
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 16, 2015

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 16, 2015 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, Roger Zielinski, Robert Goodspeed, James Smith, Mark Wittlieff, and Eric Gustad.

ALSO PRESENT: Interim City Manager – R. Ben Bifoss, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning & Zoning Administrator - Denise Blakeslee, Public Safety Director – Dave Bachman, and City Engineer – Shawn Middleton / Spicer Group.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

CONSENT AGENDA.

- Minutes
 - June 2, 2014 - Regular Meeting
 - June 9, 2015 - Work Session
- Payroll
 - May 25 –June 7, 2015 - \$ 125,150.59
- Monthly Bills
 - May 14, 2015 - \$ 333,183.27
 - May 26, 2015 - \$ 3,536.17
 - May 29, 2015 - \$ 159,722.51
- Consideration of Adopting Ordinance 15-06, Repealing Chapter 253 of the Code of Ordinances, the Ramsdell Theatre Civic and Cultural Center Governing Authority.
 - This ordinance was introduced at the regular meeting of June 2, 2015 and could be adopted at this time.
- Notification Regarding a Special Work Session – June 23, 2015
 - One of the components of the Redevelopment Ready Communities program is to identify and prioritize redevelopment sites. This will be a joint work session of the City Council, Planning Commission, Main Street DDA, Historic District Commission, and the Zoning Board of Appeals; and such business as may come before the Council. No action is required on this item.
- Consideration of Event Signage Request by the Manistee Eagles.
 - A request has been received from the Manistee Eagles to allow the placement of five signs advertising three events: Taco Tuesday, Coney Island Night, and their Poker Run. Under Section 2101.A.8 City Council may approve exceptions to the Sign Ordinance for community events.

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- Consideration of Event Signage Request for the Manistee Shoreline Showcase Concert Series.
A request has been received from the Manistee Shoreline Showcase Concert Series to allow the placement of eight signs advertising their Tuesday night summer concert series. Included in their request is permission from the City to install a sign in the roundabout at First Street directing traffic to the Gazebo. Under Section 2101.A.8 City Council may approve exceptions to the Sign Ordinance for community events.
- Consideration of DAV Forget-Me-Not Sale.
The Manistee Salt City Post Chapter 43 Disabled American Veterans is requesting authorization to conduct their annual Forget-Me-Not fundraiser in the City of Manistee on Friday and Saturday, August 7 and 8, 2015. Proceeds will be used for programs to benefit local veterans and their wives; including the DAV transportation program.

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

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ESTABLISHING AN AD HOC DEER HERD COMMITTEE.

In accordance with Section 13-16 of the Charter, special committees for particular purposes may be appointed by the Mayor, by City Council, or by the City Manager to investigate and/or make recommendations to the City Administration or City Council. Such committee shall be ad hoc and serve only until such time their charge has been fulfilled.

For the past several years Council has discussed culling deer. In October 2014 Council took action to authorize a deer herd cull up to 50 deer. In January 2015 Council rescinded that decision and the cull did not occur. A couple of councilmembers have requested that additional research be completed regarding feeding or culling deer.

MOTION by Smith, second by Zielinski to establish an Ad Hoc Deer Herd Committee and authorize the City Clerk to advertise for committee positions. Discussion followed regarding the composition and purpose of the committee.

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

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: Kenny

CONSIDERATION OF TWELFTH STREET IMPROVEMENTS.

Improvement of Twelfth Street, as it exists between Maple and Oak Streets in Filer Township, requires that the rights of the public be established through litigation. Attempts at resolving the matter with the

adjoining property owners have not been successful. One option to confirm the public right to use Twelfth Street in Filer Township would be through condemnation. Another alternative, short of condemnation, would be to file a lawsuit to claim the portion of Twelfth Street in Filer Township as a public road based upon the theory of Implied Dedication, Highway by User or any other equitable remedy available to the City.

MOTION by Goodspeed, second by Smith to authorize the City Attorney to initiate a lawsuit in the Manistee County Circuit Court asserting that Twelfth Street exists as a public road in Filer Township between Maple and Oak Streets.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF CHANGES TO THE CITY COUNCIL POLICY CP-20, MICHIGAN FREEDOM OF INFORMATION ACT.

Public Act 563 of 2014 made significant changes to the way that public bodies respond to Freedom of Information Act (FOIA) requests. The Amendments take effect on July 1, 2015. Some of the changes to Michigan's FOIA are:

1. The amount of fees and the method of calculation of fees for a FOIA request.
2. Municipalities must adopt and make available guidelines and procedures in a form that is understandable to the general public.
3. The guidelines and procedures must include deposit requirements, method of calculation of fees and costs and the process by which a citizen may appeal a municipality's determination regarding their FOIA request.
4. Allows municipalities to contract services to separate and delete exempt information from a FOIA request and allows recovery for the contracted services, but not more than an hourly rate equal to six times the state minimum hourly wage.
5. The penalty imposed on municipalities for FOIA violations has increased, along with the implementation of provisions that impose penalties for charging an excessive fee.

For the City to implement the FOIA changes Council must approve a FOIA Policy that conforms to the new law. The City Attorney has developed a number of documents for Council's review and consideration including: FOIA Procedures and Guidelines, Public Summary of FOIA Procedures and Guidelines, FOIA Request Form, FOIA Cost Estimate Worksheet, and a Resolution to adopt and appoint City Manager as FOIA Coordinator.

MOTION by Smith, second by Zielinski to amend Council Policy CP-20, to include new provisions of

Public Act 563 of 2014 to the Michigan Freedom of Information Act (FOIA).

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE Z15-04, PENINSULA DISTRICT.

Ordinance Z15-04 was drafted after the Planning Commission completed an in-depth review of the PD-Peninsula District in response to a directive from City Council. Amendments will be made to Article 3: Districts, Dimensional Standards Uses Table and Zoning Map (Table 3-1 City of Manistee Schedule of Regulations and Table 3-2 Uses Permitted by Right, and Special Land Use Permit); Article 5: General Provisions (Section 511 Driveways and Curb Cuts and Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks); Article 6: Peninsula District (Section 600 Purpose and Intent, Section 601 Uses Permitted by Right, Section 602 Uses Permitted by Special Land Use, Section 604 Dimensional Standards, DELETE Section 603 Uses Permitted by Special Land Use Permit, Requires Frontage on a Key Street Segment and Section 605 Peninsula District Renaissance Zone Standards); Article 12: Waterfront District (DELETE Section 1205 Waterfront Renaissance Zone Standards) and Article 21: Signs (Table 2100-1 – Use Types and Sign Standards, Section 2107 Use Type 2, Commercial and Office).

This ordinance has been reviewed by 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 Gustad, second by Zielinski to introduce Ordinance Z15-04 amending Article 3 Districts, Dimensional Standards Uses Table and Zoning Map, Article 5 General Provisions, Article 6 Peninsula District, Article 12 Waterfront District, and Article 21 Signs of the City of Manistee Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE Z15-05 GREEN INFRASTRUCTURE LANGUAGE.

Ordinance Z15-05 was drafted in response to a requirement of the Redevelopment Ready Communities program where the Zoning Ordinance must include green infrastructure language. Amendments will be made to Article 2: Definitions and Interpretation (ADD definition for pervious paving to Section 217 P, rain gardens to Section 219 R, swale bio-filtration and swale, vegetated or rock to Section 220 S, and vegetated roof to Section 223 V); Article 5: General Provisions (AMEND Section 503 Performance Standards Item 3, AMEND Section 511 Driveway and Curb Cuts, Item D and Item F, Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item E and ADD Item F, AMEND Section 531 Landscaping and Screening, Item A and Item F).

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This ordinance has been reviewed by 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 Smith, second by Cote to introduce Ordinance Z15-05 adding green infrastructure language to Article 2 Definitions and Interpretation and Article 5 General Provisions of the City of Manistee Zoning Ordinance.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE AMENDMENT 15-07 CHAPTER 606 ANIMALS.

An Ad Hoc Domestic Animals Committee has been working on Amending Chapter 606 Animals since 2013. Changes in the Generally Accepted Agriculture Management Practices (GAAMP) resulted in the ordinance being put on hold so that language for the inclusions of Chickens or Ducks could be added to the amendment.

