

Harbor Springs City Council Minutes
February 21, 2005

Mayor Jardine called the eighth meeting of the Harbor Springs City Council to order at 7:00 pm, in the City Council Chambers at 160 Zoll Street, Harbor Springs, Michigan.

1. Roll Call and Verification of Quorum

Present: Jean Jardine, Jim Grogan, Mick Heinz, Laura Kors and Pringle Pfeifer

Absent: None

Also Present: City Attorney James Ramer, City Manager Fred Geuder, Police Chief Dan Branson, City Assessor/Zoning Administrator Tim Grimm and City Clerk/Comptroller/Treasurer Ron McRae

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

The following corrections to the February 7, 2005 regular City Council meeting minutes were noted:

1. Item 4, page 3, Motion No. 6998 reads, "...on the annual maintenance..." It should read, "...on the maintenance..."
2. Item 6, page 4, second sentence reads, "Manager Geuder stated that the changes he proposed are the result of changes brought about as he no longer drives a city owned vehicle and inflationary increases." It should read, "Manager Geuder stated that he is proposing changes because of inflationary increases and because he no longer drives a city owned vehicle."
3. Item 6, page 4, fourth sentence reads, "To drive in and out of a larger city can be quite an inconvenience or long distance, especially in 'time of travel'." It should read, "Driving in and out of a larger city can be inconvenient and time consuming."

#7008 – Motion by Pfeifer, second by Kors, to approve the February 7, 2005 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 be made from the following funds:

#7176 – Payroll	PPE 02/06/05	\$ 16,372.25	General Fund
		1,871.68	Major Streets Fd
		352.22	Local Streets Fd
		11,612.07	Electric Fund
		5,835.36	Water & Sewer
		950.80	Waterfront Fund
		2,239.42	Equipment Fund
		441.37	Historical Fund

#7177 – A/P	Council Bills 02/21/05	\$ 67,139.60	General Fund
		43,454.34	Electric Fund
		33,733.40	Water & Sewer
		12,150.63	Waterfront Fund
		2,979.43	Equipment Fund
		1,056.00	B.A. Const Fund
		135.62	Historical Fund
		75.00	Police Reserves

#7009 – Motion by Heinz, second by Grogan, to approve the bills in the amount of \$200,399.19.

Ayes – 5
 Nays – 0

THEREFORE, BE IT RESOLVED, that claims on voucher numbers 7176 and 7177 checked by the finance committee, in the amount of \$200,399.19 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	\$ 83,511.85
Major Streets Fund	1,871.68
Local Streets Fund	352.22
Electric Fund	55,066.41
Water & Sewer Fund	39,568.76
Waterfront Fund	13,101.43
Equipment Fund	5,218.85
B.A. Construction Fund	1,056.00
Historical Fund	576.99
Police Reserves	<u>75.00</u>
 Total	 \$200,399.19 =====

3. Citizen Comments

Kathy Lott, Executive Director of the Harbor Springs Area Chamber of Commerce, thanked Council for their support of the Chamber's Presidents' Day activities and their continuing interest in the Chamber.

4. Planning Commission Recommendation of a Proposed Lot Split

City Manager Geuder introduced Nick White, the architect representing Bryant and Sheila Kiel, owners of 359 and 373 Glenn Drive.

White explained that the Kiels had purchased 373 Glenn Drive, which had a house and an accessory building (small garage). At the same time the Kiels purchased a separate parcel that was located immediately to the north of 359 Glenn Drive and 373 Glenn Drive. In 1999 they built a large garage with guest quarters on this separate parcel. However, when that project was approved, conditions of the approval required the combination of the parcel with the proposed garage with guest quarters and the parcel that was 373 Glenn Drive because the proposed garage with guest quarters was an accessory building to the house on 373 Glenn Drive.

The Kiels have now purchased 359 Glenn Drive. That parcel has a house and an accessory building that was used for guest quarters on it. The Kiels propose to demolish the structures on 359 Glenn Drive and the house and small garage on 373 Glenn Drive, leaving the large garage/guest quarters as it is. They further propose to construct a home on 359 Glenn Drive that will meet the set back requirements of that lot. However, it is not their intent to combine 359 Glenn Drive with 373 Glenn Drive.

