



City of Petoskey

Agenda

CITY COUNCIL

June 4, 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. Proclamation – Proclamation declaring June 1 to be National Gun Violence Awareness Day
5. Consent Agenda – Adoption of a proposed resolution that would confirm approval of the following:
 - (a) May 21, 2018 regular session City Council meeting minutes
 - (b) Acknowledge receipt of a report concerning certain administrative transactions since May 21, 2018
6. Miscellaneous Public Comments
7. City Manager Updates
8. Closed Session – Adoption of a proposed resolution that would authorize to recess to a closed session, pursuant to Section 8(e) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation
9. Old Business – Third reading and possible adoption of a proposed ordinance that would amend Chapter 8 Businesses and Business Regulations creating a new Article VIII concerning mobile food vending and adoption of a proposed resolution that would establish fee schedules and designated City-owned sites
10. New Business
 - (a) Discussion and authorization to direct staff to solicit bids for the City Hall exterior restoration project
 - (b) Adoption of a proposed resolution that would designate staff to apply to the Michigan Department of Transportation for routine necessary permits to work within State Highway Rights-of-Way on behalf of the City
11. Closed Session – Adoption of a proposed resolution that would authorize to recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure
12. City Council Comments
13. Adjournment



This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the City of Petoskey to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

WHEREAS, protecting public safety in the communities they serve is Mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, Mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later, should be now celebrating her 21st birthday; and

WHEREAS, to help honor Hadiya – and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 1, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 1, the first Friday in June in 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1, 2018 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe:

NOW, THEREFORE BE IT RESOLVED, that Mayor John Murphy of the City of Petoskey declares the first Friday in June, June 1, 2018, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Dated this 4th day of June, 2018.

Mayor John Murphy



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: June 4, 2018

PREPARED: May 31, 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 21, 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 21, 2018 for contract and vendor claims at \$877,274.44, intergovernmental claims at \$0, and the May 31 payroll at \$206,555.07 for a total of \$1,083,829.51.

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Enclosures



CITY COUNCIL

May 21, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, May 21, 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, Public Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

Hear MDOT 2019 U.S. 31 Realignment Project Presentation

Jay Gailitis, MDOT representative, reviewed 2019 realignment project, various work to be performed and proposed detours.

Mayor Murphy asked for public comments and there were positive comments that the project is a much needed improvement; that a traffic signal should be installed at Sunset Park; that up to 8 parking spaces may be lost on Lewis Street with hopes to gain some back; and that if there is work performed on Saturday's and evening hours, it should be done away from the Perry Hotel. Mr. Gailitis responded that there is not enough pedestrian traffic for a light at Sunset Park based on federal standards.

Consent Agenda - Resolution No. 19188

Following introduction of the consent agenda for this meeting of May 21, 2018, City Councilmember Marshall moved that, seconded by City Councilmember Dittmar adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the May 7, 2018 regular session City Council meeting be and are hereby approved; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since May 7, 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 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 the downtown bathroom project could be pushed back to 2019 if grant documents are delayed and that he has contacted various legislators on behalf of the Mayor asking for assistance in expediting grant documents; that the 2018 Goals and Action Plan is being drafted with anticipation for Council to review and discuss in June; reviewed construction project updates for West Lake Street and that downtown street improvements are nearing completion and that roadways will be open by the end of the week; that Phase II Downtown Greenway Corridor South Segment project is scheduled to begin this week starting downtown; reviewed that there was a minor sewage spill on the Bear River Friday, May 18 and that as of 11:00 A.M., Saturday, May 19, the DEQ lifted the notice advisory and test results were within permitted ranges; that the Public Safety Open House is scheduled for Saturday, June 2 from 11:00 A.M. to 2:00 P.M.; and that the residential rubbish collection program begins tomorrow for two weeks and will occur again in late August, early September.

The Finance Director gave a brief presentation on TIF's.

City Councilmembers inquired on the status of the Public Safety union agreements and if there was any additional information on the 200 East Lake Street development.

Adopt Ord. 763 – Amending Appendix A – Zoning Ordinance Creating an Accommodation Policy – Resolution No. 19189

The City Manager reviewed that this was a second reading of a proposed ordinance that would amend Appendix A, Zoning Ordinance, creating an Accommodation Policy under the Federal Fair Housing Amendments Act in the Americans with Disabilities Act.

City Councilmembers inquired on who addresses ZBA request with the ZBA; where the request would be posted; how all possibilities of accommodation would be explored; where the line is drawn and what will happen if precedence is set after one accommodation is approved and more are requested; and that Section 4(a) states that ZBA decides and then gets forwarded to the Court.

The City Attorney responded that he would be at the ZBA meetings when a request has been made and that there is training that ZBA will complete.

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

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.

Said ordinance was adopted by the following vote:

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

NAYS: None (0)

Adopt Ord. 764 – Amending IPMC Creating an Accommodation Policy – Resolution No. 19190

The City Manager further reviewed that City Council was being asked to conduct a second reading on a proposed ordinance that would amend Chapter 13, Article II, entitled International Property Maintenance Code by adding an Accommodation Policy for persons with disabilities.

City Councilmember Lyman moved that, seconded by City Councilmember Dittmar adoption of the following ordinance:

**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.

(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.

Said ordinance was adopted by the following vote:

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

NAYS: None (0)

Second Reading of a Proposed Ordinance Regarding Mobile Food Vending Regulations

The City Manager reviewed that at the May 7 meeting Councilmembers discussed a first reading of a proposed ordinance regulating mobile food vending. The City Manager also reviewed that Councilmembers requested that staff talk to the Resource Center concessionaire regarding mobile food trucks in the parking lot just east of the building; that the concessionaire voiced concerns about food trucks in the adjacent parking lot and would prefer that the City not utilize this area; that staff is not recommending that food trucks be located next to the Resource Center for the remainder of the two-year concession contract (2018 and 2019); reviewed that Council tentatively agreed to allow 6 licensed food trucks on public property; that staff recommended four proposed sites with two trucks at each site including behind the fire station on West Lake Street, east Bayfront Drive, River Road Sports Complex and Magnus Park; and reviewed proposed fees and categories.

City Councilmembers inquired on how many food trucks are operating and available in the area; commented that unused licenses should be revoked so not held up for others that would like to apply; and reviewed fees from other communities that allow food trucks.

Mayor Murphy asked for public comments and heard comments concerning noise caused by food truck generators and what is allowed.

City Councilmembers deferred action and will discuss at a future meeting.

Authorize Marina Ice Repair Contract – Resolution No. 19191

The Parks and Recreation Director reviewed that 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. The Director reviewed the proposal to repair docks due to ice damage from this year's severe winter temperatures and heavy ice conditions; that two bids were received; and recommended the low bidder who was the same contractor that performed similar work in 2015.

City Councilmembers inquired if the bubblers should have been left in longer to prevent damage.

City Councilmember Wills moved that, seconded by City Councilmember Marshall to authorize contracting with R.B. Lyons, Inc., Charlevoix, for ice damage repair in the amount of \$53,490.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Approve Waterways Grant Agreement for Marina Pier B Electrical Improvements – Resolution No. 19192

The Parks and Recreation Director reviewed that the City 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. The Director reviewed that the project will be in conjunction with the electrical upgrades for Piers A, C and D scheduled to take place after the 2018 season.

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

Upon motion made by Councilmember Kate Marshall, seconded by Councilmember Jeremy Wills 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 Parks and Recreation Director to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.
6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this Resolution.”

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve City Ward and Convention Schedule and Dates – Resolution No. 19193

The City Manager reviewed that as required by City Charter provisions, Council was being asked to approve schedule and times and designate locations for conducting annual Ward and City Conventions. In order to comply with the State’s filing deadlines for candidates, the City Manager recommended that the four Ward Conventions be scheduled simultaneously for 8:00 P.M., Monday, July 9, and that the City Convention be called for 8:00 P.M., Wednesday, July 11.

The City Manager recommended that Ward Conventions 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.

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

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Establish 2018 Tax Millage Rates – Resolution No. 19194

The Finance Director reviewed the proposed 2018 millage rates and tax revenue. 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 was 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.

The Finance Director reviewed total millage rates; taxable values and State's inflation rate and that the City will not require millage rates to be rolled back; and reviewed property tax revenues that will be collected from each fund including general operating, solid waste, public safety equipment, library and right-of-way.

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

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve Waiving Penalty Assessment for Late Filing of Property Transfer Affidavits – Resolution No. 19195

The Director of Finance reviewed that upon the transfer of real property, the purchaser is required to file a Property Transfer Affidavit with the local Assessor within 45 days of the transfer. 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. The Director of Finance reviewed that 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; and that the Act allows for the governing body of the local tax collecting unit to waive the penalty by resolution.

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

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and Councilmember Lyman commended Empiric Solutions, IT contractor, on the great service she received with email issues and informed the public about the Memorial Day parade and activities. Councilmember Marshall inquired if drones are legal on City property. Mayor Murphy encouraged everyone to have a great summer.

There being no further business to come before the City Council, this May 21, 2018, meeting of the City Council adjourned at 9:00 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	05/23/2018	80068	24/7 SEWER & DRAIN CLEANING	101-770-802.000	435.00
05/18	05/23/2018	80069	5H Irrigation & Maintenance	101-754-802.000	73.64
05/18	05/23/2018	80069	5H Irrigation & Maintenance	101-770-802.000	119.51
05/18	05/23/2018	80070	AHRENS, NEIL W.	271-790-880.000	91.00
05/18	05/23/2018	80071	ALLIANCE ENTERTAINMENT	271-790-760.100	91.21
05/18	05/23/2018	80071	ALLIANCE ENTERTAINMENT	271-790-761.100	175.71
05/18	05/23/2018	80071	ALLIANCE ENTERTAINMENT	271-790-760.000	179.93
05/18	05/23/2018	80071	ALLIANCE ENTERTAINMENT	271-790-760.100	38.75
05/18	05/23/2018	80071	ALLIANCE ENTERTAINMENT	271-790-761.100	18.49-
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-751.000	16.87
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-752.000	236.87
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-760.000	47.64
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-760.100	8.75
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-760.200	110.99
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-761.200	25.99
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-958.000	64.99
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-958.100	1.98
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-958.200	59.63
05/18	05/23/2018	80072	AMAZON CREDIT PLAN	271-790-986.000	79.96
05/18	05/23/2018	80073	AMERICAN WASTE	592-551-806.000	299.00
05/18	05/23/2018	80073	AMERICAN WASTE	592-551-806.000	598.00
05/18	05/23/2018	80074	AT&T	101-770-850.000	137.09
05/18	05/23/2018	80074	AT&T	592-538-850.000	142.59
05/18	05/23/2018	80075	BALLARD'S PLUMBING & HEATING	271-790-930.000	83.00
05/18	05/23/2018	80076	Bio-Care Incorporated	101-345-802.000	1,077.40
05/18	05/23/2018	80077	CARTER'S IMAGEWEAR & AWARDS	101-770-775.000	90.00
05/18	05/23/2018	80078	CONSUMERS ENERGY	592-538-920.000	3,487.92
05/18	05/23/2018	80078	CONSUMERS ENERGY	592-558-920.000	181.03
05/18	05/23/2018	80078	CONSUMERS ENERGY	592-558-920.000	177.61
05/18	05/23/2018	80078	CONSUMERS ENERGY	592-558-920.000	436.02
05/18	05/23/2018	80078	CONSUMERS ENERGY	592-558-920.000	364.95
05/18	05/23/2018	80079	DELTA DENTAL	101-172-724.000	43.76
05/18	05/23/2018	80079	DELTA DENTAL	101-201-724.000	212.71
05/18	05/23/2018	80079	DELTA DENTAL	101-208-724.000	34.49
05/18	05/23/2018	80079	DELTA DENTAL	101-215-724.000	44.54-
05/18	05/23/2018	80079	DELTA DENTAL	101-265-724.000	21.25
05/18	05/23/2018	80079	DELTA DENTAL	101-268-724.000	39.95
05/18	05/23/2018	80079	DELTA DENTAL	101-345-724.000	778.69
05/18	05/23/2018	80079	DELTA DENTAL	101-400-724.000	14.37
05/18	05/23/2018	80079	DELTA DENTAL	101-441-724.000	100.03
05/18	05/23/2018	80079	DELTA DENTAL	101-754-724.000	23.66
05/18	05/23/2018	80079	DELTA DENTAL	101-756-724.000	70.20
05/18	05/23/2018	80079	DELTA DENTAL	101-770-724.000	92.92
05/18	05/23/2018	80079	DELTA DENTAL	101-773-724.000	8.09
05/18	05/23/2018	80079	DELTA DENTAL	101-789-724.000	18.88
05/18	05/23/2018	80079	DELTA DENTAL	204-481-724.000	169.57
05/18	05/23/2018	80079	DELTA DENTAL	271-790-724.000	205.84
05/18	05/23/2018	80079	DELTA DENTAL	514-587-724.000	16.79
05/18	05/23/2018	80079	DELTA DENTAL	582-588-724.000	199.21
05/18	05/23/2018	80079	DELTA DENTAL	592-549-724.000	206.07
05/18	05/23/2018	80079	DELTA DENTAL	592-560-724.000	67.22
05/18	05/23/2018	80079	DELTA DENTAL	701-000-230.110	1,857.30

