

Harbor Springs City Council
August 17, 2009

Mayor Dika called the twenty-third meeting of the Harbor Springs City Council to order at 7:01 p.m., in the City Council Chambers at 160 Zoll Street, Harbor Springs, Michigan.

1. Roll Call and Verification of Quorum

Present: Alan J. Dika, Alan Hegedus, Michael K. Heinz, Laura Kors 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

There were two corrections noted to the August 3, 2009 City Council meeting minutes. They are:

a. Page 3, Item 4B, second paragraph, last sentence reads, "...into the purchase power contracts..." The sentence should read, "...into the purchased power contracts..."

b. Page 3, Item 4C reads, "City Manager Richards stated that the District Library Planning Committee had met on July 23, 2009 and again today." It should read, "City Manager Richards stated that the District Library Planning Committee had met on July 23, 2009."

#7604 – Motion by Pfeifer, second by Heinz, to approve the August 3, 2009 regular City Council meeting minutes as amended.

Ayes – 5

Nays – 0

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 |
|----------------|----------------------------|--------------------|-------------|
| 7572 | Payroll Ending 8/2/09 | General Fund | \$39,407.52 |
| | | Major St. Fund | 808.77 |
| | | Local St. Fund | 202.58 |
| | | Historical Fund | 443.60 |
| | | Electric Fund | 9,223.19 |
| | | Water & Sewer Fund | 5,946.50 |
| | | Waterfront Fund | 6,764.28 |
| | | Equipment Fund | 2,293.65 |
| 7573 | Sales and State Income Tax | General Fund | \$5,227.65 |
| | Withholding 7/31/09 | Electric Fund | 15,186.48 |

| | | | |
|------|--------------------------------------|--------------------|-------------|
| 7574 | Accounts Payable - Council 8/3/09 | General Fund | \$27,282.93 |
| | | Major St. Fund | 457.33 |
| | | Local St. Fund | 5,571.24 |
| | | Historical Fund | 308.56 |
| | | Electric Fund | 49,106.51 |
| | | Water & Sewer Fund | 173,629.39 |
| | | WTTP Water Fund | 130.00 |
| | | Waterfront Fund | 5,425.21 |
| | | Equipment Fund | 3,998.24 |

#7605 – Motion by Heinz, second by Hegedus, to approve the bills in the amount of \$351,141.63.

Ayes – 5
 Nays – 0

THEREFORE, BE IT RESOLVED that claims on voucher numbers 7572, 7573, 7574 checked by the Finance Committee, in the amount of \$351,141.63 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 | \$71,918.10 |
| Major Streets Fund | 1,266.10 |
| Local Streets Fund | 5,733.82 |
| Police Reserve | 0.00 |
| Historical Fund | 752.16 |
| Electric Fund | 73,516.18 |
| Water & Sewer Fund | 179,575.89 |
| West Traverse Water Fund | 130.00 |
| Waterfront Fund | 12,189.49 |
| Equipment Fund | 6,291.89 |
| Trust Fund | 0.00 |
| | ----- |
| Total | \$351,413.63 |
| | ===== |

3. Citizen Comments

Mayor Dika had three young men introduce themselves. They were Adam Parada, Robert Matthews and Will Dart.

4. City Manager's Section

A. Construction Worker Vehicle Parking – Wequetonsing Landowners Association

City Manager Richards stated that the Wequetonsing Landowners Association Leadership requested that the City authorize temporary use of the boat parking lot on Pennsylvania Street south of the City Hall for vehicles used by any construction workers working within the Landowners Association area. This request would be for the period June 20th through June 30th each year. Manager Richards recommended that the City work with the Wequetonsing Landowners Association on this request.

Council discussed this issue. By consensus, City Council members stated that they would allow this request for a one year trial basis.

B. Cheese Roll Event Fund Raiser for MANNA

City Manager Richards stated that he received a request from Will Dart, Robert Mathews and Adam Parada to hold a "Cheese Roll" at Kiwanis Park. The "Cheese Roll" would be a fund raiser for MANNA. The "Cheese Roll" is a popular event in the British Isles. As with any physical activity, there is a potential for minor injuries.

Will, Robert and Adam gave Council an explanation of the event and stated that they would have adults present to police and maintain control. City Manager Richards stated that Sandy Baker thought the idea was a good one and would create no more of a liability than the sledding hill does. There will be paramedics on hand and participants will be required to sign a liability waiver. Further, the event will be limited to fourteen year olds or older. The three organizers discussed the concerns of City Council and the City Attorney.

City Attorney Ramer stated that he did not have a problem with the event, based on the discussion and write up from the organizers, but did warn Council that there was a small degree of probability that something could go wrong.

City Council, by consensus, approved the "Cheese Roll Fund Raiser" on a trial basis for this year.

C. Judd Street Water and Sewer Main and Street Project

City Manager Richards stated that construction bids for the Judd Street Water and Sewer Main and Street Project were received. The project consists of the installation of a twelve (12) inch water main from Judd Street to East Main Street, replacement of the sanitary sewer lines, sidewalks and handrail, as well as the street. Bids received were as follows:

| | |
|---------------------------|--------------|
| MDC Contracting LLC | \$222,877.60 |
| Harbor Springs Excavating | \$223,840.05 |
| Team Elmers | \$240,037.50 |
| Cordes Excavating | \$263,938.85 |
| Tri-County Excavating | \$303,339.99 |

City Manager Richards stated that with the added work for the sidewalk, handrail, and sewer main replacement the bids were a little over \$90,000 more than estimated. Further, Benchmark Engineering Inc. recommended approve of the low bidder, MDC Contracting LLC.

