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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL –JUNE 2, 2020

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A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, June 2, 2020 at 7:00 pm remotely as authorized by Executive Order of the Governor.

**PRESENT:** Dale Cooper, Lynda Beaton, Roger Zielinski, Jermaine Cipic, Michael Szymanski, James Grabowski and Erin Martin-Pontiac

**ABSENT:** None

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Detective Sergeant – Josh Glass, Deputy Fire Chief – Mark Cameron, and City Engineer – Shawn Middleton

### **CITIZEN COMMENTS ON AGENDA RELATED ITEMS**

All individuals in attendance of the virtual meeting were in a virtual waiting room, with their microphones muted. When it came time for public comment, each person waiting in the virtual waiting room was called individually by the City Clerk by the last four digits of their telephone number. Individuals were asked if they had a comment or if they were passing.

Mayor Zielinski reviewed the items on the agenda for those in attendance that did not have a copy of the agenda.

Jeff Dontz, 405 E. Kott Road – Manistee County Commissioner / spoke in favor of the DDA proposal to reinvigorate River Street; hopes it can be done in an appealing manner.

Matt Thompson, Owner – Diner 31, 267 Arthur Street / voiced support for the proposal to reinvigorate River Street for business and visitors plan; would like to see this extended to all businesses in the City not only those in the DDA.

Dan Reynolds, Owner – Manistee Adventures, 5450 Carlson Road / looking forward to dialogue on the proposed rental location agreement.

Courtney Gilmore, Goody's Juice and Java -343 River Street / spoke in support of the proposal to reinvigorate River Street.

Jen Teller, 712 Harbor Drive / spoke on Lung Cancer caused by smoking; would like to see consideration in the future for tobacco and vaping free parks and beaches.

### **CONSENT AGENDA**

- Minutes
  - May 6, 2020 Regular Meeting
  - May 12, 2020 Work Session
- Financial Reports
  - Cash Balances April 2020
  - Payroll April 2020

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- Revenue & Expense April 2020
- Invoices April 2020

- Notification Regarding Next Work Session – June 9, 2020, 7:00 pm  
A discussion will be conducted on short term rentals, refuse totes on River Street and naming the baseball field at Reitz Park; and such business as may come before Council.

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

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski and Martin-Pontiac

NAYS: None

### **CONSIDERATION OF ADOPTING THE PROPOSAL TO REINVIGORATE RIVER STREET FOR BUSINESS AND VISITORS PLAN.**

The Manistee Area Chamber of Commerce is leading an initiative of partial closures of River Street to vehicular traffic to support expanding operations during COVID-19 precautions. The prepared proposal has been developed at the request of City Staff and weekly merchant meetings. The Manistee Downtown Development Authority has approved support during its May 13, 2020 regular board meeting. The Manistee DDA support letter is attached.

Marc Miller, Manistee Chamber of Commerce Economic Director, gave an overview of the proposed plan that was developed to help both businesses and customers with the continued restrictions limiting business operations during the current pandemic. The first of two ideas being proposed is seasonal outdoor seating platforms, each requiring two parking spaces, with possible funding from the DDA for construction materials. The second idea is the ability for businesses to have a pair of parking spaces in front of their establishment for customer curbside pickup. Consideration in the future may be needed for partial lane closures or block closures on River Street, but this is not the direction at this time. Looking for direction and approval from Council for the two proposed ideas and to be inclusive to help all businesses in the City not just those on River Street and Washington Street.

MOTION by Szymanski, second by Martin-Pontiac to approve the supporting initiative of the Reinvigorate River Street for Business and Visitors Plan.

Discussion included:

- Concerns with deliveries made to River Street
- Approximately 3-5 platforms needed
- Outreach to businesses
- Need to be inclusive to businesses outside the DDA
- Business participation will require permission from neighbors for spaces/platforms
- Traffic flow concerns
- DDA to pay for platforms if board approves, price currently unknown
- Support requested for platforms and curbside pickup spaces
- Flexibility for future discussion as needed

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With a roll call vote this motion passed, 4-3.

AYES: Zielinski, Cipic, Szymanski, and Martin-Pontiac

NAYS: Cooper, Beaton, and Grabowski

### **CONSIDERATION OF APPROVING CHANGE ORDER #2 FOR THE STORM AND SANITARY IMPROVEMENTS, 2019 GENERAL WASTEWATER IMPROVEMENT CONTRACT.**

The City has contracted with Gerber Construction to complete various infrastructure improvements related to the City's Wet Weather Corrective Action Program. The City Purchasing Policy requires Change Orders over 10% of the contract or more than \$50,000, be approved by City Council. Change Order #2 in the amount of \$84,327.15 includes various construction adjustments and over \$79,000 to reconstruct the eastbound concrete lane on Eighth Street Hill.

MOTION by Beaton, second by Martin-Pontiac to approve Change Order #2 for the Storm and Sanitary Improvements, 2019 General Wastewater Improvement Contract in the amount of \$84,327.15 and authorize the Public Works Director to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipic, Szymanski, Grabowski and Martin-Pontiac

NAYS: None

### **CONSIDERATION OF BUDGET AMENDMENT 2020-3 FOR FISCAL YEAR END JUNE 30, 2020.**

The City of Manistee 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 expenditures associated with these events to ensure compliance with State statutes regarding appropriations.

MOTION by Grabowski, second by Szymanski to adopt budget amendment 2020-3 for fiscal year ending June 30, 2020. Finance Director Ed Bradford reviewed the items included in the proposed budget amendment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipic, Szymanski, Grabowski and Martin-Pontiac

NAYS: None

### **CONSIDERATION OF AN AGREEMENT FOR BEACH USE WITH MANISTEE ADVENTURES.**

Manistee Adventures has requested using locations at First Street and Fifth Avenue beaches for rental items. The locations and concept have been approved by the Public Works Department and discussed at the Council Work Session on May 19, 2020. An agreement has been prepared by the City Attorney.

MOTION by Grabowski, second by Beaton to approve a Beach Rentals and Sales Agreement with Manistee Adventures and authorize the Mayor and City Clerk to execute the document.

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With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski and Martin-Pontiac

NAYS: None

### **CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

The City Clerk has taken action to advertise vacancies to the Brownfield Redevelopment Authority, Downtown Development Authority, Downtown Development Authority Citizens Council, Harbor Commission, Housing Commission, Parks Commission, and Zoning Board of Appeals.

Mayoral and manager 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 nominees until one nominee receives majority support.

The following applications have been received:

\*Incumbent

**BROWNFIELD REDEVELOPMENT AUTHORITY.** One vacancy – term ending 6/30/2023. Applicants must be City residents or persons with interest in the City; Mayoral appointment.

\*Roger Yoder, 225 Seventh Street

Zielinski appointed Roger Yoder, 225 Seventh Street, to the Brownfield Redevelopment Authority for a term ending 6/30/2023.

MOTION by Beaton, second by Grabowski to support the Mayor’s appointment of Roger Yoder, 225 Seventh Street, to the Brownfield Redevelopment Authority for a term ending 6/30/2023.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

**DOWNTOWN DEVELOPMENT AUTHORITY.** Two interest member vacancies – terms ending 6/30/2024. Applicants must have an interest in property in the downtown district; Manager appointment.

\*Kyle Mosher, 50 Greenbush Street

\*James Beaudrie, 1249 Maple Road

Taylor appointed Kyle Mosher, 50 Greenbush Street, to the Downtown Development Authority as an interest member for a term ending 6/30/2024

MOTION by Beaton, second by Szymanski to support the Manager’s appointment of Kyle Mosher, 50 Greenbush Street, to the Downtown Development Authority as an interest member for a term ending 6/30/2024.

With a roll call vote this motion passed unanimously.

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AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

Taylor appointed James Beaudrie, 1249 Maple Road, to the Downtown Development Authority as an interest member for a term ending 6/30/2024.

MOTION by Beaton, second by Cipcic to support the Manager's appointment of James Beaudrie, 1249 Maple Road, to the Downtown Development Authority as an interest member for a term ending 6/30/2024.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

**HOUSING COMMISSION.** One vacancy – term ending 5/31/2025; Mayoral appointment.

Karen Goodman, 1925 Twelfth Street

Zielinski appointed Karen Goodman, 1925 Twelfth Street, to the Housing Commission for a term ending 5/31/2025.

MOTION by Szymanski, second by Beaton to support the Mayor's appointment of Karen Goodman, 1925 Twelfth Street, to the Housing Commission for a term ending 5/31/2025.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

**PARKS COMMISSION.** Three vacancies – terms ending 6/30/2023. Applicants may be non-residents 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.

\*Mark Tomaszewski, 106 Tamarack Street

Zielinski appointed Mark Tomaszewski, 106 Tamarack Street, to the Parks Commission for a term ending 6/30/2023.

MOTION by Cooper, second by Grabowski to support the Mayor's appointment of Mark Tomaszewski, 106 Tamarack Street, to the Parks Commission for a term ending 6/30/2023.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

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**ZONING BOARD OF APPEALS.** Two vacancies – one term ending 5/31/2022 and one term ending 5/31/2023. Applicants shall be a representative of the population distribution and of the various interests present in the City; Mayoral appointment.

\*Glenn C. Zaring, 321 Fifth Street

Zielinski appointed Glenn C. Zaring, 321 Fifth Street, to the Zoning Board of Appeals for a term ending 5/31/2022.

MOTION by Grabowski second by Cooper to support the Mayor’s appointment of Glenn C. Zaring, 321 Fifth Street, to the Zoning Board of Appeals for a term ending 5/31/2022.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski, and Martin-Pontiac

NAYS: None

### **CITIZEN COMMENT**

*Every person waiting in the virtual waiting room was called by the last four digits of their telephone number.*

Matt Thompson, Owner – Diner 31, 267 Arthur Street / pleased that Council supported the plan to reinvigorate River Street business; asks that contact be made to all businesses to help them succeed during this difficult time.

Dan Reynolds, Owner- Manistee Adventures, 5450 Carlson Road / thanked Council for approving the beach use agreement.

Kris Kacynski, 287 4<sup>th</sup> Avenue / expressed interest in being able to eat outside at restaurants in the downtown area.

### **OFFICIALS AND STAFF**

Saylor informed Council of a discussion he had with Mike Szokola from the Planning and Zoning department regarding the issue with Diner 31 and stated they agreed the stop order should be rescinded and they will work with the business regarding any possible zoning issues that may need to be addressed.

Mikula stated there are multiple construction projects that have been progressing during essential services with some completed or nearing completion. There have also been a lot of calls with questions on the new refuse service; phone discussions and automated calls from Republic Service seem to be helping.

### **COUNCILMEMBERS**

Beaton thanked Marc Miller for bringing the plan to Council; excited to hear that action has been taken to help Diner 31.

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Szymanski thanked everyone for their work on Blossom Boulevard.

Grabowski inquired on pick up of old plastic City lawn bags, old phone boxes around town, police officer applications received and concerns with steps at the paper recycling trailer at MCC.

Martin-Pontiac asked if yard sales are allowed with the lifting of the stay at home order. Taylor stated a definitive answer was not received from the MML but has not found anything that says they are not allowed.

Zielinski expressed gratitude to everyone who attended the meeting.

### **ADJOURN**

MOTION to adjourn was made by Grabowski. Meeting adjourned at 8:28 p.m.

Heather Pefley CMC/CMMC, MiCPT  
City Clerk