When the house on 373 Glenn Drive is demolished, the garage/guest quarters would be in violation of the Zoning Code, because there would be no primary building on the lot, only an accessory building. To avoid this problem, the Keils propose to split the lot with the garage/guest quarters from 373 Glenn Drive and combine it with 359 Glenn Drive. The proposed new home on 359 Glenn Drive would become the primary structure and the garage/guest quarters would be an accessory building to the new home.

The Planning Commission recommended approval of the lot split/reconfiguration, with the condition that the small garage on 373 Glenn Drive also be removed. Manager Geuder also recommended approval of this action.

Manager Geuder and White addressed Council members' concerns and questions.

#7010 – Motion by Pfeifer, second by Heinz, to approve the lot split/reconfiguration of 359 and 373 Glenn Drive, as recommended by the Planning Commission.

Ayes – Jardine, Grogan, Heinz, Kors and Pfeifer
Nays – None

5. Harbor Commission Recommendation for Additional Kayak Storage

City Manager Geuder stated that John and Judy Dawson had requested that Council approve additional kayak storage. Council referred the request to the Harbor Commission for consideration and a recommendation.

Manager Geuder stated that the Harbor Commission had considered the request and recommended that Council approve four additional kayak storage racks at Ford Park. This would provide storage space for 16 additional kayaks.

The Harbor Commission felt that parking would not be a problem, as most kayaking activity takes place early in the morning or in the evening. There is room to build the additional storage racks and the construction of the additional kayak storage racks can be done with a minimal investment.

Council members discussed this issue with Manager Geuder. After a brief discussion, the following motion was offered:

#7011 – Motion by Grogan, second by Heinz, to approve the construction and placement of four additional kayak storage racks in Ford Park, as recommended by the Harbor Commission.

Ayes – 5
Nays – 0

6. Proposed Purchase of Vehicles

City Manager Geuder reviewed the proposed purchase of a police patrol car and a pick-up truck for the Electric Department. The Police Department is proposing to replace a 2001 Chevrolet Impala. The Electric Department is proposing to replace a 1997 Chevrolet, half-ton, four-wheel drive, pick-up.

The proposed vehicle for the Police Department is a 2005 Chevrolet Impala. The new vehicle will be purchased through the State of Michigan purchasing program at a cost of \$17,684, plus a delivery charge of \$175. The City budgeted \$25,000 for the new vehicle. The additional funds beyond the purchase price will pay for the light bar, decals, replacement of the radio and other equipment for the new vehicle.

The proposed vehicle for the Electric Department is a 2005 Ford F-250, three-quarter ton, four-wheel drive, pick-up truck. The new vehicle will be purchased through the State of Michigan purchasing program at a cost of \$16,673, plus a delivery charge of \$3 per mile. The City budgeted \$25,000 for the proposed pickup truck. The additional funds beyond the purchase price should pay for the installation of the radio, decals and other equipment.

Council discussed the vehicle purchases with Manager Geuder and Police Chief Branson. After the discussion, the following motion was offered:

#7012 – Motion by Kors, second by Pfeifer, to approve the purchase of the 2005 Chevrolet Impala police car at a cost of \$17,859, as proposed, and the purchase of the 2005 Ford F-250 Electric Department pickup at a cost of \$16,673, plus cost of delivery, as proposed.

Ayes – 5
Nays – 0

7. Assessor's Report

City Manager Geuder stated that Tim Grimm, the City Assessor, was present to review the 2005 Assessment reports. Assessor Grimm reviewed the "2005 Tentative Emmet County Ratios and Assessment Multipliers" Schedule with Council. He explained that the ratios were percentages determined by the County Equalization Department when comparing actual sales from 2003 and 2004 to the 2003 and 2004 assessments. The multipliers are the factors that are used to determine how much the assessments should rise over the 2004 values to determine the 2005 values.

Assessor Grimm then reviewed the schedules that showed the increase of "Taxable Value" and "Assessed Value" of real and personal property within the City of Harbor Springs. The taxable value of all properties in the City went from \$177,509,071 in 2004 to \$188,377,656 in 2005. The assessed value of all properties in the City went from \$258,478,377 in 2004 to \$280,401,250 in 2005. These numbers are tentative pending final Board of Review action. The assessed value by law should be 50% of the value of the property's market value. Manager Geuder pointed out that the value of property in the City is now over \$560,000,000.

Assessor Grimm noted that the Board of Review will meet on Monday, March 14, 2005 from 9:00 am to noon and from 2:00 pm until 5:00 pm. They will also meet on Tuesday, March 15, 2005 from 1:00 pm until 4:00 pm and from 6:00 pm until 9:00 pm. Assessor Grimm stated that it was important for a property tax payer to go to the Board of Review if an assessment was disputed. This step is necessary to appeal a Board of Review decision to the Michigan Tax Tribunal if a taxpayer believes that his/her assessment is too high.

Councilperson Grogan stated that he learned a great deal while serving on the Board of Review. He discussed hardship exemptions and other types of things that Boards of Review can do to assist a property tax payer.

Assessor Grimm addressed questions and concerns from Council members.

8. Boards and Commissions

A. Harbor Commission (HC)

Council reviewed the minutes of the February 16, 2005 HC meeting. Mayor Jardine announced the next HC meeting would be scheduled as needed. The meeting will be held in the Council Chambers.

Mayor Jardine stated that she would like to temporarily appoint Jim Offield to the HC as the Harbor Point representative to replace George Kilborn. Kilborn has retired from Harbor Point. There were no Council objections.

B. Planning Commission (PC)

Council reviewed the minutes of the February 17, 2005 PC meeting. Mayor Jardine announced that the next PC meeting is scheduled for 6:00 pm, Thursday, March 17, 2005. The meeting will be held in the Council Chambers.

C. Zoning Board of Appeals (ZBA)

Mayor Jardine announced that the next ZBA meeting is scheduled for 5:30 pm, Wednesday, March 9, 2005. The meeting will be held in the Council Chambers.

D. Next City Council Meeting

The next regular City Council meeting is scheduled for 7:00 pm, Monday, March 7, 2005. The meeting will be held in the Council Chambers at 160 Zoll Street, Harbor Springs, MI 49740.

9. Old and New Business

A. Open Meetings Act

Councilperson Kors questioned City Manager Geuder and City Attorney Ramer for guidelines of when three or more City Council members can meet together without being in violation of the "Open Meetings Act". City Attorney Ramer stated that there is no reason why three or more Council members can't meet together socially.

City Attorney Ramer discussed circumstances under which a gathering of three or more Council members would be in violation of the "Open Meetings Act". Any time three or more Council members are together and they discuss City issues and or decide on Council issues, a "Meeting Notice" needs to be published.

City Attorney Ramer again stated that there is no reason that three or more members of Council could not sit together at a Church service, attend a party, or otherwise meet socially.

It was suggested that Ramer do a presentation on the Open Meetings Act at a future City Council meeting.

B. Ball Diamond Cost Progress

Councilperson Heinz asked if the City staff would have the costs the City pays on the baseball facilities prepared for Council's consideration of the Baseball Commission's request for assistance in funding some of the repairs and improvements to be made at Hoyt Street Park. City Manager Geuder stated that the City staff would have the costs prepared. He did caution that some of the costs would have to be estimated, because we allocate all of the Hoyt Street Park maintenance and utility costs to a "Parks Not on the Waterfront" set of accounts.

10. Closed Session

City Manager Geuder requested that Council recess from "Open Session" and convene in "Closed Session" to consider the lease of real property.

#7013 – Motion by Pfeifer, second by Heinz, to go to "Closed Session" under Section 8(d) of Public Act 267 of 1976, as amended, to consider the lease of real property up to the time an option to lease that real property is obtained.

Ayes – Grogan, Heinz, Kors, Pfeifer and Jardine
Nays – None

Mayor Jardine recessed from "Open Session" to go to "Closed Session" at 8:10 pm.

Mayor Jardine reconvened the "Open Session" at 8:22 pm.

11. Adjournment

With no further business, Mayor Jardine adjourned the meeting at 8:22 pm.

Approved: March 7, 2005

Ronald B. McRae, City Clerk

Jean Jardine, Mayor

City Council Meeting Minutes
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Attachments