

**HARBOR COMMISSION MINUTES
MEETING OF APRIL 18, 2012**

A regular meeting of the Manistee Harbor Commission was held on Wednesday, April 18, 2012 at 1:00 p.m. in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee MI 49660.

Roll Call	Present	Excused Absence	Unexcused Absence
Commissioner Bachman	✓		
Commissioner Cook	✓		
Commissioner Kriskywicz	✓		
Commissioner Schrock	✓		
Commissioner Seng	✓		
Commissioner Spencer	✓		
Commissioner Zielinski	✓		
City Manager Mitch Deisch	✓		

OTHERS PRESENT: Councilmember Alan Marshall, Parks & Beautification Commission Chair Ed Tegler, Marina Manager Frank Post

APPROVAL OF AGENDA

MOTION by Schrock, second by Zielinski to approve the agenda as presented. Motion carried.

PUBLIC COMMENTS ON AGENDA ITEMS None.

APPROVAL OF MINUTES

MOTION by Seng, second by Bachman to approve the minutes for the March 21, 2012 meeting as presented. Motion carried.

STAFF REPORTS

Marina Building Progress/Punch List. Mitch Deisch presented an update on construction activities at the Municipal Marina including:

- Flooring – drain has been installed, former surface grounded down, positive drain in shower stalls and four-part painting process began yesterday and should be completed by the end of this week.
- Electrical work completed that included motion sensor in laundry room and hand dryers.
- Deck should be completed this week. Membrane is in but waiting for delivery of cement

board.

- Access hardware has been received but not installed.
- Additional diamond dust will be put in pavers.
- Still working on appropriate fix for the patio area.

Significant concerns remain with several Harbor Commissioners regarding final price and how we came to this point. Cook noted maintenance concern about exposed cinder block that has already started to leach out, should be sealed at a minimum. Extensive discussion regarding continued questions by several Harbor Commission members on final costs, construction documents, engineering and staff oversight of the project.

City Manager restated his position that the City will use staff time to focus energies on moving forward. Project cost information has been researched and presented to City Council and the Harbor Commission on numerous occasions. Staff response to Harbor Commission questions has been open and timely. From staff's perspective it is time to move on and not look backward.

Miscellaneous comments by Harbor Commission members on this subject (not all inclusive):

- Spencer – Concerned about payback of marina loan.
- Spencer - Complete answers have not been received.
- Schrock - No one minding the store, gap from \$990,000 to \$1,120,000 has not been explained.
- Cook - Harbor Commission was misled on amounts being withheld from Abonmarche.
- Seng - Contractor is responsible for any items on the prints.
- Seng - Abonmarche not held accountable for items not on the prints.

City Manager restated his position and said that cost increases were handled on a case by case basis. Original design was sufficient for a standard design. Some items were added after the project commenced.

Spencer felt that the next step for the Harbor Commission is to go through City Council to have a third party step in to review the entire project. He wants a project audit. Audit should include a civil suit review showing areas where the City could go back to the engineer and contractor. City Manager advised that he would do whatever he was instructed to do by Council. All information on this project has been shared with the City Council and the Harbor Commission, there is nothing to hide.

Comments continued by several Harbor Commissioners (not all inclusive):

- Bachman – Project audit would be purely subjective.
- Zielinski – Cost of some changes were amazing, sends up red flags.
- Cook – Something wrong with Abonmarche engineer saying bills were okay by signing them. How could city staff agree to exorbitant charges?
- Seng – City was hosed by Abonmarche and staff should be fired.
- Cook – Items on Harbor Commission wish list still need to be addressed.
- Bachman – Number of things marina staff would still like to accomplish and they will be addressed as funds allow.
- Cook – Offered to work on any fund-raising efforts to complete wish list items.

Briefly mentioned use of second floor space. City Council will be discussing this at their May 8, 2012 work session.

Harbormaster. Marina Manager Frank Post updated the Harbor Commission on actions being taken to get ready for the season at the Marina that included: uniform changes (setting standards for professional appearance for employees), require tennis shoes or dock shoes (no bare feet or sandals), generic jackets will be purchased instead of sweatshirts, and name badges will be purchased for all employees. Will have a staff of six this year using a schedule with overlapping shifts (6 a.m.-2 p.m., 10 a.m.-6 p.m. and 2 p.m.-10 p.m.). Administration is drafting policies and procedures manual on what is expected from employees. Discussed dock side training for staff. Most current staff has been through this training. Administration working to accommodate Century Boat Show and will be attending training on the state reservation system. Will also meet with Parks & Beautification Commission on flower planting ideas.

Boating Safely class has been moved to the Council Chambers and will be held this Saturday, April 21. Boat inspection crew has been offered a free slip at the marina from early May to mid-June to provide this service to boaters.

City Manager. Discussed tug barge grounding in the river channel and harbor this past weekend. Maple Street Bridge operated properly. USACOE has advised that they will take soundings in feet in the river channel this week and that the harbor is scheduled to be dredged this season at an approximate cost of \$400,000 through federal funding. Shallow draft recreational harbors will not be dredged. Low water is anticipated to be an issue again this year at the First Street launch ramps. Some additional rock may need to be added to extend the piers. Auto-attendant will be back in service as soon as power is made available to the new site.

COMMITTEE REPORTS

Marketing & Promotion Committee. Submitted 2/24/12 committee meeting report for the file. Updated commission on recent media activities. Acquired 3'x4' chart of the Great Lakes but still needs to get a mounting board and push pins to complete this project. Frank Post will locate a spot for it in the marina building. No feedback yet from merchants on goody bags.

Frank Post has applied for the radio receiver to allow access to interactive website to track ship locations around the world. Antenna will need to be located on the new beach house at First Street for better reception. Low cost feature for the City's website.

Ordinance Committee. Committee of Schrock, Zielinski and Spencer was appointed at the last meeting to work on proposed ordinance language to be submitted to the Council Ordinance Committee. The Harbor Commission Ordinance Committee met on April 10, 2012 (meeting report on file) and reviewed the existing Harbor Commission Ordinance, draft ordinance supplied by the City Manager and several Harbor Commission ordinances from neighboring communities. The Committee drafted ordinance language to be considered by the Harbor Commission. Following a brief discussion a motion was submitted:

MOTION by Schrock, second by Zielinski that the Ordinance Committee recommends that the City of Manistee Harbor Commission endorse this ordinance recommendation. The Committee further recommends that the Commission request that the Harbor Commission Ordinance Committee and the City Council Ordinance Committee meet jointly to review this and any other ordinance language brought before the body. We recommend that our committee work with the Council Committee to find common ground and purpose, to reach a consensus, and to jointly recommend language for a new Chapter 266 Harbor Commission Ordinance which has the support and endorsement of both bodies.

Bachman requested clarification on whether the motion included an endorsement of the proposed ordinance language by the Harbor Commission, it does. Motion carried. Vote was as follows:

ROLL CALL VOTE	YEAS	NAYS	ABSTAIN
COMMISSIONER BACHMAN		✓	
COMMISSIONER COOK	✓		
COMMISSIONER KRISKYWICZ	✓		
COMMISSIONER SCHROCK	✓		
COMMISSIONER SENG	✓		
COMMISSIONER SPENCER	✓		
COMMISSIONER ZIELINSKI	✓		

*At the May 16, 2012 these minutes were amended by the Harbor Commission to include a copy of the entire document presented to the Harbor Commission at the April 18, 2012 meeting; the following two pages constitutes that document in its entirety.

At the March 15, 2012 meeting of the City of Manistee Harbor Commission an Ordinance Committee was established comprised of Rick Schrock, Ross Spencer, and Roger Zielinski.

The Ordinance Committee met on April 10, 2012. The Committee reviewed the existing Harbor Commission Ordinance, a new draft ordinance supplied by the City Manager, and several Harbor Commission ordinances in effect in neighboring communities.

The Ordinance Committee drafted the following ordinance language to recommend to the City of Manistee Harbor Commission:

Chapter 266

Harbor Commission

266.01 Commission Established, Composition, Terms, and Compensation

- A. There is hereby established the City of Manistee Harbor Commission.
- B. The City of Manistee Harbor Commission shall consist of 7 members, appointed by the City Council, for 3 year terms.
- C. Harbor Commissioners shall serve without compensation.

266.02 Meetings and Minutes

- A. Meetings of the Harbor Commission shall be governed by the Michigan Open Meetings Act.
- B. The Commission shall keep minutes and records of its meetings and activities and shall be subject to the Michigan Freedom of Information Act.
- C. Minutes shall be placed on file with the City Clerk and on the City of Manistee website so as to be readily available to the public.

266.03 Purpose and Duties

- A. The purpose of the Harbor Commission shall be to study and advise the City Council, City Departments, and City Boards and Commissions on matters pertaining to the orderly development, maintenance, operations, policies, and finances of the City Marina, City Boat Launches, and public and private waterfront property for the convenient and economical accommodation and handling of watercraft of all kinds and business incidental thereto.
- B. The responsibility and duties of the Harbor Commission shall include:
 1. Establish bylaws with the consent of City Council.
 2. Make recommendations to the City Council and City Departments about the development, maintenance, operations, policies, and finances of the City Marina and City Boat Launches.
 3. Review and make recommendations on all significant City Marina, Boat Launches, and waterfront improvement projects.
 4. To recommend to City Council the acquisition of such additional waterfront property, wharves, and docks as it may deem proper and feasible for the proper regulation and control the waterfront activities.
 5. Study and make recommendations to the City Council concerning waterways, channels, municipal docks, or other navigational facilities which are under the control of the City.
 6. To recommend to the City Council the adoption by the City of such ordinances or rules as public safety may require with respect to the safety of boats and ships in the navigable waters under the jurisdiction of the City of Manistee.
 7. Provide and annual report to the City Council on the work of the Harbor Commission.

The Ordinance Committee recommends that the City of Manistee Harbor Commission endorse this ordinance recommendation. The Committee further recommends that the Commission request that the Harbor Commission Ordinance Committee and the City Council Ordinance Committee meet jointly to review this and any other ordinance language brought before the body. We recommend that our committee work with the Council Committee to find common ground and purpose, to reach a consensus, and to jointly recommend language for a new Chapter 266 Harbor Commission Ordinance which has the support and endorsement of both bodies.

Respectfully Submitted,
Rick Schrock
Harbor Commission Ordinance Committee

UNFINISHED BUSINESS None.

NEW BUSINESS

Boat Launches. Spencer asked if it made any sense to open launch ramps sooner. Staff responded that ramps are opened as soon as power is available to the facilities.

Marine Safety. Zielinski asked if it made sense to locate a defibrillator at the marina. Bachman responded that Rescue 5 is only 3 minutes away and a defibrillator is in both patrol cars. City Manager suggested that a future public safety grant application to the Local Revenue Sharing Board could be considered for the marina and other locations. Marina administration has looked at various safety issues at the marina including PFD's, fire extinguishers and rescue discs.

Posting of Agenda, Minutes, Etc. Harbor Commission reaffirmed their desire to have staff trained to put minutes and agenda on the City's website. City Manager will check with staff on the status of training.

PUBLIC COMMENT Councilmember Alan Marshall requested clarification on the posting of meeting minutes and agendas on the City's website and the required training.

COMMENTS BY HARBOR COMMISSIONERS None.

ADJOURNMENT

MOTION by Bachman, second by Cook to adjourn at 3:05 p.m.

Respectfully submitted,

Cindy Lokovich, Recording Secretary

c. Harbor Commission Members
Manistee City Council
City Clerk/Bulletin Board