
PROCEEDINGS OF THE MANISTEE CITY COUNCIL -MARCH 19, 2018

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Monday, March 19, 2018 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, James Grabowski, and Erin Pontiac.

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, DPW Director – Jeff Mikula, Planning & Zoning Director – Denise Blakeslee, Public Safety Director – Tim Kozal, and City Engineer – Shawn Middleton / Spicer Group.

AMEND AGENDA.

MOTION by Beaton, second by Zielinski to amend the agenda to amend item VIII. New Business b.) Consideration of The Sale of Surplus City-Owned Property Parcel 51-260-703-15 allowing action by Council on this item.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Mary Paine – 531 Broad Avenue / spoke on behalf of We the People Action Network in support of the resolution to support the Paris Climate Agreement.

Miriam Epskamp – 701 Maple Street / commented on additional impacts and opportunities that the adoption of the Paris Climate Agreement Resolution could bring to the community.

Linda Albee – 365 Lighthouse Way S./ thanked Council for consideration of the climate change resolution; urged Council to be proactive by developing and implementing an environmental plan of action.

Glenn Zaring -321 5th Street / concerned with consideration of the resolution to support climate agreement; proud of City for steps already being taken; Council is a nonpartisan political body and this is a partisan issue.

CONSENT AGENDA.

- Minutes
 - March 6, 2018 - Regular Meeting
 - March 13, 2018 - Work Session

- Financial Reports
 - Payroll February 2018
 - Invoices February 2018

- Notification Regarding Next Work Session – April 10, 2018
 - A discussion will be conducted on 2018-2019 Budget and Capital Improvement Plan; and such business as may come before the Council.

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

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF THE SALE OF SURPLUS CITY-OWNED PROPERTY PARCEL 51-764-711-01.

In January 2018 bids were noticed for the sale of City-owned surplus property. Five properties have been deemed surplus property and bids were received on two properties. The properties are sold AS IS by a Quit Claim Deed. No tax proration, survey or title work will be included in the sale. The following bids were received:

Parcel #51-764-711-01, minimum bid \$2,000; one bid received:

Lani Rozga \$2,020*

*Recommended Bid

MOTION by Zielinski, second by Grabowski to authorize the marketing and sale of surplus City property AS IS by a Quit Claim Deed parcel #51-764-711-01 to Lani Rozga in the amount of \$2,020; and authorize the City Attorney to prepare the necessary paperwork for the Mayor and City Clerk to sign.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF THE SALE OF SURPLUS CITY-OWNED PROPERTY PARCEL 51-260-703-15.

An offer to purchase one of the City-owned parcels on Monroe Street (parcel 51-260-703-15) was received from Dawn Thomas for a price of \$107,000. On March 15, 2018 a second offer for the same amount was received from Christian and Chery Houy. Both parties were given until 9:00 a.m. on Monday, March 19, 2018 to change their offers.

We received notice that Dawn Thomas withdrew her bid. The offer from Mr. and Mrs. Houy in the amount of \$107,000 has been reviewed and approved by the City Attorney.

MOTION by Zielinski, second by Cooper to authorize the sale of surplus City property on Monroe Street parcel 51-260-703-15 and authorize the Mayor and City Clerk to sign the necessary documents to sell the property to Christian and Cheryl Houy for \$107,000 and that the City shall retain oil and gas rights to the property.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF ORDINANCE 18-05 PEACE DISTURBANCES.

Ordinance 18-05 is an ordinance to amend Chapter 662 Peace Disturbances by deleting certain offenses under section 662.01 identified as misdemeanors, adding certain offenses under section 662.01 identified as misdemeanors, revising language for offenses under section 662.01 and replacing the former section 662.02 with new language.

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 Cooper to introduce Ordinance 18-05 Peace Disturbances. Brief discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF APPLYING FOR A PILOT DRINKING WATER INFRASTRUCTURE GRANT.

The State of Michigan is preparing new regulations and requirements for water service lines. Ahead of the new rules, the Michigan Department of Environmental Quality has created a Pilot Grant and offered communities with a successful history or utilizing Revolving Loans to apply. The Pilot Drinking Water Infrastructure Grant allows for up to one million dollars per community with no required match. The grant proceeds would be utilized to inventory the City's water service lines, update the Water Asset Management Program, and replace existing galvanized service lines.

MOTION by Zielinski, second by Beaton to approve the application to the Michigan Department of Environmental Quality for a one million dollar Pilot Drinking Water Infrastructure Grant and authorize the City Manager to sign the documents. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF CLOSING CITY RIGHT-OF-WAYS TO SLEDDING.

Cedar Street between Second and Third Streets is closed to all traffic. During the winter, Fourteenth Street between Manistee and Vine Streets is closed to traffic. These locations have been utilized for sledding in the past. Adjacent property owners have requested the City install fencing to keep sleds from entering private property. The City's insurance carrier recommends the City close the right-of-ways to sledding due to the potential dangers and liability exposure.

MOTION by Zielinski, second by Grabowski to close Cedar Street between Second and Third Streets and Fourteenth Street between Manistee and Vine Streets to sledding. Discussion followed; safety is a main concern.

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With a roll call vote this motion passed, 5-2.

AYES: Cooper, Beaton, Zielinski, Grabowski, and Pontiac
NAYS: Goodspeed and Smith

CONSIDERATION OF AWARDING A CONTRACT FOR THE 2018 STREET IMPROVEMENT PROJECT.

