

**PROCEEDINGS OF THE MANISTEE CITY COUNCIL – September 7, 2010**

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Ilona Haydon on Tuesday, September 7, 2010 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Ed Cote, Ilona Haydon, Hank Yonkman, Richard Mack, and Alan Marshall.

ABSENT: Robert Hornkohl.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, Deputy City Clerk – Mary Nemecek, Community Development Director – Jon Rose, and DPW Director – Jack Garber.

**CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

Dr. George Wagoner, 3 Cottage Lane, spoke in support of medical marihuana and urged the Council Members to give consideration to the Medical Marihuana Moratorium Resolution.

**#10-99 CONSENT AGENDA.**

Consent agenda items include:

- Minutes
  - August 10, 2010 - Special Meeting
  - August 10, 2010 - Work Session
  - August 17, 2010 - Regular Meeting
  
- Monthly Bills
  - August 10, 2010 - \$ 1,244,158.81
  - August 27, 2010 - \$ 4,524,022.62
  
- Notification Regarding Next Work Session – September 14, 2010
  - A discussion will be conducted on public safety and Bob Adams will make a presentation on Pere Marquette; and such business as may come before the Council.
  
- Consideration of the 2010 Port City Street Fair.
  - A request has been received for Council authorization of the attached proposed schedule of events for the 2010 Port City Street Fair on September 11, 2010. The committee has developed an outstanding lineup of events and vendors for local residents and visitors to the area. The Committee is requesting the use of public lands for some of their events. The majority of the events will take place in and around River Street. The Committee is requesting that parts of River Street be closed on Saturday, September 11, 2010 between the hours of 8:00 a.m. to midnight.

MOTION by Kenny, second by Cote to approve the Consent Agenda excluding payroll.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall  
NAYS: None

**#10-100 CONSIDERATION OF RESCHEDULING THE NEXT REGULAR CITY COUNCIL MEETING.**

The annual convention of the Michigan Municipal League will be held September 21-24, 2010. Councilmembers Hornkohl and Mack, along with the City Manager, will be attending the convention. Due to this conflict with the next regularly scheduled Council meeting, it is recommended by staff to move the next City Council meeting up to Monday, September 20, 2010.

MOTION by Mack, second by Yonkman to reschedule the next City Council meeting to Monday, September 20, 2010 at 7:00 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall  
NAYS: None

**#10-101 CONSIDERATION OF DESIGNATING A VOTING DELEGATE TO THE MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING.**

The annual convention of the Michigan Municipal League will be held September 21-24, 2010. Pursuant to the provision of the League Bylaws, we are requested to designate by action of the governing body, one official who will be in attendance at the convention as the official representative to cast the vote of the City of Manistee at the annual meeting, and if possible, to designate one other official to serve as an alternate. Signed up to attend the convention are Councilmembers Bob Hornkohl and Richard Mack and City Manager Mitch Deisch.

MOTION by Yonkman, second by Cote to name Councilmember Mack as the voting delegate and Councilmember Hornkohl as the alternate to the Michigan Municipal League's annual meeting.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall  
NAYS: None

**#10-102 CONSIDERATION OF A RESOLUTION, MEDICAL MARIHUANA MORATORIUM.**

The Michigan Medical Marihuana Act was approved by Michigan voters on November 4, 2009. This use was not addressed when the Zoning Ordinance was drafted. Time is needed to allow staff and the Planning Commission to conduct research and draft the appropriate ordinances for the City of Manistee. To that end City Council is being asked to adopt a resolution that establishes a six month moratorium relating to

Medical Marihuana.

MOTION by Marshall, second by Mack to adopt a resolution that places a six month moratorium on the issuance of all zoning permits and business licenses for the growing, dispensing, providing, sale or other distribution of Marihuana under the Michigan Medical Marihuana Act for a period of six (6) months from the adoption of this resolution.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall

NAYS: None

**#10-103 CONSIDERATION OF AUTHORIZING A LIQUOR LICENSE TRANSFER.**

The request is to transfer all rights to renewal of an escrowed 2009 Class C licensed business with dance permit, located at 303-305 First Street, Manistee MI 49660 from MIRNICK Entertainment LLC to Honor State Bank, with license to remain in escrow.

MOTION by Mack, second by Yonkman to authorize the transfer of all rights to renewal of an escrowed 2009 Class C licensed business with dance permit, located at 303-305 First Street, Manistee MI 49660 from MIRNICK Entertainment LLC to Honor State Bank, with license to remain in escrow.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall

NAYS: None

**#10-104 CONSIDERATION OF AN AGREEMENT FOR THE INSTALLATION OF ELECTRIC FACILITIES WITH CONSUMERS ENERGY.**

The City of Manistee has begun the Jones Street Sewer Separation Project. In coordination with that project the majority of the overhead utilities on Jones Street to East Street will be placed underground. Consumers Energy will perform the work at an estimated cost of \$177,542.60. This is also a component of the Peninsula Plan.

MOTION by Mack, second by Cote to authorize the Mayor and City Clerk to execute an agreement for the Installation of Electric Facilities with Consumers Energy.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Haydon, Yonkman, Mack, Marshall

NAYS: None

**#10-105 A REPORT FROM THE DEPARTMENT OF PUBLIC WORKS AND THE TREE COMMISSION.**

Mr. Brandon Prince reported on the activities of the Department of Public Works and the Tree Commission; Mr. Jack Garber responded to questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Mary Murton, 315 5<sup>th</sup> Avenue, stated that the repaired Veterans Oak Drive is beautiful but questioned the semi trucks that drive through there all of the time. Jack Garber responded that Veterans Oak Drive is a semi route.

**COUNCILMEMBERS.**

Mack wanted to know what was happening at Sands Park. Jack Garber responded that local baseball volunteers redid the infield and grass in the outfield. They are also flagging the outfield for underground sprinklers.

Mayor Haydon thanked the DPW for keeping Manistee clean.

**ADJOURN.**

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

Mary Nemecek CMC  
Deputy City Clerk/Payroll & Benefits