



City of Petoskey

Agenda

CITY COUNCIL

March 5, 2018

1. Call to Order - 7:00 P.M. - City Hall Council Chambers
2. Recitation - Pledge of Allegiance to the Flag of the United States of America
3. Roll Call
4. Presentation
 - (a) Hear presentation by Director of Public Safety Matthew Breed concerning the Department of Public Safety Honor's Board authorizing awards to Officers, Emmet EMS staff and citizens for meritorious service
 - (b) Hear presentation by District Library Director Valerie Meyerson concerning the Petoskey District Library
5. Consent Agenda - Adoption of a proposed resolution that would confirm approval of the following:
 - (a) February 19, 2018 regular session City Council meeting minutes
 - (b) Acknowledge receipt of a report concerning certain administrative transactions since February 19, 2018
6. Miscellaneous Public Comments
7. City Manager Updates
8. New Business
 - (a) First reading of a proposed ordinance amending Ordinance 727 concerning Redevelopment Liquor Licenses
 - (b) Authorization to contract with Truck and Trailer Specialties, Boyne Falls, through the Mi-Deal State Purchase Contract for the purchase and installation of plow attachments and salt spreader components and purchase from Grand Traverse Diesel Service, Inc., Traverse City, a heavy duty 4x4 truck cab and chassis for a total combined cost of \$230,384
 - (c) Consideration to approve a contract with Michigan Department of Natural Resources for use of the Central Reservation System for the Marina
 - (d) Adoption of two proposed resolutions that would support the submission of a Michigan Department of Natural Resources Waterways Infrastructure Improvement Grant application for pedestal upgrades for Pier B and support an Agreement Addendum for the Scope of Work for Piers A, C, D electrical upgrades, to include Pier B
 - (e) Adoption of a proposed resolution that would support the submission of a Michigan Department of Natural Resources Trust Fund Grant application for the Iron Belle Trail, Bear River Bridge
9. City Council Comments
10. Adjournment



BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: March 1, 2018

AGENDA SUBJECT: Department of Public Safety Honor's Board Presentation

RECOMMENDATION: That the City Council hear this presentation

Background The Department of Public Safety Honor's Board recently authorized awards to Officers, Emmet EMS staff and citizens for meritorious service. Director Breed will present the awards to the recipients for commendable service throughout the community. Director Breed will present three types of awards including Lifesaving, Public Safety Citation and Citizen Awards.

Lifesaving Awards

Lt. Karr

Lt. Troxel – 2

PSO Lamont

PSO Parker

PSO Smith – 2

PSO Mikulski

PSO Hoig

PSO Kushner

PSO Whitley

Calvin Penfold – Emmet EMS – Paramedic – 2

Zachary Curtis – Emmet EMS – EMT

William (Jim) Hartman – Emmet EMS - Paramedic

Chad Linderman – Emmet EMS - Paramedic

Joshua Miller – Emmet EMS - Paramedic

Sarah Towne – Emmet EMS – Paramedic – 2

Mikayla Thorman – Emmet EMS - Paramedic

Citizen Awards

Douglas Brown

Justin Koetje

Public Safety Citation

Lt. Schultz

Detective Donovan

PSO Carlson

PSO Mikulski

PSO Hoig



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: March 1, 2018

AGENDA SUBJECT: Petoskey District Library Presentation

RECOMMENDATION: That the City Council hear this presentation

Background District Library Director Valerie Meyerson will give a brief presentation to the City Council concerning the Petoskey District Library. The 2017 Annual Report is enclosed for your review.

sb
Enclosure

Petoskey District Library

Library Board of Trustees

Ann Ingles, *President*
John Smith, *Vice-President*
Jodi Adams, *Secretary*
Sue Fantini, *Treasurer*
Ken Winter, *Member-at-Large*

Library Staff

Valerie Meyerson, *Library Director*
Mary Sue Prantera, *Technology Supervisor*
Neil Ahrens, *Facility Manager*
Sarah Biskup, *Programming*

Circulation:

Jodi Haven, *Public Services Librarian*
Library Assistants:

Holly Angileri, Jon Baughan, Patty Grace,
Isaac Green, Judy Harvey, Mary Hohlbein,
Gabe Meyerson, Jane Mooradian, Mary Olmsted,
Jennifer Rigby, Kate Scollin, Donna Smith

Youth Services:

Megan Goedge, *Youth Services Librarian*
Nisa Kessler, *Teen Services*
Marty Samson, *Library Assistant*
Lisa Scholl, *Librarian*

Reference Services:

Drew Cherven, *Reference Supervisor*
Mary Beauchamp, *Librarian*

Friends of the Library Board

Gayle Mroczkowski, *President*
Peg Pinho, *Vice-President*
Anne Lewis, *Secretary*
Joyce Hutto-Nolan, *Treasurer*
Ann Barfknecht, Merry Baxter,
Jane Damschroder, Mary Daniels, Ann Ingles,
Lynnet Johnson, Suzanne LaBeau, Ethel Larsen
Lauren Macintyre, Jan Smith, Carolyn Switzer

231-758-3100

library@petoskeylibrary.org

Saying YES to our Friends!

The Friends of the Petoskey Library work hard in support of library services. The Friends raise thousands of dollars every year which goes directly into library services. The Friends sponsor the 1,000 Books Before Kindergarten initiative, which helps promote reading for pre-school children. Each child pledges to try and read 1,000 books prior to Kindergarten enrollment. The kids receive free books, free bags, and other goodies for each milestone reached.

The Friends sort, clean, shelve, and straighten their used book sale, which raises close to \$15,000 each year. Approximately \$9,500 of that goes directly to the library in support of children's books and programs.

The Friends helped launch and continue to support the Rhea Murray Awards Collection. These books have won an award within the past two years.



Hours:

Mon—Thurs: 10:00—7:00

Fri & Sat: 10:00—5:00

Sun: Noon—5:00

500 E. Mitchell St
Petoskey, MI 49770
www.petoskeylibrary.org

Petoskey District Library—2017

The world is only a visit away.

Director's Message:



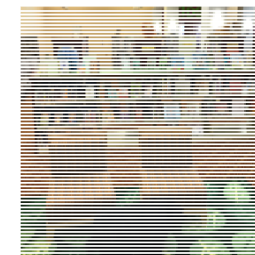
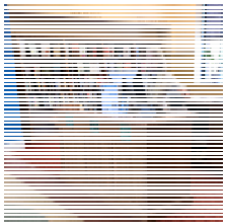
As I sit here thinking about 2017, one day sticks out and reminds me of why Petoskey is so wonderful. The solar eclipse was truly a day for all. The whole country was excited about the eclipse viewing. We invited the community to come

hang out on the Labyrinth and view the eclipse through the hundreds of eclipse glasses we procured. We had over 800 glasses to hand out. We quickly realized, when the line wound around the perimeter of the library sidewalks, down to the alley, that 800 glasses would not be enough. When we finally ran out of glasses, we asked people to share with their neighbors so everyone would have a chance to view the solar eclipse when it popped out from beneath the clouds, which they did, happily. Everyone had a fun afternoon viewing and hanging out at the library. The staff was overjoyed at how many people attended and how we had zero incidents. It was incredible to be part of such a great community enjoying Mother Nature, each other, and the library.

~ Valerie Meyerson

Space Repurposing:

The three year, space repurposing project saw completion with the installation of the new circulation desk. This new desk provides better visibility for patrons entering and exiting the building. In the main circulation area, new sofas were added to provide more comfortable and welcoming space for our patrons.



The year began with a major shift in the children's room: changed the shelf direction to add better visibility; added wall shelving to increase shelving availability; extended the picture book collection; added floor space and

reading areas for all.

The completion of the space repurposing project does not mean we are done—infrastructure projects are next in line!



The Numbers say YES!



Did you know...

... that our staff is here to help?—just ask any question and we will help find the answer—including help selecting your next favorite book!

11,685 reference questions were answered last year.

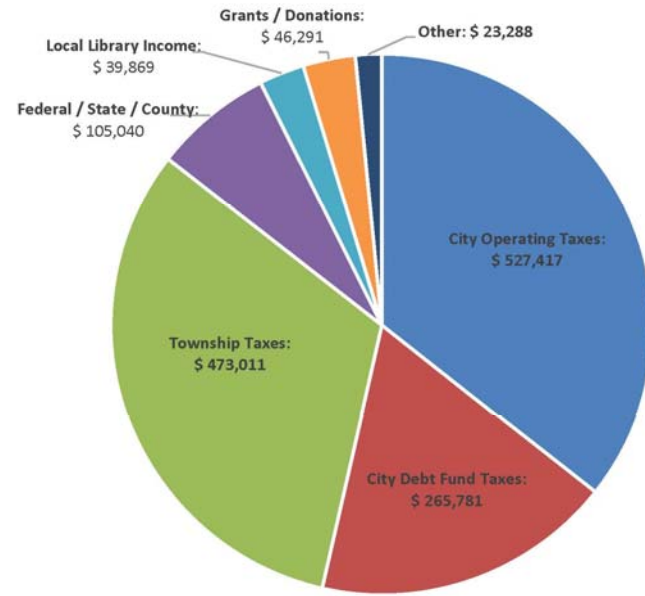
... we have two conference rooms and a classroom available for public use?

Last year our meeting rooms were utilized for 637 non-library meetings.

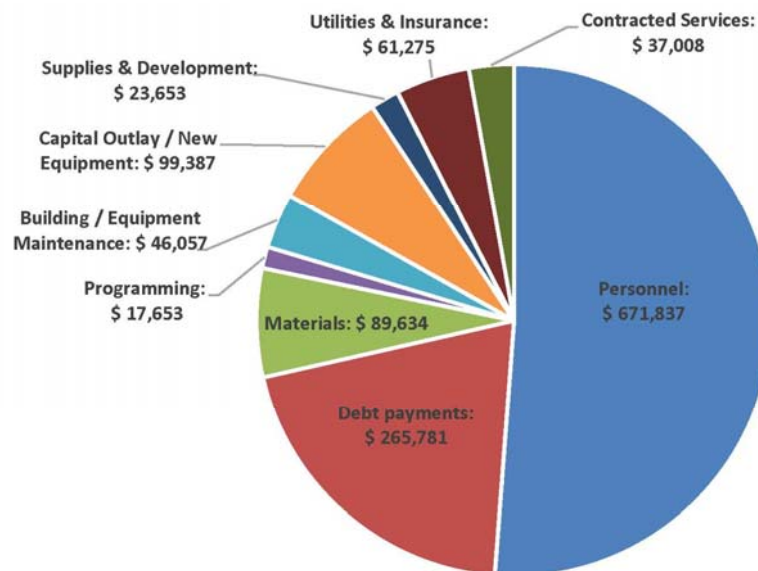
... the library offers programming for all ages, including life-long learning classes?

5,165 adults attended 307 programs and 4,496 youth attended 377 different programs and we had 1,526 people attend 26 family events.

2017 Revenues...



2017 Expenses...



Did you know...

...you can now check out digital magazines and stream movies and music?

We have 50 digital magazine titles to borrow and thousands of movies and music from Hoopla and Kanopy—digital circulation is up 18%!

... not only residents of the City of Petoskey and Bear Creek, Little Traverse, Resort, and Springvale Townships are eligible for a resident library card, but **students and employees as well?**

6,818 registered library card holders checked out 147,838 items from the library last year—an 18% increase over 2016!

Saying Yes to the Community!

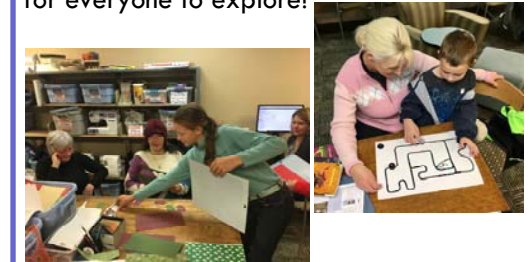


We hosted our first Repair Café where volunteer fixers helped our patrons fix broken or damaged household items that needed repair. Everyone had a great time and lots of people went home with their “fixed” items!



Makerspace Mania!

Makerspace launched in January and all sorts of people come in and enjoy creating something of their own—from the 3D printer to the sewing machine and the Ozobots to the button maker—there is something for everyone to explore!



New Services!

Pre-audited, year-end fund balances:

- General Fund Balance: \$651,256
- Building Reserve Fund Balance: \$273,000

What's Next?

2018 will be the infrastructure year. The projects in the wings include:

- ⇒ Carnegie Library roof will be replaced
- ⇒ Library roof drains will be enlarged to handle heavy rain and reduce internal water damage
- ⇒ Library lighting will be converted to LED to save energy and dollars
- ⇒ RFID Technology will be introduced to help manage inventory and streamline the circulation process
- ⇒ Full analysis of the library heating and cooling

Ready Read Kits—back packs filled with books on special topics.

Book Club Kits—bags containing five copies, book discussion questions, brief author biography, and a check out sheet.

Library Cards—available at no charge for students and employees in our area, and for residents of the city and the townships of Bear Creek, Little Traverse, Resort and Springvale.

Kindles—check out from the second floor reference desk. Patrons may request one title to add to the Kindle library.

Wifi Hot spots—available to check out from the second floor reference desk.

Laptops—available for in library use, check one out from the youth, circulation, or reference desks.





