

**Harbor Springs City Council  
May 4, 2009**

Mayor Dika called the seventeenth meeting of the Harbor Springs City Council to order at 7:00 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

The following corrections were noted for the April 20, 2009 regular meeting minutes:

- a. Page 5, Item 8 B., C. and D., the term "Manager" was used to start each section. The term "City Manager" should have been used.
- b. Page 6, Item 9 C., the time of 7:00 p.m. was recorded for the start of the District Library Planning Committee meeting was recorded. It should have been 6:30 p.m.
- c. Page 6, Item 10 A., the Clerk discussed the incorrect tree. The Item should be written as follows:

"A. Tree Over Dinghy Area at Zoll Street Beach

Councilperson Pfeifer stated that a tree on the south side of Beach Street leans over the dinghy storage racks and believes that it may be dangerous. City Manager Richards stated that he will have the tree inspected."

#7570 – Motion by Pfeifer, second by Kors, to approve the April 20, 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 be made from the following funds:

Voucher Number	Description	Fund Name	Amount
7548	Trust Payouts 3/13-4/21/09	Trust Fund	\$1,185.66

7549	Payroll Ending 4/26/09	General Fund	\$40,062.97
		Major St. Fund	417.53
		Local St. Fund	118.79
		Historical Fund	443.60
		Electric Fund	10,785.97
		Water & Sewer Fund	5,612.11
		Waterfront Fund	2,084.92
		Equipment Fund	551.37
7550	Accounts Payable - Council 5/4/09	General Fund	\$13,395.69
		Major St. Fund	0.00
		Local St. Fund	3,874.79
		Historical Fund	162.31
		Electric Fund	154,644.58
		Water & Sewer Fund	14,598.00
		WTTP Water Fund	4,240.00
		Waterfront Fund	809.53
		Equipment Fund	3,717.02

#7571 – Motion by Heinz, second by Hegedus, to approve the bills in the amount of \$256,704.84.

Ayes – 5  
 Nays – 0

THEREFORE, BE IT RESOLVED that claims on voucher numbers 7548, 7549 and 7550 checked by the Finance Committee, in the amount of \$256,704.84 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	\$53,458.66
Major Streets Fund	417.53
Local Streets Fund	3,993.58
Police Reserve	0.00
Historical Fund	605.91
Electric Fund	165,430.55
Water & Sewer Fund	20,210.11
West Traverse Water Fund	4,240.00
Waterfront Fund	2,894.45
Equipment Fund	4,268.39
Trust Fund	1,185.66
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Total	\$256,704.84
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### 3. Citizen Comments

Jane Mancour, 122 E. Summit Street, stated that she would like to have Council reconsider their decision to rescind approval of the placement of her signs to direct people to her business, Moving Mates, at Stutsmanville Road and State Road for estate sales. Council discussed this issue with Mancour. Moving Mates has been permitted to place their signs in the City's right-of-way for a number of years. They recognize that Mancour has always followed the regulations concerning placement of the signs.

However, the issue is that other business owners believe that they should be permitted to place their signs on the right-of-way to direct people to their businesses if Moving Mates is permitted to do so. Further, over the time that the signs were allowed, Moving Mates should have gained business recognition.

Council members believed that to allow Mancour to continue the practice of putting up signs for Moving Mates and not other businesses was not fair to other businesses. Further, Council members did not want to the rights-of-way full of advertisement signs.

Issues were discussed and opinions given concerning putting signs on private property and the use of directional signs to businesses downtown. City Attorney Ramer was consulted about some of these issues.

At the end of the discussion, Mayor Dika stated that it was the consensus of Council that their decision to rescind the use of the public rights-of-way for the placement of the Moving Mates temporary signs would stand.

#### 4. Michigan Public Power Agency Energy Services Agreement

City Manager Richards stated that the Michigan Public Power Agency (MPPA) Energy Services Agreement would require City Council approval for the MPPA to continue to purchase electricity on behalf of the City of Harbor Springs. Manager Richards stated that the current Agreement will expire December 31, 2010. Manager Richards stated that he has reviewed the proposed Energy Services Agreement with City Attorney Ramer.

Manager Richards stated that the Energy Services Agreement is necessary to to have the MPPA continue to purchase energy for the City members. The MPPA will be a broker, buying and selling energy on the member cities behalf.

Manager Richards addressed the questions and concerns of City Council. After the discussion the following motion was offered:

#7572 – Motion by Heinz, second by Kors, to approve the “Energy Services Agreement” as presented by the City Manager, between the Michigan Public Power Agency and the City of Harbor Springs, and to authorize the City Manager to execute said “Energy Services Agreement”.

Ayes – 5  
Nays – 0

#### 5. Agreement for Addition of Bear Creek Township to the Harbor Springs Area Sewage Disposal Authority

City Manager Richards stated that the City has been working on an agreement with the other members of the Harbor Springs Area Sewage Disposal Authority (HSASDA) for some time. The proposed agreement sets forth the conditions that would enable Bear Creek Township to join the HSASDA. Manager Richards stated that the HSASDA Board of Trustees has already approved the proposed agreement with the condition that the Authority members and Bear Creek Township needs to approve the Agreement before it can be executed.

Discussion followed, Councilperson Heinz responded to questions from other Council members regarding the development of the sewage treatment plant, the capacity of the

plant. Heinz commented on the reasons that he believed that the Agreement should be approved. After the discussion, the following motion was offered:

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#7573 – Motion by Heinz, second by Hegedus, to approve the “Resolution to Approve the Agreement for the Addition of Bear Creek Township to the Harbor Springs Area Sewage Authority” as presented.

Ayes – Heinz, Kors, Pfeifer, Dika and Hegedus

Nays – None

City Clerk McRae declared the Motion No. 7573 passed based on the roll call vote of five for and none against.

## 6. City Manager's Reports

### A. Energy Optimization and Renewable Energy Plans

City Manager Richards stated that the “Energy Optimization Plan” and the “Renewable Energy Plan” (the “Plans”) were submitted to the Michigan Public Service Commission (MPSC) before the deadline. However, the City is required to solicit further public comment on the Plans and submit those comments to the MPSC by June 2, 2009.

Manager Richards requested that Council authorize holding the public hearing on May 18, 2009. Council, by consensus, authorized holding the public hearing on the Plans at their May 18, 2009 City Council meeting. Manager Richards stated that the Plans are on the website and will be available in City Hall for public review.

### B. Michigan Municipal Electric Association Conference

City Manager Richards stated that he would be attending the Michigan Municipal Electric Association Conference in Grand Haven on May 14 and 15, 2009. He requested that if any Council members had any interest in attending to let him know. He will make the necessary arrangements.

### C. Curbside Recycling

City Manager Richards stated that he met with Elisa Seltzer, Director of the Emmet County Department of Public Works. She briefed him on the County’s recycling efforts and outlined the background on Harbor Springs’ participation in the program.

City Manager Richards stated that he had requested the specific annual report information on all of the participating communities that has been requested by Council members. After he had the opportunity to review the contract, the renewal proposal and analyze the reports, Manager Richards stated that he would provide them to Council for consideration.

Mayor Dika reminded Manager Richards that Councilpersons Pfeifer and Kors should be updated and with the documents and work with Manager Richards on this issue.

D. Blackbird Museum – Summer Docent

City Manager Richards stated that he authorized Curator Shagonaby to employ an intern to help with Museum visitors during the peak summer period from June 1 through August 29, 2009. Manager Richards stated that he estimates the cost of the Docent at \$2,300.

Further, Manager Richards stated that City Clerk McRae stated that there were sufficient cash reserves in the Historical Fund to allow this expense this year. The hiring of the Docent is based on a one-year trial basis. There were no Council objections to this action

7. Boards and Commissions

A. Planning Commission (PC)

Mayor Dika stated that the next PC meeting is scheduled for 6:00 p.m., Thursday, May 21, 2009.

B. Zoning Board of Appeals (ZBA)

Mayor Dika announced that the next ZBA meeting is scheduled for 5:30 p.m., May 13, 2009.

C. Harbor Commission (HC)

Mayor Dika announced that the next HC meeting is scheduled for 4:00 p.m., Wednesday, June 17, 2009.

D. Next Council Meeting

Mayor Dika announced the next regular City Council meeting is scheduled for 7:00 p.m., Monday, May 18, 2009 in the City Council Chambers.

8. Old and New Business

A. Tree Lighting Schedule

If Council was going to consider changing the Christmas Tree Lighting Program from the Sunday evening of Thanksgiving Weekend to Friday evening, the day after Thanksgiving, comments need to be requested from the public. This needs to be done in order to get a consensus of the public's perspective of this issue. The request came from the Chamber of Commerce to make the change.

9. Adjournment

With no further business, Mayor Dika adjourned the meeting at 7:41 p.m.

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Ronald B. McRae, City Clerk

Approved: May 18, 2009

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Alan J. Dika, Mayor

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Attachments