



CITY COUNCIL

April 20, 2015

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, April 20, 2015. 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: William Fraser, Mayor
Kate Marshall, City Councilmember
John Murphy, City Councilmember
Grant Dittmar, City Councilmember
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were Acting City Manager Alan Terry, Director of Public Works Michael Robbins, City Attorney James Murray and Administrative Assistant Sarah Bek.

Public Hearing – Closeout of Urgent Need Grant

A public hearing was held to receive comments concerning the closeout of the Urgent Needs Grant. The City submitted an application to the Michigan Economic Development Corporation (MEDC) last August

for reimbursement of expenses incurred during the extreme cold of the 2014 winter. The grant funds were approved and provided to the City through the State’s Urgent Need Infrastructure Grant program, which was eligible to areas of the Upper Peninsula and Northern Lower Peninsula.

The City’s grant covered the repair of seven water main breaks that occurred between March 23, 2014 and April 18, 2014 totaling \$120,319. The City provided a 20% match of \$24,064 and received a grant amount of \$96,255. The City, as part of the grant requirements also adopted several policies and procedures, the last of which were approved at the March 16, 2015 City Council meeting. The project is now ready to be closed out and part of the process requires the City to hold a public hearing to receive any comments regarding the project.

Mayor Fraser opened the public hearing at 7:02 P.M. and there were no public comments.

Resolution No. 18865 Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of April 20, 2015, City Councilmember Marshall moved that, seconded by City Councilmember Wills adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the March 16, 2015 regular-session and March 23, 2015 special session City Council meeting be and are hereby approved;

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since March 16 for contract and vendor claims at \$1,263,695.36, intergovernmental claims at \$45,880.23, and the March 26 and April 9 payrolls at \$349,108.82, for a total of \$1,658,684.41 be and is hereby acknowledged;

BE IT FURTHER RESOLVED that the City Council does and hereby authorizes to contract with Tri County Excavating Group, LLC, Harbor Springs, for replacement of Pine Bluff Lift Station for \$112,000; and

NOW THEREFORE BE IT RESOLVED that the City Council does and hereby authorizes to contract with R.B. Lyons, Inc., Charlevoix, for ice damage repairs at Bayfront Park Marina for \$42,640.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18866
Confirm Appointments

Mayor Fraser then reviewed that City Council consider possible appointments to the Downtown Management Board and Greenwood Cemetery Board. City Council-member Wills moved that, seconded by City

Councilmember Marshall, adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Jennifer Shorter, 301 East Lake Street, and appointment of Doug Buck, 822 Grove Street, to the Downtown Management Board both for four-year terms ending December 1, 2018; and

BE IT FURTHER RESOLVED that the City Council does and hereby approves the appointment of Gordon Coffin, 810 Harbor Watch Drive, to the Greenwood Cemetery Board, filling a five-year term ending May, 2016.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Public Comment

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

Hear City Manager Updates

The Acting City Manager reviewed that the run water notice was lifted today and staff will average May utility bills; that MDOT reconstruction on US-31 is on schedule; that MDOT repaving in Bay View is two weeks late starting with an estimated completion date of early June; that there will be a series of Emmet Streetscape Design workshops May 11-14; that there is a special May 5 election and the road to voting hall will be open and an announcement will be mailed with monthly utility bills explaining the access to the voting hall; that City and Ward conventions will occur two weeks earlier than normal due to changes in election laws and will be July 13 and July 15, 2015; and that with the new City Manager starting if Council was interested, a planning and goal setting session could be scheduled with Dr. Joe Ohren.

City Councilmembers concurred that it would be a good idea for Dr. Ohren to return and facilitate a planning and goal session; heard there are no lane closures anticipated during the Bay View repaving project; noted that patchwork on city streets was temporary; and discussed the wet portion along Jennings Avenue that may be due to a waterline break .

Resolution No. 18867 Approve Location
for Ernest Hemingway Statue

The Acting City Manager reviewed that at their March 2 meeting, City Council received a brief presentation by George Colburn on a proposed statue to be donated to the City by Mr. Robert Dau. The statue would be of

young Ernest Hemingway while in Petoskey. The vision is of a life size statue, situated at ground level allowing visitor interaction.

City Council passed a motion accepting the gift on the basis the Council is able to determine an acceptable location. Council discussed various locations for the statue and requested City staff examine these and other possible sites and return to Council with a list of proposed locations.

Council at their March 16, 2015 meeting received from City staff a list of 8 possible locations for the statue, along with a map and legend. Council reviewed the proposed locations and scheduled a special City Council meeting for March 23 to tour the 8 sites. Following the tour of the locations, City Council reduced the number of sites from the 8 proposed, down to three, with the addition of one new site for a total of 4 locations. The four locations were as follows: Carnegie Library - left lawn panel, Bayfront Park Museum, Pennsylvania Park – across from Perry Hotel, and Pennsylvania Park – near gazebo (new site).

Mayor Fraser reviewed that the Acting City Manager, Director of Parks and Recreation and himself had a conference call with Mr. Dau concerning the locations and statue and that the new suggested site was opposed by Mr. Dau.

Mayor Fraser reviewed that Mr. Dau did not favor the library location and that Hemingway was a significant person and his legacy deserved a separate location.

Mayor Fraser asked for public comments and heard from Tom Renkes, 618 East Mitchell Street, concerning the time frame of statue development and that there is a book launch of Hemingway on July 14 at City Park Grill. Staff noted that the process is expected to take at least one year.

City Councilmember Murphy moved that, seconded by City Councilmember Dittmar to the approve Pennsylvania Park location across from the Perry Hotel for placement of Ernest Hemingway statue.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18868 Approve
Street Resurfacing Project

The Acting City Manager reviewed that the City's 2015 Annual Budget included \$400,000 for a street resurfacing project that would include miscellaneous as-needed repairs to curb and gutters, drive approaches and sidewalk ramps. City staff along with its consultant Northwest Design Group, Petoskey, conducted an extensive assessment of all city streets using a rating system known as Pavement Surface Evaluation and Rating (PASER). Streets are visually inspected to evaluate pavement surface and curb conditions and then given a rating between 1 and 10. Categories within the PASER rating are as follows: 1-2 poor, 3-4 fair, 5-7 good, 8-10 very good. Results from evaluated streets were then compiled in a database program that will be used by City staff for current and future planning needs.

City Councilmembers received a reference map of the City's street inventory and associated ratings pertinent to each street segment. Streets being considered for the 2015 resurfacing project fall under the category of fair to poor, these streets and segments of streets include Carlton, Myrtle, Valley View, Grand Avenue, Fairview, North Grand Avenue, Sunset Avenue, Beaubien, Lafayette, Belle Avenue, Stuart Avenue and Rosedale.

Detailed plans and specifications for this proposed project were prepared by Benchmark Engineering, Harbor Springs. Bid packets were advertised and available on February 18 and two bids were received at a public opening on March 4, 2015. City staff recommended that City Council authorize contracting with Payne & Dolan, Inc., Gaylord, for this proposed project for \$279,135.70.

City Councilmembers inquired about the status and condition of Clarion Avenue not being addressed; and the Acting City Manager reviewed that resurfacing Clarion Avenue would cost \$1M and upwards due to the size of the project.

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

WHEREAS, the City's 2015 budget included \$400,000 for street resurfacing projects in the Major and Local Street Funds; and

WHEREAS, City staff and its consultants conducted an assessment of all City streets using the rating system known as PASER (Pavement Surface Evaluation and Rating) to determine which streets to repave for 2015; and

WHEREAS, plans and bids specification for the 2015 street resurfacing projects were provided to contractors, with two bids being received:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby authorizes contracting with Payne & Dolan, Inc., Gaylord, in the amount of \$279,135.70 for the City of Petoskey's 2015 street resurfacing project.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18869 Tentatively
Approve Northmen Drive Street Transfer

The Acting City Manager reviewed that Petoskey Public Schools, as part of their Petoskey Athletic Facilities Plan Project, will be reconstructing all of Northmen Drive in 2015. The project includes a realignment of Northmen Drive that will allow for a new parking lot near Turcott Field and construction of the football stadium. The redesigned Northmen Drive will include curb and gutter its entire length with a standard width of 28 feet (like Atkins extension). A 10 foot wide concrete non-motorized trail will line the west side of the street (stadium side) with additional sidewalk in areas near the Middle School on the east side. The street will be lighted with the same shoebox type lights used throughout the City. Street trees will be planted along the street in both a staggered and grouping formation.

City staff has been working with Petoskey Public Schools staff and their engineers to review the design of Northmen Drive to comply with the City's street standards so the street would be eligible to become part of the City's street system, pending approval of City Council. City staff and engineers have approved the final designs and would be agreeable to the transfer of ownership to the City upon completion of the project.

The project would also include repaving the City owned portion of Northmen Drive from Klondike Avenue to Northmen Court, which extends to the City's water well. The entire project will not be finished until 2016, but the street portion will be completed in 2015, at which time formal acceptance of the street could be considered.

Prior to commencement of the project, Petoskey Public School's asked for a resolution that would support the City's acceptance of Northmen Drive into the City's street system, once built to the City's standards, including all of the proposed amenities. The transfer of ownership to the City would include several additional agreements and easements. The project calls for three pedestrian tunnels to cross under the street. These tunnels would remain the property and responsibility of Petoskey Public Schools and will require easements and a maintenance agreement. There would also be a separate agreement providing for shared costs between the City and School to repave the road when necessary in the future. These documents, along with any others, would be part of the final approval, by City Council, to accept ownership of the street.

City Councilmembers inquired on the shared costs; if MacDougal extension would be part of this project; if the number of pedestrian tunnels would be reduced; and how tunnels would be constructed.

In response to Council comments, the Acting City Manager reviewed that there would be a one time shared expense from the City and Schools for paving and reconstruction costs; that MacDougal extension was not part of this project but rather the County Road Commission's project; and that the road will be level in the area of the pedestrian tunnels.

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

WHEREAS, the Public Schools of Petoskey, is undertaking their Petoskey Athletic Facilities Plan Project in 2015, which includes the reconstruction of all of Northmen Drive; and

WHEREAS, the reconstruction of Northmen Drive includes; new asphalt, curb and gutter, a ten foot wide non-motorized trail along the west side of the street, shoebox type lighting staggered along both sides of the street, and trees and other plantings, with all included items along the entire length of Northmen Drive; and

WHEREAS, Northmen Drive will be constructed to City of Petoskey standards and all amenities will be of the same type used by the City and approved by City Staff; and

WHEREAS, the Public Schools of Petoskey agrees to construct Northmen Drive as depicted on the plans reviewed and approved by City staff and in all cases to City of Petoskey standards as determined by City staff; and

WHEREAS, both parties agree it is mutually beneficial, upon completion of the street construction to transfer ownership to the City of Petoskey, for inclusion in the City's street system;

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council hereby confirms its intent, at the request of the Public Schools of Petoskey, to accept ownership of Northmen Drive upon completion of the street reconstruction project, subject to the provisions described above and the completion of any and all easements and agreements related to the project; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that upon completion of the street construction project and preparation of all necessary documents the Petoskey City Council will consider formal approval of the transfer of ownership of Northmen Drive to the City of Petoskey; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City of Petoskey, by adoption of this resolution, is not in any way legally bound to accept the transfer of Northmen Drive now or in the future, as the purpose of this resolution is to show support of such transfer once the project is completed by the Public Schools of Petoskey and all necessary legal documents are prepared to the satisfaction of both parties.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18870 Approve
Revenue Sharing Application for Tennis
Court Renovation Project

The Acting City Manager reviewed that since 2013 the City in cooperation with the Public Schools of Petoskey and Petoskey Community Courts, an area non-profit organization, has pooled their efforts to raise approximately \$255,000 to fund the reconstruction of the six lighted tennis courts at the recreational complex located at 1500 Hill Street, a joint City/School District facility. The City submitted applications to the Michigan Department of Natural Resources Recreation Passport Program twice for \$45,000 in funding and both applications were unsuccessful. To date approximately \$175,000 of the \$255,000 funding goal has been raised. The project originally scheduled for the summer of 2015 has been delayed as a result of this \$75,000 shortfall in funding.

Funds received to date include \$125,000 from Petoskey Public Schools, \$5,000 from Emmet County Revenue Sharing Board, \$7,750 from Frey Foundation, \$5,000 from Bay Harbor Foundation and \$32,250 from public donations. In order to help raise additional funds toward this project, City staff prepared an application requesting \$30,000 for the project from the Emmet County Local Revenue Sharing Board. At its April 13, 2015 meeting, the Parks and Recreation Commission adopted a resolution in support of the application.

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

WHEREAS, the City of Petoskey, in cooperation with the Public Schools of Petoskey and Petoskey Community Courts, desires to renovate a 43 year old Lighted Tennis Court Complex located at 1500 Hill Street, Petoskey, Michigan, a recreational complex developed and jointly operated by the City of Petoskey and the Public Schools of Petoskey; and

WHEREAS, the Tennis Court Renovation Project is identified in the City of Petoskey 2015-2019 Capital Plan and is currently in its second year of fundraising; and

WHEREAS, a continuing fund drive has resulted in approximately \$175,000 being raised to date for the project. Of which \$125,000 came from the Public Schools of Petoskey, \$15,000 from the City of Petoskey and \$35,000 from the Petoskey Community Courts; and

WHEREAS, the City of Petoskey Parks and Recreation Commission, at its April 13, 2015 meeting, supported the submission of a grant application to the Emmet County Local Revenue Sharing Board in the amount of \$30,000 for partial funding of the \$255,000 project; and

WHEREAS, the City of Petoskey Parks and Recreation Commission, by resolution, requested that City Council consider endorsement of this grant application to the Emmet County Local Revenue Sharing Board and authorize staff to submit the application:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council hereby confirms its endorsement of and authorizes the submission of this application to the Emmet County Local Revenue Sharing Board in the amount of \$30,000.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Council Comments

Dittmar reported that he heard from a citizen that the art displayed at City Hall is done by NCMC students; and City Councilmember Marshall thanked Alan Terry for his efforts as Acting City Manager. Mayor Fraser also expressed his appreciation to Alan Terry for all of his work over the past several months as Acting City Manager.

Mayor Fraser asked for Council comments and heard from City Councilmember Wills that he would not be at the May 4 Council meeting; City Councilmember

There being no further business to come before the City Council, this April 20, 2015, meeting of the City Council adjourned at 7:42 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer