



CITY COUNCIL

January 15, 2018

A regular meeting of the City of Petoskey City Council was held in the City Hall Council Chambers, Petoskey, Michigan, on Monday, January 15, 2018. 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, as part of the City Council's annual organizational meeting, the City Clerk-Treasurer administered oaths of office to Mayor-elect John Murphy, and City Councilmembers-elect Kate Marshall and Grant Dittmar following their elections to the City Council at the General Election of November 7, 2017. A roll call then determined that the following were

Present: John Murphy, Mayor
Kate Marshall, City Councilmember
Izzy Lyman, City Councilmember
Grant Dittmar, City Councilmember
Jeremy Wills, City Councilmember

Absent: None

Also in attendance were City Manager Robert Straebel, Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, Public Works Director Michael Robbins, Parks and Recreation Director Kendall Klingelsmith, Downtown Director Becky Goodman and City Attorney James Murray.

Consent Agenda - Resolution No. 19139

Following introduction of the consent agenda for this meeting of January 15, 2018, City Councilmember Dittmar moved that, seconded by City Councilmember Lyman adoption of the following resolution:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the December 18, 2017 regular session City Council meeting be and are hereby approved with revised language under the zoning ordinance amendment section; and

BE IT RESOLVED that receipt by the City Council of a report concerning all checks that had been issued since December 18 for contract and vendor claims at \$3,569,384.77, intergovernmental claims at \$51,463.56, and the December 28 and January 11 payrolls at \$403,669.39, for a total of \$4,024,517.72 be and is hereby acknowledged.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Public Comment

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

City Manager Updates

The City Manager reported that the C.S. Mott Foundation Grant proposal is being recommended for funding via the Petoskey Harbor Springs Area Community Foundation for sustainability efforts; that a Land and Water Conservation Grant has been awarded to the City for \$150,000 for the downtown bathroom renovation project and that both the DMB and City's General Fund will contribute \$75,000 each with work anticipated to begin in the Fall of 2018; that the Director of Parks and Recreation is working on a Waterways Grant application for electrical improvements to Pier B which will be forthcoming; that staff is currently working on final design plans for the Greenway Corridor with hopes to commence work in May or June of 2018 and that staff feels the overall safety and functionality of the Greenway Corridor would be much improved by removing all the rail lines from the Howard and Mitchell intersection to Emmet Street; that the 2018 budget included \$190,000 in TIFA funds for a new stair tower at Sunset Park and staff is proposing to bid the project in 2018 and postpone construction until Spring of 2019 to better coordinate improvements with the 2019 MDOT US-31 realignment project; and that the RRC program requires City to track attendance at training sessions by Officials, Board members and staff and noted there are various training seminars available through MML.

City Councilmembers inquired if anything could be done to alleviate the icy sidewalks. The Director of Public Works responded that salt isn't an option, but rather warmer weather will help conditions.

There were a few public comments including a comment that DPW leaves an inch of snow on sidewalks and can they be scraped; and inquiries if removing railroad tracks will hurt future tours. The City Manager reviewed condition of rails and that they have been severed from main railway.

Elect Mayor Protempore - Resolution No. 19140

Mayor Murphy reported that, as required by City Charter provisions, the City Council was being asked to elect from its members a Mayor Protempore who would serve in the absence of incapacity of the Mayor, and then requested nominations for this position. City Councilmember Marshall then nominated, supported by City Councilmember Wills, that City Councilmember Dittmar be appointed as Mayor Protempore and that the following resolution be adopted:

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Councilmember Grant Dittmar as Mayor Protempore to the City Council for 2018.

Said resolution was adopted by the following vote:

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

Commission Appointment - Resolution No. 19141

Mayor Murphy reviewed that City Council consider possible appointment to the Parks and Recreation Commission.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of Jon Terry, 1019 East Mitchell Street, to the Parks and Recreation Commission for a two-year term ending January 2020.

Said resolution was adopted by the following vote:

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

Closed Session - Resolution No. 19142

City Council was being asked to adopt a resolution that would recess to a closed session pursuant to Section 8(h) of the Michigan Open Meetings Act, to consider material exempt from disclosure.