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/23/2018	80080	DEMCO	271-790-751.000	229.98
05/18	05/23/2018	80081	DERRER OIL CO.	661-598-759.000	1,961.16
05/18	05/23/2018	80082	DUNKEL EXCAVATING SERVICES INC.	101-770-802.000	7,550.00
05/18	05/23/2018	80082	DUNKEL EXCAVATING SERVICES INC.	592-554-802.000	3,974.00
05/18	05/23/2018	80083	FERGUSON ENTERPRISES #2000	101-773-931.000	4,997.50
05/18	05/23/2018	80083	FERGUSON ENTERPRISES #2000	661-598-786.000	777.00-
05/18	05/23/2018	80084	GALE/CENGAGE LEARNING	271-790-760.000	58.38
05/18	05/23/2018	80085	GIBSON EXCAVATING LLC	101-770-802.000	650.00
05/18	05/23/2018	80086	GRAND TRAVERSE CONSTRUCTION	592-025-343.000	501,015.58
05/18	05/23/2018	80087	GREAT LAKES ENERGY	592-538-920.000	74.63
05/18	05/23/2018	80087	GREAT LAKES ENERGY	592-558-920.000	124.17
05/18	05/23/2018	80087	GREAT LAKES ENERGY	101-345-920.100	441.27
05/18	05/23/2018	80087	GREAT LAKES ENERGY	592-538-920.000	202.43
05/18	05/23/2018	80087	GREAT LAKES ENERGY	592-558-920.000	148.80
05/18	05/23/2018	80088	GRP ENGINEERING INC.	101-789-970.000	4,500.00
05/18	05/23/2018	80089	Haviland Products Company	592-540-783.000	3,772.89
05/18	05/23/2018	80090	HISTORICAL SOCIETY OF MICHIGAN	271-790-915.000	65.00
05/18	05/23/2018	80091	HOFFMAN NURSERY INC, LOUIS A.	204-470-802.000	2,660.00
05/18	05/23/2018	80092	LAKE AREA COLLISION INC.	661-081-682.000	2,740.12
05/18	05/23/2018	80092	LAKE AREA COLLISION INC.	661-081-682.000	2,836.51
05/18	05/23/2018	80092	LAKE AREA COLLISION INC.	661-598-932.000	1,272.00
05/18	05/23/2018	80093	LENNEMANN, MARK	101-000-004.000	60.00
05/18	05/23/2018	80094	MCLAREN NORTHERN MICH HOSPITAL	101-345-802.000	30.00
05/18	05/23/2018	80095	MERCER CO. INC., R. W.	101-789-802.000	1,205.17
05/18	05/23/2018	80096	MEYER ACE HARDWARE	271-790-752.000	44.96
05/18	05/23/2018	80096	MEYER ACE HARDWARE	582-593-785.000	30.00
05/18	05/23/2018	80096	MEYER ACE HARDWARE	271-790-958.100	12.58
05/18	05/23/2018	80096	MEYER ACE HARDWARE	592-554-775.000	26.99
05/18	05/23/2018	80097	MICHIGAN DOWNTOWN ASSOCIATION	514-587-912.000	85.00
05/18	05/23/2018	80098	MICHIGAN MUNICIPAL LEAGUE	101-101-915.000	3,754.00
05/18	05/23/2018	80099	MITCHELL GRAPHICS INC.	248-540-882.900	758.00
05/18	05/23/2018	80099	MITCHELL GRAPHICS INC.	248-540-882.900	827.97
05/18	05/23/2018	80100	NIXON, TIM	248-540-882.210	100.00
05/18	05/23/2018	80101	NORTH COUNTRY IT	271-790-802.000	386.00
05/18	05/23/2018	80102	NORTHERN MICHIGAN HARDWOODS	101-754-775.000	213.00
05/18	05/23/2018	80102	NORTHERN MICHIGAN HARDWOODS	101-770-931.000	426.00
05/18	05/23/2018	80103	OMNIPARK INC.	514-587-802.000	140.00
05/18	05/23/2018	80104	PENDO	271-790-752.000	32.50
05/18	05/23/2018	80105	Penguin Random House	271-790-761.000	10.00
05/18	05/23/2018	80105	Penguin Random House	271-790-761.000	30.00
05/18	05/23/2018	80105	Penguin Random House	271-790-761.100	86.25
05/18	05/23/2018	80106	Peninsula Fiber Network LLC	271-790-850.000	150.00
05/18	05/23/2018	80107	PERFORMANCE PAINTING	514-587-802.000	3,015.00
05/18	05/23/2018	80107	PERFORMANCE PAINTING	202-475-802.000	435.00
05/18	05/23/2018	80107	PERFORMANCE PAINTING	582-590-802.000	2,025.00
05/18	05/23/2018	80108	Petoskey High School	271-790-905.000	50.00
05/18	05/23/2018	80109	PETOSKEY NEWS REVIEW	101-172-751.000	200.00
05/18	05/23/2018	80109	PETOSKEY NEWS REVIEW	271-790-760.400	160.00
05/18	05/23/2018	80110	PETOSKEY URGENT CARE	582-588-802.000	98.00
05/18	05/23/2018	80111	PRINT SHOP, THE	514-587-775.000	70.00
05/18	05/23/2018	80112	Priority Health	101-172-724.000	1,312.09
05/18	05/23/2018	80112	Priority Health	101-201-724.000	4,197.99

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/23/2018	80112	Priority Health	101-208-724.000	770.45
05/18	05/23/2018	80112	Priority Health	101-215-724.000	385.23
05/18	05/23/2018	80112	Priority Health	101-265-724.000	531.62
05/18	05/23/2018	80112	Priority Health	101-268-724.000	1,144.14
05/18	05/23/2018	80112	Priority Health	101-345-724.000	18,150.04
05/18	05/23/2018	80112	Priority Health	101-400-724.000	385.23
05/18	05/23/2018	80112	Priority Health	101-441-724.000	2,544.83
05/18	05/23/2018	80112	Priority Health	101-754-724.000	520.06
05/18	05/23/2018	80112	Priority Health	101-756-724.000	1,752.78
05/18	05/23/2018	80112	Priority Health	101-770-724.000	1,906.89
05/18	05/23/2018	80112	Priority Health	101-773-724.000	277.36
05/18	05/23/2018	80112	Priority Health	101-789-724.000	647.19
05/18	05/23/2018	80112	Priority Health	204-481-724.000	3,665.53
05/18	05/23/2018	80112	Priority Health	271-790-724.000	5,040.35
05/18	05/23/2018	80112	Priority Health	514-587-724.000	385.23
05/18	05/23/2018	80112	Priority Health	582-588-724.000	4,776.85
05/18	05/23/2018	80112	Priority Health	592-549-724.000	4,625.65
05/18	05/23/2018	80112	Priority Health	592-560-724.000	1,541.88
05/18	05/23/2018	80113	PROQUEST LLC	271-790-762.100	1,310.00
05/18	05/23/2018	80114	Renkes, Tom	248-739-880.200	150.00
05/18	05/23/2018	80115	ROBERSON, ROCKY	204-481-724.000	83.04
05/18	05/23/2018	80116	ROYAL TIRE	101-770-775.000	59.90
05/18	05/23/2018	80116	ROYAL TIRE	661-598-932.000	105.00
05/18	05/23/2018	80117	SCHOLASTIC INC.	271-790-958.000	186.59
05/18	05/23/2018	80118	Spectrum Business	582-588-850.000	79.99
05/18	05/23/2018	80118	Spectrum Business	582-588-850.000	79.99
05/18	05/23/2018	80119	STAFFORD'S HOSPITALITY	248-540-882.180	198.00
05/18	05/23/2018	80119	STAFFORD'S HOSPITALITY	248-540-882.180	198.00
05/18	05/23/2018	80119	STAFFORD'S HOSPITALITY	248-739-886.100	238.60
05/18	05/23/2018	80120	STAPLES ADVANTAGE	101-345-751.000	202.90
05/18	05/23/2018	80120	STAPLES ADVANTAGE	101-268-775.000	260.90
05/18	05/23/2018	80120	STAPLES ADVANTAGE	101-441-751.000	429.25
05/18	05/23/2018	80121	SUNRISE ELECTRONICS & SECURITY	514-587-802.200	1,185.46
05/18	05/23/2018	80122	The Center for Michigan	271-790-760.400	25.00
05/18	05/23/2018	80123	The Michigan Stiltwalker	248-540-882.210	300.00
05/18	05/23/2018	80124	THOMPSON, WILLIAM S.	514-587-802.100	743.13
05/18	05/23/2018	80125	THRU GLASS WINDOW CLEANING	514-587-802.000	50.00
05/18	05/23/2018	80126	VERIZON WIRELESS	101-345-850.000	60.61
05/18	05/23/2018	80126	VERIZON WIRELESS	592-549-850.000	1.02
05/18	05/23/2018	80126	VERIZON WIRELESS	582-588-850.000	13.08
05/18	05/23/2018	80126	VERIZON WIRELESS	101-345-850.000	393.22
05/18	05/23/2018	80126	VERIZON WIRELESS	101-770-850.000	393.22
05/18	05/23/2018	80126	VERIZON WIRELESS	101-773-850.000	67.60
05/18	05/23/2018	80126	VERIZON WIRELESS	101-789-850.000	67.60
05/18	05/23/2018	80127	West Marine Pro	101-789-775.000	76.22
05/18	05/23/2018	80127	West Marine Pro	101-789-775.000	89.94
05/18	05/23/2018	80128	WINDEMULLER	592-558-802.000	537.00
05/18	05/23/2018	80129	BERGER CHEVROLET	661-598-932.000	838.76
05/18	05/23/2018	80130	David L Hoffman Landscaping & Nursery	592-555-802.000	226.50
05/18	05/23/2018	80131	NORTHERN MICHIGAN REVIEW INC.	101-400-802.000	47.55
05/18	05/23/2018	80131	NORTHERN MICHIGAN REVIEW INC.	271-790-905.000	99.86
05/18	05/23/2018	80131	NORTHERN MICHIGAN REVIEW INC.	101-262-802.000	71.33

