

ALPENA CITY COUNCIL MEETING

August 4, 2014 - 7:00 p.m.

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Approve Minutes –Regular Session of July 21, 2014; and Closed Session of July 21, 2014;
4. Modifications to the Agenda.
5. Citizens Appearing Before Council on Agenda and Non-Agenda Items (Citizens Shall be Allowed a Maximum of Five (5) Minutes Each to Address Their Concerns. This is the Only Time During a Council Meeting that Citizens are Allowed to Address the Council).
6. Consent Agenda.
 - A. Bills to be Allowed, in the Amount of \$136,831.29.
7. Announcements.
 - A. Election Day – August 5, 2014.
8. Mayoral Proclamation.
9. Report of Officers.
10. Communications and Petitions.
 - A. Presentation by Jim Klarich and Adam Poll of Proposed Downtown Hotel Project and Request to Utilize a Portion of City Parking Lot for Overflow Parking.
11. Unfinished Business.
12. New Business.

Greg E. Sundin
City Manager

COUNCIL PROCEEDINGS

July 21, 2014

The Municipal Council of the City of Alpena met in regular session in the City Hall on the above date and was called to order at 7:00 p.m. by the Mayor.

Present: Mayor Waligora, Councilmembers Sexton, Nielsen, Nowak, and Johnson.

Absent: None.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MINUTES

The minutes of the closed session of July 7, 2014, and regular session of July 7, 2014, were approved as printed.

MODIFICATION TO AGENDA

Moved by Councilman Sexton, seconded by Councilwoman Nielsen, that the following modification to the agenda be approved:

1. Add item 14, Council action, if necessary, on City/Township water and sewer issues.

Carried by unanimous vote.

CONSENT AGENDA

Moved by Councilman Nowak, seconded by Councilwoman Johnson, that the following Consent Agenda items be approved:

1. Bills Allowed – in the amount of \$306,969.36 be allowed and the Mayor and City Clerk authorized to sign warrants in payment of same.
2. One Mayoral appointment to the Historical District Study Committee for an undefined term (Douglas Pugh).
3. One Mayoral reappointment to the Downtown Development Authority for a

four-year term expiring on 8/1/2018 (Dan Florip).

4. Approval of budget amendments to finish incomplete projects from fiscal year 2013-2014.
 - 1) Fire Department – Jaws of Life.
 - 2) Sewer Fund – Land improvements, driveway resurfacing, flow meters, and entrance gate.
 - 3) Water Fund – Clear well repair.
 - 4) Light Department – Light pole replacements.
 - 5) I.T. Department – Wired city.

Carried by unanimous vote.

TREASURER'S FINANCIAL REPORT

Moved by Councilman Nowak, seconded by Councilman Sexton, to receive and file the Treasurer's Financial Report of July 1, 2013, through June 30, 2014.

Carried by unanimous vote.

BLACK SHEEP PUB REQUEST FOR OUTDOOR SEATING

Moved by Councilman Nowak, seconded by Councilwoman Nielsen, that the request of Black Sheep Pub to have outdoor seating on the sidewalk at the front entrance, be approved.

Carried by unanimous vote.

CLOSED SESSION

Moved by Councilman Sexton, seconded by Councilwoman Nielsen, that the Municipal Council adjourn to a closed session at 7:27 p.m., to discuss attorney client privilege written opinion.

Carried by unanimous vote.

RECESS

The Municipal Council recessed at 7:27 p.m.

RECONVENE – CLOSED SESSION

The Municipal Council reconvened in closed session at 7:35 p.m.

RECONVENE – OPEN SESSION

The Municipal Council reconvened in open session at 8:07 p.m.

**MOTION TO AUTHORIZE FILING OF COMPLAINT AGAINST THE
TOWNSHIP OF ALPENA BY THE ALPENA CITY ATTORNEY**

Whereas, in 2013 the City received a water and sewer Rate Study Report from an independent consultant; the consultant strongly recommended that water and sewer rates be set at a level which is necessary to maintain the integrity of the City's utility system; in 2014 the City took an initial step to revise its water and sewer rates for all customers consistent with the consultant's recommendation; the 2014 rate increase was also consistent with a 1977 Water & Sewer Agreement between the City and Alpena Township; Alpena Township has formally rejected these 2014 rates and has failed to make a full payment of its water and sewer invoice as required of all utility customers; and its formal rejection of the 2014 rates coupled with its non-payment of a full invoice shows that the Township will continue making incomplete payments; and

Whereas, an additional disagreement exists between the City and Alpena Township as to whether the 1977 Agreement regarding water and sewer rates has expired, and

Whereas, the City desires to treat all of its water and sewer customers equally and all other customers are required to make full payment of utility invoices, and

Whereas, discussions between the City and Alpena Township have not resolved these issues and the City will not harm water and sewer customers in Alpena Township

by terminating water and sewer services for non-payment; and

Whereas, the City has no alternative except to seek Court intervention.

Therefore, I move that the Alpena City Council authorize City Attorney William Pfeifer to:

- A. commence and pursue litigation against Alpena Township seeking such legal remedies, which in his professional judgment, are in the best interests of the City and which may include seeking a Court Order to force payment of the unpaid balance owed for water and sewer services, obtain a Court Order requiring future water and sewer invoices to be fully paid on time and seek a determination regarding whether the 1977 Agreement between the City and Alpena Township has terminated;
- B. defend against any counterclaims raised by Alpena Township; and
- C. work in conjunction with Special Counsel, James Young, to protect the interests of the City in this litigation and in any discussions or negotiations related to this matter.

Carried by unanimous vote.

On motion of Councilman Sexton, seconded by Councilman Nowak, the Council adjourned at 8:15 p.m.

MATTHEW J. WALIGORA
MAYOR

ATTEST:

Karen Hebert
City Clerk

INVOICE REGISTER FOR CITY OF ALPENA

EXP CHECK RUN DATES 08/05/2014 - 08/05/2014
 BOTH JOURNALIZED AND UNJOURNALIZED
 OPEN

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
ALPENA AREA CHAMBER OF COMM	072914	FACADE IMPROV - DDA	5,000.00
ALPENA AUTO ELECTRIC	53047	VEH MAINT #94	150.00
ALPENA AUTO ELECTRIC	53057	VEH MAINT #89	195.00
ALPENA DIESEL SERVICE	43837	VEH MAINT #38	25.15
ALPENA MARKETPLACE PRODUCTIONS	100 07/14	TAPING FEES - COUNCIL MTG	450.00
ALPENA PAPER & SUPPLY CO	455297	SUPPLIES - AMB DISP	176.40
ALPENA PAPER & SUPPLY CO	455632	SUPPLIES - CITY HALL	79.84
ALPENA POWER COMPANY	080514	ELECTRIC	5,934.18
ALPENA REGIONAL MEDICAL CENTER	VAK04016	BLOOD DRAW - POLICE	40.00
AMERICAN UNITED LIFE INSURANCE	30320 08/14	PREMIUM-LIFE 08/14	965.70
APLEX	080514	POLLING PLACE FEE 08/05/14	200.00
AQUATIC DOCTORS LAKE MANAGEMENT INC	2557F	MAINT - BOAT HARBOR	1,125.00
AVTECH SOFTWARE	M014071702	SERVICE/SUPPORT 07/14-06/15	100.00
BC/BS OF MICHIGAN	64088 08/15	PREMIUM-HEALTH 08/14	80,452.49
CDW GOVERNMENT INC	MX22238	SUPPLIES - IT	523.28
COMFORT INN & SUITES	346436816	ROOM RESERVATION	76.50
DEAN ARBOUR FORD LINCOLN MERCURY	15176	VEH MAINT - AMB	1,645.33
DEAN ARBOUR FORD LINCOLN MERCURY	CM15176	VEH MAINT - AMB	(75.00)
DEBRA WADE	AP2491-12C	AMBULANCE REFUND	250.00
DONALD H GILMET	073114	MILEAGE 07/14	216.72
DTE ENERGY	080514	GAS	1,177.05
EAGLE SUPPLY CO	98236	SUPPLIES - FIRE/AMB	69.90
EAGLE SUPPLY CO	98265	SUPPLIES - PARKS	26.76
EJ USA	3736169	MAINT - MAJ ST	771.07
ELMER'S CRANE AND DOZER INC	814024	CLEAR WELL REPAIRS - WATER	2,600.00
EVERETT GOODRICH TRUCKING & ASPHALT	22633	STORES - COLD PATCH	1,219.00
FASTENAL COMPANY	MIALP117115	VEH MAINT - DPW	28.10
FASTENAL COMPANY	MIALP117252	VEH MAINT - DPW	13.77
FEDERAL EXPRESS	2-721-81544	SHIPPING FEES	22.67
FIRST PRESBYTERIAN CHURCH	080514	POLLING PLACE FEE 08/05/14	100.00
FIRST UNITED METHODIST CHURCH	080514	POLLING PLACE FEE 08/05/14	200.00
FRONTIER	4-0167 07/14	TELEPHONE - WATER	128.69
FRONTIER	6-0135 07/14	TELEPHONE - CEMETERY	39.50
FRONTIER	6-2515 07/14	TELEPHONE - WATER	49.02
FRONTIER	6-2992 07/14	TELEPHONE - WATER	111.18
FRONTIER	6-6422 07/14	TELEPHONE - DDA	60.43
GARANTS OFFICE SUPPLIES & PRINTING	54034	SUPPLIES - CITY HALL	6.76
GARANTS OFFICE SUPPLIES & PRINTING	54063	PROMOTIONAL SUPPLIES - DDA	157.50
GREEN ACRES FEED AND SEED	285928	MAINT - CEMETERY	44.00
H BARBER & SONS INC	BL28008A	BARBER SURF RAKE - DPW	1,000.00
HAGLUND LANDSCAPING	072914	MAINT - MAJ/LOC ST	310.00
HALLS SERV-ALL	070514	RENTAL FEE - PARKS	945.75
HALLS SERV-ALL	070614	RENTAL FEE - PARKS	141.00
HALLS SERV-ALL	071214	RENTAL FEE - PARKS	1,092.00
HOME DEPOT CREDIT SERVICES	813007	FLOWERS - BOAT HARBOR	249.80
HOME DEPOT CREDIT SERVICES	7561567	SUPPLIES - FIRE	13.41
HOME DEPOT CREDIT SERVICES	1029822	MAINT - BOAT HARBOR	180.93
HOME DEPOT CREDIT SERVICES	5133386	MAINT - MAJ ST	19.90
HOME DEPOT CREDIT SERVICES	2071155	MAINT-PUBLIC SAFETY BLDG	75.92
HOME DEPOT CREDIT SERVICES	7562580	MAINT - PARKS	107.73
HOME DEPOT CREDIT SERVICES	5023330	MAINT-PUBLIC SAFETY BLDG	144.88
HOME DEPOT CREDIT SERVICES	591231	SUPPLIES - PW/PKS/BH	89.64
HOME DEPOT CREDIT SERVICES	8070516	SUPPLIES - PUBLIC SAFETY	62.73
HOME DEPOT CREDIT SERVICES	1061596	MAINT - BOAT HARBOR	7.34
HOME DEPOT CREDIT SERVICES	1081305	SUPPLIES - FIRE MARSHAL	73.94
INK AND TONER ALTERNATIVE	14-35822	SUPPLIES - IT	55.98
INK AND TONER ALTERNATIVE	14-35914	SUPPLIES - IT	159.99
JCI CHEMICAL	625259	SODIUM HYDROXIDE - SEWER	4,082.40
JEWELLS DISPOSAL SERVICE INC	072014	TRASH REMOVAL - CODE ENF	10.00
LANCELOT KENDZIORSKI	AP14-0813C	AMBULANCE REFUND	582.00
LESSLEE DORT	070114	REIMB CELL PHONE EXP - DDA	60.00
LESSLEE DORT	080114	REIMB CELL PHONE EXP - DDA	60.00
LEXIS/NEXIS MATTHEW BENDER	60816163	PUBLICATION - CITY ATTORNEY	389.31
MCDONALD AUTO SUPPLY INC	745188	VEH MAINT - FIRE EQ	28.99
MICHIGAN CAT	PD4293535	VEH MAINT #74	198.29
MICHIGAN CAT	PD4311006	VEH MAINT #65	65.64
MICHIGAN PIPE & VALVE	T63983	STORES - QUIKSEAL	487.00
MICHIGAN STATE UNIVERSITY	28976	CONFERENCE REGISTRATION - POLICE	75.00
MUTUAL OF OMAHA	074L5 08/14	PREMIUM-DISABILITY 08/14	792.44
MY COMMUNITY MOBILE	072514	CITY APP SUPPORT - 08/14	99.00
NATIONAL ELECTRIC GATE COMPANY INC	61822	BRIDGE MAINT - MAJ ST	276.00
NATIONAL ELECTRIC GATE COMPANY INC	61956	BRIDGE MAINT - MAJ ST	124.32

INVOICE REGISTER FOR CITY OF ALPENA

EXP CHECK RUN DATES 08/05/2014 - 08/05/2014
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 OPEN

VENDOR	INVOICE #	DESCRIPTION	AMOUNT
NYE UNIFORM COMPANY	471896	UNIFORMS - POLICE	209.97
OFFICE DEPOT	709124700001	SUPPLIES - POLICE	39.99
OFFICE DEPOT	712775623001	SUPPLIES - POLICE	18.18
OFFICE DEPOT	713208243001	SUPPLIES - POLICE	21.99
OFFICE DEPOT	713578846001	SUPPLIES - FIRE	14.30
OFFICE DEPOT	714451202002	SUPPLIES - PUBLIC SAFETY	3.88
OFFICE DEPOT	715248684001	SUPPLIES - POLICE	13.65
OFFICE DEPOT	715632521001	SUPPLIES - PUBLIC SAFETY	28.41
OFFICE DEPOT	715632587001	SUPPLIES - POLICE	3.69
PHILLIPS EXPERT TREE	072914	MAINT - PW/PKS	1,650.00
PLUNKETT COONEY	10582532	ATTY FEES - FIRE/AMB/DPW	1,580.00
PROBUILD - ALPENA	222636	MAINT - CODE ENF	21.14
QUILL CORPORATION	4642238	SUPPLIES - CITY HALL	477.92
R & R FIRE TRUCK REPAIR	45991	VEH MAINT - FIRE EQ	32.38
RICHARD LEE HELZER JR	072914	PARKING ATTENDANT SVCS - DDA	114.80
ROWLEYS WHOLESAL	1710797-00	VEH MAINT - DPW	1,145.24
ROWLEYS WHOLESAL	1714634-00	VEH MAINT - DPW	(50.97)
RR DONNELLEY	732557501	SUPPLIES - CLERK/TREAS	126.39
SHALLAS SERVICE STATION	7359	VEH MAINT - AMB	125.50
SPENCER MENDEL	AP14-0097C	AMBULANCE REFUND	100.00
ST BERNARD CHURCH	080514	POLLING PLACE FEE 08/05/14	100.00
STAPLES INC	19885	SUPPLIES - IT	16.49
STRALEY LAMP & KRAENZLEIN PC	20726	MONTHLY FEE 06/14	3,070.00
THE LINCOLN NATIONAL LIFE	202473 08/14	PREMIUM-DENTAL 08/14	9,083.79
THOMAS STEINBAUER	AP1814-13	AMBULANCE REFUND	83.42
THOMSON REUTERS - WEST	829930733	PUBLICATION - CITY ATTORNEY	557.00
TIMOTHY MARQUARDT	062314	TRAVEL ADVANCE - POLICE	50.00
TRUGREEN - CHEMLAWN	22083414	MAINT - CEMETERY	35.00
VERIZON WIRELESS	9728456765	TELEPHONE	896.11
VERIZON WIRELESS	9728390070	TELEPHONE	581.47
WAL-MART	9408	SUPPLIES - FIRE/AMB	168.59
WINN TELECOM	3371 07/14	TELEPHONE - LONG DISTANCE	95.64

Total: 136,831.29