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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – September 6, 2016

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A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, September 6, 2016 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

### **CONSIDERATION OF ADMINISTRATION OF THE OATH OF OFFICE FOR THE SEVENTH DISTRICT COUNCIL SEAT.**

At the August 16, 2016 Council meeting Erin Pontiac was appointed to fill the unexpired term of the Seventh District Council seat. Deputy Clerk Mary Bachman administered the Oath of Office for the term expiring November 2016.

**PRESENT:** Colleen Kenny, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, Mark Wittlieff, and Erin Pontiac.

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, Deputy City Clerk – Mary Bachman, DPW Director – Jeff Mikula, Public Safety Director – Dave Bachman, and City Engineer – Shawn Middleton / Spicer Group.

### **CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

*None received.*

### **CONSENT AGENDA.**

- Minutes - August 16, 2016 - Regular Meeting
- Financial Reports
  - Revenue & Expenses - July 2016
  - Cash Balances - July 2016
- Notification Regarding Next Work Session – September 13, 2016.  
A Council work session has been scheduled for Tuesday, September 13, 2016 at 7 p.m. A discussion will be conducted on blight; and such business as may come before the Council.
- Consideration of the Manistee High School Homecoming Parade.  
Manistee High School requested authorization for their annual Homecoming Parade on Friday, September 23, 2016 at 5 p.m. The parade will assemble near the Eagles parking lot, begin on Division Street, and follow River Street west to the fountain where it will disburse.
- Consideration of the Manistee Catholic Central Homecoming Parade.  
Manistee Catholic Central has requested authorization for their annual Homecoming Parade on Friday, October 7, 2016 at 4:30 p.m. The parade will assemble near Manistee Tire, begin on Division Street, and follow River Street west to the fountain where it will disburse.

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MOTION by Zielinski, second by Goodspeed to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, Pontiac

NAYS: None

### **CONSIDERATION OF INTRODUCING ORDINANCE 16-01, AMENDING CHAPTER 663 FIREWORKS.**

At their work session of August 9, 2016 Council revisited the discussion on the Fireworks Ordinance. Following that discussion City Council directed the City Attorney to develop an ordinance mirroring state law; with Council approval for display requests such as the Sleighbell Festival, school events, etc.

As this ordinance amendment was a discussion by the entire Council, this amendment was not taken to the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting

MOTION by Zielinski, second by Wittlieff to introduce Ordinance 16-01 amending Chapter 663 Fireworks, Section 663.02 Use of Consumer Fireworks Prohibited.

With a roll call vote this motion passed 6-1.

AYES: Kenny, Beaton, Zielinski, Smith, Wittlieff, Pontiac

NAYS: Goodspeed

### **CONSIDERATION OF AN ADDENDUM TO THE CHARTER TOWNSHIP OF FILER SEWER AGREEMENT.**

At the January 19, 2016 regular meeting City Council took action to enter into an agreement with the Charter Township of Filer for the collection and treatment of wastewater. The Charter Township of Filer has requested an addendum to address sewer mains located in Filer Township owned by the City.

The attached addendum addresses their concerns by stipulating that the City will give Filer Township certain City-owned infrastructure, located in Filer Township and that the infrastructure given to Filer Township will become part of their wastewater collection system.

MOTION by Smith, second by Zielinski to approve the terms of Addendum 1 to the sewer agreement between the City of Manistee and the Charter Township of Filer.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, Pontiac

NAYS: None

### **A REPORT FROM THE PUBLIC WORKS DEPARTMENT.**

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Mr. Jeff Mikula reported on the activities of the Public Works Department and responded to questions the Council had regarding their activities.

### **CITIZEN COMMENT.**

Comments received by:

- Dennis Skiera – owns property in the City / commented on blight and drug issues in the City.

### **OFFICIALS AND STAFF.**

*None received.*

### **COUNCILMEMBERS.**

Beaton, Zielinski, Goodspeed, Smith, Wittlieff and Kenny all welcomed Erin Pontiac.

Erin Pontiac congratulated the Planning Commission and Denise Blakeslee on a Citizen Planning Award that was recently received.

### **CONSIDERATION OF A CLOSED SESSION REGARDING CITY ATTORNEY OPINION.**

City Council has received a written opinion from the City Attorney. The City Attorney has recommended that Council consider discussing the written attorney opinion, which is exempt from disclosure under the Michigan Freedom of Information Act as involving material covered by the attorney-client privilege, in closed session pursuant to Section 8 (h) of the Michigan Open Meetings Act.

MOTION by Goodspeed, second by Zielinski to proceed into closed session under Section 8 (h) of the Michigan Open Meetings Act. Time: 7:49 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, Pontiac

NAYS: None

MOTION by Smith, second by Goodspeed to return to Regular Session. Time: 8:24 p.m.

### **ADJOURN.**

MOTION to adjourn was made by Beaton. Meeting adjourned at 8:26 p.m.

Mary M. Bachman MMC, CMMC / LIA  
Deputy City Clerk