City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: March 1, 2018

AGENDA SUBJECT: Consent Agenda Resolution

RECOMMENDATION: That the City Council approve this proposed resolution

The City Council will be asked to adopt a resolution that would approve the following consent agenda items:

- (1) Draft minutes of the February 19, 2018 regular session City Council meeting; and
- (2) Acknowledge receipt of a report from the City Manager concerning all checks that have been issued since February 19 for contract and vendor claims at \$629,575.58, intergovernmental claims at \$0, and the February 22 payroll at \$195,419.36 for a total of \$824,994.94.

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Enclosures



CITY COUNCIL

February 19, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, February 19, 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, City Planner Amy Tweeten, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

Consent Agenda - Resolution No. 19148

Following introduction of the consent agenda for this meeting of February 19, 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 January 15, 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 January 15 for contract and vendor claims at \$2,444,440.33, intergovernmental claims at \$43,026.10, and the January 25 and February 8 payrolls at \$391,319.08, for a total of \$2,878,785.51 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 staff is working on a grant application for electrical pedestal improvements to Pier B which will be forthcoming for approval; that Springvale/Bear Creek Sewage Disposal Authority restated wastewater treatment service agreement and franchise agreement will need to be approved by both boards; that FOPLC collective bargaining mediation is scheduled for February 21; that staff has postponed hiring a full-time IT staff person and will continue to contract with Empiric Solutions for technology services;

that recommended changes to Ordinance 727 from the DMB concerning redevelopment liquor licenses will be forthcoming for discussion and possible approval; and that the Parks and Recreation Commission based on the Parks and Recreation Master Plan, is encouraging staff to initiate discussions with local and regional stakeholders regarding modifications to the Lake Street Dam with an overall objective to improve fish passage while addressing any current safety or maintenance issues.

City Councilmembers inquired if revisions to the redevelopment liquor license ordinance will affect tonight's approvals, which it does not; that the dam is enjoyed by many and hopes any renovation will balance the needs of all users; and heard from those thanking the City Manager for contracting with Empiric Solutions for technology services providing a cost savings.

Adopt Ordinance 759 – Amending Appendix A to the Zoning Ordinance - Resolution No. 19149

The City Manager gave a brief overview of the proposed ordinance and discussions to date, and that this was a second reading of the proposed ordinance and Council could approve at this meeting.

City Councilmembers had concerns with occupants per structure and heard from those in favor and opposed to keeping maximum occupants at 8; heard an inquiry on the purpose of continuing to decrease occupants when it may be hard for a business to invest with low occupancy; discussed areas grandfathered; and that some current larger facilities may be affected by lowering number.

The City Attorney reviewed that if City Council preferred to lower maximum number of occupants that it could happen tonight if consistent across the board with all facilities and there wouldn't be a need for an additional reading.

Mayor Murphy asked for public comments and heard a comment if Council has considered off-street parking, which is the real issue.

City Councilmember Lyman moved that, seconded by City Councilmember Marshall to revise the propose ordinance to include a maximum number of occupants from 8 to 6 occupants per structure in group living uses including Assisted Living Facility, Convalescent/Nursing Care Facility, Sheltered Housing Facilities, Boarding Houses and Residential Care and Treatment Facility and to adopt the following ordinance amending Appendix A to the Zoning Ordinance:

AN ORDINANCE TO AMEND APPENDIX A OF THE PETOSKEY CODE OF ORDINANCES, ZONING ORDINANCE ARTICLE II, ARTICLE VI, ARTICLE VII, ARTICLE XVI, ARTICLE XVII, ARTICLE XXIX, AND ARTICLE XXX

THE PETOSKEY CITY COUNCIL ORDAINS:

- 1. Appendix A, Article II, Section 201 of the Petoskey Code of Ordinances is amended, in part, to amend the definition of Assisted Living Facility and Boarding House and to create a new definition of Block Face and Convalescent/ Nursing Care Facility. The remaining definitions remain in full force and effect. The revised and new definitions are as follows:**

Assisted Living Facility. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of residents who need help with activities of daily living; which may or may not include a central or private kitchen, dining, recreational, and other facilities; with separate bedrooms or living quarters; and where the emphasis of the facility remains residential.

Block face. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boarding House. A dwelling unit with a single kitchen facility where lodging is provided and meals may be provided to occupants for compensation either directly or indirectly for no less than a 30-day period.

Convalescent/Nursing Care Facility. A structure with sleeping rooms, where persons are housed and are furnished with meals, nursing and medical care.

2. Appendix A, Article VI of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:

Sec. 600. - Intent.

The RM-1 Multiple-Family Residential District is designed to provide sites for low-density multiple-family dwelling structures which will generally serve as zones of transition between less intensive nonresidential districts and lower density single-family development. This district will also accommodate the large planned multiple-family residential development.

Sec. 601. - Principal uses permitted.

In the RM-1 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses permitted and as regulated in the R-1 through R-3 Single-Family Residential Districts with the lot area and yards equal to at least the requirements of the immediately abutting Single-Family Residential District.
2. Multiple-family dwellings.
3. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 602. - Required conditions.

In the case of multiple dwelling developments, all site plans shall be submitted to the planning commission for its review and approval prior to issuance of a building permit.

Approval shall be contingent upon a finding that:

1. The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety, and
2. All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.

Sec. 603. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to conditions hereinafter imposed for each use, and subject further to the review and approval of the planning commission pursuant to section 1717 of the zoning ordinance:

1. Nursery schools, day nurseries, child-care centers (not including dormitories or family day-care homes), and group day-care homes (seven or more minor children), provided that for each child so cared for, there is provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a minimum area of at least 1,200 square feet, and shall be fenced or screened from any adjoining residential land with planting.
2. Assisted Living and Convalescent/Nursing Care Facilities not to exceed 6 occupants per structure. No such facility shall be less than 400 feet from any like facility.
3. Accessory buildings and uses customarily incident to any of the above-permitted uses.

Sec. 604. - Area and bulk requirements.

See article XVI Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

3. Appendix A, Article VII of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:

Sec. 700. - Intent.

The RM-2 Multiple-Family Residential District is designed to provide sites for intermediate density multiple-family dwelling structures primarily in close proximity to high traffic and pedestrian generators such as the downtown area. This zone is designed to provide a zone of transition between such generators and other residential zoning districts.

Sec. 701. - Principal uses permitted.

In an RM-2 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. All uses permitted and as regulated in the RM-1 Multiple-Family Residential District.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 702. - Principal uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use, and subject further to the review and approval of the planning commission pursuant to section 1717 of the zoning ordinance:

1. Offices for executive or administrative occupations including legal, accounting, insurance, finance or similar professions in existing residential structures with the following conditions:
 - a. The property is immediately adjacent to, or directly across the street from, a business-zoned parcel (B1, B2 or B3);
 - b. The property is within one block of the parking-exempt district as defined in section 1704(11) of the zoning ordinance;
 - c. No on-site parking shall be constructed in excess of that required for residential use;
 - d. Architecture of additions or alterations shall be consistent with residential character of the neighborhood;
 - e. No interior display shall be visible from the exterior of the building;
 - f. The outdoor storage of goods or material shall be prohibited;
 - g. Exterior lighting shall be residential in character with fixtures restricted to no more than ten feet in height, 75 watts maximum with shielded or frosted fixtures and illumination levels limited to five foot-candles or less;
 - h. Customer hours shall be limited to 8:00 a.m. in the morning to 6:00 p.m. in the evening;
 - i. Trash and waste disposal shall only be curbside residential without use of on-site dumpsters; and
 - j. All provisions of the sign ordinance are met.

2. Assisted Living, Convalescent/Nursing Care, Residential Care and Treatment, and Sheltered Housing Facilities not to exceed 6 occupants per structure. No such facility shall less than 400 feet from any like facility.
3. Boarding houses when located on a parcel of land not less than 7,200 square feet in area with no less than one full bathroom for up to 5 (five) occupants and an additional half-bathroom provided for each additional 2 (two) occupants or full bathroom for each additional 4 (four) occupants. Occupancy shall not exceed 6 persons per structure subject further to City licensing application for inspection and compliance with the International Property Maintenance Code (IPMC). No license shall be issued for a boarding house within 400 feet of an existing boarding house.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

Sec. 703. - Area and bulk requirements.

See article XVI Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and minimum yard setback requirements.

4. Appendix A, Article XVI Section 1600 (1) (b) and (c) of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:

(b) The minimum front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

(c) The minimum corner front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

5. Appendix A, Article XXIX, Table 2901.1 of the Petoskey Code of Ordinances is hereby repealed and replaced with the following.

TABLE 2901.1 Transitional Business District (B-2A) Permitted and Special Condition Uses

COMMERCIAL	
BAKERY, CONFECTIONARY PRODUCTION	P
BANKS	P
BREWERY, MICROBREWERY, WINERY	P
DAYCARE CENTER	P
FOOD SERVICE WITH OR WITHOUT ALCOHOL SERVICE	P
GENERAL RETAIL	P
HEALTH/FITNESS FACILITY	P
OPEN-AIR BUSINESS	SCU
PERSONAL SERVICE	P
PROFESSIONAL OR MEDICAL OFFICE	P
PUBLIC ASSEMBLY	P
STUDIO- ART, DANCE, MUSIC, PHOTOGRAPHY, ETC.	P
CIVIC	
EDUCATION – PRIMARY, SECONDARY, COLLEGE	SCU
GOVERNMENT OFFICES	SCU
LIBRARY, PUBLIC PARK	P
MUSEUM	P
RESIDENTIAL	
MULTIFAMILY HOUSING	P
SINGLE FAMILY RESIDENCE	P

TWO FAMILY RESIDENCE	P
LODGING	
BED AND BREAKFAST	P (L)
HOTEL	P (L)

P= Permitted

P (L) = Permitted subject to licensing provisions

SCU = Special Condition Use

6. **Appendix A, Article XXX, Table 3001.1 is hereby repealed and replaced with:**

TABLE 3001.1 Mixed Use Corridor (B-2B) Permitted and Special Condition Uses

COMMERCIAL	
BAKERY, CONFECTIONARY PRODUCTION	P
BANKS	P
BREWERY, MICROBREWERY, WINERY	P
DAYCARE CENTER	P
DRIVE-THROUGH FACILITIES	SCU
FOOD SERVICE WITH OR WITHOUT ALCOHOL SERVICE	P
GENERAL RETAIL	P
HEALTH/FITNESS FACILITY	P
OPEN-AIR BUSINESS	P
PERSONAL SERVICE	P
PROFESSIONAL OR MEDICAL OFFICE	P
PUBLIC ASSEMBLY	P
STUDIO- ART, DANCE, MUSIC, PHOTOGRAPHY, ETC.	P
WAREHOUSE AND WHOLESALE ESTABLISHMENTS	SCU
CIVIC	
EDUCATION – PRIMARY, SECONDARY, COLLEGE	SCU
MUSEUM	P
LIBRARY, PUBLIC PARK	P
POST OFFICE OR OTHER GOVERNMENT OFFICES	P
RESIDENTIAL	
MULTIFAMILY HOUSING	P
SINGLE FAMILY RESIDENCE	P
TWO FAMILY RESIDENCE	P
LODGING	
BED AND BREAKFAST	P (L)
HOTEL	P (L)

P= Permitted

P (L) = Permitted subject to licensing provisions

SCU = Special Condition Use

7. **Appendix A, Article XVII, Section 1704 (6) is amended to include the following changes:**

The use categories of “Residential Care and Treatment Facility” and “Sheltered Housing” use with a parking requirement of 1 space per 3 beds.

The parking space requirement for Boarding Houses is 2 spaces per dwelling.

8. **Appendix A, Article III, Section 300 is amended to include H Hospital District**

9. Conflicting Standards.

If any of the standards set forth in this amendment conflict with any other standards of previous or further ordinances or amendments, the stricter standards shall apply.

10. Repeal; Savings Clause.

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

11. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

12. Effect.

This ordinance shall take effect fifteen (15) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Said ordinance was adopted by the following vote:

AYES: Marshall, Lyman, Dittmar, Murphy (4)

NAYS: Wills (1)

Approve Redevelopment Liquor License for Crooked Tree Arts Council, Inc. - Resolution No. 19150

The City Manager reviewed that on behalf of Crooked Tree Arts Council, Inc., Liz Ahrens, CTAC President, submitted a Redevelopment Liquor License application for their building located at 461 East Mitchell Street. DMB unanimously recommended at their January 16 meeting that City Council approve the license. The City Manager further reviewed that CTAC is not delinquent on taxes, assessments or has any outstanding code violations; that if approved by City Council, the license would be number 5 of a maximum 6 redevelopment liquor licenses that are currently available; and that DMB reviewed Ordinance 727 and is recommending for Council approval that the number of licenses be changed from 6 to 10.

City Councilmembers inquired on hours of operation and reviewed criteria for license. Ms. Ahrens gave a brief overview of the CTAC's objectives and hours of operation.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar to adopt a resolution supplied by the MLCC approving the application submitted by Crooked Tree Arts Council, Inc. for a redevelopment liquor license at 461 East Mitchell Street.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Beards Brewery Liquor License - Resolution No. 19151

The City Manager reviewed that Beards Brewery, LLC, 215 East Lake Street, would like to apply to the LCC for a Small Wine Maker License and needed local approval before application process began. Beards Brewery will make some wine, but mostly cider, at both the Charlevoix and downtown Petoskey locations.

City Councilmember Wills moved that, seconded by City Councilmember Marshall to adopt a resolution supplied by the MLCC approving a Small Wine Maker License for Beards Brewery, LLC, 215 East Lake Street.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Schmohz Brewing Company Liquor License - Resolution No. 19152

The City Manager reviewed that James Schwerin, President of Schmohz Brewing Company, Grand Rapids, would like to apply to the LCC for a Micro Brewer License and needed local approval before application process began. The City Manager reviewed that the microbrewery will be within the existing Mancino's restaurant located at 109 West Mitchell Street.

