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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – November 17, 2015

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A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, November 17, 2015 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Lynda Beaton, Robert Goodspeed, James Smith, Mark Wittlieff, and Eric Gustad.

ABSENT: Roger Zielinski.

ALSO PRESENT: Interim City Manager – R. Ben Bifoss, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning & Zoning Administrator - Denise Blakeslee, and City Engineer – Pat Bentley / Spicer Group.

### CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Nichole / 276 Fifth Avenue voiced concerns about the MSDDA redevelopment liquor license program and the ability to acquire one; would like to purchase 318 River Street but must have the ability to purchase the liquor license, need a definitive timeline.

### CONSENT AGENDA.

- Minutes
  - November 4, 2015 - Regular Meeting
  - November 10, 2015 - Organizational Meeting
- Payroll
  - Oct. 26 – Nov. 8, 2015 - \$ 112,662.02
- Monthly Bills
  - October 15, 2015 - \$ 542,658.39
  - October 27, 2015 - \$ 131,784.57
- Notification Regarding Next Work Session – December 8, 2015
  - A discussion will be conducted on Boards/Commissions/Council Committees, Ad Hoc Deer Herd Committee report, and such business as may come before the Council.

Beaton requested that the Monthly Bills be removed from the Consent Agenda.

MOTION by Goodspeed, second by Smith to approve the Consent Agenda as presented, excluding the Monthly Bills.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**MONTHLY BILLS.**

Beaton stated that being new to Council, she doesn't know how the monthly bills compare to budget; did receive a revenue and expense report from the Finance Director which was very helpful; asked if there were any purchase order agreements with local vendors, or if there were any discounts given. A meeting will be set up with the Finance Director for more information.

MOTION by Goodspeed, second by Wittlieff to approve the Monthly Bills as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**CONSIDERATION OF AN AGREEMENT WITH THE COUNTY PROSECUTING ATTORNEY / MANISTEE COUNTY.**

The City of Manistee currently has an agreement with the County Prosecuting Attorney and Manistee County to prosecute violations of certain City Ordinances, Codes and State Statutes, which are by definition misdemeanors. That agreement expires December 31, 2015. The agreement under consideration this evening would cover the period of January 1, 2016 through December 31, 2016 and allow for additional four-year periods upon written agreement of the parties. The total payment for one year of service is \$12,387.90.

MOTION by Goodspeed, second by Beaton to authorize an agreement with Manistee County and the County Prosecuting Attorney in the amount of \$12,387.90 for calendar year 2016. Brief discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**CONSIDERATION OF THE MSDDA REDEVELOPMENT LIQUOR LICENSE PROGRAM AND APPLICATION FORM.**

At their meeting of July 7, 2015 City Council took action to approve a resolution establishing a Manistee Main Street Redevelopment Project Area to allow the application for and State of Michigan issuance of liquor licenses in the MSDDA District. Council also considered the first application from the Manistee Inn that same evening but requested that a standard application form be created for future consideration.

The DDA Economic Restructuring Committee has created a form for Council consideration. If approved this evening the program and form will be in place to accept applications. The DDA can make recommendations on an application but the City Council retains the right to review each application

submitted for formal approval or denial.

MOTION by Goodspeed, second by Smith to approve the MSDDA Redevelopment Liquor License Program and the accompanying application form. Discussion followed. Council agreed that a background check by the public safety department be required before it comes to City Council for approval.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**CONSIDERATION OF THE PURCHASE OF A 2016 TANDEM AXLE SNOW PLOW / HAUL TRUCK.**

The Department of Public Works has budgeted with Motor Pool funds to replace truck #140 which is a 1992 Ford L8000. The replacement truck has been priced through two MiDEAL vendors. Cab and Chassis: Weiland International (Contract #3958-0160D and Equipment: Truck & Trailer Specialties (Contract #071B5500010). Financing will be competitively bid within 60 days of the anticipated delivery date.

MOTION by Gustad, second by Wittlieff to authorize the purchase of a Cab and Chassis from Wieland International in the amount of \$94,145.00; and Equipment from Truck & Trailer Specialties in the amount of \$73,461.42. Discussion followed regarding financing, trade-in or auction of old vehicles, and extended warranties.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**CONSIDERATION OF THE PURCHASE OF A 2016 TANDEM AXLE SNOW PLOW / SALT / SAND TRUCK.**

The Department of Public Works has budgeted with Motor Pool funds to replace truck #134 which is a 1995 Ford L8000. The replacement truck has been priced through two MiDEAL vendors. Cab and Chassis: Weiland International (Contract #3958-0160D) and Equipment: Truck and Trailer Specialties (Contract #071B5500010). Financing will be competitively bid within 60 days of the anticipated deliver date.

MOTION by Gustad, second by Goodspeed to authorize the purchase of a Cab and Chassis from Wieland International in the amount of \$94,145.00 and Equipment from Truck & Trailer Specialties in the amount of \$107,909.36.

With a roll call vote this motion passed unanimously.

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AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

### **CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

The City Clerk has taken action to advertise vacancies on the Compensation Commission, Downtown Development Authority, Harbor Commission, PEG Commission, Planning Commission, and the Zoning Board of Appeals.

All appointments by the Mayor are subject to the Council's approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second. After a member of Council nominates an individual for appointment, Council shall vote on the nomination. A majority vote in favor of placement of the nominee is required for appointment.

The following applications have been received:

**COMPENSATION COMMISSION.** Two vacancies, terms ending 09/30/17 and 09/30/19, applicants must be registered voters in the City, Mayoral appointment.

*None received.*

**DOWNTOWN DEVELOPMENT AUTHORITY.** One vacancy, term ending 06/30/19, applicants must have an interest in property in the downtown district, Mayoral appointment.

Jacquelyn Gielczyk, 2226 Staunton Street, Filer City

James Matthews, 334 River Street

Mayor Kenny appointed Jacquelyn Gielczyk to the Downtown Development Authority for a term ending 06/30/19. MOTION by Goodspeed, second by Gustad to approve the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**HARBOR COMMISSION.** Two vacancies, terms ending 10/31/18, Council appointment.

*None received.*

**PEG COMMISSION.** Two vacancies, terms ending 12/31/18, applicants must be Manistee County residents, Council appointment.

Mike Tillotson, 86 Hancock, Owosso

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Gustad nominated Mike Tillotson to the PEG Commission for a term ending 12/31/18. Question was asked if he was a Manistee County resident as required. MOTION failed for lack of support.

**PLANNING COMMISSION.** Two vacancies, unexpired terms ending 10/31/16 and 10/31/17, applicant must be city resident, Mayoral appointment.

*None received.*

**ZONING BOARD OF APPEALS.** One vacancy, term ending 05/31/18 (alternate member), Mayoral appointment.

*None received.*

### **A REPORT FROM THE 2-1-1 ACTION TEAM AND THE PLANNING & ZONING ADMINISTRATOR.**

Ms. Evelyn Szpliet reported on the activities of the 2-1-1 Action Team and responded to questions the Council had regarding their activities.

Ms. Denise Blakeslee reported on the activities of the Planning and Zoning Administrator and responded to questions the Council had regarding their activities.

### **CITIZEN COMMENT.**

*None received.*

### **OFFICIALS AND STAFF.**

Mikula commented on the City leaf pick up; also to minimize waste of yard waste bags by deterioration over the winter month, no more bags were ordered this fall; Gustad asked if they were being proactive on water freeze ups.

### **COUNCILMEMBERS.**

Goodspeed asked when alternate parking starts.

Smith stated that Councilmember Zielinski was not present this evening because of the passing of his uncle and his mother's surgery.

Wittlieff congratulated Famous Flynn's on their opening this past week.

Gustad also congratulated Famous Flynn's; asked that business owners in the DDA district bear with us on the liquor license process, we want to get it right.

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**CONSIDERATION OF A CLOSED SESSION, CITY ATTORNEY OPINION ON TWELFTH STREET.**

City Attorney George Saylor recommends a Closed Session this evening to discuss an Attorney's Opinion regarding Twelfth Street as permitted by Section 8 (h) of the Michigan Open Meetings Act as involving material covered by the attorney-client privilege.

MOTION by Smith, second by Gustad to proceed to Closed Session under Section 8 (h) of the Michigan Open Meetings Act. Time: 8:04 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

MOTION by Wittlieff, second by Goodspeed to return to Regular Session. Time: 8:22 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

**ADJOURN.**

MOTION to adjourn was made by Smith, second by Goodspeed. Meeting adjourned at 8:23 p.m.

Michelle Wright MMC / CPFA, MiCPT  
City Clerk/Deputy Treasurer