



CITY OF WHITEHALL

**CITY COUNCIL MEETING
405 E. COLBY STREET, WHITEHALL, MI
COUNCIL CHAMBERS
February 26, 2019
6:00 p.m.**

AGENDA

1. Meeting called to Order
 - A. Pledge of Allegiance
2. Approval of Agenda
3. Approval of the February 12 Work Session and Council Meeting Minutes
4. Approval of Accounts Payable
5. Communications: Crystal Morgan Correspondence, Muskegon Area First Minutes, Splash Pad Committee Notes, Whitehall Business Group
6. Public Comment *
7. Messages from the Mayor, Council, and City Manager
 - A. Council Appointment
8. Unfinished Business
9. New Business
 - A. Resolution 19-07 Sewer Vacuum Truck IPA
10. Public Comment *
11. Adjournment

City of Whitehall, 405 E. Colby Street, Whitehall, MI 49461; 231-894-4048

* PUBLIC COMMENT: Citizens wishing to speak on any subject matter or with regard to items on the agenda should use this opportunity. As a courtesy to the council, come to the podium, state your name, and direct your comments to the board. Please limit comments to three minutes.

CITY OF WHITEHALL
CITY COUNCIL WORK SESSION MINUTES
February 12, 2019
5:00 p.m.

PRESENT: Dick Connell, Virginia DeMumbrum, Ellie Dennis, Norm Kittleson, Kevin Spencer, and Steve Salter

ABSENT: Debi Hillebrand

ALSO PRESENT: City Attorney Sweeting, City Manager Huebler, City Clerk Bourdon, Chief Squiers

Mayor Pro Tem Dennis called the meeting to order at 5:00 p.m. in the Garden Room.

Discussion Items

Rental Inspections (Staff)

City Manager Huebler reviewed the changes made to the IPMC based on the comments received from Council. Positive feedback was received as well as concern that it still may be too restrictive. Discussion included who would be considered for the code official, fees and reports to council on violations. Next steps include editing IPMC and drafting an ordinance.

Recreational Marihuana (staff)

City Manager Huebler informed council that the Planning Commission voted to return the topic of recreational marihuana back to council for the decision on whether to and what to allow/not allow prior to them creating ordinances. Sweeting informed council of options moving forward and provided the same outline that Planning received to help them formulate what they would like to allow or not allow. Deadline for completion is February 26th.

Informational Items

None

Other

None

Public Comment

Scott Brown requested information on the closure on Misco Drive.

Meeting Adjourned at 5:55 p.m.

Ellie Dennis, Mayor Pro Tem

Brenda Bourdon, City Clerk

CITY OF WHITEHALL
COUNCIL MEETING MINUTES
February 12, 2019

PRESENT: Dick Connell, Virginia DeMumbrum, Ellie Dennis, Norm Kittleson, Kevin Spencer, and Steve Salter

ABSENT: Student Representative Alison Hiner, Mayor Hillebrand

ALSO PRESENT: City Attorney Sweeting, City Manager Huebler, City Clerk Bourdon, Chief Squiers, Student Representative Jackie Jacobs

Mayor Pro Tem Dennis called the meeting to order at 6:00 p.m. in the Council Chambers.

Motion by Spencer, seconded by Kittleson, CARRIED, to excuse Mayor Hillebrand from tonight's meeting. All yeses.

APPROVAL OF THE AGENDA

Motion by Kittleson, seconded by DeMumbrum, CARRIED, to approve the agenda. All yeses.

APPROVAL OF COUNCIL MINUTES

Motion by Salter, seconded by Spencer, CARRIED, to approve the January 22 council meeting minutes. All yeses.

APPROVAL OF THE ACCOUNTS PAYABLE

Motion by Kittleson, seconded by Connell, CARRIED, to approve the account payables in the amount of \$209,889.96 and checks to be drawn in their several amounts.

Roll Call Vote: Yes – Kittleson, Connell, Spencer, DeMumbrum, Salter, and Dennis; No – None; Absent – Hillebrand

COMMUNICATIONS

Quarterly Financial Report, Planning Commission Meeting Minutes

Motion by Spencer, seconded by DeMumbrum, CARRIED, to approve the communications and place them on file. All yeses.

PUBLIC COMMENT

Kevin Spencer announced his new business ventures upon his retirement which included the purchase of the Church for an event center and the Restore building for a bowling alley.

Rand Barfoot spoke on the noise from the snow removal at Arconic.

MESSAGES FROM THE MAYOR, COUNCIL, AND CITY MANAGER

Salter reported on the School board meeting he attended.

Spencer reported on the Playhouse tours he had as well as meetings with Winberg.

Jacobs stated that she's excited about the bowling alley that Spencer reported on.

Connell thanked council for the appointment and thanked Jen Hain for the fabulous job she did on council.

DeMumbrum asked if the new no left turn sign was doing its job.

Kittleson commended DPW on the fantastic job of maintaining the roads.

UNFINISHED BUSINESS

None

NEW BUSINESS

A. Resolution 19-06 Board of Review

Motion by Connell, seconded by Spencer, CARRIED, to approve the Board of Review meeting dates for Wednesday, March 13th from 1 pm – 4 pm and 6 pm – 9 pm and Thursday March 14th from 9 am – 12 pm and 1 pm – 4 pm.

Roll Call Vote: Yes – Connell, Spencer, Salter, Kittleson, DeMumbrum, and Dennis; No – None; Absent – Hillebrand

B. Backup Generator

Motion by Kittleson, seconded by Spencer, CARRIED, to authorize repairs to the city hall emergency backup generator for an amount not to exceed \$5,500 per the attached quote from Wolverine Power and to treat such as an emergency purchase under Ordinance 32.05.

Roll Call Vote: Yes – Kittleson, Spencer, Connell, DeMumbrum, Salter, and Dennis; No – None; Absent – Hillebrand

PUBLIC COMMENT

None

CLOSED SESSION

Motion by Spencer, seconded by Salter, CARRIED, to go into Closed Session to discuss the acquisition of real property.

Roll Call Vote: Yes – Spencer, Salter, Connell, DeMumbrum, Kittleson, and Dennis; No – None; Absent – Hillebrand

ADJOURNMENT

Motion by Spencer, supported by Connell, CARRIED, that the Council meeting be adjourned at 6:39 pm All yeses.

Ellie Dennis, Mayor Pro Tem

Brenda Bourdon, City Clerk

CITY OF WHITEHALL
ACCOUNTS PAYABLE
February 26, 2019

February 2019 Prepaids

<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>Check No.</u>
City of Whitehall-Common Cash	Payroll	\$46,055.69	Transfer
IRS	Payroll	\$14,455.89	EFT
Alerus Financial	Payroll	\$5,059.53	7079
MISDU	Payroll	\$90.34	7080
Alerus Financial	Payroll	\$604.88	7081
United States Postmaster	Postcard Stamps - Voter Cards	\$35.00	20349

Total Prepaids: \$66,301.33

TOTAL ACCOUNTS PAYABLE

\$376,734.99

User: ALYSSA

EXP CHECK RUN DATES 02/22/2019 - 02/22/2019

DB: Whitehall

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

CITY OF WHITEHALL ACCOUNTS PAYABLE

COUNCIL MEETING OF FEBRUARY 26, 2019

Vendor Code	Vendor Name	Description	Amount
AFLAC	AFLAC		
	429899	PREMIUM - FEB-2019	537.80
TOTAL FOR: AFLAC			537.80
AMWAT	AMERICAN WATER WORKS ASSOC		
	7001648498	MEMBERSHIP	340.00
TOTAL FOR: AMERICAN WATER WORKS ASSOC			340.00
MISC	AMERISURE INSURANCE		
	2178733	REFUND CLAIM# 278733 OVERPAYMENT-BW TRANSPORT	339.79
TOTAL FOR: AMERISURE INSURANCE			339.79
ARCHI	ARCHITECTURAL HARDWARE CO		
	48592	LOCK REPAIR - MECHANICS BAY/EXTERIOR	419.00
TOTAL FOR: ARCHITECTURAL HARDWARE CO			419.00
BATT	BATTERIES PLUS - 386		
	386-P11705199	BATTERIES - QTY 3 - 12V	91.85
	STATEMENT	3.6V BATTERY	17.95
TOTAL FOR: BATTERIES PLUS - 386			109.80
MAHON	BRANDON L MAHONEY		
	FEB-2019	FLEX - FEB-2019	372.56
TOTAL FOR: BRANDON L MAHONEY			372.56
MISC	BRANN'S		
	STATEMENT	MEAL	20.43
TOTAL FOR: BRANN'S			20.43
ARMST	BRIAN ARMSTRONG		
	FEB-2019	FLEX - FEB-2019	286.85
TOTAL FOR: BRIAN ARMSTRONG			286.85
CHART	CHARTER COMMUNICATIONS		
	0038420020419	INTERNET	100.00
TOTAL FOR: CHARTER COMMUNICATIONS			100.00
MISC	CITY OF MONTAGUE		
	STATEMENT	REIMBURSE 50% - LODGING/TRAINING	185.30
TOTAL FOR: CITY OF MONTAGUE			185.30
DAN	DAN FROST DBA DAN'S AUTOMOTIVE		
	6341-6271	VEHICLE MAINT #12-05 & CRUISER MAINT	71.44
TOTAL FOR: DAN FROST DBA DAN'S AUTOMOTIVE			71.44
DERBY	DERBY DESIGN		
	STATEMENT	WEBSITE/CITY CALENDAR REPLACEMENT	35.00
TOTAL FOR: DERBY DESIGN			35.00
FRONT	FRONTIER		
	STATEMENT	TELEPHONE	137.10
	STATEMENT	TELEPHONE	53.57
TOTAL FOR: FRONTIER			190.67

Vendor Code	Vendor Name	Description	Amount
J&H OIL	J&H OIL COMPANY		
	7223938	FUEL - GASOLINE/6,000 & DIESEL/2,500	14,307.40
TOTAL FOR: J&H OIL COMPANY			14,307.40
DAVIS	JULIE DAVIS		
	FEB-2019	FLEX - FEB-2019	520.66
TOTAL FOR: JULIE DAVIS			520.66
MISC	KESSLER WOODWORKING		
	STATEMENT	TRANSOM WINDOW - PLAYHOUSE	350.00
TOTAL FOR: KESSLER WOODWORKING			350.00
LOWE	LOWE'S		
	STATEMENT	ELECTRONIC LVR PLY	116.23
TOTAL FOR: LOWE'S			116.23
MIIND	MICHIGAN INDUSTRIAL SHOE		
	I01-2004017	BOOTS & WINTERWEAR - BOND & YOUNG	443.32
TOTAL FOR: MICHIGAN INDUSTRIAL SHOE			443.32
PIZZA	MICHIGAN PIZZA HUT INC		
	STATEMENT	TIFA MEETING	61.75
TOTAL FOR: MICHIGAN PIZZA HUT INC			61.75
MICHSTPOL	MICHIGAN STATE POLICE-CASHIERS OFF		
	551-532020	SOR FEES	150.00
TOTAL FOR: MICHIGAN STATE POLICE-CASHIERS OFF			150.00
MUCTR	MUSKEGON CENTRAL DISPATCH		
	I-2019-010	VIRTUAL SERVER, EMAIL & OFFSITE BACKUP	527.30
TOTAL FOR: MUSKEGON CENTRAL DISPATCH			527.30
MUSTWP	MUSKEGON CHARTER TOWNSHIP		
	1900011247	MAR 2019 CENTRAL DISPATCH FEES	3,465.00
TOTAL FOR: MUSKEGON CHARTER TOWNSHIP			3,465.00
MUCRD	MUSKEGON COUNTY ROAD COMMISSIO		
	5933	BULK SALT & SAND	2,385.26
TOTAL FOR: MUSKEGON COUNTY ROAD COMMISSIO			2,385.26
MUTRE	MUSKEGON COUNTY TREASURER'S		
	0000171215	DOG TAGS - JAN-2019 & WASTEWATER & BONDS	61,129.93
TOTAL FOR: MUSKEGON COUNTY TREASURER'S			61,129.93
YOUNG	PAUL YOUNG		
	FEB-2019	FLEX - FEB-2019	225.77
TOTAL FOR: PAUL YOUNG			225.77
PEKAD	PEKADILL'S		
	STATEMENT	CAPITAL CAMPAIGN MEETING	33.76
TOTAL FOR: PEKADILL'S			33.76

Vendor Code	Vendor Name	Description	Amount
PLAY	PLAYSCRIPTS INC		
	2167081	SCRIPT - RATED P FOR PARENTHOOD & BEAT BUGS	14.00
TOTAL FOR: PLAYSCRIPTS INC			14.00
PREIN	PREIN & NEWHOF, PC		
	48411	ENGINEERING FEES - MAIN ST RECONSTRUCTION	5,646.00
TOTAL FOR: PREIN & NEWHOF, PC			5,646.00
REP	REPUBLIC SERVICES #240		
	0240-007369087	WASTE REMOVAL	389.66
TOTAL FOR: REPUBLIC SERVICES #240			389.66
SBAM	SBAM PLAN		
	MAR-2019	PREMIUM - MAR-2019	24,107.89
TOTAL FOR: SBAM PLAN			24,107.89
HUEBL	SCOTT HUEBLER		
	FEB-2019	FLEX - FEB-2019	4.26
TOTAL FOR: SCOTT HUEBLER			4.26
SUBPRO	SUBURBAN PROPANE-7820		
	7827-115750	PROPANE	2,223.37
TOTAL FOR: SUBURBAN PROPANE-7820			2,223.37
STANI	THE STANDARD INSURANCE		
	MAR-2019	PREMIUM - MAR-2019	1,045.89
TOTAL FOR: THE STANDARD INSURANCE			1,045.89
TRUCK	TRUCK & TRAILER SPECIALTIES		
	DSO004013	KENNAMETAL SCRAPER BLADE - QTY 3	693.75
TOTAL FOR: TRUCK & TRAILER SPECIALTIES			693.75
UNI	UNITED GROUP PROGRAMS, INC.		
	MAR-2019	WRAP PLAN - MAR-2019	4,464.66
TOTAL FOR: UNITED GROUP PROGRAMS, INC.			4,464.66
USPOS	UNITED STATES POSTMASTER		
	STATEMENT	POSTAGE	100.00
TOTAL FOR: UNITED STATES POSTMASTER			100.00
USPOSTAL	US POSTAL SERVICE		
	STATEMENT	WINDOW & NON WINDOW ENVELOPES	985.60
TOTAL FOR: US POSTAL SERVICE			985.60
USABL	USA BLUE BOOK		
	787324	HYDRANTS	152.81
	812530-809811	CHLORINE SUPPLIES & CHLORINE PUMP - WELL #5	751.77
TOTAL FOR: USA BLUE BOOK			904.58
WALMART	WALMART		
	STATEMENT	EMPLOYEE MEETING	19.35
TOTAL FOR: WALMART			19.35

Vendor Code	Vendor Name	Description	Amount
WLCHA	WHITE LAKE CHAMBER OF COMMERCE		
	4318-4533	CHAMBER CHRISTMAS PARTY 2018 & LIVABILITY MAG	2,975.00
TOTAL FOR: WHITE LAKE CHAMBER OF COMMERCE			2,975.00
WLFIR	WHITE LAKE FIRE AUTHORITY		
	STATEMENT	15 PROPERTY MAINT CODE	43.50
TOTAL FOR: WHITE LAKE FIRE AUTHORITY			43.50
WHIVE	WHITEHALL VENTURES INC		
	FEB-2019	LEASE - FEB-2019	145.00
TOTAL FOR: WHITEHALL VENTURES INC			145.00
WINBE	WINBERG CONSTRUCTION		
	17-037-013	PAY AP #13 - PLAYHOUSE RENOVATION	178,177.47
TOTAL FOR: WINBERG CONSTRUCTION			178,177.47
WINDEM	WINDEMULLER		
	193380	UNIT HEATER REPLACEMENT - WATER TOWER	1,543.66
TOTAL FOR: WINDEMULLER			1,543.66
WOLVE	WOLVERINE POWER SYSTEMS INC		
	0164226-IN	GENERATOR MAINT - LS #2	225.00
TOTAL FOR: WOLVERINE POWER SYSTEMS INC			225.00
TOTAL - ALL VENDORS			310,433.66

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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 101 GENERAL OPERATING FUND					
Dept 000 648					
101-000-231.012	DUE TO OTHER SOURCES	MICHIGAN STATE POLICE-CA	02/06/19	551-532020	150.00
101-000-231.012	DUE TO OTHER SOURCES	UNITED STATES POSTMASTER	01/30/19	STATEMENT	91.20
101-000-259.004	DUE TO FLEX FUND	BRANDON L MAHONEY	02/28/19	FEB-2019	372.56
101-000-259.004	DUE TO FLEX FUND	BRIAN ARMSTRONG	02/28/19	FEB-2019	286.85
101-000-259.004	DUE TO FLEX FUND	JULIE DAVIS	02/28/19	FEB-2019	520.66
101-000-259.004	DUE TO FLEX FUND	PAUL YOUNG	02/28/19	FEB-2019	225.77
101-000-259.004	DUE TO FLEX FUND	SCOTT HUEBLER	02/28/19	FEB-2019	4.26
101-000-259.005	DUE TO ALFAC	AFLAC	02/12/19	429899	537.80
101-000-259.007	DUE TO COUNTY-DOG TAGS	MUSKOGON COUNTY TREASURE	01/31/19	0000171215	149.00
101-000-686.000	REFUND CLAIM# 278733 OVERPYMT	AMERISURE INSURANCE	02/20/19	2178733	339.79
		Total For Dept 000 648			2,677.89
Dept 101 CITY COUNCIL					
101-101-957.000	2018 CHAMBER CHRISTMAS PARTY	WHITE LAKE CHAMBER OF CO	02/06/19	4318-4533	100.00
		Total For Dept 101 CITY COUNCIL			100.00
Dept 172 ADMINISTRATION					
101-172-728.000	WINDOW ENVELOPES - QTY 1	US POSTAL SERVICE	02/15/19	STATEMENT	985.60
101-172-818.000	CONTRACTUAL SERVICES	DERBY DESIGN	02/11/19	STATEMENT	35.00
101-172-818.000	CONTRACTUAL SERVICES	MUSKOGON CENTRAL DISPATCH	02/08/19	I-2019-010	527.30
		Total For Dept 172 ADMINISTRATION			1,547.90
Dept 301 POLICE					
101-301-727.000	OFFICE SUPPLIES	LOWE'S	01/11/19	STATEMENT	116.23
101-301-727.000	OFFICE SUPPLIES	UNITED STATES POSTMASTER	01/30/19	STATEMENT	8.80
101-301-757.000	OPERATING SUPPLIES	BATTERIES PLUS - 386	01/24/19	STATEMENT	17.95
101-301-850.000	DISPATCH	MUSKOGON CHARTER TOWNSHI	02/15/19	1900011247	3,465.00
101-301-873.000	TRAVEL & MEALS	BRANN'S	01/08/19	STATEMENT	20.43
101-301-933.000	CRUISER MAINT	DAN FROST DEA DAN'S AUTO	02/14/19	6341-6271	36.44
101-301-957.000	CONFERENCES & WORKSHOPS	CITY OF MONTAGUE	02/06/19	STATEMENT	185.30
		Total For Dept 301 POLICE			3,850.15
Dept 525 SANITATION					
101-525-818.000	CONTRACTUAL SERVICES	REPUBLIC SERVICES #240	02/01/19	0240-007369087	138.20
		Total For Dept 525 SANITATION			138.20
Dept 851 FRINGE BENEFITS					
101-851-719.450	WINTER BOOTS - BOND	MICHIGAN INDUSTRIAL SHOE	12/28/19	I01-2004017	443.32
101-851-719.600	FRINGE-HEALTH INS	SEAM PLAN	03/01/19	MAR-2019	21,055.47
101-851-719.601	FRINGE BENEFITS-RETIREE HEALTH	SEAM PLAN	03/01/19	MAR-2019	3,052.42
101-851-719.603	FRINGE-HEALTH INS WRAP	UNITED GROUP PROGRAMS, I	02/20/19	MAR-2019	4,464.66
101-851-719.680	FRINGE-LIFE INS	THE STANDARD INSURANCE	02/12/19	MAR-2019	209.34
101-851-719.685	EMPLOYEE MEETING	WALMART	01/22/19	STATEMENT	19.35
101-851-719.690	FRINGE-DISABILITY INS	THE STANDARD INSURANCE	02/12/19	MAR-2019	836.55
		Total For Dept 851 FRINGE BENEFITS			30,081.11
Fund 202 MAJOR STREET FUND					
Dept 478 WINTER MAINT					
202-478-757.000	OPERATING SUPPLIES	MUSKOGON COUNTY ROAD COM	12/28/19	5933	1,788.94
202-478-757.000	OPERATING SUPPLIES	TRUCK & TRAILER SPECIALT	02/11/19	DSO004013	346.88
		Total For Fund 101 GENERAL OPERATING FUND			38,395.25

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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 202 MAJOR STREET FUND					
Dept 478 WINTER MAINT					
			Total For Dept 478 WINTER MAINT		2,135.82
Fund 203 LOCAL STREET FUND					
Dept 478 WINTER MAINT					
203-478-757.000	OPERATING SUPPLIES	MUSKEGON COUNTY ROAD COM	12/28/19	5933	596.32
203-478-757.000	OPERATING SUPPLIES	TRUCK & TRAILER SPECIALT	02/11/19	DSO004013	346.87
			Total For Dept 478 WINTER MAINT		943.19
Fund 245 TAX INCREMENT FINANCE AUTHORITY #3					
Dept 000 648					
245-000-818.400	CONTRACTUAL SERVICES-DOWNTOWN R	WHITEHALL VENTURES INC	02/28/19	FEB-2019	145.00
245-000-962.000	OTHER EXPENSES	MICHIGAN PIZZA HUT INC	01/10/19	STATEMENT	61.75
245-000-962.000	LIVABILITY - MUSKEGON MAG ADVER	WHITE LAKE CHAMBER OF CO	02/06/19	4318-4533	2,875.00
			Total For Dept 000 648		3,081.75
Fund 249 BUILDING INSPECTION DEPARTMENT					
Dept 000 648					
249-000-962.000	OTHER EXPENSES	WHITE LAKE FIRE AUTHORIT	02/04/19	STATEMENT	43.50
			Total For Dept 000 648		43.50
Fund 402 CAPITAL PROJECT FUND					
Dept 000 648					
402-000-820.000	ENGINEERING FEES	PREIN & NEWHOF, PC	02/09/19	48411	5,646.00
			Total For Dept 000 648		5,646.00
Fund 580 PLAYHOUSE					
Dept 000 648					
580-000-757.000	OPERATING SUPPLIES	PLAYSCRIPTS INC	12/03/19	2167081	14.00
580-000-962.000	OTHER EXPENSES	PEKADILL'S	01/14/19	STATEMENT	33.76
580-000-975.000	BUILDING REHAB AND ADDITION	KESSLER WOODWORKING	02/07/19	STATEMENT	350.00
580-000-975.000	BUILDING REHAB AND ADDITION	WINBERG CONSTRUCTION	02/14/19	17-037-013	168,177.47
580-000-975.200	BUILDING- CONSTRUCTION MANAGEME	WINBERG CONSTRUCTION	02/14/19	17-037-013	10,000.00
			Total For Dept 000 648		178,575.23
Fund 590 SEWER FUND					
Dept 564 SEWER PUMPING					
590-564-775.000	REPAIRS & MAINT SUPPLIES	BATTERIES PLUS - 386	02/19/19	386-P11705199	91.85
590-564-818.000	CONTRACTUAL SERVICES	WOLVERINE POWER SYSTEMS	02/04/19	0164226-IN	225.00
590-564-920.000	PUBLIC UTILITIES	FRONTIER	02/10/19	STATEMENT	81.78
			Total For Dept 564 SEWER PUMPING		398.63
			Total For Fund 580 PLAYHOUSE		178,575.23
			Total For Fund 245 TAX INCREMENT FINANCE AUTHOR		3,081.75
			Total For Fund 249 BUILDING INSPECTION DEPARTME		43.50
			Total For Fund 402 CAPITAL PROJECT FUND		5,646.00

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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 590 SEWER FUND					
Dept 566 WASTEWATER SYSTEM-GALLONAGE					
590-566-951.000	WASTEWATER SYSTEM-GALLONAGE	MUSKEGON COUNTY TREASURE	01/31/19	0000171215	39,092.99
590-566-951.100	WASTEWATER SYS-GALLONAGE - BOND	MUSKEGON COUNTY TREASURE	01/31/19	0000171215	21,887.94
		Total For Dept 566 WASTEWATER SYSTEM-GALLONAGE			60,980.93
		Total For Fund 590 SEWER FUND			61,379.56
Fund 591 WATER FUND					
Dept 540 WATER ADMINISTRATION					
591-540-958.000	MEMBERSHIPS & DUES	AMERICAN WATER WORKS ASS	12/27/18	7001648498	340.00
		Total For Dept 540 WATER ADMINISTRATION			340.00
Dept 546 WATER SOURCE PLANT					
591-546-757.000	CHLORINE SUPPLIES	USA BLUE BOOK	02/13/19	812530-809811	751.77
591-546-775.000	REPAIRS & MAINT SUPPLIES	WINDEMULLER	01/31/19	193380	1,543.66
591-546-920.000	PUBLIC UTILITIES	SUBURBAN PROPANE-7820	02/04/19	7827-115750	2,223.37
		Total For Dept 546 WATER SOURCE PLANT			4,518.80
Dept 548 WATER T & D					
591-548-775.000	REPAIRS & MAINT SUPPLIES	USA BLUE BOOK	01/16/19	787324	152.81
		Total For Dept 548 WATER T & D			152.81
Fund 594 MARINA FUND					
Dept 000 648					
594-000-850.000	TELEPHONE	CHARTER COMMUNICATIONS	02/04/19	0038420020419	100.00
594-000-850.000	TELEPHONE	FRONTIER	02/10/19	STATEMENT	53.57
		Total For Dept 000 648			153.57
		Total For Fund 594 MARINA FUND			153.57
Fund 661 MOTOR POOL FUND					
Dept 000 648					
661-000-111.000	INVENTORY-GASOLINE	J&H OIL COMPANY	02/04/19	7223938	9,263.40
661-000-112.000	INVENTORY-DIESEL	J&H OIL COMPANY	02/04/19	7223938	5,044.00
661-000-818.000	#12-05 VEH MAINT	DAN FROST DBA DAN'S AUTO	02/14/19	6341-6271	35.00
661-000-818.000	CONTRACTUAL SERVICES	REPUBLIC SERVICES #240	02/01/19	0240-007369087	251.46
661-000-850.000	TELEPHONE	FRONTIER	02/10/19	STATEMENT	55.32
661-000-931.000	BUILDING MAINTENANCE	ARCHITECTURAL HARDWARE C	02/14/19	48592	419.00
		Total For Dept 000 648			15,068.18
		Total For Fund 661 MOTOR POOL FUND			15,068.18

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
 EXP CHECK RUN DATES 02/22/2019 - 02/22/2019
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID
 CITY OF WHITEHALL ACCOUNTS PAYABLE
 COUNCIL MEETING OF FEBRUARY 26, 2019

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
	Fund Totals:				
	Fund 101	GENERAL OPERATING FUND			38,395.25
	Fund 202	MAJOR STREET FUND			2,135.82
	Fund 203	LOCAL STREET FUND			943.19
	Fund 245	TAX INCREMENT FINANCE			3,081.75
	Fund 249	BUILDING INSPECTION DE			43.50
	Fund 402	CAPITAL PROJECT FUND			5,646.00
	Fund 580	PLAYHOUSE			178,575.23
	Fund 590	SEWER FUND			61,379.56
	Fund 591	WATER FUND			5,011.61
	Fund 594	MARINA FUND			153.57
	Fund 661	MOTOR POOL FUND			15,068.18
	Total For All Funds:				310,433.66

