

## City Council

### Regular Meeting Minutes

Monday, February 3, 2014  
7:00 p.m., Council Chambers



#### 1. Call to Order

#### 2. Invocation

- Moment of silence

#### 3. Roll Call

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Absent: None

#### 4. Approval of Agenda

Moved by Patterson to approve the agenda. Seconded by Kozlik Wall.

Voted Yes: All. Motion Carried.

#### 5. Consent Agenda: Items A thru C (Roll Call Vote Required)

Moved by Fitzgibbon, seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of January 20, 2014.
- B. Bills totaling \$489,018.78 for the period ending February 4, 2014 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 10-08-2013 Parks Commission Minutes
  - 2) 11-26-2013 SHARA Minutes
  - 3) 12-17-2013 LHBM Minutes

A Roll Call Vote was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

Voted Yes: All. Motion Carried.

#### NEW BUSINESS

6. **Council will be asked to approve Resolution 2014-04, a resolution appointing a Board of Review and establishing a rate of compensation and a meeting schedule for tax year 2014.**

Moved by Patterson, to approve Resolution 2014-04, a resolution appointing a Board of Review and establishing a rate of compensation and a meeting schedule for tax year 2014. Seconded by Fitzgibbon.

Voted Yes: All. Motion Carried.

7. **Council will be asked to approve Resolution 2014-05, a resolution to enter into Michigan Municipal Electric Association ("MMEA") Mutual Aid Agreement and designate persons authorized to request or approve requests for assistance thereunder.**

*Background Information:* Since 2009, the City of South Haven has participated in Southern Rebel Mutual Aid Meetings. This is a loosely organized group consisting of Chelsea, Clinton, Coldwater, Dowagiac, Hillsdale, Marshall, Niles, Paw Paw, South Haven, Sturgis, and Union City. By working agreement, the Electric Departments of the above-named members, have agreed to furnish mutual aid in the form of equipment, labor and materials to other member cities in times of emergencies and disasters.

In 2013, this group discussed the need to have standardized requirements, obligations, and conditions for the furnishing of emergency assistance to one another; and sought the assistance of the Michigan Municipal Electric Association (MMEA). MMEA has crafted this standardized written agreement and has agreed to act as a coordinating agent to help promote the purposes of this agreement. MMEA Participating Members consist of Bay City, Chelsea, Clinton, Coldwater, Crosswell, Dowagiac, Eaton Rapids, Escanaba, Gladstone, Grand Haven, Harbor Springs, Hillsdale, Holland, L'Anse, Lansing, Lowell, Marquette, Marshall, Negaunee, Niles, Norway, Paw Paw, Petoskey, Portland, St. Louis, Sebewaing, South Haven, Stephenson, Sturgis, Traverse City, Union City, Wyandotte, and Zeeland.

The proposed agreement specifies standardization and requirements of contact information procedures; insurance and liability requirements; requesting assistance; response; training; equipment; invoicing and payment for services; lodging, meals, and transportation; damage to equipment; and the role of MMEA.

This agreement shall extend for a period of 30 years, unless sooner terminated by mutual agreement; and a participating member may withdraw from this agreement at any time as authorized by resolution of its governing body.

City staff feels it is advisable and in the best interests of the City of South Haven to have standardized requirements, obligations and conditions under which emergency assistance will be furnished or requested, and recommends approval.

On January 27, 2014, the Board of Public Utilities reviewed and provided unanimous approval of a recommendation to City Council to enter into the Michigan Municipal Electric Association ("MMEA") Mutual Aid Agreement.

Moved by Fitzgibbon, to approve Resolution 2014-05, a resolution to enter into Michigan Municipal Electric Association (“MMEA”) Mutual Aid Agreement and designate persons authorized to request or approve requests for assistance thereunder. Seconded by Patterson.

Voted Yes: All. Motion Carried.

**8. Council will be asked to consider the approval of the Jet Ski license agreement with LJ Agency.**

*Background Information:* Linda VanDerZee, doing business as LJ Agency, Inc., is requesting to renew the license agreement for a Jet Ski excursion business from a floating dock attached to the deck at the South Side Marina.

The agreement is a three year agreement, which may be terminated by either party each year. LJ Agency will pay \$1,650 for the right to place the floating dock and operate its excursion business.

There are a number of requirements on the business, including an insurance requirement, a training requirement, no operation during unsuitable weather, and compliance with all safety rules. LJ Agency will allow emergency services to use a jet ski when needed.

The proposed Jet Ski excursion will provide an interesting attraction to downtown South Haven and will create approximately 10 part time jobs. Participants in the excursions will park in the downtown area and the excursion will bring more people on foot into the downtown.

Moved by Patterson, to approve a Jet Ski license agreement with LJ Agency. Seconded by Klavins.

Voted Yes: All. Motion Carried.

**9. Council will be asked to approve Special Event 2014-08, Festival of Cars.**

*Background Information:* This special event request is ready for City Council’s approval. This year the festival of Cars is again requesting to use the Huron St. parking lot & pavilion and west side of Huron St. The event is to be held on Saturday, June 7, 2014 from 5:30am to 4:00 pm. The Festival of Cars has already communicated with the two businesses that could be effect by the partial closure of Huron St and neither business had an issue with the closure. The Farmers Market will need to make arrangements to move from the Huron St. Pavilion to Dyckman Park just like they do during the Blueberry Festival. City staff has reviewed the proposal and has no objections to the proposed event.

Moved by Kozlik Wall, to approve the Special Event 2014-08, Festival of Cars. Seconded by Patterson.

Voted Yes: All. Motion Carried.

**10. Council will be asked to consider approval of a Customer Service Policy for Shut Off for Nonpayment for Services.**

*Background Information:* Over the past several months, staff has been working on creating a policy regarding the shut-off of utility services for non-payment.

While there is no written policy in place, staff has been working under a set of unofficial “best practices” when dealing with shut-off situations. The proposed policy blends state law, utility policy and portions of these best practices. Further, the proposed policy provides clear guidelines and expectations for both staff and customers. Following are some of the items that the policy addresses.

- Section 3 of the policy clarifies that customers will be given a minimum of seven days to make payment before shutting of the service.
- State law requires that both customers and occupants are provided with notice of the impending shut off. Section 4 of the policy provides for notification to the tenants.
- State law also requires customers be given an opportunity to appeal the shut off. The policy provides an opportunity to appear before the Finance Director to appeal the shut off notice. Section 5 specifically states the reasons that would qualify for appeal. Inability to pay is not cause for an appeal.
- Section 6 of the policy allows customers to request two 14-day extensions of the due date on their shut off notice. The requests must be made in writing by the customer.
- Section 8 of the policy states that the City will not perform shut-offs for non-payment of services for residential customers from November 1 to April 15 of each year as dictated by State law.
- Section 10 states that the entire delinquent balance, including late fees and turn on fees, must be paid before service will be restored.

The proposed policy was reviewed by the City’s attorney. The policy was presented and approved by the Board of Public Utilities at their January 27, 2014 meeting.

Moved by Fitzgibbon, to approve a Customer Service Policy for Shut Off for Nonpayment for Services. Seconded by Patterson.

Voted Yes: All. Motion Carried.

**11. Council was asked to schedule workshop sessions for February 10<sup>th</sup> and 17<sup>th</sup> 2014, to begin the annual priority setting process.**

There were no objections to the proposed dates.

**12. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**

No Public Comment

**13. City Manager’s Comments**

**14. Mayor and Councilperson’s Comments**

Kozlik Wall – No Comment

Gruber – Spoke about how City staff works 24/7.

Fitzgibbon – Spoke about fun had at Icebreaker.

Patterson – Thanked people who volunteer to help out, not only during events but also with snow removal and checking on neighbors and elderly.

Arnold – No Comment.

Klavins – Look out for people walking in the roads.

Burr – Thanks to Kathy Wagaman and all who helped with Icebreaker. Great job!

**15. City Council will be asked to go into closed session pursuant to the Michigan Open Meetings Act; Public Act No. 267 of 1978; 15.268; Section 8(a) for annual personnel evaluation for the City Manager.**

Moved by Kozlik Wall, to go into closed session pursuant to the Michigan Open Meetings Act; Public Act No. 267 of 1978; 15.268; Section 8(a) for annual personnel evaluation for the City Manager. Seconded by Fitzgibbon.

A Roll Call was taken:

Yeas: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Nays: None

Motion carried. Council adjourned into closed session at 7:38 p.m.

Moved by Kozlik Wall return to open session. Seconded by Patterson.

Voted Yes: All. Motion carried. Council returned to open session at 7:57 p.m.

**16. Adjourn**

Moved by Arnold to adjourn. Seconded by Klavins.

Voted Yes: All. Motion carried. Meeting adjourned at 7:57 p.m.

RESPECTFULLY SUBMITTED,



Michelle Coffey,  
Deputy City Clerk

Approved by City Council: February 17, 2014