

Harbor Springs City Council Minutes
September 20, 2004

Mayor Dika called the nineteenth meeting of the Harbor Springs City Council to order at 7:01 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, Laura Kors and Pringle Pfeifer

Absent: None (There is one vacant City Council seat.)

Also Present: 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 and corrections were noted:

1. The date on the top of Page 3 should read September 7, 2004.
2. Page 3, Item 4, the second paragraph, the end of the first sentence and beginning of the second sentence reads, "...construction of the new library building. Provided some surveys..." The two sentences should be combined to read, "...construction of the new library building and provided some surveys..."
3. Page 4, Item 7A, the second paragraph, the second sentence reads, "...directed that City Manager Geuder proceed..." It should read, "...directed the City Manager to proceed..."
4. Page 5, Item 9E, reads, "The next City Council meeting is scheduled for 7:00 pm, Tuesday, September 20, 2004." It should read, "The next City Council meeting is scheduled for 7:00 pm, Monday, September 20, 2004."
5. Page 6, Item 10C, first sentence reads, "...the bathroom that serves the public on the south side of the new City Hall seem to be extremely warm." It should read, "...the bathroom that serves the public on the south side of the new City Hall seems to be extremely warm."
6. Page 6, Item 10F, the first sentence reads, "...the Witty house on West Third Street has a sign announcing the closing of her studio on Main Street." It should read, "...the Witty house on West Third Street has a sign saying 'Witty Studio'."
7. Page 6, Item 10G, the second sentence reads, "...while the main house was reconstructed." It should read, "...while the main house was constructed."
8. Page 6, Item 10H reads, "Councilperson Pfeifer stated the bluff is protected by ordinance. However, where the bluff begins is not always clear. She believes the "toe of the bluff" needs to be defined in the ordinances and that it is protected. She would like to see some way of identifying the bluff. She offered the suggestion to have the plat maps or zoning maps have dotted lines printed on them to identify where the bluff begins. City Clerk McRae stated he would present this issue to Manager Geuder on Monday." It should read, "Councilperson Pfeifer stated the Bluff is protected by ordinance. However, where the Bluff begins is not always clear. She believes the "toe of the Bluff" needs to be defined in the ordinances and that it be protected. She would like to see some way of identifying the Bluff. She offered the suggestion to have the plat maps or zoning maps have dotted lines printed on them to

identify where the Bluff begins. City Clerk McRae stated he would present this issue to Manager Geuder on Monday.”

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9. Page 7, Item 10I reads, “Councilperson Pfeifer stated that the retaining wall constructed by the Kirby’s appeared to be awfully high. She did not anticipate that it would be so high. When the drainage easement and project was approved, she did not realize that the proposed retaining wall would be so high. She would like the proposed project reviewed to determine the height of the retaining wall approved by Council. City Clerk McRae stated he would review this issue with Manager Geuder on Monday.” The second sentence should be removed to read, “Councilperson Pfeifer stated that the retaining wall constructed by the Kirby’s appeared to be awfully high. When the drainage easement and project was approved, she did not realize that the proposed retaining wall would be so high. She would like the proposed project reviewed to determine the height of the retaining wall approved by Council. City Clerk McRae stated he would review this issue with Manager Geuder on Monday.”
10. Page 7, Item 10J, the first sentence reads, “...she saw garden ornaments on the sidewalk leaned against the building ...” It should read, “...she saw garden ornaments on the sidewalk and leaning against the building ...”
11. Page 7, Item 10K, the first paragraph, second and third sentences read, “That way the merchants know what is allowed. Then everyone will have the same types of tables, racks, baskets, etc.” The second sentence should read, “That way the merchants know what is allowed and the rules be more easily enforced.” The third sentence should be deleted.
12. Page 7, Item 10M, the first four sentences read, “Councilperson Pfeifer stated that she would like the City to consider maintaining the view-shed by trimming the trees along East bluff Drive on City property, especially in front of the High School and along the Judd Hill. She believes the view of the waterfront from the bluff needs to be maintained. It will become more expensive the longer the City waits. She does not want it to get out of control, then having to remedy the situation.” They should read, “Councilperson Pfeifer stated that she would like the City to consider maintaining the view-shed by trimming the trees along East Bluff Drive on City property, especially in front of the High School and along the Judd Hill. She believes the view of the waterfront from the Bluff needs to be maintained. It will become more expensive the longer the City waits. She does not want it to get out of control and then have to remedy the situation.”

#6944 – Motion by Pfeifer, second by Kors, to approve the September 7, 2004 regular City Council meeting minutes as amended.

Ayes – 4

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:

#7135 – Payroll	PPE 09/05/04	\$ 19,815.31 General Fund 1,104.65 Major Streets 58.80 Local Streets 11,578.52 Electric Fund 6,216.97 Water & Sewer 4,028.43 Waterfront Fund 163.59 Equipment Fund 428.06 Historical Fund
#7136-Trust Payouts	Period 08/16/04 to 8/31/04	\$842,994.34 Trust Fund
#7137–State of Michigan	Aug '04 Sales w/holding	\$ 4,292.26 General Fund 11,582.52 Electric Fund
#7138-A/P	Council Bills for 9/20/04	\$ 89,427.43 General Fund 429.90 Major Streets 429.90 Local Streets 38,186.53 Electric Fund 54,235.67 Water & Sewer 861.17 Waterfront Fund 95,997.71 Equipment Fund 24.06 Historical Fund

#6945 – Motion by Kors, second by Pfeifer, to approve the bills in the amount of \$1,181,855.82.

Ayes – 4
 Nays – 0

THEREFORE, BE IT RESOLVED, that claims on voucher numbers 7135, 7136, 7137, and 7138 checked by the finance committee, in the amount of \$1,181,855.82 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	\$ 113,535.00
Major Streets Fund	1,534.55
Local Streets Fund	488.70
Electric Fund	61,347.57
Water & Sewer Fund	60,452.64
Waterfront Fund	4,889.60
Equipment Fund	96,161.30
Historical Fund	452.12
Trust Fund	<u>842,994.34</u>
Total	\$1,181,855.82
	=====

3. Citizen Comments

Kathy Lott, Executive Director of the Harbor Springs Area Chamber of Commerce, thanked Council for the use of the waterfront for the Chamber's "Taste of Harbor" event. She also announced that Friday, September 25, 2004, was the deadline for submission of the "Harbor Heroes" applications.

4. East Third Street Drainage Project

City Manager Geuder stated that the proposed East Third Street Drainage Project is necessary because of the redevelopment of properties from Judd Street to Ingalls Street. When East Third Street was reconstructed eight to ten years ago, drainage in this area was not a problem. However, drainage problems were in the vicinity of Ingalls Street. Manager Geuder also introduced Joe O'Neill and Jamie Johnson of Benchmark Engineering.

The proposed project is to install a thirty-inch inverted trough by the south side of the road, along with three catch basins to function as drywells.

Council discussed the proposed project with the City Manager and the Benchmark Engineering representatives. The trough is expected to extend approximately two-thirds of the distance between Judd Street and Ingalls Street.

The estimated cost of the project is \$19,033.87 based on a bid from Harbor Springs Excavating. A second bid was received from H&D for \$22,755.00.

#6946 – Motion by Kors, second by Jardine, to authorize the City Manager to proceed with the East Third Street Drainage Project, as proposed, and to award the contract to Harbor Springs Excavating in the amount of \$19,033.87.

Ayes – 4
Nays – 0

5. Proposed Street Projects

City Manager Geuder stated that he had prices for two street projects. They are:

1. Widen East Fairview Street
2. Resurface Ann Street

H&D has bid \$7,706.00 to widen Fairview Street from State Street east to the entrance of the Fairview Malls' entrances on both sides of Fairview Street. Manager Geuder stated this project would widen the Fairview Street about six feet on each side. This would line up the curbs with the driveway entrances to the Fairview Malls. Over the last couple of years Fairview Street has taken a beating from all of the construction taking place and also the traffic from ambulances, school buses, boat storage and City vehicles.

H&D has bid about \$15,000 to cap Ann Street from West Lake Street north approximately five hundred feet toward Perry Street. Superintendent Rick Ward believes that the capping of Ann Street is a temporary fix that may last approximately ten years or a little longer. O'Neill noted that the gravel was actually coming up through the asphalt.

Council discussed the two proposed street projects with Manager Geuder and O'Neill.

#6947 – Motion by Jardine, second by Pfeifer, to authorize the City Manager to proceed with the two road projects, widen East Fairview Street and recap Ann Street, and to execute the agreements with H&D to do the repairs at a cost of \$7,706 and \$15,000, respectively.

Ayes – 4
Nays – 0

6. Update on the Aerial Mapping Project

City Manager Geuder and O'Neill reviewed the progress being made on the mapping project. The pictures have been taken. The aerial company is putting the pictures on computer with reference points to overlay the pictures. The aerial company should be completed sometime in October.

Once the aerial company is done, Benchmark Engineering will work with the City to determine how we want to utilize the mapping. Manager Geuder reviewed some of the types of maps that can be made from the aerial mapping. He showed Council one type of map created. The map that Manager Geuder worked from showed elevations and he demonstrated how to read the map and some of the features of the map.

Council discussed various types of overlays being created for the mapping project. They discussed how the mapping is to be upgraded. Council members all agreed that the mapping project appears to be very worthwhile.

7. Bluff Project at the Top of Judd Hill

City Manager Geuder discussed the proposed Bluff Project at the top of Judd Hill with Council. He stated that the grass has grown in nicely on the hill and the soil appears to be stabilized. There are still some wild flowers that may appear in the spring, but the grass will be there. Further, to start the planting phase of the proposed Bluff project this fall will work to destabilize the Bluff until the root systems grow from the new plantings.

Manager Geuder stated that he would prefer to use the funds budgeted for the proposed Bluff Project to trim and open up the "view-shed" on City property along East Bluff Drive. Council discussed the Manager's proposal and concurred with his opinion.

8. Planning Commission Recommendation for a Lot Split Approval

City Manager Geuder stated that the Planning Commission (PC) recommended that Council approve a lot split at 1048 North Traverse Street. Council needs to approve the lot split, as there is an existing variance if the lots are split as proposed.

Lots 7 and 8, owned by Megan Jones, are the two most northern lots on the east side of North Traverse Street in the Leighton Park Subdivision. The owner would like to split one foot of land on the north side of lot 7 and add it to the south side of lot 8. By doing so, lot 7 will be sixty-five feet wide and one hundred and thirty-two feet long. The minimum lot width required in the zoning district where the lots are located is sixty-five feet.

By allowing the proposed lot split, lot 8 will have a three and eight tenths feet side yard setback along the south side lot line. When considering this lot split, Planner Larry Nix offered the following conditions:

- a. The shed on lot 7 be removed because there would be no principal building on lot 7.
- b. The porch on the south side of the existing house be removed, as the porch would encroach on lot 7.
- c. Require a twelve feet side yard setback on the north side of lot 7 (the southerly lot). This would still allow a separation of close to sixteen feet between the existing house on lot 8 and the building envelope on lot 7.

After hearing the Planner's suggestions, the PC voted to recommend the proposed lot split with the conditions to the lot split as recommended.

Council discussed the proposed lot split approval with Manager Geuder.

#6948 – Motion by Pfeifer, second by Kors, to approve the proposed lot split approval, with three conditions, as recommended by the PC. The three conditions are:

- a. The shed on lot 7 be removed,
- b. The porch on the south side of the existing house be removed, and
- c. Require a twelve feet side yard setback on the north side of lot 7 (the southerly lot).

Ayes – 4
Nays – 0

9. Curbside Recycling Update

City Manager Geuder stated he met with Elisa Seltzer, Emmet County Department of Public Works Director, today. Harbor Springs will have the curbside recycling pickup on Tuesday of each week. Further, volunteer groups, such as the Boy Scouts will be passing out the totes this coming weekend.

Council members were concerned about the part year residents getting totes and where the totes would be placed for them. City Manager Geuder stated that he did not have all of the answers. Hopefully neighbors would help to make sure the totes get to the right people.

Manager Geuder stated he would follow this closely to determine what could be done, and would contact Seltzer again.

10. Proposed Little League Ball Diamond on Arbor Street

City Manager Geuder stated that he read an article in the Harbor Light that the School District is considering allowing the Baseball Commission to install a baseball diamond behind Blackbird School. Manager Geuder has concerns about traffic and parking issues that he believes the School District needs to consider. Some of the Arbor Street residents have already expressed some concerns about these items.

Manager Geuder reviewed his concerns with Council. Geuder stated he would talk to the School District.

11. Boards and Commissions

A. Zoning Board of Appeals (ZBA)

Council reviewed the September 8, 2004 ZBA meeting minutes. Mayor Dika announced the next regular ZBA meeting is scheduled for 5:30 pm, Wednesday, October 13, 2004. The meeting will be held in the Council Chambers.

B. Planning Commission (PC)

Council reviewed the September 16, 2004 PC meeting minutes. They also commented on the discussion that the PC had concerning PC member attendance. Council members asked if "Alternate Board Members" could be appointed to the PC. Mayor Dika asked City Attorney Ramer to review this issue and get back to Council. Mayor Dika announced the next PC meeting is scheduled for 6:30 pm, Thursday, October 21, 2004. The meeting will be held in the Council Chambers.

C. Harbor Commission (HC)

Council reviewed the September 15, 2004 HC meeting minutes. Mayor Dika announced the next HC meeting is scheduled for 4:00 pm, Wednesday, October 13, 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, October 4, 2004. It will be held in the Council Chambers at 160 Zoll Street, Harbor Springs, MI 49740.

12. Old and New Business

None.

13. Adjournment

With no further business, Mayor Dika adjourned the meeting at 8:20 pm.

Ronald B. McRae, City Clerk

Approved: October 4, 2004

Alan J. Dika, Mayor

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Attachments