

CITY COUNCIL

June 15, 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, June 15, 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 Acting City Manager Alan Terry and Administrative Assistant Dianne DeWitt.

Resolution No. 18316-17
Approve Consent Agenda Items

Following the introduction of the consent agenda for the City Council meeting of June 15, 2009, City Councilmember Dittmar moved that, seconded by City Councilmember

Johnson, adoption of the following resolution that would confirm that the minutes of the special-session meetings of June 13, 2009, and June 14, 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 June 1, 2009, for contract and vendor claims at \$1,363,871.91; intergovernmental claims at \$25,763.81, and the June 11 payroll at \$175,368.36:

Resolution No. 18316

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 13, 2009, and June 14, 2009, special-session meetings 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 June 1, 2009, totaling \$1,565,004.08, be and is hereby acknowledged and

BE IT FURTHER RESOLVED that the City Council, in accordance with provisions of the City Charter, must establish dates and places for annual Ward Conventions and the annual City Convention:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby calls the annual 2009 Ward Conventions to be held at 8:00 P.M., Monday, July 27, at the City Hall for the First Ward, Petoskey Middle School for the Second Ward, Lincoln School for the Third Ward, and Spitler Administration Building for the Fourth Ward; and

BE IT FURTHER RESOLVED that the City Council does and hereby calls the annual 2009 City Convention to be conducted at 8:00 P.M., Wednesday, July 29, at the Library Carnegie Building, 451 East Mitchell Street.

Said resolution was adopted by the following vote:

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

City Councilmember Dittmar reported that he wished to amend the June 1, 2009, regular-session City Council minutes on page two, paragraph seven to more accurately reflect his comments.

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

Resolution No. 18317

BE IT RESOLVED that the City Council does and hereby confirms that the draft minutes of the June 1, 2009, regular-session meeting of the City Council, be and are hereby approved as submitted with revision to page two, paragraph seven to read as follows: "City Councilmember Dittmar stated that some proposed ordinances were coming to Council with rationale and many were not; and that he believed it should be made standard policy that proposed ordinances or ordinance revisions should always be accompanied by rationale, as well as a table that listed and compared the changes in rules and also, supporting background data and analysis; that he believed it otherwise very difficult to get a handle on what was changing and what the impacts were; and that in this case, a comparison would have been helpful, and that it would also have clarified some matters of interpretation; and City Councilmember Marshall...."

Said resolution was adopted by the following vote:

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

Resolution No. 18318
Authorize Recycling Renewal Contract

The Acting City Manager reported that the City Council had entered into a five-year agreement with Emmet County to participate in its curbside recycling program in May, 2004, with actual curbside pickup beginning in October of that year; that the program had seen growth, in both numbers of participants and in total volume, from year to year since its first full year in 2005; and that year-end summaries of users and volume for the City of Petoskey, including a comparison of the years 2005 through 2008, had been provided for the City Council.

The Acting City Manager also reported that the City's 2009 Annual Budget included \$60,000 for the City's participation in the program, which provided regional solid-waste programs to local governmental units within the County, including a year-round weekly curbside collection of recyclables; and that, included within the General Fund composting-and-recycling account, and funded through the solid-waste tax millage, this budget amount was based upon program costs of \$27 per household regardless of the number of households that participated, which currently was at 2,222 households.

The Acting City Manager also reported that households were provided a plastic "tote" container to deposit glass and plastic bottles, jugs, jars, and metal cans for weekly placement at the curb; that Emmet County personnel collected materials and sorted them at the trucks; that office and writing paper, junk mail, envelopes, file folders, newspapers, magazines, catalogs, and books could be placed in grocery bags for curbside collection; and that no limit was placed on the amount of material that could be placed at the curb and additional containers also could be used.

The Acting City Manager also reported that, in 2004, the City Attorney reviewed the original agreement provided by the County's civil counsel and determined that its provisions were in order; that the City Council was now being asked to approve an "Extension of Agreement for Curbside Recycling Service"; that this extension provided for a new five-year term from October 1, 2009, through September 31, 2014, and revised service rates that were reduced from the schedule in the original agreement; and that all other terms contained in the original agreement remained the same.

The Acting City Manager also reported that households included single-family or duplex residences, where individual garbage-collection service normally was provided by placement of materials at curb lines; that actual counts of such households were made prior to the program's start in 2004 and had been adjusted for additions and deletions over the term of the agreement; and that multi-family complexes, where garbage was collected from centralized areas, had been added upon request, with some complexes receiving service via larger totes at decreased unit costs.

The Acting City Manager also reported that this program had been well received over the past five years and with new environmental initiatives and current economic conditions, was expected to continue and grow in use; that Elisa Seltzer, Director of the Emmet County Department of Public Works, was in attendance at the meeting to provide information and answer questions; and that the City Council was being asked to adopt a proposed resolution that would extend the original agreement for an additional five years.