Mayor Murphy asked for public comments and heard from those concerned at where staff is drawing the line on how many liquor licenses are approved in the community; that Public Safety should consider when inspecting potential applicants; that there is a certain amount of licenses applied for different uses such as entertainment and doesn't always include more drinking; and that the social trend of "dining and doing" is a positive element to any community.

City Councilmember Lyman moved that, seconded by City Councilmember Wills to adopt a resolution supplied by the MLCC approving a Micro Brewer License for Schmohz Brewing Company, to be located at 109 West Mitchell Street.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Confirm Great Lakes Chamber Orchestra Non-Profit Status - Resolution No. 19153

The City Manager next reviewed that Joyce Herbert, Board Secretary of the Great Lakes Chamber Orchestra, 219 East Lake Street, requested City Council approve a resolution confirming that the organization is a recognized non-profit organization in the community and supports a charitable gaming license. The gaming license would be used to sell raffle tickets for a June 5 event.

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

WHEREAS, local governmental units are required to certify status of local non-profit organizations that seek permission of the Michigan Bureau of the Lottery, Charitable Gaming Division, to conduct certain types of fundraising campaigns that require issuing of gaming licenses; and

WHEREAS, the Great Lakes Chamber Orchestra, 219 East Lake Street, Petoskey, has requested that the City recognize it as a non-profit organization that operates within the community for the purpose of administering gaming licenses that would permit future raffle drives and fundraising events, the proceeds from which would benefit the individual affiliate conducting the event:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby certifies that the Great Lakes Chamber Orchestra, 219 East Lake Street, Petoskey, is a recognized non-profit organization that operates within the Petoskey community.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Authorize Bayfront Park Resource Center Concessionaire - Resolution No. 19154

The City Manager reviewed the proposed concession stand operation at the Bayfront Park Resource Center and that over the years there has been inconsistent concession sales. The City advertised for RFP's for an entity to manage the concession stand from May 25 through September 3. Two bids were received and staff recommended North Bridge Markets, Alanson, who has 20 years of food and beverage experience in Northern Michigan; is planning on operating from April through October; and has committed to "dockside service" for marina guests.

City Councilmember Wills moved that, seconded by City Councilmember Marshall to authorize contracting with North Bridge Markets, Alanson, to operate the concession stand at Bayfront Park Resource Center.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Discuss Accommodation Policy & Federal Fair Housing Amendments Act

The City Manager reviewed that staff along with the City Attorney, has reviewed the City's ordinances as applied to the Federal Fair Housing Amendments Act (FFHA) and the Americans with Disabilities Act (ADA). The City Attorney recommended, with staff support, that the City adopt an accommodation policy as part of the City's Zoning Ordinance as well as the City's International Property Maintenance Code (IPMC). The City Manager further reviewed that the FFHA, under provisions of 42 U.S.C. § 3601, *et seq.*, forbids discrimination against disabled people in the sale or rental of housing. It also requires such: "*Reasonable accommodations and rules, policies, practices, or services,*" as may be "*necessary to afford (disabled) persons equal opportunity to use and enjoy a dwelling.*" According to the City Attorney, this creates an affirmative duty on the City to provide its disabled citizens reasonable accommodation in its municipal zoning practices if necessary to afford such persons equal opportunity in the use and enjoyment of their property. Under the Fair Housing Act, Congress clearly contemplated providing municipalities such as the City of Petoskey the opportunity to adjust their generally applicable rules to allow persons with disabilities equal access to housing.

The City Attorney advised that courts have given examples of requests for accommodation under the Fair Housing Act; recommended that the City seek to avoid treating a request for an accommodation as arbitrary; that a formal accommodation policy would address accommodation requests; reviewed three elements the City must follow when analyzing an accommodation; and reviewed that having such a formal policy in place will avoid the confusion of who will make decisions on a particular case and the criteria used in making the decision.

Both City Attorney and City staff recommended adopting a formal policy whereby requests for accommodations are referred to the Zoning Board of Appeals. The City Attorney reviewed that the City Council, due to the provisions of the Michigan Zoning Enabling Act, is authorized to initiate a Zoning Ordinance amendment. However, before such an ordinance is submitted for amendment to the City Council, the Planning Commission must hold at least one public hearing. The amendments proposed to the IPMC do not require review by the Planning Commission.

City Councilmembers reviewed both proposed ordinance amendments; and one member commented that 21 U.S.C. § 802 should be further reviewed in the future.

Mayor Murphy asked for public comments and heard an inquiry on why the amendments were being proposed.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar to direct staff to work with the Planning Commission to review the proposed amendments to the zoning ordinance as well as schedule a public hearing.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Discuss City Goals & Action Plan

The City Manager reviewed that at the last Council meeting, City Council directed staff to bring forth the 2015 Action Plan that was developed with project facilitator Joe Ohren. The City Manager reported that Councilmembers received the plan with a brief description of the status of each of the City goals.

City Councilmembers concurred to have a special meeting at 5:30 P.M., Monday, April 30, to review City goals and objectives without an outside facilitator.

Approve Poverty Exemption Policy & Guidelines – Resolution No. 19155

The Director of Finance reviewed that the MCL 211.7u of the General Property Tax Act allows a property tax exemption for the principal residence of persons who, in the judgement of the Board of Review, by reason of poverty, are unable to contribute to the public charges; that the Act requires a local governing body to adopt guidelines including income and asset tests for possible poverty exemption of local property tax assessments; and that the guidelines will be used by the Board of Review in reviewing poverty exemption applications. The Director of Finance further reviewed that City Council adopted a resolution on April 15, 2013 establishing provisions for a poverty exemption, however the State is requiring the policy be approved annually. The proposed policy and guidelines is essentially the same as the policy approved in 2013, with poverty income levels established annually by the Federal Poverty Income Guidelines. The City has received 9 applications from three owners over the last five years of which 7 were granted.

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

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Council; and

WHEREAS, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the City of Petoskey, Emmet County, adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

1. Be an owner of and occupy as a principal residence for a period of at least three years the property for which an exemption is requested.
2. File a claim with the Assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.
3. File a claim reporting that the combined assets of all persons do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.

4. Produce a valid driver's license or other form of identification if requested.
5. Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
6. Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the City of Petoskey providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
7. The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

The following are the federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

Federal Poverty Guidelines for 2018 Assessments

Number of Persons Residing In the Principal Residence	Poverty Guidelines Annual Allowable Income
1 person	\$12,140
2 persons	\$16,460
3 persons	\$20,780
4 persons	\$25,100
5 persons	\$29,420
6 persons	\$33,740
7 persons	\$38,060
8 persons	\$42,380
Each additional person, add	\$ 4,320

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Assessor and Board of Review shall follow the above and attached stated policy and federal guidelines in granting or denying an exemption, unless the Assessor and Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Architect Service Agreement for City Hall Renovations – Resolution No. 15156

The City Manager reviewed the proposed service agreement to work with Rick Neumann to identify a scope of work for the renovations to the exterior, interior and windows of City Hall to address water intrusion issues due to issues that occurred late last fall.

City Councilmember Wills moved that, seconded by City Councilmember Lyman to approve contracting with architect Rick Neumann to identify a scope of work for the renovations to City Hall.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and City Councilmember Marshall commented that the Winter Sports Park activities and Winter Carnival over the weekend were great. City Councilmember Lyman reported that she completed three MML webinars which were beneficial. City Councilmember Wills commented that the Winter Sports Park weekend activities were great. Mayor Murphy commended Parks and Recreation and Downtown staff for the successful Winter Carnival and scheduled activities.

There being no further business to come before the City Council, this February 19, 2018, meeting of the City Council adjourned at 8:35 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/21/2018	78978	24/7 SEWER & DRAIN CLEANING	592-560-802.000	85.00
02/18	02/21/2018	78978	24/7 SEWER & DRAIN CLEANING	592-560-802.000	285.00
02/18	02/21/2018	78979	ACH-EFTPS	701-000-230.100	18,694.33
02/18	02/21/2018	78979	ACH-EFTPS	701-000-230.200	11,872.45
02/18	02/21/2018	78979	ACH-EFTPS	701-000-230.200	11,872.45
02/18	02/21/2018	78979	ACH-EFTPS	701-000-230.200	2,776.67
02/18	02/21/2018	78979	ACH-EFTPS	701-000-230.200	2,776.67
02/18	02/21/2018	78980	ACH-ICMA 457	701-000-230.700	1,830.75
02/18	02/21/2018	78980	ACH-ICMA 457	701-000-230.700	4,907.00
02/18	02/21/2018	78981	AFLAC	701-000-230.180	412.55
02/18	02/21/2018	78982	ALLIANCE ENTERTAINMENT	271-790-761.000	222.07
02/18	02/21/2018	78982	ALLIANCE ENTERTAINMENT	271-790-761.000	186.45
02/18	02/21/2018	78982	ALLIANCE ENTERTAINMENT	271-790-761.100	59.23
02/18	02/21/2018	78983	AT & T MOBILITY	514-587-920.000	326.50
02/18	02/21/2018	78984	AT&T	101-789-850.000	117.01
02/18	02/21/2018	78984	AT&T	101-770-850.000	137.81
02/18	02/21/2018	78985	AT&T LONG DISTANCE	582-588-850.000	60.93
02/18	02/21/2018	78986	Baldwin, Gus	101-756-808.030	112.00
02/18	02/21/2018	78987	BATTERY PRODUCTS INC.	101-345-775.000	74.77
02/18	02/21/2018	78988	BECKETT & RAEDER INC.	247-751-802.000	2,640.00
02/18	02/21/2018	78989	BS&A SOFTWARE	101-257-802.000	1,099.00
02/18	02/21/2018	78990	BUCK'S BODY REPAIR INC.	661-598-932.000	680.11
02/18	02/21/2018	78991	CHAR-EM UNITED WAY	701-000-230.800	77.00
02/18	02/21/2018	78992	CONSUMERS ENERGY	592-538-920.000	3,954.93
02/18	02/21/2018	78992	CONSUMERS ENERGY	592-558-920.000	189.74
02/18	02/21/2018	78992	CONSUMERS ENERGY	592-558-920.000	204.96
02/18	02/21/2018	78992	CONSUMERS ENERGY	592-558-920.000	457.60
02/18	02/21/2018	78992	CONSUMERS ENERGY	592-558-920.000	482.22
02/18	02/21/2018	78993	CONTI, JOSEPH	101-770-767.000	208.50
02/18	02/21/2018	78994	Crittenden, Tim	101-756-808.030	128.00
02/18	02/21/2018	78995	CYNERGYCOMM.NET INC.	271-790-850.000	260.86
02/18	02/21/2018	78996	DAVIS, RANDY	701-000-230.185	27.17
02/18	02/21/2018	78997	Dearborn National	701-000-230.190	2,009.02
02/18	02/21/2018	78997	Dearborn National	101-172-724.000	19.16
02/18	02/21/2018	78997	Dearborn National	101-201-724.000	44.89
02/18	02/21/2018	78997	Dearborn National	101-208-724.000	21.35
02/18	02/21/2018	78997	Dearborn National	101-215-724.000	23.54
02/18	02/21/2018	78997	Dearborn National	101-265-724.000	4.79
02/18	02/21/2018	78997	Dearborn National	101-268-724.000	11.98
02/18	02/21/2018	78997	Dearborn National	101-345-724.000	436.34
02/18	02/21/2018	78997	Dearborn National	101-400-724.000	9.58
02/18	02/21/2018	78997	Dearborn National	101-441-724.000	32.57
02/18	02/21/2018	78997	Dearborn National	101-754-724.000	5.27
02/18	02/21/2018	78997	Dearborn National	101-770-724.000	18.20
02/18	02/21/2018	78997	Dearborn National	101-773-724.000	32.57
02/18	02/21/2018	78997	Dearborn National	101-756-724.000	2.87
02/18	02/21/2018	78997	Dearborn National	101-789-724.000	6.71
02/18	02/21/2018	78997	Dearborn National	204-481-724.000	68.43
02/18	02/21/2018	78997	Dearborn National	271-790-724.000	136.31
02/18	02/21/2018	78997	Dearborn National	514-587-724.000	15.81
02/18	02/21/2018	78997	Dearborn National	582-588-724.000	57.48
02/18	02/21/2018	78997	Dearborn National	592-549-724.000	59.67

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/21/2018	78997	Dearborn National	592-560-724.000	19.16
02/18	02/21/2018	78998	DECKA DIGITAL LLC	101-345-751.000	50.00
02/18	02/21/2018	78999	DELTA DENTAL	101-172-724.000	58.82
02/18	02/21/2018	78999	DELTA DENTAL	101-201-724.000	266.95
02/18	02/21/2018	78999	DELTA DENTAL	101-208-724.000	48.05
02/18	02/21/2018	78999	DELTA DENTAL	101-215-724.000	20.42
02/18	02/21/2018	78999	DELTA DENTAL	101-265-724.000	24.26
02/18	02/21/2018	78999	DELTA DENTAL	101-268-724.000	52.00
02/18	02/21/2018	78999	DELTA DENTAL	101-345-724.000	898.29
02/18	02/21/2018	78999	DELTA DENTAL	101-400-724.000	22.48
02/18	02/21/2018	78999	DELTA DENTAL	101-441-724.000	153.05
02/18	02/21/2018	78999	DELTA DENTAL	101-754-724.000	23.66
02/18	02/21/2018	78999	DELTA DENTAL	101-756-724.000	90.53
02/18	02/21/2018	78999	DELTA DENTAL	101-770-724.000	96.98
02/18	02/21/2018	78999	DELTA DENTAL	101-773-724.000	12.61
02/18	02/21/2018	78999	DELTA DENTAL	101-789-724.000	29.42
02/18	02/21/2018	78999	DELTA DENTAL	204-481-724.000	204.80
02/18	02/21/2018	78999	DELTA DENTAL	271-790-724.000	272.35
02/18	02/21/2018	78999	DELTA DENTAL	514-587-724.000	16.79
02/18	02/21/2018	78999	DELTA DENTAL	582-588-724.000	249.50
02/18	02/21/2018	78999	DELTA DENTAL	592-549-724.000	281.98
02/18	02/21/2018	78999	DELTA DENTAL	592-560-724.000	75.33
02/18	02/21/2018	78999	DELTA DENTAL	701-000-230.110	1,238.20
02/18	02/21/2018	79000	DERRER OIL CO.	661-598-759.000	4,698.35
02/18	02/21/2018	79000	DERRER OIL CO.	661-598-759.000	2,394.13
02/18	02/21/2018	79001	DONALDSON, CORBIN	101-756-808.030	120.00
02/18	02/21/2018	79002	ENGLEBRECHT, ROBERT	101-257-802.100	3,750.00
02/18	02/21/2018	79003	FASTENAL COMPANY	592-549-767.000	29.98
02/18	02/21/2018	79004	GIBBY'S GARAGE	582-593-930.000	170.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-931.000	340.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-932.000	748.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	514-587-931.000	238.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-931.000	272.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-932.000	510.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	582-593-930.000	68.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	514-587-931.000	170.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-931.000	408.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-932.000	1,020.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	582-593-930.000	34.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-931.000	170.00
02/18	02/21/2018	79004	GIBBY'S GARAGE	661-598-932.000	204.00
02/18	02/21/2018	79005	Goodman, Becky	514-587-912.000	443.41
02/18	02/21/2018	79006	GSK Enterprises, LLC	101-789-912.000	350.00
02/18	02/21/2018	79007	HACH COMPANY	592-553-775.000	3,101.00
02/18	02/21/2018	79008	ICMA-ROTH	701-000-230.900	370.00
02/18	02/21/2018	79009	IDEXX DISTRIBUTION INC.	592-553-775.000	1,896.33
02/18	02/21/2018	79010	KCI	101-257-802.000	439.98
02/18	02/21/2018	79011	LATITUDE 45	101-345-775.000	112.50
02/18	02/21/2018	79011	LATITUDE 45	101-345-775.000	150.60
02/18	02/21/2018	79012	LEXISNEXIS RISK DATA MGT	514-587-802.000	50.00
02/18	02/21/2018	79013	MACKINAW AREA PUBLIC LIBRARY	271-790-955.000	27.99
02/18	02/21/2018	79014	MALEC, STEVE	101-756-808.030	40.00

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/21/2018	79015	MCCARDEL CULLIGAN	514-587-802.100	32.50
02/18	02/21/2018	79016	MIDWEST COLLABORATIVE	271-790-912.000	40.00
02/18	02/21/2018	79017	MILLER, GREG	101-756-808.030	180.00
02/18	02/21/2018	79018	NATIONAL RECREATION AND PARK	101-756-915.000	60.00
02/18	02/21/2018	79019	NORTH COUNTRY IT	271-790-931.000	386.00
02/18	02/21/2018	79020	ORIENTAL TRADING COMPANY	271-790-880.000	382.60
02/18	02/21/2018	79021	PENDO	271-790-752.000	28.50
02/18	02/21/2018	79021	PENDO	271-790-752.000	167.77
02/18	02/21/2018	79022	PLUNKETT COONEY	101-266-802.000	4,655.00
02/18	02/21/2018	79022	PLUNKETT COONEY	101-257-802.000	315.00
02/18	02/21/2018	79022	PLUNKETT COONEY	101-266-802.000	162.50
02/18	02/21/2018	79022	PLUNKETT COONEY	101-266-802.000	6,630.70
02/18	02/21/2018	79022	PLUNKETT COONEY	101-266-802.000	3,600.00
02/18	02/21/2018	79022	PLUNKETT COONEY	202-481-802.000	6,556.87
02/18	02/21/2018	79022	PLUNKETT COONEY	582-588-802.000	6,556.87
02/18	02/21/2018	79022	PLUNKETT COONEY	592-549-802.000	6,556.87
02/18	02/21/2018	79022	PLUNKETT COONEY	592-560-802.000	6,556.87
02/18	02/21/2018	79022	PLUNKETT COONEY	101-266-802.000	6,556.87
02/18	02/21/2018	79023	POWER LINE SUPPLY	582-592-775.000	82.20
02/18	02/21/2018	79023	POWER LINE SUPPLY	582-593-785.000	17.28
02/18	02/21/2018	79023	POWER LINE SUPPLY	582-593-785.000	80.00
02/18	02/21/2018	79023	POWER LINE SUPPLY	582-593-785.000	1,080.00
02/18	02/21/2018	79024	Priority Health	101-172-724.000	1,312.09
02/18	02/21/2018	79024	Priority Health	101-201-724.000	4,197.99
02/18	02/21/2018	79024	Priority Health	101-208-724.000	385.23
02/18	02/21/2018	79024	Priority Health	101-215-724.000	385.23
02/18	02/21/2018	79024	Priority Health	101-265-724.000	531.62
02/18	02/21/2018	79024	Priority Health	101-268-724.000	1,144.14
02/18	02/21/2018	79024	Priority Health	101-345-724.000	18,150.04
02/18	02/21/2018	79024	Priority Health	101-400-724.000	385.23
02/18	02/21/2018	79024	Priority Health	101-441-724.000	2,544.83
02/18	02/21/2018	79024	Priority Health	101-754-724.000	520.06
02/18	02/21/2018	79024	Priority Health	101-770-724.000	1,906.89
02/18	02/21/2018	79024	Priority Health	101-773-724.000	277.36
02/18	02/21/2018	79024	Priority Health	101-756-724.000	1,752.78
02/18	02/21/2018	79024	Priority Health	101-789-724.000	647.19
02/18	02/21/2018	79024	Priority Health	204-481-724.000	3,665.53
02/18	02/21/2018	79024	Priority Health	271-790-724.000	5,040.35
02/18	02/21/2018	79024	Priority Health	514-587-724.000	385.23
02/18	02/21/2018	79024	Priority Health	582-588-724.000	4,776.85
02/18	02/21/2018	79024	Priority Health	592-549-724.000	4,625.65
02/18	02/21/2018	79024	Priority Health	592-560-724.000	1,541.88
02/18	02/21/2018	79025	Ralph, Jonathan	101-756-808.030	32.00
02/18	02/21/2018	79026	Renkes, Tom	248-739-880.200	150.00
02/18	02/21/2018	79027	Rodriguez, Nathaniel	101-756-808.030	120.00
02/18	02/21/2018	79028	SMITH, EDWARD J	101-756-808.030	160.00
02/18	02/21/2018	79029	SOS ANALYTICAL INC.	592-553-801.000	300.00
02/18	02/21/2018	79029	SOS ANALYTICAL INC.	592-553-801.000	424.00
02/18	02/21/2018	79030	Spectrum Business	582-588-850.000	79.99
02/18	02/21/2018	79030	Spectrum Business	582-588-850.000	79.99
02/18	02/21/2018	79031	Spurgeon, Jade	101-756-808.030	128.00
02/18	02/21/2018	79032	STAFFORD'S HOSPITALITY	514-587-885.000	111.40

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/21/2018	79033	STAPLES ADVANTAGE	101-268-775.000	48.45
02/18	02/21/2018	79033	STAPLES ADVANTAGE	101-201-751.000	10.81
02/18	02/21/2018	79033	STAPLES ADVANTAGE	101-345-751.000	31.34
02/18	02/21/2018	79033	STAPLES ADVANTAGE	101-400-751.000	6.99
02/18	02/21/2018	79033	STAPLES ADVANTAGE	101-268-775.000	63.81
02/18	02/21/2018	79034	THRU GLASS WINDOW CLEANING	514-587-802.100	25.00
02/18	02/21/2018	79035	TRACE ANALYTICS LLC	101-345-802.000	66.00
02/18	02/21/2018	79036	TROPHY CASE, THE	271-790-880.000	60.00
02/18	02/21/2018	79037	USA BLUE BOOK	592-549-785.000	89.95
02/18	02/21/2018	79037	USA BLUE BOOK	592-553-775.000	3,788.03
02/18	02/21/2018	79038	WESTON, CHRIS	101-756-808.030	300.00
02/18	02/21/2018	79039	WINDEMULLER	592-542-802.000	142.00
02/18	02/21/2018	79040	WWTV	248-540-882.180	300.00
02/18	02/21/2018	79041	ZAREMBA EQUIPMENT INC.	661-598-932.000	701.93
02/18	02/21/2018	79042	FLYNN, JOHN	101-756-808.030	100.00
02/18	02/21/2018	79043	GREAT LAKES ENERGY	101-345-920.100	535.94
02/18	02/21/2018	79043	GREAT LAKES ENERGY	592-538-920.000	89.66
02/18	02/21/2018	79043	GREAT LAKES ENERGY	592-558-920.000	153.23
02/18	02/21/2018	79043	GREAT LAKES ENERGY	592-538-920.000	290.42
02/18	02/21/2018	79043	GREAT LAKES ENERGY	592-558-920.000	126.24
02/18	02/21/2018	79044	CINTAS CORPORATION	582-588-912.000	939.60
02/18	02/21/2018	79044	CINTAS CORPORATION	592-549-915.000	939.60
02/18	02/21/2018	79044	CINTAS CORPORATION	204-481-912.000	939.60
02/18	02/28/2018	79052	1000Bulbs	582-590-775.000	861.34
02/18	02/28/2018	79053	ALLIANCE ENTERTAINMENT	271-790-761.100	39.70
02/18	02/28/2018	79053	ALLIANCE ENTERTAINMENT	271-790-761.000	236.22
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-760.100	34.52
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-986.000	2,046.75
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-752.000	134.95
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-761.200	284.62
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-751.000	100.14
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-761.000	19.95
02/18	02/28/2018	79054	AMAZON CREDIT PLAN	271-790-958.200	77.60
02/18	02/28/2018	79055	APOLLO FIRE EQUIPMENT	101-345-931.000	151.00
02/18	02/28/2018	79056	AT&T	592-538-850.000	143.31
02/18	02/28/2018	79057	BECKETT & RAEDER INC.	204-481-802.000	10,770.34
02/18	02/28/2018	79057	BECKETT & RAEDER INC.	204-481-802.000	2,660.00
02/18	02/28/2018	79058	BEK, SARAH	101-172-860.000	204.48
02/18	02/28/2018	79058	BEK, SARAH	101-172-860.000	45.23
02/18	02/28/2018	79059	BENCHMARK ENGINEERING INC.	592-549-802.000	910.00
02/18	02/28/2018	79060	CADILLAC TELECASTING COMPANY	248-540-882.180	260.00
02/18	02/28/2018	79060	CADILLAC TELECASTING COMPANY	248-540-882.180	260.00
02/18	02/28/2018	79061	CARTER'S IMAGEWEAR & AWARDS	101-770-934.000	80.00
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02/18	02/28/2018	79062	CENTER POINT LARGE PRINT	271-790-760.000	86.91
02/18	02/28/2018	79063	CHEMCO PRODUCTS INC.	592-551-783.000	5,578.20
02/18	02/28/2018	79064	CONSUMERS ENERGY	592-558-920.000	85.25
02/18	02/28/2018	79064	CONSUMERS ENERGY	592-558-920.000	193.19
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02/18	02/28/2018	79064	CONSUMERS ENERGY	592-558-920.000	124.83
02/18	02/28/2018	79064	CONSUMERS ENERGY	202-475-920.000	110.44

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/28/2018	79065	Corey, MaCayla	101-756-808.030	40.00
02/18	02/28/2018	79066	CROOKED TREE ARTS CENTER	248-739-880.400	2,500.00
02/18	02/28/2018	79067	Dinges Fire Company	101-345-775.000	116.97
02/18	02/28/2018	79068	DTE ENERGY	592-538-920.000	131.28
02/18	02/28/2018	79068	DTE ENERGY	101-265-924.000	1,177.11
02/18	02/28/2018	79068	DTE ENERGY	582-593-924.000	2,940.27
02/18	02/28/2018	79068	DTE ENERGY	101-773-924.000	32.27
02/18	02/28/2018	79068	DTE ENERGY	101-265-924.000	240.77
02/18	02/28/2018	79068	DTE ENERGY	592-538-920.000	173.26
02/18	02/28/2018	79068	DTE ENERGY	271-790-724.000	1,803.95
02/18	02/28/2018	79068	DTE ENERGY	101-268-924.000	2,205.89
02/18	02/28/2018	79068	DTE ENERGY	101-770-924.000	640.09
02/18	02/28/2018	79068	DTE ENERGY	514-587-802.100	196.85
02/18	02/28/2018	79068	DTE ENERGY	592-538-920.000	282.75
02/18	02/28/2018	79068	DTE ENERGY	592-551-920.000	2,714.05
02/18	02/28/2018	79068	DTE ENERGY	592-551-920.000	5,801.02
02/18	02/28/2018	79068	DTE ENERGY	271-790-924.000	741.07
02/18	02/28/2018	79068	DTE ENERGY	592-538-920.000	79.48
02/18	02/28/2018	79068	DTE ENERGY	101-345-920.100	1,653.14
02/18	02/28/2018	79068	DTE ENERGY	592-558-920.000	33.59
02/18	02/28/2018	79068	DTE ENERGY	101-345-920.000	1,755.42
02/18	02/28/2018	79069	ENVIRONMENTAL RESOURCE ASSOC.	592-553-801.000	156.65
02/18	02/28/2018	79070	Fedewa Inc	592-543-802.000	5,700.00
02/18	02/28/2018	79071	FEDEX	592-560-802.000	45.75
02/18	02/28/2018	79072	GALE/CENGAGE LEARNING	271-790-760.000	25.59
02/18	02/28/2018	79072	GALE/CENGAGE LEARNING	271-790-760.000	29.59
02/18	02/28/2018	79072	GALE/CENGAGE LEARNING	271-790-760.000	114.36
02/18	02/28/2018	79072	GALE/CENGAGE LEARNING	271-790-760.000	23.20
02/18	02/28/2018	79073	Ginop Plumbing & Heating	592-547-802.000	250.00
02/18	02/28/2018	79075	GORDON FOOD SERVICE	101-770-771.000	71.97-
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02/18	02/28/2018	79075	GORDON FOOD SERVICE	101-770-771.000	5.29-
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02/18	02/28/2018	79075	GORDON FOOD SERVICE	101-770-771.000	12.57
02/18	02/28/2018	79076	GRP ENGINEERING INC.	582-588-802.000	2,352.28
02/18	02/28/2018	79076	GRP ENGINEERING INC.	582-588-802.000	816.02
02/18	02/28/2018	79076	GRP ENGINEERING INC.	582-588-802.000	4,069.83
02/18	02/28/2018	79077	Hannah, Megan	101-756-808.030	60.00
02/18	02/28/2018	79078	Haviland Products Company	592-540-783.000	3,086.91
02/18	02/28/2018	79079	HEALTH DEPARTMENT OF	101-770-771.000	260.00
02/18	02/28/2018	79080	HERITAGE BROADCASTING COMPANY	248-540-882.180	1,290.00
02/18	02/28/2018	79080	HERITAGE BROADCASTING COMPANY	248-540-882.180	730.00
02/18	02/28/2018	79082	HUMMEL, JON	101-770-912.000	70.00
02/18	02/28/2018	79083	HUNTINGTON NATIONAL BANK, THE	365-756-991.000	87,468.00
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02/18	02/28/2018	79083	HUNTINGTON NATIONAL BANK, THE	308-756-991.000	127,532.00
02/18	02/28/2018	79083	HUNTINGTON NATIONAL BANK, THE	308-756-992.000	37,375.00
02/18	02/28/2018	79084	IR Electric Motor Service	592-551-801.000	985.40
02/18	02/28/2018	79085	K & J SEPTIC SERVICE LLC	248-540-882.800	180.00
02/18	02/28/2018	79086	KCI	101-257-802.000	2,049.72

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/28/2018	79088	KEVIN'S METER TESTING	582-592-802.000	135.15
02/18	02/28/2018	79089	Kolp, Megan	101-756-808.030	50.00
02/18	02/28/2018	79090	KSS ENTERPRISES	592-551-775.000	162.00
02/18	02/28/2018	79090	KSS ENTERPRISES	101-770-775.000	142.38
02/18	02/28/2018	79139	EMMET PLUMBING & HEATING	101-754-802.000	212.50
02/18	02/28/2018	79139	EMMET PLUMBING & HEATING	592-560-802.000	170.00
02/18	02/28/2018	79140	Goedge, Megan	271-790-958.000	12.37
02/18	02/28/2018	79141	HUNTINGTON NATIONAL BANK, THE	271-792-992.000	38,184.38
02/18	02/28/2018	79142	Kerr Pump and Supply	592-555-802.000	17,400.00
02/18	02/28/2018	79143	Loomis, Rachel	101-756-808.030	40.00
02/18	02/28/2018	79144	Matthews, Eva	101-756-808.030	50.00
02/18	02/28/2018	79145	MICHIGAN OFFICEWAYS INC.	271-790-751.000	245.41
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79146	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	70.00
02/18	02/28/2018	79147	Miller, Annie	101-756-808.030	40.00
02/18	02/28/2018	79148	NORTH CENTRAL LABORATORIES	592-553-775.000	128.78
02/18	02/28/2018	79149	Northland Self Storage LLC	592-551-801.000	143.00
02/18	02/28/2018	79150	NORTHWEST SERVICES	514-587-802.000	1,087.50
02/18	02/28/2018	79151	PALETTE BISTRO	248-086-677.000	128.02
02/18	02/28/2018	79152	Peerless Midwest Inc.	592-537-802.000	1,375.00
02/18	02/28/2018	79153	Petoskey Youth Volleyball	101-756-808.150	1,480.50
02/18	02/28/2018	79154	PRINTING SYSTEMS INC.	101-262-751.000	181.65
02/18	02/28/2018	79155	PROCLEAN NORTH	592-551-801.000	544.50
02/18	02/28/2018	79156	Renkes, Tom	248-739-880.200	150.00
02/18	02/28/2018	79157	ROYAL TIRE	514-587-931.000	27.55
02/18	02/28/2018	79158	Samson, Martha	271-790-958.000	7.66
02/18	02/28/2018	79159	SKIPS PETOSKEY GLASS INC.	582-593-930.000	2,410.66
02/18	02/28/2018	79160	Smith, Josie	101-756-808.030	40.00
02/18	02/28/2018	79161	Spectrum Business	592-560-850.000	34.89
02/18	02/28/2018	79162	STANDARD ELECTRIC COMPANY	582-590-775.000	47.38
02/18	02/28/2018	79162	STANDARD ELECTRIC COMPANY	582-592-775.000	80.90
02/18	02/28/2018	79162	STANDARD ELECTRIC COMPANY	592-555-775.000	355.48
02/18	02/28/2018	79163	STRUBLE, CHRIS	248-739-880.200	157.50
02/18	02/28/2018	79164	THOMPSON, WILLIAM S.	514-587-802.100	727.85
02/18	02/28/2018	79165	True Pest Control	592-537-802.000	245.00
02/18	02/28/2018	79165	True Pest Control	592-558-802.000	245.00
02/18	02/28/2018	79165	True Pest Control	592-555-802.000	245.00
02/18	02/28/2018	79166	US Ice Carving Inc.	248-540-882.180	7,350.00
02/18	02/28/2018	79167	USA BLUE BOOK	592-553-775.000	283.90
02/18	02/28/2018	79168	Valley City Linen	271-790-752.000	25.00
02/18	02/28/2018	79168	Valley City Linen	271-790-752.000	25.00
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02/18	02/28/2018	79168	Valley City Linen	271-790-752.000	25.00
02/18	02/28/2018	79169	VanKalker Construction Inc.	592-544-802.000	390.00
02/18	02/28/2018	79170	VAN'S BUSINESS MACHINES	514-587-802.000	196.76
02/18	02/28/2018	79171	VERIZON WIRELESS	271-790-850.000	80.02
02/18	02/28/2018	79172	VSP	101-172-724.000	27.11
02/18	02/28/2018	79172	VSP	101-201-724.000	109.54

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
02/18	02/28/2018	79172	VSP	101-208-724.000	20.05
02/18	02/28/2018	79172	VSP	101-215-724.000	40.09
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02/18	02/28/2018	79172	VSP	101-268-724.000	26.45
02/18	02/28/2018	79172	VSP	101-345-724.000	439.30
02/18	02/28/2018	79172	VSP	101-400-724.000	10.73
02/18	02/28/2018	79172	VSP	101-441-724.000	57.49
02/18	02/28/2018	79172	VSP	101-754-724.000	10.42
02/18	02/28/2018	79172	VSP	101-756-724.000	44.98
02/18	02/28/2018	79172	VSP	101-770-724.000	49.59
02/18	02/28/2018	79172	VSP	101-789-724.000	11.46
02/18	02/28/2018	79172	VSP	204-481-724.000	77.93
02/18	02/28/2018	79172	VSP	271-790-724.000	123.67
02/18	02/28/2018	79172	VSP	514-587-724.000	10.73
02/18	02/28/2018	79172	VSP	582-598-724.000	115.19
02/18	02/28/2018	79172	VSP	592-549-724.000	118.85
02/18	02/28/2018	79172	VSP	592-560-724.000	40.09
02/18	02/28/2018	79172	VSP	101-773-724.000	4.92
02/18	02/28/2018	79173	Wagenschutz, Amelia	101-756-808.030	60.00
02/18	02/28/2018	79174	Howard, Eryn	101-756-808.030	40.00
Grand Totals:					626,248.05

Report Criteria:

Check.Date = 02/15/2018-02/28/2018

Check Number	Date	Name	GL Account	Amount
78973	02/21/2018	DUBRO, GEORGE	703040222217	40.84
78973	02/21/2018	DUBRO, GEORGE	703040228217	43.80
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78973	02/21/2018	DUBRO, GEORGE	703040230217	64.25
78973	02/21/2018	DUBRO, GEORGE	703040231217	13.06
78973	02/21/2018	DUBRO, GEORGE	703040234217	20.17
78973	02/21/2018	DUBRO, GEORGE	703040235217	15.23
78973	02/21/2018	DUBRO, GEORGE	703040236217	131.40
78973	02/21/2018	DUBRO, GEORGE	703040237217	26.27
78973	02/21/2018	DUBRO, GEORGE	703040238217	3.43
78974	02/21/2018	Gillespie, Breeana	582040285000	41.68
78975	02/21/2018	Margherita, Jennifer	101087654000	50.00
78976	02/21/2018	SHARON BURAU TRUST	703040222217	33.47
78976	02/21/2018	SHARON BURAU TRUST	703040228217	41.40
78976	02/21/2018	SHARON BURAU TRUST	703040229217	26.88
78976	02/21/2018	SHARON BURAU TRUST	703040230217	60.74
78976	02/21/2018	SHARON BURAU TRUST	703040231217	12.35
78976	02/21/2018	SHARON BURAU TRUST	703040236217	124.20
78976	02/21/2018	SHARON BURAU TRUST	703040237217	24.83
78977	02/21/2018	Willoughby, Ken	101087654000	50.00
79045	02/28/2018	Dunworkin	582588803000	982.51
79046	02/28/2018	Energy Advantage Group	582588803000	402.50
79047	02/28/2018	Jacobs, Kurt	582081642300	39.58
79048	02/28/2018	Lauren, Zoe	101087654000	50.00
79049	02/28/2018	Lee, Sandy	101087654000	160.00
79050	02/28/2018	McGeath, Dennis	582588803000	830.27
79051	02/28/2018	Taylor, Kelly	582081642300	10.23
Grand Totals:				3,327.53



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

DATE PREPARED: March 1, 2018

AGENDA SUBJECT: First reading of a proposed ordinance amending Ordinance 727 concerning Redevelopment Liquor License Program

RECOMMENDATION: That City Council conduct a first reading

Background At the January 16 and February 13, 2018 DMB meeting, board members discussed possible revisions to Ordinance 727, an ordinance establishing the Redevelopment Liquor License (RLL) program. Questions arose about the redevelopment liquor license program when a downtown business for the second year petitioned the Michigan Liquor Control Commission (MLCC) to escrow their RLL on a temporary basis. The MLCC has stated that the RLL for the downtown business has been granted an escrow from mid-December 2017 – May 1, 2018.

Pertaining to the escrow of a liquor license, the MLCC does not allow a business with a liquor license to close for more than 30 days but will grant an escrow of a liquor license if it complies with State regulations. The MLCC does not take into account any local ordinances and regulations when deciding on whether to place a liquor license in escrow.

Recommended revisions to the ordinance by the DMB include the following:

- Updating Sec 4-1 to more accurately describe the most recent State statutes for RLLs. Added the last sentence, *"This Ordinance shall also apply retroactively to all existing redevelopment liquor licenses."*
- Section 4-2 Requirements added language *"that apply and obtain redevelopment liquor licenses."* Also added language to 4-2 (1) & (2) creating more consistency between Petoskey's local ordinance and State Statutes. Lastly in Section 4-2 (4) changed City to County. Changed language in (5) to more closely align with State Statute language.
- Section 4-3 (4) added *"recreation and entertainment"* as well as *"and entities"*.

The DMB is also recommending the following changes that according to the discretion of City Council, may or may not be included:

- Strike 4-3 (6) *"Businesses seeking to utilize a Redevelopment Project Area License shall not have bar seating for more than 6 persons."*
- Strike provisions in 4-3 (7~~8~~), added language stating hours of operation shall be consistent with State of Michigan laws.
- 4.3 (10~~9~~) increased maximum number of RLLs from 6 to 10.

See enclosed Jim Murray's legal opinion dated February 8, 2018 and revised Ordinance 727.

Action Discussion of proposed changes and conduct first reading. City Council could pass revisions on a second reading or allow for more comments at our next discussion on March 19, 2018.

rs

Enclosures



February 8, 2018

Rob Straebel, City Manager
City of Petoskey
101 E. Lake Street
Petoskey, MI 49770

RE: *Redevelopment Liquor Licenses*

Dear Rob:

Per your request, we reviewed the City's Ordinance No. 727 concerning Redevelopment Liquor Licenses. We also reviewed the Michigan Liquor Control Code; being Act 58 of 1998 (the "Act"). Based on this review and our discussion, we offer proposed changes to the City's Ordinance, a copy of which is enclosed.

The other goal of this correspondence is to clarify the confusion regarding the claim that redevelopment licenses issued under Section 521a of the Act are "*allowed to be used seasonally*." This is not a true statement of the law.

This belief is contrary to the rules that were promulgated under the Act. Under Rule 436.1047 (copy attached), no licensee (whether issued under Section 521a or any other license) may close for a period of more than 30 days. A licensee may only close longer than 30 days with the consent of the Michigan Liquor Control Commission ("MLCC") and the licensee must put their license in escrow. The MLCC regulates all requests for escrow and generally does not allow a business to merely close for the season.

We made suggested revisions to Section 4.2 of the Ordinance as the Act refers to the availability of licenses throughout the County as opposed to the City. Other proposed changes reflect hours of business to be in conformity with the Act, and as regulated by the MLCC, as opposed to the City's Ordinance.


Some of the other proposed changes (which are within the discretion of the City Council) relate to changes requested by the DMB. For example, the limitation on bar service seating and the number of licenses was revised. Finally, we want to clarify that these changes would apply to all existing DDA license holders in the City.

February 8, 2018

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As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,



James J. Murray
Plunkett Cooney
Direct Dial 231-348-6413

JJM/tll

Enclosures

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**MICHIGAN LIQUOR CONTROL CODE,
ADMINISTRATIVE RULES AND
RELATED LAWS**



MICHIGAN LIQUOR CONTROL COMMISSION

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
SHELLY EDGERTON, DIRECTOR**

RICK SNYDER, GOVERNOR

REPRINTED FROM MICHIGAN COMPILED LAWS
APRIL 2011 EDITION
LAST UPDATED AUGUST 2017
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AUXILIARY AIDS, SERVICES AND OTHER REASONABLE ACCOMMODATIONS ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES.



subrule does not apply to any of the following:

- (a) A dispensing machine, commonly known as an "in-room bar device", whether or not operated by coin or currency, and that is located in the bedrooms or suites of licensed hotels.
- (b) A dispensing machine that is located at an on-premises licensed establishment under all of the following conditions:
 - (i) The dispensing machine does not dispense more than 96 ounces of beer or wine in a single order.
 - (ii) The dispensing machine is located at a patron's table or booth only.
 - (iii) The dispensing machine does not dispense spirits or mixed spirit drink.
 - (iv) The patron of the establishment ordered the beer or wine from the clerk, servant, agent, or employee of the licensee that verified the patron's legal age and determined the patron can otherwise be served an alcoholic beverage.
 - (v) The licensee does not sell, offer to sell, or advertise the sale of an unlimited quantity of beer or wine from the dispensing machine.
 - (vi) The licensee monitors the sale, service, and consumption of beer or wine from the dispensing machine to ensure compliance with the act and rules.

History: 1979 ACS 4, Eff. Feb. 3, 1981; 1992 MR 6, Eff. July 15, 1992; 2000 MR 3, Eff. March 20, 2000; 2016 MR 23, Eff. Dec. 13, 2016.

R 436.1047 Return of licenses and permits.

Rule 47.

A licensee who ceases active operation of the licensed business for a period of more than 30 days shall return all current licenses and permits to the commission to be placed into escrow. The license or licenses that the licensee returns under this rule shall be the actual license printed and issued by the commission and not a copy of the actual license printed and issued by the commission. For purposes of this rule, "ceases active operation" does not include seasonal businesses that are both of the following:

- (a) In compliance with the requirements of section 535 of the act, MCL 436.1535.
- (b) Considered seasonal employers under section 27(o)(9)(d) of 1936 PA 1, MLC 421.27(o)(9)(d).

History: 1979 ACS 4, Eff. Feb. 3, 1981; 2016 MR 23, Eff. Dec. 13, 2016.

R 436.1048 Renewal of licenses.

Rule 48.

- (1) A license, and any permits or approvals, shall be renewed each year by April 30 following the date of issuance.
- (2) The licensee has a continuing duty to provide the commission with up-to-date contact information and must notify the commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the commission.

History: 2016 MR 23, Eff. Dec. 13, 2016.

R 436.1049 Transfer of license or corporate stock while an alleged violation is pending final disposition.

Rule 49.

- (1) If the licensee has been cited in a violation report, a transfer of a license shall not be completed before final disposition of the alleged violation.
- (2) If the licensee has been cited in a violation report, a transfer of more than 10% in the aggregate of the stock of a licensed corporation or a transfer of 10% or more in the aggregate of the membership in a limited liability company shall not be completed before final disposition of the alleged violation.
- (3) A licensee shall not transfer a license, transfer an interest in a license, or remove a license from escrow with the commission until that licensee has paid all outstanding fines, fees, or charges levied by the commission, except upon prior written order of the commission.

ORDINANCE NO. 727

AN ORDINANCE TO establish conditions and criteria for the evaluation of liquor license requests submitted to the City of Petoskey pursuant to Public Act 501 of the Public Acts of 2006, being Section 521(a)(1) of the Michigan Liquor Control Code of 1998, being MCL 436.1521(a)(1) (the "Act") and to establish necessary conditions to ensure that the issuance of a liquor license is consistent with adopted goals and plans of the redevelopment project area established by the City and to ensure the issuance of the license will enhance the quality of life for residents and visitors.

THE CITY OF PETOSKEY ORDAINS:

ARTICLE I

Sec. 4-1 Purpose: The City hereby establishes criteria for the evaluation of liquor license requests submitted pursuant to Public Act 501 of the Public Acts of 2006, being Section 521(a)(1) of the Michigan Liquor Control Code of 1998, Act 58 of 1998, as amended, MCL 436.1101 et seq. being MCL 436.1521(a)(1) (the "Act") and establishes necessary conditions to ensure that the issuance of a license is consistent with adopted goals and plans of the redevelopment project area established by the City and to ensure the issuance of a license will enhance the quality of life for residents and visitors. This Ordinance shall also apply retroactively to all existing redevelopment liquor licenses.

ARTICLE II

Sec. 4-2 Requirements: Businesses that apply and obtain redevelopment liquor licenses licensed under the Act must:

- (1) Be engaged in dining, entertainment or recreation as required by this Ordinance, the Act and all State of Michigan laws at least 5 days per week.
- (2) Be open to the general public at least 10 hours a day, 5 days a week as required by this Ordinance, the Act and all State of Michigan laws.
- (3) Have a seating capacity of at least 25 people.
- (4) Demonstrate to the satisfaction of the Liquor Control Commission (LCC) that they attempted to purchase an available on-premise escrowed license or quota license within the City-County, and that one was not readily available as defined in the Act.
- (5) Either have expended at least \$75,000 for the rehabilitation or restoration of the building over a period of the preceding five years, or commit capital investment of at least \$75,000 that will be expended for the building before the license is issued. Have spent at least \$75,000 for the rehabilitation or restoration of the building where the license will be housed over a period of the preceding five years or a commitment for a capital investment of at least \$75,000 that will be spent before the issuance of the license.

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Sec. 4-3 Policy: The City of Petoskey will use the following procedures in reviewing applications for liquor licenses under the Act:

- (1) Applicants requesting a license must document that they have a real property interest within the Redevelopment project area defined by the City Council under separate

resolution, also known as the "DDA District" by completing an application documenting the property interest to the satisfaction of the City Manager (deed, lease, contingent sale, contingent lease, or similar documentation). If the applicant is not the owner, applicant shall include written concurrence from the owner. Each application must be accompanied by an application fee in the amount established from time to time by the City Council.

- (2) The applicant shall include, as a part of an application, documentation showing that at least \$75,000 has been expended for the rehabilitation or restoration of the building that would house the licensed premises, or shall make a commitment for capital investment of at least \$75,000 which shall be expended prior to the issuance of the license.
- (3) The applicant shall document how the issuance of the license will benefit the DDA District and the City. Such documentation may include a business plan, an architectural plan, and other information necessary to review the proposal.
- (4) In evaluating proposals, the City Council may consider how the issuance of a license would promote economic growth in a manner consistent with adopted goals, plans or policies of the DDA District, including, but not limited to, the Downtown Blueprint Masterplan. In addition, the Council shall give consideration to:
 - (a) The recommendation of the Downtown Management Board, who shall have thirty days from the date of submission to the City of Petoskey to review and make a recommendation on a license application.
 - (b) Existing restaurant, recreation, and entertainment businesses/entities within the DDA District that meet the criteria for issuance of a license as of January 1, 2011.
 - (c) New restaurant, recreation, and entertainment businesses/entities occupying space where the capital investment greatly exceeds the requirements of the Act.
 - (d) New restaurant, recreation, and entertainment businesses/entities which will contribute a new or unique choice to the mix of establishments within the DDA area.
 - (e) The quality and detail of the business documentation as outlined in §3.
- (5) New qualifying businesses making exterior façade improvements shall conform to the Downtown Design Guidelines.
- ~~(6) Businesses seeking to utilize a Redevelopment Project Area License shall not have bar service seating for more than 6 persons.~~
- (67) The applicant and subject property owner shall not have any current or outstanding code violations, tax delinquencies, other outstanding City fees or in any way be in default to the City.
- (78) Businesses seeking to utilize a Redevelopment Project Area Liquor License, as provided for in MCL 436.1524the Act shall conform to the Act and all State of Michigan laws for hours of operation.
 - ~~(a) Not serve alcohol after 11 pm on any day.~~

~~(b) Not serve alcohol between the hours of 11 pm and 7am, or other hours as otherwise prohibited by state law or Michigan Liquor Control Commission Promulgated Rule.~~

(9) The provisions of this section shall not apply to Banquet Facility Permits or A Hotel or B Hotel Licenses issued by the Michigan Liquor Control Commission as part of a Redevelopment Project Area License.

(109) In order to protect the health, safety and welfare of the Petoskey community and the retail character of the Petoskey downtown area as outlined in the Downtown Blueprint Masterplan the City Council shall not approve more than ~~six-ten (10) (6)~~ Redevelopment Project Area Liquor Licenses within the DDA district.

ARTICLE III

Sec. 4-4 **Penalty: Municipal Civil Infractions**

- (1) Any person, firm or corporation violating any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the City of Petoskey Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Petoskey Municipal Civil Infraction Ordinance, and other applicable laws).
- (2) Repeat offenses under this Ordinance shall be subject to increased fines, as provided by the City of Petoskey Municipal Civil Infraction Ordinance, as amended from time to time.
- (3) Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this Ordinance shall not exempt the offender from meeting the requirements of this Ordinance.
- (4) The City Manager, the Director of Public Works, the Director of Public Safety, City Planner/Zoning Administrator, all Public Safety Officers or other designees of the City Manager, (as defined by the Municipal Civil Infraction Ordinance, as amended) are hereby designated as the Authorized City Officials to issue municipal civil infraction citations for violations of this Ordinance.
- (5) A violation of this Ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

This Ordinance shall take effect fourteen (14) days following its enactment and shall be published once within seven (7) days after its enactment as provided by Charter.

Enacted and Ordained by the City of Petoskey City Council on the ~~19th~~ _____ day of ~~September~~,
_____, 201~~8~~1.

~~H. Ted Pall, Jr., M.D.~~John Murphy Mayor

Alan Terry, Clerk Treasurer



BOARD: City Council

MEETING DATE: March 5, 2018 **PREPARED:** February 21, 2018

AGENDA SUBJECT: Plow Attachments – Salt Spreader Unit – 4x4 Plow Truck Purchase

RECOMMENDATION: That the City Council authorize this proposed purchase from Mi-Deal State Purchasing Contract and Grand Traverse Diesel Service, Traverse City.

Background The City's 2018 Annual Budget and Capital Improvements Plan included \$260,000 for the purchase of a heavy-duty 4x4 truck with chassis to accommodate a salt spreader unit; underbody scraper blade and front-mounted plow hitch to replace a 2000 4x4 heavy-duty truck with approximately 62,000 miles/5600 hours that is equipped with a similar type salt spreader box, blade and plow attachments. This truck will be retired and sold at auction.

Specifications, Bids City staff reviewed specifications as provided by the Mi-Deal State of Michigan Purchasing Contract and determined the v-box salt spreader unit; underbody scraper blade and front mounted plow hitch as available through the program, would be suitable for the specified application.

Detailed specifications were also prepared by the Department of Public Works staff for a heavy duty 4x4 truck cab and chassis that would accommodate such equipment as provided through Mi-Deal and bid packets were furnished on January 31, 2018, to three potential truck suppliers. Availability of specifications was also advertised January 31, 2018. One truck bid was received on February 12, 2018.

Plow Attachment and Salt Spreader Retrofit	
Mi-Deal State Purchase Contract	Amount
Truck and Trailer Specialties Boyne Falls	\$71,884
Truck Cab and Chassis	
Bidder	Amount
Grand Traverse Diesel Service, Inc. Traverse City	\$158,500

Recommendations It is the recommendation of City staff that City Council authorize contracting with Truck and Trailer Specialties, Boyne Falls, through the Mi-Deal Program for the purchase and installation of plow attachments and salt spreader components, for the amount of \$71,884 and authorize purchase from Grand Traverse Diesel Service, Inc., Traverse City, for a heavy duty 4x4 truck cab and chassis for the amount of \$158,500. Combined cost of the truck chassis and specified equipment totals \$230,384.



