



**CITY COUNCIL**

September 14, 2009

A rescheduled meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers at Petoskey, Michigan, on Monday, September 14, 2009, as a replacement meeting for the regular September 7, 2009, meeting that was canceled due to the Labor Day holiday. The meeting was called to order at 7:30 P.M.; then, after a recitation of the Pledge of Allegiance to the Flag of the United States of America, a roll call determined that the following were

Present: H. Ted Pall, Jr., M.D., Mayor  
James Dittmar, City Councilmember  
William Fraser, City Councilmember  
Robert Johnson, City Councilmember  
Ronald C. Marshall, Ph.D., City Councilmember

Absent: None

Also in attendance was City Clerk-Treasurer Alan Terry who served as Acting City Manager.

Resolution No. 18337  
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of September 14, 2009, City Councilmember Dittmar moved that, seconded by City Councilmember Fraser, adoption of the following resolution that would confirm that the minutes of the regular-session meeting of August 17, 2009, be approved as submitted, and that would confirm the City Council's acknowledgement of a report by the Acting City Manager concerning all checks that had been issued since August 17, 2009, for contract and vendor claims at \$10,650,103.84; intergovernmental claims at \$4,901,950.53, and the August 20 and September 3 payrolls at \$353,318.15:

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the August 17, 2009, regular meeting of the City Council, be and are hereby approved as submitted; and

BE IT FURTHER RESOLVED that receipt by the City Council of the report concerning all checks that had been issued since August 17, 2009, totaling \$15,905,372.52, be and is hereby acknowledged.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)  
NAYS: None (0)

Resolution No. 18338  
Approve District Library Agreement  
Wording Amendment

The Acting City Manager next reported that, at its August 3, 2009, meeting, the City Council approved a then-proposed District Library Agreement and Interlocal Agreement, that upon approval of the State Librarian, would establish the Petoskey District Library consisting of a single governmental entity, that being the City of Petoskey; and that this Agreement had been forwarded to the State Librarian for review and approval.

The Acting City Manager also reported that, upon review, the State Librarian stated she would approve the Agreement with a minor change to Section VI, item G, titled, Amendment; that this section was one sentence in length to which the State Librarian requested the addition of the words "of all" near the sentence end, so that it would read as follows: "The District Library Agreement may be amended in writing upon the consent of the governing bodies of all of the Parties"; and that this change would require all of the parties to approve an amendment and not merely a majority of the parties.

The Acting City Manager also reported that the City's legal consultant hired to prepare the District Library Agreement, Steve Schultz of Fahey, Schultz, Burzych, Rhodes, PLC, Okemos, believed the addition of the two words served to further clarify the language and did not change the original meaning or intent of the provision and, therefore, did not oppose this change; and that the State Librarian would approve the District Library Agreement upon receipt of a resolution from the City Council approving the revised language.

The Acting City Manager also reported that the City Council had been provided with page 5 of the District Library Agreement between the City and the Petoskey Public Library with the revised language added to item G "Amendment," along with a resolution for the City Council's consideration in approving the language change.

City Councilmember Dittmar then moved that, seconded by City Councilmember Johnson, the following resolution be approved:

WHEREAS, the City Council of the City of Petoskey, on August 3, 2009, approved a District Library Agreement and Interlocal Agreement in order to establish the Petoskey District Library made up of a single unit, that being the City of Petoskey; and

WHEREAS, the City of Petoskey is now seeking approval from State Librarian Nancy Robertson to establish such District Library by approving the Petoskey District Library Agreement; and

WHEREAS, the State Librarian has suggested additional language to the District Library Agreement, as originally approved by the City Council, within Section VI, Item G, titled "Amendment"; and

WHEREAS, the City Council concurs with the suggested change to the language by the State Librarian.

NOW, THEREFORE, BE IT RESOLVED that the Petoskey City Council agrees to revise the language of the Petoskey District Library Agreement as originally approved on August 3, 2009, within Section VI, Item G, to read as follows: "Amendment. The District Library Agreement may be amended in writing upon the consent of the governing bodies of all of the parties."

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18339  
Approve Planning Appointments

Mayor Pall then reported that the City Council was being asked to concur with recommended initial appointments and reappointments to the Planning Commission of Cynthia Linn Robson, 606 Grove Street, for a term that would expire August, 2012, to replace John Jorgensen, who recently resigned after serving 19 years on the Planning Commission, and James Holmes, 402 Beech Street, for a three-year term that would also expire in August, 2012; the reappointments of Gary Greenwell, 1048 Emmet Street, for a one-year term to fill the vacancy created by Bruce Platt, who recently relocated outside of the City, and John Murphy, 911 Lockwood Avenue, for a three-year term that would expire August, 2012; and that the City Council had been provided applications to serve from these recommended candidates.

City Councilmember Marshall reported that he had known Ms. Robson for many years and was a neighbor to Mr. Holmes and that he concurred with Mayor Pall's recommendation; and City Councilmember Johnson reported that he believed that appointments to boards and commissions should include candidates that could make their own opinions on matters known and support the Commission's decisions when they are contrary to their opinions.

Mayor Pall asked for public comment and heard Samuel Milstein, #5 Belle Avenue, report that he believed that board and commission appointment considerations should include geographical representations by Wards; and asked how many members of the Planning Commission were from Ward One (Mayor Pall responded that all Wards were represented on the Planning Commission, with one member from Ward One).

City Councilmember Fraser then moved that, seconded by City Councilmember Dittmar, the following resolution be approved:

BE IT RESOLVED that the City Council does and hereby approves the following appointments to the Planning Commission: the initial appointment of Cynthia Robson, 606 Grove Street, and John Holmes, 402 Beech Street, and the reappointment of John Murphy, 911 Lockwood, for three-year terms that would expire August, 2012; and the reappointment of Gary Greenwell, 1048 Emmet Street, for a one-year term to fill a vacancy expiring August, 2010.

Said resolution was adopted by the following vote:

AYES: Dittmar, Fraser, Johnson, Marshall, Pall (5)

NAYS: None (0)

Resolution No. 18340  
Name Michigan Municipal League  
Annual Meeting Representatives

The Acting City Manager next reported that, at the request of the Michigan Municipal League, the City Council was being asked to adopt a posed resolution that would confirm the City Council's selections 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 23, 2009, in conjunction with the League's 2009 Convention September 22 through 25, at Kalamazoo.

City Councilmember Dittmar moved that, seconded by City Councilmember Johnson, the following resolution be approved:

BE IT RESOLVED that the City of Petoskey City Council does and hereby selects City Manager Dan Ralley as the City's voting representative for the annual business meeting of the Michigan Municipal League that has been scheduled for Wednesday, September 23, 2009 , at Kalamazoo; and

BE IT FURTHER RESOLVED that the City Council does and hereby selects City Councilmember William Fraser 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: Dittmar, Fraser, Johnson, Marshall, Pall (5)  
NAYS: None (0)

Hear Comments

David Clink, Resort Township, reported on 2006 City drinking-water issues; the City's water wells; and requested that the new City Manager review information concerning the City's water wells.

William McCormick, 4640 Shores Drive, reported that he was disappointed that the City had not begun construction of the Public Safety Station-West project.

There being no further business to come before the City Council, the meeting was adjourned at 8:02 P.M.

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H. Ted Pall, Jr., M.D., Mayor

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Alan Terry, Acting City Manager