City Councilmember Wills moved that, seconded by City Councilmember Lyman 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 material exempt from disclosure, at the City Council's regular meeting of January 15, 2018:

NOW, THEREFORE, BE IT RESOLVED that the City Council does and hereby authorizes to recess to a closed session, to consider material exempt from disclosure.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Recessed to closed session at 7:25 P.M. and reconvened into open session at 8:07 P.M.

Proposed Ordinance Amending Appendix A to the Zoning Ordinance

The City Planner reviewed that at its December 18, 2017 meeting, City Council provided direction on further changes to the pending Zoning Ordinance amendment which included regulations for assisted living, residential care and treatment facilities, and sheltered housing in the RM-2 District should have restrictions similar to boarding houses; that there was concern that the definition for assisted living facility was overly broad, so a definition for "convalescent/nursing care facility" was added; that convalescent/nursing care facilities would then have the same restrictions as other group living facilities; and that these same uses be removed from the B-2A Transitional Business and B-2B Mixed Use Corridor districts.

The City Planner further reviewed ordinance changes which included the following:

Article II Definitions

Assisted Living Facility. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of residents who need help with activities of daily living; which may or may not include a central or private kitchen, dining, recreational, and other facilities; with separate bedrooms or living quarters; and where the emphasis of the facility remains residential.

Boarding House. A dwelling unit with a single kitchen facility where lodging is provided and meals may be provided to occupants for compensation either directly or indirectly for no less than a 30-day period.

Block face. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Convalescent/Nursing Care Facility. A structure with sleeping rooms, where persons are housed and are furnished with meals, nursing and/or medical care.

Article VI RM-1 Multiple Family District

The proposed changes remove "general hospitals" as a special condition use as there is now a hospital zoning district, and establish the same regulations for the assisted living facilities and convalescent/nursing care facilities at a maximum of 8 (eight) occupants per structure and a minimum distance of 400 feet between like facilities.

Article VII RM-2 Multiple Family District

The RM-2 District language removes “medical offices or clinics” adjacent to a general hospital as a use as there is now a hospital zoning district. Added to the special condition uses are Boarding Houses, Residential Care and Treatment Facilities, and Sheltered Housing with conditions. All uses in the RM-1 Zoning District are allowed in the RM-2 Zoning District. The special conditions include:

Boarding Houses. Located on a parcel of land not less than 7,200 square feet in area with no less than one full bathroom for up to 5 (five) occupants and an additional half-bathroom provided for each additional 2 (two) occupants or full bathroom for each additional 4 (four) occupants. Occupancy shall not exceed 8 persons per structure subject further to City licensing application for inspection and compliance with the International Property Maintenance Code (IPMC). No license shall be issued for a boarding house within 400 feet of an existing boarding house.

Residential Care and Treatment Facilities not to exceed 8 occupants per structure and a minimum distance between facilities of 400 feet.

Sheltered Housing not to exceed 8 occupants per structure and a minimum distance between facilities of 400 feet.

Article XXIX B-2A Transitional Business

All group living facilities, including dormitories, have been removed as uses from these districts.

Article XXX B-2B Mixed Use Corridor

All group living facilities, including dormitories, have been removed as uses from these districts.

Article XVI Schedule of Regulations

Section 1600(1)(b) The minimum front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

Section 1600(1)(c) The minimum corner front-yard setback is the average of the front-yard setbacks of any three (3) adjacent houses on the same block face, or 25 feet, whichever is less.

Article XVII Section 1704(6) Required Number of Parking Spaces

The category of “Residential Care and Treatment Facility” and Sheltered Housing” will be added to the table with the requirement of 1 space per 3 beds.

The requirement for Boarding Houses is being recommended to be reduced from “1 space per rental room” to “2 spaces per dwelling” to make it consistent with single family requirements.

City Councilmembers inquired how medical clinics were defined and the City Planner responded that a definition was now included.

City Councilmembers deferred action since it was the first reading of the proposed ordinance and Council could approve at the next regular scheduled meeting after a second reading.

