

**CITY OF CHARLEVOIX**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**Monday, September 21, 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 Lyle Gennett, Dennis Kusina, Jill Picha, Greg Stevens, Gabe Campbell, Shane Cole  
Absent: None

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

None.

**IV. Consent Agenda**

The following items were approved and filed:

- A. Approval of Minutes – September 8, 2009 Regular Meeting Minutes
- B. Accounts Payable Check Register – September 14, 2009
- C. Accounts Payable Check Register – September 22, 2009
- D. Tax Disbursement – September 22, 2009
- E. Payroll Check Register – September 18, 2009
- F. Payroll Transmittals – September 18, 2009

**V. Public Hearings**

None.

**VI. Reports**

The Manager has been approached by a local pastor to hold religious services in the Council Chambers for residents and local business owners. There is a 1983 community room use policy, which states that rooms can be used as occasional meeting rooms only, not on a regular basis, except for official City business. Due to the age of the policy and the fact that it hasn't been enforced regularly, the Manager has consented to let them use the room, but they may not reserve the room more than a week in advance to allow for use by other groups.

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

A. Consideration to Approve Commercial Seasonal Slip Permit for Keweenaw Excursions

Jason Funkey of Keweenaw Excursions presented an alternate proposal to that presented by City staff for a dockage and office space agreement for the 2010 season. The City proposal was based on the DNR dockage rates, but the Manager stated that he does not think the DNR would be opposed to a different rate set by Council. Discussion points included: fueling from a truck is prohibited under the current City ordinance; the possibility of allowing Mr. Funkey to make installment payments; possible difficulty in monitoring a "percentage back" of ticket sales; water and sewer billing; and whether the DNR has any control over the Coast Guard dock area, which is actually outside of the marina. The Manager stated that staff is not comfortable negotiating with every commercial entity that goes into the marina. Council can make that decision and staff will follow their direction. Harbormaster Hal Evans stated that he is not opposed to lowering the rates, if Council feels the business is an asset to the City.

Charlevoix Area Chamber of Commerce Director Erin Bemis, Charlevoix Area Convention and Visitor's Bureau Director Lauren Brumley, and Castle Farms Director of Tours Peggy Kusina, all spoke in favor of Council working with Mr. Funkey to establish this business in Charlevoix. They think this business will be an asset and attraction to the City.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to approve a \$15,000 dockage fee to cover dock fees [for Keweenaw Excursions] for the 2010 season, with a bonus 2% of total ticket sales for the year [to the City] if they [Keweenaw Excursions] have over 10,000 passengers, subject to DNR approval and the approval of the City Attorney.

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

B. Request to Purchase MERS Service Credit– Donald Wells, Jr.

The Manager reviewed the item and answered questions from Council. The Treasurer thinks the impact on the overall retirement system would be slight and recommends approval. Council has granted this previously for two other employees.

Motion by Councilmember Gabe Campbell, seconded by Councilmember Dennis Kusina, to approve the application for additional credited service [for Donald Wells, Jr.].

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

C. Discussion Regarding Payment of Costs Associated with Township Sewer

The Manager reviewed the item and answered questions. He thinks this is an amicable compromise to the costs associated with the project.

Motion by Councilmember Shane Cole, seconded by Councilmember Greg Stevens, to pay the \$4,072 invoice to MDC for the City's portion of costs associated with the Township sewer line.

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

D. Consideration and Approval of RW Armstrong, Amendment No. 2, Schematic Design & Development Phase for the Airport Terminal Expansion Project

Airport Manager Matt Bailey was available to review the item and answer questions for Council.

Motion by Councilmember Lyle Gennett, seconded by Councilmember Jill Picha, to approve the R.W. Armstrong, Amendment #2, Schematic Design and Development Phase for the Airport Terminal Expansion Project.

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

None.

**X. Ordinances**

None.

**XI. Miscellaneous Business**

Councilmember Gabe Campbell stated that he was opposed to having an extra meeting to go over the City Manager's review. Council discussed. Council will meet Tuesday, September 29, at noon, as scheduled.

Councilmember Jill Picha read a prepared statement addressing some concerns she has regarding the bid award process. She would like to see some changes in the bid process, including: the elimination of pre-bid or pre-award lobbying, more trust in the engineer's recommendation and bid analysis regarding the contract award, and the drafting of an ordinance regarding awarding City work to local contractors, if it is the consensus of Council, Mayor, and Manager that this is a policy they wish to implement. The Manager and Council discussed. No action taken.

Councilmember Shane Cole stated he had received compliments regarding Police Officer Wesley Roberts.

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

Eric Ritchie from Elmer's Crane and Dozer asked Council to reconsider the Park Avenue project bid award. He also asked that in the future, Council look at them as a local contractor. Mr. Ritchie assured Council that Elmer's would do good work for them and would provide additional references if necessary. Councilmember Greg Stevens stated that, as a contractor, he has always had good experiences in working with Elmer's. Mr. Stevens assured Mr. Ritchie that the quality of Elmer's work or references were never a question in his mind, and he apologized if Council had portrayed it that way.

Paul Osterberg reminded Council he had appeared before them in August regarding a nuisance ticket. He stated that at the September 1, 2009 court appearance, he found offense at the testimony of Attorney Bryan Graham and City Planner Mike Spencer. The Mayor referred the matter to the City Manager for follow up.

The closed session on the agenda regarding negotiations with the townships can not be held, as it does not concern collective bargaining. The Manager will provide information to Council regarding the negotiations later this week.

**XIV. Adjourn**

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

There were no objections.

Meeting adjourned at 8:23 p.m.

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Carol A. Ochs

City Clerk

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Norman L. Carlson, Jr.

Mayor