
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, January 21, 2020 at 7:00 pm in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, Roger Zielinski, Jermaine Cipic, Michael Szymanski, James Grabowski and Erin Pontiac

ABSENT: Lynda Beaton

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – Richard Wilson, City Clerk – Heather Pefley, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning & Zoning Administrator – Rob Carson, Public Safety Director – Tim Kozal and City Engineer – Shawn Middleton

MOTION by Szymanski, second by Cooper to amend the agenda to add items VIII. k.) Consideration of USDA Rural Development Loan Resolutions For \$4,400,000 And \$300,000 Of Sewer Revenue Bond Indebtedness and l.) Consideration of A Resolution To Approve The City of Manistee Harbor Commission 5-Year Recreation Harbor Plan.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Bob Grabowski - 341 Fourth Street / spoke against the deer cull.

CONSENT AGENDA

- Minutes
 - January 7, 2020 Regular Meeting
 - January 14, 2020 Work Session
- Financial Reports
 - Payroll December 2019
 - Invoices December 2019
- Consideration of Ordinance 20-1 Amending Chapters 866 and 867.
- Consideration of Zoning Ordinance Amendment Z19-25: Assembly Operation in Key Street Segment.
- Notification Regarding Next Work Session – February 11, 2020, 7:00 pm
A discussion will be conducted on RAD Conversion Plans and Report from the Ad Hoc Blight Committee; and such business as may come before Council.

MOTION by Cooper, second by Szymanski to approve the Consent Agenda as presented.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF APPROVING THE MANISTEE CITY 5-YEAR RECREATION HARBOR PLAN.

The City of Manistee partnered with the Manistee County Planning Department to draft a 5-Year Recreation Harbor Plan. This document is necessary per the DNR when writing grants through the waterways program. The plan outlines a prioritized development plan for accessible waterway areas within the City limits. The plan was reviewed/approved by the Manistee Harbor Commission.

MOTION by Cooper, second by Pontiac to approve the Manistee City 5-Year Recreation Harbor Plan.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF PURCHASE OF ELECTION TABULATOR AND A BUDGET AMENDMENT TO COVER THE COST.

Due to the increase in absentee voters, as a result of the passage of Proposal 3, the City Clerk has determined a need to purchase an additional tabulator for the processing of absentee ballots.

MOTION by Szymanski, second by Grabowski to authorize the purchase of an election tabulator and a budget amendment to cover the cost.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF WERTZ WARRIORS SNOWMOBILE RIDE TO UTILIZE CITY STREETS FOR A SNOWMOBILE RIDE FOR THE PURPOSES OF A FUNDRAISER FOR SPECIAL OLYMPICS. THE RIDE WOULD TAKE PLACE ON TUESDAY, FEBRUARY 4, 2020.

Wertz Warriors Snowmobile Ride would like to utilize city streets (from the city limits in the Red Apple & Cherry Road area to the area behind the high school, commencing from there to the Moose Lodge). This ride would take place on Tuesday, February 4, 2020 with the riders expected to arrive in the City at approximately 2:00 p.m. and departing the City one – two hours later.

MOTION by Cooper, second by Pontiac to support and approve the request to use City services, parks and streets for the Wertz Warriors Snowmobile Ride on Tuesday, February 4, 2020. Subject to departmental approvals.

With a roll call vote this motion passed unanimously.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF ENTERING INTO AGREEMENT WITH THE MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY THROUGH THE CITY OF MANISTEE DOWNTOWN DEVELOPMENT AUTHORITY SERVICE AGREEMENT.

The Manistee Downtown Development Authority (DDA) is requesting consideration of entering into an agreement with the City of Manistee through the Service Agreement for enhanced and accelerated services for the up-coming year. The Manistee DDA approved the Service agreement during the January 8, 2020 board meeting after conversations with Manistee DDA committee members and City of Manistee staff. With the approval of the Manistee DDA and City of Manistee Service Agreement, the document will be added to the current Development and TIF plan amendment up for adoption this spring.

MOTION by Szymanski, second by Grabowski to enter into the service agreement with the Manistee Downtown Development Authority and to authorize the Mayor and City Clerk to execute the agreement. Mayor Zielinski thanked the DDA and City staff for their time and efforts on this agreement.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF BOND AUTHORIZING ORDINANCE 20-03 FOR THE ISSUANCE OF SEWER JUNIOR LIEN REVENUE BONDS SERIES 2020 IN AN AMOUNT OF \$4,700,000.

The City is subject to an MDEQ NPDES permit that mandates a wet weather corrective action program (CAP) to remove the last combined sewer overflow. This requirement and progress towards completion has been discussed many times at past Council work sessions and meetings. A Notice of Intent Resolution was approved by Council on August 22, 2017 for the issuance of debt to finance the needed activities to comply with the CAP. No referendum petitions were filed so the City can proceed with issuing additional debt. The Series 2020 bonds, which fund Phase 1A and Phase 1B of the overall CAP, are being financed by USDA Rural Development. The approval of the Bond Authorizing Ordinance is necessary to authorize and proceed with the bond sale.

MOTION by Szymanski, second by Grabowski to adopt Bond Authorizing Ordinance 20-03 for the issuance of Sewer Junior Lien Revenue Bonds Series 2020 in an amount of \$4,700,000.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF RESOLUTION TO VACATE OLGA STREET.

On March 19, 2019, City Council passed an action to vacate the Southern portion of Olga Street from midway block between Eighth Street and continuing to the remaining portion of the entire block of Olga Street between Ninth Street and Tenth Street; including reserving any existing utility easements and

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

further expecting, conveying and reserving for the City an easement over the north 15 feet portion being vacated. To complete the vacation a resolution needs to be passed.

MOTION by Cooper, second by Grabowski action to approve the Olga Street Resolution based on the documentation and description above.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF ENTERING INTO A SANITARY SEWER SERVICE AGREEMENT WITH MANISTEE TOWNSHIP.

The City has negotiated a Sanitary Sewer Service Agreement with Manistee Township. It was approved by the Township at their December 2019 meeting. The agreement was negotiated over a several year time frame and comprehensively addresses City sewer services being provided in Manistee Township.

MOTION by Grabowski, second by Pontiac to enter into a Sanitary Sewer Service Agreement with Manistee Township and authorize the Mayor & City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF ENTERING INTO A FIFTH AMENDMENT TO SITE LEASE WITH NEW CINGULAR WIRELESS PCS, LLC FOR AN EXISTING LEASE AT THE INDUSTRIAL PARK WATER TOWER.

The City has an existing lease with New Cingular Wireless PCS, LLC for space at the Industrial Park water tower to accommodate cellular telephone antennas and related equipment. New Cingular has made a request to add a generator at the site and slightly expand the leased premises. The City has negotiated a lease amendment with a 6.5% increase in rent. Annual rental will now be \$39,488 with a 2.5% annual escalator.

MOTION by Grabowski, second by Cooper to approve the Fifth Amendment to Site Lease with New Cingular Wireless PCS, LLC and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF APPROVING A RECYCLING CENTER AGREEMENT WITH MANISTEE CATHOLIC CENTRAL SCHOOLS.

The City currently operates a Recycling Center along Glocheski Drive in the City's Industrial Park. Changes in the commodities market for fiber products has increased the refuse expenses by \$16,000 per year. City

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

staff have been exploring opportunities to reduce costs. Manistee Catholic Central (MCC) has agreed to host the City Recycling Center. The City would reduce fiber tipping fees by \$16,000 and MCC will receive new revenue from a program with Packaging Corporation of America. This agreement was prepared by the City Attorney and has been approved by MCC.

MOTION by Grabowski, second by Pontiac to approve the Recycling Center Agreement with Manistee Catholic Central and relocate the Recycling Center to the school along Twelfth Street.