Magnus Park Campground On-line Reservation System - Resolution No. 19143

The Parks and Recreation Director reviewed that currently guests who wish to stay at Magnus Park have to go through the reservation process via the mail, which is inefficient and results in excessive amount of staff time to process the reservations. The Parks and Recreation Director further reviewed that converting the current reservation system to an on-line process will free staff time while still providing the same quality result and customer service; that visitors can reserve sites on mobile devices, a computer, calling or in-person at City Hall; that all staff will be trained to take reservations over the phone and in-person; that the cost of the reservation system will be incorporated in the current \$8 convenience fee and visitors will pay the City upon completion of reservation process; that the City will transfer \$3 per reservation via direct deposit to MySites daily; that there is no annual or monthly fee, nor long-term contract with MySites; that MySites is an on-line platform that will not require any additional hardware for the City to purchase; and that the City will be able to use the point of sale system currently used at the Winter Sports Park which will be moved to Magnus Park for the summer season.

City Councilmember Wills moved that, seconded by City Councilmember Lyman to authorize the City Manager to contract with MySites for an on-line reservation system for Magnus Park Campground.

Said motion was adopted by the following vote:

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

NAYS: None (0)

2018 CBD Street & Sidewalk Improvements - Resolution No. 19144

The Public Works Director reviewed that the City's 2018 budget and Capital Improvements Plan included \$480,000 within the Major, Local and General Street Funds for various street and sidewalk improvements within the Central Business District and miscellaneous sidewalk repairs city-wide. The Director reviewed areas scheduled for reconstruction, asphalt resurfacing, concrete spot-repairs and miscellaneous sidewalk repairs and replacements; that upgrades and improvements within the project limits include installation of brick paver type crosswalks with concrete headers at the Petoskey and Lake intersection; ADA accessible ramps at all crosswalks; reconfigured curb-lines that provide street bump-outs near Bayfront tunnel for better defined cross walks that will improve pedestrian and vehicular safety; brick paver installations near Bayfront Park Tunnel; installation of rolled or mountable curb for loading/unloading near Petoskey Plastics; modifications to landscaping and tree plantings; added signage and paint striping; utility repairs and adjustments; segments of asphalt street resurfacing that design review for the project was performed by Beckett and Raeder, Inc., Ann Arbor and Petoskey; street layout along with bid documents and specifications were prepared by Benchmark Engineering, Inc., Harbor Springs; and three bids were received.

City Councilmember Marshall moved that, seconded by City Councilmember Dittmar to authorize contracting with Tri-County Excavating Group, LLC, Harbor Springs, for the 2018 CBD street and sidewalk improvements in the amount of \$381,469.28.

Said motion was adopted by the following vote:

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

NAYS: None (0)

West Lake Street Improvements - Resolution No. 19145

The Public Works Director reviewed that the City's 2018 budget and Capital Improvements Plan included \$625,000 within the Water and Sewer Fund and General Street Fund to replace an aging water transmission main located along West Lake Street between Ingalls Avenue and Magnus Park along with sidewalk improvements and upgrades along the same segment of West Lake Street.

The Director further reviewed history and location of the proposed water main to be replaced; that due to the magnitude of construction activities involving the replacement of the water main, street and sidewalk improvements will also be part of the project; that sidewalk improvements include widening the existing 6-foot sidewalk on the north side of West Lake Street to a 10-foot non-motorized path width from the Solanus Mission to Magnus Park; street improvements include realigned curb-lines that narrow West Lake Street from its current 30-foot width to a 25-foot width that ultimately provides space for the proposed non-motorized path and maintain a 5 foot green-lawn for tree planting; reviewed other miscellaneous improvements as part of the project; that design review for the project was performed by Beckett and Raeder, Inc., Ann Arbor and Petoskey; street layout along with bid documents and specifications were prepared by Benchmark Engineering, Inc., Harbor Springs; and three bids were received.

The Public Works Director reviewed that although the project came in just over 2% of proposed estimates, staff is confident the project can be completed within budgeted amounts of the Water and Sewer Fund and General Street Fund based on savings realized on other projects and potential gains through value engineering.

Mayor Murphy asked for public comments and heard from those who appreciate work being performed on the non-motorized trail along West Lake Street.

City Councilmember Lyman moved that, seconded by City Councilmember Marshall to authorize contracting with Elmer's Crane and Dozer, Inc., Petoskey, for the West Lake Street water main replacement and sidewalk improvements in the amount of \$638,577.90

Said motion was adopted by the following vote:

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

NAYS: None (0)

Bridge Street Bridge Rehabilitation - Resolution No. 19145

The City Manager reviewed that the 2018 budget and Capital Improvements Plan included \$471,400 within the Major Street Fund for rehabilitation work to the Bridge Street Bridge through a grant as provided by the MDOT Local Bridge Program. The City Manager reviewed location and when the bridge was constructed; that MDOT requires bridges within the City's jurisdiction to be inspected at a minimum of every two years; that since 2013, the Bridge Street Bridge has been on an annual inspection cycle due to the deteriorating conditions of certain components of the bridge; and that under the contract, MDOT would provide 95% of eligible construction costs which is estimated at \$416,400 with the City or local share being responsible for the remaining 5% of construction costs along with design and construction engineering that is estimated at \$55,000.

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

WHEREAS, the Michigan Department of Transportation in year 2015 solicited applications for the Local Bridge Program for available funding in fiscal year 2018; and

WHEREAS, "Bridge Street over Bear River" is located in Section 6 of the City of Petoskey, is a bridge under the jurisdiction of the City of Petoskey and is in need of rehabilitation; and

WHEREAS, the City Council, by Resolution on May 4, 2015, supported application to the Michigan Department of Transportation for Local Bridge Program funding and committed to funding its Local share; and

WHEREAS, the Michigan Department of Transportation (MDOT), through its Local Bridge Program has identified funding to pay for 95% of construction costs for the rehabilitation of the Bridge Street Bridge; and

WHEREAS, MDOT has requested that the City enter into a contract to allow for contract administration and a Local Share of these construction costs:

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to execute contract number 17-5526, Control Section MCS 24000, Job Number 129318A with MDOT, and take all other necessary steps to complete the Bridge Street Bridge rehabilitation project.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Motor Pool Purchases - Resolution No. 19147

The Public Works Director reviewed that the City's 2018 budget and Capital Improvements Plan allocated funds within the Motor Pool Fund to purchase certain vehicles and equipment. Capital expenditures as proposed for year 2018 include a pickup truck for Parks and Recreation, a pickup truck for Public Works Water Department, three Public Safety vehicles and a commercial mower.

City Councilmembers inquired on the Public Safety Director's vehicle and if the 80,000 miles were hard miles and discussed vehicle life spans. The Public Works Director responded that the Chief's vehicle is rusting and has been repainted multiple times.

City Councilmember Wills moved that, seconded by City Councilmember Lyman approval of the following:

- Mi-Deal purchase of a latest production four-wheel-drive, $\frac{3}{4}$ ton, GMC Pick-up from Todd Wenzel Fleet and Commercial Truck Sales, Westland, at a cost not to exceed \$29,139.70.
- Mi-Deal purchase of a latest production four-wheel-drive, $\frac{3}{4}$ ton, GMC Pick-up from Todd Wenzel Fleet and Commercial Truck Sales, Westland, at a cost not to exceed \$29,139.70.
- Mi-Deal purchase of a latest production four-wheel-drive Tahoe Police Pursuit from Berger Chevrolet Fleet Sales, Grand Rapids, at a cost not to exceed \$36,689.00.
- Mi-Deal purchase of a latest production four-wheel-drive Tahoe Police Pursuit from Berger Chevrolet Fleet Sales, Grand Rapids, at a cost not to exceed \$36,865.00.
- Mi-Deal purchase of a latest production four-wheel-drive, $\frac{1}{2}$ ton, Chevrolet Crew-Cab Pick-up from Berger Chevrolet Fleet Sales, Grand Rapids, at a cost not to exceed \$32,694.00.
- National IPA purchase of a latest production commercial mower, type Toro Groundsmaster with out-front and side-wing deck assemblies from Spartan Distributors, Sparta, at a cost not to exceed \$64,260.70.

Said motion was adopted by the following vote:

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

NAYS: None (0)

Council Comments

Mayor Murphy asked for Council comments and City Councilmember Marshall commented that it may be beneficial to hold a City goal-setting session, since it has been several years since the last session.

There being no further business to come before the City Council, this January 15, 2018, meeting of the City Council adjourned at 8:40 P.M.

John Murphy, Mayor

Alan Terry, City Clerk-Treasurer