



City of Petoskey

Agenda

CITY COUNCIL

May 21, 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 – Hear presentation by MDOT representatives concerning the 2019 U.S. 31 realignment project
5. Consent Agenda - Adoption of a proposed resolution that would confirm approval of the following:
 - (a) May 7, 2018 regular session City Council meeting minutes
 - (b) Acknowledge receipt of a report concerning certain administrative transactions since May 7, 2018
6. Miscellaneous Public Comments
7. City Manager Updates
8. Old Business
 - (a) Second reading and possible adoption of two proposed ordinances related to Appendix A – Zoning Ordinance and Chapter 13 Nuisances – International Property Maintenance Code creating an Accommodation Policy under the Federal Fair Housing Amendments Act (FFHA) in the Americans with Disabilities Act (ADA)
 - (b) Second reading and discussion of a proposed ordinance that would amend Chapter 8 Businesses and Business Regulations creating a new Article VIII concerning mobile food vending
9. New Business
 - (a) Authorization to contract with R.B. Lyons, Inc., Charlevoix, for annual repairs due to ice damage at Bayfront Park Marina for \$53,490
 - (b) Adoption of a proposed resolution accepting the State of Michigan Waterways Grant Agreement for Marina Pier B electrical improvements
 - (c) Adoption of a proposed resolution that would establish dates and designate locations for 2018 Ward and City Conventions
 - (d) Adoption of a proposed resolution that would establish property tax-millage rates for 2018 and that would authorize appropriations of property-tax revenues to various City funds as previously had been approved as part of the City's 2018 Annual Budget
 - (e) Adoption of a proposed resolution that would waive the penalty assessment for the late filing of property transfer affidavits
10. City Council Comments
11. Adjournment



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 17, 2018

AGENDA SUBJECT: MDOT Presentation – U.S. 31 Realignment Project

RECOMMENDATION: That the City Council hear this presentation

Background MDOT representatives will give a brief presentation regarding the 2019 U.S. 31 realignment project. Please see enclosed maps and information provided by MDOT.

Action That City Council hear presentation and ask any relevant questions concerning project.

sb
Enclosures



US-31 Reconstruction Mitchell St Bridge to Fairview Ave

In 2019 the Michigan Department of Transportation (MDOT) plans to reconstruct 1.3 miles of US-31 from the Mitchell Street Bridge north to Fairview Avenue. The project is estimated to cost \$14.8 million dollars and expected to take a full construction season to complete. The project will address condition, operational, and safety concerns within the segment. The improvements also address substantial erosion issues along the old rock quarry through stabilization measures and shifting the alignment of the roadway away from the bluff.

Plans are currently in the development phase and are expected to be completed this summer and a Contractor selected this winter.

The work will include:

- Realignment of a portion of the roadway (from Winter Park Ln to Fairview Ave) 24 feet east
- Retaining wall reconstruction at Bayfront Park
- Realignment of the Lewis Street intersection
- Median Island/pedestrian crossing addition at Sunset Park
- Sidewalk improvements
- Drainage improvements
- Water main and sanitary sewer reconstruction
- Replacement of the MacDonald Drive traffic signal
- Detour route improvements



LAKE

MITCHELL





WINTER PARK

ARLINGTON







City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 17, 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 May 7, 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 May 7, 2018 for contract and vendor claims at \$843,579.51, intergovernmental claims at \$7,860.98, and the May 17 payroll at \$199,986.98 for a total of \$1,051,427.47.

sb
Enclosures



CITY COUNCIL

May 7, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, May 7, 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, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

Hear 2017 Audit Presentation

Trina Edwards, Gartland & Niergarth, Traverse City, was in attendance and presented information concerning the City's Financial Statements and Report of Independent Certified Public Accountants as the annual audit for the City's fiscal year ended December 31, 2017. Representatives also reviewed and answered questions on the audit-related communications letter and MERS pension changes and how earnings effect overall plan.

Hear Arbor Day Proclamation

Mayor Murphy reviewed that the City recently received Tree City USA certification and read the following proclamation:

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal:

NOW, THEREFORE, I, John Murphy, Mayor of the City of Petoskey, do hereby proclaim May 7 as Arbor Day in the City of Petoskey. I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Consent Agenda - Resolution No. 19180

Following introduction of the consent agenda for this meeting of May 7, 2018, City Councilmember Dittmar 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 April 16, 2018 regular session and April 30, 2018 special session City Council meetings 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 April 16, for contract and vendor claims at \$1,249,446.95, intergovernmental claims at \$0, and the April 19 and May 3 payrolls at \$389,967.79, for a total of \$1,639,414.74 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 met with Emmet County Administrator regarding exploratory discussions on constructing a parking deck at the Lake Street and Division Street Lot and that he will make a presentation to County Commissioners in early summer; that staff will be looking at a financial plan on how to pay for the project before further steps are taken on potential deck; that Petoskey Harbor Springs Community Foundation recently informed staff that they received a \$60,000 grant from the C.S. Mott Foundation and that grant funding will be used to support local efforts to advance the use of clean and renewable energy for the cities of Charlevoix, Harbor Springs, Petoskey and Traverse City; that the Lake Street Dam will be inspected and a final report shared with City Council; reviewed construction project updates for West Lake Street, Bridge Street Bridge, Downtown street improvements and that the Bear River East Lift Station project is completed; and that there is a Special Election tomorrow.

City Councilmembers inquired if engineering expenses would be shared by the City and County and that downtown improvements are going well. City staff responded that expenses would be shared.

Adopt Ord. 761 – Amending Chapter 8, Article III pertaining to New Business Registrations – Resolution No. 19181

The Director of Finance reviewed that this was a second reading and that staff and the City Attorney have reviewed amending various sections of Chapter 8 Businesses and Business Regulations with the first being Chapter 8, Article III, Sections 8-31 through 8-36. The Finance Director reviewed that changing the business registration process is a step to revamp ordinances pertaining to licenses that have not been updated in many decades; that currently only retail merchants are required to register one-time and be licensed with the City; reviewed the proposed amendment which will require all new businesses to register with the City and be placed on the tax rolls; and that this is the first section of Chapter 8 to be updated with potential for more in the coming months.

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

AN ORDINANCE TO REGULATE NEW BUSINESS REGISTRATION IN THE CITY OF PETOSKEY

THE CITY OF PETOSKEY ORDAINS:

1. Chapter 8, Article III, Sections 8-31 through 8-36 of the Petoskey Code of Ordinances is hereby repealed and replaced by the following:

Sec. 8-31 Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

New business shall mean every person who occupies all or part of a building within the City:

- 1) in connection with a business, whether for profit or not for profit, or
- 2) for the purpose of manufacturing or conducting research and/or development, or
- 3) for offering for sale goods or performing services,

and who did not pay personal property tax to the City at the location of the new business or submit an exemption form to the City for that location during the preceding calendar year.

Person shall mean any individual, firm, co-partnership, corporation, company, association, or joint stock association, society, organization or league, and includes any trustee, receiver, assignee, subcontractor, agent or other similar representative thereof.

Sec. 8-32 Municipal Civil Infraction.

- (a) Any person, firm or corporation violating any of the provisions of this chapter 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 Act 236 of the Public Acts of Michigan of 1961, as amended, see MCL 600.101 et seq., the City of Petoskey Municipal Civil Infraction Ordinance, and other applicable laws).
- (b) Repeat offenses under this chapter shall be subject to increased fines, as provided by the City of Petoskey Municipal Civil Infraction Ordinance, as amended from time to time.

Sec. 8-33 Registration Required.

No person shall start a new business in the City without first filing and registering with the City in the manner set forth in this Ordinance.

Sec. 8-34 Application.

Applicants for a registration under this article must file with the City Assessor, a sworn application on a form to be furnished by the City Assessor, providing the following information:

- (1) Full name, date of birth, tax identification number of the registering business, if any, and driver's license number of the individual signing the application.
- (2) The name the business will use.
- (3) The names and addresses of its owners, officers, partners, directors and trustees.
- (4) The nature of any franchises under which the applicant will operate.
- (5) The names and addresses of owners of any leased equipment in use in the business.
- (6) The value of all furniture, fixtures, signs, leasehold improvements, machinery and equipment on hand, when such business is established.

Sec. 8-35 Fees.

The fee for a new business registration and license shall be set by resolution of the City Council.

Sec. 8-36 Issuance.

When the applicant has paid the fee and has provided the information required by this article, the applicant shall be deemed registered under this article. Such registration shall not permit any person to engage in any activity otherwise prohibited by this Code and shall be nontransferable.

2. Severability; Saving Clause.

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.

3. 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, Dittmar, Wills, Murphy (4)

NAYS: Lyman (1)

Adopt Ord. 762 – Amending Appendix C to the Sign Ordinance – Resolution No. 19182

The City Planner reviewed that this was a second reading and ordinance could be adopted; and reviewed proposed amendments to sign ordinance including low lit, where sandwich board signs are allowed and special condition signs for remote locations.

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

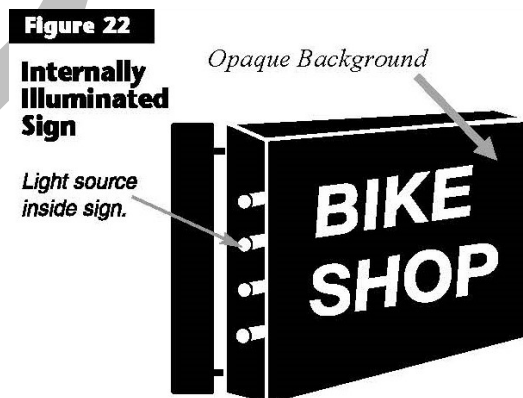
AN ORDINANCE TO AMEND APPENDIX C OF THE CITY CODE OF ORDINANCES, SIGN ORDINANCE, SECTIONS 3.1(5)(b) SIGN ILLUMINATION, SECTION 8.2(a) SPECIAL CONDITION SIGNS AND SECTION 7.1(6) SANDWICH BOARDS

The City of Petoskey ordains:

1. The text of Section 3.1(5)(b) shall be amended to read as follows:

Interior illumination is only permitted for individual elements within a sign such as letters and graphics, but the entirety of the background shall be opaque and not illuminated. All illumination shall be steady and stationary in source and intensity (Figure 22).

2. Figure 22 shall be amended to read as follows:



3. The text of Section 8.2(a) shall be amended to include a new subsection (12) to read as follows:

One (1) off-premise, wall-mounted sign not to exceed three (3) square feet may be approved by the Sign Committee in situations where a business in the Central Business District has no street or public sidewalk access and the visibility of the business is clearly restricted. If there are multiple signs for vision-obstructed businesses on a single wall, the location of all signs shall be coordinated and part of the Sign Committee review.

4. The text of Section 7.1(6) shall be amended to allow Sandwich Board signs in the B-2A Transitional Business and B-2B Mixed Use Corridor Districts. The introductory language should be amended to read as follows, with regulations (a)-(f) remaining the same.

Sandwich boards. Sandwich board signs shall be permitted in the Central Business District (B-2), Transitional Business District (B-2A) and Mixed Use Corridor (B-2B) on private or public property, subject to the following conditions.

5. 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.
6. 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, Wills, Murphy (5)

NAYS: None (0)

Approve Public Participation Plan Amendments – Resolution No. 19183

The City Planner reviewed that City Council adopted the Public Participation Plan in January of 2016 as part of the Redevelopment Ready Communities (RRC) certification process. The document is required to ensure that public documents and actions adequately incorporate public input. The proposed updated plan was introduced at the April 16 Council meeting. The City Planner further reviewed proposed changes; that the RRC program requires a policy in place that encourages developers to engage the public early in the development process prior to more detailed plans that increase costs; and that the input is not binding, but rather trying to determine issues.

City Councilmembers inquired how the City, staff and Council are supposed to weigh public input; that it is advantageous if citizens identify where they live and if part of the city or non-city residents; and that it is important to advertise and get information out to the public as much as possible. City staff responded that staff and Council don't have to weigh input since the City is required to perform hearings.

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

WHEREAS, the City of Petoskey understands and values the importance of an informed public and public involvement in the decision-making process; and

WHEREAS, the City is dedicated to maximizing opportunities for its residents and customers to provide input on policies, programs, and projects in order to reach the best decisions for the people of Petoskey; and

WHEREAS, the Petoskey Planning Commission has approved a plan amendment to enhance and expand public participation processes:

NOW, THEREFORE BE IT RESOLVED, the Petoskey City Council hereby adopts an amendment to the City of Petoskey Public Participation Plan.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Local Revenue Sharing Board Application for DPS Equipment – Resolution No. 19184

The City Manager reviewed that the Emmet County Local Revenue Sharing Board (LRSB) was accepting applications from local governmental units for funds to be used for lawful governmental purposes. The Department of Public Safety requested \$9,000 for the replacement of one hydraulic spreader tool, commonly known as the “Jaws of Life”. The City Manager reviewed that this tool would replace the current spreader tool that was purchased in 2003 and is now approaching 15 years old.

City Councilmember Dittmar moved that, seconded by City Councilmember Wills to adopt the following resolution:

WHEREAS, the City of Petoskey operates a Department of Public Safety that provides extrication services not only within the City but along the U.S. 31 corridor to the Emmet County line; and

WHEREAS, the current extrication tools are fifteen (15) years old and should be replaced; and

WHEREAS, the Public Safety Department needs to update their extrication tools to enable them to adequately deal with the high strength steel used in today’s vehicles:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council does hereby support and authorizes the submission of this grant application to the Emmet County Local Revenue Sharing Board in the amount of \$9,000 for the purchase of an extrication spreader tool.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Local Revenue Sharing Board Application for Iron Belle Bear River Bridge Construction – Resolution No. 19185

The City Manager reviewed that the Emmet County Local Revenue Sharing Board (LRSB) was accepting applications from local governmental units for funds to be used for lawful governmental purposes. The Department of Parks and Recreation requested \$10,000 for funding towards the Iron Belle Bear River Bridge. The City Manager reviewed that the City, along with the North Country Trail, Jordan Valley 45 Chapter, is aggressively capitalizing on funding opportunities for the construction and installation of the bridge, which will connect the natural area of North Central Michigan College, to the River Road Sports Complex. The City Manager reviewed that in March, the City applied to the Michigan Department of Natural Resources Trust Fund for 50% of the project; that total project costs are \$167,000; and that this grant would help with the remaining local match.

City Councilmember Marshall moved that, seconded by City Councilmember Wills to adopt the following resolution:

WHEREAS, the City of Petoskey with grant funds from the Local Revenue Sharing Board is proposing funding support for construction and installation of the Iron Belle Bear River Bridge; and

WHEREAS, the City of Petoskey has prepared a Proposal Summary for the Local Revenue Sharing Board (Tribal Gaming Revenue Board) requesting \$10,000 in funding assistance for construction and installation of the Iron Belle Bear River Bridge; and

WHEREAS, the Iron Belle Bear River Bridge will increase regional hiking opportunities on the Iron Belle/North Country Trail and will provide a safer route for hikers by routing them off public streets:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council hereby endorses and authorizes the submission of this Proposal Summary and requests that the Local Revenue Sharing Board consider funding for this project.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Support Senate Bill 469 and House Bill 5178 Concerning Historic Tax Credits – Resolution No. 19186

The Downtown Director reviewed Senate Bill 469 and House Bill 5178, which have the same text, and would reinstate the availability of residential and commercial tax credits to historic property owners doing rehabilitation work in local historic districts. The Downtown Director further reviewed that these potential tax credits would be one of the few preservation funding incentives available for historic rehabilitation projects, especially in residential areas; that great work across the State was accomplished with this incentive before Michigan lost these credits in 2011; that the new legislation would bring the tax credits back and create an environment favorable to rehabilitation verses demolition and destruction; that the Michigan Historic Preservation Network and the Michigan Downtown Association are working to support the passage of these bills as they will be invaluable in protecting sense of place in downtowns and residential districts across the state; and that the tax credits also serve as economic development tools that create jobs and protect sustainability.

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

WHEREAS, the historic buildings, neighborhoods and places in Michigan villages, towns and cities distinguish each community and provide character and a sense of place that contribute significantly to the quality of life and the economic benefits enjoyed in and by each community; and

WHEREAS, the preservation and rehabilitation of historic buildings, places and neighborhoods contributes to the beauty, character, and economic vitality of Michigan communities; and

WHEREAS, the labor-intensive nature of historic rehabilitation creates jobs and investment in local businesses and has been proven to generate more economic activity than equivalent investment in new construction; and

WHEREAS, demolition or destruction of historic buildings creates costs to Michigan and its communities by destroying the often-irreplaceable construction and ornamental materials of each structure and by adding significantly to landfills, whose makeup is estimated to be more than 40 percent building materials and waste; and

WHEREAS, development and redevelopment within established villages, townships and cities is encouraged by Governor Rick Snyder's ten-point program to "Reinvent Michigan" that includes goals to Restore Our Cities, Protect Our Environment, and Create More and Better Jobs; and

WHEREAS, many public policies and financial and lending practices and policies create disincentives or barriers to the preservation, renovation and rehabilitation of historic buildings and resources and create a preferential financial environment for new construction; and

WHEREAS, Michigan has measured the economic impacts of the former Michigan Historic Tax Credit programs between their enactment in 1999 and their elimination in 2011 and seen significant positive direct impacts on the revitalization of neighborhoods and communities, the preservation and creation of affordable and market-rate housing, the creation of skilled local jobs, and the subsequent private investment in areas surrounding tax-credit-driven revitalization projects; and

WHEREAS, each \$1.00 of credit issued leverages \$11.37 in direct economic impact, such that the former Michigan Historic Tax Credit programs during their twelve-year history have leveraged \$251 million in Federal historic tax credits that otherwise would not have returned to Michigan, spurred \$1.46 billion in direct rehabilitation activity, and created 36,000 jobs; and

WHEREAS, the Michigan Legislature is presently considering Senate Bill 469 and House Bill 5178 that would reinstate an up-to-25 percent investment tax credit for owners of historic residential and commercial properties who substantially rehabilitate their properties:

NOW, THEREFORE, BE IT RESOLVED that the Petoskey City Council endorses and supports both Senate Bill 469 and House Bill 5178 and calls upon the Michigan Legislature to pass this important legislation and Governor Snyder to sign it, in order to stimulate appropriate development and redevelopment and protect the historic character and quality of life of our communities; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Michigan Historic Preservation Network.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

First Reading of a Proposed Ordinance Regarding Mobile Food Truck Regulations

The City Planner reviewed that at its December 4 meeting, City Council discussed the topic of food truck regulations and requested that Planning Commission draft regulations that would allow food trucks on private property and would create a trial period for food trucks on public property. The City Planner reviewed that the Planning Commission established a sub-committee to research leading practices and make recommendations on possible regulations; that the Committee studied communities that have implemented mobile vending successfully and met with local representatives of food trucks and brick-and-mortar establishments; that to date, there has been no negative feedback; and reviewed some of the issues researched including locations, fee structure, noise, trial period and number of trucks allowed.

The City Planner further reviewed proposed amendments to the Code of Ordinances and that business licensing is the chapter recommended to create mobile vending regulations; that the Commission recommended and identified three public property locations on either the “food desert” or “cool factor” criteria including Bayfront Park behind the fire station, Bayfront Drive east of the ballfield and under the Mitchell Street Bridge; and suggested a maximum of 12 trucks on public property and unlimited number on private property during the trial period which would end December 31, 2019.

City Councilmembers discussed food trucks near concession stand; that a recent contract was signed to have a business operate the concession stand and that food trucks should stay away from that area; that there could potentially be 2-3 trucks per site; and preferred allowing a maximum of 6 trucks total on public property.

Mayor Murphy asked for public comments and heard comments that more food trucks will help the concession stand; that staff should communicate with concession stand operator and hear their viewpoints on matter; and heard other potential locations for food trucks including Gruler property, River Road, fire hall and Bayfront restroom area.

City Councilmembers deferred action since it was the first reading of the proposed ordinance.

Recess to Closed Session – Resolution No. 19187

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure.

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

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act to consider material exempt from disclosure, during the City Council's regular meeting of May 7, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider material exempt from disclosure.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Recessed to closed session at 8:50 P.M. and reconvened into open session at 9:33 P.M.

First Reading of Two Proposed Ordinances Related to Appendix A – Zoning Ordinance and Chapter 13 Nuisances – International Property Maintenance Code Creating an Accommodation Policy under the Federal Fair Housing Amendments Act (FFHA) in the Americans with Disabilities Act (ADA)

The City Manager reviewed that at its February 19 meeting, City Council passed a motion to forward a proposed Zoning Ordinance amendment to the Planning Commission for a public hearing. The City Manager reviewed that the amendment would create a new Section 1912 Fair Housing Accommodation Policy under the FFHA, designating the ZBA as the body to hear requests for accommodation and establishes the factors under which such requests shall be evaluated; reviewed additional language which was not included in February 19 draft ordinance; that there were no negative comments received from the Planning Commission public hearing on April 19 and the Commission recommended ordinance to City Council on a 9-0 vote; reviewed the three elements that the City must follow whether an accommodation is required under the FFHA; and that an amendment to Chapter 13, Article II of the City's Code in order to also allow accommodations under the International Property Maintenance Code.

City Councilmembers reviewed additional language and deferred action since it was the first reading of the proposed ordinance.

Council Comments

Mayor Murphy asked for Council comments and there were no comments. Mayor Murphy reported that there was a two-acre fire and commended the Public Safety Department for their efforts.

There being no further business to come before the City Council, this May 7, 2018, meeting of the City Council adjourned at 9:40 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/09/2018	79895	5H Irrigation & Maintenance	101-528-802.000	1,710.00
05/18	05/09/2018	79896	ALLIANCE ENTERTAINMENT	271-790-761.000	136.97
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-590-775.000	77.27
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-586-775.000	6.92
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-593-785.000	10.50
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-590-775.000	27.75
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-590-775.000	36.79
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-586-775.000	27.00
05/18	05/09/2018	79897	ALL-PHASE ELECTRIC SUPPLY	582-586-775.000	27.03
05/18	05/09/2018	79898	AT&T	101-172-850.000	308.52
05/18	05/09/2018	79898	AT&T	101-201-850.000	164.55
05/18	05/09/2018	79898	AT&T	101-208-850.000	102.85
05/18	05/09/2018	79898	AT&T	101-257-850.000	102.85
05/18	05/09/2018	79898	AT&T	101-215-850.000	82.28
05/18	05/09/2018	79898	AT&T	101-345-850.000	226.26
05/18	05/09/2018	79898	AT&T	101-400-850.000	102.85
05/18	05/09/2018	79898	AT&T	101-756-850.000	123.41
05/18	05/09/2018	79898	AT&T	101-441-850.000	185.12
05/18	05/09/2018	79898	AT&T	204-481-850.000	61.71
05/18	05/09/2018	79898	AT&T	204-481-850.000	61.71
05/18	05/09/2018	79898	AT&T	582-588-850.000	205.69
05/18	05/09/2018	79898	AT&T	582-593-850.000	82.28
05/18	05/09/2018	79898	AT&T	592-549-850.000	123.41
05/18	05/09/2018	79898	AT&T	592-560-850.000	123.41
05/18	05/09/2018	79898	AT&T	592-560-850.000	134.01
05/18	05/09/2018	79898	AT&T	592-560-850.000	116.33
05/18	05/09/2018	79898	AT&T	592-558-920.000	138.38
05/18	05/09/2018	79898	AT&T	592-538-850.000	134.87
05/18	05/09/2018	79898	AT&T	592-538-850.000	134.01
05/18	05/09/2018	79899	BOYNE CITY TIRE & BRAKE	661-598-932.000	315.80
05/18	05/09/2018	79900	BRADFORD MASTER DRY CLEANERS	101-345-775.000	368.35
05/18	05/09/2018	79901	Bradley, Chad	592-549-915.000	42.51
05/18	05/09/2018	79902	C2AE	204-481-802.000	3,109.59
05/18	05/09/2018	79903	CARTER'S IMAGEWEAR & AWARDS	101-770-775.000	315.70
05/18	05/09/2018	79904	CENTER POINT LARGE PRINT	271-790-760.000	123.75
05/18	05/09/2018	79905	CHARLEVOIX-EMMET ISD	703-040-250.000	1,499.58
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-265-920.000	1,090.53
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-268-920.000	833.86
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-345-920.000	3,003.93
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-345-920.100	400.12
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-754-920.000	24.54
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-770-920.000	1,723.55
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-773-920.000	364.11
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	101-789-920.000	1,342.96
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	202-475-920.000	320.00
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	204-448-920.000	2,600.00
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	271-790-920.000	2,091.06
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	514-587-920.000	132.82
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	582-586-920.000	106.03
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	582-593-920.000	1,298.38
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	592-538-920.000	7,785.60
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	592-542-920.000	106.04

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05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	592-551-920.000	16,387.04
05/18	05/09/2018	79906	CITY TREAS. FOR UTILITY BILLS	592-555-920.000	860.65
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	156.43
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	5.40
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	65.37
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	357.96
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-773-775.000	34.50
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	100.41
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-773-775.000	35.00
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	582-590-775.000	73.93
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	112.49
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	69.31
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	210.06
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	14.88
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	11.24
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-773-931.000	39.99
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	117.48
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-773-931.000	3.49
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	10.50
05/18	05/09/2018	79907	COMPLETE PAINT & SUPPLIES	101-770-775.000	51.50
05/18	05/09/2018	79908	David L Hoffman Landscaping & Nursery	204-550-802.000	3,577.50
05/18	05/09/2018	79909	DERRER OIL CO.	661-598-759.000	1,859.26
05/18	05/09/2018	79910	Dinon Law PLLC	101-266-802.000	630.00
05/18	05/09/2018	79911	DROST LANDSCAPE	204-470-802.000	1,885.00
05/18	05/09/2018	79911	DROST LANDSCAPE	204-470-802.000	830.00
05/18	05/09/2018	79911	DROST LANDSCAPE	204-470-802.000	460.00
05/18	05/09/2018	79912	DUNKEL EXCAVATING SERVICES INC.	582-586-775.000	300.00
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	204-481-751.000	26.58
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	582-593-751.000	26.58
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	582-588-751.000	26.58
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	592-549-751.000	26.58
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	592-560-751.000	26.58
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	661-598-751.000	26.59
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	204-481-751.000	27.84
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	582-593-751.000	27.84
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	582-588-751.000	27.84
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	592-549-751.000	27.84
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	592-560-751.000	27.84
05/18	05/09/2018	79913	DUNN'S BUSINESS SOLUTIONS	661-598-751.000	27.85
05/18	05/09/2018	79914	EJ USA INC.	592-547-775.000	83.25
05/18	05/09/2018	79915	EMMET CO. DEPT OF PUBLIC WORKS	101-268-775.000	42.00
05/18	05/09/2018	79915	EMMET CO. DEPT OF PUBLIC WORKS	101-529-802.000	6,107.50
05/18	05/09/2018	79916	EMMET COUNTY TREASURER	703-040-250.000	2,631.89
05/18	05/09/2018	79916	EMMET COUNTY TREASURER	703-040-250.000	269.38
05/18	05/09/2018	79916	EMMET COUNTY TREASURER	703-040-250.000	134.69
05/18	05/09/2018	79917	Empiric Solutions Inc.	101-228-802.000	3,180.00
05/18	05/09/2018	79918	Energy Specialties Group	271-790-930.000	15,000.00
05/18	05/09/2018	79919	ENVISIONWARE INC.	271-790-986.000	4,411.15
05/18	05/09/2018	79920	FACTOR SYSTEMS INC.	101-208-803.000	640.80
05/18	05/09/2018	79921	FASTENAL COMPANY	202-475-775.000	31.40
05/18	05/09/2018	79921	FASTENAL COMPANY	203-475-775.000	31.35
05/18	05/09/2018	79921	FASTENAL COMPANY	202-475-775.000	63.50

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05/18	05/09/2018	79921	FASTENAL COMPANY	203-475-775.000	63.55
05/18	05/09/2018	79921	FASTENAL COMPANY	661-598-931.000	328.86
05/18	05/09/2018	79922	GALE/CENGAGE LEARNING	271-790-760.000	51.18
05/18	05/09/2018	79922	GALE/CENGAGE LEARNING	271-790-760.000	24.80
05/18	05/09/2018	79923	GARETH STEVENS PUBLISHING	271-790-760.100	185.50
05/18	05/09/2018	79924	Grand Traverse Mobile Communications	661-020-142.000	4,653.50
05/18	05/09/2018	79925	GREENWELL MACHINE SHOP	101-770-775.000	26.85
05/18	05/09/2018	79926	GREENWOOD CEMETERY BOARD	703-040-250.000	255.05
05/18	05/09/2018	79927	JAKEWAY, JOHN	203-479-802.000	84.00
05/18	05/09/2018	79928	JERRY'S GARAGE	661-598-932.000	62.00
05/18	05/09/2018	79928	JERRY'S GARAGE	661-598-932.000	62.00
05/18	05/09/2018	79928	JERRY'S GARAGE	661-598-932.000	62.00
05/18	05/09/2018	79929	Kent County DPW	101-345-783.000	122.40
05/18	05/09/2018	79930	KSS ENTERPRISES	101-265-775.000	37.66
05/18	05/09/2018	79930	KSS ENTERPRISES	101-268-775.000	37.66
05/18	05/09/2018	79930	KSS ENTERPRISES	101-754-775.000	37.66
05/18	05/09/2018	79930	KSS ENTERPRISES	101-756-775.000	37.66
05/18	05/09/2018	79930	KSS ENTERPRISES	101-770-775.000	94.16
05/18	05/09/2018	79930	KSS ENTERPRISES	101-773-775.000	56.50
05/18	05/09/2018	79930	KSS ENTERPRISES	101-789-775.000	75.34
05/18	05/09/2018	79930	KSS ENTERPRISES	101-265-775.000	191.36
05/18	05/09/2018	79930	KSS ENTERPRISES	101-268-775.000	191.36
05/18	05/09/2018	79930	KSS ENTERPRISES	101-754-775.000	191.36
05/18	05/09/2018	79930	KSS ENTERPRISES	101-756-775.000	191.36
05/18	05/09/2018	79930	KSS ENTERPRISES	101-770-775.000	478.40
05/18	05/09/2018	79930	KSS ENTERPRISES	101-773-775.000	191.36
05/18	05/09/2018	79930	KSS ENTERPRISES	101-789-775.000	287.04
05/18	05/09/2018	79930	KSS ENTERPRISES	582-593-930.000	191.36
05/18	05/09/2018	79931	LACROSS, WILLIAM	204-481-767.000	67.82
05/18	05/09/2018	79932	LAPPAN'S OF GAYLORD INC.	661-598-931.000	2,718.64
05/18	05/09/2018	79933	LENNEMANN, MARK	101-789-775.000	84.99
05/18	05/09/2018	79934	LEXISNEXIS RISK DATA MGT	514-587-802.000	50.00
05/18	05/09/2018	79935	MCCARDEL CULLIGAN	101-770-802.000	39.00
05/18	05/09/2018	79936	MCLAREN NORTHERN MICH HOSPITAL	101-345-802.000	15.00
05/18	05/09/2018	79936	MCLAREN NORTHERN MICH HOSPITAL	101-345-802.000	15.00
05/18	05/09/2018	79936	MCLAREN NORTHERN MICH HOSPITAL	101-345-802.000	15.00
05/18	05/09/2018	79937	MICHIGAN BOATING INDUSTRIES	101-789-912.000	295.00
05/18	05/09/2018	79938	Michigan IAAI	101-345-912.000	420.00
05/18	05/09/2018	79938	Michigan IAAI	101-345-912.000	420.00
05/18	05/09/2018	79938	Michigan IAAI	101-345-912.000	420.00
05/18	05/09/2018	79939	MICHIGAN SECTION A.W.W.A.	592-549-915.000	150.00
05/18	05/09/2018	79940	Mid-West Instrument	592-546-775.000	878.90
05/18	05/09/2018	79941	MORRISON INDUSTRIAL EQUIPMENT	661-598-931.000	1,079.74
05/18	05/09/2018	79942	MOUNTAINTOP TREE COMPANY	204-470-802.000	45.00
05/18	05/09/2018	79942	MOUNTAINTOP TREE COMPANY	204-470-802.000	45.00
05/18	05/09/2018	79943	NORTH CENTRAL MICH. COLLEGE	703-040-250.000	596.41
05/18	05/09/2018	79943	NORTH CENTRAL MICH. COLLEGE	703-040-250.000	535.95
05/18	05/09/2018	79944	NORTHERN A-1 SERVICES KALKASKA	592-556-802.000	3,243.13
05/18	05/09/2018	79944	NORTHERN A-1 SERVICES KALKASKA	592-540-802.000	472.50
05/18	05/09/2018	79944	NORTHERN A-1 SERVICES KALKASKA	592-556-802.000	1,145.00
05/18	05/09/2018	79945	NORTHWEST SERVICES	514-587-802.000	1,537.50
05/18	05/09/2018	79946	ON DUTY GEAR LLC	101-345-775.000	912.80

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05/18	05/09/2018	79947	OUDBIER INSTRUMENT COMPANY	592-554-802.000	550.00
05/18	05/09/2018	79947	OUDBIER INSTRUMENT COMPANY	592-558-802.000	200.00
05/18	05/09/2018	79947	OUDBIER INSTRUMENT COMPANY	592-555-802.000	100.00
05/18	05/09/2018	79947	OUDBIER INSTRUMENT COMPANY	592-537-802.000	1,155.83
05/18	05/09/2018	79948	P.C. LAWN CARE	582-584-802.000	200.00
05/18	05/09/2018	79948	P.C. LAWN CARE	582-593-930.000	262.50
05/18	05/09/2018	79949	PAC2	271-790-802.000	1,392.92
05/18	05/09/2018	79950	Penguin Random House	271-790-761.000	10.00
05/18	05/09/2018	79951	PERFORMANCE PAINTING	101-770-802.000	2,750.00
05/18	05/09/2018	79951	PERFORMANCE PAINTING	592-547-802.000	775.00
05/18	05/09/2018	79952	PETOSKEY CRANE SERVICE INC.	582-588-802.000	290.00
05/18	05/09/2018	79953	PETOSKEY PARTS PLUS	661-598-932.000	6.56
05/18	05/09/2018	79954	PETOSKEY PUBLIC SCHOOLS	703-040-250.000	949.65
05/18	05/09/2018	79954	PETOSKEY PUBLIC SCHOOLS	703-040-250.000	704.10
05/18	05/09/2018	79954	PETOSKEY PUBLIC SCHOOLS	703-040-250.000	298.46
05/18	05/09/2018	79955	PETOSKEY ROTARY CLUB	101-345-915.000	175.50
05/18	05/09/2018	79956	PIONEER MANUFACTURING COMPANY	101-770-775.000	62.45
05/18	05/09/2018	79957	POLICE AND FIREMEN'S INSURANCE	701-000-230.185	353.38
05/18	05/09/2018	79958	PONTIUS FLOWER SHOP, A. R.	248-739-774.000	93.60
05/18	05/09/2018	79959	POWER LINE SUPPLY	582-593-785.000	921.00
05/18	05/09/2018	79959	POWER LINE SUPPLY	582-593-785.000	274.75
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	16.55
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	6.68
05/18	05/09/2018	79960	PRESTON FEATHER	202-469-775.000	25.81
05/18	05/09/2018	79960	PRESTON FEATHER	203-469-775.000	25.81
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	2.48
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	30.49
05/18	05/09/2018	79960	PRESTON FEATHER	101-754-775.000	6.13
05/18	05/09/2018	79960	PRESTON FEATHER	101-268-775.000	29.00
05/18	05/09/2018	79960	PRESTON FEATHER	101-265-775.000	16.55
05/18	05/09/2018	79960	PRESTON FEATHER	202-475-775.000	80.96
05/18	05/09/2018	79960	PRESTON FEATHER	202-475-775.000	4.59
05/18	05/09/2018	79960	PRESTON FEATHER	101-268-775.000	12.99
05/18	05/09/2018	79960	PRESTON FEATHER	592-020-342.000	94.34
05/18	05/09/2018	79960	PRESTON FEATHER	202-475-775.000	11.12
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	22.48
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-775.000	119.02
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-931.000	22.75
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-931.000	43.39
05/18	05/09/2018	79960	PRESTON FEATHER	582-586-775.000	3.49
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	2.99
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-931.000	43.99
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	8.71
05/18	05/09/2018	79960	PRESTON FEATHER	101-265-775.000	1.66-
05/18	05/09/2018	79960	PRESTON FEATHER	101-268-775.000	4.20-
05/18	05/09/2018	79960	PRESTON FEATHER	101-754-775.000	.61-
05/18	05/09/2018	79960	PRESTON FEATHER	101-770-775.000	8.74-
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-775.000	11.90-
05/18	05/09/2018	79960	PRESTON FEATHER	101-773-931.000	11.31-
05/18	05/09/2018	79960	PRESTON FEATHER	203-469-775.000	2.58-
05/18	05/09/2018	79960	PRESTON FEATHER	592-020-342.000	9.43-
05/18	05/09/2018	79960	PRESTON FEATHER	202-469-775.000	2.58-

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05/18	05/09/2018	79960	PRESTON FEATHER	202-475-775.000	9.67-
05/18	05/09/2018	79960	PRESTON FEATHER	582-586-775.000	.37-
05/18	05/09/2018	79961	Pure Technologies U.S. Inc.	592-544-802.000	22,600.00
05/18	05/09/2018	79962	RANGE TELECOMMUNICATIONS	204-481-850.000	75.00
05/18	05/09/2018	79962	RANGE TELECOMMUNICATIONS	582-593-850.000	50.00
05/18	05/09/2018	79962	RANGE TELECOMMUNICATIONS	592-549-850.000	100.00
05/18	05/09/2018	79962	RANGE TELECOMMUNICATIONS	592-560-850.000	100.00
05/18	05/09/2018	79962	RANGE TELECOMMUNICATIONS	661-598-850.000	19.00
05/18	05/09/2018	79963	ROYAL TIRE	661-598-931.000	10.00
05/18	05/09/2018	79964	SACKRIDER, BEN	202-479-802.000	225.00
05/18	05/09/2018	79964	SACKRIDER, BEN	101-268-802.000	921.06
05/18	05/09/2018	79964	SACKRIDER, BEN	271-790-801.000	135.45
05/18	05/09/2018	79964	SACKRIDER, BEN	582-593-802.000	297.99
05/18	05/09/2018	79964	SACKRIDER, BEN	514-587-802.000	1,354.50
05/18	05/09/2018	79964	SACKRIDER, BEN	101-345-802.100	900.00
05/18	05/09/2018	79965	Spectrum Business	582-593-850.000	35.03
05/18	05/09/2018	79965	Spectrum Business	101-770-850.000	145.90
05/18	05/09/2018	79965	Spectrum Business	101-172-850.000	126.62
05/18	05/09/2018	79965	Spectrum Business	101-201-850.000	67.52
05/18	05/09/2018	79965	Spectrum Business	101-208-850.000	42.20
05/18	05/09/2018	79965	Spectrum Business	101-257-850.000	42.20
05/18	05/09/2018	79965	Spectrum Business	101-215-850.000	33.76
05/18	05/09/2018	79965	Spectrum Business	101-345-850.000	92.84
05/18	05/09/2018	79965	Spectrum Business	101-400-850.000	42.20
05/18	05/09/2018	79965	Spectrum Business	101-441-850.000	75.96
05/18	05/09/2018	79965	Spectrum Business	101-756-850.000	50.64
05/18	05/09/2018	79965	Spectrum Business	204-481-850.000	25.32
05/18	05/09/2018	79965	Spectrum Business	204-481-850.000	25.32
05/18	05/09/2018	79965	Spectrum Business	582-588-850.000	84.40
05/18	05/09/2018	79965	Spectrum Business	582-593-850.000	33.76
05/18	05/09/2018	79965	Spectrum Business	592-549-850.000	50.64
05/18	05/09/2018	79965	Spectrum Business	592-560-850.000	50.64
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-590-775.000	282.33
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-010-111.000	33,165.56
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-010-111.000	23,461.32
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-010-111.000	2,361.24
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-586-775.000	866.31
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-586-775.000	130.56
05/18	05/09/2018	79966	STANDARD ELECTRIC COMPANY	582-586-775.000	189.83
05/18	05/09/2018	79967	STAPLES ADVANTAGE	582-593-751.000	5.48
05/18	05/09/2018	79967	STAPLES ADVANTAGE	101-441-751.000	205.44
05/18	05/09/2018	79967	STAPLES ADVANTAGE	592-560-751.000	37.76
05/18	05/09/2018	79967	STAPLES ADVANTAGE	101-268-775.000	15.19
05/18	05/09/2018	79967	STAPLES ADVANTAGE	101-441-751.000	499.84
05/18	05/09/2018	79968	STATE OF MICHIGAN-DEPARTMENT OF LAR	582-081-642.500	18.60
05/18	05/09/2018	79968	STATE OF MICHIGAN-DEPARTMENT OF LAR	582-081-642.400	748.65
05/18	05/09/2018	79968	STATE OF MICHIGAN-DEPARTMENT OF LAR	582-081-642.300	3,681.87
05/18	05/09/2018	79968	STATE OF MICHIGAN-DEPARTMENT OF LAR	582-081-642.200	161.82
05/18	05/09/2018	79969	SURE LOCK & HOMES LLC	101-773-931.000	140.00
05/18	05/09/2018	79970	T2 Systems Canada Inc.	514-587-802.000	165.00
05/18	05/09/2018	79971	THRU GLASS WINDOW CLEANING	514-587-802.100	25.00
05/18	05/09/2018	79972	T-Mobile	271-790-850.000	140.80

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05/18	05/09/2018	79973	Traffic & Safety Control	514-587-802.000	695.00
05/18	05/09/2018	79973	Traffic & Safety Control	514-587-775.000	139.00
05/18	05/09/2018	79973	Traffic & Safety Control	514-587-802.000	81.00
05/18	05/09/2018	79974	UPS STORE, THE	514-587-931.000	32.69
05/18	05/09/2018	79975	VALLEY TRUCK PARTS INC.	661-598-932.000	76.42
05/18	05/09/2018	79976	VICTOR STANLEY INC.	101-754-802.000	2,694.00
05/18	05/09/2018	79977	Berchem, Linda	101-262-802.000	167.75
05/18	05/09/2018	79978	CDW GOVERNMENT	101-345-751.000	3,184.01
05/18	05/09/2018	79979	Cook, Barbara	101-262-802.000	50.00
05/18	05/09/2018	79980	DANIEL, BARBARA	101-262-802.000	176.00
05/18	05/09/2018	79981	Daniel, Norb	101-262-802.000	176.00
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	9.83
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	85.99
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	3.77
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	75.20
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	80.95
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	592-556-775.000	16.07
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	5.54
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	37.89
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	18.99
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	16.09
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	9.63
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	14.90
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	3.77
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	101-345-775.000	1.79
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	6.11
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	3.44
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	3.06
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	11.09
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	181.78
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	101-770-775.000	9.16
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	4.93
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	8.07
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	7.44
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	50.32
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	36.93-
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	202-475-775.000	20.20
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	101-756-775.000	42.62
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	20.99
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	202-475-775.000	10.10
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	101-345-775.000	22.18
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	30.63
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	53.10
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	19.63
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	59.24
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	88.81
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	93.62
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	4.66
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	15.19
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	20.99-
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	16.47-
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	6.70

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05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-785.000	9.81
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	592-554-775.000	48.00
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	582-590-775.000	8.60
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	592-549-785.000	61.43
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	514-587-931.000	6.14
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	7.96
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	76.16
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-010-111.000	21.72
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	48.37
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	64.32
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	20.67
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-931.000	87.93-
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	101-789-775.000	76.24
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	49.52
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	582-593-785.000	25.54
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	582-593-785.000	2.18-
05/18	05/09/2018	79982	FOCHTMAN'S AUTO & TRUCK PARTS	661-598-932.000	70.65
05/18	05/09/2018	79983	HANCE, VALERIE	101-262-802.000	176.00
05/18	05/09/2018	79984	LOCKE, JOAN	101-262-802.000	181.50
05/18	05/09/2018	79985	LOYD, ELIZABETH	101-262-802.000	201.00
05/18	05/09/2018	79986	Manning, Sandra	101-262-802.000	178.75
05/18	05/09/2018	79987	Mattson, Linda Mulka	101-262-802.000	176.00
05/18	05/09/2018	79988	MOFFATT, SUSAN	101-262-802.000	176.00
05/18	05/09/2018	79989	PETTIT, DELYNN	101-262-802.000	206.50
05/18	05/09/2018	79990	SHIMMONS, BARBARA	101-262-802.000	178.75
05/18	05/09/2018	79991	STANLEY, DIANA	101-262-802.000	176.00
05/18	05/09/2018	79992	STANLEY, KENDALL	101-262-802.000	201.00
05/18	05/09/2018	79993	LOYD, ERIC	101-262-802.000	203.75
05/18	05/09/2018	79994	VANDERBERG, LINDA	101-262-802.000	178.75
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-773-931.000	394.08
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-756-880.000	13.32
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-770-850.000	53.80
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	592-551-775.000	22.62
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-345-912.000	174.48
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-345-775.000	503.26
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-345-751.000	167.07
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-345-783.000	36.69
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-400-912.000	125.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-172-860.000	105.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-770-912.000	20.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-101-860.000	20.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	271-790-912.000	20.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-400-751.000	23.33
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-770-751.000	23.33
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-441-751.000	23.33
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	661-020-142.000	859.00
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	592-554-775.000	10.47
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	271-790-905.000	9.95
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	271-790-958.200	74.97
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	271-790-912.000	378.80
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	271-790-958.000	117.64
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	592-544-775.000	174.28

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05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	592-545-775.000	174.28
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	101-770-775.000	174.28
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	203-469-775.000	174.29
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	202-469-775.000	174.29
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	582-586-775.000	174.29
05/18	05/10/2018	79995	FIRST NATIONAL BANK OMAHA	592-556-775.000	174.29
05/18	05/16/2018	79999	ACH-EFTPS	701-000-230.100	19,342.70
05/18	05/16/2018	79999	ACH-EFTPS	701-000-230.200	12,134.45
05/18	05/16/2018	79999	ACH-EFTPS	701-000-230.200	12,134.45
05/18	05/16/2018	79999	ACH-EFTPS	701-000-230.200	2,837.87
05/18	05/16/2018	79999	ACH-EFTPS	701-000-230.200	2,837.87
05/18	05/16/2018	80000	ACH-ICMA 457	701-000-230.700	1,749.49
05/18	05/16/2018	80000	ACH-ICMA 457	701-000-230.700	5,002.00
05/18	05/16/2018	80001	Advanced Turf Solutions Inc.	204-010-111.000	824.00
05/18	05/16/2018	80001	Advanced Turf Solutions Inc.	101-756-775.000	1,085.60
05/18	05/16/2018	80002	AFLAC	701-000-230.180	323.76
05/18	05/16/2018	80003	AIRGAS USA LLC	592-551-775.000	8.56
05/18	05/16/2018	80003	AIRGAS USA LLC	582-593-785.000	101.46
05/18	05/16/2018	80003	AIRGAS USA LLC	661-598-785.000	24.45
05/18	05/16/2018	80003	AIRGAS USA LLC	661-598-785.000	51.00
05/18	05/16/2018	80003	AIRGAS USA LLC	661-598-785.000	222.70
05/18	05/16/2018	80004	AMERICAN WASTE	101-770-802.000	104.50
05/18	05/16/2018	80004	AMERICAN WASTE	101-754-802.000	109.25
05/18	05/16/2018	80004	AMERICAN WASTE	101-265-802.000	104.50
05/18	05/16/2018	80004	AMERICAN WASTE	101-268-802.000	90.25
05/18	05/16/2018	80004	AMERICAN WASTE	101-789-802.000	19.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-773-931.000	47.50
05/18	05/16/2018	80004	AMERICAN WASTE	101-770-802.000	66.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-754-802.000	69.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-265-802.000	66.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-268-802.000	57.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-789-802.000	12.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-773-931.000	30.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-770-775.000	150.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-754-802.000	150.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-756-802.000	150.00
05/18	05/16/2018	80004	AMERICAN WASTE	101-789-775.000	150.00
05/18	05/16/2018	80005	AT & T MOBILITY	514-587-920.000	328.26
05/18	05/16/2018	80006	AT&T	592-558-920.000	134.93
05/18	05/16/2018	80006	AT&T	592-560-850.000	274.22
05/18	05/16/2018	80006	AT&T	582-593-850.000	126.64
05/18	05/16/2018	80007	AT&T LONG DISTANCE	582-588-850.000	36.43
05/18	05/16/2018	80008	ATCHISON PAPER AND SUPPLY	271-790-752.000	142.50
05/18	05/16/2018	80009	BATTERY PRODUCTS INC.	101-345-775.000	228.25
05/18	05/16/2018	80010	BELL EQUIPMENT COMPANY	661-598-931.000	35.81
05/18	05/16/2018	80011	BERGER CHEVROLET	661-020-142.000	36,865.00
05/18	05/16/2018	80012	BS&A SOFTWARE	101-257-802.000	1,260.00
05/18	05/16/2018	80013	CHAR-EM UNITED WAY	701-000-230.800	77.00
05/18	05/16/2018	80014	CINTAS CORP #729	582-588-767.000	41.80
05/18	05/16/2018	80014	CINTAS CORP #729	592-549-767.000	21.56
05/18	05/16/2018	80014	CINTAS CORP #729	592-560-767.000	21.56
05/18	05/16/2018	80014	CINTAS CORP #729	204-481-767.000	41.58

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05/18	05/16/2018	80014	CINTAS CORP #729	582-593-802.000	28.33
05/18	05/16/2018	80014	CINTAS CORP #729	582-588-767.000	41.80
05/18	05/16/2018	80014	CINTAS CORP #729	592-549-767.000	32.50
05/18	05/16/2018	80014	CINTAS CORP #729	592-560-767.000	32.51
05/18	05/16/2018	80014	CINTAS CORP #729	204-481-767.000	41.58
05/18	05/16/2018	80014	CINTAS CORP #729	101-268-802.000	14.07
05/18	05/16/2018	80014	CINTAS CORP #729	592-554-802.000	49.39
05/18	05/16/2018	80015	CINTAS CORPORATION	582-593-930.000	40.00
05/18	05/16/2018	80015	CINTAS CORPORATION	661-598-767.000	40.00
05/18	05/16/2018	80015	CINTAS CORPORATION	592-549-751.000	101.56
05/18	05/16/2018	80016	CROOKED TREE ARTS CENTER	271-790-958.100	150.00
05/18	05/16/2018	80017	CUMMINS BRIDGEWAY LLC	592-554-802.000	1,591.46
05/18	05/16/2018	80017	CUMMINS BRIDGEWAY LLC	592-537-802.000	443.35
05/18	05/16/2018	80018	CYNERGYCOMM.NET INC.	271-790-850.000	259.67
05/18	05/16/2018	80019	DANIEL, KATRINA	101-789-775.000	51.14
05/18	05/16/2018	80020	Dearborn National	701-000-230.190	1,863.80
05/18	05/16/2018	80020	Dearborn National	101-172-724.000	19.16
05/18	05/16/2018	80020	Dearborn National	101-201-724.000	44.89
05/18	05/16/2018	80020	Dearborn National	101-208-724.000	21.35
05/18	05/16/2018	80020	Dearborn National	101-215-724.000	23.54
05/18	05/16/2018	80020	Dearborn National	101-265-724.000	4.79
05/18	05/16/2018	80020	Dearborn National	101-268-724.000	11.98
05/18	05/16/2018	80020	Dearborn National	101-345-724.000	322.09
05/18	05/16/2018	80020	Dearborn National	101-400-724.000	9.58
05/18	05/16/2018	80020	Dearborn National	101-441-724.000	32.57
05/18	05/16/2018	80020	Dearborn National	101-754-724.000	5.27
05/18	05/16/2018	80020	Dearborn National	101-756-724.000	18.20
05/18	05/16/2018	80020	Dearborn National	101-770-724.000	32.57
05/18	05/16/2018	80020	Dearborn National	101-773-724.000	2.87
05/18	05/16/2018	80020	Dearborn National	101-789-724.000	6.71
05/18	05/16/2018	80020	Dearborn National	204-481-724.000	68.43
05/18	05/16/2018	80020	Dearborn National	271-790-724.000	69.25
05/18	05/16/2018	80020	Dearborn National	514-587-724.000	15.81
05/18	05/16/2018	80020	Dearborn National	582-588-724.000	38.32
05/18	05/16/2018	80020	Dearborn National	592-549-724.000	59.67
05/18	05/16/2018	80020	Dearborn National	592-560-724.000	19.16
05/18	05/16/2018	80021	DECKA DIGITAL LLC	101-268-775.000	388.00
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	101-215-801.000	753.50
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	204-481-801.000	140.24
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	204-481-801.000	30.47
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	204-481-801.000	239.79
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	271-790-801.000	121.92
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	211-441-802.000	160.24
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	514-587-801.000	45.21
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	582-598-802.000	1,090.54
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	592-549-802.000	244.47
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	592-560-802.000	280.83
05/18	05/16/2018	80022	DENNIS GARTLAND & NIERGARTH	661-598-801.000	92.79
05/18	05/16/2018	80023	DERRER OIL CO.	661-598-759.000	2,559.81
05/18	05/16/2018	80024	DROST LANDSCAPE	101-773-931.000	3,225.52
05/18	05/16/2018	80025	ETNA SUPPLY	582-010-111.000	2,965.00
05/18	05/16/2018	80025	ETNA SUPPLY	101-208-931.000	93.00

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05/18	05/16/2018	80025	ETNA SUPPLY	592-546-775.000	40.80
05/18	05/16/2018	80025	ETNA SUPPLY	101-208-931.000	93.00
05/18	05/16/2018	80025	ETNA SUPPLY	101-208-931.000	93.00-
05/18	05/16/2018	80025	ETNA SUPPLY	202-469-775.000	252.20
05/18	05/16/2018	80026	FERGUSON LAWN EQUIPMENT	661-598-786.000	777.00
05/18	05/16/2018	80027	FIVE STAR SCREEN PRINTING PLUS	101-770-767.000	554.00
05/18	05/16/2018	80028	FLYNN'S TRENCHING SERVICE	101-756-802.000	180.00
05/18	05/16/2018	80029	FRATERNAL ORDER OF POLICE	701-000-230.400	42.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	661-598-931.000	1,598.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	661-598-932.000	544.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	661-598-931.000	340.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	661-598-932.000	34.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	101-770-802.000	170.00
05/18	05/16/2018	80030	GIBBY'S GARAGE	582-593-802.000	68.00
05/18	05/16/2018	80031	GOVCONNECTION INC.	101-228-802.000	2,933.42
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-265-775.000	130.86
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-265-775.000	35.85
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	592-551-775.000	14.36
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	592-537-775.000	56.77
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-265-930.000	103.76
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-265-930.000	2.86
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-773-931.000	126.72
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-773-931.000	30.40
05/18	05/16/2018	80032	Great Lakes Pipe & Supply	101-754-775.000	39.48
05/18	05/16/2018	80033	GRP ENGINEERING INC.	582-588-802.000	1,029.63
05/18	05/16/2018	80033	GRP ENGINEERING INC.	582-588-802.000	2,312.75
05/18	05/16/2018	80033	GRP ENGINEERING INC.	582-588-802.000	8,692.28
05/18	05/16/2018	80033	GRP ENGINEERING INC.	582-588-802.000	328.08
05/18	05/16/2018	80034	ICMA-ROTH	701-000-230.900	125.00
05/18	05/16/2018	80035	INGRAM LIBRARY SERVICES	271-790-760.100	860.84
05/18	05/16/2018	80035	INGRAM LIBRARY SERVICES	271-790-760.200	452.99
05/18	05/16/2018	80035	INGRAM LIBRARY SERVICES	271-790-760.000	1,577.77
05/18	05/16/2018	80036	Kingma, Lily	101-789-775.000	11.10
05/18	05/16/2018	80037	KSS ENTERPRISES	101-265-775.000	262.04
05/18	05/16/2018	80037	KSS ENTERPRISES	101-268-775.000	262.01
05/18	05/16/2018	80037	KSS ENTERPRISES	101-754-775.000	262.01
05/18	05/16/2018	80037	KSS ENTERPRISES	101-756-775.000	262.01
05/18	05/16/2018	80037	KSS ENTERPRISES	101-770-775.000	655.00
05/18	05/16/2018	80037	KSS ENTERPRISES	101-773-775.000	262.01
05/18	05/16/2018	80037	KSS ENTERPRISES	101-789-775.000	393.02
05/18	05/16/2018	80037	KSS ENTERPRISES	582-593-930.000	262.01
05/18	05/16/2018	80037	KSS ENTERPRISES	101-789-775.000	302.40
05/18	05/16/2018	80037	KSS ENTERPRISES	101-265-775.000	230.76
05/18	05/16/2018	80037	KSS ENTERPRISES	101-754-775.000	230.75
05/18	05/16/2018	80037	KSS ENTERPRISES	101-756-775.000	230.76
05/18	05/16/2018	80037	KSS ENTERPRISES	101-770-775.000	230.76
05/18	05/16/2018	80037	KSS ENTERPRISES	101-773-775.000	1,038.40
05/18	05/16/2018	80037	KSS ENTERPRISES	101-789-775.000	346.13
05/18	05/16/2018	80038	LOWERY UNDERGROUND SERVICE	582-020-360.000	15,752.25
05/18	05/16/2018	80038	LOWERY UNDERGROUND SERVICE	582-598-802.000	4,803.25
05/18	05/16/2018	80038	LOWERY UNDERGROUND SERVICE	582-598-802.000	672.50
05/18	05/16/2018	80038	LOWERY UNDERGROUND SERVICE	582-586-802.000	1,075.00

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/16/2018	80039	MACKINAW AREA PUBLIC LIBRARY	271-790-955.000	9.50
05/18	05/16/2018	80040	MCCARDEL CULLIGAN	514-587-802.100	40.50
05/18	05/16/2018	80041	MCLEAN & EAKIN BOOKSELLERS	271-790-760.000	6.00-
05/18	05/16/2018	80041	MCLEAN & EAKIN BOOKSELLERS	271-790-760.000	67.96
05/18	05/16/2018	80042	MICHIGAN OFFICEWAYS INC.	271-790-751.000	44.88
05/18	05/16/2018	80043	MICHIGAN PUBLIC POWER AGENCY	582-576-920.000	221,492.47
05/18	05/16/2018	80044	mParks	101-770-912.000	625.00
05/18	05/16/2018	80045	NORTHERN MICHIGAN HARDWOODS	101-770-775.000	319.50
05/18	05/16/2018	80045	NORTHERN MICHIGAN HARDWOODS	101-754-775.000	319.50
05/18	05/16/2018	80046	OTEC RADIO COMM. EQUIPMENT	661-598-932.000	547.55
05/18	05/16/2018	80047	Peninsula Fiber Network LLC	101-228-850.000	500.00
05/18	05/16/2018	80048	PERFORMANCE PAINTING	101-789-802.000	3,050.00
05/18	05/16/2018	80049	Peterson McGregor of Cadillac	101-789-937.000	1,522.00
05/18	05/16/2018	80050	PETOSKEY NEWS REVIEW	271-790-760.400	160.00
05/18	05/16/2018	80050	PETOSKEY NEWS REVIEW	101-172-751.000	200.00
05/18	05/16/2018	80050	PETOSKEY NEWS REVIEW	271-790-760.400	160.00- V
05/18	05/16/2018	80050	PETOSKEY NEWS REVIEW	101-172-751.000	200.00- V
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	1,312.50
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	2,225.00
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	62.50
05/18	05/16/2018	80051	PLUNKETT COONEY	101-257-802.000	350.00
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	4,440.00
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	1,382.35
05/18	05/16/2018	80051	PLUNKETT COONEY	204-481-802.000	1,382.35
05/18	05/16/2018	80051	PLUNKETT COONEY	582-588-802.000	1,382.35
05/18	05/16/2018	80051	PLUNKETT COONEY	592-549-802.000	1,382.35
05/18	05/16/2018	80051	PLUNKETT COONEY	592-560-802.000	1,382.35
05/18	05/16/2018	80051	PLUNKETT COONEY	101-266-802.000	15,030.38
05/18	05/16/2018	80052	Rourke Educational Media	271-790-760.100	104.75
05/18	05/16/2018	80053	SANISWEEP INC.	202-149-802.000	2,457.00
05/18	05/16/2018	80054	SMITH, DANIEL	101-345-912.000	163.73
05/18	05/16/2018	80055	SPARTAN DISTRIBUTORS INC.	661-020-140.000	64,260.70
05/18	05/16/2018	80056	Spectrum Business	101-345-850.000	55.89
05/18	05/16/2018	80056	Spectrum Business	514-587-802.100	105.09
05/18	05/16/2018	80056	Spectrum Business	101-345-850.100	153.51
05/18	05/16/2018	80056	Spectrum Business	101-789-850.000	79.91
05/18	05/16/2018	80056	Spectrum Business	101-770-850.000	74.98
05/18	05/16/2018	80057	Swank Movie Licensing USA	271-790-958.100	488.00
05/18	05/16/2018	80058	Traffic & Safety Control	514-587-802.000	103.00
05/18	05/16/2018	80059	TROPHY CASE, THE	101-756-880.000	35.00
05/18	05/16/2018	80060	USA BLUE BOOK	592-551-775.000	527.12
05/18	05/16/2018	80061	USA Softball of Michigan	101-756-808.120	360.00
05/18	05/16/2018	80062	VAN'S BUSINESS MACHINES	271-790-751.000	224.16
05/18	05/16/2018	80062	VAN'S BUSINESS MACHINES	271-790-751.000	48.68
05/18	05/16/2018	80062	VAN'S BUSINESS MACHINES	101-201-751.000	70.00
05/18	05/16/2018	80063	VERIZON WIRELESS	592-538-920.000	280.07
05/18	05/16/2018	80064	WATER SOLUTIONS UNLIMITED INC.	592-540-783.000	9,119.60
05/18	05/16/2018	80065	Charlevoix Courier	271-790-760.400	67.00
05/18	05/16/2018	80066	ENGLEBRECHT, ROBERT	101-257-802.100	3,750.00
05/18	05/16/2018	80067	TRI COUNTY EXCAVATING	202-451-802.000	54,597.24
05/18	05/16/2018	80067	TRI COUNTY EXCAVATING	203-451-802.000	25,979.67
05/18	05/16/2018	80067	TRI COUNTY EXCAVATING	204-444-802.000	5,781.19

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/16/2018	80067	TRI COUNTY EXCAVATING	592-544-802.000	337.50
Grand Totals:					837,171.70

Report Criteria:

Check.Date = 05/03/2018-05/16/2018

Check Number	Date	Name	GL Account	Amount
79648	05/04/2018	JOHNSON, APRIL	582040285000	.52-
79883	05/09/2018	Cherwinski, Julia	582040285000	20.74
79884	05/09/2018	Daniel, Kerri	101756808120	45.00
79885	05/09/2018	Daniels, Melissa	101756808120	65.00
79886	05/09/2018	Godfrey, David	582040285000	52.52
79887	05/09/2018	Haley, Susie	101756808120	45.00
79888	05/09/2018	Kimberly Lighting	582588803000	2,500.00
79889	05/09/2018	Loucks, Guy	101087653000	804.00
79890	05/09/2018	Murray, Katelyn	582040285000	38.12
79891	05/09/2018	Northern MI Hydroponics	582040285000	8.38
79892	05/09/2018	O'Connor, Michael	582040285000	27.06
79893	05/09/2018	Perry, Aleesha	582040285000	44.00
79894	05/09/2018	Williams, Tara	582040285000	16.35
79996	05/16/2018	AutoZone #5032	582588803000	2,500.00
79997	05/16/2018	Smela, Trevor	582081642300	132.10
79998	05/16/2018	VANTREESE, JACK	582081642300	110.06
Grand Totals:				6,407.81



BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 17, 2018

AGENDA SUBJECT: Second reading of two proposed ordinances related to Appendix A – Zoning Ordinance and Chapter 13 Nuisances – International Property Maintenance Code creating an Accommodation Policy under the Federal Fair Housing Amendments Act (FFHA) in the Americans with Disabilities Act (ADA)

RECOMMENDATION: That City Council conduct a second reading and possible adoption of two proposed ordinances

Background At its February 19 meeting, City Council passed a motion to forward a proposed Zoning Ordinance amendment to the Planning Commission for a public hearing. The ordinance amendment would create a new Section 1912 Fair Housing Accommodation Policy under the Federal Fair Housing Act, designating the Zoning Board of Appeals as the body to hear requests for accommodation and establishes the factors under which such requests shall be evaluated. The ordinance includes three highlighted areas in yellow showing additional language that was not included in the February 19 draft ordinance.

The Planning Commission discussed the ordinance language at the March 15 and March 29 meetings, suggested wording changes, and held a public hearing on April 19. There were no public comments provided on the ordinance amendment and after further discussion, the Commission moved to recommend the ordinance to City Council on a 9-0 vote.

When analyzing whether an accommodation is required under the Fair Housing Act, the Supreme Court rules that there are three elements that the City must follow:

1. The accommodation must be reasonable;
2. The City's policy must give handicapped individuals equal opportunity;
3. The accommodation must be necessary.

In addition, enclosed is an amendment to Chapter 13, Article II of the City's Code in order to also allow accommodations under the International Property Maintenance Code ("IPMC").

Action City Council conduct a second reading on the two proposed ordinance amendments. If Council concurs, there should be two separate motions approving both ordinance amendments pertaining to creating an Accommodation Policy as part of Appendix A – Zoning Ordinance and amendments to Chapter 13 – Nuisances concerning the International Property Maintenance Code.

at
Enclosures

ORDINANCE NO. _____

AN ORDINANCE TO AMEND APPENDIX A OF THE PETOSKEY CODE OF ORDINANCES, ZONING ORDINANCE ARTICLE XIX

THE PETOSKEY CITY COUNCIL ORDAINS:

1. **Appendix A, Article XIX, Section 1912 of the Petoskey Code of Ordinances is hereby created to read:**

Sec. 1912. Fair Housing Accommodation Policy

1. Purpose.

It is the policy of the City of Petoskey, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter "fair housing laws") to provide individuals with disabilities reasonable accommodation in rules, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. This section is intended to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of zoning regulations, practices and procedures to further the City's compliance with fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

2. Definitions.

For purposes of this section, the following terms shall have the meanings ascribed to them:

Eligible Person: A person who is an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities.

Individual with a Disability: Someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment as defined by the fair housing laws. Individuals with a disability include those in recovery from drug or alcohol abuse, but such term does not include current illegal use of a controlled substance (as defined in 21 U.S.C. § 802).

Person: An individual, partnership, limited-liability company, corporation or other entity.

Reasonable Accommodation: Providing eligible persons with flexibility in the application of zoning regulations, practices and procedures, or even granting variances from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.

Request for Reasonable Accommodation: A request by any individual with a disability, his or her representative, a developer or provider of housing for individuals with disabilities, when the application of a zoning regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

3. Notice of fair housing accommodations policy, assistance available.

- a) Notice of the availability of reasonable accommodation shall be prominently displayed at City Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Office of City Planner.
- b) The notice shall indicate that the Office of City Planner will provide an applicant with assistance in filing a request for reasonable accommodation or an appeal from a decision on such request so that the process is accessible.

4. Requests for reasonable accommodation.

- a) The Zoning Board of Appeals shall have the jurisdiction and power to grant a special exception from the non-use requirements of the Zoning Ordinance where necessary to provide reasonable accommodation to allow individuals with disabilities to have reasonable access to housing in the City of Petoskey.
- b) A special exemption is not necessary for state-licensed adult foster care homes to the extent that state law preempts local zoning and may exist legally without the special exception.
- c) An eligible person may request a reasonable accommodation in zoning regulations, practices and procedures.
- d) Requests for reasonable accommodation shall be made in writing, filed in the Office of the City Planner and provide the following information:
 - 1. Name and address of the individual(s) requesting reasonable accommodation;
 - 2. Name and address of the property owner(s) (if different);
 - 3. Address of the property for which accommodation is requested;
 - 4. Evidence that the request is for an individual with a disability under fair housing laws;
 - 5. Description of the requested accommodation and the regulation(s) or procedure for which accommodation is sought;
 - 6. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
 - 7. Evidence that all alternative accommodations and other options have been considered by the applicant;
 - 8. Evidence of whether the property is within 400 feet of another property granted accommodations for use by four (4) or more unrelated persons under this section; and
 - 9. The written consent of the property owner.
- e) Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection except as may be required by the Michigan Freedom of Information Act.

- f) A request for reasonable accommodation in regulations, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- g) Requests for reasonable accommodation shall be reviewed by the Zoning Board of Appeals using the criteria set forth in Subsection (5).
- h) Notice of the application and hearing shall be given in accordance with Section 2006 of the Petoskey Code of Ordinances.

5. Standards of review. The written decision by the Zoning Board of Appeals shall be consistent with fair housing laws and shall take into account the following factors:

- a) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- b) Whether the requested accommodation is necessary to make housing available to an individual with disabilities under the fair housing laws;
- c) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- d) Whether the requested accommodation would require a fundamental alteration in the nature of the City's zoning plan;
- e) Whether there is an alternative accommodation which may provide an equivalent level of benefit to the applicant;

For reasonable accommodations requested by a recovery residence or other group treatment facility, the Zoning Board of Appeals, consistent with fair housing laws, shall also take into account the following additional factors:

- f) Whether the recovery residence is state licensed as a substance use disorder facility;
- g) Whether the recovery residence is a certified member of an established entity that conducts its own inspections and has its own standards for the benefit of occupants, e.g., CARF International, National Alliance for Recovery Residences (NARR) or any equivalent entity having similar requirements for membership;
- h) Whether the property should be managed by a person living on site;
- i) Whether and how the requested accommodation will benefit the people in the program; and
- j) Whether the property is within 400 feet of another property granted accommodations for use by four (4) or more unrelated persons under this section.

6. Written decisions, notice to applicant.

- a) The Zoning Board of Appeals shall issue a decision on a request for reasonable accommodation within 45 days from the date a complete application has been filed with the Office of City Planner and may either grant, grant with modifications or conditions, or deny a request for reasonable accommodation in accordance with the criteria in Subsection 5.
- b) If necessary to reach a determination on the request for reasonable accommodation, the Zoning Board of Appeals may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five-day period to issue a decision is stayed until the applicant completely responds to the request.
- c) If the Zoning Board of Appeals fails to render a decision on the request for reasonable accommodation within the 45 days from the date a complete application has been filed with the Office of City Planner, the request shall be deemed granted.
- d) The written decision of the Zoning Board of Appeals shall explain in detail the basis of the decision, including its findings on the criteria set forth in Subsection 5. The decision shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. A copy of the decision shall be provided to the applicant or sent to the applicant by first class mail.
- e) The written decision of the Zoning Board of Appeals shall be final unless an applicant appeals it to the circuit court.

7. Effect of zoning pending a determination. While a request for reasonable accommodation is pending, all zoning regulations, practices and procedures otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

8. Appeals. An applicant may appeal a decision by the Zoning Board of Appeals as provided by statute.

2. 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.

3. 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.

4. 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.

5. 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.

Adopted, enacted and ordained by the City of Petoskey City Council this _____ day of _____ 2018.

John Murphy
Its Mayor

Alan Terry
Its Clerk

Open.18288.52780.19670969-2

ORDINANCE NO. ____

AMENDMENT TO INTERNATIONAL PROPERTY MAINTENANCE CODE

AN ORDINANCE TO AMEND CHAPTER 13, ARTICLE II, ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE BY ADDING AN ACCOMMODATION POLICY FOR PERSONS WITH DISABILITIES.

THE CITY OF PETOSKEY ORDAINS:

1. Article II of Chapter 13 of the Petoskey Code of Ordinances is hereby amended, in part, to add the following Sections 13-36 and 13-37 as follows:

Section 13-36 Accommodations for Persons with Disabilities

(a) Purpose. It is the policy of the City of Petoskey, pursuant to the Federal Fair Housing Act and the Michigan Elliot Larsen Civil Rights Act (hereafter "fair housing laws") to provide individuals with disabilities reasonable accommodation in rules, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities. This section is intended to provide a procedure for individuals with disabilities and developers of housing for individuals with disabilities to seek relief from the application of the International Property Maintenance Code to further the City's compliance with fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

(b) Definitions. For purposes of this section, the following terms shall have the meanings ascribed to them:

1. ELIGIBLE PERSON

A person who is an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities.

2. INDIVIDUAL WITH A DISABILITY

Someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment, but such term does not include current, illegal use of, or addiction to, a controlled substance (as defined in 21 U.S.C. § 802).

3. PERSON

An individual, partnership, limited-liability company, corporation or other entity.

4. REASONABLE ACCOMMODATION

Providing eligible persons with flexibility in the application of the International Property Maintenance Code, or even granting waivers or variances from certain requirements, when it is necessary to eliminate barriers to equal housing opportunities.

5. REQUEST FOR REASONABLE ACCOMMODATION

A request by any individual with a disability, his or her representative, a developer or provider of housing for individuals with disabilities, when the application of a regulation, policy, practice or procedure under the International Property Maintenance Code acts as a barrier to fair housing opportunities.

- (c) Notice of fair housing accommodations policy, assistance available.
 - 1. Notice of the availability of reasonable accommodation shall be prominently displayed at City Hall, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Office of the City Planner.
 - 2. The notice shall indicate that the Office of the City Planner will provide an applicant with assistance in filing a request for reasonable accommodation or an appeal from a decision on such request so that the process is accessible.

Section 13-37 Accommodation Procedure

(a) Accommodations for persons with disabilities. Upon a written request of an eligible person (as defined, in Section 13-36(b)), the Code Official (as defined in Section 13-23(b)) may grant an administrative variance from requirements imposed under this Chapter if the Code Official determines that all of the following conditions are met:

- 1. The housing subject to the request for reasonable accommodation will be used by individuals with disabilities protected under fair housing laws;
- 2. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities as required under the fair housing laws;
- 3. The requested accommodation will not impose an undue financial or administrative burden on the City;
- 4. The requested accommodation will not require a fundamental alteration in the nature of the City's housing program; and
- 5. There are no alternative accommodations which may provide an equivalent level of benefit to the applicant.

(b) Appeals. Any owner or person who is aggrieved by the ruling or decision of the Code Official in any matter relative to an administrative variance or the interpretation or enforcement of any of the provisions of the International Property Maintenance Code may appeal the decision or interpretation to the Zoning Board of Appeals.

(c) Filing. Such appeal must be filed with the Office of the City Planner, in writing, within 30 days of the date of the issuance of the decision or interpretation. An appeal shall not be received if the City has commenced prosecution proceedings pursuant to Section 13-29 through 13-33.

(d) Decision; Zoning Board of Appeals. The appeal shall be decided by the following procedure:

1. The Zoning Board of Appeals shall hold a public hearing to hear evidence of violations from the Code Official and the appellant. The appellant shall attend in person or may be represented by legal counsel.
2. The Zoning Board of Appeals shall render its decision not more than 45 days after the conclusion of the hearing. The failure to decide an appeal within 45 days shall be deemed a denial. The decision of the Zoning Board of Appeals shall include findings of fact and conclusions of law based upon the evidence presented by the Code Official and appellant. Witnesses and other documentary evidence shall be permitted in the proceedings before Zoning Board of Appeals.
3. The Zoning Board of Appeals shall have the authority and jurisdiction to affirm, amend or reverse the decision or interpretation of the Code Official. The Zoning Board of Appeals shall also have the authority and jurisdiction to grant a variance from this article for any requirement if compliance with the requirement imposes undue burden upon the applicant due to unforeseen uses or circumstances or an alternate proposal will satisfy the spirit of the requirements of this chapter. The Zoning Board of Appeals shall not have the authority to grant a variance from any of the requirements of this article unless it determines that the health, welfare, and safety of occupants of the affected property will not be compromised. The Zoning Board of Appeals may not grant a variance from or waive any fees or late charges.

2. In all other respects, the terms and conditions of Chapter 13, Article II shall remain in full force and effect; the terms of which are hereby incorporated by reference.

3. 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.

4. 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.

Adopted, enacted and ordained by the City of Petoskey City Council this _____ day of _____ 2018.

John Murphy
Its Mayor

Alan Terry
Its Clerk



BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 17, 2018

AGENDA SUBJECT: Discussion and Second Reading of a Proposed Ordinance Establishing Mobile Food Vending Regulations

RECOMMENDATION: That the City Council discuss – no formal action required

Background At the last City Council meeting on May 7, Councilmembers discussed a first reading of the draft Mobile Food Vending ordinance. At the meeting, City Council asked that City Staff talk to the Resource Center concessionaire regarding mobile food trucks in the parking lot just east of the building. The concessionaire voiced concerns about food trucks in the adjacent parking lot and would prefer that the City not utilize this area. Consequently, Staff is not recommending that food trucks be located next to the Resource Center for the remainder of her two-year contract with the City (2018 and 2019).

City Council tentatively agreed to lower the number of food truck licenses on public property to six (6). The ordinance was developed as a “pilot program” for 2018 and 2019 and sunsets on December 31, 2019. Based upon potential impacts to public areas, popularity of the food trucks, and any feedback received over the duration of the two-year program, City Council could amend any provisions of the program including increasing or decreasing the number of licenses for public areas. City Council would also have the option to revoke the ordinance at any point in time.

At the May 7 meeting there was general discussions regarding what public areas the City would allow food trucks to operate. Research Staff has completed on mobile food trucks state that food truck programs are generally more successful if the trucks are allowed to be clustered together. For this reason, each of the proposed four sites allow up to two mobile vending trucks per location. Based upon feedback from City Council and discussions with City staff, Staff is recommending the following locations (see enclosed aerial map also):

1. Behind the Fire Station – Four parking spaces will be utilized for up to two mobile vending trucks.



2. East Bayfront Drive – Location for up to two mobile vending trucks.



3. River Road Sports Complex – Location for up to two mobile vending trucks.



4. Magnus Park (Staff recommendation) – Location for up to two mobile vending trucks.



Based upon research by the City Planner, fees to operate a mobile vending truck on public property run the gamut. When considering fees, City officials should strive to create a balance between covering the additional costs to the City for mobile vendors that is also not cost-prohibitive for the vendors and promotes entrepreneurship. Some additional costs to the City could be expected such as increases in trash removal frequency, increase in bathroom usage, annual fire safety inspection of food trucks by the Public Safety Department, staff time to review annual applications, etc.

Staff proposes the following categories for annual fees:

- If vending on City property: \$ _____
- If vending on private property: \$ _____
- If a city-based food service establishment operating on City property: \$ _____
- If a city-based food service establishment operating on non-city property: \$ _____

Action Staff is looking for general direction on the proposed sites as well as fees associated with the above categories that will be included in a future resolution. To allow for additional community feedback, Staff recommends that no formal action be taken at this meeting. At the next City Council meeting on June 4, City Council could consider approval of both the ordinance as well as the resolution establishing mobile vending sites and a fee schedule.

rs
Enclosures

The following was included at the first reading of a mobile food vending ordinance on May 7.

City At its December 4th meeting, City Council discussed the topic of food truck regulations and requested that the Planning Commission recommendation draft such regulations that would allow food trucks on private property and would create a trial period for food trucks on public property.

The Commission established a sub-committee to research leading practice and make recommendations on possible regulations. The committee studied communities that have implemented mobile vending successfully (Traverse City, MI; Hilton Head, SC; Portland, OR; Missoula, MT; Raleigh, NC) and met with local representatives of food trucks and brick-and-mortar establishments. The committee findings and proposed ordinance language was brought back to the Planning Commission for discussion at its March 15 meeting. To date, there has been no negative feedback provided. Some of the issues researched and discussed include:

- Food trucks can meet a need that restaurants cannot, they diversify our offerings, and they can enhance Petoskey as a destination.
- Location is key – if we want the experiment to be successful, allowing food trucks in heavily pedestrian- oriented, visible locations should be a top priority.
- Trucks are most successful when they are clustered.
- If the trial period will allow food truck licenses on public property, they should be available on a first come, first serve basis rather than on a reservation basis. Putting a maximum on the number of licenses available for public property sites during the trial basis may ease community anxiety.
- A fee structure that gives preferential treatment to local establishments may entice brick and mortar establishments to get into mobile vending, but they are different business models so it may not be enticing enough.
- Given we are now into May, many vendors will already be committed for the 2018 season, so the timeframe of the trial period may need to run through summer 2019.
- Noise could be a concern if placed near residential properties; may want to regulate generator noise levels.
- There isn't a need to duplicate existing regulations, but want to make sure they are accounted for in application (e.g., Health Department, Building Department).
- Downtown parking is a sensitive issue so mobile vending use of public parking should be well controlled as to location, timing and quantity.
- Distance requirements from existing restaurants may lessen some concerns.
- Decide whether the sale of ancillary items, such as t-shirts, should be allowed.

Possible Ordinance Language

Based on discussions at the Planning Commission level as well as models studied, business licensing is the chapter of the Code of Ordinances that is recommended to create mobile vending regulations. A sample ordinance and draft license application is enclosed, with areas that need further refinement highlighted. The Commission identified three public property locations they would recommend based on either the "food dessert" or "cool factor" criteria, and suggested a maximum of 12 trucks on public property and unlimited number on private property during the trial period.

- Bayfront Park behind the fire station
- Bayfront Drive east of the ballfield
- Under the Mitchell Street bridge

Action

At this time, City Council is being asked to hold a first reading and discuss the ordinance. If Council agrees to allow food trucks on public property, an additional resolution would be brought forward specifying locations, and the fees would need to be established.



2 spaces at
Magnus Park

2 spaces behind
the fire station

2 spaces at east
end of Bayfront
Drive

2 spaces at River
Road Sports
Complex

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE PETOSKEY CODE OF ORDINANCES,
BUSINESSES AND BUSINESS REGULATIONS, CREATING A NEW ARTICLE VIII MOBILE
FOOD VENDING**

THE CITY OF PETOSKEY ORDAINS THE FOLLOWING ARTICLE BE CREATED:

1. Article VIII Mobile Food Vending

An amendment to Chapter 8 Businesses and Business Regulations that will expire after December 31, 2019. During this trial period, there may be up to twelve (12) licenses issued for designated locations on public property and no limit to the number of licenses that may operate on private property.

Division 1. Generally

Sec. 8-300 Intent.

The intent of this Section is to encourage mobile food vendors that will provide food service options in underserved areas, promote entrepreneurial activity, and increase vibrancy and culture to the City of Petoskey.

Sec. 8-301 Definitions.

- (a) *Mobile food vending* shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.
- (b) *Mobile food vending unit* shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.
- (c) *Vendor* shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.
- (d) *Operate* shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

Sec. 8-302-8-314 Reserved.

Division 2. License

Sec. 8-315 License required.

No vendor shall engage in mobile food vending without a license from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such licenses and application for such license. All licenses shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be licensed unless it meets the definition of mobile food vending as defined by this ordinance.

Sec. 8-316 Duration; non-transferability.

Licenses may be issued by the City Clerk that will expire December 31, 2019. Any license issued under this chapter is non-transferable.

Sec. 8-317 Application.

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a license under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Council. Additionally, the applicant shall provide all documentation, such as insurance, as required by the City.

Sec. 8-318 Fees.

An application for a license under this chapter shall be accompanied by an annual fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a license has been issued by the City Clerk. If operating on non-city property, no fee shall be charged to a business that currently operates a food and/or beverage business in the City. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

Sec. 8-319 Requirements.

Any vendor engaging in mobile food vending shall comply with the following requirements:

- (1) Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.
- (2) If operating on city-owned or controlled property, may only locate on such property in locations as established by a resolution adopted by the City Council.
- (3) No vendor may operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.
- (4) No vendor may use flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- (5) No vendor shall use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.
- (6) Comply with the City's Nuisance Ordinance, Sign Ordinance and all other City ordinances.
- (7) Comply with all applicable federal, state and county regulations.
- (8) May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within three (3) feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.
- (9) The hours of mobile food vending are between 7:00 A.M. and 11:00 P.M. Other restrictions regarding hours of operation may be established by resolution of the City Council.
- (10) No mobile food vending unit may be left unattended for more than two hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 P.M. and 7:00 A.M.
- (11) Mobile food vending units shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended across any City street, alley or sidewalk.

Sec. 8-320 Impoundment.

Any equipment associated with food vending that is not in compliance with this chapter and left on public property may be impounded at the owner's expense.

Sec. 8-321 Other licenses.

A license obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other license, or authorization required by any other ordinance, statute or administrative rule.

Sec. 8-322 Revocation.

The City Clerk shall revoke the license of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the license holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the license shall become null and void.

Sec. 8-323 Complaints; appeals.

If a written complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a license is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a license may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

Sec. 8-324 Violation and Penalty.

A violation of this chapter is responsible for a municipal civil infraction and subject to fines as established by City Council.

2. **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.

3. **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.

4. **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.

5. **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.

Adopted, enacted and ordained by the City of Petoskey City Council this ____ day of _____ 2018.

John Murphy
Its Mayor

Alan Terry
Its Clerk



BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 15, 2018

AGENDA SUBJECT: Marina Ice Repairs to Pilings and Docks

RECOMMENDATION: That the City Council authorize contracting with R.B. Lyons, Inc., Charlevoix, for Marina ice damage repairs

Background Routinely included within the City's annual budget are monies in the Bayfront Park Marina Restricted Fund Balance as part of the General Fund, which are utilized for improvements, ice damage and emergency repairs to marina facilities. In 2018, the Annual Budget included \$30,000 for anticipated repairs due to ice damage. Unfortunately, this year's severe winter temperatures and heavy ice conditions again resulted in more damage to marina docks and pilings caused by ice lifting (jacking) resulting in costlier repairs. Recognizing the unanticipated cost of the dock repair, City staff will be diligent in finding areas in the marina budget where cost savings can occur.

Proposals City staff prepared detailed bid specifications for the "Repair of Ice Damage" at the Petoskey Marina dated April 27, 2018; bids were advertised in the Petoskey News Review on April 27, 2018 and were also made available on the City's website. Bid invitations were also sent to five marine contractors. Bids were opened at 2:00 P.M. on Tuesday, May 15, 2018 and two bids were received. Bid results are as follows:

<u>Bidder</u>	<u>Amount</u>
R.B. Lyons, Inc. Charlevoix	\$ 53,490
Kokosing Industrial, Inc. Durocher Marina Division Cheboygan	\$ 91,000

Review Staff reviewed the bids received and is confident that the low bid of \$53,490 is a complete bid and that the contractor has a proven track record with the City and is able to perform the work as specified. In 2015, the Marina had similar damage due to heavy ice formation and repair costs were similar to this year's low bid and the work was performed by the same contractor.

Recommendation City staff recommends that City Council authorize contracting with R.B. Lyons, Inc., Charlevoix, for ice damage repair in the amount of \$53,490. It should also be noted that R.B. Lyons was involved in the construction of the marina pier expansion project and has performed numerous marina repairs for the City over the years.

kk



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: May 21, 2018

DATE PREPARED: May 15, 2018

AGENDA SUBJECT: Accept State of Michigan Waterways Grant Agreement for Pier B Pedestal Removal and Replacement

RECOMMENDATION: That City Council adopt the enclosed resolution

Background The City of Petoskey was recently awarded a matching grant in the amount of \$35,350 from the State of Michigan Waterways Commission for removal and replacement of 27 pedestals on Pier B. The total cost of the Pier B pedestal replacement is estimated at \$70,700.

Work to include removal and replacement of 27 pedestals that currently cannot be retrofitted to GFCI protection. The project will be in conjunction with the electrical upgrades for Piers A, C & D scheduled to take place after the 2018 boating season. At the completion of the project, all of the new pedestals will be the same manufacture, installed by the same contractor and have the same warranty. Additionally, having the GFCI breaker at each slip offers one more level of safety for boaters and marina guests.

Action That City Council accept the agreement as written and adopt the enclosed resolution.

kk
Enclosures



City of Petoskey

Resolution

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

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

1. To appropriate the sum of Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) to match the Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) State 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 facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.

4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.

5. To establish and appoint the _____ to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.

7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution.”

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
)
COUNTY OF EMMET)

I, _____, Clerk of the City of Petoskey, Michigan, certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which was adopted by the City Council at a meeting held May 21, 2018.

Dated: _____

City Clerk

WATERWAYS GRANT AGREEMENT

Harbors and Docks – Mooring Construction

THIS WATERWAYS GRANT AGREEMENT (the "Agreement") is made as of _____, 2018, between the City of Petoskey, EMMET COUNTY, MICHIGAN (the "City") and the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, a principal department of the State of Michigan (the "Department").

WHEREAS, the City is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels;

WHEREAS, the City has asked that the Department assist the City in the replacement of pedestals on pier B at the Petoskey Municipal Marina (the facilities);

WHEREAS, the Department is willing to assist the City to construct the facilities, which are estimated to cost Seventy Thousand Seven Hundred dollars (\$70,700.00), with the Department agreeing to pay 50% of the estimated cost, and is not to exceed Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00).

NOW, THEREFORE, in consideration of the Agreement's mutual promises and undertakings, the parties agree as follows:

1. The Department shall:

(a) 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, but not to exceed Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00). The words "plans and specifications" shall mean the plans and specifications developed for the City for the facilities prepared by a consulting firm duly licensed to perform professional services within the State of Michigan (the "State").

(b) release State funds as reimbursement according to the following:

Acceptance by the City of this Agreement, written Department approval of final plans and specifications (bidding documents), receipt of all necessary permits, award of contract to a competent contractor (licensed in the State of Michigan) to accomplish the work called for by the plans and specifications following bidding procedures acceptable to the Department and City, and receipt of payment reimbursement requests.

The final ten (10) percent shall be paid upon completion of work and receipt of progress payment requests from the contractor that are approved for payment by the designated project manager. The final ten (10) percent of State funds shall be paid upon completion of the project and 60 days after receipt of project cost documentation to the Department by the City or completion of an audit of the expenditures for the facilities by the Department, whichever occurs first.

(c) make the resources of the Department and the experience gained by the Department operating similar boating projects available to the City.

(d) provide for the periodic inspection of the facilities, including all equipment and buildings.

2. The City shall:

(a) immediately appropriate the sum of Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) for the project, which represents fifty (50) percent of the total cost of the project work called for by this Agreement. Any additional funds needed to complete this work, called for in this Agreement, shall be provided by the City.

(b) construct the facilities to the satisfaction of the Department, and to provide the funds, services, and materials necessary to satisfy this Agreement. There shall be no deviation from the plans and specifications without the express written consent of Parks and Recreation Division. Proceeding with unauthorized changes shall result in excluding the work from State fund eligibility. Upon completion of the project, a final set of "as built" plans shall be submitted to the Department on a CD in an appropriate format.

(c) use all funds granted by the Department to this Agreement solely for the conduct and completion of the project work within three (3) years from the date of this Agreement. The City shall maintain satisfactory financial accounts, documents and records, and shall make them available to the Department for auditing at reasonable times. The City shall retain all accounts, documents, and records for the facilities for not less than three (3) years following completion of construction.

(d) permit Department review and approval of all professional services agreements, project contracts, bidding documents, specifications and final engineering drawing plans before being sent out to bid. The final engineering drawings shall provide, or conduct, soil boring data for any projects below the waterline. The Department must approve all change

orders before being initiated. The Department reserves the option to have a representative on the selection panel for all contracts.

(e) ensure that all premises, buildings, and equipment-related procedures comply with all applicable State and Federal regulations for employee and public safety and with all applicable construction codes. All facilities shall comply with the barrier free design requirements of the Utilization of Public Facilities by Physically Handicapped Act, MCL 125.1351 *et seq.* The City shall submit a written report to the Department in which any safety issues, identified through Department 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 the work.

(f) construct the facilities authorized under this Agreement, and the land and water access ways to those facilities, only in accordance with the plans and specifications approved by the Department.

(g) certify to the best of its knowledge and belief that the City and any principal, agent, contractor, and subcontractor of the City:

(1) are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any State or Federal agency.

(2) have not been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property within a three-year period preceding this Agreement.

(3) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses.

(4) have not had one or more public transactions (Federal, State, or local) terminated for cause or default within three years preceding this Agreement.

(5) will comply with all applicable requirements of all Federal and State laws, rules, executive orders, regulations, and policies governing this program.

3. After the facilities are constructed, the City shall:

(a) establish or assign a competent and proper agency of the City to operate the facilities, to regulate the use of the facilities, and to provide for maintenance for the facilities to the satisfaction of the Department.

(b) provide to the Department for approval, a complete tariff schedule containing all charges to be assessed against watercraft utilizing the facilities and to provide any amendment to the schedule to the Department for approval before becoming effective. Any fee schedule adopted by the City shall provide for sufficient income to defray operating and maintenance expenses of the project exclusive of depreciation. The City shall not impose fees for the use of the facilities unless they have been specifically approved by the Department in writing. Any net revenues accruing from the operation of the facilities shall be separately accounted for and reserved in a restricted fund by the City for the future maintenance or expansion of the facility or, with the Department's approval, for the construction of other recreational boating facilities. The City shall request, no more than once annually, approval to vary from fee rates set by the Department.

(c) enforce all State statutes and local ordinances pertaining to marine safety, licensing of watercraft, and the dispensing of marine fuel within the City.

(d) furnish the Department, upon request, detailed statements covering the annual operation of the facilities, including boat traffic, income, and expenses for the 12 months ending December 31 of each year.

(e) hold the State of Michigan and the Department harmless from damages or any suits brought against the City due to construction, maintenance or operation of the facilities.

(f) maintain throughout the life of this Agreement suitable signs for both land and water approaches designating this project as having been constructed by the City and the Department. The size, color, and design of these signs must meet department specifications and shall be approved by the Department before being constructed.

(g) adopt the ordinances or resolutions as required to effectuate this Agreement. The City shall forward certified copies of all the ordinances and resolutions to the Department before their effective date.

(h) participate in the State Harbor Reservation System for the life of facilities.

(i) provide, upon the Department's request, one seasonal boat slip at no cost for Department-owned vessels.

4. Facility improvements are held in perpetuity. Perpetuity is defined as life of facilities. Life of facilities is defined as a minimum of 20 years from latest grant award. The City

may request release from grant obligations after 20 years from date of last executed grant agreement.

5. The City shall comply with all State and Federal statutes applicable to the facilities.

6. The City must submit all reports, documents, or actions required by this Agreement to Parks and Recreation Division, Department of Natural Resources, P.O. Box 30257, Lansing, Michigan 48909. The City must submit invoices for reimbursement within ninety (90) days of invoice date.

7. Nothing in this Agreement shall be in any way construed to impose any obligation of whatsoever nature, financial or otherwise, upon the Department for the operation or maintenance of any recreational boating facilities.

8. All of the facilities constructed pursuant to this Agreement, or pursuant to any amendments or extensions of this Agreement, shall be reserved in perpetuity by the City for the exclusive use and/or rental, on a daily basis, by the operations of transient recreational watercraft, unless otherwise authorized in writing by the Department.

9. Commercial operations of any type shall not be permitted to regularly use any of the facilities or to be located on the facilities without the prior written approval of both the City and the Department.

10. The facilities and the land and water access ways to the facilities shall be open to the public at all times on equal and reasonable terms, and that no individual shall be denied access to, or the use of, the facilities on the basis of race, color, religion, national origin, or ancestry contrary to the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 *et seq.* or the Persons with Disabilities Civil Rights Act 1976 PA 220, MCL 37.1101 *et seq.*, and any violation of this requirement shall be a material breach of contract, subject to penalties as provided in this Agreement.

In connection with this Agreement, the City shall:

(1) comply with the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 *et seq.*, and all other Federal, State and local fair employment practices and equal opportunity

laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The City agrees to include this covenant, not to discriminate in employment, in every subcontract entered into for the performance of this grant agreement. A breach of this covenant is a material breach of this Agreement.

(2) send, or its collective bargaining representative shall send, to each labor union representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative its commitments under this Agreement.

11. The City represents that it possesses good and clear title to all lands involved in this project, and that it will defend any suit brought against either party which involves title, ownership, or specific rights, including appurtenant riparian rights of any lands connected with or affected by this project.

12. The facilities constructed under this Agreement shall not be wholly or partially conveyed, either in fee or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the title, ownership, or right of maintenance or control by the City without the Department's prior written approval.

13. Any failure by the City to abide by any of the conditions, promises, or undertakings contained in this Agreement shall constitute a material breach of this Agreement. A material breach of this Agreement could result in an "ineligibility" status with all Department-administered grant programs until the breach is corrected. Once a non-compliance issue(s) has been documented, the Department shall notify the [local unit of government]. The [local unit of government] has a right and an obligation to cure, and shall collaborate with the Department to develop an acceptable plan to remedy any and all non-compliance issue(s), with the primary goal to continue to provide long term recreational waterway access to the boaters of Michigan. Further, a material breach of this Agreement by the City shall entitle the Department to the following options:

(a) To purchase the facilities and the right of access over City property to the facilities at the existing value of the facilities, less any financial contribution made by the Department. The value of the facilities shall be determined by three competent appraisers; one to be selected by the City, one to be selected by the Department, and the third to be selected by the first two appraisers. The Department and the City shall equally share the total fees of these appraisers, including expenses. The appraisal shall be limited to the value of the facilities for the construction, repair, or rehabilitation in which the facilities are located. No value shall be assigned to the right of access to the facilities over City property. The Department shall have ninety (90) days from the date of receipt of the appraisals within which to exercise its option. If the Department does not exercise the option within that period, the City shall pay to the Department a sum equal to the total financial contribution made by the Department towards the construction or maintenance of the facilities.

(b) To accept from the City a sum equal to the total financial contribution made by the Department for the construction or maintenance of the facilities.

14. This Agreement shall not be effective until the Michigan Legislature appropriates the State funds for the facilities and the State Administrative Board approves their release.

15. The Department's rights under this Agreement shall continue in perpetuity.

16. Failure of either party to insist on the strict performance of this Agreement shall not constitute waiver of any breach of the Agreement.

17. This Agreement represents the entire agreement between the parties and supersedes all proposals or other prior agreements, oral or written, and all other communications between the parties.

18. No amendment to the Agreement shall be binding upon the parties unless it is in writing and signed by a duly authorized representative of both parties.

IN WITNESS WHEREOF, the parties execute this Agreement by the signatures of their duly authorized representatives.

WITNESSES:

CITY OF PETOSKEY

By: _____

Title: _____

**MICHIGAN DEPARTMENT OF
NATURAL RESOURCES**

By: _____

Ronald A. Olson, Chief
Parks and Recreation Division

RESOLUTION

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

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

1. To appropriate the sum of Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) to match the Thirty-five Thousand Three Hundred Fifty dollars (\$35,350.00) State 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 facilities and provide the funds, services, and materials as may be necessary to satisfy the terms of the Agreement.

4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.

5. To establish and appoint the _____ to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.

7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)
)
COUNTY OF EMMET)

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

Dated: _____

City Clerk



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 17, 2018

AGENDA SUBJECT: Conventions Resolution

RECOMMENDATION: That the City Council adopt this proposed resolution

Background As required by City Charter provisions, the City Council will be asked to adopt the enclosed proposed resolution that would schedule times and designate locations for conducting annual Ward and City Conventions.

Dates In order to comply with the State's filing deadlines for candidates, the proposed date of the four Ward Conventions are scheduled simultaneously for 8:00 P.M., Monday, July 9, and the City Convention is scheduled for 8:00 P.M., Wednesday, July 11.

Locations Ward Conventions would be conducted at the City Hall Council Chambers (First Ward), Ottawa Elementary Media Center (Second Ward), Lincoln Media Center (Third Ward), and Spitler Administration Building Board Room (Fourth Ward). The City Convention will convene at the North Central Michigan College Library Conference Center.

sb
Enclosure



City of Petoskey

Resolution

WHEREAS, in accordance with provisions of the City Charter, the City Council must establish dates and places for annual Ward Conventions and the annual City Convention:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby calls the annual 2018 Ward Conventions to be held at 8:00 P.M., Monday, July 9, at the City Hall Council Chambers for the First Ward, Ottawa Elementary Media Center for the Second Ward, Lincoln School Media Center for the Third Ward, and Spitler Administration Building Board Room for the Fourth Ward; and

BE IT FURTHER RESOLVED that the City Council does and hereby calls the annual 2018 City Convention to be conducted at 8:00 P.M., Wednesday, July 11, at the North Central Michigan College Library Conference Center.



BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 15, 2018

AGENDA SUBJECT: Tax Millage Rate Resolution

RECOMMENDATION: That the City Council adopt this proposed resolution

Background City Council approved the 2018 Annual Budget at their November 20, 2017, meeting which included a provision for property-tax millage rates to remain the same as in 2017. City Council is now being asked to formally establish the millage rates necessary to provide the budgeted property-tax revenue approved in the 2018 Annual Budget for the General Fund, Library Fund, and Right-of-Way Fund.

Millages Millage rates are authorized by State law, City Charter, and voter approval. The total of all five original City millages is 19.75 mills, with the City Charter setting the general-operating millage at ten mills and the right-of-way millage at five mills. State law allows up to two mills for solid-waste programs and one mill for library purposes, and a second mill with voter approval, along with a voter approved .75 mill for Public Safety equipment, with all rates subject to rollback by the "Headlee Amendment".

Taxable Value The 2018 Annual Budget estimated property-tax revenues are based on the same millage rates established last year and an increased taxable value projected at .60% more than in 2017, or \$485,005,456. The actual taxable value for 2018 has now been established at \$495,866,039, for a 2.2% increase over 2017, or \$10,860,583 more than estimated.

The actual increase in taxable value is higher than the estimated taxable value and the State inflation rate is 2.1%, which is nearly the same as the actual taxable value increase of 2.2%. This higher rate of inflation used in computing the Headlee tax limitation, will not require City's millage rates to be rolled back. The City will finally be able to realize the entire increase in taxable value, which has been a major issue in recent years.

Even though the City's taxable value in recent years has increased by 1% to 3% due to market value increases, the State's rate of inflation has been significantly less, requiring the City to roll back the millage rate, which reduces the increase in tax revenues. The City does realize increases in tax revenue from new construction, but this has been minimal in recent years.

Revenues Property tax revenue budgeted for 2018 includes \$3,788,000 for the General Fund, consisting of \$3,248,000 for general-operating purposes, \$209,000 for solid-waste programs and \$331,000 for Public Safety equipment, which will now total \$3,311,500, and \$214,000, and \$339,300 respectively. The Library Fund budgeted amount of \$782,300 will now total \$799,200 for the combined voter-approved and Council-approved millage rates. The Right-of-Way Fund budgeted tax revenues of \$1,673,000 will now total \$1,705,200.

Tax Revenue Analysis The following is a schedule of property tax revenue that will be collected for each fund based on millage rates included in the approved 2018 Annual Budget at the taxable value now established for this year of \$495,866,039.

Purpose	Millage Rate	Gross Tax Revenues	Less		Net Tax Revenues
			TIFA Captures	Township Act 425	
General Operating	7.5660	\$3,751,700	\$130,800	\$ 309,400	\$3,311,500
Solid waste	0.4890	242,400	8,400	20,000	214,000
Public Safety equip	0.7459	369,800	0	30,500	339,300
Library	1.7890	887,100	14,700	73,200	799,200
Right-of-Way	3.8962	1,931,900	67,400	159,300	1,705,200

Action Enclosed is a proposed resolution that would establish the five property-tax-millage rates for 2018 and would authorize appropriations from such levies to the General Fund, Library Fund, and Right of Way Fund.

at
Enclosure



City of Petoskey

Resolution

WHEREAS, as required by City Charter provisions, the City Manager on November 6, 2017 presented to the City Council the City's proposed annual budget for the 2018 fiscal year; and

WHEREAS, as also required by City Charter provisions, the City Council on November 20, 2017, conducted a public hearing to receive comments concerning the proposed budget, including rates of property-tax millages that had been estimated for levies during 2018; and

WHEREAS, following its review of the proposed 2018 Annual Budget, and after conducting a public hearing to receive comments concerning the proposed budget and estimated tax levies, the City Council on November 20, 2017, approved the 2018 Annual Budget:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby directs that there shall be raised through a general tax upon the taxable real and personal property within the City during the next summer tax levy for the year commencing January 1, 2018, millages in the amount of 7.5660 for general operating purposes, 0.4890 for solid-waste purposes, 0.7459 for Public Safety equipment purchases, 1.7890 for library purposes, and 3.8962 for right-of-way purposes; and, when collected, proceeds from such levy are hereby appropriated to the General Fund, Library Fund, and Right-of-Way Fund; and

BE IT FURTHER RESOLVED that the total aggregated amount of all such authorized millages shall total 14.4861 mills; and

BE IT FURTHER RESOLVED that these various millages so ordered to be levied shall be certified by the City Clerk-Treasurer to the City Assessor and shall be levied and collected upon the taxable value of all taxable property within the City.



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: May 21, 2018

PREPARED: May 16, 2018

AGENDA SUBJECT: Property Transfer Affidavit Penalty

RECOMMENDATION: That the City Council approve the proposed resolution

Summary Upon the transfer of real property, the purchaser is required to file a Property Transfer Affidavit (Form L-4260) with the local Assessor within 45 days of the transfer. The form provides the Assessor with the purchase price and whether the property is a principle residence, among other information.

MCL 211.27b of the General Property Tax Act (Act) provides for a penalty of \$5.00 per day for failure to file the required form following the 45-day period, up to a maximum penalty of \$200.00. The City has not levied this penalty, as most often the filing becomes the responsibility of the title company as part of the closing and the purchaser is unaware of the requirement and that the form has not been filed.

The Act also allows for the governing body of the local tax collecting unit to waive the penalty by resolution. Due to the time involved in billing and pursuing unpaid invoices, along with the general nature of the purchaser being unaware of this requirement, City staff is requesting the City Council to adopt the proposed resolution waiving the penalty assessment for the late filing of the property transfer affidavit.

Action City Council approve the enclosed resolution.

at
Enclosure



City of Petoskey

Resolution

WHEREAS, Public Act 206 of 1893, MCL 211.27b requires a penalty to be assessed to a purchaser upon transfer of ownership of property, if the filing of a Property Transfer Affidavit is not filed or not timely filed within forty-five (45) days of any transfer of ownership; and

WHEREAS, under the above referenced Act and Section, a local unit of government may waive that penalty by resolution; and

WHEREAS, the City of Petoskey desires to waive the filing penalty:

NOW, THEREFORE BE IT RESOLVED that the penalty for failure to file or not timely file a Property Transfer Affidavit upon transfer of ownership, is hereby waived until further notice.

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 Council of the City of Petoskey on the 21st day of May, 2018, and of the whole thereof.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of said City of Petoskey this ____ day of May, 2018.

Alan Terry, City Clerk