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: February 27, 2018

AGENDA SUBJECT: Contract Approval for Participation In and Use of the Central Reservation System for Petoskey Municipal Marina

RECOMMENDATION: City Council approve the City Manager to execute contract with the Michigan Department of Natural Resources, Parks and Recreation Division for use of the Central Reservation System for Petoskey Municipal Marina.

Background The Petoskey Municipal Marina is a very popular and unique destination for visitors who want to experience the City of Petoskey and surrounding areas from May through October. The City currently uses the Central Reservation System provided by the State of Michigan as the primary method for slip reservations at the marina. Boaters can call, reserve through the State website or float in for dock space.

The system has been in place many years and provides stability for staff and boaters so this is not a new service. There are slight modifications to this agreement as compared to the previous signed agreement that took place in 2010. The changes include:

- Different website address;
- Amount collected from State decreased from \$3.00 per reservation to \$2.50 for reservations made through the call center and \$2.30 for online reservations;
- Updated State of Michigan contact information; and
- Contract will be automatically renewed unless modified by the State (current contract expired in October, 2017).

Recommendation City staff, upon review, recommends to City Council to allow the City Manager to execute the contract with the Michigan Department of Natural Resources, Parks and Recreation Division to continue using the Central Reservation System for Petoskey Municipal Marina.

kk
Enclosure

CONTRACT

Between the
**Michigan Department of Natural Resources
Parks and Recreation Division**
and the
City of Petoskey
Regarding the
Participation In and Use of the Central Reservation System

I. Purpose

The purpose of this Contract is to document the understanding between the **Michigan Department of Natural Resources (DNR)**, Parks and Recreation Division (PRD) and the **City of Petoskey**, 101 E. Lake Street, Petoskey, MI 49770, hereafter known as the Community, regarding the participation in and use of the Central Reservation System (CRS) at the **City of Petoskey Marina**.

II. Statutory Considerations

The Natural Resources and Environmental Protection Act (the NREPA, 1994 PA 451, as amended: MCL 324.101 *et seq*) reestablished Michigan's system of waterways. In section 78105 of the NREPA (MCL 324.78105), the Legislature found and declared that the duty of the Department was to acquire, construct, and maintain harbors, channels, and facilities for vessels in the navigable waters lying within the boundaries of the state of Michigan. Section 78105 of the NEPRA further indicates that the department, in implementing its responsibilities under the NREPA, may enter into contracts and other necessary agreements.

III. CRS Operation

The CRS provides a user-friendly boat slip reservation system with convenient access through multiple sales channels. Core business rules of the harbor CRS are:

- a) Reservations are created, modified or canceled using a single Toll Free number, 1-800-44PARKS (Accessible from anywhere in North America) or by going on line to www.midnrreservations.com.
- b) The CRS call center is available for reservations 363 days out of the year excluding Christmas Day and New Year's Day. The website is available all day, anytime, year round.

- c) Acceptable forms of payment for reservations include Department of Treasury-approved credit cards (Visa, MasterCard and Discover). All reservations are paid in full at the time a reservation is made.
- d) PRD reserves the right to modify the fee structure for harbors (i.e. pricing by the slip or pricing by the boat size).
- e) There are currently 2 ways to process slip assignments with reservations:
 - 1) Slip Standard - Harbor reservations do not guarantee a specific slip. To make the most efficient use of the slip space available in a harbor, slip assignment will be made by the Harbormaster, or harbor staff person, on the day of arrival.
 - 2) Slip Specific – Harbor reservations are assigned a slip at the time a reservation is made. Harbors reserve the right to reassign reservations if there is an emergency need.
- f) The number of reservable slips shall be no less than 75% of the non-seasonal slip assignment. The configuration of that reservable quantity (by slip size) will be determined by the Harbormaster as approved by PRD. The City's currently approved configuration is less than the new minimum 75%. It is PRD's expectation that the Community will increase their reservable inventory to 50% of the non-seasonal slip assignment for the 2019 booking season. The Community will work with PRD to eventually transition to the 75% requirement in the future.
- g) Reservations will be accepted up to six (6) months (to the date) in advance of the arrival date. (For example, on December 1st a customer could book for an arrival of June 1st.)
- h) There will be no pay-upon-arrival reservations placed.
- i) Reservations will be assessed a non-refundable Reservation Fee of \$8 if made on line or \$10 if made through the call center. There is no Reservation fee if a boat is a "float-in." Any advance reservation made by the harbor is subject to the non-refundable \$10 reservation fee.
- j) All system users will receive confirmation of their reservation.
- k) Confirmed reservations will be held until 5:00 PM on the date of arrival. If a boater will be arriving after 5:00 PM, the boater must contact the Harbormaster to notify staff of late arrival. Confirmed reservations that fail to arrive or call by 5:00 PM will be no-showed and forfeit all fees.
- l) Reservation cancellations received before the day of arrival will forfeit the \$8 or \$10 non-refundable Reservation Fee.

- m) Cancellations received on the day of arrival or later will forfeit the \$8 or \$10 non-refundable Reservation Fee and lose one (1) nights fee for each night that has passed, except where weather conditions existed which prevented watercraft from arriving at the harbor or the inability to leave the harbor of refuge for another reservation. In this case only the reservation fee is assessed for a cancellation. The harbormaster should consult the National Oceanic and Atmospheric Administration for final determination when judging the waiver of cancellation fees based on weather conditions. It is the responsibility of the harbormaster to notify the reservation call center that weather conditions warrant fee waivers to be processed for any reserved slip night that has passed, unused.
- n) All slips will be rented using the fee schedule titled "Michigan State Waterways Commission Transient Rate Schedule for Reservations". This rate schedule will be applied to BOTH reserved slip nights as well as float-in use.
- o) The system will allow for the "double-booking" of slips by the Harbormaster only. This will allow for "rafting" and double-use of slips not fully utilized by a single craft.
- p) Information needed when placing a reservation: Harbor Name, Arrival Date, Departure Date, Boat Size (length, width, draft), Boat Type (power or sail), Name, Customer Full Address and Phone Number; Boat Registration Number (MC or other) and Payment Method.

IV. Community Responsibilities

- a) It is the responsibility of the Community to operate its Harbor/Marina in accordance with the reservation system described above.
- b) Refunds for float-ins that pay cash or check will be paid by the Harbormaster.
- c) Cash and checks received at the harbor will be retained by the Community.
- d) Float-ins or reservations created at the harbor will incur a Commission Fee for each slip/night and will be a reduction of the harbor payment sent at least bi-weekly by the DNR.
- e) Payments must be accurately reflected by payment type in the reservation system and credit card payments for slip rentals entered in the system, must be processed through the reservation software.
- f) Quarterly inspections of the credit card swipes used for the reservation system will be recorded and sent to the state via Spotskim software or survey; both of these methods will be provided to the Community by the state.

V. Department Responsibilities

- a) The CRS Contractor will provide, install, and support all hardware, software and telecommunication equipment necessary to communicate with the centralized database and run the slip rental operation.
- b) The CRS Contractor will pay all Telecommunication Fees and maintain and repair all systems.
- c) The Community shall have access to the CRS Contractor's toll-free help desk and call center as a formalized method for reporting reservation system problems. Additionally, they will be provided with updated system user guides that will list the most current DNR contacts for the contract.
- d) The standard length of time to set up a new harbor location is between 8-12 weeks.
- e) Payments
 - 1) DNR/PRD agrees to pay the community for slip reservations, minus any contractor fees.
 - 2) Payments will be made at least bi-weekly.
 - 3) Payments will be based on the prior month's or week's activity.
 - 4) Monthly or weekly reports will be generated from the CRS Contractor and submitted to DNR/PRD. In turn, these reports will also be submitted to the Community's designated representative, electronically.

The report will identify the following items:

Number of slip/nights paid
Gross amount collected by all sales channels
Number of and Dollar Amount of Credit Card
Cancellation Fees
Refunds Paid
Dollar Amount of forfeited nights
Cash/Check amount collected at facility location
Net amount collected per month by all sales channels
(Net amount = Gross - cancellations, refunds paid and dollar amount of forfeited nights)

- 5) PRD will use the amounts identified by the report to calculate the amount to be repaid to the community using the following formula:

Net Amount of Revenue Collected for Location

MINUS - Cash/checks collected at facility

MINUS - \$2.50 X number of slip/nights paid for reservations made through the call center and for float-ins or \$2.30 x number of slip/nights paid for reservations through the web

MINUS - \$10 reservation fee for reservations made at the call center and harbor or \$8 reservation fee for reservations made on the web.

MINUS - Credit Card Fees-currently at 2% of net Credit Card sales, but this may be adjusted at the end of a season.

Equals - Amount to be repaid to the community for the reported time period. Credit Card Fees may be adjusted at the end of the season.

These are pass-through costs based on an average percentage of costs for the previous season. The Community will be charged only for the actual cost to the State.

- 6) Financial reconciliation for each boating season will be concluded no later than thirty (30) days after the close of the season. Close of season will be September 30th of each year. PRD agrees to forward final payments (including any adjustments) to the Community within thirty (30) days of the close of season. In the event of an overpayment, the Community agrees to return any overpayment to PRD within thirty (30) days of notification of overpayment. The Community must identify the return payment for "CRS Harbors".
- 7) PRD may assess the Community a \$10 per day Late Fee for every day beyond the designated due date that the overpayment is not returned. Failure to return the over-payment on time will be grounds for PRD to terminate the Contract.
- 8) Payments made to:

State of Michigan shall be sent to:

**Cashier's Office
Michigan Dept of Transportation
Accounting Services Center
Van Wagoner Bldg 1st floor
425 W. Ottawa
Lansing, MI 48933**

City of Petoskey Marina shall be sent to:

**City of Petoskey
Department of Finance
101 E. Lake Street
Petoskey, MI 49770**

For communication purposes the City of Petoskey's email addresses are:

kklingelsmith@petoskey.us

mlennemann@petoskey.us

f) Training

1. The CRS Contractor will provide training manuals.
2. Annual training in the use of the workstation application(s) via live webinars and training videos.

VI. Effect and Termination

- a) This Contract is effective immediately after both parties have signed and shall **Automatically Renew** for the remaining life of the facilities based on the terms of previously accepted grants from the DNR to the community. The contract will automatically renew each year until:
1. the funding source agreement terms have expired
 2. the central reservation system is no longer utilized by the DNR
 3. or by mutual agreement between both parties to terminate the services of this contract.
- b) Requests to waive previously accepted grant conditions may be considered after 3 years from the date this contract to participate in the use of the central reservation system has been in effect. Requests must be made in writing to the DNR Parks and Recreation Division's Program Services Chief, Jason Fleming, Flemingj@michigan.gov
- c) Parties may terminate this agreement by mutual consent under the following terms:
1. There is no additional existing agreement/requirement with the state to participate in the reservation system.
 2. Written notice must be provided with at least a 60 day notice
 3. There are no active, future reservations recorded in the system.
 4. The party initiating the termination is responsible for all costs associated with early removal of equipment and ISP (internet) termination costs.
 5. If the termination is initiated by the Community and within 3 years of becoming effective, set up costs for the reservation system will be assessed.

VII. Ownership

The CRS Contractor shall own all hardware, software or products provided to the Community for the intent to operate the CRS. DNR/PRD shall own all data relating to the CRS.

VIII. Terms and Conditions

a) Indemnification:

1. Each party to this Contract must seek its own legal representative and bear its own costs; including judgments, in any litigation which may arise from performance of this Contract. It is specifically understood and agreed that neither party will indemnify the other party in such litigation.
2. The Community hereby releases, waives, discharges and covenants not to sue the State of Michigan, its departments, officers, employees and agents, from any and all liability to Community, its officers, employees and agents, for all losses, injury, death or damage, and any claims or demands thereto, on account of injury to person or property, or resulting in death of officers, employees, or agents of the Community, in reference to the activities authorized by this Contract.

b) Closeout:

1. When this Contract is concluded or terminated, within thirty (30) calendar days, the Community shall provide the State with all hardware and software made available and required as a condition to do business with the CRS Contractor.
2. Both parties agree to settle any under/overages immediately and process payment to the State or Community within thirty (30) calendar days from the date the Contract is concluded or terminated.

c) Modification of Contract:

1. This Contract may be modified at any time as long as both parties are in agreement. Such amendments shall be in writing and signed by a representative with authority.
2. All language included in this Contract is subject to decisions made by the Michigan State Waterways Commission and/or the Department of Natural Resources. The decisions made by these governing bodies supercede the language included in this Contract and are effective as indicated by them.

d) Dispute Resolution:

1. In the event of a dispute, the Community shall first attempt resolution with the Contract Administrator. If issues can not be resolved, the Community shall contact the PRD contact identified below.

e) Non-Discrimination:

1. The parties agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. Breach of this covenant may be regarded as a material breach of this Contract.

f) Third Party Beneficiaries:

1. This Agreement confers no rights or remedies on any third party, other than the parties to this Agreement and their respective successors and permitted assigns.
2. The Community shall not have the right to assign the Contract or to assign or delegate any of its duties or obligations under the Contract to any other party (whether by operation of law or otherwise), without the prior written consent of the State. Any purported assignment in violation of this Section shall be null and void. Further, the Community may not assign the right to receive money due under the Contract without the prior written consent of the State Purchasing Director.

IX. Issuing Office and Contract Administration

This Contract is issued by the Michigan Department of Natural Resources (DNR), Parks and Recreation Division (PRD).

