



CITY COUNCIL

October 17, 2016

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, October 17, 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, Downtown Director Becky Goodman, Director of Parks and Recreation Allen Hansen and City Attorney James Murray.

Resolution No. 19001
Approve Special-Assessment
Downtown Programs & Services

A public hearing was held to receive comment on the proposed programs and services. The City Manager reviewed the process and the recommended rates for 2017 programs and services. The Mayor opened the Public hearing at 7:02 P.M. and there were no public comments. The public hearing was closed at 7:04 P.M.

City Councilmembers commented that they were glad to see support for Winter Carnival and inquired what other funds would be used to meet expenses. The Downtown Director responded that fund balance reserves and event sponsorships will make up the difference.

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

WHEREAS, at its meeting of October 3, 2016, the City Council reviewed a report by the City Manager dated September 27, 2016, as required of City Code provisions, that listed proposed programs and services to be provided to property owners and tenants within the Downtown Management Board's territory during 2017 and a proposed roll of special assessments to be spread against properties within the Management Board's district at the same formula rate as last year, as a means of financing such proposed programs and services; and

WHEREAS, following its review of that September 27 report, the City Council scheduled a public hearing for 7:00 P.M., Monday, October 17, 2016, as required of City Code provisions, to receive comments concerning proposed Downtown Management Board programs and services; and

WHEREAS, the City Council now has conducted this October 17 public hearing to receive comments concerning proposed programs and services as recommended by the Downtown Management Board:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby approves proposed programs and services as recommended by the Downtown Management Board and costs as estimated by the Management Board to be assessed eligible property owners within the boundaries of the proposed assessment district at the same rate as last year that are coterminous to those of the Management Board's territory; and

BE IT FURTHER RESOLVED that the City staff be and is hereby directed to prepare a special-assessment roll in accordance with the City Council's determination and to provide such a roll with the recommended formula rate for the City Council's review at its regular meeting of November 7, 2016.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 19002
Approve Consent Agenda Items

Following introduction of the consent agenda for this meeting of October 17, 2016, 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 October 3, 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 October 3 for contract and vendor claims at \$1,050,384.27, intergovernmental claims at \$117,251.77, and the October 6 payroll at \$183,537.07, for a total of \$1,351,173.11 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 19003
Confirm Appointments

Mayor Fraser reviewed that City Council consider possible appointments to the Downtown Management Board.

City Councilmember Murphy 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 Jessica Stubbs, 1234 Hazelton Avenue, to the Downtown Management Board to fill a vacated term of December 1, 2018, which was created by the resignation of Jennifer Shorter; and

BE IT FURTHER RESOLVED that the City Council does and hereby approves the reappointment of S. Reginald Smith, 100 Lewis Street, for a four-year term ending December 2019.

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.

Hear City Manager Updates

The City Manager reviewed that the new 100' ladder fire truck arrived, that a community unveiling will be held on Saturday, October 29, 2016 at 9:30 A.M. near the Chamber of Commerce building; that pension changes will be reviewed at the next meeting for nonunion and Teamsters; that the Website Committee is moving forward with possible redevelopment; that the 2017 Annual Budget is moving along and will be presented at the November 7 meeting; and that a contract for Labor Counsel will be on the next agenda for approval.

There was a public comment concerning the website and why a redevelopment was needed. The City Manager reviewed that a revamp of the City's website was needed to keep with current events and standards, and that the current site will still be accessible during the transition.

Hear Garden Club Proclamation

Mayor Fraser read a proclamation aloud recognizing the Petoskey Area Garden Club and thanked them for their contributions and efforts to beautify Petoskey. Several members of the Club were present and thanked Parks and Recreation Buildings and Groundskeeper Jon Hummel for help throughout the years.

Discuss Gift and Donation
Acceptance Policy

The City Manager reviewed that at the August 15 Council meeting, Council discussed various issues regarding a potential Public Art Plan. Councilmembers decided to develop a Gift and Donation Policy for the City that would mitigate potential issues regarding donated items to the City. The draft policy was prepared by the City Manager and reviewed by the City Attorney.

The City Manager reviewed that donations less than \$10,000 may be approved by the City Manager; that the application must be completed by the donor; that the donor is required to meet with the City Manager to review prior to Council's reviewed; further reviewed highlights of the draft policy including the definition of gift or donation; that donations shall not be in conflict with any provision of the law, comprehensive plans, recreation plans and park designs; that donations shall not place any restrictions on the City, unless agreed to by City Council; that the donation or gift shall become property of the City unless determined otherwise by City Council and City Council has the final authority to relocate, remove or dispose of any donation; that the policy defines the appropriate recognition of the donation as determined by City Council; donations shall become property of the City unless determined otherwise by Council; donations shall reflect the character and be consistent with intended surroundings and complement the aesthetics of the proposed site; donations shall not interfere with the intended current or future use of the land or facility where it is being proposed to be located; that full costs of the donation regarding maintenance or upkeep shall be determined by the donor before acceptance by Council; that City Council may request review by the Planning Commission, DMB or the Parks and Recreation Commission when considering donations to parks and City-owned property; City Council may also schedule a public hearing to solicit input regarding gift and donations; and that City Council shall not approve any donation that may meet one or more of the following criteria: (1) be offensive or of morally questionable materials (2) donations that are connected with a restriction that entails special considerations or favors beyond any other resident, donating or non-donating and (3) any other concern, real or perceived, that may result in the loss of reputation, appearance of impropriety, or other negative impact on the City from accepting the donation or gift.

City Councilmembers commented that donations have been accepted over the years that never came before Council and that the policy was more for public art; that the draft policy may be too broad; that the definitions of tangible and physical should be reviewed; inquiries if the policy

could be distilled down to something more simple; and if there could be a possible veto power by City Council on City Manager's decision.

Mayor Fraser asked for public comments and heard that the first sentence in Section VI – Procedures for Making and Accepting Gifts could be eliminated to allow for Council veto powers.

City Councilmembers concurred to table policy and further discuss at a future meeting.

Resolution No. 19004 – Approve Bayfront
Park Municipal Marina Facility Page with
Supplemental Addition to 2013-2017
Parks and Recreation Master Plan

The City Manager reviewed that in 2015, the Michigan Department of Natural Resources Grants Management Unit and the Waterways Boating Program required that public marinas, in order to be eligible for grant funds, be included as part of the five year Parks and Recreation Master Plan. In early 2015, the City formally amended the master plan to include the marina. However, during recent construction activity at the marina the Emmet county Electrical Inspection Department required that Pier B electrical components be brought into current code compliance. This was unanticipated. The current marina master plan page identified re-decking finger piers on Pier A and total wood deck replacement on Pier D. Work on these two piers will also mean that they will also require electrical updates. The supplemental addition to the marina master plan calls out these electrical updates for Piers A and D and also includes electrical updates to Pier C which was built in 2010-2011. Several other elements regarding dredging schedules and marina information was also added to the supplemental information at the request of the Waterways staff.

The Parks and Recreation Commission reviewed and approved the proposed Bayfront Park Municipal Marina Facility Master Plan with the supplemental information update and recommended that it be submitted to the Michigan Department of Natural Resources Grant staff for inclusion in the formal 2013-2017 Parks and Recreation Master Plan.

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

WHEREAS, the Michigan Department of Natural Resource's Waterways Grant Program requires that public marina facilities be included in the municipalities 5-year Parks and Recreation Master Plan in order to qualify for grant in aid funding; and

WHEREAS, in 2015 a plan amendment that included the Bayfront Municipal Marina Facility Plan was adopted by City Council and was approved by the Michigan Department of Natural Resources grant staff for inclusion in the current 2013-2017 Parks and Recreation Master Plan; and

WHEREAS, special provisions allow that supplemental information may be added to the current 2013-2017 Bayfront Park Municipal Marina Facility; and

WHEREAS, City staff prepared a supplemental information section to be added to update the existing plan; and

WHEREAS, this supplemental information section was reviewed and approved by the Parks and Recreation Commission at its October 10, 2016 meeting:

NOW, THEREFORE, BE IT RESOLVED, that the City of Petoskey City Council does and hereby confirms its endorsement of the supplemental information addition to the Bayfront Park Municipal Marina Facility plan amendment for inclusion in the 2013-2017

Parks and Recreation Master Plan currently on file with the Michigan Department of Natural Resources.

Said resolution was adopted by the following vote:

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

Resolution No. 19005
Recess to Closed Session

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(a) of the Michigan Open Meetings Act to consider a periodic personnel evaluation of the City Manager and

8(c) to consider strategy and negotiations of a collective bargaining agreement.

City Councilmember Dittmar 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(a) of the Michigan Open Meetings Act, to consider a periodic personnel evaluation of the City Manager and 8(c) to consider strategy and negotiations of a collective bargaining agreement, following the conclusion of routine business at the City Council's regular meeting of October 17, 2016:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider a personnel evaluation of the City Manager and negotiations of a collective bargaining agreement.

Said resolution was adopted by the following vote:

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

Recessed to closed session at 7:58 P.M. and reconvened into open session at 9:15 P.M.

Resolution No. 19006 – Approve
Lieutenants FOPLC Union Contract

The City Manager reviewed that City Council was briefed in closed session on the new union contract covering the Public Safety Lieutenants. The City Manager further reviewed highlights of the new contract including contract expiration date of December 31, 2017 which aligns with the expiration date of the collective bargaining unit for Public Safety Officers; that employees will continue to be required to deposit 3% of their wages to the MERS Defined Benefit (DB) Plan; that all new hires will be under a Defined Contribution (DC) Plan and the City will allocate 3% of wages to MERS DC Plan and match employee contributions up to an additional 2%, for a total of 5%; that this is consistent with new hires for both the Teamsters contract and the non-union employees starting on January 1, 2017; that wage increases of 2% will occur for 2017; and that no wage increases were included in the contract for 2016 as Lieutenants were given a raise in January 2016 when they were part of the non-union employee division.

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

WHEREAS, Lieutenants from the Petoskey Department of Public Safety desire to establish a union through the Michigan Fraternal Order of Police Labor Council (FOPLC); and

WHEREAS, the City and Lieutenants from the Department of Public Safety negotiated a new proposed collective bargaining agreement for Public Safety Lieutenants; and

WHEREAS, the City Manager now has reported that a tentative agreement has been reached with the Lieutenants FOPLC division for the period of January 1, 2016 through December 31, 2017:

NOW, THEREFORE, BE IT RESOLVED that the City Manager be and is hereby directed to execute on behalf of the City a collective bargaining agreement with Department of Public Safety Lieutenants who are represented by the Michigan Fraternal Order of Police Labor Council.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Approve City Manager
Evaluation Form

The City Manager reviewed that his evaluation was discussed in closed session and the final evaluation document produced for City Council approval.

City Councilmember Marshall moved that, seconded by City Councilmember Murphy to approve the final form of the City Manager evaluation.

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 City Councilmember Marshall commented that the dirt trail from North Central Michigan College on Howard Street down to the old football stadium on Standish Avenue is in poor shape.

There being no further business to come before the City Council, this October 17, 2016, meeting of the City Council adjourned at 9:20 P.M.

W.J. Fraser, Mayor

Alan Terry, City Clerk-Treasurer