

Harbor Springs City Council Meeting
July 6, 2004

Mayor Dika called the fifteenth 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: Al Dika, Jean Jardine, and Pringle Pfeifer

Absent: Charlie Baldwin and Laura Kors

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

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

The following changes were noted for the minutes:

- a. Item 4., page 3, third paragraph, the second sentence reads, "...start educating the pilots and collect the necessary data." The second sentence should read, "...start educating the pilots and collecting the necessary data."
- b. Item 5, page 3, the first paragraph, the second to the last and the last sentences read, "The Kiwanis will set their hot dog and brat stand up on Sunday, July 4th. The Kiwanis will be there for the parade at 1:00 pm." The sentences should read, "The Kiwanians will set their hot dog and brat stand up on Sunday, July 4th. The Kiwanians will be there during the parade."
- c. Item 5, Motion No. 6926 reads, "...should they encounter any need for safety concerns," The motion should read, "...should they encounter any safety concerns,"

#6928 – Motion by Jardine, second by Pfeifer, to approve the June 21, 2004 regular City Council meeting minutes as amended.

Ayes – 3

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:

#7118– Payroll	PPE 06/27/04	\$ 18,785.43	General Fund
		845.40	Major Streets
		123.39	Local Streets
		10,811.41	Electric Fund
		5,221.80	Water & Sewer Fd
		9,802.11	Waterfront Fund
		551.39	Equipment Fund
		428.06	Historical Fund

#7119 – A/P	07/06/04 Council Bills	\$ 31,593.06	General Fund
		5,174.46	Major Streets
		8,249.55	Local Streets
		88,502.64	Electric Fund
		29,702.29	Water & Sewer Fd
		3,969.19	Waterfront Fund
		2,239.72	Equipment Fund
		215.33	Historical Fund

#6929 – Motion by Jardine, second by Pfeifer, to approve the bills in the amount of \$216,215.23.

Ayes – 3
 Nays – 0

THEREFORE, BE IT RESOLVED, that claims on voucher numbers 7118 and 7119 checked by the finance committee, in the amount of \$216,215.23 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	\$ 50,378.49
Major Streets Fund	6,019.86
Local Streets Fund	8,372.94
Electric Fund	99,314.05
Water & Sewer Fund	34,924.09
Waterfront Fund	13,771.30
Equipment Fund	2,791.11
Historical Fund	<u>643.39</u>
 Total	 \$ 216,215.23 =====

3. Citizen Comments

Kathy Lott, Executive Director of the Harbor Springs Area Chamber of Commerce, thanked the City Council and Staff for their continued support of the Chamber of Commerce activities, especially the work done for the July 4th Celebration.

4. Presentation of the 2003 Audit

City Manager Geuder introduced Jim Cusenga, of with Hill, Schroderus & Co., CPAs. Cusenga introduced John Fettig, also of the firm. Cusenga reviewed the audit and highlighted that the City received an “Unqualified Opinion”, which is the best opinion that the City can receive.

#6930 – Motion by Jardine, second by Pfeifer, to receive and file the 2003 Audit as prepared by Hill, Schroderus and Company, CPAs.

Ayes – 3
 Nays – 0

5. Michigan Consolidated Gas Easement

City Manager Geuder and City Attorney Ramer reviewed the revised "Easement for Placement of a Gas Regulator Valve". City Attorney Ramer reviewed the revisions with Council. They were:

- a. Michcon wanted the City to waive the insurance requirement. Michcon did agree to fully indemnify the City. Attorney Ramer believes that Michcon is as solvent as any insurance company and if anything should happen, he believes it would be as easier to collect from Michcon.
- b. Michcon wanted to be able to assign the easement in the future. Attorney Ramer negotiated with Michcon to have Council approve any future assignments on an individual basis. However, the City Council could not unreasonably withhold approval of any future assignment.
- c. The original easement was to be with DTE. The revised easement shall be with Michigan Consolidated Gas Company, a wholly owned subsidiary of DTE.

Council discussed the easement with Manager Geuder and Attorney Ramer. Councilperson Pfeifer asked if there would be any above ground appurtenances. Manager Geuder stated that the cover to the gas regulator valve was to be at ground level and green.