PRD is the office authorized to change, modify, amend, alter, clarify, etc., this Contract. All communications concerning this Contract must be addressed to:

Linnae Dawson
DNR, PRD
Young State Park
2280 Boyne City Road
Boyne City, MI 49712
dawsonl@michigan.gov
517-290-2200
231-582-7678 (fax)

The person named below or in their absence another person so designated shall be authorized to administer the Contract on a day-to-day basis during the term of the Contract. The Contract Administrator for this project is:

Ross Feldpausch
DNR, Licensing and Reservations
PO Box 30181
Lansing, MI 48909-7948
feldpauschr@michigan.gov
517-284-6078

X. Signatory Recognitions

The undersigned signatories are authorized to contractually bind their entity and agree that this Contract constitutes an appropriate recognition of DNR's jurisdiction in recreational and natural resource management and Community's jurisdiction in the sphere of operating a harbor/marina.

COMMUNITY

Name

Title

Date

Name

Title

Date

DNR

Name

Title

Date

Name

Title

Date



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: February 27, 2018

AGENDA SUBJECT: Waterways Infrastructure Grant Application for Petoskey Marina Electrical Upgrades for Pier B and Agreement Addendum for Scope of Work Change for Piers A, C, D to include Pier B

RECOMMENDATION: That City Council adopt two separate resolutions. One supporting the submission of a Michigan Department of Natural Resources Waterways Infrastructure Improvement Grant application for pedestal upgrades for Pier B and another supporting an Agreement Addendum for the Scope of Work for Piers A, C, D electrical upgrades, to include Pier B.

Background In 2017, a MDNR Waterways Infrastructure Improvement Grant was received and approved by City Council. The proposed work will commence after the 2018 season. The grant was for electrical upgrades to Piers A, C and D to bring the electrical systems on the dock into compliance with existing National Electrical Code requirements. The upgrades to Piers A, C and D include pedestal upgrades to which all pedestals, thus each individual slip, will be GFCI protected. Pier B was not included in the grant application; as on-shore electrical upgrades were made to suffice code requirements but currently do not have GFCI capabilities on the existing pedestals.

The 2017 boating season, particularly on Pier B, was challenging and frustrating to boaters and marina staff. Although Pier B is up to code, the pier is broken down into three phases so if one boat has electrical issues, the entire phase goes out. This means up to 17 boaters are without power. When this happens after hours, staff has to come in and figure out which boat has the issue, and restore power. Unfortunately, this was a regular occurrence throughout the three months of extremely heavy use.

The City has an approved project agreement with the MDNR for electrical upgrades to Piers A, C and D and to include Pier B as part of the agreement would insure the City capture 100% of the funds earmarked for the grant. In other words, if the project comes in under budget, we can capture the matching dollars provided by the State to incorporate Pier B pedestal upgrades.

The City is also proposing to submit a grant application to the Michigan Department of Natural Resource Waterways Grant Program to help defray the cost of the Pier B project, which is \$70,700. Specifically, the Waterways Grant Program will be asked to fund 50% of the project, which is \$35,350. The City, utilizing Marina Reserve Funds, would match the remaining 50% of the project, which would be \$35,350.

The goals of the Waterways Grant Program are to provide infrastructure improvements to State Grant-in-Aid Facilities, which in this case will be pedestal replacements on Pier B to help safeguard the boating public. Proposed work would be completed in conjunction with the 2018 electrical upgrades to Piers A, C and D.

Public Hearing The Parks and Recreation Commission, on February 12, 2018, conducted a public hearing to receive comments on the proposed project. No comments were received. The Parks and Recreation Commission, upon return to regular session, endorsed the project and approved a resolution (see enclosed) requesting that City Council consider authorizing the submission of a Waterways Infrastructure Improvement Grant application to the Michigan Department of Natural Resources requesting \$35,350 and further designate the City Manager or his designee as project representative.

Action

- 1) That City Council adopt a prepared resolution endorsing the submission of a Waterways Infrastructure Grant application in accordance with the terms listed above and continued in said resolution.
- 2) That City Council adopt a prepared resolution endorsing the Agreement Addendum for Scope of Work Change to include electrical upgrades on Pier B in conjunction with the 2017 approved electrical upgrades to Piers A, C and D in accordance with the terms listed above and continued in said resolution.

kk
Enclosures



City of Petoskey

Resolution

WHEREAS, the City of Petoskey City Council hereby recognizes the need to keep the Petoskey Municipal Marina and its infrastructure a safe, functional facility and has identified the need to upgrade the pedestals on Pier B to match those on Piers A, C and D; and

WHEREAS, the Michigan Department of Natural Resources is accepting Waterways Grant Program applications for marina infrastructure improvement projects that include electrical upgrades and improvements; and

WHEREAS, the City of Petoskey Parks and Recreation Commission has reviewed the proposed \$35,350 Waterways Grant Program application request for pedestal upgrades on Pier B at the Petoskey Marina, conducted a public hearing on the proposed \$70,700 project; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the proposed grant application and requests that City Council consider authorizing the submission of the Waterways Grant application to the Michigan Department of Natural Resources for \$35,350, agree to provide a 50% of the grant match of \$35,350, and designate the City Manager or his designee as project representatives:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council does and hereby confirms its intent to submit to the Michigan Department of Natural Resources, a Waterways Grant Program application in the amount of \$35,350 to upgrade the pedestals of Pier B at the Petoskey Municipal Marina and further commits to provide a 50% grant match (\$35,350) toward the project; and

BE IT FURTHER RESOLVED, that the City of Petoskey City Council does hereby confirms its intent to authorize the City Manager, or his designee, to serve as the City of Petoskey's representative for the Waterways Grant Program for the marina electrical upgrade project.

State of Michigan }
County of Emmet } SS
City of Petoskey }

I, Alan Terry, Clerk of the City of Petoskey, do hereby certify that the foregoing is a true copy of a resolution adopted by the City of Petoskey City Council assembled on the 5 day of March, 2018, and of the whole thereof.

In witness where of I have here unto set my hand and affirmed the corporate seal of said City this ____ day of _____, 2018.

Alan Terry, City Clerk



City of Petoskey

Resolution

Upon motion made by _____, seconded by _____,
the following Resolution was adopted:

RESOLVED, that the City of Petoskey, Emmet County, Michigan does hereby accept the terms of the Agreement Addendum as received from the Michigan Department of Natural Resources, and the City does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate the sum of Ninety-nine Thousand Four Hundred Fifteen dollars (\$99,415.00), to which the grant authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records, and to make them available to the Department for auditing at reasonable times.
3. To construct the facility improvements and provide such funds, services, and materials as may be necessary to satisfy terms of the said Agreement Addendum.
4. To insure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.
5. To comply with any and all terms of the said Agreement Addendum including all terms not specifically set forth in the foregoing portions of the Resolution.

I, Alan Terry, Clerk of the City of Petoskey, do hereby certify that the foregoing is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by City Council at a meeting held _____, 2018.

In witness where of, I have here unto set my hand and affirmed the corporate seal of said City this _____ day of _____, 2018.

Alan Terry, City Clerk

AGREEMENT ADDENDUM

Scope of Work Change

THIS AGREEMENT ADDENDUM, made this _____ day of _____, 2018, by and between the CITY OF PETOSKEY, MICHIGAN, a municipal corporation, hereinafter referred to as the "City", and the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, an agency of the State of Michigan, hereinafter referred to as the "Department."

WHEREAS, on June 23, 2017, an agreement was entered into between the Department and City, to assist the City in the construction of electrical upgrades on pier A, C, and D at the Petoskey Municipal Marina (the facilities), under provisions of the State's Waterways Grant-in-Aid Program; and

WHEREAS, the City has asked that the Department assist in the construction of electrical upgrades on pier B at the Petoskey Municipal Marina (the facilities), in conjunction with the original agreement project work;

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, it is mutually agreed as follows:

1. The Department agrees:

(a) To grant to the City a sum of money equal to 50% of the cost of construction of the facilities called for by the plans and specifications, including final engineering costs. Said total grant-in-aid for the project shall not exceed Ninety-nine Thousand Four Hundred Fifteen dollars (\$99,415.00). These monies shall be used only for the project work outlined in the Agreement and this Addendum and related engineering costs.

(b) To provide for the periodic inspection of the premises, including all equipment and buildings.

2. The City agrees:

(a) to immediately appropriate the sum and total match of Ninety-nine Thousand Four Hundred Fifteen dollars (\$99,415.00) for the project. This sum represents 50 percent of the total cost of the project work. Any additional funds needed to complete the project work shall be provided by the City. The City must have the prior written approval of the Department for any change orders to the contract(s) in cost, plans or specifications.

(b) To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations pertaining to both employee and public safety. The City shall submit a written report to the Department, in which any safety issues, identified through inspections, are listed and compliance procedures are outlined. If the Department determines the City has failed to correct any safety issues, the Department will have the necessary work completed, and the City shall pay 105% of the cost of such work.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seal the day and date first above written.

WITNESSES:

CITY OF PETOSKEY

By: _____

Title: _____

**MICHIGAN DEPARTMENT OF
NATURAL RESOURCES**

By: _____

Ronald A. Olson, Chief
Parks and Recreation Division



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: March 5, 2018

PREPARED: February 26, 2018

AGENDA SUBJECT: Submission of a Michigan Department of Natural Resources Trust Fund Grant Application for the Iron Belle Trail, Bear River Bridge

RECOMMENDATION: That City Council adopt a resolution supporting the submission of a Michigan Department of Natural Resources Trust Fund Grant Application for the Iron Belle Trail, Bear River Bridge

Background City staff is preparing a Michigan Department of Natural Resources Trust Fund Grant Application for the development of the Iron Belle Trail, Bear River Bridge. The bridge will connect the North Country Trail on the east side of the Bear River at North Central Michigan College and the west side at the River Road Sports Complex. This project has appeared in the last two Parks and Recreation Master Plans and in 2016 the City authorized an engineering and installation study of the project, which totaled \$166,000. Currently there is an extensive fund raising effort (grants, donors) being made by the North Country Trail Association that will be used as matching funds. The final amount to be requested from the State will be determined prior to the grant supplemental period in September but will not exceed \$83,000. The grant submission deadline is April 1, 2018.

Description of Grant Project The Bridge is proposed to be 80' long and 8' wide (clear width of 6') and will be 5' above the river.

Project elements include:

1. Site preparation
2. 48' of boardwalk
3. Site restoration

<u>Project Costs</u>	Grant	\$83,000
	City Match	<u>\$83,000</u> (unknown until September)
	Total Project	\$166,000

Public Meeting On February 12, 2018, the Parks and Recreation Commission held an advertised public meeting to present the proposed grant project and to receive public comment as required by grant guidelines. No members of the general public attended the formal meeting and no comments were received. City has received letters of endorsement for the project from the Top of Michigan Trails Council, North Country Trail Association, North Central Michigan College, NCT Chapter 45, and a citizen.

Parks and Recreation Resolution The Parks and Recreation Commission, at its February 12, 2018 meeting, adopted a formal resolution in support of the project and requested that City Council adopt a resolution in support of the submission of the prepared grant application to the Michigan Department of Natural Resources Trust Fund for \$166,000 in funding, commit to the project match not to exceed \$83,000 and authorize Robert Straebel, City Manager, or his designee as the City's representative for the project. Resolution enclosed.

Action That City Council adopt a prepared resolution endorsing the submission of the grant application to the Michigan Department of Natural Resources Trust Fund in the amount of \$166,000, commit to the project match not to exceed \$83,000 and authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project.

kk

Enclosure



City of Petoskey

Resolution

WHEREAS, the City of Petoskey Parks and Recreation Commission desires to enhance recreational and non-motorized trail opportunities within its Iron Belle Trail Bear River Bridge; and

WHEREAS, this Iron Belle Trail Bear River Bridge would include an accessible bridge, boardwalk, and site work at an estimated project cost of \$166,000; and

WHEREAS, the Iron Belle Trail Bear River Bridge contributes to the goals and objectives identified in the 2013-2017 and 2018-2022 City of Petoskey's Parks and Recreation Master Plan, outlining the need and the desire to develop this linear park system; and

WHEREAS, the State of Michigan Department of Natural Resources is accepting applications for funding assistance through the Michigan Natural Resources Trust Fund for park development projects contributing to the goals and objectives identified within the municipality's approved Parks and Recreation Master Plan; and

WHEREAS, the City of Petoskey Parks and Recreation Commission supports the development of the Iron Belle Trail Bear River Bridge and recommends that the Petoskey City Council resolve to sponsor a Michigan Natural Resources Trust Fund Application for this project and commit to undertake this project, if funded, and commit to the project match and authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project; and

WHEREAS, further request that the City Council consider committing up to 50% local match, that being \$83,000, toward these improvements which are estimated at \$166,000; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey Parks and Recreation Commission, acting as appointed officials, request that the City of Petoskey City Council adopt a resolution to authorize Robert Straebel, City Manager, or his designee to serve as the City's representative for this project, authorize the submission of the application and request that Michigan Department of Natural Resources Trust Fund Board consider approval of the grant application for the Iron Belle Trail Bear River Bridge project and provide grant funding in the amount of \$83,000.

I, Alan Terry, Clerk of the City of Petoskey, do hereby certify that the foregoing is a true copy of a resolution adopted by the City of Petoskey City Council in regular session assembled on the 5th day of March, 2018, and of the whole thereof.

In witness where of, I have here unto set my hand and affirmed the corporate seal of said City this ____ day of _____, 2018.

Alan Terry, City Clerk