The City publicly advertised the 2018 Street Improvement Project and opened bids on March 6, 2018. Three bids were received:

Elmer's Crane and Dozer, Inc.	\$209,947.60*
Rieth-Riley Construction Company, Inc.	\$264,230.32
Hallack Contracting, Inc.	\$269,260.69

*Recommendation is to award to the low bidder, Elmer's Crane and Dozer, Inc. The contract has been reviewed and approved by the City Attorney.

MOTION by Zielinski, second by Cooper to award the 2018 Street Improvement Project to Elmer's Crane and Dozer, Inc. in the amount of \$209,947.60; and authorize the Mayor and City Clerk to execute the documents. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF MOBILE FOOD VENDING COUNCIL POLICY 39.

A policy has been drafted to provide standards for Mobile Food Vending. The policy has been reviewed by Staff, the DDA and the Parks Commission. The policy has been designed to provide standards for Mobile Food Vending on public property, public property in the DDA, and private properties.

MOTION by Zielinski, second by Goodspeed to adopt Council Policy 39 Mobile Food Vending and establish the fee for permits to be \$250 annually (January 1 – December 31). Discussion followed.

With a roll call vote this motion failed, 3-4.

AYES: Zielinski, Goodspeed, and Pontiac
NAYS: Cooper, Beaton, Smith, and Grabowski

CONSIDERATION OF ORDINANCE AMENDMENT 18-06 CHAPTER 862 VENDORS, SECTION 862.02 DEFINITIONS, ITEM D.

If City Council moves forward with adopting Council Policy 39 Mobile Food Vending an amendment to Chapter 862 Vendors of the Codified Ordinance is needed to eliminate a conflict. The amendment removes the reference to "foodstuffs" in Section 862.02 Definitions, Item D.

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.

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Adoption of Council Policy 39 Mobile Food Vending failed, therefore this item received no consideration.

CONSIDERATION OF A RESOLUTION TO SUPPORT THE PARIS CLIMATE AGREEMENT.

We the People Action Network of Northwestern Michigan, Manistee has requested Council consideration of a resolution in support of the Paris Climate Agreement. The group has requested an opportunity to discuss the issue.

MOTION by Pontiac to adopt a resolution that supports the Paris Climate Agreement and the creation of a Climate Action Plan.

MOTION failed due to lack of support.

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority, Compensation Commission, Historic District Commission, PEG Commission, and the Zoning Board of Appeals.

Mayoral appointments require a motion, second and Council voted support. Nominations for Council appointments do not require a second. After all nominations are made, Council votes on the nominees until one nominee receives majority support.

The following applications have been received: *Incumbent

HISTORIC DISTRICT COMMISSION - Four vacancies, one term ending 2/28/20, three terms ending 2/28/21. Applicants must be City residents. Council appointment.

Richard Albee, 365 Lighthouse Way South
Catherine Zaring, 321 Fifth Street
Aaron Bennett, 520 Fourth Street*

Goodspeed nominated Richard Albee, 365 Lighthouse Way South to the Historic District Commission for a term ending 2/28/21.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

Goodspeed nominated Catherine Zaring, 321 Fifth Street to the Historic District Commission for a term ending 2/28/21.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

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Goodspeed nominated Aaron Bennett, 520 Fourth Street to the Historic District Commission for a term ending 2/28/21.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

ZONING BOARD OF APPEALS. One vacancy (regular member), term ending 5/31/19 and one vacancy (alternate member), term ending 5/31/18; Mayoral appointment.

Denis R. Johnson, 464 Fifth Street (alternate member)

Duane Jones, 512 Fourth Street

Mayor Smith appointed Denis R. Johnson, 464 Fifth Street to the ZONING BOARD OF APPEALS for a term ending 5/31/18.

MOTION by Zielinski, second by Grabowski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

Mayor Smith appointed Duane Jones, 512 Fourth Street to the ZONING BOARD OF APPEALS for a term ending 5/31/19.

MOTION by Beaton, second by Goodspeed to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

A REPORT FROM THE HOUSING COMMISSION.

Mr. Clinton McKinven-Copus reported on the activities of the Housing Commission and responded to any questions the Council had regarding their activities.

CITIZEN COMMENT.

Richard Albee - 365 Lighthouse Way South/ disappointed that resolution was not supported for Paris Climate Agreement.

David Hunt - 701 Maple Street/ surprised that science has become politicized; would like reconsideration on climate agreement issue.

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OFFICIALS AND STAFF.

Taylor followed up on questions previously asked on provisioning centers.

COUNCILMEMBERS.

Beaton recognized city staff and DPW for work done on PILOT Grant; speaks to how we care about our environment and about water quality; reminded staff that money from sale of property could go to streets and would like to see in the budget.

Zielinski commented on water quality and environmental issues already being addressed; not opposed to discussing further.

Goodspeed expressed that he meant no disrespect to the cause but felt he did not have enough information.

Pontiac reiterated that she made the motion to support the climate change resolution; need to discuss issue further; would like item placed on future work session agenda.

Smith commented on current actions of the city with recycling and compost for residents; supports item being added to work session agenda after budget season.

ADJOURN.

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 8:33 p.m.

Heather Pefley CMC, CMMC / MiCPT
City Clerk