



CITY COUNCIL

November 2, 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, November 2, 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 were City Manager Dan Ralley, City Clerk-Treasurer Alan Terry, City Planner Amy Tweeten, and City Attorney James Murray.

Resolution No. 18352
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of November 2, 2009, City Councilmember Dittmar 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 October 19, 2009, regular meeting of the City Council, be and are hereby approved as submitted; 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 October 19 for contract and vendor claims at \$721,727.49, intergovernmental claims at \$18,920.69, and the October 29 payroll at \$157,357.85, for a total of \$898,006.03.

Said resolution was adopted by the following vote:

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

Resolution No. 18353
Confirm Assessment Roll;
Schedule Public Hearing

The City Manager next reported that, following City Code provisions that regulate the City's special-assessment procedure, the City Council on October 19 conducted a public hearing and received comments concerning the City

Manager's report of September 25, 2009, that had recommended the levy of special

assessments against eligible, non-residential properties within the Downtown Management Board's territory to offset costs of programs and services that would be provided by the Downtown Management Board during 2010; that such revenues and expenditures had been included within the City's proposed 2010 Annual Budget; and that, following the October 19 public hearing, the City Council, again in accordance with City Code special-assessment procedures, conditionally had approved the proposed programs and services and their costs as they had been presented, established boundaries of the special-assessment district, and had requested that an assessment roll be prepared by the City staff and presented to the City Council for its review November 2, 2009.

The City Manager also reported that City Councilmembers had been provided a proposed special-assessment roll that was based upon the Downtown Management Board's September 22 recommendation that the same special-assessment formula that had been used for financing 2009 downtown-area programs and services again be used; and that, to meet City Code requirements, the City Council was being asked to adopt a proposed resolution that would confirm the City Council's acceptance of the roll, order that the roll be placed on file at the City Hall for inspection, and schedule a public hearing for 7:30 P.M., Monday, November 16, to receive comments concerning this proposed special assessment.

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

WHEREAS, at its regular meeting of October 5, 2009, the City Council reviewed a report by the City Manager dated September 25, 2009, as required of City Code provisions, that listed programs and services that had been proposed to be provided property owners and tenants within the Downtown Management Board's territory along with a proposed assessment formula that could be implemented to finance such programs and services during 2010; and

WHEREAS, following that review, the City Council on October 5, 2009, scheduled a public hearing for October 19, 2009, to receive comments concerning proposed programs and services as intended to be provided by the Downtown Management Board, as well as costs that had been estimated by the Downtown Management Board for providing such programs and services; and

WHEREAS, after receiving comments at its public hearing of October 19, 2009, the City Council then conditionally approved the programs and services as had been recommended by the Downtown Management Board, as well as approved the costs of such programs and services that had been estimated by the Downtown Management Board; and

WHEREAS, in addition to approving proposed downtown-area programs and services and costs of such programs and services, the City Council directed the City staff to prepare a special-assessment roll in accordance with the City Council's approval of recommended programs and services and costs of such programs and services for presentation to the City Council at its meeting of November 2, 2009; and

WHEREAS, in response to the City Council's direction, and in accordance with City Code provisions that regulate special-assessment procedures, the City staff has provided a proposed special-assessment roll:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby accepts the assessment roll as prepared by the City staff and as presented to the City Council; and

BE IT FURTHER RESOLVED that the City Council does and hereby orders that said special-assessment roll be placed on file with the City staff and made available for inspection by the public; and

BE IT FURTHER RESOLVED that the City Council does and hereby schedules a public hearing for 7:30 P.M., Monday, November 16, 2009, to receive comments concerning this proposed special-assessment roll; and

BE IT FURTHER RESOLVED that the City Council does and hereby directs the City staff to publish a notice of the November 16, 2009, public hearing and notify potentially-affected property owners of said public hearing as required by City Code provisions that regulate the City's special-assessment procedures.

No comments were heard from members of the audience concerning this matter.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18354
Adopt Planning Re-creation
Ordinance No. 709

The City Manager reported that, at its meeting of October 19, 2009, the City Council considered a proposed ordinance, as required by the Michigan Enabling Act of 2008, that would generally create the Planning Commission, a membership of nine members; its powers and duties, membership qualifications and make-up, required training, removal from office, and meeting requirements; and that the City Council then deferred further consideration of this proposed ordinance until its November 2 meeting in accordance with City Charter provisions.

The City Manager also reported that this proposed ordinance had been reviewed by the Planning Commission, City Planner, and City Attorney, and at its September 17, 2009, meeting, the Planning Commission recommended that the City Council adopt this proposed ordinance that would recreate the Planning Commission as required by the newly-adopted Michigan Enabling Act of 2008, and which would become effective 15 days following its adoption; and that, at the request of City Councilmember Dittmar, City Councilmembers had received a copy of the Michigan Planning Enabling Act of 2008. The City Manager also reported that the City Planner and City Attorney were present to answer questions concerning this matter.

The City Council then discussed provisions of the ordinance that included: definitions of several key words within the proposed ordinance; that ordinance language mirror State law language; and that the second sentence in 2.B. was unnecessary and should be stricken from the ordinance.

Mayor Pall asked for public comment and heard Joseph Baird, 923 State Street, ask if training was available for Planning Commission members (the City Manager responded that training was available).

Following further discussion, City Councilmember Dittmar moved that, seconded by City Councilmember Marshall, the following ordinance be approved that lists revisions from the presented ordinance to reflect that the words "have" and "attended" be stricken from 2A and be replaced with "Shall attend training....."; strike second sentence in its entirety from 2B; strike "as nearly as possible" from the third sentence in 2B; and include definition of qualified elector as defined in State Constitution and Michigan election law, as well as the definition of residence.

Ordinance 709

AN ORDINANCE RE-CREATING THE PETOSKEY PLANNING COMMISSION UNDER ACT 33 OF THE MICHIGAN PUBLIC ACTS OF 2008, AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT

Said ordinance was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18355
Report about 2010 Annual Budget;
Schedule Public Hearing

The City Manager next reported that, as required of City Charter provisions, and as part of the City's routine, yearly process, the City Council had been presented with the City's proposed 2010 Annual Budget as part of

November 2 meeting-agenda materials, that totaled \$30,217,000 in proposed operating and capital expenditures; and that, except to acknowledge its receipt, no action concerning the proposed budget now would be required of the City Council, but that, in addition to the City Manager's summary of the proposal, the City Council could discuss the proposed budget and schedule additional review sessions.

The City Manager also reported that, as the first step in the budget-preparation process, the City Council was being asked to acknowledge receipt of the budget proposal and to adopt a proposed resolution that would schedule a December 7 public hearing to receive comments concerning the proposed budget and property-tax-millage rates that would be recommended as part of the proposed budget as not-to-exceed maximum; and that the City Council could schedule the public hearing for any date that it chose, but that December 7 was suggested only to provide additional time to review the proposed budget.

The City Manager then presented a brief overview of the proposed 2010 Annual Budget that included the Tax Increment Finance Authority Fund concerning the Bear River Valley Recreation Area development project; Water and Sewer Fund losses; and cash reserves.

The Director of Finance reviewed the City's cash-reserve position and stated that he believed it would be a misnomer to lump all cash reserves together as an available spending source because almost every fund's cash reserves were restricted in some way, shape, or form; and reviewed most of the funds' restricted uses based on revenue sources including the Water and Sewer Fund's approximate \$5,000,000 cash reserves by year's end that could only be used for water and sewer projects due to grants used to construct the treatment plant, as well as bond restrictions; Local, General, and Major Street Funds' reserves only within their corresponding areas; Right-of-Way Improvements Fund only within street rights-of-way; Library Fund's only for library purposes; Tax Increment Finance reserves only for projects within its District that included the Bear River Valley Recreation Area development project.

Public comments and inquiries were heard concerning whether the Bay Harbor leachate matter affected the 2010 Annual Budget and if the budget was available for viewing on the City's website.

In response to a City Council inquiry of the general public's satisfaction with the City's budget, the City Manager reported that the proposed 2010 Annual Budget included \$15,000 in monies to conduct a citizen's survey that would include such information.

Following this overview, City Councilmember Fraser moved that, seconded by City Councilmember Marshall, the following resolution be approved:

WHEREAS, as required by City Charter provisions, the City Manager has presented for the City Council's consideration the City's recommended budget for fiscal 2010; and

WHEREAS, City Charter provisions also require that a public hearing be conducted to receive comments concerning the proposed annual budget; and

WHEREAS, this proposed budget includes certain recommendations by the City Manager concerning the amounts of property-tax millage to be levied to partially finance City operations, programs, services, and projects during 2010; and

WHEREAS, the Michigan Truth-in-Taxation Act requires that public hearings be conducted to receive comments concerning proposed property-tax-millage rates, if such rates result in increased tax revenues, when compared with those of the previous year, and rates that have been recommended by the City Manager would provide revenues in 2010 in excess of revenues that were received in 2009:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby schedules a public hearing for 7:30 P.M., Monday, December 7, 2009, at the City Hall, to receive comments concerning the City's proposed 2010 Annual Budget and property-tax-millage rates that will be recommended to be levied during 2010 as part of the proposed budget.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Hear Comments

Ann Srigley, 510 Harvey Street, reported that she would desire to see a Fall rubbish-collection pickup in addition to Spring rubbish-collection program.

City Councilmembers then reported concerning traffic studies by the Michigan Department of Transportation in the Bay Harbor/US-31 corridor; commended City staff for Fall leaf pickup program activities; and heard the status of recruitment for a Director of Public Safety.

There being no further business to come before the City Council, the meeting was adjourned at 8:46 P.M.