

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, April 6, 2009 — 7:00 p.m.**  
210 State Street, City Hall, Council Chambers, Charlevoix, MI

The meeting was called to order at 7:00 p.m. by Mayor Norman L. Carlson, Jr.

**I. Pledge of Allegiance**

**II. Roll Call of Members Present**

Mayor: Norman L. Carlson, Jr.  
City Attorney: James Young  
City Manager: Rob Straebel  
City Clerk: Carol A. Ochs  
Members Present: Council members Dennis Kusina, Jill Picha, Greg Stevens, Gabe Campbell, Shane Cole, Lyle Gennett  
Absent: None

**III. Inquiry Regarding Possible Conflicts of Interest**

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – March 16, 2009 Regular Meeting Minutes.
- B. Accounts Payable Check Register – March 23, 2009
- C. Accounts Payable Check Register – March 27, 2009
- D. Accounts Payable Check Register – April 7, 2009
- E. Payroll Check Register – March 20, 2009
- F. Payroll Transmittal – March 20, 2009
- G. Payroll Check Register – April 3, 2009
- H. Payroll Transmittal – April 3, 2009

**V. Public Hearings**

None.

**VI. Reports**

- A. The Manager reminded Council of a meeting April 27 at the Boyne City City Hall on the Transportation Asset Management, a workshop for elected officials, which closely aligns with an asset management program for streets that the Manager has been working on with Street Superintendent Pat Elliott. The Manager encouraged members to attend.

**VII. Requests, Petitions and Communications and Actions Thereon**

- A. Liquor License Transfer, 230 Ferry Avenue (formerly Scovie's Waterfront)  
Attorney David Campbell was available to review and answer questions regarding the transfer. Action by resolution.

- B. Purchase 1/0 Kerite Cable  
Electric and Water Superintendent Don Swem was available to address the item and answer questions from Council.

Motion by Councilmember Jill Picha, seconded by Councilmember Gabe Campbell, to approve the purchase of 7,500 feet of 1/0 Kerite Cable from the Resco Corporation at the price of \$10,875.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

- C. Energy Services Agreement

Electric and Water Superintendent Don Swem was available to address the item and answer questions from Council. Mr. Swem stated that the price of power is really low right now due to the economy. The Power Pool is going to end at the end of 2010, and the City needs to do something to be able to buy power in the future. The Michigan Public Power Agency (MPPA) has been trying to replace the Power Pool for a couple of years, but is finding it hard to come to an agreement with all the members. This agreement would allow the MPPA to buy power now, while it is cheap, before settling the issue of a new power pool. Mr. Swem reviewed the agreement, and proposed Council appoint him as the participant representative for up to one year under the agreement for the purpose of purchasing blocks of power.

Motion by Councilmember Shane Cole, seconded by Councilmember Dennis Kusina, to appoint Electric and Water Department Superintendent Don Swem to be the participant representative under the Energy Services Agreement.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

Action by resolution.

D. Cross Connection Control Plan

Don Swem was available to address the item and answer questions from Council. The plan formalizes procedures that are already being implemented.

Motion by Councilmember Gabe Campbell, seconded by Councilmember Lyle Gennett, to approve the Cross Connection Control Plan.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

**VIII. Introduction and Initial Actions Relating to Ordinances or to Resolutions That Require Publication or Hearings Prior to Final or Further Action**

A. Energy Optimization Plan

Electric and Water Superintendent Don Swem was available to address the item and answer questions from Council. Public Act 295 requires the City to do an Energy Optimization Plan and a Renewable Energy Plan, both of which are required and under the control of the Michigan Public Service Commission.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Greg Stevens, to set a public hearing May 4, 2009 at 7:00 p.m. in Council Chambers of City Hall on the Energy Optimization Plan.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

B. Renewable Energy Plan, Proposed "Notice of Public Hearing and for Opportunity to Comment"

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to set a public hearing May 4, 2009 at 7:00 p.m. in Council Chambers of City Hall on the Renewable Energy Plan.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

**IX. Resolutions**

A. Liquor License Transfer, 230 Ferry Avenue – Transfer Ownership from Jovi, Inc. to John R. Strand

Motion by Councilmember Gabe Campbell, seconded by Councilmember Lyle Gennett, to approve Resolution 2009-04-01 as follows:

**CITY OF CHARLEVOIX  
RESOLUTION 2009-04-01**

LIQUOR LICENSE TRANSFER 230 FERRY AVE. FROM JOVI, INC. TO JOHN R. STRAND (STEP 1)

At a Regular meeting of the City of Charlevoix City Council called to order by Mayor Norman L. Carlson, Jr. on April 6, 2009, at 7:00 p.m.

The following resolution was offered:

Moved by Councilmember Gabe Campbell and supported by Councilmember Lyle Gennett

THAT THE REQUEST TO TRANSFER OWNERSHIP OF 2008 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL436.1531(3); NON-TRANSFERABLE WITH DANCE PERMIT, LOCATED IN ESCROW AT 230 FERRY, CHARLEVOIX, MI 49720, CHARLEVOIX COUNTY, FROM JOVI, INC. TO JOHN R. STRAND (STEP 1).

be considered for Approval.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

It is the consensus of this legislative body that the application be:

Recommended for issuance.

State of Michigan )  
County of Charlevoix )

RESOLVED, this 6<sup>th</sup> day of April, 2009, A.D.

- B. Liquor License Transfer, 230 Ferry Avenue – Transfer Ownership from John R. Strand Enterprises, Inc. to Strand Enterprises, Inc.  
Motion by Councilmember Jill Picha, seconded by Councilmember Greg Stevens, to approve Resolution 2009-04-02 as follows:

**CITY OF CHARLEVOIX  
RESOLUTION 2009-04-02**

LIQUOR LICENSE TRANSFER 230 FERRY AVE. FROM JOHN R. STRAND TO STRAND ENTERPRISES, INC. (STEP 2)

At a Regular meeting of the City of Charlevoix City Council called to order by Mayor Norman L. Carlson, Jr. on April 6, 2009, at 7:00 p.m.

The following resolution was offered:

Moved by Councilmember Jill Picha and supported by Councilmember Greg Stevens

THAT THE REQUEST TO TRANSFER OWNERSHIP OF 2008 RESORT CLASS C LICENSED BUSINESS ISSUED UNDER MCL436.1531(3); NON-TRANSFERABLE WITH DANCE PERMIT, LOCATED IN ESCROW AT 230 FERRY, CHARLEVOIX, MI 49720, CHARLEVOIX COUNTY, FROM JOHN R. STRAND TO STRAND ENTERPRISES, INC. (STEP 2).

be considered for Approval.

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

It is the consensus of this legislative body that the application be:

Recommended for issuance.

State of Michigan )  
County of Charlevoix )

RESOLVED, this 6<sup>th</sup> day of April, 2009, A.D.

- C. Resolution – Energy Services Agreement  
Motion by Councilmember Jill Picha, seconded by Councilmember Shane Cole, to approve Resolution 2009-04-03 as follows:

**CITY OF CHARLEVOIX**  
**RESOLUTION NO. 2009-04-03**  
RESOLUTION APPROVING ENERGY SERVICES AGREEMENT AND  
PARTICIPATION IN THE MPPA ENERGY SERVICES PROJECT

WHEREAS, the City of Charlevoix is a member municipality of the Michigan Public Power Agency ("MPPA"), a joint agency organized and existent pursuant to Act No. 448 of the Michigan Public Acts of 1976, as amended; and

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

WHEREAS, the City of Charlevoix believes it is in the best interest of the City and its customers for the City of Charlevoix to obtain energy services from MPPA's Energy Services Project; and

WHEREAS, the City of Charlevoix and other member municipalities of MPPA desire to join the Energy Services Project and participate in the Project Committee; and

WHEREAS, the City of Charlevoix together with other member municipalities of MPPA desire to enter into an Energy Services Agreement with MPPA to provide for energy services and energy

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

1. The form of the Energy Services Agreement with MPPA is hereby approved and the Mayor of the City of Charlevoix is hereby authorized and directed to execute such agreement on behalf of the City of Charlevoix in substantially the form as presented on this date with such insertions, deletions and minor modifications as the City Council deems necessary subject to approval as to form by legal counsel.
2. The City of Charlevoix agrees to join the Energy Services Project and Committee.
3. The City of Charlevoix hereby agrees to make such payments as are required under the Energy Services Agreement.
4. This resolution shall take effect immediately upon adoption.

RESOLVED, this 6<sup>th</sup> day of April, A.D. 2009.

Resolution was adopted by the following yea and nay vote:

Yeas: Kusina, Picha, Stevens, Campbell, Cole, Gennett  
Nays: None  
Absent: None

**X. Ordinances**

None.

**XI. Miscellaneous Business**

None.

**XII. Audience - Non-agenda Input (written requests take precedent)**

None.

**XIII. Adjourn**

The Mayor stated if there were no objections, the meeting would adjourn.

There were no objections.

Meeting adjourned at 7:22 p.m.

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Carol A. Ochs

City Clerk

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Norman L. Carlson, Jr.

Mayor