LAW OFFICE OF
CRYSTALMORGAN

Sent via email only on
February 21, 2019

Members of the City Council
City of Whitehall
405 E. Colby Street
Whitehall, MI 49461

Re: Sandra Gibbs' Request re: Waiver of FOIA Fee and Related Information (Follow-Up)

Dear Members of the Whitehall City Council:

This is a follow-up to the February 20, 2019 letter to the Whitehall City Council, requesting that you take action on Sandra Gibbs' January 7, 2019 request for a waiver of a FOIA fee. Enclosed is the letter received by my office today. It is unclear who authorized the letter, as we are not aware of any discussion of this matter by the City Council. Further, the letter is troublesome because it suggests that citizens bringing matters to the Council are not entitled to answers and that the Council's mere silence on an issue should be construed as a denial (i.e., a *decision*)—without any deliberation or vote. In this case, there is no evidence to indicate that the Council even considered the request. Further, if in fact the Council has denied the request, that decision was not made at an open meeting as required under the Michigan Open Meetings Act but, as you already know, the Council can cure such a violation of the OMA by reenacting the vote at its next meeting. Thus, Dr. Gibbs renews her request and asks that the Council take up the issue at its next meeting.

Sincerely,



Crystal Morgan

Enclosure

cc: Rodger Sweeting (via email)
Clients

RODGER I. SWEETING, LLP
Attorney At Law

110 West Colby Street
Whitehall, Michigan 49461-2004

Email: risweeting@aol.com
Telephone 231/894-5631
Facsimile 231/894-2012

February 20, 2019

Crystal Morgan
The Law Office of Crystal Morgan
300 Washington Ave., Suite 270
Grand Haven, MI 49417

RE: **Gibbs FOIA Request**

Dear Crystal,

Thank you for yours of 02/20/2019 to the City of Whitehall. I apologize for the delay in formally responding to yours of 01/07/2019 after the City Council chose not to act in response to same at their 01/22/2019 meeting.

Please be advised that by not taking action on your request for a waiver, we deem same to have been denied. Again, I apologize for the delay informalizing this response.

Sincerely,

A handwritten signature in black ink, appearing to be 'RS', with a long horizontal line extending to the right.

Rodger I. Sweeting

CC: Brenda Bourdon
Scott Huebler
Debi Hillebrand

RIS/jld

LAW OFFICE OF
CRYSTALMORGAN

Sent via email only on
February 20, 2019

Members of the City Council
City of Whitehall
405 E. Colby Street
Whitehall, MI 49461

Re: Sandra Gibbs' Request re: Waiver of FOIA Fee and Related Information

Dear Members of the Whitehall City Council:

In a detailed letter dated January 7, 2019, my client and City of Whitehall ("City") resident Sandra Gibbs requested that the City Council order a refund of the \$297.24 fee the City demanded under the Freedom of Information ("FOIA") on December 19, 2018. In the letter, she expressed serious concerns about how her FOIA request was handled over the course of several months and explained why the fee was excessive. She also demonstrated that a waiver of the fee was in the public interest.

The January 7, 2019 letter was transmitted to the City Council in its January 22, 2019 meeting packet, as indicated on the meeting agenda. In addition, Dr. Gibbs and I were present at the January 22 meeting and I addressed the Council on this issue, renewing her request that the fee be refunded. The Council took no action on the request at its January 22, 2019 meeting, which was obviously disappointing to Dr. Gibbs. Nearly a month has passed since the January 22, 2019 meeting with no response from the City.

Thus, Dr. Gibbs hereby renews the requests set forth in the January 7, 2019 letter (copy enclosed). She expressly requests that the Council add her request to the agenda and that the Council take action on the request at an open meeting. She is entitled to a meaningful review of this matter and the courtesy of a response. After all, the City ultimately speaks through its Council so surely it will not allow a legitimate citizen concern to go unanswered. Dr. Gibbs and other residents rightfully expect the City's leaders to address and resolve disputes—not to default to silence.

Again, it should be noted that Dr. Gibbs has never abused the FOIA process and has always timely complied with the City's fee demands. In this isolated instance, however, the Council should agree that the fee was excessive and/or that waiver of the fee is in the public interest. It is also in the City's best interest for the Council to resolve this matter expeditiously. Forcing a citizen to initiate a lawsuit against the City under FOIA and forcing the City's taxpayers to defend against a lawsuit of this variety—especially where it could expose the City to liability for the prevailing party's attorney fees—would be an absurd waste of resources.

Sincerely,


Crystal Morgan

Enclosure

LAW OFFICE OF
CRYSTALMORGAN

Sent via email only on

January 7, 2019

Members of the City Council
City of Whitehall
405 E. Colby Street
Whitehall, MI 49461

Re: Playhouse Contracts and Specifications

Dear Members of the City Council:

The City of Whitehall (“City”) has adopted Freedom of Information (“FOIA”) Procedures and Guidelines, which reads in part:

The City of Whitehall’s policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request....The City of Whitehall’s policy is to disclose public records consistent with and in compliance with State law.

State law allows the City to charge certain fees for responding to FOIA requests, but it also very clearly states that:

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the public body determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.¹

Several months ago, my client and City of Whitehall resident Sandra Gibbs submitted a FOIA request to the City for various public records concerning the improvements to the Playhouse. Among the records requested were copies of contract documents including the subcontracts approved by this City Council in Resolution No. 18-30. As this Council is presumably aware from its purported approval of the contracts, the City is a named third-party beneficiary to the contracts. Thus, the City has important rights (and obligations) under the contracts and a citizen would therefore expect the City to have copies of the contracts easily available for purposes of reference, disclosure, and enforcement, if necessary.

To Dr. Gibbs’ surprise, her request for the records was initially denied for the reason that—although the City had approved and was bound by the contracts—the contracts were not physically housed at City Hall and, thus, the City had no obligation to provide copies. After back-and-forth correspondence between legal counsel, some records were provided, but they trickled in over time and were incomplete—causing Dr. Gibbs to incur additional expenses (and delay) in trying to track

¹ MCL 15.234.

down the missing and undisclosed public records. Dr. Gibbs and Mr. Rowe were forced to incur legal fees following up on the request, piecing together the partial responses that were received from the City over time, and notifying the City regarding records that were never provided or appeared to missing from those that were provided.

Eventually it became more clear that the City Clerk with assistance from the City Attorney was not able to ascertain what documents were responsive to the FOIA request, as she was not familiar with the contract documents and did not know what records existed. The City suggested a meeting be held at Winberg Construction to discuss the outstanding requests from Dr. Gibbs' original FOIA request. Dr. Gibbs and Mr. Rowe ultimately agreed to the Winberg meeting in an attempt to resolve the outstanding requests (and in fact agreed during the meeting to *reduce the scope of the requests* to limit the work and expense incurred in fulfilling it—hence the pared-down list Mr. Rowe provided during the meeting). When Dr. Gibbs and Mr. Rowe were invited to attend the meeting and accepted that invitation, there was never any indication that they would be *charged* for the meeting. Had they known, they would not have agreed to pay for multiple people to attend. In addition, they agreed to attend the meeting to *assist the City* in fulfilling the FOIA request and, by attending the meeting, they too spent significant time at the Winberg office and incurred expenses.

