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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 19, 2015

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A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, May 19, 2015 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Edward Cote, Roger Zielinski, James Smith, and Mark Wittlieff.

ABSENT: Robert Goodspeed and Eric Gustad.

ALSO PRESENT: Interim City Manager – R. Ben Bifoss, City Attorney – George Saylor, City Clerk – Michelle Wright, Finance Director – Ed Bradford, and City Engineer – Shawn Middleton / Spicer Group.

### CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

*None received.*

### CONSENT AGENDA.

- Minutes
  - May 5, 2015 - Regular Meeting
  - May 5, 2015 - Work Session
  - May 12, 2015 - Special Meeting
- Payroll
  - Apr. 27 – May 10, 2015 - \$ 116,097.50
- Monthly Bills
  - April 14, 2015 - \$ 462,324.48
  - April 27, 2015 - \$ 46,738.86
- Notification Regarding Next Work Session – June 9, 2015
  - A discussion will be conducted on recycling; and such business as may come before the Council.
- Consideration of VFW Buddy Poppy Campaign.
  - The VFW Walsh Post 4499 has requested authorization to conduct their annual Buddy Poppy Sales in the City of Manistee from July 1 through July 5, 2015. Money collected from the event goes to their veteran’s relief fund and back to needy veterans in our community.

MOTION by Cote, second by Wittlieff to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

**CONSIDERATION OF AMENDING DEVELOPMENT AGREEMENT, AMPTECH, INC.**

In May, 2009 the City entered into an agreement with Amptech, Inc. for their development in the Industrial Park. Among other items, the City agreed to approve a Renaissance Sub-Zone, approve a Brownfield Plan and apply for a MDOT Category A grant. Among other items, Amptech agreed to operate and maintain their plant in the Industrial Park, pay up to \$50,000 as the City match to the MDOT Category A grant, transfer 40 jobs to the plant and create 40 new jobs at their facility.

The agreement provides that Amptech will “pay a reimbursement fee of \$1,000 per job that is not created ....” For reasons outlined in their letter of May 7, 2015 Amptech has not created the 40 new jobs; principally due to the economic downturn of 2008-2009. In their letter, Amptech requests that the \$1,000 fee per job not achieving a total of 80 jobs be waived. That “reimbursement fee” is \$22,000.

For the reasons outlined in the letter, the Interim City Manager recommends that the City Council take action to waive Section 2 (H) of the agreement, the reimbursement fee. Because the \$50,000 MDOT grant match has already been spent in reliance on the Amptech agreement, the Interim City Manager does not agree with waiving the remaining \$7,142 payment for that grant match.

MOTION by Cote, second by Wittlieff to waive Section 2 (H) of the Development Agreement between the City of Manistee and Amptech, Inc.; waiving the “reimbursement fee” for Amptech. Discussion followed whether the fee should be waived or extended.

With a roll call vote this motion passed, 4-1.

AYES: Kenny, Cote, Zielinski, and Wittlieff

NAYS: Smith

**CONSIDERATION OF A TWO-YEAR CONTRACT EXTENSION, HURON TACKLE COMPANY.**

Huron Tackle Company had a contract to remove fish waste from the fish cleaning station at First Street Beach; and to perform general upkeep of the fish cleaning portion of the facility. That contract expired September 30, 2014 but included language to allow for two, two-year extensions. The City Attorney has prepared the contract extension document under consideration this evening.

MOTION by Smith, second by Cote to authorize a two-year extension to the agreement with Huron Tackle Company and authorize the Mayor and City Clerk to execute the document.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

**CONSIDERATION OF UTILITIES SERVICES AGREEMENT WITH FREDERICK W. THIEMANN.**

Council has approved a utilities services agreement with West Shore Medical Center on Oak Grove

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Street in Manistee Township. Mr. Frederick W. Thiemann owns a home at 7 Park Avenue which is along the route of the new sewer line and wishes to connect to the City's sanitary sewer system at the same time. The City Attorney has prepared an agreement for Council consideration.

MOTION by Smith, second by Zielinski to enter into an agreement with Mr. Frederick W. Thiemann, 7 Park Avenue, Manistee Township, for sanitary sewer services and authorize the Mayor and City Clerk to execute the contract.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

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

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority, Compensation Commission, Downtown Development Authority, Harbor Commission, Historic District Commission, Housing Commission, Parks & Beautification Commission, PEG 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):

**BROWNFIELD REDEVELOPMENT AUTHORITY.** Two vacancies, three-year terms ending 06/30/18, applicants must be city residents or person with an interest in property in the City, Mayoral appointment.

Steven Brower, 4102 Collage Avenue\*

Dave Carlson, 100 Oak Street\*

Mayor Kenny appointed Steven Brower – 4102 Collage Avenue to the Brownfield Redevelopment Authority for a three-year term ending 06/30/18. MOTION by Cote, second by Smith to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

Kenny appointed Dave Carlson – 100 Oak Street to the Brownfield Redevelopment Authority for a three-year term ending 06/30/18. MOTION by Wittlieff, second by Zielinski to support the Mayor's appointment.

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With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

**COMPENSATION COMMISSION.** One vacancy, term ending 09/30/19, applicants must be registered voters in the city, Mayoral appointment.

*None received*

**DOWNTOWN DEVELOPMENT AUTHORITY.** Two vacancies, four-year terms ending 06/30/19, at least one of the applicants must have an interest in property in the downtown district, Mayoral appointment.

Brandon Ball, 345 Fifth Street\*

Kenny appointed Brandon Ball – 345 Fifth Street to the Downtown Development Authority for a four-year term ending 06/30/19. MOTION by Smith, second by Zielinski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

**HARBOR COMMISSION.** One vacancy, term ending 10/31/15, Council appointment.

*None received*

**HISTORIC DISTRICT COMMISSION.** One vacancy, term ending 02/28/18, applicants must be city residents, Council appointment.

Lee Trucks, 453 Second Street

Smith nominated Lee Trucks – 453 Second Street to the Historic District Commission for a term ending 02/28/18; second by Zielinski.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff

NAYS: None

**HOUSING COMMISSION.** One vacancy, five-year term ending 05/31/20, Mayoral appointment.

*None received*

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**PARKS & BEAUTIFICATION COMMISSION.** Two vacancies, three-year terms ending 06/30/18, applicants must be a City resident or own real estate/business/profession in the City, Mayoral appointment.

Jennifer Teller, 712 Harbor Drive  
Dale Teller, 712 Harbor Drive  
Ed Tegler, 522 Fifth Avenue\*

Kenny appointed Ed Tegler – 522 Fifth Avenue to the Parks & Beautification Commission for a three-year term ending 06/30/18. MOTION by Wittlieff, second by Zielinski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff  
NAYS: None

Kenny appointed Jennifer Teller – 712 Harbor Drive to the Parks & Beautification Commission for a three-year term ending 06/30/18. MOTION by Smith, second by Wittlieff to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Zielinski, Smith, and Wittlieff  
NAYS: None

**PEG COMMISSION.** Two vacancies, one term ending 12/31/17 and one unexpired term ending 12/31/15, applicants must be Manistee County residents, Council appointment.

*None received*

**ZONING BOARD OF APPEALS.** One vacancy, three-year term ending 05/31/18 (alternate member), Mayoral appointment.

*None received*

Mayor Kenny requested that the remaining vacancies be re-advertised.

### **A REPORT FROM THE PEG COMMISSION AND THE ALTERNATIVES FOR AREA YOUTH.**

Mr. Keith Brown reported on the activities of the PEG Commission and responded to questions the Council had regarding their activities.

Ms. Sheila Kaminski reported on the activities of the Alternatives for Area Youth and responded to questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Comments received from:

- Ed Jones – 4339 W. Fox Farm Road / Non-Motorized Transportation Committee member informed Council on the Ride of Silence on Wednesday, May 20<sup>th</sup>; it's purpose is to remind cyclists and drivers to be careful and aware.
- Tom Geoghan – 286 Dunes Drive / gave a brief background history of Keith Brown / PEG Commission.

**OFFICIALS AND STAFF.**

*None received.*

**COUNCILMEMBERS.**

Cote commented on the upcoming Memorial Day holiday.

Zielinski commented on the Tight Lines for Troops event.

Smith thanked the DPW on the quick cleanup of yard debris; questioned the continuous sale of vehicles, etc. at a site on the north side of town.

Wittlieff thanked the Police Dept. for the yield signs placed downtown to slow traffic down; commented on the TV 29 & 8 program 'Manistee at a Crossroads' that aired recently.

**ADJOURN.**

MOTION to adjourn was made by Cote, second by Zielinski. Meeting adjourned at 7:52 p.m.

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