
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 17, 2014

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 17, 2014 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Edward Cote, Robert Hornkohl, Robert Goodspeed, Catherine Zaring, Mark Wittlieff, and Eric Gustad.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, and Finance Director – Ed Bradford.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

AMEND AGENDA & CONSENT AGENDA.

- Minutes - June 3, 2014 - Regular Meeting
- June 10, 2014 - Work Session
- Payroll - May 26 – June 8, 2014 - \$ 122,099.56
- Monthly Bills - May 13, 2014 - \$ 153,695.85
- May 29, 2014 - \$ 203,243.70

- Consideration of Adopting Ordinance 14-01 Chapter 270 Housing Commission Amendments.
The initial Housing Commission ordinance was drafted in 1966. At that time and based upon the ordinance, it was the responsibility of the City Council to fix compensation for employees of the Housing Commission. More recently the State of Michigan has subsequent laws that make it the responsibility of the Council appointed Housing Commission to set employee compensation.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. This ordinance was first introduced at the regular meeting of June 3, 2014 and could be adopted at this time.

- Consideration of Adopting Ordinance 14-02 Chapter 289 Parks and Beautification Commission Amendments.
The Parks and Beautification Commission have passed a motion to amend Chapter 289 removing the language that the Chair is required to be a resident of the City. All Parks and Beautification Commissioners will still be required to own property or own a business or profession having a licensed business location within the City.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. This ordinance was first introduced at the regular meeting of June 3, 2014 and could be adopted at this time.

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- Consideration of Adopting New Ordinance 14-03 Chapter 663 Fireworks.
removed

- Consideration of Adopting Ordinance 14-04 692 Weeds.
City staff has been working to amend how Chapter 692 Weeds is enforced. Based on this experience, the Department of Public Works felt there was a more efficient way to enforce the weed ordinance.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. This ordinance was first introduced at the regular meeting of June 3, 2014 and could be adopted at this time.

- Consideration of Adopting Ordinance 14-05 Chapter 1028 River Street Traffic Flow, Parking and Amenities.

In the late 1990s the City was preparing to complete a downtown streetscape project as part of a combined sewer separation project. Included in the original plans were bump outs (traffic calming measures) and trees downtown. A referendum vote was put before City residents to prohibit trees from being placed in the downtown. This referendum passed and Section C. of Ordinance 1028 was added. By law, Section C. could not be reversed for a two-year period. Having passed that time period requirement, Council could now amend this section.

The DDA Design Committee and the full DDA Board have approved the concept of placing trees back in the downtown area in large planters. Use of the planters would allow them to be removed for winter maintenance.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. This ordinance was first introduced at the regular meeting of June 3, 2014 and could be adopted at this time.

- Notification Regarding Next Work Session –July 8, 2014
A discussion will be conducted on project updates; and such business as may come before the Council.

MOTION by Zaring to amend the agenda to add language to item X. Concerns and Comments d.) allowing action by City Council on four (adding IAFF) collective bargaining agreements upon returning from Executive Session. Kenny requested that the Adoption of New Ordinance 14-03 Chapter 663 Fireworks be removed from the Consent Agenda. Zaring changed her motion to include the approval of the Consent Agenda with the removal of Ordinance 14-03, second by Hornkohl.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ADOPTING NEW ORDINANCE 14-03 CHAPTER 663 FIREWORKS.

City Council discussed the creation of a new ordinance to limit fireworks being discharged within the City of Manistee. No person shall ignite, discharge, or use commercial fireworks in the City between the hours of 11:00 p.m. and 8:00 a.m. This prohibition shall not preclude a person from igniting, discharging, or using consumer fireworks within the City of the day preceding, the day of, or the day after a national holiday; consistent with Act 256, except between the hours of 1:00 a.m. to 8:00 a.m. on those days.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. This ordinance was first introduced at the regular meeting of June 3, 2014 and could be adopted at this time.

MOTION by Cote, second by Gustad to adopt a new ordinance Chapter 663 Fireworks. Kenny asked to have this removed from the Consent Agenda because of concerns about the number of hours this allows, felt it was too broad. Discussion followed including enforcement, what the State statute allows, and what other communities have done.

A roll call vote was taken, motion passed 6-1.

AYES: Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: Kenny

CONSIDERATION OF HOUSING COMMISSION BYLAW AMENDMENTS.

The Manistee Housing Commission took action at their April 22, 2014 meeting to review and approve changes to their bylaws. A copy of the bylaws showing proposed amendments has been attached. The amendments bring the bylaws into compliance with Michigan PA18 in conjunction with recent ordinance amendments.

MOTION by Hornkohl, second by Cote to approve amendments to the bylaws of the Manistee Housing Commission and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF CERTIFYING A SECTION OF TWELFTH STREET FOR INCLUSION ON THE CITY ACT 51 MAP.

The Michigan Department of Transportation requires the City Street Administrator to review and certify the official Act 51 Street Map on an annual basis. In reviewing the current map, it was discovered that sections of Twelfth Street between Oak and Elm, and Elm and Tamarack were never certified by the City after the street was accepted from Manistee Area Public Schools in 2009.

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Certifying this street segment will allow the City to receive Act 51 money for maintenance activities.

