



CITY COUNCIL

September 21, 2009

A regular meeting of the City of Petoskey City Council was held in the City Hall City Council Chambers at Petoskey, Michigan, on Monday, September 21, 2009. 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 Manager Dan Ralley, City Clerk-Treasurer Alan Terry, Director of Parks and Recreation Allen Hansen, Director of Public Works Michael Robbins, and City Attorney James Murray.

Resolution No. 18342
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of September 14, 2009, the City Council reviewed bids received for three separate

contracts; discussed the lack of bidders located closer to the City of Petoskey; and discussed with City staff if there had ever been contractors that did not perform as expected and how the lack of performance had been handled.

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

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the September 14, 2009, regular meeting of the City Council, be and are hereby approved as submitted following the correction of the opening sentence to read "a rescheduled regular meeting" instead of "a special-session meeting"; and

BE IT FURTHER RESOLVED that the City Council does and hereby acknowledges receipt of a report from the City Manager concerning all checks that had been issued since September 14 for contract and vendor claims at \$533,373.13, intergovernmental claims at \$1,794,500.00, and the September 17 payroll at \$169,555.93, for a total of \$2,497,429.06; and

BE IT FURTHER RESOLVED that the City Council does and hereby authorizes the City Manager to enter into a three-year-long contract with Asplundh Tree Expert Co., Mt. Pleasant, for trimming and pruning of trees for an hourly rate of \$74.99; and

BE IT FURTHER RESOLVED that the City Council does and hereby authorizes the City Manager to enter into a three-year-long contract with Stuckman Tree Service, Gaylord, for removal and disposal of trees and stumps at unit costs of \$270 and \$25 respectively; and

BE IT FURTHER RESOLVED that the City Council does and hereby authorizes a three-year-long contract with S & S Welding, Petoskey, for snowplowing of parking lots at per-snowfall-occurrence unit costs of \$250.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18343
Authorize Easement Preparation -
Howard Road Property

The City Manager reported that a proposed resolution had been provided to the City Council that would authorize the City Manager and City Attorney to prepare and execute an easement allowing Bear Creek Township

access along the City's Howard Road property for development of a new fire station and other Township facilities; and that the Director of Parks and Recreation was present to review the conceptual drawing and answer inquiries by the City Council.

The Director of Parks and Recreation reviewed the conceptual drawing that had been prepared by Beckett and Raeder, Inc., Petoskey and Ann Arbor, and reported about proposed projects on the Howard Road City-owned property.

The Director of Parks and Recreation also reported that discussions on relocating these facilities had centered around property owned by the City along Howard Road, next to the former landfill; that there was property adjoining this parcel that was for sale and would more than meet the City's needs; that Bear Creek Township had also expressed interest in acquiring property in this area to construct an additional fire station, as well as a public drop-off area; and that a conceptual drawing for a governmental center that both entities could utilize had been prepared by Beckett and Raeder, Inc., Ann Arbor, the City's design consultant.

The Director of Parks and Recreation also reported that the conceptual drawing provided for a salt storage shed, a central drop-off area, an area for spoils to be stored, and a fire station; that there was also potential for a sledding hill and dog park located along this City-owned property; that access to the adjoining property would be through the City's current property, due to site distance requirements on Howard Road; and that there could also be an access drive to the governmental center off River Road.

The Director of Parks and Recreation also reported that this project had been provided to previous City Councils as a possible land acquisition by the City and/or Township; that it now appeared that the Township of Bear Creek would like to proceed with purchasing the property and securing it for future development of a fire station; and that, prior to purchasing the property, the Township wished to obtain an easement from the City for access across City-owned Howard Road property as an entrance, since it would be necessary due to traffic-sight distance restrictions.

The City Manager also reported that the Township was not looking for commitment from the City to participate in the development of the parcel at this time; that the Township wished to ensure that it would have access to the property when it developed the property in the future; that participation by the City in the development of a regional governmental center would also be determined in the future; and that Bear Creek Township could also proceed with the construction of an access road and fire station on a portion of its property without the City's participation.

The City Council reviewed and discussed the conceptual drawing prepared by Beckett and Raeder, Inc. for the governmental center, along with the possible participation by other governmental units and their uses. The City Council also reviewed the proposed easement request and noted that an easement would be given to only the Township of Bear Creek for its use.

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

WHEREAS, the City Council on September 22, 2009, received a presentation on a proposed joint governmental center on Howard Road that could be utilized by both the City of Petoskey and the Township of Bear Creek; and

WHEREAS, the facility as proposed will provide a location to relocate the City's salt-storage shed and drop-off area for yard waste along with an area for spoils; and

WHEREAS, the facility will provide Bear Creek Township a location for a new fire station along with a shared drop-off area for yard waste and spoils; and

WHEREAS, the Township is intending to purchase property adjoining the City's property on Howard Road as a site for a proposed governmental center; and

WHEREAS, due to traffic-sight restrictions for an entrance to the site, the entrance must be located on the City-owned property, along with a service drive to the adjoining property proposed for purchase by Bear Creek Township.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager and City Attorney to prepare and execute an easement with Bear Creek Township allowing the Township to construct a service drive on property owned by the City of Petoskey on Howard Road for the purpose of accessing adjoining property to be purchased by the Township. The easement for the service drive would parallel Howard Road and extend south to the Township's adjoining property.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18344
Approve Appointments

Mayor Pall then reported that the City Council was being asked to concur with appointment of the City Manager to the Charlevoix-Cheboygan-Emmet Central Dispatch Authority Board to fill a vacated, unexpired term of December 1, 2011, and to the Building Authority Board of Commissioners to fill a vacated, unexpired term of July 1, 2011, both of which had been created by the retirement of former City Manager George Korthauer, and which had been temporarily filled by the Acting City Manager.

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

BE IT RESOLVED that the City Council does and hereby approves the appointment of City Manager Dan Ralley to the Charlevoix-Cheboygan-Emmet Central Dispatch Authority Board for a term to expire December 1, 2011; and

BE IT FURTHER RESOLVED that the City Council does and hereby approves the appointment of City Manager Dan Ralley to the Building Authority Board of Commissioners for an unexpired term of July 1, 2011.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Comments

City Councilmembers expressed their welcome to City Manager Dan Ralley; heard City Councilmember Marshall report that he was pleased that the City Attorney had prevailed in the matter of the court's ruling concerning Lake Street Petoskey Associates Development Agreement with the City, and thanked Mayor Pall for turning this matter over to the City Attorney's office; and heard Mayor Pall report that he wished to thank the City Clerk for his service as Acting City Manager, that the proposed nuisance ordinance would be coming back for City Council review in approximately 30 days; that information concerning a performance evaluation of the City Manager had been received from The Mercer Group, Inc., Colorado, the City's consultant in the recruitment for the City Manager's position; and that a meet-and-greet reception had been planned for the City Manager from 5:00 P.M. to 6:30 P.M., Friday, September 25, at the City Hall. The City Council was informed that a North Central Michigan College function would conflict with the September 25 meet-and-greet for the City Manager, and the City Council requested the City Manager to schedule an alternative date for the meet-and-greet.

Samuel Milstein, 5 Belle Avenue, welcomed the City Manager to Petoskey and commended him on his citizenry and reported that he believed that City Managers should be objective and strong advocates for their City.

There being no further business to come before the City Council, the meeting was adjourned at 8:15 P.M.