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/23/2018	80131	NORTHERN MICHIGAN REVIEW INC.	101-789-850.000	171.18
05/18	05/25/2018	80142	EMMET BRICK & BLOCK CO.	202-451-802.000	11,339.20
05/18	05/30/2018	80144	5H Irrigation & Maintenance	101-770-802.000	437.74
05/18	05/30/2018	80144	5H Irrigation & Maintenance	101-770-802.000	412.70
05/18	05/30/2018	80145	ACH-EFTPS	701-000-230.100	19,849.48
05/18	05/30/2018	80145	ACH-EFTPS	701-000-230.200	12,457.39
05/18	05/30/2018	80145	ACH-EFTPS	701-000-230.200	12,457.39
05/18	05/30/2018	80145	ACH-EFTPS	701-000-230.200	2,913.39
05/18	05/30/2018	80145	ACH-EFTPS	701-000-230.200	2,913.39
05/18	05/30/2018	80146	ACH-ICMA 457	701-000-230.700	1,460.15
05/18	05/30/2018	80146	ACH-ICMA 457	701-000-230.700	5,002.00
05/18	05/30/2018	80147	AIRGAS USA LLC	592-545-775.000	20.13
05/18	05/30/2018	80148	AIS CONSTRUCTION EQUIPMENT	592-551-775.000	1,329.00
05/18	05/30/2018	80149	AMERICAN WASTE	582-593-930.000	150.00
05/18	05/30/2018	80149	AMERICAN WASTE	582-586-775.000	167.00
05/18	05/30/2018	80149	AMERICAN WASTE	582-593-930.000	167.00
05/18	05/30/2018	80149	AMERICAN WASTE	582-593-930.000	169.50
05/18	05/30/2018	80150	BALLARD'S PLUMBING & HEATING	101-789-802.000	1,774.02
05/18	05/30/2018	80151	BECKETT & RAEDER INC.	582-588-802.000	1,400.00
05/18	05/30/2018	80152	BELL EQUIPMENT COMPANY	661-598-932.000	35.81
05/18	05/30/2018	80153	BSN SPORTS INC.	101-770-775.000	2,069.78
05/18	05/30/2018	80154	C2AE	204-481-802.000	22,901.96
05/18	05/30/2018	80155	CARTER'S IMAGEWEAR & AWARDS	101-756-767.000	78.00
05/18	05/30/2018	80155	CARTER'S IMAGEWEAR & AWARDS	101-770-767.000	362.00
05/18	05/30/2018	80156	CHAR-EM UNITED WAY	701-000-230.800	77.00
05/18	05/30/2018	80157	CHEMCO PRODUCTS INC.	592-551-783.000	8,370.80
05/18	05/30/2018	80158	CITY OF PETOSKEY - DMB	271-790-724.000	20.00
05/18	05/30/2018	80159	CONSUMERS ENERGY	592-558-920.000	215.69
05/18	05/30/2018	80159	CONSUMERS ENERGY	592-558-920.000	72.55
05/18	05/30/2018	80159	CONSUMERS ENERGY	592-558-920.000	275.23
05/18	05/30/2018	80159	CONSUMERS ENERGY	592-558-920.000	247.68
05/18	05/30/2018	80159	CONSUMERS ENERGY	592-558-920.000	108.88
05/18	05/30/2018	80159	CONSUMERS ENERGY	202-475-920.000	86.09
05/18	05/30/2018	80160	DECKA DIGITAL LLC	101-345-751.000	50.00
05/18	05/30/2018	80161	Dinges Fire Company	592-540-775.000	149.85
05/18	05/30/2018	80162	DTE ENERGY	592-538-920.000	56.83
05/18	05/30/2018	80162	DTE ENERGY	101-265-924.000	324.84
05/18	05/30/2018	80162	DTE ENERGY	582-593-924.000	621.38
05/18	05/30/2018	80162	DTE ENERGY	101-773-924.000	45.53
05/18	05/30/2018	80162	DTE ENERGY	101-265-924.000	160.31
05/18	05/30/2018	80162	DTE ENERGY	592-538-920.000	53.50
05/18	05/30/2018	80162	DTE ENERGY	101-268-924.000	481.40
05/18	05/30/2018	80162	DTE ENERGY	101-770-924.000	153.01
05/18	05/30/2018	80162	DTE ENERGY	514-587-802.100	70.74
05/18	05/30/2018	80162	DTE ENERGY	592-538-920.000	114.54
05/18	05/30/2018	80162	DTE ENERGY	101-345-920.000	509.27
05/18	05/30/2018	80162	DTE ENERGY	592-551-920.000	2,001.27
05/18	05/30/2018	80162	DTE ENERGY	592-551-920.000	3,605.40
05/18	05/30/2018	80162	DTE ENERGY	271-790-924.000	184.19
05/18	05/30/2018	80162	DTE ENERGY	592-555-920.000	38.77
05/18	05/30/2018	80162	DTE ENERGY	592-558-920.000	32.27
05/18	05/30/2018	80162	DTE ENERGY	592-538-920.000	147.40

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/30/2018	80162	DTE ENERGY	101-345-920.100	227.99
05/18	05/30/2018	80163	ETNA SUPPLY	592-010-111.000	457.00
05/18	05/30/2018	80163	ETNA SUPPLY	592-010-111.000	5,200.00
05/18	05/30/2018	80164	Fossmo, Charles	514-587-955.000	20.12
05/18	05/30/2018	80165	G & J AUTO ELECTRIC	661-598-931.000	175.00
05/18	05/30/2018	80165	G & J AUTO ELECTRIC	661-598-932.000	120.00
05/18	05/30/2018	80166	GALE/CENGAGE LEARNING	271-790-760.000	27.19
05/18	05/30/2018	80167	GIBBY'S GARAGE	582-593-930.000	102.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-931.000	748.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-932.000	646.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	514-587-802.000	102.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	202-479-802.000	68.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	101-770-802.000	170.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-931.000	204.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-932.000	510.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-931.000	170.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	661-598-932.000	442.00
05/18	05/30/2018	80167	GIBBY'S GARAGE	582-593-930.000	136.00
05/18	05/30/2018	80168	GRACE, PATRICIA	271-790-912.000	64.31
05/18	05/30/2018	80169	GSK Enterprises, LLC	101-789-912.000	1,000.00
05/18	05/30/2018	80170	HARRELL'S LLC	101-770-775.000	553.75
05/18	05/30/2018	80170	HARRELL'S LLC	101-770-775.000	80.00
05/18	05/30/2018	80170	HARRELL'S LLC	101-770-775.000	72.00
05/18	05/30/2018	80171	HUBBELL ROTH & CLARK INC.	592-560-802.000	4,070.38
05/18	05/30/2018	80171	HUBBELL ROTH & CLARK INC.	592-025-343.000	7,727.56
05/18	05/30/2018	80171	HUBBELL ROTH & CLARK INC.	592-025-343.000	3,025.00
05/18	05/30/2018	80172	ICMA-ROTH	701-000-230.900	125.00
05/18	05/30/2018	80173	K & J SEPTIC SERVICE LLC	592-554-802.000	200.00
05/18	05/30/2018	80174	KELTS CO. INC.	271-790-930.000	5,022.96
05/18	05/30/2018	80175	LOWERY UNDERGROUND SERVICE	582-020-360.000	14,688.00
05/18	05/30/2018	80175	LOWERY UNDERGROUND SERVICE	582-598-802.000	9,432.00
05/18	05/30/2018	80176	M. S. INDUSTRIES INC.	582-586-775.000	53.50
05/18	05/30/2018	80176	M. S. INDUSTRIES INC.	202-464-775.000	53.50
05/18	05/30/2018	80176	M. S. INDUSTRIES INC.	203-464-775.000	53.50
05/18	05/30/2018	80176	M. S. INDUSTRIES INC.	592-544-775.000	53.49
05/18	05/30/2018	80177	MICHIGAN LIBRARY ASSOCIATION	271-790-915.000	959.05
05/18	05/30/2018	80178	MICHIGAN OFFICEWAYS INC.	271-790-751.000	90.48
05/18	05/30/2018	80179	MICHIGAN WATER ENVIRONMENT ASSOC.	592-560-915.000	135.00
05/18	05/30/2018	80179	MICHIGAN WATER ENVIRONMENT ASSOC.	592-549-915.000	135.00
05/18	05/30/2018	80180	MONTMORENCY COUNTY PUBLIC	271-790-955.000	64.00
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05/18	05/30/2018	80181	MOUNTAINTOP TREE COMPANY	204-470-802.000	45.00
05/18	05/30/2018	80181	MOUNTAINTOP TREE COMPANY	101-770-802.000	75.00
05/18	05/30/2018	80182	MUCC	271-790-760.400	30.00
05/18	05/30/2018	80183	NATE'S HYDRAULIC SHOP	661-598-931.000	22.40
05/18	05/30/2018	80184	NEOPOST USA INC.	101-268-775.000	3,000.00
05/18	05/30/2018	80185	PONTIUS FLOWER SHOP, A. R.	248-739-774.000	124.00
05/18	05/30/2018	80186	POWER LINE SUPPLY	582-010-111.000	9,511.70
05/18	05/30/2018	80186	POWER LINE SUPPLY	582-010-111.000	35,717.40

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/30/2018	80186	POWER LINE SUPPLY	582-586-775.000	853.92-
05/18	05/30/2018	80187	PROCLEAN NORTH	592-554-802.000	484.00
05/18	05/30/2018	80187	PROCLEAN NORTH	582-593-930.000	1,330.00
05/18	05/30/2018	80188	RYAN BROTHERS INC.	582-586-802.000	2,227.74
05/18	05/30/2018	80189	SIGN & DESIGN	661-598-932.000	313.20
05/18	05/30/2018	80189	SIGN & DESIGN	661-598-932.000	62.00
05/18	05/30/2018	80189	SIGN & DESIGN	514-587-775.000	750.90
05/18	05/30/2018	80190	Spok	204-481-850.000	2.78
05/18	05/30/2018	80190	Spok	582-588-850.000	2.78
05/18	05/30/2018	80190	Spok	592-549-850.000	2.78
05/18	05/30/2018	80190	Spok	592-560-850.000	2.78
05/18	05/30/2018	80190	Spok	661-598-850.000	2.78
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	582-010-111.000	131.66
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	582-586-775.000	422.99
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	592-558-775.000	99.35
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	101-770-775.000	51.27
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	101-773-931.000	51.27
05/18	05/30/2018	80191	STANDARD ELECTRIC COMPANY	101-789-775.000	51.28
05/18	05/30/2018	80192	SWEETWATER CATERING COMPANY	101-262-751.000	608.00
05/18	05/30/2018	80193	Symonds, Andrea	514-587-955.000	38.88
05/18	05/30/2018	80194	TEMPERATURE CONTROL INC.	592-554-802.000	721.73
05/18	05/30/2018	80195	TETRA TECH INC	592-551-801.000	1,160.00
05/18	05/30/2018	80195	TETRA TECH INC	592-555-802.000	2,465.00
05/18	05/30/2018	80196	TRUCK & TRAILER SPECIALTIES	661-598-932.000	1,648.92
05/18	05/30/2018	80196	TRUCK & TRAILER SPECIALTIES	661-598-932.000	56.74
05/18	05/30/2018	80197	TWOGLASSGENTS	582-590-802.000	1,825.00
05/18	05/30/2018	80198	USA BLUE BOOK	592-544-775.000	133.30
05/18	05/30/2018	80198	USA BLUE BOOK	592-551-775.000	118.34
05/18	05/30/2018	80198	USA BLUE BOOK	592-540-775.000	257.00
05/18	05/30/2018	80199	Valley City Linen	271-790-752.000	25.00
05/18	05/30/2018	80199	Valley City Linen	271-790-752.000	25.00
05/18	05/30/2018	80199	Valley City Linen	271-790-752.000	25.00
05/18	05/30/2018	80199	Valley City Linen	271-790-752.000	25.00
05/18	05/30/2018	80200	VALLEY TRUCK PARTS INC.	661-598-932.000	76.42
05/18	05/30/2018	80201	VAN'S BUSINESS MACHINES	514-587-802.100	198.21
05/18	05/30/2018	80202	WATER ENVIRONMENT FEDERATION	592-560-915.000	210.00
05/18	05/30/2018	80211	EJ USA INC.	592-010-111.000	1,028.22
05/18	05/30/2018	80211	EJ USA INC.	592-544-775.000	1,573.26
05/18	05/30/2018	80211	EJ USA INC.	203-469-802.000	197.02-
05/18	05/30/2018	80211	EJ USA INC.	202-469-802.000	197.02-
05/18	05/30/2018	80211	EJ USA INC.	592-556-802.000	197.02-
05/18	05/30/2018	80211	EJ USA INC.	592-544-802.000	197.01-
05/18	05/30/2018	80211	EJ USA INC.	202-451-802.000	197.01-
05/18	05/30/2018	80211	EJ USA INC.	203-451-802.000	197.01-
05/18	05/30/2018	80212	GIBSON EXCAVATING LLC	592-544-802.000	1,940.00
05/18	05/30/2018	80212	GIBSON EXCAVATING LLC	592-545-802.000	945.00
05/18	05/30/2018	80213	Great Lakes Pipe & Supply	101-770-775.000	28.32
05/18	05/30/2018	80213	Great Lakes Pipe & Supply	101-265-775.000	103.17
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	183.46
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	49.35
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	121.51
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	585.75

GL Period	Check Issue Date	Check Number	Payee	Invoice GL Account	Check Amount
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	49.35
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	41.55
05/18	05/30/2018	80214	KRING CHEVROLET CADILLAC, DAVE	661-598-932.000	5.31
Grand Totals:					<u>873,867.74</u>

Report Criteria:

Check.Date = 05/17/2018-05/30/2018

Check Number	Date	Name	GL Account	Amount
79804	05/18/2018	Petoskey Pediatrics	582588803000	917.65-
80132	05/23/2018	Bonczyk, James	101087653000	512.00
80133	05/23/2018	Carney, John	101087653000	512.00
80134	05/23/2018	Ferman, Brenden	582040285000	58.57
80135	05/23/2018	Hoehn, Rhen	101087654000	50.00
80136	05/23/2018	Idzior, Joseph	101087654000	225.00
80137	05/23/2018	Kimble, Jacquelyn	101087653000	224.00
80138	05/23/2018	Lewis, Amber	101087654000	150.00
80139	05/23/2018	Petoskey Pediatrics	582588803000	917.65
80140	05/23/2018	Scibor, Steven	582040285000	46.62
80141	05/23/2018	St. Jean, Lori	101087653000	160.00
80143	05/25/2018	Turner, Jasmine	582081642300	186.15
80203	05/25/2018	DELISLE, JUSTIN	582081642300	28.61
80204	05/25/2018	TANG, FENG	582081642300	22.94
80205	05/30/2018	Etter, Melanie	582040285000	5.81
80205	05/30/2018	Etter, Melanie	582040285000	5.81-
80206	05/30/2018	Hayes, April	101756808140	67.00
80207	05/30/2018	Johnson, Gabrielle	101756808120	30.00
80208	05/30/2018	McCorry, Lynn	101087653000	928.00
80209	05/30/2018	Spiewak, Ariana	101087654000	200.00
80210	05/30/2018	Etter, Melanie	582040285000	5.81
Grand Totals:				3,406.70



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: June 4, 2018

PREPARED: May 31, 2018

AGENDA SUBJECT: Consideration to Approve a Resolution Authorizing a Closed Session Pursuant to Section 8(e) of the Michigan Open Meetings Act

RECOMMENDATION: That the City Council adopt the proposed resolution

City Council will be asked to adopt the enclosed proposed resolution that would authorize to recess to a closed session pursuant to Section 8(e) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation.

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Enclosure



City of Petoskey

Resolution

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(e) of the Michigan Open Meetings Act, to consult with its attorney regarding strategy in connection with specific pending litigation, at the City Council's regular meeting of June 4, 2018:

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



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: June 4, 2018

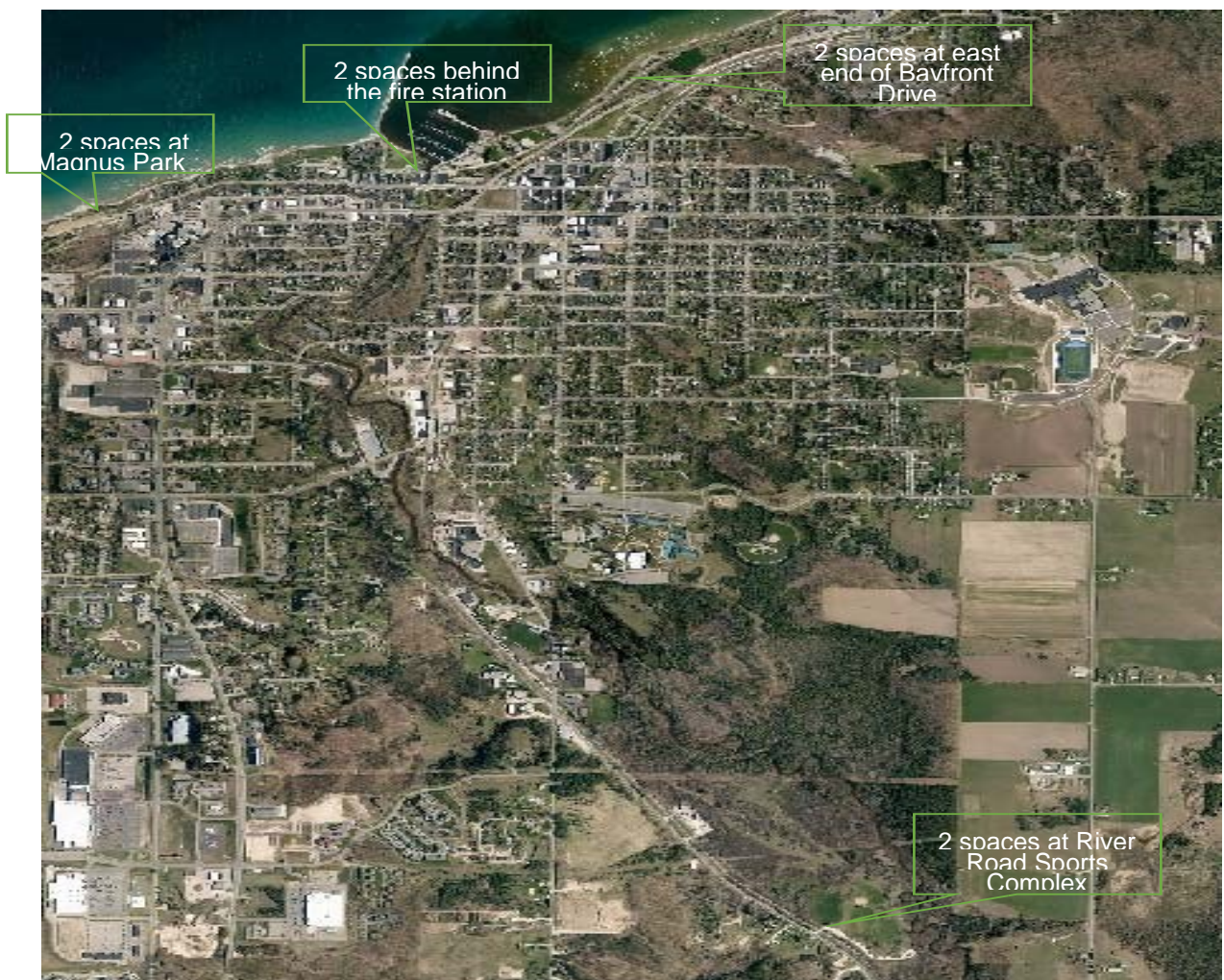
PREPARED: May 31, 2018

AGENDA SUBJECT: Third Reading with Possible Adoption of a Proposed Ordinance and Resolution Establishing Mobile Food Vending Regulations

RECOMMENDATION: That the City Council discuss, and if acceptable approve both the resolution and mobile food vending ordinance

Background: At the May 21, 2018 City Council meeting there was discussion on various issues regarding establishment of a mobile food vending ordinance. The following is a summary of the issues that were discussed:

1. Number of licenses to be issued for mobile food vending trucks on public property was set at six (6) utilizing four sites throughout the community – behind the Fire Station, East Bayfront Drive, Magnus Park and River Road Sports Complex.



2. **Please note – Additional language has been added regarding exceptions for use of public property that are included in Section 8-319 Requirements #2. This new language would allow the City Manager to approve mobile food vendors at community events such as Petoskey Rocks, Festival on the Bay, Old Towne Emmet Street Food Truck Rally, etc. Licenses will need to be obtained for each individual food truck for community events with payment of the appropriate fee required. If City Council is uncomfortable with allowing the City Manager to approve food trucks for community events another option is available. City Staff could contact community organizations regarding any future plans for food trucks at community events and identify those sites that would be included in a revised resolution. Although this approach would be less flexible, there would be no ambiguity about where future food trucks could be located in the future.**
3. Generator noise can be regulated by our local Noise Ordinance. The mobile food vendor application for sites on public property addresses this issue and states that generators shall not exceed 65 decibels.
4. Staff has slightly revised Section 8-316 to better define the annual licenses that would expire each year on December 31. The Mobile Food Vending Pilot Program still expires on December 31, 2019. We also included language for daily licenses associated with community events.
5. Fees for Mobile Food Vendor Licenses – As mentioned in earlier discussions, fees that communities charge run the gamut. In general City Council spoke of creating a reasonable fee schedule that would promote mobile food trucks in the community while generally covering the additional City costs for trash pick-up, bathroom cleaning, etc. **This week, the City Attorney advised against charging different fees for in-City businesses and out-of-town businesses as this promotes unfair competition and may be illegal according to federal commerce laws. Consequently, staff recommends the following four fee categories. Although, City Council has the full authority to set all fees, staff has made the following fee range recommendations to assist in the discussions:**

- | | |
|---|----------------------|
| 1. If vending on City property: | \$500-\$750 annually |
| 2. If vending on private property: | \$100-\$150 annually |
| 3. If associated with a community event and on public property: | \$40-\$60 daily |
| 4. If associated with a community event on private property: | \$25-\$40 daily |

Action Staff is looking for consensus on both the proposed sites as well as fees associated with the above categories that will be included in the enclosed resolution. Based upon consensus on the four sites and fee schedule, City Council may approve the ordinance and resolution.

