



CITY COUNCIL

August 15, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, August 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 (left at 7:45 P.M.)

Absent: None

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

Resolution No. 18983
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of August 15, 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 August 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 August 1 for contract and vendor claims at \$622,254.32, intergovernmental claims at \$0, and the August 11 payroll at \$192,980.92, for a total of \$815,235.24 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

Resolution No. 18984-18986
Confirm Appointments

Mayor Fraser reviewed that City Council consider possible reappointments to the Board of Review, Greenwood Cemetery Board and Planning Commission. 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 approves the reappointment of William Meengs, Jr., 724 Grove Street, for a three-year term ending April 2019.

Said resolution was adopted by the following vote:

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

Resolution No. 18985

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

BE IT RESOLVED that the City Council does and hereby approves the reappointment of Gordon Coffin, 810 Harbor Watch Drive, for a five-year term ending May, 2021.

Said resolution was adopted by the following vote:

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

Resolution No. 18986

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 approves the reappointment of Dean Burns, 215 Division Street, Gary Greenwell, 1048 Emmet Street, and Emily Meyerson, 520 Cherry Street, all for three-year terms ending August, 2019.

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 heard from Mike Teska, 313 East Lake Street, inquiring on the status of the Downtown Management Board appointments.

Hear City Manager Updates

The City Manager reviewed that there is a goose problem in various City parks and that staff continues to address with planting more bushes and installing gates; that David Schultz was promoted to Lieutenant; reviewed property tax administration fee and the possibility to bring forward at a future Council meeting; that staff is preparing job descriptions; that additional costs are being incurred at the Marina for electrical system upgrades to meet code; that Marina and Bear River Valley refinancing bonds will be discussed at the next meeting; and that Planning Commission will review CIP 2017-2022 at their August 18 meeting.

City Councilmembers inquired on scheduling a joint meeting between the City Council and DMB; status of Washington Street property use and if the school was interested in a building project on that property; and requested the City Manager to review a private property sign in the railroad right-of-way near Emmet Street.

Mayor Fraser asked for public comments and heard a comment concerning the property tax administration fee and that it should be reconsidered with the approval of the Public Safety equipment millage.

The City Manager reviewed that at the July 18 Council

Discuss Public Art Plan

meeting, Council tabled discussion of a public art plan until after the August Primary election. On July 18, Councilmembers discussed the value in setting up an “exploratory committee” to research the feasibility of a community-wide public art plan. The City Manager reviewed possible committee members from various groups and that City staff could attend future committee meetings, but would not have any vote on recommendations from the exploratory committee.

City Councilmembers discussed the merits of a public art plan; indicated that a donation policy is a more immediate concern; heard comments on having an art plan and creating another commission to prepare a plan, is not necessary; that a committee could be formed to review art donations; that other communities’ art plans include funding from local units; that temporary art could always come before Council for approval; and that the City should not move forward with a public art plan.

Mayor Fraser asked for public comments and heard that there is no appreciable art in the City; that City funds aren’t being pursued, but rather a plan; that process should be kept simple; that there are many opportunities for short term art; inquiries on whether City Council supports art plan; that Council should take small steps to implement art plan; and that guidelines are a great first step that could be expanded upon.

City Councilmembers further commented that there is merit to a donation policy so issues similar to Hemingway statue could be avoided; that staff can handle basic requests and that a committee is not necessary; and that based on the City Manager’s past experience with donation policies, the City Manager could provide examples and a proposed draft of a donation policy.

Councilmember Wills left the meeting following the discussion at 7:45 PM.

Resolution No. 18987 - Name Municipal League Annual Meeting Representatives The City Manager reported that at the request of the Michigan Municipal League, the City Council was being asked to adopt a proposed resolution that would confirm the City Council's appointment of an official voting representative and an alternate representative, one of whom would be seated at the annual business meeting of the Municipal League that would be conducted September 14, in conjunction with the League's 2016 Convention September 14-16, which will be held on Mackinac Island. Attending this year's convention is Councilmember Kate Marshall, Councilmember John Murphy and Clerk-Treasurer Alan Terry.

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

BE IT RESOLVED that the City of Petoskey City Council does and hereby selects Alan Terry as the City's voting representative for the annual business meeting of the Michigan Municipal League that has been scheduled for Wednesday, September 14, 2016, on Mackinac Island; and

BE IT FURTHER RESOVLED that the City Council does and hereby selects John Murphy as the City's alternate representative to serve in the absence of the voting representative at said annual meeting.

Said resolution was adopted by the following vote:

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

City Council was being asked to adopt a resolution that

Resolution No. 18988
Recess to Closed Session

would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act to consider written communications protected by the attorney-client privilege and exempt from disclosure under Section 13(1)(g) of the Freedom of Information Act.

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

WHEREAS, the City Manager has requested that the City Council recess to a closed session, pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider written communications protected by the attorney-client privilege and exempt from disclosure under section 13(1)(g) of the Freedom of Information Act, following the conclusion of routine business at the City Council's regular meeting of August 15, 2016:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider written communications protected by the attorney-client privilege and exempt from disclosure.

Said resolution 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 he commented that there were 17 states represented at Sunday's triathlon held in Petoskey.

Recessed to closed session at 7:55 P.M. and reconvened into open session at 8:35 P.M.

Resolution No. 18989 - Approve
Zitka Insurance Settlement Agreement

The City Manager reviewed that City Council reviewed a possible settlement agreement in closed session with the City Attorney and attorney Pat Aseltyn regarding the Zitka lawsuit.

City Councilmember Marshall moved that, seconded by City Councilmember Murphy to adopt the proposed agreement and direct the City's legal counsel to execute the settlement agreement for the Zitka lawsuit.

Said motion was approved by the following vote:

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

There being no further business to come before the City Council, this August 15, 2016, meeting of the City Council adjourned at 8:40 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer