September wedding, there had been no further discussion after the fireworks company informed the property owner of the various approvals and expenses that would be necessary and incurred. It would appear that the party who initiated the request has decided not to pursue it.

C. Municipal Public Power Agency (MPPA) Update

City Manager Richards stated that the MPPA members have fully subscribed to the portion of the AMP Ohio Fremont Combined Cycle Generation Project made available to the MPPA. The plant is nearly ready to go on-line.

The original bonds issued to finance the Kalkaska Combustion Turbine Generating Plant have been refinanced. The original interest rate has been lowered by 1.02% to 4.06% with Wells Fargo Bank.

D. Michigan Municipal League Annual Meeting Voting Delegates

City Manager Richards stated that the Michigan Municipal League (MML) Annual Meeting (to be held in Grand Rapids from October 4th through the 7th) allows delegates from each municipality to vote to elect the Board of Trustees, vote on "Core Legislative Principles" to guide the MML's legislative staff, and possibly to vote on any other business coming before the MML.

The MML asks each municipality to take action to officially designate a City official to represent the City and to be authorized to vote on its behalf. City Manager Richards stated that he is planning on attending the MML Annual Meeting. If something came up then City Clerk McRae would attend in his place. City Manager Richards stated that he recommends that City Council appoint him as the "Voting Delegate" and City Clerk McRae as the "Alternate Voting Delegate".

It was the consensus of City Council to approve the appointment of City Manager Richards as the City's "Voting Delegate" and City Clerk McRae as the City's "Alternate Voting Delegate" to the MML Annual Meeting.

E. Municipal Employees Retirement System of Michigan Employer Representative

City Clerk McRae stated that City Manager Richards was attending the Municipal Employees Retirement System of Michigan (MERS) Annual Meeting to be held at the Grand Traverse Resort. As with the MML, an Employer Representative as the "Officer Delegate" has to be appointed and approved by City Council. The Officer Delegate and an Alternate should be appointed. The Employees select their own representative.

City Clerk McRae recommended that City Council approve City Manager Richards as it Officer Delegate and himself as the Alternate Officer Delegate. City Clerk McRae stated that the Employee Delegate is Patty Sutton and the Alternate Employee Delegate is Mark Guisinger.

After a brief discussion, City Council approved, by consensus, City Manager Richards as the Officer Delegate to the MERS Annual Meeting and City Clerk McRae as the Alternate Officer Delegate to the MERS Annual Meeting.

F. Farmers' Market Vendor List

City Manager Richards stated that he provided a list of the Vendors selling at the Farmers' Market.

G. Department Reports

City Manager Richards stated that Council has been provided copies of the Police Department and Electric Department July 2011 monthly activity reports.

6. Boards and Commissions

A. Planning Commission (PC)

Mayor Dika stated the next PC meeting scheduled for 6:00 p.m., Thursday, August 18, 2011 has been cancelled. The next PC meeting is scheduled for 6:00 p.m., Thursday, September 15, 2011 in the City Council Chambers.

B. Zoning Board of Appeals (ZBA)

Mayor Dika announced that the next ZBA meeting is scheduled for 5:30 p.m., Wednesday, September 14, 2011 in the City Council Chambers.

C. Harbor Commission

Mayor Dika announced the next HC meeting is scheduled for 4:00 p.m., Wednesday, October 19, 2011 in the City Council Chambers.

D. Next Council Meeting

The next regular City Council meeting was scheduled for 7:00 p.m., Tuesday, September 6, 2011 in the City Council Chambers. However, City Council, by consensus, approved the cancellation of the meeting. The next regular City Council meeting is scheduled for 7:00 p.m., Monday, September 19, 2011

7. Old and New Business

A. Draft Minutes of Boards and Commissions

Mayor Dika requested that City Manager Richards have the “draft” minutes of the various City board and commissions included in the Council packets. City Manager Richards stated that he will make sure that occurs.

8. Adjournment

With no further business, Mayor Dika adjourned the meeting at 7:43 p.m.

Ronald B. McRae, City Clerk

Approved: September 19, 2011

Alan J. Dika, Mayor

