



CITY COUNCIL

September 17, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, September 17, 2018. 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
Kate Marshall, City Councilmember
Izzy Lyman, City Councilmember
Grant Dittmar, City Councilmember
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, Downtown Director Becky Goodman and City Attorney James Murray.

Consent Agenda - Resolution No. 19216

Following introduction of the consent agenda for this meeting of September 17, 2018, City Councilmember Marshall moved that, seconded by City Councilmember Wills adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the August 20, 2018 regular session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since August 20, for contract and vendor claims at \$11,079,639.29, intergovernmental claims at \$4,797,918.73, and the August 23 and September 6 payrolls at \$422,159.34, for a total of \$16,299,717.36 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Public Comment

Mayor Murphy asked for public comments and there were no comments.

City Manager Updates

The City Manager reported that there has been a suspension of asphalt resurfacing work due to the International Union of Operating Engineers lockout and as a result the local contractor will be unable to commence road work on the Bayfront Park resurfacing project scheduled for this fall; reviewed that there has been some questions regarding whether property owners are allowed to plant flowers, bushes or trees within the City rights-of-way and that the City has authority over what is planted in rights-of-way and has only allowed green grass for general aesthetics and uniformity throughout the community and that staff will send letters to affected property owners this fall stating that the landscaped rights-of-way will not be allowed in 2019; that marina electrical improvements will begin in late September;

that the Parks and Recreation Commission discussed possible locations, costs, maintenance and sustainability issues for a future dog park at their September meeting and that the Commission recommended to convene with Resort and Bear Creek Townships to gauge interest and create a plan and location to benefit all three governmental entities; that the City in partnership with CAKE as part of the invasive species initiative treated both the Bear River Valley and Solanus Mission Beach for black swallow-wort; reviewed initiatives as part of the green energy grant and that the City will collaborate with Traverse City, Charlevoix and Harbor Springs and be involved in a solar mapping project, training staff to input building energy usage data into a software program, monies for energy audits for city buildings, assistance in initiating sustainability/resiliency planning and grant dollars for marketing the Voluntary Green Pricing program to promote more participants; that staff continues to move forward with expediting grant documents for the downtown bathroom renovation and expansion project and that there may need to be a special meeting early October to approve the grant and bid; and that City hall masonry repair work began today.

City Councilmembers inquired if staff will remove plants along Solanus Mission Beach and Bear River after treatment; inquired on details of solar mapping project; and inquired on the cost of the invasive species treatment. The City Manager responded that plants can be removed after a certain time period; that the solar mapping project will entail locating the best location of solar rays to use for panels; and that the City's portion to treat invasive species was about \$2,000.

Mayor Murphy asked for public comments and heard comments concerning electrical box foliage; dog park sites; and if the invasive treatment herbicide is state approved.

Planning Commission Appointments – Resolution No. 19217-19219

Mayor Murphy reviewed that City Council consider possible appointments to the Planning Commission.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Dana Andrews, 722 East Lake Street, to the Planning Commission for a three-year term ending August 2021.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)
NAYS: None (0)

City Councilmember Dittmar moved that, seconded by City Councilmember Marshall adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Cynthia Linn Robson, 606 Grove Street, to the Planning Commission for a three-year term ending August 2021.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)
NAYS: None (0)

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of H. Ted Pall, 603 East Lake Street, to the Planning Commission for a three-year term ending August 2021.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Hear Bear River Dam Presentation

Lucas Porath, a representative from OHM Advisors, gave a brief presentation concerning the Bear River Dam. Mr. Porath reviewed that the dam is in fair condition with no immediate danger; that there was only an inspection report completed of the dam; and that there are no costs determined at this time for repair or replacement.

Mayor Murphy asked for public comments and heard an inquiry if invasive species were being handled and if drop due to dam removal would be spread back to the highway bridge; heard a comment on how it is in fair structural state when the steps are deteriorating; and heard comments that citizens will be upset with dam removal due to current fishing uses.

The City Manager reviewed that staff is studying dam condition and future uses and not looking to remove any time soon.

Discuss 2019-2024 Capital Improvements Plan

The City Manager reviewed that copies of the proposed 2019-2024 CIP were distributed to City Council and Planning Commission in advance of this meeting. The Plan was unanimously accepted and recommended for City Council approval by the Planning Commission on August 17, 2018. The City Manager reviewed 2019 projects in detail; that the six-year plan totals \$38M in expenditures, with capital spending in 2019 proposed at \$4.47M, of which \$1.128M (25%) is anticipated to come from grants and other outside sources of revenue; and that if approved, projects will be included within the 2019 proposed annual City budget.

Mayor Murphy asked for public comments and heard a comment concerning the DPW salt storage shed on Sheridan Street and that it is an unfortunate use of area and an eye sore; that the Bear River Valley Area would be a good area for a dog park; and heard an inquiry concerning plans or the status of 200 East Lake Street property. The City Manager responded that City staff is working with developers at this point in time on the 200 East Lake Street property.

City Council deferred action on the proposed CIP and will further discuss at the next regular scheduled meeting.

Council Comments

Mayor Murphy asked for Council comments and City Councilmember Wills commented that he will be attending the MML annual meeting in Grand Rapids Thursday through Saturday. City Councilmember Lyman appreciated the painting of lines on Jennings Avenue. Mayor Murphy commented that the Sister City exchange and brunch was exciting and well attended.

Recess to Closed Session – Resolution No. 19220

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(a) of the Michigan Open Meetings Act, to consider a periodic personnel evaluation of the City Manager.

City Councilmember Wills moved that, seconded by City Councilmember Lyman adoption of the following resolution:

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(a) of the Michigan Open Meetings Act, to consider a periodic personnel evaluation of the City Manager, at the City Council's regular meeting of September 17, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider a periodic personnel evaluation of the City Manager.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Recess to Closed Session – Resolution No. 19221

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(e) and 8(h) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation and to consider material exempt from disclosure.

City Councilmember Marshall moved that, seconded by City Councilmember Wills adoption of the following resolution:

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(e) and 8(h) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation and to consider material exempt from disclosure, at the City Council's regular meeting of September 17, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consult with its attorney regarding strategy in connection with specific pending litigation and to consider material exempt from disclosure.

Said resolution was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

Recessed to closed session at 8:15 P.M. and reconvened into open session at 9:50 P.M.

Approve City Manager Evaluation – Resolution No. 19222

The City Manager reviewed that his evaluation was discussed in closed session and the final evaluation document was produced for City Council approval.

City Councilmember Wills moved that, seconded by City Councilmember Marshall to approve the final form of the City Manager evaluation.

Said motion was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Wills, Murphy (5)

NAYS: None (0)

There being no further business to come before the City Council, this September 17, 2018, meeting of the City Council adjourned at 9:55 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer