

# MANISTEE CITY COUNCIL

## WORK SESSION AGENDA

Tuesday, March 11, 2014 - 7:00 p.m. - Council Chambers, City Hall

**I. Call to Order.**

**II. Work Session Items.**

- a.) DISCUSSION ON FIREWORKS ORDINANCE – City Attorney George Saylor, Public Safety Director David Bachman.
- b.) UPDATE ON 2014-2015 BUDGET PROCESS – City Manager Mitch Deisch, Finance Director Ed Bradford.
- c.) DISCUSSION ON TWELFTH AND OAK STREET – City Manager Mitch Deisch, Public Works Director Jeff Mikula, City Engineer Shawn Middleton.
- d.) DISCUSSION ON STREET FUNDING – City Manager Mitch Deisch, Finance Director Ed Bradford, Public Works Director Jeff Mikula.

**III. Adjourn.**

MEMO TO: Mayor Colleen Kenny  
Members of City Council

FROM: Mitch Deisch, City Manager

DATE: March 6, 2014

SUBJECT: Twelfth Street, Oak to Maple



City Manager's Office  
231-398-2801

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As we have previously discussed, the condition of Twelfth Street between Maple and Oak is in serious need of upgrading.

Attached for the Council Work Session of March 11, 2014 is the following information:

1. Reconstruction overlay map.
2. March 6, 2014 memo from DPW Director Jeff Mikula.
3. Cost estimates.
4. Public Safety Director Dave Bachman position statement.
5. Previous email conversations with Filer Charter Township, Manistee Area Public Schools and Manistee County.
6. Invitation to attend work session.

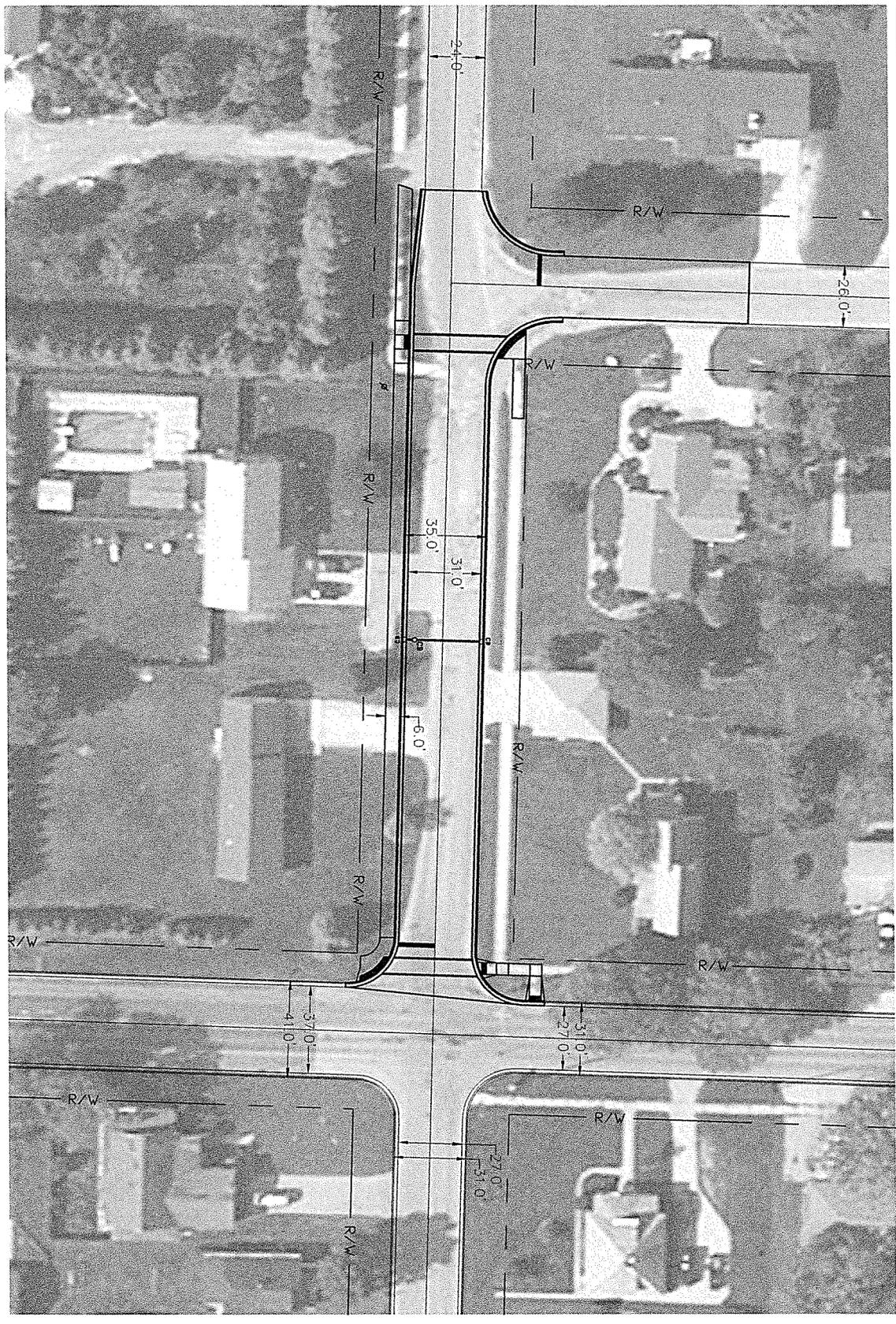
There are keys to making this project viable:

- A. Determination of south 33' right-of-way. The City believes this is public right-of-way. The Filer Charter Township property owners disagree with this perspective. Up to now no governmental jurisdiction has been willing to push the issue. If the City exerts their belief that this is public right-of-way, it will force the Filer Township property owners to agree or file an injunction in court to challenge.
- B. Funding for the project. DPW Director Jeff Mikula has estimated the project at approximately \$105,000. Currently there are no funds in the Local Street Fund to complete this project. Nor, does this street qualify for state grants.

The one option that presents itself is the 2008 Development Agreement with Rieth-Riley which required this firm to escrow \$20,000 annually to be used to assist the City with street projects. Rieth-Riley interprets this section of the Development Agreement as Rieth-Riley will complete a City project using their equipment up to the agreed amount. The City has not used any of the funds to this point; Rieth-Riley has more than \$120,000 available for a street project. Rieth-Riley has agreed that this project would qualify for this expenditure.

Based upon the condition of the road and the safety hazard that is present; I recommend that we move forward with a plan to upgrade this section of Twelfth Street and work cooperatively with the adjoining governmental entities.

MDD:cl



NO.	REVISION DESCRIPTION:
BY:	DATE:

SHEET NO.	1	OF	1
ADJ JOB #	M7-0664		
SCALE	HORIZ. 1" = 40'		
VERT.	N/A		
DATE	05-06-2013		
DATE/LOC REVISION			
DATE			
DESIGNED BY	CAK		
IN REVIEW			
DATE			

SHEET TITLE:  
**12th Street Reconstruction**

PROJECT:  
**City of Manistee**

**ABONMARCHE**  
 Confidence By Design

361 First Street  
 Manistee, MI 49660  
 T 231.723.1198  
 F 231.723.1194  
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Benton Harbor, MI  
 South Haven, MI  
 South Bend, IN  
 Fort Wayne, IN



*M Deisch*



MEMO TO: Mitch Deisch, City Manager  
FROM: Jeffrey W. Mikula, Director  
DATE: March 6, 2014  
SUBJECT: Twelfth Street

*JWM*

Department of Public Works  
231-723-7132

The following memo is intended to summarize the discussions that we have been having over the past year over the condition on Twelfth Street between Maple and Oak.

As you are aware, the roadway is constructed mainly within the north 33 foot of right-of-way. This creates a jog in the road alignment, as Twelfth Street both east and west of this segment centers within the right-of-way.

The eastern half of this roadway was reconstructed in 1997 when the Tenth Street Sewer Separation project was completed. Partial reconstruction also occurred when Manistee High School connected their sanitary and storm sewers. The balance of the roadway has a cinder base and the pavement is well past its critical distress point. The numerous freeze/thaw cycles the past two winters, along with the heavy traffic to and from the high school has caused a complete failure in the road structure. DPW crews have been hot patching the street daily, but the condition continues to degrade.

Options for repair are very limited due to the inadequate base and pavement failure. The only viable option is to reconstruct this portion of the street. When the street is reconstructed, it should be centered within the right-of-way and constructed to major street standards, using the same cross section as Twelfth Street east on Tamarack. The south half of the right-of-way is located within the Township however; the official MDOT Act 51 map gives the City authority and responsibility for operation and maintenance.

We have updated the preliminary estimate for a reconstruction project and believe the project cost would be in the \$110-115,000 range. We would expect typical engineering costs to be \$17,250; however we believe we can minimize the cost by utilizing existing details and standards and completing the construction administration in-house. The reduced engineering scope would therefore be approximately \$8,500.

In November of 2007, the City and Rieth-Riley entered into an agreement whereby Rieth-Riley would provide up to \$20,000 of paving for the City each year for up to 10 years. The City has allowed those monies to accumulate and therefore has up to \$140,000 of paving funds available for use in 2014. A recent meeting with Rieth-Riley's Area Manager confirmed that the Twelfth Street project could be an eligible project to utilize those funds.

If in fact we are able to utilize Rieth-Riley for construction, our out of pocket expense would be the \$8,500 for engineering costs. Construction would need to wait until after school dismisses for the summer, but could conceivably be completed in June 2014.

We would like to proceed with survey work and the limited design at this time to determine actual quantities. We would then share the design with Rieth-Riley and request them to place a value on the work.

Additional items we are considering:

While the roadway is opened up, utility department personnel could stub out water and sewer services to the two homes south of the roadway in Filer Township. In the event that they desire to hook up to City utilities we would avoid road breakage.

There are two water mains along this section of Twelfth Street. One is our 12" transmission main. The other is an old 4" line which serves an inoperable fire hydrant along Oak Street. We would like to cut and cap this main and remove the hydrant. We have conferred with the Fire Department and there are sufficient existing operable hydrants in the area.

## Engineer's Opinion of Costs

**Project Number:** 120924  
**Estimate Number:** 1: 12th Street (Maple to Oak)

**Project Engineer:** jgm  
**Date Created:** 3/6/2014  
**Fed/State #:**  
**Fed Item:**  
**Control Section:**

**Project Type:** Miscellaneous  
**Location:** Manistee

**Description:**

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
<b>Category: 0000</b>						
0001	1500001	Mobilization, Max. _____	1.000	LS	\$10,000.00	\$10,000.00
0002	2020002	Tree, Rem, 19 inch to 36 inch	1.000	Ea	\$476.55	\$476.55
0003	2040020	Curb and Gutter, Rem	905.000	Ft	\$4.59	\$4,153.95
0004	2040050	Pavt, Rem	65.000	Syd	\$3.64	\$236.60
0005	2040055	Sidewalk, Rem	102.000	Syd	\$5.96	\$607.92
0006	2050016	Excavation, Earth	750.000	Cyd	\$9.00	\$6,750.00
0007	2050041	Subgrade Undercutting, Type II	225.000	Cyd	\$10.20	\$2,295.00
0008	3010002	Subbase, CIP	520.000	Cyd	\$9.86	\$5,127.20
0009	3020020	Aggregate Base, 8 inch	1,037.000	Syd	\$4.22	\$4,376.14
0010	4020866	Sewer, CI III, 12 inch, Tr Det B	32.000	Ft	\$31.00	\$992.00
0011	4030200	Dr Structure, 24 inch dia	2.000	Ea	\$3,000.00	\$6,000.00
0012	4030210	Dr Structure, 48 inch dia	1.000	Ea	\$3,500.00	\$3,500.00
0013	5010005	HMA Surface, Rem	1,351.000	Syd	\$1.86	\$2,512.86
0014	5010033	HMA, 13A	360.000	Ton	\$65.00	\$23,400.00
0015	8010005	Driveway, Nonreinf Conc, 6 inch	43.000	Syd	\$27.00	\$1,161.00
0016	8020023	Curb and Gutter, Conc, Det C4	1,566.000	Ft	\$17.92	\$28,062.72
0017	8030034	Sidewalk Ramp, Conc, 4 inch	307.000	Sft	\$4.50	\$1,381.50
0018	8030044	Sidewalk, Conc, 4 inch	1,910.000	Sft	\$3.32	\$6,341.20
0019	8030046	Sidewalk, Conc, 6 inch	278.000	Sft	\$3.42	\$950.76
0020	8070095	Post, Mailbox	5.000	Ea	\$50.00	\$250.00
0021	8160100	Slope Restoration, Type A	990.000	Syd	\$1.24	\$1,227.60
0022	8230130	Water Main, 4 inch, Cut and Plug	1.000	Ea	\$1,000.00	\$1,000.00

Line	Pay Item	Description	Quantity	Units	Unit Price	Total
0023	8230240	Water Serv	2.000	Ea	\$1,338.95	\$2,677.90
<b>Category 0000 Total: \$113,480.90</b>						
<b>Estimate Total: \$113,480.90</b>						

\* PSD Bachman  
Perspective

**Mitch Deisch**

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**From:** Dave Bachman  
**Sent:** Tuesday, March 04, 2014 11:55 AM  
**To:** Mitch Deisch  
**Subject:** 12 Street Road

Mitch:

The issue with 12<sup>th</sup> street from Oak to Maple has always been a safety hazard from my perspective. The condition of the road and the volume of foot traffic make it an hazard to the students walking to school.

As it is the drivers are distracted by the design and potholes which takes their attention away from walkers.

In addition at any given time a driver could veer off course and end up on the sidewalk or off the edge of the road.

There has been one serious accident in that stretch of road during my tenure here at MPD. That is not to say that there have been many near misses and it is a slight margin between a close call and a tragedy.

In my professional opinion, fixing the roadway, straightening out the "hitch" in the road layout would go a long way towards improving the safety for the motorist and more importantly the students who travel that section every day.

db

Chief David M Bachman  
Director of Public Safety  
City of Manistee  
70 Maple St.  
Manistee, Michigan 49660  
231-398-2810 office direct  
231-887-5053 cell  
[dbachman@manisteemi.us](mailto:dbachman@manisteemi.us)

\* Previous communication  
with FCT, MAPS & Manistee  
County

**Mitch Deisch**

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**From:** Mitch Deisch  
**Sent:** Thursday, February 13, 2014 6:24 AM  
**To:** Mark Bergstrom  
**Cc:** Jeff Mikula; Terry Walker; John Chandler; GSaylor@mmbjlaw.com  
**Subject:** Re: 12th Street from Maple to Oak

Mark,

Thank you for your response. I have been in Manistee for 12.5 years and I do not recall a Filer Township proposal to fix the road. Possible this proposal occurred before my arrival in the fall of 2001. This is entirely possible because the major decision regarding the road were made prior to my arrival when the school was being built. Jeff Mikula or Terry Walker may be more familiar with a proposal by Filer Charter Township than I am.

I believe we have a source for a considerable amount of the funding and with assistance from the MCRC, Filer Township and MAPS (\$ or in kind services), we could jointly improve this situation.

In the past I had been willing to wait until either MAPS or Filer Township was willing to take the lead role, however I am growing increasingly concerned that a citizen or student is going to be injured or killed due to this situation that we all have known to exist for the past 13 years.

Let me chat with Jeff Mikula and I will get back to you in a few days. Thanks again for your response. Have a great day. Spring is just around the corner.

Mitchell D. Deisch  
City Manager  
City of Manistee

> On Feb 12, 2014, at 9:54 PM, "Mark Bergstrom" <[mabergstrom@charter.net](mailto:mabergstrom@charter.net)> wrote:

>

> Hi Mitch,

>

> Yes, I contacted the three property owners that would be impacted by  
> straightening the road and offered to show them the plans. Two of the  
> three property owners were opposed to straightening the road and did  
> not want to see the proposed plans. One of the opposing landowners  
> said the city and school were not cooperative with a Filer Township  
> proposal presented several years ago and she had issues with the  
> school and the city regarding the road. The other landowner said he  
> would fight any change to the road and he thought it was fine in the  
> current configuration. The third landowner was very much for  
> straightening the road, didn't need to see any plans as he supported  
> straightening the road and wondered why it had not been done a long time ago.

>

> I am willing to call together the initial group to discuss possible  
> plans to resolve the issue, particularly if someone has a plan and  
> funding for the plan. Do you have a proposal for the project? Do you  
> have a source of funding?

> Thank you,

> Mark  
>  
> Mark A. Bergstrom  
> 4th District Manistee County Commissioner  
> 231.398.0742  
> [mabergstrom@charter.net](mailto:mabergstrom@charter.net)  
> 1224 Critter Trail  
> Manistee, MI 49660  
>  
>  
>  
> -----Original Message-----  
> From: Mitch Deisch [mailto:mdeisch@manisteemi.gov]  
> Sent: Wednesday, February 12, 2014 7:27 PM  
> To: filertownship@twphall.com; mabergstrom@charter.net  
> Cc: Jeff Mikula; John Chandler  
> Subject: 12th Street from Maple to Oak  
>  
> Terry and Mark,  
>  
> While we are locked into the one of the coldest winters in numerous  
> years, spring is just around the corner. The extreme weather  
> conditions of this year will soon turn into an epic pot hole season.  
>  
> The issue that we discussed last year on 12th street has still not  
> been resolved and as soon as the frost leaves the ground this section  
> of road will fall into complete disrepair.  
>  
> Last year we discussed a process of straightening the road and making  
> the necessary improvements to keep both citizens and students safe.  
> The last update I remember was that you were going to meet with both  
> property owners located in Filer Charter Township to discuss the  
> project and then stakes would be placed in the ROW to show the impact  
> of the straighten road. I understand that the property owners were  
> not interested in these improvements.  
>  
> My question is, where do we go from here? Do we allow two property  
> owners to dictate the current alignment of the street, thus  
> maintaining a dangerous situation for all who use this road?  
>  
> The City is ready to assist with upgrading this road as long as it  
> includes straightening it out.  
>  
> Please let me know how you want to proceed. The time period for  
> upgrading the road is basically the few months that school is out of the summer.  
>  
> I look forward to hearing from everyone. Thank you for your time.  
>  
> Mitchell D. Deisch  
> City Manager  
> City of Manistee  
>

\* Invitation to work  
Session 3/11/14

**Mitch Deisch**

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**From:** Mitch Deisch  
**Sent:** Wednesday, March 05, 2014 8:51 AM  
**To:** 'twalker@twphall.com'; 'mabergstrom@charter.net'; John Chandler;  
'manager@manisteecrc.org'  
**Cc:** Jeff Mikula  
**Subject:** 12th Street from Maple to Oak

Good Morning,

The City of Manistee is scheduling a Work Session discussion on March 11, 2014 at 7:00 pm in the City Council Chambers to discuss upgrading 12<sup>th</sup> Street between Maple and Oak. Your attendance would be both welcomed and appreciated at this work session discussion.

My goal for this meeting is discuss the safety issues with Council and come to a consensus if we are going to improve the road, how will this occur.

With cooperation, I am hopeful that we can make the necessary improvements prior to the start of the fall 2014 school season.

Please let me know if you will be in attendance. Thank you for your time and interest in solving this community problem.

Respectfully,

Mitchell D. Deisch, City Manager  
City of Manistee