



**CITY COUNCIL**

July 18, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, July 18, 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

Absent: Jeremy Wills, City Councilmember

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry and Downtown Director Becky Goodman.

Resolution No. 18973  
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of July 18, 2016, City Councilmember Marshall moved that, seconded by City Councilmember Murphy adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 20, 2016 regular-session and July 12, 2016 special 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 June 20 for contract and vendor claims at \$1,281,424.75, intergovernmental claims at \$1,150, and the June 30 and July 14 payrolls at \$413,319.30, for a total of \$1,695,894.05 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)  
NAYS: None (0)

Hear Public Comment

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

The City Manager reviewed that Walker Parking

Hear City Manager Updates

representatives would be presenting tomorrow at the DMB meeting; reviewed accomplishments from the Green Communities Challenge and reported that the City achieved bronze level status; that the Teamsters are reviewing a proposed collective bargaining agreement; that Public Safety Lieutenants have begun initial collective bargaining contact discussions; that letters were sent to homeowners on West Lake Street west of the Solanus Mission Church with no opposition received on proposed designation for no parking on West Lake Street, and the Church was in favor of it as well except during church functions; that merging trail signs had been installed on the bike path near the church and property owner trimmed back hedges to enhance safety; reviewed Ward and City Convention results; that Public Safety is seeking applicants for the upcoming Citizens Academy in the fall; that the water tank project was nearly complete; that street work on Krusel, Klondike and Hazelton was substantially complete; that Clarion Avenue street work is complete and that a speed indicator will be added; and that Matt Breed was appointed as Director of Public Safety.

City Councilmembers commented that they would like a presentation on Walker Parking study at a future meeting; inquired on a torn up sidewalk near tennis court and softball fields and when the project would be completed; and commented on the Public Safety Director interview process.

Discuss Public Art Plan

The City Manager reviewed that this was a third discussion of a potential public art plan and that there are various broad policy issues that need to be discussed before city resources and staff time is invested in creating a public art plan/policy. The City Manager reviewed the process and that support for public art needs to be identified first; that it is imperative to have a policy in place and establish a Public Art Commission to develop a Public Art Master Plan for consideration; that the scope of the public art plan needs to be formally defined such as city-wide vs. downtown only; reviewed funding options; and oversight of the program. The City Manager recommended that a public art policy be adopted first that addresses the makeup of a future Public Art Commission and be tasked with creating a Public Art Master Plan for Councils approval.

City Councilmembers commented that the program should be city-wide; that funding should be held off until after the August election to see the determination of the public safety millage; clarification on differences between temporary or permanent fixtures and who would approve; that the City may not need a public art plan, but willing to consider; heard from those opposed with City funding art plan; and inquired on the costs to implement plan.

The City Manager reviewed funding issues which could be resolved with grants and noted 7 sites considered for Hemingway statue, which may work for art placement.

Mayor Fraser asked for public comments and heard from those in favor of a public art plan and that it is a way to distinguish downtown and promote commerce; that funds aren't being asked from City Council or the public to create this plan; that the small size of Petoskey shouldn't be a determining factor when implementing a plan; that it would be good to see joint efforts between Council and DMB; that a plan will help local artists; that a committee should be formed to find a way to practically implement without using City funds; and that Council should evaluate costs since it will take a lot of staff time and resources.

City Councilmembers concurred to table this matter until after the August 2 Primary Election.

Resolution No. 18974-18975  
Approve Property Transfer to Nancy  
Gould, 1015 Jarman Street – Lot 7 & 10

The City Manager reviewed proposed property transfer of City-owned property to Nancy Gould, homeowner and property owner of the eastern half of Lot 10, Block 1 Plat of Curtis and Jarmans Addition, 1015 Jarman Street. Ms. Gould and the City wanted to clear up several title issues associated with her land.

The City Manager reviewed that while completing engineering and surveying work for the future Bear River Trail, the City determined that there was not clear title to land where the trail would be located;

that there was various City utility infrastructure encroachments on the former railroad spur that the City wanted to resolve; that the City eventually purchased the old Jarman Railroad Spur many years ago; that the abandoned railroad property that the City acquired impacts Ms. Gould's property; and to resolve these title issues, the City Manager recommended to sell two tracts of land to Ms. Gould through Covenant Deeds.

The first Covenant Deed would dedicate the western half of Lot 10 (currently city-owned) to Ms. Gould. Her home is located on both the eastern and western portions of Lot 10. The City proposes selling the western portion of Lot 10 to Ms. Gould for less than \$100.

The second Covenant Deed regards Lot 7, directly north of Lot 10. The City Manager reviewed that currently, Ms. Gould's driveway and parking area occupy this land. City staff commissioned an appraisal of the land with the lot valued at \$5,000. The lot is sloping and difficult to develop with the appraiser stating the highest and best use would be for parcel enlargement. The City Manager reviewed that there does not appear to be any future public benefit for the land to remain under the City's ownership and recommended selling Lot 7 to Ms. Gould for the appraised price of \$5,000.

City Councilmembers inquired if the City would need to complete additional work on alley and the City Manager responded that there would be no additional work.

City Councilmember Dittmar moved that, seconded by City Councilmember Marshall to approve a Municipal Covenant Deed selling the western half of City-owned Lot 10 for the sum of less than \$100.00 to Olin and Nancy Gould and Jane Bricker, 1015 Jarman Street.

Said motion was adopted by the following vote:

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

NAYS: None (0)

#### Resolution No. 18975

City Councilmember Dittmar then moved that, seconded by City Councilmember Murphy to approve a Municipal Covenant Deed selling City-owned Lot 7 for the sum of \$5,000.00 to Olin and Nancy Gould and Jane Bricker, 1015 Jarman Street.

Said motion was adopted by the following vote:

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

NAYS: None (0)

#### Resolution No. 18976 - Approve License Agreement for Nancy Gould & Family for Lots 8 & 9 - Curtis Jarman Addition

The City Manager reviewed that the Gould Family along with daughter Jane Bricker have been utilizing parts of city-owned property for access to their home. The City Attorney recommended City Council approve a License Agreement between the Gould's/Bricker and the City since the access drive encroaches on City property. The license agreement is fully revocable by determination of the City Manager but allows the Licensee to continue to use and maintain the driveway access into the future. The City Manager also reviewed that the agreement also gives the City Manager authority to have Licensee remove a shed and fence from Jarman Avenue, however at this point there does not seem to be any need to remove these two encumbrances.

City Councilmember Dittmar moved that, seconded by City Councilmember Murphy to approve a license agreement with Olin and Nancy Gould and Jane Bricker, 1015 Jarman Street, for Lots 8 & 9, Block 1 of the Curtis and Jarman Addition.

Said motion was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)  
NAYS: None (0)

Resolution No. 18977 - Approve  
Hemingway Statue Design

The City Manager reviewed that Fernanda Dau Fisher submitted photos of a Hemingway statue design for City Council's consideration. As agreed to in the MOU, Dau was to submit a statue design for City Council to review and possibly approve. Construction of the bronze statue is anticipated to take at least six months with plans to unveil statue to be finalized in 2017. The artist, Andy Sacksteder, is an award-winning sculptor from Gladstone, Michigan specializing in life-size bronze works.

Ms. Dau reviewed proposal sculpture which will show Hemingway's face as a young man rather than an older individual which most know; that the sculpture will be life size approximately 6'2"; and that the interactive pose with hand extension was eliminated.

City Councilmember Murphy moved that, seconded by City Councilmember Marshall to approve the Hemingway statue design provided by Fernanda Dau proposed for Pennsylvania Park.

Said motion was adopted by the following vote:

AYES: Marshall, Murphy, Dittmar, Fraser (4)  
NAYS: None (0)

Hear Council Comments

Mayor Fraser asked for Council comments and Councilmember Murphy reminded citizens of Petoskey Rocks! events; Councilmember Marshall asked for a report on the effects of parking changes; and Mayor Fraser commented that he was pleased with the Public Safety Director hiring process.

There being no further business to come before the City Council, this July 18, 2016, meeting of the City Council adjourned at 8:20 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer