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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – January 21, 2014

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A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, January 21, 2014 at 7:03 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, and Finance Director – Ed Bradford

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

Mayor Kenny informed the Council and audience that new applications for Boards and Commissions have been received from Shari Wild / Historic District Commission and Mary Nezki / Downtown Development Authority. She also stated that the Planning Commission appointment will be removed as there is not a current vacancy on the board.

Ross Spencer – 328 Eighth Street spoke two weeks ago on the Minutes being altered; what was written in the 01/07/2014 Minutes didn't reflect his actual comments. He asked that Council remove the Minutes from the Consent Agenda to show his actual comments.

Bob Grabowski – 341 Fourth Street commented on the Water and Sewer Rate Study; does this mean if the company that will do the study says so, will our rates go up?

### **CONSENT AGENDA.**

- Minutes
  - January 7, 2014 - Regular Meeting
  - January 14, 2014 - Work Session
- Payroll
  - January 6-19, 2014 - \$ 112,454.76
- Monthly Bills
  - December 11, 2013 - \$ 388,353.43
  - December 23, 2013 EFT - \$ 2,098.03
  - December 27, 2013 - \$ 56,296.03

- Notification Regarding Next Work Session – January 21, 2014 & February 4, 2014  
A special Council work session was held on Tuesday, January 21, 2014 at 5:30 p.m. to continue discussions on the 2014 update to the Strategic Plan.

On Tuesday, February 4, 2014 a discussion will be conducted on the Clerk/Treasurer White Paper, project updates; and such business as may come before the Council.

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- Consideration of Annual Events for the Manistee Non-Motorized Transportation Committee.  
The Manistee Non-Motorized Transportation Committee holds two community events each year. In May the Healthy Active Manistee (H.A.M. it Up!) community event and then in September the Labor Day Bridge Walk is held. The Committee is requesting City Council's approval and endorsement for the Fifth Annual Healthy Active Manistee (H.A.M. it Up!) to be held May 17-23, 2014 and the Third Annual Labor Day Bridge Walk on Monday, September 1, 2014. The routes for both events will be finalized and submitted to Chief Bachman for approval as the events draw near. These events promote healthy activities for people of all abilities to enjoy.

MOTION by Gustad, second by Goodspeed to remove the Approval of Minutes and approve the remaining Consent Agenda items as presented.

With a roll call vote this motion passed unanimously.

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

NAYS: None

### **CONSIDERATION OF APPROVAL OF MINUTES.**

Approval of the Minutes of the January 7, 2014 regular meeting and the January 14, 2014 work session will be considered at this time. Gustad asked for clarification of what changes were made that Mr. Spencer was commenting on. Wright stated that at the December meeting when the Airport Authority nomination to the County was made, the advertisement mistakenly said the appointment was for two years and that is what was read at the Council meeting. The actual appointment should have been for three years, so the Minutes reflected the correct term; it was a clerical error. Brief discussion followed.

MOTION by Wittlieff, second by Gustad to adjust the Minutes to include more detail of Mr. Spencer's comments at the 01/07/2014 meeting; and also reflect the change made in the 12/03/2013 Minutes showing the change of the term.

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

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

NAYS: Zaring

### **CONSIDERATION OF WATER AND SEWER UTILITY RATE STUDY CONSULTANT AGREEMENT WITH BURTON & ASSOCIATES.**

On December 12, 2013 the City solicited proposals to provide to the City of Manistee a Water and Sewer Utility Rate Study. Bids were due on January 8, 2014; with four bids being received. Staff has reviewed the four bids and interviewed the two low bidders to ascertain which firm was best suited to perform the study at the most economical rate. Based upon a review of the requests for proposals, internal discussion, reference checks, and telephone interviews with the two lowest bidders; staff recommends Burton & Associates. The City Attorney has prepared and approves the consultant

agreement.

MOTION by Hornkohl, second by Zaring to enter into an agreement with Burton & Associates to perform the Water and Sewer Rate Study for a total cost of \$21,939 and authorize the Mayor and City Clerk to execute the agreement. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF ADOPTING A TITLE VI NON-DISCRIMINATION PLAN AND NAME THE TITLE VI COORDINATOR.**

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall on the grounds of race, color, or national origin, sex, age, disability, or socio-economic status, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 amended Title VI to require compliance by all federal-aid recipients and sub-recipients (schools, colleges, government entities, or private employers) whether their programs are federally funded or not.

Also, related to Title VI are Executive Order 12898 Limited English Proficiency (LEP) and Executive Order 13166 Environmental Justice (EJ) which were enacted to ensure non-discrimination against low-income populations, minority populations, and persons who have limited ability to speak, write, or understand English.

Compliance with federal and state civil rights regulation is mandatory and the Michigan Department of Transportation (MDOT) has the responsibility to ensure that every sub-recipient has a Title VI Plan and LEP Plan on file. Failure to comply with this requirement may result in our being placed in deficiency status, which may jeopardize any pending or future federal funding.

The proposed Title VI Non-Discrimination Plan designates City Clerk Michelle Wright as the Title VI Coordinator. The draft document has also received approval from the staff at MDOT and now requires City Council approval. The final document is due back to the State by February 3, 2014.

MOTION by Hornkohl, second by Goodspeed to adopt the Title VI Non-Discrimination Plan; designate City Clerk Michelle Wright as the Title VI Coordinator; and authorize the Mayor and City Clerk to sign the document.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF NON-MOTORIZED TRANSPORTATION COMMITTEE BYLAWS.**

On January 9, 2014 the City of Manistee Non-Motorized Transportation Committee amended their bylaws. The Non-Motorized Transportation Committee amended Section 2 Purpose, Section 3 Officers, and changed “Commission” to Committee as needed in the document.

MOTION by Gustad, second by Wittlieff to adopt bylaws for the Non-Motorized Transportation Committee 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 APPLICATIONS TO BOARDS AND COMMISSIONS.**

The City Clerk has taken action to advertise vacancies on the Board of Review, Downtown Development Authority, Historic District Commission, Non-Motorized Transportation Committee, Parks and Beautification Commission, Planning Commission, Tree Commission, and the Zoning Board of Appeals.

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 (\*Incumbent):

**BOARD OF REVIEW.** *Alternate Member* – One unexpired term ending 12/31/14. 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.

Erin Pontiac, 1003 Engelmann Street

MOTION by Gustad, second by Cote to nominate Erin Pontiac - 1003 Engelmann Street as an Alternate Member of the Board of Review for the unexpired term ending 12/31/14.

With a roll call vote this motion passed unanimously.

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

NAYS: None

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**DOWNTOWN DEVELOPMENT AUTHORITY.** One vacancy for an *At Large Member*, unexpired term ending 06/30/15; Mayoral appointment.

Brandon Ball, 345 Fifth Street  
Mary Nezki, 700 Birch Street

Mayor Kenny appointed Brandon Ball – 345 Fifth Street to the Downtown Development Authority as an At Large member, for the unexpired term ending 06/30/15. MOTION by Wittlieff to support the Mayor's appointment.

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

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

**HISTORIC DISTRICT COMMISSION.** Three vacancies, one unexpired term ending 02/28/15 and two three-year terms ending 02/28/17; Council appointment.

Mary E. Russell, 272 Lighthouse Circle\*  
Shari Wild, 7700 Milarch Road, Onekama

MOTION by Zaring, second by Gustad to nominate Shari Wild – 7700 Milarch Road to the Historic District Commission for a three year term ending 02/28/17.

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

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

MOTION by Goodspeed, second by Wittlieff to nominate Mary E. Russell – 272 Lighthouse Circle 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

**NON-MOTORIZED TRANSPORTATION COMMITTEE.** Two unexpired terms ending 03/31/14 and 03/31/15; Mayoral appointment.

*None received*

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**PARKS & BEAUTIFICATION COMMISSION.** Two unexpired terms ending 06/30/14 and 06/30/16; Mayoral appointment.

*None received.*

**PLANNING COMMISSION.** *Removed – no vacancies.*

**TREE COMMISSION.** One vacancy, three-year term ending 12/31/16; Mayoral appointment.

*None received*

**ZONING BOARD OF APPEALS.** *Alternate Member,* one unexpired term ending 05/31/15; Mayoral appointment.

*None received*

### **A REPORT FROM THE MANISTEE BLACKER AIRPORT.**

Mr. Barry Lind reported on the activities of the Manistee Blacker Airport and responded to questions the Council had regarding their activities.

### **CITIZEN COMMENT.**

Ed Seng / Seng Dock & Trucking – 200 River Street presented a request to Council at the last Work Session and asked what other things are needed in order to move forward. Deisch stated that more research is being done; waiting on a written response from the State regarding the Cool Cities Grant; two technical issues – amend 1) development agreement, and 2) zoning ordinance; after answers are received it can be put on the Council agenda to decide if the agreement should be maintained, altered, or terminated.

### **OFFICIALS AND STAFF.**

Deisch, a follow up on Mr. Seng's request, stated that zoning ordinance changes have to be published 20 days prior to the meeting; DPW Director has informed him that 10,000 miles of streets have been plowed so far this season – the City's street network is only 48 miles; conversations held on snow accumulation, both residential and commercial; corner clearance is a priority after plowing. Wittlieff asked about freezing water laterals, who is responsible for payment to the company that is thawing the frozen lines; Deisch stated those conversations are being held, it is unclear at this time.

### **COUNCILMEMBERS.**

Wittlieff stated that Guardian Angels and St. Mary's churches are discontinuing masses; need to work on getting jobs in the area to help bring people here to support them; also stated that people are putting garbage in the recycling container at the City Garage and requested that it be stopped, it ends up costing the City more. Hornkohl said that City residents are paying for that service and it should be

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only City residents using it, has seen people from the townships and Mason County dropping things off.

### **ADJOURN.**

MOTION to adjourn was made by Cote, second by Hornkohl. Meeting adjourned at 8:24 p.m.

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