

CITY OF CHARLEVOIX
REGULAR CITY COUNCIL MEETING MINUTES
Monday, July 20, 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.
Assistant City Attorney: Bryan Graham
City Manager: Rob Straebel
City Clerk: Carol A. Ochs
Members Present: Council members Jill Picha, Greg Stevens, Gabe Campbell, Shane Cole, Lyle Gennett, Dennis Kusina
Absent: None

III. Inquiry Regarding Possible Conflicts of Interest

The Mayor will step down for items VII.E. and F., as he was a bidder on the projects.

IV. Consent Agenda

The following items were approved and filed:

- A. Approval of Minutes – July 6, 2009 Regular Meeting Minutes
- B. Accounts Payable Check Register – July 21, 2009
- C. Payroll Check Register – July 10, 2009
- D. Payroll Transmittal – July 10, 2009

V. Public Hearings

None.

VI. Reports

None.

VII. Requests, Petitions and Communications and Actions Thereon

A. Consideration of Contract with Charlevoix Area Community Pool

The Mayor reviewed the item, which is an annual contract with the pool for a "Charlevoix Hospitality Package" in exchange for the Mt. McSauba campers to swim at the pool on Thursday evenings. Bruce MacArthur, representing the Charlevoix Area Community Pool, reminded the audience that the annual pool auction will be Sunday, August 9 at the Castle.

Motion by Councilmember Gabe Campbell, seconded by Councilmember Lyle Gennett, to approve the contract with the Charlevoix Area Community Pool and authorizing the Mayor and City Clerk to sign the agreement.

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

B. Flagpole Installation

Motion by Councilmember Gabe Campbell, seconded by Councilmember Greg Stevens, to remove the discussion of a flagpole in East Park from the table.

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

Street Superintendent Pat Elliott reviewed his report on estimated costs and specifications for possible installation of a 70' flagpole in East Park. Mr. Elliott also addressed possible problems such as any maintenance needed for the pole and the need of lightning protection. Council discussed the funding for the project if they should decide to go forward. A few members had been contacted by citizens on the possibility of private funding through donations for the installation. Permission would need to be given from the Escolar Base USSVI Commander for any installation near the Submarine Memorial, and currently that group is opposed to any changes to the memorial display. Charlie Butcher, representing the VFW post, stated that the VFW would like to have the flagpole at their post if the City is not going to use it.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Jill Picha, to postpone indefinitely the discussion of placing a flagpole in East Park until staff can provide Council with additional information.

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

The Mayor directed staff to provide information on:

- A. if funds can be raised to fund the installment of the flagpole,
- B. an answer to the location of where it would go in the park, taking into account the letter from Escolar Base, and
- C. additional maintenance costs for the future.

C. Consideration of MDOT Maintenance Contract

Street Superintendent Pat Elliott reviewed the item and answered questions for Council. The contract reimburses the City for plowing, sweeping, and general maintenance of the highway. Action by resolution.

D. Consideration of Tree Trimming, Pruning and Removal Policy

Street Superintendent Pat Elliott reviewed the policy, which has come about with input from the Shade Tree Commission, to standardize criteria for trimming trees for the safety of City workers and passers by on the ground, while also addressing the health and aesthetics of the tree. The policy follows standard arborist techniques and also encompasses industry standards. This will give standard practices for contractors to follow when trimming trees. Councilmember Lyle Gennett asked for some sort of compromise rather than devastating old trees in the City. Shade Tree Commissioner John Campbell gave a history of the Shade Tree Commission. Mr. J. Campbell discussed that the intent had been to form practices that would allow the City to establish a tree canopy, such as putting electric wires underground and establishing a tree nursery. Those priorities fell by the wayside. Twenty-five years without a policy and poor pruning practices have made for butchered trees. The policy is based on industry standards set by OSHA, MIOSHA, the American National Standards Institute, the International Arborists Society, the Michigan DNR, and the Urban Forestry Program, and focuses on health, safety, and welfare. High voltage wires require a 10 foot clearance based on all the organization standards; secondary lines require 5 feet. The secondary lines will be raised or relocated if possible. Another option is to take the secondary line underground. Mr. J. Campbell discussed safety issues with some of the trees in the City and showed some photos of trees that need to be significantly pruned or removed based on the policy standards. Many trees on Dixon Avenue will need to be removed for safety reasons based on the policy criteria. The policy will both trim to meet the safety standards and ensure proper pruning methods for the health of the trees in the future. Mr. J. Campbell answered questions for Council concerning pruning methods and the proposed policy.

Shirley Gibson commented that many trees are being mutilated, and asked that the City not be in such a hurry to continue the mutilation. Many old oak trees on May Street have been trimmed to the point that they look terrible and they should just be cut down. She does not like the way the contractor is trimming the trees. She asked if the City was planning on burying wires and if possibly the money spent for the contractor could be used toward putting wires underground instead. The Mayor said that there are no plans not to put wires underground, but that the money spent on contractors would be minimal compared to the cost of putting wires underground. The Mayor stated that it is not that the City is in a hurry to mutilate the trees, but that it is important to establish a policy, as the City does not currently have one, which has resulted in the poor trees trimming. Ms. Gibson stated that the City needs to develop a plan to bury the wires. Ms. Gibson asked if the City had sent letters to the residents on the north side of town. The Manager stated that the City had, and said that in hindsight, he wishes that he had directed the letters to be sent to all neighborhood residents before the trimming had been started.

Bill Dreyer, 312 Nettleton, complained that the maple trees on his property have been decimated. He is unsatisfied with his interactions with the Manager and the Electric Department Superintendent. He is upset that the letter regarding the trimming was sent out and received after the fact. Mr. Dreyer thinks the trees will die and that the trimming has devalued his property. The Mayor clarified that the Council meets twice a month, the Council awarded the tree trimming contract, and the trees are trimmed for safety.

The Manager responded that he sympathizes with Mr. Dreyer's anger over the aesthetics of the trees, but that the safety of the journeymen linemen is being overlooked. Proper clearance is required to insure their safety when they are working on the lines. The Manager stated that this is a problem that has been inherited, and pointed out that John Campbell, who truly cares about trees, understands the conundrum the City is in, and the need to establish a balance between safety and aesthetics. He asked that Mr. Dreyer consider both sides of the issue as well. The City will work to prevent similar problems from happening in the future.

Dan Passman, 405 E. Dixon, stated that the East Dixon canopy had attracted them to the area. Mr. Passman asked if the trees scheduled for removal on Dixon could be staggered to protect the canopy. Mr. Passman also asked about the possibility of moving the electric line, possibly to Berdan, to protect the Dixon trees. He proposed that maybe there needs to be additional analysis before cutting down trees.

John Campbell stated that there is an area where four or five maples in a row will be taken down. One of the options may be for the owner to pay to put the secondary lines underground and to do some serious pruning to keep the tree for awhile. The main concerns are safety issues for people, not only the linemen. Mr. J. Campbell said that each tree has been looked at by the Shade Tree

Commission and City staff; this was not a quick analysis. Healthy trees are not being taken down. The trees that are being removed are those that are diseased and those that are safety risks.

Electric Superintendent Don Swem reviewed the safety issues of linemen working on the lines in the trees in high winds and why the clearance is needed. Mr. Swem stated that there are always alternatives, but everything has a big cost. Mr. Swem said he will need direction as to what to do in different situation for alternatives. The Dixon canopy will be drastically affected. But there are lines and trees on every street in the City and the problem needs to be dealt with everywhere. The City can continue to look at moving the secondary lines, which is a minor cost. Moving a primary line requires a long stretch of underground, and Council would need to decide if they would want to consider that in every case. Mr. Swem said that sometimes healthy trees are taken down when the wires are up against them. A proposal was made that perhaps the property owners would cover the cost of moving the line to Berdan or underground. Mr. Swem stated that had been tried once on Michigan Avenue, but that not all the property owners would agree. Mr. Swem answered questions regarding how exploring different options would affect the trimming schedule. The Manager cautioned that if you spend time exploring options for Dixon, you would need to consider the rest of the City streets as well, which would probably prevent any more trimming this year.

Council generally agreed that the main concern is the safety of the linemen. They also generally agreed that they didn't like what was happening to the trees, but that it was important to establish a policy for better management in the future.

Motion by Councilmember Jill Picha, seconded by Councilmember Gabe Campbell, to adopt the tree trimming and removal policy [as outlined on pp. 62-63 of the packet].

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

The Mayor stepped down from the dais.

E. Consideration to Approve Pesticide Mix/Load Building at Golf Course

Golf Director Tom Heid was available to review the item and answer questions for Council. t

Motion by Councilmember Gabe Campbell, seconded by Councilmember Dennis Kusina, to award the pesticide mix/load building project as outlined on pp. 66-67 [of the packet, to Drayton Builders for \$11,554].

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

F. Consideration to Approve WWTP Storage Building

Water and Wastewater Treatment Plant Superintendent Jim Caldwell was available to address the item and answer questions for Council.

Motion by Councilmember Dennis Kusina, seconded by Councilmember Gabe Campbell, to accept the bid [for the WWTP storage building] from Carlson's Home Improvement for \$25,147.

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

The Mayor returned to the dais.

G. Consideration to Approve Purchasing WWTP High Efficiency Boilers

Water and Wastewater Treatment Plant Superintendent Jim Caldwell was available to review the item and answer questions from Council.

Motion by Councilmember Shane Cole, seconded by Councilmember Greg Stevens, to approve a contract with Haggard's Plumbing & Heating for the Wastewater Treatment Plan in the amount of \$35,724 to install the high efficiency boilers.

Yeas: Picha, Stevens, Campbell, Cole, Gennett, Kusina
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

None.

IX. Resolutions

A. Resolution to Authorize Signing MDOT Maintenance Contract

Motion by Councilmember Greg Stevens, seconded by Councilmember Jill Picha, to approve Resolution 2009-07-01 as follows:

RESOLUTION NO. 2009-07-01
(MDOT Municipal Contract #2009-0268)
STATE TRUNK LINE MAINTENANCE

WHEREAS, the Michigan Department of Transportation (MDOT) has submitted a State Trunk Line Maintenance Contract; and

WHEREAS, the City of Charlevoix is desirous to approve said agreement for maintenance of state trunk lines and bridges in the City of Charlevoix;

NOW THEREFORE BE IT RESOLVED THAT THE CITY OF CHARLEVOIX CITY COUNCIL authorizes the Mayor and City Clerk to execute the agreement.

RESOLVED, this 20th day of July, A.D. 2009

Resolution 2009-07-01 was adopted by the following yea and nay vote:

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

X. Ordinances

None.

XI. Miscellaneous Business

The Mayor stated that he had been approached by the Forgotten Eagles, who have requested to fly a POW MIA flag on August 6 during their ride in. There will be a presentation of the flag to City representatives. Council generally agreed.

Councilmember Lyle Gennett asked for a dead tree to be removed on Mason Street across from City Hall.

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

Paul Osterberg stated he is having difficulty with the Zoning Administrator regarding an extension for cleaning up junk on his property and asked Council to intervene. The Mayor asked the Manager to investigate both sides of the story and report back to Council.

Golf Director Tom Heid informed Council of a post Labor Day special he is planning at the golf course.

John Campbell invited Council to attend the next Shade Tree Commission meeting, where they will be discussing tree selection.

XIII. Adjourn

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

There were no objections.

Meeting adjourned at 9:13 p.m.

Carol A. Ochs

City Clerk

Norman L. Carlson, Jr.

Mayor