MOTION by Zaring, second by Cote to approve a resolution certifying two sections of Twelfth Street between Oak and Tamarack for inclusion into the City of Manistee street network. Questions were asked if this meets the City street standards, any impact on other sections of Twelfth Street, any downside to this, and requested a traffic count to be done on Twelfth Street.

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

AYES: Kenny, Cote, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: Goodspeed

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Historic District Commission.

All appointments by the Mayor are subject to the Council's approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second. After a member of Council nominates an individual for appointment, Council shall vote on the nomination. A majority vote in favor of placement of the nominee is required for appointment.

The following applications have been received:

HISTORIC DISTRICT COMMISSION – Two vacancies, one three-year term ending 02/28/17; and one unexpired term ending 02/28/15; applicants must be city residents, Council appointment.

Thomas R. Smith, 703 Hopkins Street

Gustad nominated Thomas R. Smith, 703 Hopkins Street to the Historic District Commission for a three-year term ending 02/28/17.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

PRESENTATION OF PROPOSED IMPROVEMENTS TO VETERANS MEMORIAL PARK.

The Manistee County Veterans group would like to continue their work on Memorial Park to honor veterans. Using concept plans drafted by Architect Kendra Thompson, they would like to place six plaques, viewing benches and appropriate landscaping east of the memorial along Memorial Drive, adjacent to the sidewalk. They would like the City to be on board with the concept due to the costs involved.

Ted Arens and Kendra Thompson made a presentation to City Council regarding proposed

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improvements to Veterans Memorial Park. The proposed language for one of the plaques was reviewed and discussed. MOTION by Hornkohl, second by Cote to approve the proposed wording on the monument and include the optional wording also.

With a roll call vote this motion passed unanimously.

AYES: Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: Kenny

A REPORT FROM THE FINANCE DEPARTMENT AND THE OIL AND GAS INVESTMENT BOARD.

Mr. Edward Bradford reported on the activities of the Oil and Gas Investment Board and responded to questions the Council had regarding their activities.

Mr. Bradford also reported on the activities of the Finance Department and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

Ray Fortier – 367 Eleventh Street asked that the cost of the damage caused from the frozen water pipes at the marina be published in the newspaper; questioned the cost of the gas at the marina; questioned subsidizing the Ramsdell Theatre; hopes people will vote against the proposed Headlee amendment; and questioned the higher rate on water usage.

Gary Patulski – 159 Quincy Street commented on the subsidy to the marina; requested that Oil & Gas funds be put on the ballot for up to \$3 million of the principal to be used on the streets, roads will give citizens more benefit than the subsidy to the Ramsdell and marina; requested that Council give that serious consideration or the public will petition for it.

OFFICIALS AND STAFF.

Wright stated that Council petition packets are available for anyone interested in running for the 1st, 3rd, 5th, or 7th district Council seats in November; petitions are due July 22, 2014.

Deisch showed a picture of trash that was dumped by the recycling container at the DPW, asked people to stop, it requires City staff to pick up the material and pay for removal; meeting scheduled tomorrow morning with Filer Charter Township and Manistee Area Public Schools on Twelfth Street.

COUNCILMEMBERS.

Cote commented on the improvements to Veterans Memorial Park and thanked Council for voting for it; also asked about the plans for the First Street roundabout.

Zaring would like to re-open Mr. Ed Seng's request on waterfront property and the concept of the peninsula district; consensus was to have it brought up on an upcoming agenda, specifically the vote

on the development agreement.

Wittlieff requested that the culling of deer in the City be added to a future agenda also; stated that Mrs. Waterman is still upset about what happened to her hedges.

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION.

City Manager Mitchell D. 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 Steelworkers, the Police Officers Association of Michigan, the Command Officers Association of Michigan, and the International Association of Firefighters.

MOTION by Cote, second by Zaring to adjourn to executive session. Time: 8:39 p.m.

MOTION by Goodspeed, second by Zaring to return to regular session. Time: 9:08 p.m.

CONSIDERATION OF COLLECTIVE BARGAINING AGREEMENTS WITH THE USW, POAM, COAM AND IAFF UNIONS.

MOTION by Cote, second by Goodspeed to amend health insurance provisions with the United Steelworkers contract and authorize the Mayor and Clerk to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

MOTION by Hornkohl, second by Zaring to amend health insurance provisions and the 1% wage increase with the Police Officers Association of Michigan and authorize the Mayor and Clerk to execute the documents.

With a roll call vote this motion passed, 6-0.

AYES: Kenny, Cote, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

ABSTAIN: Goodspeed

MOTION by Cote, second by Goodspeed to amend health insurance provisions and the 1.6% wage increase with the Command Officers Association of Michigan and authorize the Mayor and Clerk to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

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MOTION by Wittlieff, second by Cote to amend health insurance provisions and the 1% wage increase with the International Association of Firefighters and authorize the Mayor and Clerk to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, Wittlieff, and Gustad

NAYS: None

ADJOURN.

MOTION to adjourn was made by Hornkohl, second by Cote. Meeting adjourned at 9:12 p.m.

Michelle Wright MMC / CPFA, MiCPT
City Clerk/Deputy Treasurer