#6931 – Motion by Pfeifer, second by Jardine, to approve the "Underground Utility Easement for Michigan Consolidated Gas Company".

Ayes – 3
Nays - 0

6. Telecommunications Permit for SBC Under the Metro Act

City Manager Geuder stated that the enclosed "Application for Access To and Ongoing Use of Public Ways by Telecommunications Providers" (the "Application") submitted by Michigan Bell Telephone (doing business as SBC) needs to be approved by Council and Council must also authorize the "Right-of-Way Telecommunications Permit" (the "Permit") to be issued. To standardize fees and the use of public rights-of-way, the State of Michigan adopted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Metro Act), Public Act 48 of 2002, as amended. Council approved participating in the Metro Act. Participating in the Metro Act allows the City to be able to share in the permit fees received by the State of Michigan.

Council discussed the Application and Permit with City Manager Geuder and City Attorney Ramer.

#6932 – Motion by Jardine, second by Pfeifer, to approve the Application and authorize the Permit to be issued by the City.

Ayes - 3
Nays - 0

7. Contribution to the Chamber of Commerce "Street Musique Program"

City Manager Geuder stated that this issue was brought back because of the request for consideration last week under "New and Old Business". He further stated that such community events and programs as the "Street Musique Program" could be funded by the Electric Fund as a community promotion.

Council discussed this issue with Manager Geuder.

#6933 – Motion Pfeifer, second by Jardine, to contribute \$500 to the Harbor Springs Area Chamber of Commerce to support the "Street Musique Program".

Ayes – 3
Nays – 0

8. "Street Musique Program" Food Request

City Manager Geuder discussed the "outdoor dining" on the deck behind the Quarters on Thursday evenings. The New York Restaurant would prepare the food and it would be served on the deck behind Quarters. The donations received would pay for the cost of the food and the profits used to help fund the "Street Musique Program".

Manager Geuder stated that Matt Bugera, the owner of the New York Restaurant, thought he could do the "outdoor dining" after discussions with the owner of Quarters. Manager Geuder stated he would bring this to Council tonight for their consideration.

Mayor Dika believes this is an issue that should go to the Planning Commission. Councilperson Jardine concurred. Councilperson Pfeifer expressed some concerns over taking food from one premise to another when the premises are not next door to each other.

9. Boards and Commissions

A. Zoning Board of Appeals (ZBA)

Mayor Dika announced the next regular ZBA meeting is scheduled for 5:30 pm, Wednesday, July 14, 2004. The meeting will be held in the Council Chambers.

B. Planning Commission (PC)

Council reviewed the Notice of Public Hearing on accessory buildings scheduled for July 15, 2004. Mayor Dika announced the next PC meeting is scheduled for 6:30 pm, Thursday, July 15, 2004. The meeting will be held in the Council Chambers.

C. Harbor Commission (HC)

Mayor Dika announced the next HC meeting is scheduled for 4:00 pm, Wednesday, July 14, 2004. The meeting will be held in the Council Chambers.

D. Next City Council Meeting

The next City Council meeting is scheduled for 7:00 pm, Monday, July 19, 2004. It will be held in the City Council Chambers at 160 Zoll Street, Harbor Springs, MI 49740.

E. Appointments

Mayor Dika stated that he is not prepared to make an appointment of an Alternate Board member to the ZBA or to the PC at the present time.

10. Old and New Business

A. 4th of July Parade

Council discussed the parade on the 4th of July.

Council also discussed the candy throwing again this year. Some dangerous conditions were caused by the candy throwing with children running to pick up the candy. Council members also discussed the water guns.

Unlawful parking was also discussed.

Council members did agree that overall, the parade was good. Council also reviewed the fireworks and the Art Fair.

B. Police Boat Motor

Police Chief Branson stated that the Police boat motor was not working well this weekend. Irish Boat Shop loaned the City a boat to patrol the Harbor.

Council discussed the age of the boat motor and the fact that the City has had problems with the boat motor since it was virtually brand new.

11. Adjournment

With no further business, Mayor Dika adjourned the meeting at 7:50 pm.

Approved: July 19, 2004

Ronald B. McRae, City Clerk

Alan J. Dika, Mayor

City Council Minutes
July 6, 2004
Attachments