

**Harbor Springs City Council  
Meeting Minutes  
September 19, 2005**

Mayor Jardine called the eighteenth 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: Jean Jardine, Jim Grogan, Michael Heinz, Laura Kors and Pringle Pfeifer

Absent: None

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

2. City Clerk / Comptroller / Treasurer

A. Approval of Minutes

The following change was noted to the August 18, 2005 regular City Council meeting minutes:

Item 5, page 4, in Motion Number 7075, subcategory "1" reads, "For boats up to twenty-five feet in length, 50% discount on the regular transient rates." It should read, "For boats up to twenty-five feet in length, 50% discount on the regular transient rates, on a daily basis."

#7079 – Motion by Pfeifer, second by Grogan, to approve the August 18, 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:

#7221 - Payroll	PPE 08/21/05	\$ 11,763.46 General Fund 1,024.81 Major Streets Fd 766.49 Local Streets Fd 12,187.65 Electric Fund 6,529.05 W&S Fund 8,923.08 Waterfront Fund 1.0 Equipment Fund 441.37 Historical Fund
#7222 – Trust Payouts	Summer '05 & Delinquent '04 Personal Property Tax	\$2,453,355.39 Trust Fund

#7223 – A/P	09/06/05 Bills-(No Council)	\$ 15,722.54 General Fund 629.48 Major Streets Fd 4,735.92 Local Streets Fd 211,236.63 Electric Fund 8,840.38 W & S Fund 4,934.32 Waterfront Fund 3,724.36 Equipment Fund 12,410.25 B.A. Const Fund 327.83 Historical Fund
#7224 - Payroll	PPE 09/04/05	\$ 18,865.05 General Fund 1,594.96 Major Streets Fd 1.0 Local Streets Fd 12,796.14 Electric Fund 5,052.80 W & S Fund 4,677.74 Waterfront Fund 1.0 Equipment Fund 1.0 Historical Fund
#7225 – Trust Payouts	Summer '05 08/16/05 to 09/01/05	\$ 127,730.63 Trust Fund
#7226 – Sales Tax	August '05 Sales Tax	\$ 4,254.60 General Fund 15,156.08 Electric Fund
#7227 – A/P	09/19/05 Council Bills	\$ 43,682.22 General Fund 40.00 Major Streets Fd 203.00 Local Streets Fd 53,867.08 Electric Fund 30,327.29 W & S Fund 1,865.20 Waterfront Fund 100,332.01 Equipment Fund 179.55 Historical 5,801.64 W.T.T.

#7080 – Motion by Heinz, second by Grogan, to approve the bills in the amount of \$3,186,067.05.

Ayes – 5  
Nays – 0

THEREFORE, BE IT RESOLVED, that claims on voucher numbers 7221, 7222, 7223, 7224, 7225, 7226 and 7227, checked by the finance committee, in the amount of \$3,186,067.05 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	\$ 94,287.87
Major Streets Fund	3,289.25
Local Streets Fund	6,035.90
Electric Fund	305,243.58
Water & Sewer Fund	50,749.52
Waterfront Fund	20,400.34
Equipment Fund	105,372.56
B.A. Const Fund	12,410.25
Historical Fund	1,390.12
Trust Fund	2,581,086.02
W.T.T. Water	<u>5,801.64</u>
Total	\$3,186,067.05 =====

3. Citizen Comments

None.

4. Walstrom Marine Proposal for Dock Expansion

City Manager Geuder stated that Council has held two public hearings to receive comments and concerns about the proposed Dock Expansion Project by Walstrom Marine. This evening Council will hear a response from Walstrom Marine, Inc., addressing many of those comments and concerns.

David Lyle, President and Chief Operating Officer of Walstrom Marine, Inc., discussed the Harbor Plan and how the project met the requirements of the Harbor Plan. He further stated that Walstrom Marine, Inc., met the land side requirements of this project and the Dock Expansion Project received an approval from the Planning Commission. The original plans for the Dock Expansion Project were reviewed by the Harbor Commission. During the course of the meetings with the Harbor Commission, the plans were amended three times to what is proposed today.

Lyle stated that Walstrom Marine, Inc., is also concerned with the view of the Harbor. They removed approximately fifty feet from a building to help open more of the view. Further, the style of floating dock proposed for the expansion was designed without upright posts.

Ward Walstrom, Jr., stated that Walstrom Marine, Inc., prepared a response to the concerns and comments that were received during the course of the public input. He reviewed the concerns and discussed how Walstrom Marine, Inc., addressed those concerns. W. Walstrom also discussed the impact of the additional thirty-nine slips on the current traffic within the Harbor. W. Walstrom stated that approximately ten percent of the boats in the Harbor leave their slips at the same time most days. That would be an increase of about four boats per day in additional boat traffic, which is negligible. A greater percentage of boats may go out on the Fourth of July and on Regatta Weekend.

W. Walstrom reviewed the addition of slips in the Harbor stating that between the Irish Boat Shop and Walstrom Marine, Inc., only eight slips were added in the last twenty years. He pointed out that the City added thirty-two slips.

W. Walstrom informed Council that where the project was proposed to be located, the area was generally non-navigable because the depth was only three feet (approximately). It was the intention of Walstrom Marine, Inc. to dredge only the area in the proposed slip area of the project, not outside of the proposed project area, especially to the south and east.

W. Walstrom reviewed the view of the area from the sidewalk from the west end of Zorn Park (the City Beach) to Zoll Street Park. According to calculations made by Benchmark Engineering, sixty-six per cent of the area has a view.

W. Walstrom reviewed the potential economic impact of the additional slips on the local economy. According to a study by the Michigan Boating Industries Association, each boat slip generates approximately \$11,000 for the local economy. According to the estimates based on the Michigan Boating Industries Association study, Walstrom Marine, Inc. believes that the new slips would generate over \$430,000 per year in spending. W. Walstrom stated that because many of these slips will be seasonal slips, he believes the economic impact could be even greater.

W. Walstrom stated that in 1990 Walstrom Marine, Inc. had a study done by Public Sector Consultants from Lansing, Michigan, on boat traffic in the area of the East Basin near the proposed dock expansion area. The study covered twelve peak days during that summer. Public Sector Consultants found that approximately 8%, or 3.5 boats per day, went through the area proposed for the dock expansion. Most of the boats were less than sixteen feet in length and one of the boats got struck on the bottom.

The area proposed for the dock expansion project is basically a non-navigable area. It is believed that the boat traffic increase will be negligible in the Harbor. Walstrom Marine, Inc. estimates that the dock expansion project of 2.7 acres will only take up approximately one percent of the total area of the Harbor, which is 270 acres. W. Walstrom further explained that forty-six percent (46%) of the waterfront is owned by the City and is accessible to the public. According to the recent H.A.R.B.O.R., Inc. "Recreation, Open Space and Natural Resources Study" map only four percent of the Lake Michigan waterfront in the State is area is open to the public. Therefore, W. Walstrom stressed that more waterfront in Harbor Springs is open to the public than the rest of the State.

Walstrom Marine, Inc. is very safety minded. W. Walstrom stated that boat orientation and comprehensive instruction on operation and safety is included with the sale of every boat. Further, Walstrom's has no reports of accidents or personal injury to a boater or guest in the yacht basin at 501 East Bay Street within recent years.

W. Walstrom stated that Walstrom Marine, Inc. has been in business here for about sixty years. Walstrom Marine, Inc. has developed a great reputation for cleanness, being fair and being good stewards of the Harbor. Walstrom Marine, Inc. is involved in the "Michigan Clean Marina Program". W. Walstrom stated that according to Gail Gruendwald, the director of the Tip of the Mitt Watershed Council, the water quality is still very good and the clarity is about the same as it was years ago. Boats do not pollute the water. Wastewater is contained in holding tanks. Storm sewers empty more pollutants into the Little Traverse Bay than boats do.

W. Walstrom stated that the property sales at Marina Village have no record of declining values. When the condominiums were originally sold, the units sold for \$40,000 to \$50,000. Recently a unit sold for \$650,00 to \$700,000.

Councilperson Grogan asked what the normal height of a fifty feet long boat would be that would be in the dock expansion project area? A Walstrom Marine representative stated about twelve feet. Councilperson Grogan questioned the distance from shore to the breakwater because he believed there was a discrepancy between the submittal to the Michigan Department of Environmental Quality and United States Army Corps of Engineers' permit requests. Councilperson Grogan asked about the bridges proposed by Walstrom Marine, Inc., to allow the water to flow. Grogan asked if it was still the intention to remove the commercial slip to put boats in and out of the water in the east basin. Fred Walstrom stated that the slip would still be there. Councilperson Grogan asked how Walstrom Marine, Inc. planned to keep boats from docking on the South side of the South dock of the proposed dock expansion project. F. Walstrom stated that the bottom is only three feet deep along the dock, there would be no cleats or electric for hook ups and it would be signed.

Councilperson Kors questioned how Walstrom Marine, Inc. planned to prevent debris from gathering in the corners of the dockage areas. She noted that the City docks also have the same problem. F. Walstrom stated that they might have bridges to allow the debris to flow through or have employees clean the debris up. Councilperson Kors questioned the safety of the kayak users and swimmers from Zoll Street Park? F. Walstrom stated that it would be safer for the swimmers and kayak users because the breakwall would keep them out of the channel area until they got further south. Councilperson Kors asked how many boats would be going through the channel daily and if the channel could be made wider? F. Walstrom stated that approximately ten percent of the boats in the East Basin would be a good average of those utilizing the channel daily, which he estimates to be thirteen to fourteen boats. The State of Michigan regulates the width of the channel and the boat slips. Councilperson Kors asked how deep Walstrom Marine would dredge to make the proposed dock expansion area navigable and what steps would have to be taken to keep the silt under control? F. Walstrom stated that the actual depth would probably be six to eight feet, and the State of Michigan requires the use of a turbidity barrier to keep the silt from spreading and the trucks have to have screens over the boxes. Kors asked how wide the beach was that Walstrom Marine, Inc. removed? Several people addressed considered the question, and the answer was approximately one hundred feet. Walstrom Marine, not Marina Village, was the owner of that beach.

Mayor Jardine asked how much area would be dredged? F. Walstrom pointed to the area on the plan and stated that there would be no dredging south of the south dock. Mayor Jardine questioned the effect of the dredging on the fishing? The fishing may be improved because the dredging will remove the light sand and soils currently in place and uncover the gravel, which is better suited for spawning beds.

Councilperson Pfeifer asked how much of the dock would be in the view from Ford Park based on the size of the barges? The Walstrom staff discussed the length of the barges and the tug that would be tied up at the dock. Some estimates of distances were given depending on whether one barge, one barge and the tug or both barges and the tug were tied to the dock. Further, they stated that the Fenton Roe dock extended out into the Bay at one time. Councilperson Pfeifer asked if the economic benefits weren't overstated because many of the leases would be going to existing resorters and property owners? W. Walstrom stated that he believed that the economic benefits would be realized and perhaps to a greater amount than estimated.

Bill Blakemore, 7294 Emmet Heights, stated that he and his wife own a hairdressing salon on East Third Street. They get a number of boaters coming in to have their hair done. During the summer months, two hairdressers are kept busy all day long. Further, Blakemore stated that he has been employed at Walstrom Marine, Inc. for approximately forty years. The boaters have been a positive economic factor for as long as he can remember.

Barbara LaHood, Short Street, stated that she did not think the results of a fifteen-year old study would be applicable today. W. Walstrom stated that may be, but the numbers from the 1990 Public Sector Consultant Study were close to the numbers from the recent Harbor Master Plan Update. LaHood asked if the boaters contributed anymore to the Harbor Springs community economy other than purchases of hair, food and liquor?

Stirling Johnson, 3435 Oak Ridge Trail, stated that he believes that this project will provide needed dockage slips and help the economy of the Harbor Springs area and gave some examples. He spoke in favor of the proposed dock expansion project.

Count Darling, 524 East Bay Street, No. 1, stated that he would like to take a walk along Bay Street with W. Walstrom and verify the views that were described. Further, Darling questioned the view from Judd Street at the Irish Boat Shop property. Lastly, he asked if Walstrom Marine, Inc., would widen the channel coming in and out of the East Basin? F. Walstrom stated that Walstrom Marine, Inc. would do as the Michigan Department of Environmental Quality requested.

J. Bartlett, Chairman of the Harbor Commission, stated that there have been more private (not commercial) slips developed than public slips by the City since 1990. He cited the areas in Wequetonsing, Harbor Point, Boat House Row (north of the Little Harbor Club along Bay Street) and a new dock on the Graham-Pierce Property.

Mayor Jardine thanked everyone for coming. She stated that Council will be reviewing all of the comments and documentation received on this issue over the next two weeks and make their decision to give the Michigan Department of Natural Resources and the United States Army Corps of Engineers a recommendation to either approve or deny the proposed Walstrom Marine, Inc. dock expansion project.

5. Recess

Mayor Jardine recessed the City Council meeting from Open Session at 8:15 p.m.

Mayor Jardine called the City Council meeting back to order in Open Session at 8:25 p.m.

6. Lot Split at 455 Arbor Street

City Manager Geuder reviewed the proposed lot split for 455 Arbor Street. The Planning Commission (PC) voted to recommend City Council to approve the lot split. There are three lots on the west side of Arbor Street north from Short Street to Pine Street. All three lots are fifty feet wide by one hundred forty feet deep. Bryce Babcock made the request to divide the middle lot into two equal parts and sell the southern portion of the middle lot to Barbara LaHood, the owner of the southerly lot. Because the area is zoned Residential R-1-B, the minimum lot size required is 8,000 square feet, with a minimum width of eighty feet. Though the three lots are all non-

conforming, the two lots being created will also be non-conforming because they will each be seventy-five feet wide, not the required eighty feet.

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Since this proposed lot split will create two non-conforming lots, City Council must approve the lot split. Councilperson Pfeifer stated that the PC approved the recommendation to have City Council approve the lot split because the two lots being created will be less conforming than the three fifty-foot wide lots were. Further, if the LaHood were to build an addition, the lot split may allow the addition to be constructed without a variance.

Both Mayor Jardine and Councilperson Pfeifer disclosed that they were neighbors, but had no economic interest in this lot split request. City Attorney Ramer stated that they could vote on this issue because there was no economic benefit to either Mayor Jardine or Councilperson Pfeifer.

Manager Geuder recommended Council approve the proposed lot split for 455 Arbor Street, as presented.

#7081 – Motion by Heinz, second by Grogan, to approve the proposed lot split for 455 Arbor Street, as presented.

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

## 7. Traffic Control Orders

City Manager Geuder stated that Police Chief Branson put four Traffic Control Orders into place. The Traffic Control Orders will expire in ninety days unless City Council approves them. Three of the Traffic Control Orders are in the area of the School and were issued in response to changes in the traffic patterns based on the high school renovations. The fourth order is to provide more visibility at the Judd Street and Main Street intersection.

Manager Geuder stated that he recommended Council approve these Traffic Control Orders.

Chief Branson reviewed the Traffic Control Orders with Council. The first Traffic Control Order discussed was TCO# 002-05, which establishes a “no parking zone” on the north side of Main Street, to a point eighty feet west from the Judd Street intersection. Council members questioned why put a no parking zone here and not at the Gardner Street intersection. Chief Branson explained that cars are moving faster at this location. As the vehicles move more to the downtown area, they slow down considerably. But Chief Branson thought that a “no parking zone” in this area would be more acceptable than trying to take away more spaces in the downtown area.

#7082 – Motion by Kors, second by Grogan, to approve Traffic Control Order No. 002-05, as presented.

Ayes – 5  
Nays – 0

Traffic Control Order No. 003-05 prohibits parking on the south side of East Bluff Drive from Spring Street to Judd Hill / Arbor Street. Chief Branson noted that parking would still be permitted on the north side of East Bluff Drive from Spring Street to a point approximately one hundred feet west of the intersection at Judd Hill / Arbor Street. Now that the construction in the 1915 part of the High School is completed

and on site parking has been restored this parking area is no longer needed. Further, it helps the Department of Public Works' crew with making more room available for snow plowing.

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Chief Branson further noted that Traffic Control Order No. 003-05 modifies Traffic Control Order 003-04, which did permit parking on the south side of East Bluff Drive.

Councilperson Pfeifer did not agree that parking should be prohibited on the south side of East Bluff Drive. Further, she pointed out that the School is charging Twenty dollars for a parking permit for parking on the high school premises. In addition, the parking scheme worked last year on East Bluff Drive.

Councilperson Kors stated that she agreed with Councilperson Pfeifer until Chief Branson brought up the plowing issue. City Manager Geuder then reviewed the snowing plowing priorities with Council.

#7083 – Motion by Heinz, second by Jardine, to permit parking on the south side of East Bluff Drive and to rescind Traffic Control Order 003-05.

Ayes – 5

Nays – 0

Chief Branson explained that Traffic Control Order No. 004-05 prohibits parking on the south side of Pine Street approximately twenty feet to the east and west of the Center Street intersection. Further, parking is prohibited on the west side of Center Street approximately twenty feet north and south of the Pine Street intersection. Parking is also prohibited on the south side of Pine Street twenty feet to the east and the west of the Elm Street intersection where the new entrance / exit to the High School is. Parking is also prohibited on the west side of Elm Street twenty feet north of Pine Street. The purpose of this traffic control order is to increase visibility to motorists and pedestrians at these intersections. This Traffic Control Order also modifies Traffic Control Order No. 003-04.

Joan Sorenson, 415 Maple Street, questioned the current status of parking on Center Street between Pine Street and Maple Street. She noted that there was a no parking sign between Pine Street and Maple Street. Councilperson Pfeifer and Councilperson Kors stated that they have seen the sign. Chief Branson stated that he was not aware of the sign and would check it out.

Mayor Jardine, with the concurrence of the rest of the City Council members, tabled consideration of Traffic Control Order No. 004-05 until the October 17, 2005 City Council meeting.

Chief Branson explained Traffic Control Order No. 005-05, which prohibits parking on the west side of Spring Street to a point approximately seventy-five feet south from Summit Street. An additional driveway entrance into the High School parking lot has been constructed seventy-five feet south of the driveway at the Summit Street and Spring Street intersection. The elimination of the parking in this area will permit two-way travel of vehicles and improve visibility for motorists and pedestrians. This Traffic Control Order also prohibits parking on the west side of Spring Street to a point fifteen feet north of East Bluff Drive. This will improve visibility for motorists and pedestrians at the Spring Street and East Bluff Drive intersection.

#7084 – Motion by Grogan, second by Heinz, to approve Traffic Control Order No. 005-05, as presented.

Ayes – 5

Nays – 0

8. Purchase of Tasers

Mayor Jardine stated that she would like to table this issue until the October 17, 2005 City Council meeting. Councilperson Heinz stated that he would like to study this issue further and meet with Chief Branson concerning this request.

With the concurrence of the City Council members, Mayor Jardine tabled this issue until the October 17, 2005 City council meeting.

9. Street and Sidewalk Repairs

City Manager Geuder stated that received bids on two of the street and sidewalk projects being proposed.

A. Center Street Sidewalk Project

City Manager Geuder stated that the Center Street Sidewalk bids were higher than anticipated. The low bid was from Tri-County Excavating for \$41,936.72. The bulk of the bid was in the area of the Center Street and East Lake Street intersection area where backfilling and a retaining wall needed to be constructed. He recommended to Council to wait until next spring to do the project after bidding the project again. Further, this will allow Benchmark Engineering and the City Staff to review the project for other alternatives.

Council concurred with City Manager Geuder's recommendation to review the alternatives again and bid the project again next spring.

B. West Third Street Project

City Manager Geuder reviewed the bids received on the West Third Street Project. The bids were \$59,220.25 from Harbor Springs Excavating and \$67, 729.50 from Tri-County Excavating. The work on the West Third Street Project includes storm sewer work from the intersection at West Third Street and Harrison Street to the alley north of West Third Street at Harrison Street. The project calls for two sections of sidewalk to be installed. One section will complete the sidewalk on the north side of West Third Street along the south lot line of Jim Dika's home on the northeast corner of Harrison and West Third Street. The other section of sidewalk will be installed on the south side of West Third Street between the Mossburg Development and to the point where the sidewalk ends that goes west of Traverse Street. The asphalt surface will be replaced from a point west of Traverse Street and east of Harrison Street west to Washington Street. There will be no undercutting or reconstructing of the roadbed.

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

#7085 – Motion by Grogan, second by Kors, to approve the West Third Street Project, as proposed by City Manager Geuder, to be done by Harbor Springs Excavating at a cost of \$59,220.25, and to authorize the City Manager to execute the agreements.

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

10. Boards and Commissions

A. Planning Commission (PC)

Council reviewed the September 15, 2005 PC meeting minutes. Mayor Jardine announced that the next PC meeting is scheduled for 6:00 p.m. on Thursday, October 20, 2005 in the City Council Chambers.

B. Zoning Board of Appeals (ZBA)

Council reviewed the July 13, 2005 ZBA meeting minutes. Mayor Jardine announced that the next ZBA meeting is scheduled for 5:30 p.m. on Wednesday, October 12, 2005. The meeting will be held in the City Council Chambers.

C. Harbor Commission (HC)

Mayor Jardine announced that the next HC meeting that was scheduled for October 12, 2005 was cancelled. The meeting has been rescheduled for 4:00 p.m. on Wednesday, October 19, 2005 in the City Council Chambers.

D. Next City Council Meeting

Mayor Jardine announced that the next regular City Council meeting is scheduled for 7:00 p.m., Monday, October 3, 2005. The meeting will be held in the City Council Chambers.

11. Old and New Business

A. Status of the State Street, M-119 and East Bluff Drive Intersection Project

Councilperson Grogan asked about the status of the State Street, M-119, and East Bluff Drive intersection project. City Manager Geuder stated that the project has been delayed due to another project taking longer than was anticipated by H & D, Inc. Manager Geuder believes that the project will be done yet this fall.

12. Adjournment

With no further business, Mayor Jardine adjourned the meeting at 9:22 p.m.

Approved: October 3, 2005

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Ronald B. McRae, City Clerk

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Jean Jardine, Mayor

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Attachments