This ordinance has been reviewed by 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 Smith, second by Zielinski to introduce Ordinance 15-07 Chapter 606 Animals of the City of Manistee Codified Ordinances.

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

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, and Gustad

NAYS: Wittlieff

CONSIDERATION OF BUDGET AMENDMENT 2015-1 FOR FISCAL YEAR ENDING JUNE 30, 2015.

The City is required by State law to ensure that actual expenditures do not exceed budgeted amounts. Over the course of the current fiscal year, unanticipated and unbudgeted events and/or Council approved expenditures have occurred. The proposed budget amendment addresses the expenditures associated with these events and attempts to project what final year-end expenditures will be to avoid any year-end negative budget variances.

MOTION by Smith, second by Wittlieff to adopt budget amendment 2015-1 for fiscal year ending June 30, 2015.

With a roll call vote this motion passed unanimously.

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AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF BIDS FOR SWEETNAM PUMP STATION REPAIRS AND UPGRADES.

The City utility departments maintain a projected capital improvement list for upgrading critical infrastructure. One of two pumps at the Sweetnam Pump Station has failed, causing operational issues during periods of heavy flow. This project will upgrade the station to current City standards.

The following bids were received:

Bidder	Bid	Alternate A	Alternate B
Swidorski Brothers	\$43,750*	\$24,970*	\$15,000
Elmer's	\$99,549	\$35,866	\$3,080

*The low base bid and Alternate A is being recommended in a total amount of \$68,720. The City Attorney has reviewed and approved the contract.

MOTION by Smith, second by Zielinski to award the low base bid and Alternate A in the amount of \$68,720 to Swidorski Brothers Excavating, LLC and further authorize the Mayor and City Clerk to execute the contract.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF BIDS FOR INDUSTRIAL PARK PUMP STATION REPAIRS AND UPGRADES.

The City utility departments maintain a projected capital improvement list for upgrading critical infrastructure. The Industrial Park Pump Station has failed, causing operational issues during periods of heavy flow. This project will upgrade the station to current City standards.

The following bids were received:

Bidder	Bid	Alternate A	Alternate B
Swidorski Brothers	\$29,600*	\$24,970*	\$15,000*
Elmer's	\$97,795	\$37,366	\$9,050

*The low base bid, Alternate A and Alternate B are being recommended in a total amount of \$69,570. The City Attorney has reviewed and approved the contract.

MOTION by Gustad, second by Smith to award the low base bid, Alternate A and Alternate B in the amount of \$69,570 to Swidorski Brothers Excavating, LLC and further authorize the Mayor and City

Clerk to execute the contract.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

A REPORT FROM THE FINANCE DIRECTOR.

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

CITIZEN COMMENT.

Comments were received by:

- Karen Wrzesinski Goodman – 1925 12th Street / reintroduced herself as 6th District County Commissioner.
- Ted Arens & Mayor Kenny / June 20th plaque dedication and proclamation for the crew of the USS Liberty.
- Patrick Kay – MSDDA Director / changes in the Riverwalk painting project.
- Jill Nowak – Manistee County Clerk / reintroduced herself and gave a background of the duties of the County Clerk’s office.

OFFICIALS AND STAFF.

Wright stated that Council petition packets for districts 2, 4, and 6 are now available, petitions are due 7/21/15.

COUNCILMEMBERS.

Smith thanked Blakeslee in the Planning Department for help received; and thanked the Police Department for the help on the restrictive parking on Flag Day.

CONSIDERATION OF A CLOSED SESSION, UNION CONTRACT NEGOTIATIONS.

Interim City Manager R. Ben Bifoss has requested a Closed Session this evening as permitted by the Michigan Open Meetings Act, Section 8 (c) to discuss contract negotiations with the International Association of Fire Fighters.

MOTION by Cote, second by Goodspeed to proceed to Closed Session under Section 8 (c) of the Michigan Open Meetings Act. Time: 8:08 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

MOTION by Goodspeed, second by Cote to return to Regular Session. Time: 8:17 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE IAFF UNION.

MOTION by Cote, second by Goodspeed to approve a three-year collective bargaining agreement with the International Association of Fire Fighters; and authorize the Mayor and City Clerk to execute the document.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Cote. Meeting adjourned at 8:18 p.m.

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