Discussion included:

- Recycling items moved to MCC; co-mingled metal/plastics, fiberboard, and compost topsoil
- Existing center will be vacated and used for storage
- City will still pay for the metal /plastics, but will no longer pay for fiberboard
- Currently unable to monitor use by Non-City residents
- City cameras can be relocated if necessary

With a roll call vote this motion passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Airport Authority, Board of Review, Compensation Commission, Downtown Development Authority Citizens Council, Harbor Commission, Historic District Commission, Parks Commission, PEG Commission, Tree Commission, and 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

BOARD OF REVIEW – One vacancy, term (alternate) ending 12/31/22. Applicants shall be taxpaying electors of the City who are owners of property assessed for taxes in the City and, at the time of their appointment, are neither elected nor appointed officials of the City; Council appointment.

Angela M. Tabor, 523 Second Street

Szymanski nominated Angela M. Tabor, 523 Second Street to the Board of Review for an alternate member term ending 12/31/22.

With a roll call vote this nomination passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

PARKS COMMISSION – One vacancy, term ending 6/30/20. Applicants may be nonresidents but must own real estate or a business/profession having a licensed business location in the City or have a child attending school within the City; Mayoral appointment.

Christopher Rowe, 187 Eighth Street

No appointment made.

HISTORIC DISTRICT COMMISSION – Two vacancies, one term ending 02/28/21, one term ending 02/28/23; One member is desired who meets professional qualification standards for archaeologist, architect, architectural historian, historian, or historical architect. Applicants must be City residents. Council appointment.

Debra Greenacre, 343 Second Street

*Lee Trucks, 453 Second Street

Cooper nominated Lee Trucks, 453 Second Street to the Historic District Commission for a term ending 02/28/23.

With a roll call vote this nomination passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

Szymanski nominated Debra Greenache, 343 Second Street to the Historic District Commission for a term ending 02/28/21.

With a roll call vote this nomination passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF USDA RURAL DEVELOPMENT LOAN RESOLUTIONS FOR \$4,400,000 AND \$300,000 OF SEWER REVENUE BOND INDEBTEDNESS.

The City is subject to an MDEQ NPDES permit that mandates a wet weather corrective action program (CAP) to remove the last combined sewer overflow. This requirement and progress towards completion has been discussed many times at past Council work sessions and meetings. The Series 2020 bonds which fund Phase 1A and Phase 1B of the overall CAP are being financed by USDA Rural Development. The USDA requires Loan Resolutions as part of the financing process.

MOTION by Cooper, second by Szymanski to approve USDA Rural Development Loan Resolutions in the amount of \$4,400,000 and \$300,000 of Sewer Revenue Bond indebtedness.

With a roll call vote this nomination passed unanimously.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 21, 2020

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

CONSIDERATION OF A RESOLUTION TO APPROVE THE CITY OF MANISTEE HARBOR COMMISSION 5-YEAR RECREATION HARBOR PLAN.

The State of Michigan requires that the governing body approve and support the 5- Year Recreation Harbor Plan adopted by the Manistee Harbor Commission.

MOTION by Szymanski, second by Pontiac to approve the City of Manistee Harbor Commission Resolution for Adoption of the Manistee City 5-Year Recreation Harbor Plan.

With a roll call vote this nomination passed unanimously.

AYES: Cooper, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

A REPORT FROM MANISTEE RECREATION ASSOCIATION.

Ms. Stephanie Carpenter reported on the activities of the Manistee Recreation Association and responded to any questions the Council had regarding their activities.

CITIZEN COMMENT

None

OFFICIALS AND STAFF

Kozal stated the Fire Department is keeping busy. They had 138 documented runs last month which is well above normal average and continuing this month with 13 transports in a span of 48 hours.

COUNCILMEMBERS

Grabowski commented on the ban on stun guns recently lifted by the State of Michigan and asked if an ordinance should be considered; Kozal said he would need to do more research.

ADJOURN

MOTION to adjourn was made by Szymanski. Meeting adjourned at 7:43 p.m.

Heather Pefley CMC, CMMC / MiCPT
City Clerk