

# MANISTEE CITY COUNCIL

## MEETING AGENDA

Tuesday, December 6, 2011 - 7:00 p.m. - Council Chambers

**I. Call to Order.**

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

**II. Public Hearings.**

**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.  
c.) Consideration of a Resolution Authorizing Charitable Gaming License, Manistee Ski Club.  
d.) Consideration of a Bottle Drive, Conservatory of Dance.

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

**\*V. Approval of Minutes.** Approval of the minutes of the November 1, 2011 regular meeting and the November 15, 2011 organizational meeting as attached.

**VI. Financial Report.**

- \*a.) APPROVAL OF PAYROLL.

\*b.) CASH BALANCES REPORT.

**VII. Unfinished Business.**

**VIII. New Business.**

a.) CONSIDERATION OF ORDINANCE Z11-01 TO THE ZONING ORDINANCE.

The Council Ordinance Committee met on November 10, 2011. At that meeting they determined that Ordinance Z11-01 (amendments to the Waterfront District) should be presented again for Council's consideration.

This will be the first reading of the proposed Ordinance Z11-01. A second reading and possible adoption could take place at the December 20, 2011 Council meeting.

At this time Council could take action to introduce Ordinance Z11-01 to the Zoning Ordinance.

b.) CONSIDERATION OF ORDINANCE Z11-08 TO THE ZONING ORDINANCE.

The Planning Commission has developed a zoning amendment that would address wind energy conversion systems. These systems, intended to primarily serve the needs of the property upon which it is located, would be allowed in all zoning districts.

This will be the first reading of the proposed Ordinance Z11-08. A second reading and possible adoption could take place at the December 20, 2011 Council meeting.

At this time Council could take action to introduce Ordinance Z11-08 to the Zoning Ordinance.

c.) CONSIDERATION OF ORDINANCE Z11-09 TO THE ZONING ORDINANCE.

Faith Covenant Church made application to the Planning Commission to amend Section 1868 Place of Public Assembly of the Zoning Ordinance; the proposed ordinance amendment would read:

A large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined here, *unless it is located on a parcel of land with a minimum area of five (5) acres.*

A public hearing was held on October 6, 2011 after which the Planning Commission made a motion to recommend to City Council to amend the ordinance. This will be the first reading of the proposed Ordinance Z11-09. A

second reading and possible adoption could take place at the December 20, 2011 Council meeting.

At this time Council could take action to introduce Ordinance Z11-09 to the Zoning Ordinance.

d.) CONSIDERATION OF A DRIVEWAY LICENSE FOR 523 SECOND STREET.

Benjamin Wagner and Kay Wagner own the property at 523 Second Street (corner of Second Street and Cedar Street hill). During the Cedar Street CSO project the City closed the hill to vehicular traffic. Ms. Wagner has a garage that fronts on Cedar Street hill and has been accessing the entrance on Cedar Street by a gravel drive that was constructed on City right-of-way.

Ms. Wagner has submitted a request to City Council for a License Agreement. Staff has reviewed Ms. Wagner's request and is recommending City Council grant Ms. Wagner a License Agreement that allows her to construct a driveway.

At this time Council could take action to authorize a Non-Exclusive Revocable License to Benjamin Wagner and Kay Wagner for a driveway in the City right-of-way to provide access to the garage at 523 Second Street.

e.) CONSIDERATION OF A LICENSE AGREEMENT WITH CONSUMERS ENERGY.

Consumers Energy Company has prepared a License Agreement that would allow overflow parking from the Arthur Street Boat Launch to use the parking lot of their former facility at 26 Arthur Street. The City Attorney has reviewed and approved the License Agreement.

At this time Council could take action to authorize the Mayor and City Clerk to sign a License Agreement with Consumers Energy Company.

f.) CONSIDERATION OF IMPLEMENTING AUTOMATIC MUTUAL AID AGREEMENT WITH FILER FIRE DEPARTMENT.

An Automatic Mutual Aid Agreement designed by the intergovernmental task force has been reviewed and tested. Approval of this agreement will provide enhanced safety, faster response and stronger fire attack support resulting in reduced fire loss for both jurisdictions. The City Attorney has reviewed and approved the agreement.

At this time Council could take action to support and approve the Automatic Mutual Aid Agreement with the Filer Charter Township Fire Department.

g.) **CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

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

**AIRPORT AUTHORITY** – One vacancy, two year term ending 11/30/13. This is the City’s nomination to the County Board of Commissioners. (Council appointment)

Dale L. Picardat, 521 Pine Street\*

**BROWNFIELD REDEVELOPMENT AUTHORITY** – Two vacancies, two terms ending 6/30/13. (Mayoral appointment)

None

**COMPENSATION COMMISSION** – Two vacancies, terms ending 9/30/14 and 9/30/15. (Mayoral appointment)

None

**HARBOR COMMISSION** – One vacancy, three year term ending 10/31/14. (Council appointment)

Roger Zielinski, 529 First Street\*

**HISTORIC DISTRICT COMMISSION** – One vacancy, term ending 2/28/14. (Council appointment)

Mary E. Russell, 272 Lighthouse Circle

**PARKS & BEAUTIFICATION COMMISSION** – Two vacancies, one unexpired term ending 6/30/12; one three year term ending 6/30/14. (Mayoral appointment)

None

**RAMSDELL THEATRE GOVERNING AUTHORITY** – One vacancy, three year term ending 6/30/14. (Mayoral appointment)

None

\*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.

- h.) CONSIDERATION OF LEASE AMENDMENT, EQUIPMENT SPACE ON INDUSTRIAL PARK WATER TOWER WITH NEW CINGULAR WIRELESS PCS.

New Cingular Wireless PCS, LLC has cellular antennas located on the City's industrial park water tank. They have requested a lease amendment to add additional equipment on the tank. Dixon Engineering has reviewed and approved the proposed installation. The annual rent will be increased by \$6,000 per year to \$30,000.

At this time Council could take action to approve a lease amendment with New Cingular Wireless PCS.

- i.) CONSIDERATION OF A RESOLUTION ADOPTING CHANGE TO MERS DEFINED BENEFIT PROGRAM FOR NEW HIRES IN THE USW DIVISION.

The City and the United Steel Workers (USW) agreed to a one year labor agreement starting July 1, 2011. The agreement calls for all new eligible hires after July 1, 2011 to receive a lower, 1.5% pension multiplier. Council must approve the resolution to implement this change.

At this time Council could take action to approve a resolution adopting a change to MERS defined benefit program for new hires in the USW division.

## **IX. Notices, Communications, Announcements.**

- a.) A REPORT FROM 2-1-1 ACTION TEAM AND ALLIED WASTE SERVICES.

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

At this time Ms. Evelyn Szpliet will report on the activities of the 2-1-1 Action Team and respond to any questions the Council may have regarding their activities.

At this time Mr. Todd Harland will report on the activities of Allied Waste Services 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, December 13, 2011 at 7:00 p.m. Rick Liptak of the Michigan Department of Transportation will make a presentation on planned improvements to the US-31 intersection; and such business as may come before the Council. No action is required on this item.

\*c.) CONSIDERATION OF A RESOLUTION AUTHORIZING CHARITABLE GAMING LICENSE, MANISTEE SKI CLUB.

The Manistee Ski Club, a 501(c)3 non-profit organization, is organizing a raffle to help raise funds for the club to help keep the cost of participation as low as possible for the athletes. They have applied for a raffle license with the State Charitable Gaming Division. A resolution from the local government is required that recognizes them as a non-profit organization operating in the community.

At this time Council could take action to authorize the City Clerk to sign a resolution approving the Manistee Ski Club's application for a charitable gaming license.

\*d.) CONSIDERATION OF A BOTTLE DRIVE, CONSERVATORY OF DANCE.

The Conservatory of Dance is requesting authorization to conduct a bottle drive in the City of Manistee to raise funds for the Northfire Dance Company to attend a workshop. The bottle drive would be held on Saturday and Sunday, January 7 & 8, 2012.

At this time Council could take action to authorize a bottle drive by the Conservatory of Dance in the City of Manistee on Saturday and Sunday, January 7 & 8, 2012.

**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.

**XI. Adjourn.**

MDD:cl

**COUNCIL AGENDA ATTACHMENTS:**

Council Meeting Minutes – November 1, 2011  
Council Organizational Meeting Minutes – November 15, 2011  
Cash Balances Report  
Ordinance Committee Minutes - November 10, 2011  
Z11-01 Ordinance  
Z11-08 Ordinance  
Z11-09 Ordinance  
Wagner Driveway License Agreement  
Consumers Energy License Agreement  
Filer Mutual Aid Agreement  
Board and Commission Applications  
Cingular Lease Amendment  
MERS Resolution for USW Division  
Ski Club Charitable Gaming License  
Bottle Drive Request