Council discussed this issue. Councilperson Pfeifer stated that with the closeness of the bid being less than \$1,000, she would prefer to award the bid to Harbor Springs Excavating because of their continued and very generous support of the Harbor Springs Community. Other Council members concurred with her opinion. Joe O'Neill stated that the City Council could award the bid to whom ever they believed they should. They were not obligated to take the low bidder.

#7606 – Motion by Heinz, second by Pfeifer, to award the Judd Street Water and Sewer Main and Street Project to Harbor Springs Excavating for the bid amount of \$223,840.05; and further, to authorize the City manager to execute the construction agreement for this project.

Ayes – 5
Nays – 0

D. Michigan Municipal League Annual Meeting Delegate Appointment

City Manager Richards stated that City Council should appoint a Delegate to represent the City at the Michigan Municipal League (MML) Annual Meeting. He also asked if any Council members were interested in attending the MML Annual Meeting.

None of the City Council members would commit to going to the MML Annual meeting, but would review their schedules. They did not believe that the appointment of the City's voting delegate should be put off. After a brief discussion, the following motion was offered:

#7607 - Motion by Heinz, second by Dika, to appoint the City Manager as the Michigan Municipal League Annual Meeting voting delegate and City Clerk McRae as the alternate voting delegate.

Ayes – 5

Nays – 0

5. City Manager's Report

A. Water Projects Update

City Manager Richards stated that the construction of the Arbor Street Water Main has moving right along. There have been no serious complaints or major inconveniences. The tap at East Lake Street is scheduled to for Tuesday or Wednesday.

Construction Bids are to be opened this week on the Hoyt Street Water Main Project and the Artesian Street Water and Sewer Main and Street Project.

The construction crew for constructing the water reservoirs is scheduled to arrive on site tomorrow morning.

B. Energy Purchase Contracts

City Manager Richards stated that the MPPA Energy Services Committee has received there bids for the energy and capacity power contracts. The table that Manager Richards provided summarized the bids received. The contracts based on the bids were all below the limitations approved by each of the municipal governing bodies.

C. Energy Optimization Plan Update

City Manager Richards stated he met with Franklin Energy Services to discuss the logistics for setting up out our energy saving program in Harbor Springs. Franklin Energy Services will be responsible for the educational, marketing and operational aspects of our program, which will enable customers to receive a financial incentive for the energy saving choices they make for their homes and businesses. A Franklin Energy Services representative will attend a September City Council meeting to brief Council members and guest on the details of the program..

D. Life and Disability Insurance Change

City Manager Richards stated that he changed the life, AD&D and Long Term Disability Insurance Carrier at the recommendation of our Independent Insurance Carrier, Associated Benefits. We are switching from Assurance Benefits to Mutual of Omaha. The costs are expected to be about ten (10) percent less.

E. Michigan Public Power Agency Full Requirements Committee

City Manager Richards discussed the "Full Requirements Committee". It appears that the City of Harbor Springs is the only remaining committee member. Manager Richards stated that he recommended dissolving the committee. He believes that the committee will be disbanded immediately.

F. Arbaugh Litigation

City Manager Richards stated that the City's motion of Summary Disposition has been rescheduled for August 26, 2009.

G. Jardine Park – Falling Box Elder Tree

City Manager Richards reported that the Box Elder Tree in the center of Jean Jardine Park was dying and is becoming unsafe. The Arborist, Ben Veiling, stated that the tree is severely damaged and weakened to the point it could easily fall over during a heavy wind or ice storm.

Council members discussed this issue. City Manager Richards stated that the City received a request to plant another memorial tree. This tree would be in memory of Carol Goldring. A flowering Crab Tree was offered. There would be no memorial marker. Council, by consensus, approved the memorial tree for Carol Goldring.

6. Boards and Commissions

A. Planning Commission (PC)

Mayor Dika stated the next PC meeting is scheduled for 6:00 p.m., Thursday, August 20, 2009 in the City Council Chambers.

B. Zoning Board of Appeals (ZBA)

Council reviewed the August 12, 2009 ZBA meeting minutes. Mayor Dika announced that the next ZBA meeting is scheduled for 5:30 p.m., Wednesday, September 9, 2009 in the City Council Chambers.

C. Harbor Commission (HC)

Mayor Dika announced that the next HC meeting is scheduled for 4:00 p.m., Wednesday, September 9, 2009 in the City Council Chambers.

D. Next Council Meeting

City Council approved a special meeting for 12:00 noon on August 24, 2009 in the City Council Chambers to award the construction contracts for the Hoyt Street Water Main Project, the Artesian Water and Sewer Main and Street Project. The bid opening for these two projects is schedule for Tuesday and Thursday. Further, the Bond Resolution for the 2009 Water Projects will be ready for consideration.

Mayor Dika announced the next regular City Council meeting is scheduled for 7:00 p.m., Tuesday, September 8, 2009 in the City Council Chambers. After the August 24, 2009 meeting, City Manager Richards and Mayor Dika will review the need for the September 8, 2009 City Council meeting.

7. Old and New Business

A. Car Show

Council discussed the Car Show. All thought is was well attended. Many cars were there that people forgot were actually made.

B. GLOS Weather Buoy

Council discussed the GLOS Weather Buoy. Council members were happy to see that there was a lot of support for the Buoy.

8. Adjournment

With no further business, Mayor Dika adjourned the meeting at 7:37 p.m.

Ronald B. McRae, City Clerk

Approved: September 21, 2009

Alan J. Dika, Mayor