



CITY COUNCIL

July 18, 2022

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, July 18, 2022. This meeting was called to order at 7:00 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call then determined that the following were

Present: John Murphy, Mayor  
Tina DeMoore, City Councilmember  
Derek Shiels, City Councilmember  
Brian Wagner, City Councilmember  
Lindsey Walker, City Councilmember

Absent: None

Also in attendance were City Manager Shane Horn, Clerk-Treasurer Alan Terry, Public Safety Director Matthew Breed, Parks and Recreation Director Kendall Klingelsmith and Executive Assistant Sarah Bek.

**Hear Proclamation**

Mayor Murphy acknowledged Mikey Griffes as “The Kite Flying Ambassador” and read the following proclamation:

WHEREAS, kite flying renews dreams of free spirit, hope and independence; and

WHEREAS, watching a flying kite renews thoughts of youth and dreams; and

WHEREAS, residents, tourists and visitors have enjoyed the striking view of large kites flying over 450’ at Bayfront Park; and

WHEREAS, the kites encourage a great recreational activity; and

WHEREAS, people of all ages have been welcomed to interact with “The Kite Man” and discuss kite flying; and

WHEREAS, those driving along US-131 and at the waterfront are likely to view the kites:

NOW, THEREFORE, I, John Murphy, Mayor of the City of Petoskey, do hereby proclaim and acknowledge with thanks and appreciation, Mikey Griffes, as “The Kite Flying Ambassador” for the City of Petoskey.

**Hear Michigan Street Traffic Study Presentation**

Public Safety Director Breed gave a brief presentation on the Michigan Street Traffic Study after a Councilmember requested an update. Chief Breed reviewed speed data; that speed device was used twice to record data from middle of March to middle of July; reviewed data recorded and that speeds averaged under 30mph; that data was based on speed, volume and crash reports; that there is a perception that speeding is happening on Michigan Street, but based on data speed is not an issue; and that volume could be influenced by State Street and East Lake Street construction.

Councilmembers discussed averages; commented that a few fast cars give perception of many; discussed how time of day influences speed and volume; and appreciated the data and being able to share with the community.

Chief Breed responded that data is unbiased and ongoing and that peak traffic was faster after 5pm vs. during school hours/traffic.

### **Consent Agenda - Resolution No. 19672**

Councilmember DeMoore commented that her statement concerning her position on ADUs be incorporated or summarized and included in the June 20, 2022 minutes. The City Clerk reviewed what should be included as part of Council minutes and the City Manager mentioned he sent out a handbook provided by Michigan Municipal League concerning agendas and minutes. Council agreed to discuss minutes at a future meeting.

Following introduction of the consent agenda for this meeting of July 18, 2022, City Councilmember Walker moved that, seconded by City Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 20, 2022 regular session City Council meeting be and are hereby approved with addition of Councilmember DeMoore's comments; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since June 20, 2022 for contract and vendor claims at \$1,234,204.80, intergovernmental claims at \$0 and the June 23 and July 7 payrolls at \$488,711.74, for a total of \$1,722,916.54 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

### **Hear Public Comment**

Mayor Murphy asked for public comments and heard a suggestion for the City to look in to a public participation platform such as a text messaging application to increase public engagement and heard a concern on unoccupied buildings in town and the safety issues involved.

City Council requested to have vacant buildings placed on a future agenda for discussion and discussed code enforcement issues.

### **Hear City Manager Updates**

The City Manager reviewed that he has had a lot of meet and greets the last few weeks with staff, elected officials and community stakeholders; that the City received its last ARPA payment for a total of \$604,890.67 in ARPA funding; reviewed the Finance Director recruitment status and that the application deadline is July 29; that the City Assessor resigned and his last day is August 5; reviewed status of State Street and East Lake Street construction projects; that DTE will be in the area completing natural gas upgrades; that he attended the City Convention and gave kudos to Councilmembers and citizens on the process and the engagement with neighbors; reviewed potential Council meeting time change and work sessions and continuation of Zoom; and reviewed the grassroots efforts of "Friends of the Winter Sports Park" fundraiser to create an all-season pavilion at the Winter Sports Park.

### **Approve Board & Commission Appointments – Resolution No. 19673-19677**

Mayor Murphy reviewed that City Council consider the following appointments.

City Councilmember Wagner moved that, seconded by City Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Manager Shane Horn to fill a vacated, unexpired term of July 1, 2024, and reappointment of City Assessor Robert Englebrecht and Clerk-Treasurer Alan Terry, both for three-year terms ending July 2025, all to the Building Authority Board of Commissioners.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Resolution No. 19674**

City Councilmember DeMoore moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Manager Shane Horn to the Election Commission to fill a vacated term.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Resolution No. 19675**

City Councilmember DeMoore moved that, seconded by City Councilmember Shiels adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Manager Shane Horn to the Emmet-Charlevoix-Cheboygan Central Dispatch Authority Board to fill an alternate position for Emmet County.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Resolution No. 19676**

City Councilmember DeMoore moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of Frank Lamberti, 919 Waukazoo Avenue, to the Greenwood Cemetery Board to fill a vacated term ending May 2026.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Resolution No. 19677**

City Councilmember Shiels moved that, seconded by City Councilmember Walker adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of Doug Buck, 822 Grove Street, to the Planning Commission to fill a vacated term ending August 2023.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Approve Acting City Manager Designation – Resolution No. 19678**

The City Manager reviewed that City Charter provisions require that the City Manager designate by letter, filed with the City Clerk, a qualified City administrative officer to serve as Acting City Manager in case of the City Manager's absence or disability and recommended designating Michael Robbins, Public Works Director, as the Acting City Manager to serve in his absence or inability to serve.

City Councilmember Walker moved that, seconded by City Councilmember DeMoore adoption of the following resolution:

BE IT RESOLVED that the City of Petoskey City Council does and hereby concurs with the City Manager's designation of Public Works Director Michael Robbins as the Acting City Manager to serve in the City Manager's absence or incapacity.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Approve Appointments to MPPA Board of Commissioners – Resolution No. 19679**

The City Manager reviewed that the City is a member of the Board of Commissioners for the Michigan Public Power Agency (MPPA) and needs to be represented by an authorized voting delegate at MPPA meetings which has been the Public Works Director, but with the arrival of a new City Manager representatives needed to be updated.

City Councilmember Walker moved that, seconded by City Councilmember Shiels adoption of the following resolution:

WHEREAS, the City of Petoskey is a member of the Board of Commissioners for the Michigan Public Power Agency (MPPA); and

WHEREAS, the City of Petoskey needs to be represented by an authorized voting delegate at MPPA meetings:

NOW, THEREFORE BE IT RESOLVED, that the City of Petoskey City Council hereby appoints Public Works Director Michael Robbins as its Commissioner and City Manager Shane Horn as its Alternate Commissioner.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Approve MPPA Member Authorized Representative Appointments – Resolution 19680**

The City Manager reviewed that the City is a member of MPPA and the Board of Commissioners created the Energy Services Project; that an Energy Services Agreement must be executed which the City entered into an Energy Services Agreement and authorized MPPA to purchase electric power supplies to meet its system demands; that the agreement requires members' governing body to designate a Member Authorized Representative (MAR); and that the MAR is delegated the responsibility of binding the member into Power Purchase Commitments with MPPA.

City Councilmember Shiels moved that, seconded by City Councilmember DeMoore adoption of the following resolution:

WHEREAS, on March 11, 2009, the Michigan Public Power Agency (MPPA) Board of Commissioners by action in open meeting created the Energy Services Project (“Project”); and

WHEREAS, the City of Petoskey is a Member of MPPA; and

WHEREAS, a member joining the Project, must execute an Energy Services Agreement (“ESA”); and

WHEREAS, the City of Petoskey entered into an Energy Services Agreement that authorized MPPA to purchase electric power supplies to meet its system demands; and

WHEREAS, Section 2 of the ESA requires the Member’s Governing Body to designate a Member Authorized Representative (“MAR”); and

WHEREAS, the MAR is delegated the responsibility of binding the Member into Power Purchase Commitments with MPPA:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Petoskey authorizes Public Works Director Michael Robbins, to serve as its Member Authorized Representative and City Manager Shane Horn as its Alternate Member Authorized Representative and to execute Power Purchase Commitments with MPPA on behalf of the City of Petoskey.

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

**Approve State Waterways Grant Agreement for Additional Funding for Marina Fuel Storage Replacement Project– Resolution No. 19681**

The Parks and Recreation Director reviewed that in June 2021, the City was recommended for a DNR Waterways Commission grant amount of \$125,000 for removal and replacement of the Marina fuel storage tanks with an estimated total project cost of \$250,000; that the City received four bidders ranging from \$395,000 to \$544,000 and awarded the bid to the lowest bidder which was \$145,000 over estimated project cost; staff submitted another grant application to the State to help defray costs to help fund 50% of the overage, which is \$72,500; and the City would utilize Marina Reserve Funds to match the remaining 50%.

City Councilmembers inquired if there were enough marina funds to cover budget, gave kudos to the Director on his grant efforts and inquired on project timeline. The Director noted the project would begin at the close of marina season in mid-October and is expected to be completed by early spring for the 2023 season.

City Councilmember Wagner moved that, seconded by City Councilmember Walker adoption of the following resolution:

"RESOLVED, that the City of Petoskey, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Seventy Two Thousand Five Hundred (\$72,500.00) to match the Seventy Two Thousand Five Hundred dollar (\$72,500) State grant authorized by the Michigan Department of Natural Resources.

2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Michigan Department of Natural Resources for auditing at reasonable times.
3. To construct the facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.
4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.
5. To establish and appoint the Parks and Recreation Director to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.
6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution."

Said resolution was adopted by the following vote:

AYES: DeMoore, Shiels, Wagner, Walker, Murphy (5)

NAYS: None (0)

### **Council Comments**

Mayor Murphy asked for council comments and Councilmember Walker reviewed ward convention activities and that relationships were built at conventions. Councilmember Wagner complimented City staff and the community on July 4<sup>th</sup> activities. Councilmember Shiels commented that the Winter Sports Park initiative is a powerful grassroots effort and that Tip of the Mitt Watershed Council has a green stormwater initiative survey online and encouraged all residents to complete. Councilmember DeMoore commented that conventions were terrific and constructive comments show how to be better and that Art in the Park is an impressive community event. Mayor Murphy reported that he had been asked to serve on the Tip of the Mitt Watershed Board; that a public art commission is being setup to implement art city-wide; and that the City is fortunate to have good staff and is a desirable community.

There being no further business to come before the City Council, this July 18, 2022, meeting of the City Council adjourned at 8:48 P.M.

John Murphy, Mayor

Alan Terry, Clerk-Treasurer