The meeting was held at Winberg Construction on November 29, 2018. I attended the meeting, as did Dr. Gibbs, Mr. Rowe, Brad VanBergen from Winberg, Brenda Bourdon, and Beth Beaman. My clients and I were left with the impression after the meeting at Winberg—especially based on Mr. VanBergen's comments—that the remaining documents were in electronic (pdf) format and were easily accessible. Again to Dr. Gibbs' surprise, while she was led to believe the electronic records would be forwarded without a cost to her, she received demand for payment of nearly \$300, which included 11 hours of labor for time spent by Ms. Bourden and Ms. Beaman collecting, examining and “organizing” the documents—*seven hours of which* supposedly took place *after* the meeting at Winberg.

Respectfully, based on the conversation at the meeting—at which I was present—it is unfathomable how it could have taken an additional seven hours after that meeting to fulfill Dr. Gibbs' pared-down request. It is also unclear what needed to be “organized”, as Winberg indicated the files were all available in pdf format. In addition, Dr. Gibbs was charged by the City for the time Ms. Beaman spent examining subcontracts that she had no familiarity with. I confirmed in the email to her (in response to her email seeking clarification) that the purpose of the request was to determine if the boilerplate third-party beneficiary language was in each subcontract and—if it was—a simple email to that effect would have sufficed rather than a lengthy search of any documents. That was an attempt to *reduce* the amount of time and energy being spent on the request, as a person familiar with the subcontracts would have *known* whether that provision was contained in the subcontracts as it was a standard contract with many identical provisions and numbering. If Ms. Beaman was unsure of whether the third-party language was included, the appropriate thing to do would have been to simply provide copies of the subcontracts (which, again, we were told were in pdf format at Winberg and, thus, available at no cost). Dr. Gibbs could have then reviewed them herself to determine if they contained the relevant language. Instead, Dr. Gibbs was required to pay an excessive fee for an unnecessary review by a person who was unfamiliar with the subcontracts.

Dr. Gibbs requested a waiver of the fee under the public interest exception and her request was unreasonably denied by the City Clerk who, under the FOIA policy, determines if a request benefits the general public. Dr. Gibbs' written request outlined the circumstances above, also reminding the City that it had previously provided *some* documents, including some subcontracts (or portions thereof) in its earlier, partial responses to the FOIA request. So, as it turned out, she was billed for time spent searching, reviewing, and/or organizing documents she previously received—and paid for.²

Dr. Gibbs' request was for the benefit of the general public because it was aimed at helping the public to understand the nature of the improvements and expenses related to the Playhouse renovation/remodel. Dr. Gibbs, Mr. Rowe, and others with whom they communicate have a significant interest in the Playhouse project, which involves various approvals by the City Council and the expenditure of a significant amount of public monies. The fact that it supposedly took hours upon hours to determine if the City was, in fact, a named beneficiary of the contracts is of concern because the City *is* a named beneficiary and should have had these documents readily available for its own reference and for review by interested persons. Dr. Gibbs should not have been forced to incur the costs associated with tracking down and organizing contracts involving the City.

For all of these reasons, Dr. Gibbs respectfully requests that this Council order a refund of the \$297.24 in FOIA fees paid by Dr. Gibbs in response to the City's December 19, 2018 letter.³

In addition, Dr. Gibbs wishes to alert the City Council of what appears be a serious deficiency in its record-keeping—one that could eventually prejudice the City and its taxpayers should the City be put in a position to enforce a contract for services or products. Despite months of back-and-forth, Dr. Gibbs did not receive the documents she requested, which were intended to reveal simply:

- What specific items (products, labor, labor, etc.) were included in the original budget amounts?⁴
- What specific items (products, labor, etc.) were included in the original bids received by the various subcontractors?
- What specific items (products, labor, etc.) were included in the contract that was awarded by the City Council (if different from the bid)?
- What specific changes, if any, have been made to the contracts or items or services purchased under the contracts since being approved by Council?

² Dr. Gibbs has never before requested a fee waiver. She has always timely paid the requested costs without complaint. This, however, is a unique situation and she believes one that warrants a fee waiver under the totality of the circumstances.


³ This letter is not presented as formal FOIA appeal because the FOIA policy does not expressly provide for a fee appeal. The City Council may nevertheless grant the request.

⁴ See Resolution No. 18-30, which contains a "budgeted" amount for each category, shows the amount bid by each subcontractor, and identifies the contractor and contract amount that the Council awarded in each category.

By way of this letter, Dr. Gibbs respectfully asks the Council—which approved the various contracts and is presumably therefore aware of their contents—to direct her to the source of this information as the documents provided are largely nonresponsive or indiscernible.⁵

Thank you for your prompt attention to this matter.

Sincerely,



Crystal L. Morgan

cc: Clients
Rodger Sweeting, Esq.

⁵ The City provided, for example, pages upon pages of schematic drawings that were not responsive to the request. The City also did not provide any change orders despite the City Council having approved changes to various aspects of the project.



MINUTES

Muskegon Area First

Meeting: Board of Directors **Date:** 15-Jan-19 **Time:** 10:00 AM
Present: A. Chandler, C. Larsen, F. Peterson, D. Hillebrand, J. Eckholm, S. Janson, K. Mahoney, M. Olthoff, J. Statler, R. Houtteman, S. Olsen, C. Schmitgal, D. Hazekamp, D. Nesbary, J. Olson, C. Achterhoff, T. Schultz; J. Wilson
Staff: D. Todd
Guest: None
Excused: M. Eisenbarth, M. Arborgast, S. Huebler

TOPIC	SPEAKER	DISCUSSION	ACTION
Call to Order	A. Chandler	Anthony Chandler called the meeting to order at 10:00 a.m.	None.
Minutes	D. Nesbary	Minutes for the December 18th meeting was presented.	Moved by F. Peterson, supported by J. Eckholm to approve the minutes as presented. Motion Carried.
Treasurer's Report	D. Todd	Darryl Todd reported that MAF is 25% through FY 2019. Revenues and expenditures are on track. There will be a large marketing expense forthcoming as MAF partnered with the County of Muskegon to advertise in the Liveability publication. MAF will contribute \$1,800.00.	Moved by F. Peterson, supported by J. Eckholm to approve the financial report as presented. Motion Carried.
President's Report	D. Todd	Darryl Todd reported MAF completed 4 retention visits, 0 project based follow-up visits with companies, and 13 company assists. MAF Staff completed 69 retention calls for the year. This number is down from previous years due to staffing levels with a full-time Interim President/Ceo and one part-time Business Development person. Targeted calls were made this year to larger companies but several smaller businesses were made as well. Darryl Todd updated the board as to projects and activities MAF Staff was involved in during December.	None.
Presentation	None	N/A	N/A
Unfinished Business	None	N/A	N/A
New Business	A. Chandler	Appointment of Jonathan Wilson, DTE Energy to MAF BOD - Cindy Larsen introduced Jonathan Wilson as the new DTE Energy representative to replace Scotty Kehoe who resigned as a result of a promotion within DTE Energy.	None.
New Business	A. Chandler	EDO Transition Subcommittee report - Transition team offered as the next step to become a predominantly privately supported EDO, that a Transition Coordinator be retained to update By-laws, identify MAF's value proposition, identify initial investors, help develop a fundraising strategy and more.	J. Eckholm requested a motion so that the EDO Transition subcommittee and executive committee identify and recommend a Transition Coordinator by February's meeting.
New Business	A. Chandler	Motion - Motion for the EDO Transition subcommittee and executive committee to identify and recommend a Transition Coordinator by February 2019 MAF BOD meeting.	Moved by J. Eckholm, supported by J. Wilson to approve the motion for the EDO Transition subcommittee and executive committee to identify and recommend a Transition Coordinator by February 2019 MAF BOD meeting. Motion Carried.

TOPIC	SPEAKER	DISCUSSION	ACTION
New Business	D. Todd	<p>Status Update: Interim President/CEO Position - Interim President/CEO was asked to leave during the discussion. It was decided that a posting for a permanent CEO will be made during the EDO Transition. New job descriptions for this position and the Business Development Manager will be developed by the Transition Coordinator.</p>	None.
New Business	C. Larsen	<p>Taking it Outdoors - Tom Schultz, the newly elected Chamber Board Chair announced the Chamber's theme for 2019, which is called "Taking it Outdoors". The theme will highlight outdoor activities, natural resources, the blue water economy, and businesses working in the recreational and outdoor activities markets.</p>	None.
Adjourn	A. Chandler	The meeting adjourned at 11:10 a.m.	Next Board Meeting: February 19th @ 10:00 am.

Respectfully submitted, D. Todd

CITY OF WHITEHALL
SPLASH PAD COMMITTEE
Meeting Notes - February 20, 2019

PRESENT

S. Huebler, N. Kittleson, A. Locke, J. Root, S. Salter, M. Smith, J. Tutak

Amanda volunteered to contact Fetch and Water Dog about a pub and paddle fundraiser. Janae will contact Hunts hardware about a donation and also explore a Go Fund Me site. City staff will look into the possibility of raising money through the sale of personalized bricks. Staff will also contact Arconic, Walmart, and the Gilmore Group about possible donations. Installing benches and umbrellas along the perimeter will need to be a separate fund raising effort.

Whitehall Business Group
Meeting Minutes
Wednesday, January 9, 2019

Attendees: Rhonda Petsch (Petsch Chiropractic), Louise St Amour (Coldwell Banker), Greg Hillebrand (Lewis House B&B), Cathy Russel (White Swan Inn), Ryan Briegel (Pitkins), Kathy Burress (Chamber), Scott Huebler (City Manager), Kim Nelson (Greenridge Realty).

1) Chamber of Commerce Update (Kathy)

- a. The Chamber helped place a nice article in Lakeland Boating magazine highlighting the Muskegon and the White Lake Areas (see attached pdf).
- b. The White Lake Business Expo, in conjunction with the Rotary Pancake Breakfast will be on March 16th at Highschool. Expo applications still available. Sponsorships are also still available
- c. Chamber is marketing the White Lake area at various trade shows in the mid-west. Next one is in Ohio. Amy will be representing the Chamber.
- d. A 2019 Calendar of Events has been prepared (see attached pdf). Items noted with an asterisk are 100% Chamber sponsored.
- e. Spoons and Tunes will likely happen again at the Pub 111 in February. This event is a fund raiser to offset the cost of the summer flowers along Colby Street.

2) City News Relevant to Downtown Businesses (Scott)

- a. The sign ordinance is being amended. A few businesses in downtown Whitehall are out of compliance with the current ordinance as written (e.g., projecting out over sidewalks).
- b. The repair of the North Mears parking lot has been completed by Double L and the hill has been stabilized.
- c. The new Residential Rental Inspections program started today. Registrations are now required for rental units (cost is \$35 per building and landlords only need to register once for as long as they own the property). The standards will be guided by the International Property Maintenance Code. Rentals that are inspected by an accredited State or National association are exempt from the inspection. There are about 420 rental units in the city. Inspections are expected to cost landlords about \$50-60 per unit (3-year term). Will be a self-sustaining program that will break even. Airb&b rentals will be included in this program.
- d. The city has a two-page ad in Livability Magazine. Target audience are families and executives for relocation.
- e. Phase III has been completed (Colby streetscape). Phase IV is now in the planning stage and includes the Splash Pad and the Event Center. The Phase IV Event Center will be funded by the City. The Splash Pad will be located in Goodridge Park and will be a community-funded project by donations. White Lake Community fund has already committed \$10,000. The Event Center (a 20' x 80' open-air pavilion) will be in the North Mears Parking lot by the stairs. It will

WLA 2019 EVENT DATES

MARCH

- *7th White Lake Business Expo - March 16, (8am-12:30pm) (Date decided with Rotary)

APRIL

- *Legislative Lunch-(Decide closer to date)
- Trash Bash – Sunday, April 28th

MAY

- White Lake Stage Race-May 17, 18, 19

JUNE

- *Petunia Patrol June-September, MWF watering
- *36th Annual Chamber Golf Classic - June 5 (1pm-6pm)-Double JJ Arthur Hills , (1st Wed. of June)
- SummerSalt Taste of White Lake (5-8pm) & AfterTaste (8-11pm), Goodrich Park– Friday, June 7th
- SummerSalt Watermelon Roll (12-2pm) & Kids Fish Free (7am-1pm)-Saturday, June 8th
- SummerSalt Feet in the Street (2-6pm) - Sunday, June 9th (City of Whitehall)
- *41st White Lake Arts & Crafts Festival - Sat., June 15 (10am-5pm) & Sun June 16 (11am-4pm), (Sat.-Sun. of Father's Day weekend)
- West Michigan Wine & Jazz - July 2-7 (Book Nook)
- Electric Forest June 27-30

JULY

- *Fourth of July Parade - Thursday July 4th, 2018 (10am) (Discrepancy only if falls on Sunday)
- White Lake Classic Boat & Car Show (9am-3pm) - Saturday, July 20th
- Cruz'in, Friday, July 26th (7pm) (Last Friday in July)

AUGUST

- Harborlight Community Picnic, August 1st
- White Lake Chamber Music Festival, August 2-11
- *RUN IT – RUN IT Live White Lake August 3rd (9am) (Formerly a portion of BridgeHop)
- WLASA Salmon Tournament-August 10th
- WLASA Fish Boil – August 17th (3rd Saturday in August) (WLASA)

SEPTEMBER

- *14th Labor Day Community Walk – Monday, September 2nd (10am) (ON Labor Day)

OCTOBER

- *24th PumpkinFest – Saturday, October 12th (10am-4pm)
- Bluegrass Music Festival (Friday through Sunday of Pumpkinfest) (Book Nook)
- *Depot to Depot – October: 5,12,19 (First Saturdays in October)
- *Chamber Annual Dinner –October 21st (5:30pm) (Decided with Buzz-1st Monday in November or Last Monday in October)

NOVEMBER

- *26th Holiday Walk- Fri., November 22 (2pm-8pm) & Sat 23 (10am-4pm) (Fri & Saturday before Thanksgiving)
- Small Business Saturday, November 30th

DECEMBER

- *67th Christmas Parade-December 7 (2pm) (First Saturday of December)
- *Chamber Christmas Party-December 12 (5:30pm-8pm) (Thursday)

include a fire pit and is set to start construction in the fall of this year. Ryan suggested that the Splash Pad committee should look at how Ludington is managing their splash pad project for ideas on funding, design, maintenance, etc.

- f. TIFFA. Will expire in 2024. Not yet clear if it can be extended.
- g. Bus US31 'Road Diet' is currently being reviewed by MDOT. This is a plan to make the road 2 lanes for much of its length with a center left hand turn lane and include bike lanes.

3) Beautification

- a. Holiday decorations. Greg inventoried and mapped the current poles with holiday lights (n=20) and identified poles that have yet to receive lights (n=12). These will be included in the plan for next year's lighting plan. Greg will pass the map onto Scott. (Update since the meeting. Christmas Décor sent a note to the City indicating they will no longer be servicing the holiday lighting. A complete understanding of this reversal is being worked.)

4) Other

- a. Ryan brought up the fact that Kalamazoo has decided to take back control of some of their MDOT-owned streets. In the case of Business US31 through Whitehall, for something like this to happen, all municipalities along the corridor need to be on board such a plan. Both Whitehall Township and Montague are not interested. In Kzoo, they will be about \$250,000 in the hole from lost state funds annually.

5) Individual Business Updates

- a. Louise mentioned that there are 3 zip code areas in the state which are eligible for special credits for home buying. One of these is in the Muskegon area.
- b. Cathy noted that The White Swan Inn is for sale. After 20+ years of being inn keepers, Cathy and Ron are going to take their boat on a nice cruise around the eastern half of the US called the Great Loop.

6) Next meeting date: March 13, 2019

**Whitehall City Council
Agenda Report – Council Vacancy**

Council Member Kevin Spencer has submitted his resignation effective February 16. City Charter §4.8 requires the filling of a vacancy within 30 days by the concurring vote of at least four of the remaining members of council. If the vacancy is not filled, a special election would be required to do so. The appointee will serve until the next regular city election.

Council recently filled an appointment by selecting the next highest vote getter in the most recent election. Following this procedure, Scott Brown has told Mayor Hillebrand that he would be willing to accept an appointment to the City Council. Scott will have to seek election this November.

RECOMMENDATION

Motion to confirm the appointment of Scott Brown to City Council to fill the vacancy created by the resignation of Kevin Spencer effective March 12 in accordance with City Charter §4.8.

**CITY COUNCIL
CITY OF WHITEHALL
(Muskegon County, Michigan)**

Resolution No. 19-07

**RESOLUTION AUTHORIZING EXECUTION AND DELIVERY
OF AN INSTALLMENT PURCHASE AGREEMENT**

Minutes of a regular meeting of the City Council of the City of Whitehall, Muskegon County, Michigan, held in the City Hall, Whitehall, Michigan, on February 26, 2019, at 6 p.m. local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Member _____ and supported by Member _____:

WHEREAS City of Whitehall (the "City"), desires to acquire a new Sewer Vacuum Truck and related equipment and appurtenances to be used by the City (the "Property"); and

WHEREAS, Act 99, Public Acts of Michigan, 1933, as amended ("Act 99"), provides a means by which the City may borrow money for the purchase of lands, property or equipment for public purposes, to be paid for in installments over a period of not to exceed the lesser of the useful life of the property or fifteen years; and

WHEREAS, the City has been presented with a contract and/or purchase order with Jack Doheny Companies, Inc. (the "Vendor"), to acquire the Property (the "Purchase Contract"); and

WHEREAS, the City has received a proposal from PNC Equipment Finance (together with any affiliated entities, the "Lender") to finance the purchase of the Property by entering into an Installment Purchase Agreement pursuant to which the City will make payments of principal and interest to the Lender; and

WHEREAS, this City's outstanding principal balance of all installment purchases, including the principal amount of the Installment Purchase Agreement authorized by this resolution, shall not exceed one and one-quarter percent (1-1/4%) of the taxable value of the real and personal property in the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. Purchase of the Property is hereby found to be a public purpose and in the best interest of the health, safety, and welfare of the City and the Purchase Contract is approved, and the Mayor, the Clerk, and the Treasurer, or any one or more of them (the “Authorized Officer”) is authorized to sign the Purchase Contract on behalf of the City.

2. The City authorizes the Authorized Officer to accept the proposal of the Lender.

3. The City authorizes and directs the Authorized Officer to execute and deliver an Installment Purchase Agreement between the City and the Lender, together with a related Assignment of Purchase Contract in such form as recommended by the City’s bond counsel and approved by the Authorized Officer (the “Agreement”) in an amount of not to exceed \$400,000 as finally determined by the Authorized Officer, with an interest rate on the principal amount outstanding of not to exceed 5% per annum, and a final maturity of not more than 6 years, all as finally determined by the Authorized Officer.

4. The City hereby agrees to include in its budget each year, commencing with the present fiscal year, if applicable, a sum that will be sufficient to pay the principal of and interest coming due under the Agreement. In addition, the City hereby pledges to levy ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the Agreement, subject to constitutional, statutory and charter tax rate limitations.

5. The City shall, at all times while any payments on the Agreement are outstanding, have control of the Property and shall maintain the same for public purposes.

6. The useful life of the Property is hereby determined to be not less than six years.

7. The City designates the obligations under the Agreement as “qualified tax exempt obligations” for purposes of the deduction of interest expense by financial institutions pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

8. The City covenants that it will comply with all applicable requirements of the Code and, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the Agreement from adjusted gross income for general federal income tax purposes under the Code including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of proceeds of the Agreement and to prevent such proceeds from being or becoming “private activity bonds” as that term is used in Section 141 of the Code.

9. The proceeds of the Agreement shall not be used to reimburse the City for expenses incurred prior to the declaration of official intent required by Regulation 1.150-2 of the Treasury Regulations.

10. The firm of Dickinson Wright PLLC is employed as bond counsel to the City to prepare the documents for the issuance of the Agreement for the financing of the acquisition of the Property. The City acknowledges that Dickinson Wright PLLC represents a number of financial institutions in various matters, including the Lender, and consents to Dickinson Wright PLLC's representation of the City as bond counsel for the issuance of the Agreement and waives any conflict of interest arising from such representation of the Lender.

11. The Mayor, the Clerk, the Treasurer, and the City Manager, or any one or more of them, are hereby authorized to do all acts and things and to execute any documents or certificates as may be necessary or desirable, and to deliver such documents to the parties to effectuate the transaction described in the Agreement.

12. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and they are hereby rescinded.

YEAS:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

Brenda Bourdon, Clerk
City of Whitehall

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Whitehall, Muskegon County, Michigan, at a regular meeting held on February 26, 2019, and that public notice of the meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended.

Dated: February 26, 2019

Brenda Bourdon, Clerk
City of Whitehall