



## CITY COUNCIL

February 15, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Main Floor Lobby, Petoskey, Michigan, on Monday, February 15, 2016. 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 City Manager Robert Straebel, Clerk-Treasurer Alan Terry and Director of Parks and Recreation Allen Hansen.

Resolution No. 18943-18944  
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of February 15, 2016, 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 February 1, 2016 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 February 1 for contract and vendor claims at \$347,038.71, intergovernmental claims at \$0, and the February 11 payroll at \$180,189.37, for a total of \$527,228.08 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

The City Manager reviewed planting of trees with fewer trees; that each tree has an 18 month warranty; that the contractor is to water trees with City's bags; and that staff will be contacting property owners for help in watering trees.

Resolution No. 18944

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

BE IT RESOLVED that the City Council does and hereby authorizes to contract with Jim Hoffman's Sons, Inc., Petoskey, for planting of trees at various locations throughout the City for \$40,050.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18945  
Confirm Appointment

Mayor Fraser reviewed that City Council consider possible appointment to the Board of Review. City Councilmember Marshall moved that, seconded by City Councilmember Dittmar, adoption of the following

resolution:

BE IT RESOLVED that the City Council does and hereby approves the appointment of Joseph Nachtrab, 6744 Preserve Drive North, to the Board of Review for a three-year term ending April 2018.

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 City Manager reviewed healthcare costs and trends from 2003-2015; that an injunction was issued blocking enforcement of Public Act 269 concerning public officials referencing any information about a local ballot proposal 60 days prior to an election; that the Hemingway statue is on hold until the representative is back in the area; and thanked Winter Carnival volunteers for a successful event.

Review Amended Greenway  
Corridor Master Plan

The City Manager reviewed that after a series of workshops on the Downtown Greenway Corridor last summer, the Parks and Recreation Commission made several recommended plan changes for Council's consideration.

The Planning Commission and Parks and Recreation Commission held a joint meeting on February 8 to discuss the amended plans. The two Boards had numerous comments on the design of the Greenway Corridor and voted to postpone a recommendation for City Council to approve. The majority of the discussion revolved around the viability of the trolley in relation to the design and alignment of the trail, locations of street crossings, if railroad rails need to be severed for trolley operations and the need and size of trailhead parking (proposed just south of Grove Street).

On February 10, the DMB met in special session and unanimously voted to support the Greenway Corridor Plan including a trailhead parking lot of 34 spaces. The DMB also voiced strong support for investigating the liability of operating and funding the trolley in future years. The DMB wanted a year to investigate costs, federal compliance issues and other associated trolley issues before a decision is made. According to initial discussions staff has had with State officials and trolley consultants, the tracks will need to be severed before the trolley becomes operational.

Both the Parks and Recreation Commission and Planning Commission will be meeting the week of February 15 to further discuss the Greenway Corridor Plan deciding whether to recommend to City Council approval of the plan.

The City Manager briefly reviewed all of the amendments and reported that staff is currently working on a Michigan Natural Resource Trust Fund Development grant for up to \$300,000 for trail construction. The grant is due April 1 and is contingent upon approval of Greenway Corridor Plan as well as the grant application.

Phase I would occur in 2016 and includes a 7' sidewalk and a hedge along the Elks Lot; Phase II would include sidewalk from Mitchell to Emmet Street and would be included with grant application that is due April 1, 2016; and Phase III would include widening sidewalk from Bay Street to Mitchell Street from 5' to 14' to better accommodate outdoor dining.

City Councilmembers discussed parking along Lewis Street; opposed the proposed Quarry parking lot; discussed severing tracks for the trolley; and opposed the larger parking lot at Emmet/Grove and supported the smaller parking lot design.

This matter will be further discussed at a future City Council meeting.

Resolution No. 18946 - Approve  
Ballot Language for Mill Levy Increase  
to Fund Public Safety Equipment

The City Manager reviewed that ballot language had been developed regarding a mill levy increase to fund public safety equipment. The language will be included on the August 2, 2016 election ballot. The language was approved by the City Attorney and will be sent to the Emmet County Clerk's office once Council approves the resolution. The ballot question is as follows:

Shall the City of Petoskey, Emmet County, Michigan, levy a new additional millage in the amount of 0.75 mills (\$0.75 per \$1,000 of taxable value) on real property located in the City for the period of five (5) years, 2016 through 2020 inclusive, which will raise in the first year of such levy an estimated revenue of \$353,876 to be disbursed to the City of Petoskey for the purpose of providing funds to purchase fire-fighting equipment?

Yes ( ) No ( )

The City Manager reviewed that recently a U.S. District Court Judge issued a preliminary injunction blocking enforcement of Public Act 269. The Act barred public officials from referencing any information about a local ballot proposal 60 days prior to an election. Many local government officials viewed the legislation as a "gag order" violating First Amendment Rights as well as due process rights. The court only issued a "stay" pending further order of the court or legislative acts. This issue is on hold at this point. With this injunction, public officials may temporarily convey objectively neutral, factual information about local ballot proposals. A press release was included for Council review from Miller Canfield concerning this matter.

City Councilmembers discussed which 2016 election to place ballot proposal on and concurred to place it on the August 2, 2016 election.

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

WHEREAS, the City of Petoskey provides fire protection services for all lands within the City of Petoskey; and

WHEREAS, the City has determined that at least two specific fire-fighting apparatus and other related fire-fighting equipment have operational and maintenance issues and are in need of replacement; and

WHEREAS, the City of Petoskey has researched and discussed a variety of funding options and has identified a public safety mill levy as the most appropriate funding mechanism to pay for outdated fire-fighting equipment; and

WHEREAS, cities may impose and levy ad valorem property taxes to finance public services as authorized by the Michigan Constitution and other laws:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Petoskey, Emmet County, approves the following millage ballot question language and directs the City Clerk to submit it to be placed on the August 2, 2016 election ballot:

Shall the City of Petoskey, Emmet County, Michigan, levy a new additional millage in the amount of 0.75 mills (\$0.75 per \$1,000 of taxable value) on real property located in the City for the period of five (5) years, 2016 through 2020 inclusive, which will raise in the first year of such levy an estimated revenue of \$353,876 to be disbursed to the City of Petoskey for the purpose of providing funds to purchase fire-fighting equipment?

Yes ( ) No ( )

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Council Comments

Mayor Fraser asked for Council comments and City Councilmember Murphy commented that Council should take a position on Line 5 concerning pumping oil under the Great Lakes; and City Councilmember Marshall commented that she had a broken water meter at her home and City staff quickly responded to make necessary repairs and commended the Public Works staff.

There being no further business to come before the City Council, this February 15, 2016, meeting of the City Council adjourned at 8:50 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer