

MANISTEE CITY COUNCIL

MEETING AGENDA

Tuesday, September 20, 2011 - 7:00 p.m. - Council Chambers

I. Call to Order.

- a.) PLEDGE OF ALLEGIANCE.
- b.) ROLL CALL.

II. Public Hearings.

- a.) BOARD OF REVIEW FOR THE OXFORD COURT SPECIAL ASSESSMENT PROCESS.

City Council adopted a resolution to establish a special assessment district for the Oxford Court Curb and Gutter Project on May 17, 2011, after a public hearing in response to the Initiatory Petition filed with the City by the majority of the homeowners with frontage on Oxford Court. Upon completion of the project the City Clerk certified the true copy of costs of \$14,865.84 or \$18.77 per front foot of Oxford Court, for curb and gutter in the District.

Chapter 208.06 (b) of the City Chapter requires City Council to act as the Board of Review, to hear appeals regarding the Oxford Court Special Assessment District. The City Assessor has certified and confirmed the Final Special Assessment Roll Oxford Court Special Assessment District to City Council, including Council's resolved directive that the special assessments shall be paid in seven (7) annual installments with interest accruing on the unpaid portion of the special assessment at the rate of 4.3% per annum. Council will further resolve to allow payment in full within thirty (30) days of the final adoption date of the resolution.

City Council will act as the Board of Review. The City Assessor will act as the Secretary of the Board of Review. An owner or party in interest, or his or her agent may appear in person at the Board of Review to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required. Protests without letters require the filing of a Special Assessment Petition to the Board of Review and must be completed as a record of the protest.

Following the Board of Review an owner or any person having an interest in the real property may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days after the confirmation of the special assessment roll, by resolution, which is on the City Council agenda for consideration later this evening.

III. Citizen Comments on Agenda Related Items.

IV. Consent Agenda. All agenda items marked with an asterisk (*) are on the consent agenda and considered by the City Manager to be routine matters. If the Mayor or any member of the Council wishes to discuss an item on the consent agenda, it will be deleted from the consent agenda and considered in its regular order on the agenda. Consent agenda items include:

- V. Approval of Minutes.
- VI. a.) Approval of Payroll.
b.) Cash Balances Report.
- XI. b.) Notification Regarding Next Work Session.

At this time Council could take action to approve the Consent Agenda as presented.

***V. Approval of Minutes.** Approval of the minutes of the September 6, 2011 regular meeting and the September 13, 2011 work session as attached.

VI. Financial Report.

- *a.) APPROVAL OF PAYROLL.
- *b.) CASH BALANCES REPORT.

VII. Unfinished Business.

VIII. New Business.

- a.) CONSIDERATION OF A RESOLUTION, OXFORD COURT SPECIAL ASSESSMENT ROLL.

Earlier this evening Council acted at the Board of Review, to hear appeals regarding the Final Special Assessment Roll Oxford Court Special Assessment District. Following the Board of Review session to hear appeals and a May 17, 2011 public hearing in response to the Initiatory Petition filed with the City by the majority of the homeowners with frontage on Oxford Court, for the purpose of

installing curb and gutter, City Council adopted a resolution to establish a frontage on Oxford Court, for the purpose of installing curb and gutter, City Council adopted a resolution to establish a special assessment district for the Oxford Court Curb and Gutter project. Upon completion of the project the City Clerk certified the true copy of costs of \$14,865.84 or \$18.77 per front foot of Oxford Court, for curb and gutter in the District. The City Assessor has certified and confirmed the Final Special Assessment Roll Oxford Court Special Assessment District to City Council, including Council's resolved directive that the special assessments shall be paid in seven (7) annual installments with interest accruing on the unpaid portion of the special assessment at the rate of 4.3% per annum.

At this time Council could take action to adopt, approve and certify the Final Special Assessment Roll Oxford Court Special Assessment District, at a cost of \$14,865.84 or \$18.77 per front foot of Oxford Court, which may be paid in full within thirty (30) days of the final adoption date of the resolution or paid in seven (7) annual installments and interest shall accrue on the unpaid portion of the special assessment at the rate of 4.3% per annum.

b.) **CONSIDERATION OF STREET VACATION REQUEST, MANISTEE AREA PUBLIC SCHOOLS.**

A request has been received from the Manistee Area Public Schools to vacate portions of streets located within the Hadsall Village Subdivision (Manistee High School Campus). The High School was constructed in the Hadsall Village Subdivision. The School was constructed over platted streets and by vacating the streets it cleans up property issues. The School owns all of the property within the Hadsall Village Subdivision.

The Planning Commission reviewed this request at their meeting on September 1, 2011 and recommends approval. The City Attorney has reviewed and approved the prepared resolution.

At this time Council could take action to authorize the Mayor and City Clerk to sign a resolution to vacate portions of streets located within the Hadsall Village Subdivision; and authorize the City Clerk to record the resolution with the Register of Deeds and file it with the State of Michigan.

c.) **CONSIDERATION OF A RESOLUTION, BASIC LIFE SUPPORT / TRANSPORT LEVEL OF SERVICE.**

The State of Michigan requires that City Council adopt a resolution supporting Basic Life Support / Transport level of service on an annual basis. Under required agency criteria the State requires documents related to the official types of legal organization of the service, this resolution satisfies that requirement.

At this time Council could take action to adopt a resolution supporting Basic Life Support / Transport level of service for the Manistee City Fire Department.

d.) CONSIDERATION OF RESCHEDULING THE OCTOBER 3, 2011 COUNCIL MEETING DATE.

The City Council approved the schedule for regular meetings and work sessions for the year 2011 last November. At that time it was believed that the Michigan Municipal League Annual Convention would be starting on Tuesday, October 4, so the City Council meeting date was changed to Monday, October 3, 2011 to allow Councilmembers to attend the convention.

However, the MML has changed the starting date of their convention to Wednesday this year. Therefore, the City Clerk has recommended changing the date of the first meeting in October 2011 back to Tuesday, October 4, 2011.

At this time Council could take action to change the date of the first Regular Meeting in October 2011 back to Tuesday, October 4, 2011.

e.) CONSIDERATION OF A RESOLUTION, BEACH HOUSE GRANT APPLICATION.

In March of 2011 City Council approved a grant application to the Michigan Natural Resources Trust Fund in the amount of \$300,000 to assist with replacing the First Street Beach House. The preliminary review of the application by MNRTF identifies several opportunities for the City to increase their application score. The item being considered this evening is a resolution increasing the local match from 25% (\$100,000) to 26% (\$104,000) to obtain increased points.

At this time Council could take action to adopt a Resolution of Support to the Michigan Natural Resources Trust Fund increasing its local match commitment from 25% to 26% for the First Street Beach House grant application; and further authorize the Mayor and City Clerk to execute the resolution.

f.) CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Board of Canvassers, Brownfield Redevelopment Authority, Compensation Commission, Historic District Commission, Parks & Beautification Commission, Planning Commission, Ramsdell Theatre Governing Authority and the Zoning Board of Appeals. The following applications have been received:

BOARD OF CANVASSERS - One vacancy, Republican member, term ending 12/31/14; Council appointment.

None

BROWNFIELD REDEVELOPMENT AUTHORITY - Three vacancies, two terms ending 06/30/13 and one term ending 06/30/14; Mayoral appointment.

None

COMPENSATION COMMISSION – Two vacancies, terms ending 09/30/14 and 09/30/15; Mayoral appointment.

None

HISTORIC DISTRICT COMMISSION – One vacancy, term ending 02/28/14; Council appointment.

None

PARKS & BEAUTIFICATION COMMISSION – Two vacancies, one unexpired term ending 06/30/12 and one three year term ending 06/30/14; Mayoral appointment.

None

PLANNING COMMISSION – Three vacancies, three year terms ending 10/31/14; Mayoral appointment.

*Roger Yoder, 225 Seventh Street

*Bill Dean, 282 Lighthouse Circle

*Maureen Barry, 230 Lighthouse Way S

RAMSDELL THEATRE GOVERNING AUTHORITY – One vacancy, three year term ending 06/30/14; Mayoral appointment.

None

ZONING BOARD OF APPEALS – One vacancy (alternate member), term expiring 05/31/13; Mayoral appointment.

Stanton Haner, 508 ½ Davis Street

*Incumbent

At this time the Mayor and Council could take action to make appointments as noted above and direct the City Clerk to advertise any remaining vacancies.

IX. Notices, Communications, Announcements.

a.) A REPORT FROM THE ALLIANCE FOR ECONOMIC SUCCESS.

A regular part of each Council meeting is a report from a cooperating agency, organization or department.

At this time Ms. Cyndy Fuller will report on the activities of the Alliance for Economic Success and respond to any questions the Council may have regarding their activities. No action is required on this item.

*b.) NOTIFICATION REGARDING NEXT WORK SESSION.

A Council work session has been scheduled for Tuesday, October 11, 2011 at 7:00 p.m. Possible financial projection review by the Finance Director; and such business as may come before the Council. No action is required on this item.

X. Concerns and Comments.

a.) CITIZEN COMMENT. This is an opportunity for citizens to comment on municipal affairs. Citizens in attendance may be recognized by the Mayor for comments. Signed letters from citizens may be read if so requested. Citizen comments are not limited to agenda items but should be directed toward municipal services, activities or areas of involvement.

b.) OFFICIALS AND STAFF.

c.) COUNCILMEMBERS.

d.) CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION.

City Manager Mitch Deisch has requested an Executive Session this evening as permitted by the Open Meetings Act, Section 8 (c) to discuss contract negotiations with the United Steel Workers, the International Association of Fire Fighters, the Police Officers Association of Michigan, and the Command Officers Association of Michigan.

XI. Adjourn.

MDD:cl

COUNCIL AGENDA ATTACHMENTS:

Oxford Court Board of Review Petition & Notice
Council Meeting Minutes – September 6, 2011
Council Work Session Minutes – September 13, 2011
Cash Balances Report
Oxford Court Final Assessment Roll Resolution
MAPS Street Vacation Request
Resolution – BLST
Reschedule First Meeting in October
Resolution – Beach House Grant Local Match
Board and Commission Applications