Ms. Seltzer then reviewed the curbside recycling program and responded to questions from the City Council and those persons who were present in the audience.

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

WHEREAS, the County of Emmet, on behalf of Townships, Villages, and Cities within the County, has accepted responsibilities for administering most aspects of solid-waste collection-and-disposal programs within the County; and

WHEREAS, as part of solid-waste-program goals, the County has long planned to provide services associated with collection and disposal of recyclables; and

WHEREAS, through its Department of Public Works, the County for many years has operated various sites at which recyclables can be deposited for collection; and

WHEREAS, the County now has offered to local units of government to continue opportunities for those units to participate in a program that, through provisions of inter-governmental agreements, require the County's Department of Public Works to collect on a year-round, weekly basis, recyclables from curbsides adjacent to residential properties; and

WHEREAS, the County staff has provided to the City staff a draft "Extension of Agreement for Curbside Recycling Services" of the intergovernmental agreement that outlines responsibilities of the County and the City for the proposed program to collect and dispose of recyclables; and

WHEREAS, the City's 2009 Annual Budget included \$60,000 to offset costs of this program from funds received through the City's solid-waste millage:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby authorizes the City's participation in this recyclable collection-and-disposal program as proposed by the County of Emmet; and

BE IT FURTHER RESOLVED that the City Council does and hereby authorizes entering into the "Extension of Agreement for Curbside Recycling Service," as an extension of the original intergovernmental agreement between the City and the County.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

Resolution No. 18319
Authorize Use of City-owned Property
For Community Victory Garden

The Acting City Manager reported that the City Council had received a request to establish a Petoskey Community Victory Garden on City-owned property located on the north side of Sheridan Street, immediately west of Midwest

Siding Company; that the project request was being made by Toril Fisher, Executive Director of Farming for Our Future and Director of Programs and Services Food Bank Council of Michigan, and Jane Morradian, Environmental Educator, Instructor for North Central Michigan College; and that Ms. Morradian was present to provide information for the City Council.

The Acting City Manager also reported that the purpose of the project was to develop a managed site for community residents interested in gardening to establish small food plots for their own use; that the site would provide opportunities for recreation, education, exercise, therapy, and social interaction as it related to gardening activities; that, if approved, the City staff would work with the Task Force to develop an acceptable site plan and license for use of the City-owned property, with planting scheduled to begin in 2010.

The City Manager also reported that, if approved, City staff would provide some grading of the site and install water service to the gardens, with water usage to be the responsibility of the Victory Garden group; that the City staff would also assist the gardeners in providing top soil and leaves for composting that could be used to establish garden plots, probably in the form of raised beds initially, to be constructed by the Victory Garden group; and that funding for the City's portion of the work would come from the Parks operating budget within the General Fund.

The Acting City Manager also reported that this project was presented to the Parks and Recreation Commission May 11, 2009, and the Commission adopted a motion in support of the garden that recommended the City Council approve the request; that the Petoskey Community Victory Garden Task Force was seeking the City Council's approval so that it could explore funding in the form of grants and/or donations, and perform site work necessary to be able to begin plantings in 2010; and that the City Council was being asked to consider and act on the request to establish a Victory Garden.

Ms. Morradian then reviewed the Victory Garden program and responded to questions from the City Council.

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

WHEREAS, the City Council on June 15, 2009, heard a request to allow the establishment of a Petoskey Community Victory Garden on City-owned property; and

WHEREAS, the City of Petoskey Parks and Recreation Commission reviewed the project proposal at its May 11, 2009, meeting and believed it was in agreement with the City's master plan as a park use, and after which, adopted a motion in support of the project and recommend that the City Council approve this request; and

WHEREAS, the City Council agrees with the use of the Sheridan Street City-owned property and the benefits to be received by residents who participate in the Victory Gardens:

NOW, THEREFORE, BE IT RESOLVED that the City of Petoskey City Council does and hereby authorizes an agreement be developed with Petoskey Community Victory Gardens that would permit the organization to conditionally use a portion of the City's Sheridan Street property to establish small food plots for personal use; and

BE IT FURTHER RESOLVED that a plan for the site be developed by the Petoskey Community Victory Gardens and approved by City staff, with the City providing water service to the site along with minor site work.

Said resolution was adopted by the following vote:

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

NAYS: None (0)

The City Council then commented concerning

Hear Comments

the following matters: status of City Manager selection of Dan Ralley, Cardington, Ohio; appreciation for the performance measurements of the curbside recycling program; review of agenda preparation copying procedures; request for additional time to present Capital Improvements Plan questions to the Acting City Manager; update on Bay Harbor leachate matter; and notice of the Michigan Municipal League Annual Convention in Kalamazoo.

There being no further business to come before the City Council, the meeting was adjourned at 9:25 P.M.

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

Alan Terry, City Clerk-Treasurer