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Enclosures

The following has been included in past agenda items on mobile food trucks.

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: \$ _____

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

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 six (6) 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.

Annual licenses may be issued by the City Clerk expiring at the end of each calendar year. Licenses associated with a community event may be issued on a daily basis. This mobile food vending ordinance shall 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 a 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. 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, vendor may only locate on such property in locations as established by a resolution adopted by the City Council. Exceptions to this requirement may be approved by the City Manager for community events whereby food vending trucks are present. All mobile food vending trucks operating at a community event, whether on public or private property, will be required to obtain the appropriate license(s) and pay the fee established by resolution of 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



RESOLUTION NO. _____

**A RESOLUTION ESTABLISHING AN ORDINANCE AND REGULATIONS ASSOCIATED
WITH A MOBILE FOOD VENDING PILOT PROGRAM FOR 2018 AND 2019**

WHEREAS, at the direction of City Council, the City Planning Commission was asked to research leading practices and make recommendations on possible regulations pertaining to mobile food vending businesses within the City of Petoskey; and

WHEREAS, the Planning Commission established a sub-committee that met with local representatives of food trucks and brick and mortar businesses and studied several examples of ordinances from communities who have successfully implemented mobile food vending programs in their communities; and

WHEREAS, the sub-committee recommended mobile food truck regulations and possible sites to locate food trucks on public property; and

WHEREAS, the City's Planning Commission felt that business regulations were the appropriate mechanism for regulating food trucks and recommended draft language amending Article VIII of the Code of Ordinances, Chapter 8 Businesses and Business Regulations after hearing no opposition to the draft regulations and proposed sites; and

WHEREAS, the City Council has taken public comments and discussed various aspects of the proposed food vending pilot ordinance including possible public sites and fee schedules associated with a mobile food vending program:

NOW THEREFORE BE IT RESOLVED, that the Petoskey City Council hereby adopts Ordinance 765 and sets the following rules and fee schedules for a pilot food vending program for 2018 and 2019:

MOBILE FOOD VENDING PILOT PROGRAM POLICY

Vendors shall obtain both a business license as well as a mobile food vending license from the City Clerk in accordance with the City Code.

Vendors shall pay the following pertinent fees annually with each mobile food vending license expiring at the end of the calendar year on December 31.

If vending on City property: \$_____ annually

If vending on private property: \$_____ annually

If associated with a community event and
on public property: \$_____ daily

If associated with a community event
on private property: \$_____ daily

Vendors shall be required to comply with all Federal, State and local regulations including Ordinance 765.

The City shall allow up to two (2) mobile food vending trucks in designated areas at each of the following four City-owned locations:

- Behind the Petoskey Fire Station adjacent to Festival Park
- Bayfront Drive in the far eastern parking area near turnaround and public bathrooms
- Magnus Park
- River Road Sports Complex

Use of the aforementioned sites shall be on a “first come first serve basis”.

NOW THEREFORE, BE IT RESOLVED, that the City of Petoskey approves Ordinance 765 along with the established fee schedule and designated City-owned sites.



BOARD: City Council

MEETING DATE: June 4, 2018

PREPARED: May 30, 2018

AGENDA SUBJECT: Request Approval to Solicit Bids for City Hall Exterior Restoration

RECOMMENDATION: That City Council authorize staff to solicit bids for City Hall exterior restoration

Background Over the last year, when there has been steady, heavy rain, areas in City Hall experience water damage. It is common for staff to place buckets in offices, hallways and conference rooms to catch dripping water during these weather events. Although, currently being addressed, there is evidence this has been a problem for a long time. Ceiling tiles, wallpaper and carpeting all have markings indicative of leaking water damage. Additionally, once the walls are saturated, staff must dry with whistle fans in order to stop any potential mold issues.

City staff has met with restoration specialists and consulted with local architect Richard Neumann, who has experience with City Hall. Consensus by all is the work needs to be done to mitigate the water issue, as it will only worsen. The primary concerns are the west side of the building and the northwest corner. Water seems to be getting in through the brickwork, following beams and penetrating the interior of the building. By restoring the brickwork and mortar with new, matching construction, the historic integrity will not be compromised but the water issues will be lessened. No monies in the 2018 budget have been included for this project.

It should be noted that this could be the first step in a more comprehensive renovation plan for City Hall. All of the windows and the main rooftop HVAC unit are approaching 30 years old and need evaluating. The City is working towards more efficient maintenance practices, which will require identifying areas where facility improvements need to be made.

Recommendation City staff recommends sending the specifications crafted by Richard Neumann to public bid for City Hall exterior restoration. City Council is being asked to authorize staff to solicit bids for the City Hall exterior restoration project.



31 May 2018

Project Manual for

PETOSKEY CITY HALL MASONRY REPAIRS

City of Petoskey
101 East Lake Street
Petoskey, Michigan

Richard Neumann Architect
Petoskey, Michigan

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ADVERTISEMENT FOR BIDS

PROJECT:

Petoskey City Hall Masonry Repairs

OWNER:

City of Petoskey

DESCRIPTION:

The Project consists of exterior masonry restoration, and related work, at the historic Petoskey City Hall, Petoskey, Michigan. The work includes brick removal and replacement, mortar joint pointing, control joint placement, masonry cleaning, and caulking and sealing.

The Work shall conform to the The Secretary of the Interior's Standards for the Treatment of Historic Properties, guided by the Standards for Renovation, based on the building's period of significance of circa 1950's.

BID DUE DATE:

Bids will be received until 4:00 pm, Friday, June 29, 2018.

PROPOSAL:

The Owner will receive fixed price bids in the form of sealed proposals, for work set forth in the contract documents, in the office of the City Manager, City of Petoskey, 101 East Lake Street, Petoskey, MI 49770. Bid shall be in an envelope marked "Petoskey City Hall Masonry Repairs". Mailed or courier delivered bids may be submitted if received before bid due time. Faxed or emailed bids will not be accepted. Proposals received after time of opening will be returned unopened. Bids will be opened publicly, and bidders may attend to learn the results.

CONTRACT DOCUMENTS:

Contract documents for bidding may be obtained from the office of the Architect, or any of the following:

Builders Exchange of Michigan
Construction Association of Michigan
Construction Market Data
Construction News Service of Michigan
Dodge Data and Analytics

RIGHTS RESERVED BY OWNER:

The Owner reserves the right to waive any irregularities, reject any or all bids, or accept any bid when, in the opinion of the Owner, such action will best serve his interest.

BID SECURITY:

Each proposal shall be accompanied by a Bid Guarantee in an amount, equal to five percent

(5%) of the proposal amount in the form of a certified check or bid bond payable to the City of Petoskey as a guarantee of good faith that the bidder will enter a contract for the performance of the work.

CONTRACT SECURITY:

The successful bidder will be required to furnish Certificates of Insurance in accordance with the specifications. No Performance Bond, or Labor and Material Bond, will be required.

ARCHITECT:

Questions regarding this project may be directed to Richard Neumann Architect, 610 Grand Avenue, Petoskey, MI 49770, 231/347-0931, r.neumann.arch@sbcglobal.net.

END OF ADVERTISEMENT FOR BIDS

INSTRUCTIONS TO BIDDERS

AIA DOCUMENT A701 - 1997:

American Institute of Architects document A701 - 1997 "Instructions To Bidders" is hereby made a part of these instructions the same as if bound herein, and shall be supplemented by the following requirements.

COMPLIANCE WITH LAWS:

Compliance with all applicable federal, state, and local laws, rules, and regulations is required of all bidders.

BID SECURITY:

As a guarantee of good faith, the proposal shall be accompanied by a certified check, bank draft, or bid bond payable to the City of Petoskey in an amount equal to five percent (5%) of the total amount of the proposal.

If any Bidder withdraws his bid within 30 days after the bid opening, or if a successful Bidder fails to execute a contract and/or furnish satisfactory bonds and insurance (if required) within 15 days after notice of award, such bid security shall be forfeited to the Owner as liquidated damages.

The bid security of the next two lowest Bidders shall be retained until the bonds and insurance of the successful Bidder have been approved and a contract executed. The bid security of all other Bidders shall be returned within 10 days after the bid opening.

PERFORMANCE BOND & PAYMENT BOND:

The successful Bidder will not be required to furnish a Performance Bond, or a Labor and Material Bond.

END OF INSTRUCTIONS TO BIDDERS

PROPOSAL

PROJECT:

Petoskey City Hall Masonry Repairs

OWNER:

City of Petoskey, 101 East Lake Street, Petoskey, Michigan 49770

ARCHITECT:

Richard Neumann Architect, 610 Grand Avenue, Petoskey, MI 49770

BIDDER NAME, ADDRESS, & TELEPHONE:

PROPOSAL:

The undersigned, having familiarized himself with all conditions likely to be encountered affecting the cost of the work and having carefully examined the contract documents including Instruction to Bidders, General Conditions, Supplementary General Conditions, Drawings and Specifications, and all addenda issued, does hereby propose to furnish all the labor, materials, tools, equipment, and services necessary to perform and complete in a workmanlike manner the work of all trades required in connection with the project as set forth in the contract documents, Specifications dated 31 May 2018.

For consideration of the above requirements, the undersigned agrees to accept in payment the sum of (in case of discrepancy the amount shown in words shall govern):

BASE BID:

(use figures) _____

(use words) _____

ALTERNATES:

The undersigned quotes the following alternates:

VOLUNTARY ALTERNATES:

The undersigned quotes the following voluntary alternates to the Proposal stated above:

Deduction #1 _____ \$ _____

Addition #1 _____ \$ _____

TIME OF COMPLETION:

The undersigned agrees to complete all aspects of the work provided for under the Base Bid proposal within a period not to exceed _____ calendar days from the date of the contract.

ADDENDA:

Receipt of the following addenda to the contract documents received during the bidding period is hereby acknowledged.

Addendum Number _____ Dated _____
Addendum Number _____ Dated _____

CERTIFICATION:

The undersigned agrees to execute a contract for the described work in the form of American Institute of Architects document A101 - 1997 "Standard Form of Agreement Between Owner and Contractor", provided that he be notified of Proposal acceptance within 30 days of the bid due date.

I hereby certify that all statements are made on behalf of:

(Name of corporation, partnership, or sole proprietorship submitting the bid)

Signature _____ Date _____
Printed _____
Title _____
Address _____

Telephone _____
E-mail _____

END OF PROPOSAL

GENERAL CONDITIONS

AIA DOCUMENT A201 - 1997 "GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION":

AIA Document A201 is hereby made a part of these specifications the same as if bound herein, and shall be supplemented by the following section of the specifications.

SUPPLEMENTARY GENERAL CONDITIONS

MODIFIED OR SUPPLEMENTED GENERAL CONDITIONS detailed hereafter change and/or modify certain articles of AIA Document A201. Where any article is altered in part, the unaltered provisions of that article shall remain in full force and effect.

ARTICLE 8 - TIME:

Modify the following paragraph:

8.1.1 Unless otherwise provided, Contract Time is the period of time, including authorized adjustments, noted by the Bidder in the Proposal form under Calendar Days for Substantial Completion of the Project.

ARTICLE 9 - PAYMENT & COMPLETION:

9.4 CERTIFICATES FOR PAYMENT - Add the following paragraph:

9.4.3 Retainage shall be withheld as follows: Subject to other provisions of the Contract Documents, the amount of each progress payment shall be reduced by a retainage of five percent (5%) to be withheld from each progress payment request for work completed and for materials delivered and stored at the site for subsequent incorporation in the construction.

ARTICLE 11 - INSURANCE & BONDS:

11.1 CONTRACTOR'S LIABILITY INSURANCE - Add the following subparagraphs:

11.1.4 During the term of the contract, the Trade Contractor and each Subcontractor shall at their own expense, purchase and maintain the following insurance in companies properly licensed to do business in the state of Michigan, and satisfactory to the Owner, as provided in the General Conditions. The liability insurance required shall be written to include the Owner and the Architect as additional insured.

11.1.5 Workers' Compensation, including Occupational Disease and Employer's Liability Insurance:

- .1 Statutory - Amounts and coverage as required by the State of Michigan, including provisions for voluntary benefits as required in labor union agreements and including the "All States" endorsement.
- .2 Employer's Liability - At least \$ 500,000. each occurrence.

11.1.6 Comprehensive General Liability Insurance including coverage for Premises Operations, Independent Contractors, Products and Completed Operations, Contractual Liability and Broad Form Property Damage including Completed Operations, with limits not less than those stated below:

- .1 Bodily Injury including Personal Injury Liability.
 \$ 2,000,000. Each Occurrence
 \$ 2,000,000. Aggregate
- .2 Property Damage including Completed Operations Broad Form.
 \$ 2,000,000. Each Occurrence
 \$ 2,000,000. Aggregate
- .3 Contractual Liability (Hold Harmless)
 \$ 2,000,000. Each Occurrence - Bodily Injury
 \$ 2,000,000. Each Occurrence - Property Damage
 \$ 2,000,000. Aggregate - Property Damage

11.1.7 Comprehensive Automobile Liability Insurance including coverage for owned, long-term leased, non-owned and hired vehicles, with limits not less than those stated below:

- .1 Bodily Injury
 \$ 1,000,000. Each Person
 \$ 1,000,000. Each Occurrence
- .2 Property Damage
 \$ 1,000,000.

11.1.8 Liability Insurance may be arranged by Comprehensive General Liability and Comprehensive Automobile Liability policies for the full limits required, or by a combination of underlying Comprehensive Liability policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.

11.1.9 Excess or Umbrella Liability Insurance over and above primary insurance, with limits not less than those stated below:

- .1 Umbrella Excess Liability
 \$ 2,000,000.

ARTICLE 13 - MISCELLANEOUS PROVISIONS:

13.1 GOVERNING LAW - add the following subparagraphs:

13.1.2 MIOSHA - The Contractor and Subcontractors shall make themselves aware of and remain in compliance with MIOSA requirements, PA 154,1975, "Construction Safety Standards".

13.1.3 MICHIGAN RIGHT-TO-KNOW LAW - The Contractor and Subcontractors shall conform to the provisions of the Michigan Right-to-Know Law, PA 80, 1986, for the safe handling of hazardous chemicals through training, communication, and Material Safety Data Sheets.

END OF SUPPLEMENTAL GENERAL CONDITIONS

SECTION 01010 - SUMMARY OF THE WORK

Project Description: The project consists of exterior masonry repairs. The work is as described in the Contract Documents prepared by Richard Neumann Architect, Specifications dated 31 May 2018.

The Work: The work consists of brick removal and replacement, brick joint pointing, control joint placement, masonry cleaning, and caulking and sealing.

Work Under Separate Contracts: Separate contracts may be issued by the Owner for certain aspects of the work not included as a part of the scope of work of these contract documents.

Contractor Use of the Premises: During the work, the Contractor shall limit his use of the premises to the area involved in the project. The Contractor shall coordinate with the Owner to determine the best site location for storage of materials and equipment.

END OF SECTION 01010

SECTION 01020 - ALLOWANCES

Selected materials and equipment, and in some cases, installation are included in the Contract Documents by allowances. Allowances are established to defer selection until more information is available. Other requirements will be issued by a Change Order.

Types of allowances required include the following:

Lump sum allowances.

Selection and Purchase: At the earliest feasible date after Contract award, advise the Architect of the date when selection and purchase of each product or system described by an allowance must be completed to avoid delay.

Submittals: Submit proposals for purchase of products or systems included in allowances, in the form of Change Orders.

Submit invoices or delivery slips to indicate quantities of materials delivered for use in fulfillment of each allowance.

Inspection: Inspect products covered by an allowance promptly upon delivery for damage or defects, so return and exchange of damaged products does not cause delay.

Preparation: Coordinate materials and installation for each allowance with related materials and installations to ensure that each allowance item is integrated with related construction activities.

Unused Materials: Return unused materials for credit to the Owner, after installation has been completed and accepted.

If it is not feasible to return unused materials, prepare such for Owner's storage, and deliver to the storage space as directed. Otherwise, disposal is the Contractor's responsibility.

SCHEDULE OF ALLOWANCES:

No allowance items are included.

END OF SECTION 01020

SECTION 01030 - ALTERNATES

Definition: An Alternate is an amount proposed by Bidders and stated on the Proposal that will be added or deducted from the Base Bid Amount if the Owner decides to accept a corresponding change in either the scope of work or in products, materials, equipment, systems or installation methods described in the Contract Documents.

Coordination: Coordinate related work and modify or adjust adjacent work as required to ensure that work affected by each accepted alternate is complete and fully integrated into the project.

The Bidder shall refer to all appropriate sections of the specifications and drawings. All materials and workmanship, unless specifically noted otherwise, shall be of the same type and quality as specified for similar work.

The Owner shall have the right to accept or reject any or all of the alternate prices requested herein.

SCHEDULE OF ALTERNATES:

No alternate items are included.

The Bidder may submit voluntary substitutions or alternates to the specified scope of work, and the corresponding alternate prices for such substitutions, in order to realize significant cost savings to the Owner without substantially changing the project.

END OF SECTION 01030

SECTION 01300 - SUBMITTALS

PROGRESS SCHEDULE:

Within 15 days of the date established for "Commencement of the Work", submit a progress schedule indicating each significant category of work to be performed.

SCHEDULE OF VALUES:

Prior to first payment request, prepare a schedule of values to show the breakdown of the Contract Sum into each significant category of work. Revise each time the schedule is affected by a change order.

SHOP DRAWINGS, PRODUCT DATA, & SAMPLES:

Submit shop drawings, product data, and samples for review and approval by the Architect for each category of work where requested in the specifications. Do not proceed with fabrication or installation of items until approval has been received.

SUBSTITUTIONS:

Construction methods and/or materials may be offered as substitutions. Such proposed substitutions shall be accompanied by full descriptive and technical data, plus the difference in price, if any, and be submitted to the Architect in ample time for review and approval so as not to delay the progress of the work.

END OF SECTION 01300

SECTION 01500 - TEMPORARY FACILITIES

Summary: This Section specifies temporary facilities, including construction and support, and security and protection. Provide facilities ready for use. Maintain and modify as needed. Remove when no longer needed, or replaced by permanent facilities.

Use Charges: Cost or use charges for temporary facilities are not chargeable to the Owner or Architect, and will not be accepted as a basis for claims for a change order.

Regulations: Comply with applicable laws and regulations.

Conditions of Use: Keep facilities clean and neat. Operate in a safe and efficient manner. Take necessary fire prevention measures. Do not overload. Do not permit facilities to interfere with progress. Do not allow hazardous, dangerous or unsanitary conditions, or public nuisances to develop or persist on the site.

Materials and Equipment: Provide new materials and equipment, or undamaged previously used materials and equipment in serviceable condition, suitable for the use intended.

Temporary Construction and Support Facilities Installation:

Temporary Scaffolding and Jacks: Provide such facilities as necessary for completion of the project. Take care to protect existing site and building during set-up, use, and dismantling. Repair any damage caused by use of such facilities.

Temporary Security and Protection Facilities Installation:

Barricades and Warning Signs: Comply with standards and code requirements for erection of barricades. Provide appropriate warning signs to inform personnel and the public of the hazard being protected against.

Environmental Protection: Operate temporary facilities and conduct construction by methods that comply with environmental regulations, and minimize the possibility that air, water, plants, and soil might be contaminated or polluted.

Termination and Removal: Remove each temporary facility when the need has ended, or replaced by a permanent facility. Repair damaged work, clean exposed surfaces and replace construction that cannot be satisfactorily repaired.

END OF SECTION 01500

SECTION 01700 - PROJECT CLOSEOUT

Substantial Completion: Before requesting inspection for certification of Substantial Completion, complete the following:

Submit specific warranties, workmanship bonds, maintenance agreements, final certifications and similar documents.

Submit record drawings, maintenance manuals, final project photographs, damage or settlement survey, property surety, and similar record information.

Change over to permanent locks and transmit keys to the Owner.

Complete start-up testing of systems, and instruction of the Owner's personnel. Remove temporary facilities from the site, along with construction tools, mockups, and similar elements.

Complete final cleaning. Touch-up, repair, and restore marred exposed finishes.

Inspection Procedures: On receipt of a request for inspection, the Architect will advise the Contractor of unfulfilled requirements. The Architect will prepare the Certificate of Substantial Completion following inspection, or advise the Contractor of construction that must be completed or corrected before the certificate will be issued.

The Architect will repeat the inspection when requested and assured that the Work has been substantially completed.

Results of the completed inspection will form the basis of requirements for final acceptance.

Final Acceptance: Before requesting inspection for certification of final acceptance and final payment, complete the following:

Submit final payment request with releases.

Submit a copy of the final inspection list stating that each item has been completed or otherwise resolved for acceptance.

Submit consent of surety to final payment.

Submit evidence of continuing insurance coverage complying with insurance requirements.

Record Drawings: Maintain a clean, undamaged set of black-line copies of Contract Drawings and Shop Drawings. Mark up these drawings to show the actual installation. Mark whichever drawing is best suited to show constructed conditions accurately. Give particular attention to concealed elements that would be difficult to see, measure, and record at a later date.

Record Specifications: Maintain one copy of the Project Manual, including addenda. Mark to show variations in actual work performed in comparison with the Specifications and modifications. Give particular attention to substitutions, selection of options, and similar information on elements that are concealed or cannot be readily discerned later by direct observation.

Operating and Maintenance Instructions: Arrange for the installer of equipment that requires regular maintenance to meet with the Owner's personnel to provide instruction in proper operation and maintenance.

Final Cleaning: Employ experienced workers for final cleaning. Clean each surface to the condition expected in a commercial building cleaning and maintenance program. Complete the following before requesting inspection for certification of Substantial Completion:

- Remove labels that are not permanent labels.

- Clean exposed hard surfaced finishes to a dust-free condition, free of stains, films, and foreign substances. Restore reflective surfaces to their original reflective condition. Leave concrete floors broom clean.

- Clean light fixtures and lamps.

- Clean the site of rubbish, litter and other foreign substances. Sweep paved areas. Remove stains, spills and other foreign deposits.

Removal of Protection: Remove temporary protection facilities.

Compliance: Comply with regulations of authorities having jurisdiction and safety standards for cleaning. Remove waste materials from the site and dispose of in a lawful manner.

END OF SECTION 01700

SECTION 01800 - HISTORIC TREATMENT PROCEDURES

Summary: The work of this Section includes:

Historic fabric removal and dismantling.

Definitions:

Existing to Remain: Existing items that are not to be removed or dismantled.

Match: To blend with adjacent construction and manifest no apparent difference in material type, species, cut, form, detail, color, grain, texture, or finish; as approved by the Architect.

Reconstruct: To remove existing item, replicate damaged or missing components, and reinstall in original position.

Refinish: To remove existing finishes to base material and apply new finish to match original, or as otherwise indicated.

Reinstall: To protect removed or dismantled item repair and clean it as indicated for reuse, and reinstall it in original position, or where indicated.

Remove: To detach an item from existing construction to the limits indicated, using hand tools and hand-operated power equipment, and legally dispose of it off site, unless indicated to be salvaged or reinstalled.

Repair: To correct damage and defects, retaining existing materials, features, and finishes while employing as little new material as possible. Includes patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading materials.

Replace: To remove, duplicate, and reinstall entire item with new material. The original item is the pattern for creating duplicates unless otherwise indicated.

Replicate: To reproduce in exact detail, materials, and finish, unless otherwise indicated.

Reproduce: To fabricate a new item, accurate in detail to the original, and in either the same or a similar material as the original, unless otherwise indicated.

Restore: To consolidate, replicate, reproduce, repair, and refinish as required to achieve the indicated results.

Retain: To keep existing items that are not to be removed or dismantled.

Reversible: New construction work, treatments, or procedures that can be removed or undone in the future without damaging historic materials, unless otherwise indicated.

Salvage: To protect removed or dismantled items and deliver them to Owner.

Stabilize: to provide structural reinforcement of unsafe or deteriorated items while maintaining the essential form as it exists at present.

Strip: To remove existing finish down to base material, unless otherwise indicated.

Submittals:

Detailed description of sequence of historic treatment work, with starting and ending dates, coordinated with Owner's continuing operations and other known work in progress.

Preconstruction Documentation: Take photographs to show preexisting conditions of adjoining construction and site improvements, including finish surfaces that might be misconstrued as damage caused by imminent construction operations.

Quality Assurance:

Field Supervisor Qualifications: Employ supervisor experienced in historic treatment work similar in nature, material, design and extend to that indicated for this Project.

Preconstruction Conference: Conduct a conference with key personnel, Owner, and Architect to discuss precautions, schedule, work sequencing, and tolerances for undertaking the required scope of work.

PROTECTION OF HISTORIC MATERIALS

Existing Historic Materials to Remain:

Protect construction indicated to remain, against damage from construction work.

Notify Architect of discrepancies between existing conditions and contract scope of work before proceeding with historic materials treatment.

EXECUTION

HISTORIC TREATMENT

Retain as much existing materials as possible; repair and consolidate rather than replace.

Use additional material or structure to reinforce, strengthen, tie, and support existing materials.

Use reversible procedures wherever possible.

Use historically accurate repair and replacement materials and techniques unless otherwise indicated.

Where work requires existing features to be removed or dismantled and reinstalled, perform these operations without damage to the material itself, to adjacent materials, or to the substrate.

Notify the Architect of visible changes to the integrity of material or components whether due to treatment procedures, or other causes. Do not proceed with work in question until directed by the Architect.

HISTORIC REMOVAL & DISMANTLING

Provide supports or reinforcement for existing construction that becomes temporarily weakened by the work, until new work is completed.

Perform cutting by hand or with small power tools whenever possible. Cut holes and slots neatly to size required, with minimum disturbance of adjacent material. Do not use pry bars.

Remove anchorages associated with removed items, unless needed for reinstallation.

END OF SECTION 01800

SECTION 04500 - MASONRY RESTORATION

GENERAL

Summary: The work of this Section consists of restoring historic brick masonry, primarily on the west side, but including the entire building, to match original circumstances including:

- Replacing deteriorated, broken, cracked, and spalled brick;
- Rebuilding areas of heaved or shifted masonry;
- Pointing deteriorated brick mortar joints;
- Installing new control joints.

QUALITY ASSURANCE

Comply with appropriate provisions of ACI 530 / 530.1-13, and ASTM C 270.

Qualification: Work shall be performed by a firm with not less than five years successful experience in comparable masonry restoration projects.

All work shall be done by skilled and experienced tradesmen.

All work shall be executed under the continuous supervision and direction of a competent mason.

All mortar mixing shall be done by the same experienced and competent workman for the duration of the job.

Mortar Analysis: Before commencement of work, Contractor shall have a mortar analysis completed to determine the composition of the existing mortar. Analysis shall be done by a recognized materials testing laboratory with experience analyzing historic mortar. Start project work only upon completion of the mortar analysis, and receipt of written approval by the Architect, and of a proposed new mortar mix matching the historic mortar.

Follow ASTM C 1324 Standard Test Method for Examination and Analysis of Hardened Masonry Mortar.

Test Areas: Before commencement of work, complete small test areas demonstrating all aspects of the restoration procedure, including raking out and pointing of joints and the reconstruction of deteriorated masonry. Mix different mortars using coarse and fine sands to duplicate the historic mortar. Start project work only upon receipt of written approval of the test areas by the Architect. Approved areas shall be used as the standard reference for acceptance or rejection of all masonry restoration on the job.

Storage and Handling of Materials:

All materials shall be kept dry and protected from weather and contamination. Masonry units shall be stacked on pallets.

Manufacturers' labels and seals shall be intact upon delivery at job site.

Any material that has deteriorated or been contaminated shall not be incorporated into the work.

Job Conditions: Comply with the requirements of "Construction and Protection Recommendations for Cold Weather Masonry Construction", Technical Notes, Brick Institute of America.

All materials shall be kept above 45 degrees F.

No mortar shall be placed when the temperature is 40 degrees F and falling.

Pointing shall not be done at temperatures above 80 degrees F, unless shading and water-misted burlap over new work is provided to control evaporation from mortar.

Newly laid masonry and pointed mortar shall be protected against freezing until it is set and dry.

Newly laid masonry and pointed mortar shall be protected from excessive exposure to rain until the surface is thumb-print hardened.

Safety: Workmen raking out joints shall be protected from the effects of dust during cutting-out operations by wearing adequate protective equipment.

MATERIALS:

Masonry Materials:

Brick: Units shall be existing sound brick salvaged by the Contractor, and new brick of size, shape, color, surface texture, and physical properties to match original brick.

Mortar Materials:

Portland Cement: ASTM C 150, Type 1. Use non-staining, no air-entrainment, grey and/or white portland cement as necessary to match original mortar appearance as closely as possible.

Hydrated Lime: ASTM C 207, Type S.

Aggregate: ASTM C 144. Natural sand shall be selected to produce mortar color

matching original. Match size, texture, and gradation of existing original mortar. Do not use beach sand.

Water: Clean and potable, free of oils, acids, and organic matter.

Mortar Mix: Mortar mix shall be proportioned as determined by the required approved mortar analysis.

Measure cementitious and aggregate materials in a dry condition by volume or equivalent weight and mix in a clean mechanical mixer.

Mixing: Because prehydration greatly reduces mortar shrinkage and improves workability, prehydrate all mortar. Thoroughly mix all ingredients dry; then mix again, adding only enough water to produce a damp unworkable mix which will retain its form when pressed into a ball. After keeping mortar in this dampened condition for one, and not more than two hours, add sufficient water to bring it to proper consistency. Too much water reduces strength and increases shrinkage; add water sparingly. To improve workability, increase air entrainment and plasticity. To insure thorough mixing, mortar shall be mixed a total of at least 10 minutes before using. Do not use anti-freeze compounds to lower the freezing point of mortar.

Mortar Use: Use mortar within 30 minutes of final mixing; do not retemper or use partially hardened material.

INSTALLATION

Masonry Restoration:

Remove loose, damaged, spalled, or deteriorated brick at locations indicated. Clean remaining brick at edges of removal areas by removing mortar, dust, and loose debris.

Reconstruct missing or removed areas with new or salvaged brick to match bonding and coursing pattern of existing masonry.

Tool exposed mortar joints in reconstructed areas to match joints of surrounding existing brickwork.

Complete masonry reconstruction work to match original historic masonry in all respects.

Masonry Pointing: Deteriorated joints are defined as having: loose or missing mortar, exceedingly soft mortar, powdery or crumbling mortar, cracks that weaken the bond between units, or voids.

Rake out mortar from deteriorated joints to depths equal to 2-1/2 times their widths but

not less than 1/2", nor less than required to expose sound, unweathered mortar. Leave clean joints with bond surfaces of masonry exposed and reveals with square backs.

Remove all nails, brackets, flashing, and other built-in fittings not to be retained.

Retain sound adjacent mortar joints in their present state.

Take care not to damage masonry units adjacent to joints being cut out.

Cutting out of deteriorated mortar shall be done by hand with hammer and chisel, with a pneumatic chisel as specified below, or as otherwise approved by the Architect in writing.

Permitted tool shall be a Barre Short Stroke Pneumatic Carving Tool, Type B or D, as manufactured by "Trow & Holden Co. Inc.", Barre, Vermont, 800/451-4349. The chisel shall have a round shank and be hand held in place in the tool with no retainer. The width the cutting edge and the diameter of any portion of the chisel blade which enters the masonry joint shall not exceed 3/4 of the width of the mortar joint. The compressor activating the tool shall have a variable pressure control and be regulated to provide air pressure consistent with effective cutting of the mortar.

Rinse masonry surfaces with water to remove dust and mortar particles. At time of pointing, provide damp joint surfaces free of standing water. Apply and compact first layer of mortar to areas where existing mortar was removed to depths greater than surrounding areas. After depth of joints are uniform, apply pointing mortar in thin layers, compacting each in turn, after each previous layer becomes thumbprint hard.

Tool joints to match surrounding original joints, after final layer of mortar has set.

Complete masonry pointing work to match original historic masonry in all respects.

Cleaning:

Excess mortar shall be immediately removed from adjacent surfaces.

Clean masonry with bristle brush as work proceeds.

Wash completed sections of wall from top to bottom by hand washing with stiff nylon or bristle brushes and clean water, spray applied at low pressure.

END OF SECTION 04500

SECTION 04600 - MASONRY CLEANING

GENERAL

Summary: The work of this Section includes brick masonry cleaning of the entire building.

Submittals:

Product Data: For each type of product.

Qualification: Work shall be performed by a firm with not less than five years successful experience in comparable projects.

All work shall be done by skilled and experienced tradesmen.

Test Areas: Before commencement of work, complete small test areas to determine precise cleaning procedures, such as dilution rate, and demonstrate all aspects of the cleaning procedure to assure desired results. Start project work only upon receipt of written approval of the test areas by the Architect. Approved areas shall be used as the standard reference for acceptance or rejection of all masonry cleaning on the project.

Job Conditions: To obtain best cleaning results, surface and air temperatures should be a minimum of 40 degrees F during application. Do not clean when temperatures are below freezing or will be overnight.

MATERIALS & EQUIPMENT

Storage and Handling of Materials:

All materials shall be kept dry and protected from weather and contamination.

Cleaner:

“Prosoco” EnviroKlean Safety Klean low corrosion masonry cleaner.

Spray Equipment for Water:

Equipment capable of controlled spray application of water at pressures, volume and temperature (if any) indicated, with not less than 15 degree fan-shaped spray tip.

EXECUTION

Protection:

Take environmental precautions to protect the Bear River, plant materials, and surrounding lawn areas from exposure to masonry cleaner.

All window glass, metal, and painted surfaces to remain shall be protected from exposure during the cleaning process using polyethylene, liquid-strippable masking agent, or other proven protective.

Application personnel shall take precautions to protect eyes and skin from exposure to alkaline compounds.

Pedestrian sidewalk traffic shall be diverted from work areas. Beware of wind drift and take precautions to protect vehicles and non-movable valuables.

Preparation:

All caulking and sealing shall be in place and thoroughly cured before cleaning.

Cleaning:

Comply with recommendations of cleaning product manufacturer.

Commence and complete cleaning within 14 - 28 days of masonry restoration work.

Use clean water to pre-wet surface to be cleaned. Apply cleaner liberally using low pressure spray (50 psi max.), roller, or masonry washing brush, according to manufacturer's recommendations. Do not apply with high pressure spray. Let cleaning solution dwell 3 - 5 minutes. Reapply, and use light scrubbing action on surface. Do not let cleaning solution dry into the masonry; if solution starts to dry, reapply.

Rinse with clean water, using a concentrated stream of water on each section, taking care to keep the wall below wet until after it has been completely rinsed.

Clean-up:

Remove all protections, equipment and debris, and leave job site in a clean, orderly and acceptable condition.

Contain, transport, and dispose of all trash materials in accordance with all federal, state, and local regulations.

END OF SECTION 04600

SECTION 07600 - SHEET METAL FLASHING & TRIM

GENERAL

Summary: The work of this Section includes:

Masonry opening head flashing at all window openings.

Submittals:

Product Data: For each type of product.

Quality Assurance: Comply with "Architectural Sheet Metal Manual" by SMACNA, conforming to dimensions and profiles shown.

Fabricator Qualifications: Employ skilled workers who custom fabricate metal flashing and trim similar to that required for this Project, and whose products have a record of successful in-service performance.

Performance Requirements: Install sheet metal flashing to withstand wind loads, structural movement, thermally induced movement, and exposure to weather without failing, rattling, leaking, and fastener disengagement.

PRODUCTS

Flashing:

Type:

Opening Head Flashing.

Material:

Stainless steel, Type 304, 26 gauge standard thickness.

Size:

1-1/2 inch.

Product:

"Hohmann & Barnard" Drip Plate.

Bituminous Coating: Cold-applied asphalt emulsion according to ASTM C 1187.

Elastomeric Sealant:

ASTM C 920, elastomeric polyurethane, polysulfide, or silicone polymer sealant, of type, grade, class, and use classification required to seal joints in fabrications and remain watertight.

FABRICATION

Custom fabricate sheet metal flashing to comply with SMACNA recommendations that apply to design, dimensions, and geometry. Shop fabricate items where practical, based on field measurements for accurate fit.

Provide for thermal expansion of running sheet metal work by overlaps or expansion joints in fabricated work. Conceal fasteners and expansion provisions where possible.

INSTALLATION

Coordinate installation of sheet metal flashing with interfacing and adjoining construction to provide a leakproof, secure, and noncorrosive installation.

Anchor work in place with noncorrosive fasteners, adhesives, setting compounds, and other materials and devices as recommended by manufacturer of each material or system. Provide for thermal expansion and building movements. Comply with recommendations of "Architectural Sheet Metal Manual" by SMACNA.

Install sheet metal flashing and trim true to line, levels, and slopes. Provide uniform, neat seams with minimum exposure of sealant.

Install sheet metal flashing and trim to fit substrates and to result in water-tight performance.

Where dissimilar metals contact each other, or where metal contacts pressure-treated wood or other corrosive substrate, protect against galvanic action or corrosion by painting contact surface with bituminous coating or by other permanent separation.

Remove temporary protective coatings and strippable films as sheet metal flashing and trim are installed unless otherwise indicated in mfr's written instructions

Seal moving joints in metal work with elastomeric joint sealants, complying with requirements specified in Section 07900 Joint Sealants.

CLEANING & PROTECTION

On completion, remove unused fasteners; clean off excess sealants.

Clean metal surfaces of substances which could cause corrosion, or that interfere with uniform oxidation and weathering.

END OF SECTION 07600

SECTION 07900 - JOINT SEALANTS**GENERAL**

Summary: Work of this Section includes sealants for the following applications, including those specified by reference to this Section:

Exterior joints in the following vertical surfaces.
Brick masonry control joints.
Opening steel lintel / flashing joints.
Other joints as indicated.

Submittals: Product data including certified test reports for joint sealants evidencing compliance with requirements, mfr's color charts and warranties.

PRODUCTS

Compatibility: Provide joint sealants, joint fillers and other related materials that are compatible with one another and with joint substrates under service and application conditions, as demonstrated by testing and field experience.

Colors: Provide color of exposed joint sealants indicated or, if not otherwise indicated, as selected by Architect from manufacturer's standard colors.

Elastomeric Sealant Standard: Provide manufacturer's standard chemically curing, elastomeric sealant of base polymer indicated, complying with ASTM C 920 Elastomeric Joint Sealants requirements.

One-Part Silicone Sealant for Use NT: "Dow Corning" 790 silicone building sealant, or equal with outstanding unprimed adhesion to masonry.

Sealant Backings, General: Nonstaining, compatible with joint substrates, sealants, primers, and other joint fillers; approved for applications indicated by sealant manufacturer based on field experience and laboratory testing.

Plastic Foam Joint Fillers: Pre-formed, compressible, resilient, non-waxing, non-extruding strips of plastic foam of material indicated below, and of size, shape, and density to control sealant depth and otherwise contribute to producing optimum sealant performance.

Either flexible, open-cell polyurethane foam or non-gassing, closed-cell polyethylene foam, unless otherwise indicated, subject to approval of sealant manufacturer.

Bond-Breaker Tape: Polyethylene tape or other plastic tape as recommended by sealant mfr. for preventing bond between sealant and joint filler or other materials at back of joint.

Primer: As recommended by joint sealant manufacturer where required for adhesion of sealant to joint substrates indicated.

EXECUTION

General: Comply with joint sealant manufacturers' instructions applicable to products and applications indicated.

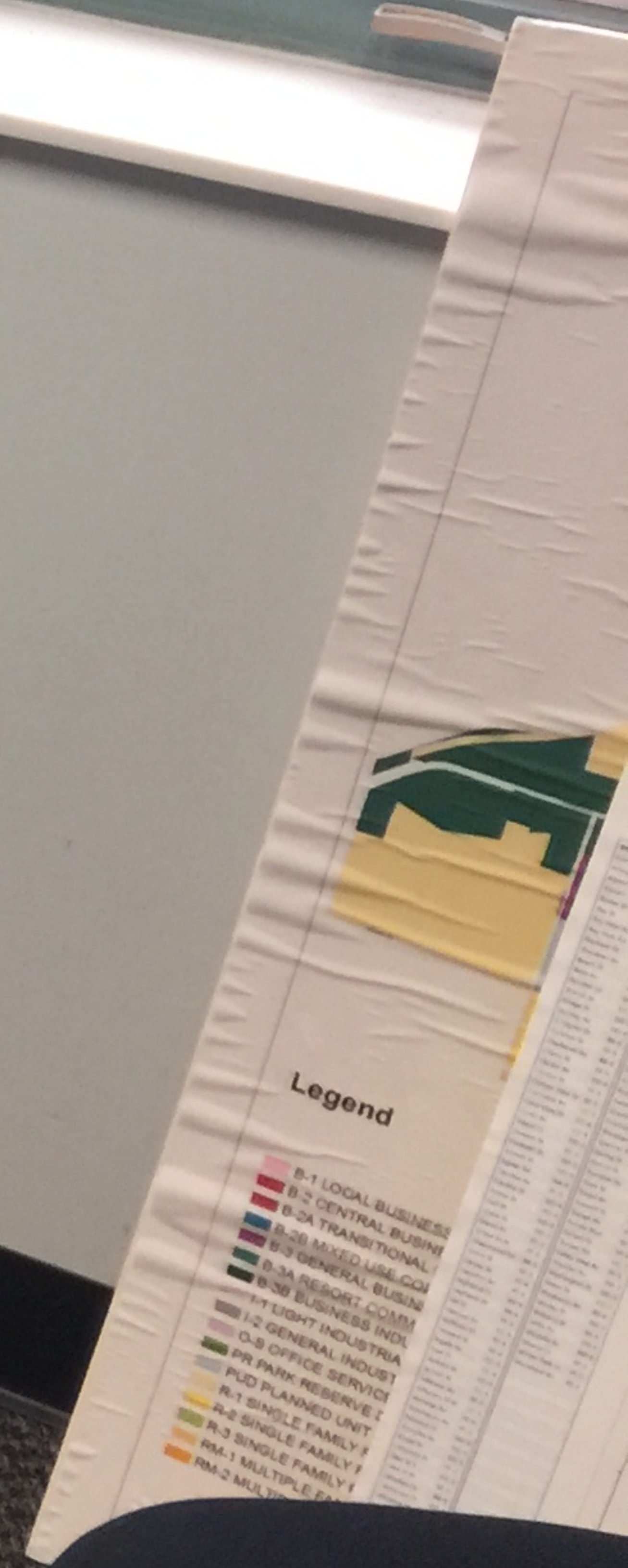
Elastomeric Sealant Installation Standard: Comply with ASTM C 962.

JOINT SEALER SCHEDULE

JOINT SEALER	DESCRIPTION OF JOINT CONSTRUCTION AND LOCATION WHERE JOINT SEALANT IS TYPICALLY APPLIED
One-Part Silicone Sealant Non-Traffic (NT)	Exterior joints in vertical surfaces of concrete, stone, and masonry; between concrete and masonry; between stone and masonry; between stone and metal.

Install joint sealants indicated in joints fitting descriptions and locations listed, as well as in locations identified on Drawings.

END OF SECTION 07900









City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: June 4, 2018

PREPARED: May 30, 2018

AGENDA SUBJECT: MDOT Annual Permit Signature Designation Resolution

RECOMMENDATION: That the City Council consider the enclosed proposed resolution

Background The City of Petoskey regularly performs maintenance and repair work within the Michigan Department of Transportation (MDOT) right-of-way. Such maintenance includes the repair of electric, waterlines, storm sewers and inlets, sanitary sewers, and general road repairs. MDOT requires the City obtain a general Right-of-Way Permit for performing these routine and emergency repairs within the State right-of-way. City Council approved the same resolution as required by MDOT in 2011.

Action The City Council will be asked to approve the enclosed proposed resolution that would authorize six Department of Public Works employees to enter permit applications through the MDOT online system on behalf of the City and its contractors.

sb
Enclosure

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

Signed _____ Title _____



City of Petoskey

Agenda Memo

BOARD: City Council

MEETING DATE: June 4, 2018

PREPARED: May 31, 2018

AGENDA SUBJECT: Consideration to Approve a Resolution Authorizing a Closed Session Pursuant to Section 8(h) of the Michigan Open Meetings Act

RECOMMENDATION: That the City Council adopt the proposed resolution

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

sb
Enclosure



City of Petoskey

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, at the City Council's regular meeting of June 4, 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.