

# MANISTEE CITY COUNCIL SPECIAL MEETING AGENDA

**TUESDAY, MAY 12, 2015 - 7:00 P.M. - COUNCIL CHAMBERS**

**I. Call to Order.**

- a.) PLEDGE OF ALLEGIANCE.
- b.) ROLL CALL.

**II. Citizen Comments on Agenda Related Items.**

**III. New Business.**

- a.) CONSIDERATION OF ADOPTING THE 2015-2016 BUDGET AND CAPITAL IMPROVEMENT PLAN.

Under Section 7-4 of the Charter, the annual budget must be adopted before May 15 of each year. The budget has been the subject of multiple work sessions and a public hearing.

At this time Council could take action to adopt a resolution approving the 2015-2016 Budget and Capital Improvement Plan for the City of Manistee.

**IV. Notices, Communications, Announcements.**

- a.) NOTIFICATION OF WORK SESSION CANCELLED.

The Council work session previously scheduled to follow the special meeting has been cancelled.

- b.) DISCUSSION ON TWELFTH STREET AND A POSSIBLE CLOSED SESSION REGARDING CITY ATTORNEY OPINION.

Agenda attachments include a memorandum from the Interim City Manager and further explanatory memos from the City Engineer / DPW Director and the Public Safety Director. City Staff will review this information at the public meeting.

In addition, the Council has received a written opinion from the City Attorney regarding Twelfth Street and related legal issues. The City Attorney has recommended that Council consider discussing the written attorney opinion, which is exempt from disclosure under the Michigan Freedom of Information Act as involving material covered by the attorney-client privilege, in closed session pursuant to Section 8 (h) of the Michigan Open Meetings Act.

Only the legal opinion may be discussed in a closed session. The balance of the discussion will occur in open session.

If necessary, following the public discussion, Council could take action to proceed into closed session under Section 8 (h) of the Michigan Open Meetings Act to consider the City Attorney Opinion on this subject.

**V. Concerns and Comments.**

- a.) CITIZEN COMMENT. This is an opportunity for citizens to comment on municipal services, activities or areas of City involvement. Citizens in attendance shall be recognized by the Mayor for comments (limited to five minutes). Letters submitted to Council will not be publicly read.
- b.) OFFICIALS AND STAFF.
- c.) COUNCILMEMBERS.

**VI. Adjourn.**

RBB:cl

**COUNCIL AGENDA ATTACHMENTS**

Budget Adoption List Resolution  
Twelfth Street Memorandums

Budget Appropriation

**CITY OF MANISTEE**

**2015-2016 GENERAL APPROPRIATIONS ACT**

**BUDGET ADOPTION LIST**

It was moved by \_\_\_\_\_, supported by \_\_\_\_\_, that the City of Manistee Budgets for the fiscal year 2015-2016 be adopted as presented by the City Manager on April 7, 2015 and modified by Council work sessions including tax levy, operating expenses, capital outlay, appropriations, schedule of fees and other matters included in the following expenditures:

**101 - GENERAL FUND \*\***

Total Revenue	\$	6,068,621
Total Expense	\$	6,140,620
100 - General Government	\$	470,450
100 - General Government Debt	\$	779,951
101 - Legislative	\$	42,302
172 - Manager	\$	219,541
215 - Clerk	\$	201,576
253 - Finance	\$	251,912
257 - Assessor	\$	83,238
265 - Municipal Buildings	\$	131,900
266 - Attorney	\$	80,000
285 - Engineer	\$	12,000
290 - Boards and Commissions	\$	13,230
301 - Police	\$	1,053,504
336 - Fire	\$	967,415
441 - Public Works	\$	1,159,730
748 - Community Development	\$	148,598
751 - Parks and Recreation	\$	347,755
801 - Appropriations	\$	177,518

**ENTERPRISE FUNDS**

**573 - WATER & SEWER FUND \*\***

Total Revenue	\$	4,356,279
Total Expenses	\$	2,585,081
Total Capital & Debt	\$	3,823,951
General	\$	628,611
Administration	\$	469,964
Water	\$	587,434
WWTP	\$	710,866
Sewer	\$	188,205
Debt Service	\$	1,701,951
Capital Outlay	\$	2,122,000

**594 - MUNICIPAL MARINA FUND \*\***

Total Revenue	\$	211,450
Total Expenses	\$	178,426
Total Capital & Debt	\$	62,973
Debt Service	\$	62,973
Capital Outlay	\$	-

**508 - BOAT LAUNCH FUND**

Total Revenue	\$	34,010
Total Expenses	\$	13,711
Total Capital & Debt	\$	14,536
Debt Service	\$	14,536
Capital Outlay	\$	-

**296 - RAMSDELL THEATRE FUND \*\***

Total Revenue	\$	373,148
Total Expenses	\$	212,975
Total Capital & Debt	\$	178,830
Debt Service	\$	178,830
Capital Outlay	\$	-

**SPECIAL REVENUE FUNDS**

**202 - MAJOR STREET FUND**

Revenue	\$	585,939
Expense	\$	535,869

**203 - LOCAL STREET FUND**

Revenue	\$	652,288
Expense	\$	647,169

**204 - CITY STREET FUND**

Revenue	\$	115,503
Expense	\$	115,500

**226 - REFUSE FUND \*\***

Revenue	\$	454,480
Expense	\$	492,906

**275 - GRANT MANAGEMENT \*\***

Revenue	\$	98,000
Expense	\$	168,000

**CAPITAL PROJECT FUNDS**

**430 - CAPITAL IMPROVEMENT FUND \*\***

Revenue	\$	457,880
Expense	\$	511,470

**490 - RENAISSANCE PARK FUND**

Revenue	\$	5,616
Expense	\$	5,616

**INTERNAL SERVICE FUNDS**

**661 - MOTOR POOL FUND\*\***

Revenue	\$	315,250
Expense	\$	302,912

**PERMANENT FUNDS**

**245 - OIL & GAS FUND**

Revenue	\$	605,000
Expense	\$	509,880

\*\* Utilizes cash reserves

<b>Total</b>		<b>\$16,500,424</b>
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The Manistee City Council hereby establishes a property tax levy of 17.7612 mills for General Fund operations and 1.15 mills for Refuse Fund operations for the 2015-2016 fiscal year. In City water and sewer consumption charges are established at \$2.67 and \$7.32 per 1,000 gallons respectively for bills issued after July 1, 2015. Refuse residential monthly user charges are established at \$3.85, \$7.70 and \$11.55, depending on level of service selected, for bills issued after July 1, 2015. All other fees and charges are established in the included schedule of fees and/or City ordinance.

Adopted by the Manistee City Council on May 12, 2015.

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Colleen Kenny, Mayor

ATTEST:

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Michelle Wright, City Clerk

MEMO TO: Mayor Colleen Kenny  
Members of City Council

FROM: R. Ben Bifoss, Interim City Manager

DATE: May 7, 2015

SUBJECT: Twelfth Street



City Manager's Office  
231-398-2801

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The matter of Twelfth Street between Maple and Oak Streets (hereinafter referred to as Twelfth Street) has a long history. Some of that history is included in the attached memorandums. The very short version is that the southern right-of-way (ROW) issue was to have been addressed when the new high school was constructed about a dozen years ago. However, due to a variety of reasons, including the departure of the then current City Manager in January 2001, the matter remains unresolved.

The ROW issue involves two different residential property owners in Filer Township; Ms. Deidra Robison and Mr. and Mrs. Dave Edmondson. Both parties have homes on the south side of Twelfth Street and contest the ownership of the southern portion of the Twelfth Street ROW. Early surveys of these two properties suggest the existence of the ROW; but that itself, may be inconclusive (see City Attorney Opinion under separate cover for more detail). A portion of the southern ROW is currently occupied by the City to include some pavement, curb, and gutter; in addition to a traffic sign. The actual outline of the property in question is currently painted on the existing road. Please take an opportunity to view these locations. The current occupancy of some of the ROW is also inconclusive on whether it is legally ROW.

Attached is a memorandum from the City Engineer and DPW Director that describe in some detail why our options going forward are limited. Rather than repeating that discussion here, please refer to that memorandum. Also please see the attached memorandum from the Director of Public Safety addressing the current status and its public safety impact along with a discussion on one of the options.

For the reasons discussed in the referenced memorandum there are really only two options available: 1) construction of Twelfth Street to Major Street standards, or 2) construction of a one-way west bound block of Twelfth Street. The status quo could also be considered a short term option.

Option #1 would require clarification on the status of the ROW (see City Attorney Opinion) and/or a Court decision on the question of "public necessity," while option #2 would add significant traffic on Oak and Tamarack Streets and create longer routes for school traffic and buses. Any other options that might be considered would require the cooperation of the two adjacent property owners and clarification on the status of at least some of the ROW.

The adjacent property owners have been approached many times over the years regarding this question. City Staff has had repeated correspondence, School officials, County officials and others have attempted to discuss this question with the owners; before and after renderings have been created and shared. To date the property owners have not been willing to meet and discuss alternatives.

As noted, the City may already have all of the legal rights necessary to construct the street to the appropriate standards. All that would be necessary to determine that is to authorize the City Attorney to pose that question to the Court; simply put, does the City already control the ROW? If the answer is “yes,” then the City could construct the street as appropriate. If the answer is “no,” the City Attorney Opinion outlines possible next steps up to and including possible condemnation. However, please note that question is **not** currently before the City Council.

Even before asking a Court to clarify the current status of the ROW it seems reasonable to make another effort to discuss alternatives with the affected property owners. It would be noted to the property owners that if a Court were to conclude that the City already has the right to construct the street, then the property owners would have no leverage to discuss other alternatives; while until that question was answered the property owners could discuss modifications to the project that they may find beneficial.

If, following some reasonable time to respond, the property owners still declined discussing alternatives, the Interim City Manager would then recommend that the City Council authorize the City Attorney to seek clarification on the current status of the ROW, asking whether the City already controls the ROW for public purposes. All other questions would be deferred until after that question was decided. These matters will be reviewed in detail at the May 12, 2015 work session.

RBB:cl

## CITY HALL

ADMINISTRATION  
FAX 231.723.1546

CITY MANAGER  
231.398.2801

CITY ASSESSOR  
231.398.2802

BUILDING INSPECTOR  
231.398.2806

PLANNING & ZONING  
231.398.2805

CLERK/TREASURER  
FAX 231.723.5410

CITY CLERK  
231.398.2803

CITY TREASURER/  
FINANCE DIRECTOR  
231.398.2804

WATER BILLING  
231.723.2559

POLICE DEPARTMENT  
231.723.2533  
FAX 231.398.2012

FIRE DEPARTMENT  
281 First Street  
231.723.1549  
FAX 231.723.3519

DEPT. OF  
PUBLIC WORKS  
280 Washington St.  
• Street Dept.  
• Parks Dept.  
• Water Maintenance  
280 Washington St.  
231.723.7132  
FAX 231.723.1803

WASTEWATER PLANT  
15 Ninth St.  
231.723.1553

Memo To: Ben Bifoss  
From: Chief Bachman   
Re: 12<sup>th</sup> street traffic  
Date: May 6, 2015

Ben:

The purpose of this memo is to offer an opinion in regards to one of the options being considered for the eroded section of 12<sup>th</sup> street between Maple and Oak.

At staff I learned one of the lesser options under consideration, is making 12<sup>th</sup> street traffic one way, west bound from Maple to Oak.

If we did that, the traffic to the school would flow reasonably well. The traffic in the afternoon and after sporting events however would be confusing and disruptive to the neighborhoods.

Turning all that traffic up Oak Street would cause traffic congestion and hazards at Oak and 9<sup>th</sup>, 9<sup>th</sup> and Maple and again at Oak and 8<sup>th</sup> and 8<sup>th</sup> and Maple. We would have a similar situation on Tamarack at 8<sup>th</sup>. People leaving the school who are going north wouldn't be impacted near as much as anyone who wishes to go south. Drivers wishing to go south would be obligated to go north and reroute back around to the south. My experience is they would race from stop to stop until they are on the track they wanted to be on in the first place. That action will cause an increases in traffic violations and accidents that are much worse that problems created by driving on a bad road.

Imagine for a minute being at the school from out of town for a sporting event or other function on the campus at the school. Getting routed to Tamarack or up Oak Street would cause confusion and aggravation for those drivers who can see the intersection they want to get to but just can't get to it. Busses and other traffic are not intended to be using Oak Street as a primary route into or out of the school. It is my professional opinion that making 12<sup>th</sup> Street one way from Maple to Oak would cause many more problems, accidents and violations than it would resolve.

# Memo

**To:** Ben Bifoss, City of Manistee Interim Manager

**From:** Jeff Mikula, DPW Director, Shawn Middleton, City Engineer

**cc:**

**Date:** May 6, 2015

**Re:** 12<sup>th</sup> Street Improvements – Maple Street to Oak Street

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## **Background**

The segment of 12th Street between Maple Street and Oak Street lies on the southern boundary of the City of Manistee and along the northern boundary of Filer Township. When the area north of 12<sup>th</sup> Street (within the City) was platted, a 33 ft. Right of Way (ROW) was laid out along and up to the City limits. A roadway was constructed within this 33 ft. ROW and over time, parcels within the City to the north and within the Charter Township of Filer to the south, developed with residential structures. Access to these parcels was provided by 12th Street and over time pavement was added and the road expanded to the south beyond the City limits. This stretch of land also contains City water, sanitary and storm sewer mains both north and south of the City limits

Little conflict existed until Manistee High School was constructed. At that point, Manistee Area Public Schools acquired 66 ft of land, 33 ft north and 33 ft south of the City limits, west of Oak St. to Cherry St. A driveway was constructed to serve the school centered within the 66 ft ROW from Oak St to Tamarack St. The driveway was constructed to meet the City's local street standards and was eventually dedicated to the City and incorporated into the City's street network.

The school has generated significant amounts of both vehicular and non-motorized traffic which peaks between 7-8 am and 3-4pm. The school hosts dozens of events throughout the week which also adds to traffic congestion.

### **Need for Street Improvements**

The section of 12<sup>th</sup> Street between Oak Street and Maple Street was not constructed to meet the current traffic loading, is in severe disrepair, and has been rated in poor condition with structural deficiencies and drainage issues. Discussion has occurred over the past several years on making improvements to this section. Engineering reviews indicate that reconstruction is required due to failures of the road base material, failing drainage, and a severely degraded pavement cross section. The street is also classified as a major street within the Act 51 street network and traffic volumes are such that local street standards are not sufficient.

### **Street Improvement Standards**

Any proposed work at this location, beyond simply filling potholes, requires the City to use best engineering practices, standards, and guidelines. This is similar to meeting building code requirements when doing improvements to your house. There is a threshold of work that can be performed on your house before the state building code standards must be followed and a permit obtained. Similarly, when work on a street goes beyond preventative maintenance, engineering guidelines must be met.

In Michigan, street projects are designed using two different guidelines; 1) The American Association of State Highway Transportation Officials (AASHTO) current edition of A Policy on Geometric Design of Highways and Streets or 2) the Michigan Department of Transportation (MDOT) Local Agency Programs Guidelines for Geometrics.

#### **Minimum Lane Width and Minimum Turning Radii Standards**

The guidelines used for determining minimum lane widths for local agencies is the “Michigan Department of Transportation (MDOT) Guidelines for Geometrics for New Construction, Reconstruction (4R) and Resurfacing, Restoration and Rehabilitation (3R).

Using the MDOT guidelines, road widths are a function of Average Daily Traffic (ADT), design speed, and the percentage of truck/bus traffic. Traffic volumes at this location exceed a minimum threshold of 750 vehicles per day and is likely greater than 10% truck/bus traffic volumes. Based on these criteria the minimum lane width for 12<sup>th</sup> Street is 12 feet.

Another important geometric consideration is the minimum turning radius. The American Association of State Highway Traffic Officials (AASHTO) publishes guidelines and turning radius templates for use in determining the minimum radius a given vehicle needs to make a corner without leaving the pavement or going over a curb. Using the AASHTO turning path template for 40 foot buses, the minimum inside turning radius is 25.4 feet.

## **City of Manistee Major Street Standard**

12<sup>th</sup> Street is classified as a Major Street under MDOT's street classification system and is shown as such on MDOT Act 51 map. The City of Manistee has adopted a Major Street standard for handling the higher volumes of motorized and non-motorized traffic along these routes.

This standard consists of a road width of 31 feet allowing for 2 – 12 foot traffic lanes and two 3.5 foot bike lanes. This standard also provides for sidewalks on both sides of the road. The purpose of this wider cross section and sidewalks is to allow for the safe passage of walking and biking pedestrians adjacent to motorized traffic, especially on higher traffic volume streets.

This standard recognizes the increased need for safety on the heavier traveled roadways within the City. Though variances from this option can be considered, the purpose of this standard is for the safety of all motorized and non-motorized users of the road ROW. It is not recommended large variances from this standard be considered for this segment of 12<sup>th</sup> Street due to the close proximity of the Manistee High School and higher volumes of traffic.

In addition, Act 51 funding is also tied to the length of major streets within the City. A Street designated as a major street will need to meet minimum standards to be classified as such and to receive funding.

### **Proposed Options**

Based on the geometric guidelines and using the City of Manistee major street standard cross section there essentially two main alternatives, outside of doing nothing, that can be completed to satisfy the above standards and maintain some level of traffic flow from Maple Street to the west along 12<sup>th</sup> Street.

#### **Option #1 – Major Street Standard**

This option meets the City's major street standard and meets the minimum turning radius requirements for bus traffic along Maple Street and 12<sup>th</sup> Street. This option will require utilizing the 33 ft of property south of the existing 33 ft currently platted. If constructed this option maintains the road alignment of 12<sup>th</sup> street from the east and the west, removing the current change in centerline in this segment of road.

The proposed sidewalk on the south has been moved to the north against the existing curb to minimize impacts to the properties on the south.

Considerations for narrowing or removing bike lanes and sidewalk could be considered with this option. However, due to the proximity of the high school and higher than average pedestrian traffic it would not be our recommendation to do so. We may be able to justify going from 12' lanes to 11' lanes based on the volume of bus traffic, but the turning radii are what control the need for additional ROW with this option.

A preliminary drawing and rendered photos of this option are attached to this Memo.

**Option #2 – Construct a One Way (Westbound) Street**

This is the only option that allows for constructing a roadway within the existing 33' ROW that is located within the City of Manistee. To construct a roadway within the 33' ROW a single one way lane would need to be constructed. The one way option constructed within the existing ROW can meet minimum lane width and turning radius standards provided it is west bound. East bound is not an option, due to the right hand turn onto Maple headed east. The existing ROW does not provide a large enough radius for bus traffic and does not align with the Eastbound Lane East of Maple St.. The West bound one way option allows buses to turn from the east lane of Maple Street and therefore allows for a shorter radius.

Moving the roadway to the north in this option does not allow for an adequate turning radius onto Oak Street. To meet turning radius requirements this option requires the south side of the roadway to be located near the south City boundary. Therefore, a sidewalk on the south side of the road is not possible for this option and the existing sidewalk would require removal.

This option will also result in redirecting eastbound traffic from 12<sup>th</sup> street to other side roads including Tamarack and Oak Streets. Tamarack Street meets the city's requirements for a major street, but Oak Street does not and would likely need to be improved if traffic was redirected to this segment of street. Significant traffic congestion should be expected along 8<sup>th</sup> St.

A preliminary drawing of this option is attached to this Memo.

Based upon traffic flow patterns, motorized and non-motorized safety considerations, and engineering standards we would recommend Option 1 be considered for any improvements to 12<sup>th</sup> Street at this location. However, we also understand there are other factors to consider, including impacts to the adjacent property owners and realize all of these factor are part of the overall decision making process.





12<sup>th</sup> Street Looking East  
Existing Condition



12<sup>th</sup> Street Looking East  
Proposed Rendering



12<sup>th</sup> Street Looking East  
Existing Condition



12<sup>th</sup> Street Looking East  
Proposed Rendering

