

Regular Council Meeting
Tuesday, February 18, 2014
412 Main St. - City Hall
Frankfort, Michigan 49635 (231) 352-7117

Meeting was called to order by Mayor Johnson at 7:00 p.m.

Pledge of Allegiance

Roll Call - Present: Condon, Holwerda, Johnson, Luedtke
Public – 16

Absent: Jackson

Request to Appear Before Council

None

Public Input

Mayor Johnson – Wanted to make a statement on the status of Officer Tim Cavric. Mr. Cavric was given a walking beat back in November as well as other tasks in the office. Mr. Cavric chooses to go outside in the extreme conditions. We currently only have one vehicle and as soon as we get the new car the schedule will be changing. The council is still trying to work out a settlement agreement with Mr. Cavric and as soon as we get a date we will schedule a special meeting. We believed we had everything worked out before but Mr. Cavric keeps making changes.

Mike Jones – 1912 S. Scenic Hwy. - Jones stated that he can't vote in Frankfort but wants to support Robert Lozowski and the job he is doing in the Chief of Police position. The council would be well served to make him the Chief of Police. Others before him didn't have what is needed to run that office.

Jon Douglas Holmes – 718 Forest Ave. – Warned the council about not having an Indemnification Agreement with attorneys. This agreement makes attorneys responsible for the advice they are giving. Holmes cited three Supreme Court cases Murdock vs. Pennsylvania, Shuttlesworth vs. City of Birmingham and Owen vs. City of Independence. Holmes warns that attorneys need to be held accountable for the advice they give.

Tom Stobie – 2176 Stratton Lane - Stobie retired from the Frankfort – Elberta Area Schools as its superintendent in December 2013 and is running for the 101st House seat in the November election. Stobie wanted to thank the City for all the cooperation with FEAS over his years at the school.

Rick MacRae – 401 Main Street – Hoping that the City will be able to work forward for a solution in the Police Department. Drug stores are hot targets and it would be nice to have more hours of protection.

Thelma Rider-Novak – 1019 River Road – Novak stated that she is representing others in the audience who gave up their time for her to speak. Novak did some calculating between the population and budget of the City of Frankfort Police Department and the area it covers and the Benzie County Sheriff's Department budget and the county population and area they cover. In doing her equations she figured the City residents are paying \$146 per hour per sq. mile and \$.12 per resident for each of the eight hours per day covered for 5 days a week from City Police. The Sheriff's Department gives 20 hours of coverage, 7 days a week for \$.59 per hour per square mile and \$.01 per resident.

Novak went on to speak of an incident that happened between 2007 and 2008 regarding shift differentials of Officer Lozowski's timesheets. Claiming that the City did not seek prosecution for the incident or fire Lozowski because they would have to run the department short or hire back Cavric. Novak mentioned that Ms. Holwerda was a member of the council at that time. This information was not made available in Novak's FOIA request and she feels the public has a right to know. If the council does hire Lozowski as the Chief of Police this information should be brought out to the public. Novak went on to say that she has in her possession signed black and white copies of Lozowski's timesheets for that 7 month time period.

Novak commented that Lozowski is currently the Acting or Interim Chief of Police however he signs documents as the Chief of Police which she feels is misleading the public.

Novak went on to say that while Councilwoman Holwerda states that Cavric does not have to work in the extreme weather conditions and was told that by Lozowski, she could find nothing in writing from Lozowski stating that until after the public had called to complain about Cavric being out in the inclement weather.

Novak also took issue of Councilwoman Holwerda using the City copier free of charge for her PEO club and Robert Johnson for e-mailing pictures of girls without their tops on and a European advertisement for Viagra.

Correspondence

Richard Haan – Legality of November Election
Joe & Delores Soos – Thank-you to DPW
Cliff & Janet McConnell – Not happy about officer on foot patrol in extreme weather

Approval of Minutes

Motion by Holwerda, seconded by Jackson to approve regular minutes of 01/21/2014, special meetings of 01/29/2014 as presented.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

Approval of Bills

Motion by Holwerda, seconded by Condon to approve prepaid vouchers #44734-44739 & 44741-44797 in the amount of \$152,537.65. Payroll vouchers #27757-27820 in the amount of \$36,382.80.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

Motion by Johnson, seconded by Condon approving Voucher #44740 in the amount of \$77,950.00 to Luedtke Engineering for the Emergency Dredge Project.

RC: Yeas: Condon, Holwerda, Johnson Nays: None Abstained: Luedtke
Absent: Jackson Motion CARRIED

Motion by Johnson, seconded by Condon approving monthly Vouchers #44798-44841 in the amount of \$82,358.24 as presented.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

Committee Reports

a) Personnel/Public Safety

The council met on the 29th to work on the Cavric settlement

b) Finance

Met on Tuesday, February 11th, budget amendments are on the agenda. Made line items for Cavric settlement.

c) Water/Sewer & Solid Waste

No meeting. Mills reminded everyone of the run water notice. There were homes and businesses that had frozen pipes. The main concern is along M-22 between 7th Street and Day Avenue and on Main Street. Mills was able to borrow an ice thaw machine from Lake City to help unthaw the pipes.

d) Recreation Board

No meeting. Will need to schedule a meeting to work on the Recreation Master Plan and community survey for recreational needs.

e) Fire Advisory

Will be scheduling a meeting soon.

f) Planning Commission

There will be a Public Hearing on March 11, 2014 at 7:00 p.m. to look at the zoning ordinance amendments. Mills stated that the entire Zoning Ordinance will be re-adopted instead of each revision separately.

g) Airport Authority

No meeting this month.

h) Grants

No meeting. Looking for grants associate with M-22 for water lines, and to enhance corridor and maneuvering semi trucks at Graceland.

i) BLUA

Nothing to report.

j) Brownfield Redevelopment

No meeting.

k) Marina Authority

No meeting. Mills will need to schedule after members are appointed or reappointed.

l) Tree Board

Brief meeting where the tree planting and Arbor Day were discussed as well as a possible purchaser for timber from 7th Street Beach Park.

m) Downtown Development Authority

Rules and Procedures for DDA are on the agenda under new business.

n) Commissioner's Report

Commissioner Griner was unable to attend.

Departmental Reports

Instead of each department head going over their report Mayor Johnson asked the council if they had any questions regarding any of the department head reports.

Clerk/Treasurer – Kidder did mention that Mills, Joan McKay, Johnson and herself had an opportunity to meet Chris Bzdok and Scott Howard from the firm Olson, Bzdok and Howard who are taking over McKay and McKay's firm.

Superintendent – Mills stated that the new truck needed some repairs which is covered under warranty work. Mills stated that the crew is working hard on the snow removal. The crew is experiencing over three times more overtime hours than last year. A new used ladder truck was purchased for the fire department. Chief Thompson and Asst. Chief Mark Ketz flew out to Denver, Colorado to pick it up and drive it home. It is a nice rig and will meet our needs for the future. Josh will be looking at a FEMA grant for a quick attack pumper.

Chief of Police – Lozowski called on the car and was told they are two weeks out due to the weather.

Old Business

None

New Business

A) Committee and Board Appointments – Mayor Johnson

Re-appointments:

Tom Kunitzer	Marina Authority	1 yr	03/19/15
Cal Dummer	Marina Authority	3 yr	03/19/17
Ron Beyette	Marina Authority	3 yr	03/19/17

Also appoint the following people that have expressed their interest in serving on these committees openings:

Roger Griner	Board of Review (replacing LaVonne Griner)	3 yr	04/15/17
Catherine Anderson	Marina Authority (replacing Scott Powell)	2 yr	03/19/16

Motion by Mayor Johnson, (no second required) to re-appoint Tom Kunitzer for a one-year term, and Cal Dummer and Ron Beyette for three-year terms to the Marina Authority, as well as Roger Griner to the Board of Review for a three-year term and Catherine Anderson to the Marina Authority for a two-year term.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

B) Budget Amendments - Kidder

Motion by Condon, seconded by Luedtke to approve the budget amendments as presented.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

C) DDA Rules & Procedures - Mills

Motion by Condon, seconded by Johnson to approve the Rules & Procedures for the Downtown Development Authority (DDA) as presented.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

D) MDOT Performance & Indemnification Resolution – Mills

Motion by Holwerda, seconded by Condon to authorize Josh Mills, Street Administrator, to sign the Performance and Indemnification Commitment from MDOT to allow work to be performed within the MDOT right-of-way.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

PUBLIC INPUT –

JoAnn Holwerda – 675 Day Avenue – Wanted to clarify for the record that she has never used the City’s copier for her personal use. She has however come in and used the binder for her books and she brought in her own binder materials.

Robert Johnson – Wanted to apologize to the public for his e-mails. Many times he would just forward the funny ones. They were sent from his personal e-mail, not the City e-mail.

J. Douglas Holmes – 718 Forest Ave. – Not sure if Roger Griner should be on any committees. As a commissioner he along with other commissioners passed agenda items through without reading the documents they were voting on. These people sign and swear an oath to faithfully discharge the duties of their office but don’t bother to read what they are voting on.

Holmes again wanted to reiterate that an indemnification agreement should be signed with whoever the attorney would be for the City.

Adjournment

Motion by Condon, seconded by Luedtke to adjourn the meeting at 8:05 p.m.

RC: Yeas: All Nays: None Motion CARRIED
Absent: Jackson

Robert J. Johnson, Mayor

Kimberly K. Kidder, Clerk/Treasurer