

PROCEEDING OF THE MANISTEE CITY COUNCIL – May 17, 2011

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Richard Mack on Tuesday, May 17, 2011 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, Robert Hornkohl, Catherine Zaring, and Richard Mack.

ABSENT: Alan Marshall and Ilona Haydon.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Deputy Clerk – Mary Bachman, City Assessor – Julie Beardslee, Finance Director – Ed Bradford, Community Development Officer – Jon Rose and, Director of Public Safety – Dave Bachman.

PUBLIC HEARING, SPECIAL ASSESSMENT DISTRICT FOR CURB AND GUTTER ON OXFORD COURT.

The City has a formal policy to consider improvements on a special assessment basis. If petitioned the Council will conduct a public hearing to determine whether or not the project should proceed. If the project proceeds, the costs are paid by assessing fronting property owners on a linear foot basis. For curb and gutter improvements the estimated cost is \$18.45 per linear foot. These costs could be spread over time (seven year current estimate) at an interest rate to be established by Council (estimated at 4.3%).

Residents of Oxford Court have petitioned for the establishment of a special assessment district so that curb and gutter could be constructed. Depending on the results of this public hearing, Council has the option of either approving or disapproving the improvements independent of property owner preferences.

Each potentially affected property owner has received formal written notice of the public hearing and will be provided an opportunity to comment in writing or in person at the hearing.

David Bachman, 422 Spruce Street stated that he led the charge for the Special Assessment; spoke to 8 residents; six positive responses, one negative and one did not respond.

The Public Hearing closed at 7:03 p.m.

#11-62 CONSENT AGENDA.

Minutes	-	May 4, 2011	-	Regular Meeting
	-	May 10, 2011	-	Work Session
Payroll	-	May 2 – May 8	-	\$53,188.38
	-	May 9 – May 15	-	\$54,960.40
Cash Balance Report	-	May 2011		

Notification Regarding Next Work Session

A Council work session has been scheduled for Tuesday, June 14, 2011 at 7:00 p.m. A discussion will be conducted on such business as may come before the Council.

Consideration of American Legion Poppy Sales.

The American Legion requests authorization to conduct their annual poppy sale fundraiser in the City of Manistee on May 26, 27 and 28, 2011 and during the Memorial Day Parade on May 30, 2011. All proceeds are earmarked to benefit veterans and their families.

Councilmember Zaring requested that item C, Consideration of American Legion Poppy Sales be removed from the Consent Agenda and be placed on the Regular Agenda.

MOTION by Hornkohl, second by Kenny to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack

NAYS: None

#11-63 CONSIDERATION OF A RESOLUTION CREATING SPECIAL ASSESSMENT DISTRICT ORDERING CURB AND GUTTER IMPROVEMENTS ON OXFORD COURT.

Earlier this evening Council conducted a public hearing to consider the possible creation of a special assessment district to pay for curb and gutter improvements on Oxford Court between Spruce Street and Elm Street. Depending on the results of that public hearing, Council could take action on a resolution which would order the creation of a special assessment district.

If the resolution is adopted, the project will proceed to completion. A second public

hearing would be scheduled at the conclusion of the project at the time that final costs are known. At that time the final assessment would be established. Those costs could be paid at that time or spread over seven years. If the costs are spread over seven years, interest would accrue. Interest is estimated at 4.3%. If the resolution is not adopted, the special assessment district will not be created and the improvement will not be constructed.

MOTION by Hornkohl, second by Cote to take action to adopt a resolution ordering curb and gutter improvements on Oxford Court between Spruce Street and Elm Street; with those costs to be recovered as a special assessment payable over seven years at 4.3% interest. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack
NAYES: None

#11-64 CONSIDERATION OF AN ARCH AT VETERANS MEMORIAL PARK.

The Veterans Council has been making improvements to the Veterans Memorial Park by adding new memorial markers to the Veteran's Memorial and landing landscaping. They are requesting to install an arch over the entrance to the parking lot on Memorial Drive across from Dial-A-Ride. The arch is similar in design as the arch over River Street and would read "Veterans Memorial Park."

The Veterans Council would assume any costs associated with the installation of the Arch. The City may be asked to assist with the disposal of existing masonry piers on each side of the drive.

MOTION by Kenny, second by Cote to take action to authorize the installation of an arch at Veterans Memorial Park by the Veterans Council.

Discussion followed.

Dr. Wagoner and Laura Heintzleman, Manistee County Community Foundation, responded to questions the Council had.

MOTION by Zaring, second by Cote to Amend the MOTION on the table to include: The Project shall not proceed until confirmation is received from the Manistee County Community Foundation that sufficient funds are available to pay for the costs of the Project.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack
NAYES: None

AMENDED MOTION on the table by Kenny, second by Cote to take action to authorize the installation of an arch at Veterans Memorial Park by the Veterans Council. The Project shall not proceed until confirmation is received from the Manistee County Community Foundation that sufficient funds are available to pay for the costs of the Project.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack
NAYES: None

#11-65 CONSIDERATION OF EXTENDING LEASE FOR EQUIPMENT SPACE ON THE INDUSTRIAL PARK WATER TOWER WITH NEW CINGULAR WIRELESS PCS, LLC.

New Cingular Wireless PCS, LLC has cellular antennas located on the City's industrial park water tank. The lease expired on October 31, 2008. The City has been working for more than two years to arrive at a new lease agreement. The new lease will be for five years with up to three (3) five-year renewals. The rent amount is \$24,000 per year with a 3% annual escalator clause.

MOTION by Hornkohl, second by Zaring to take action to approve a lease for equipment space with New Cingular Wireless PCS, LLC.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack
NAYES: None

#11-66 CONSIDERATION OF RESURFACING AND MILLING MONROE STREET FROM WASHINGTON STREET TO US-31.

The Michigan Department of Transportation (MDOT) has agreed to pay the City \$50,000 for this project in exchange for the City allowing MDOT permission to use Monroe Street as a detour route while they upgrade the railroad crossing across US-31 at Lakeshore. This is at no cost to the City of Manistee. The attached contract has been reviewed and approved by the City Attorney.

MOTION by Hornkohl, second by Zaring to authorize Elmer's to mill and resurface

Monroe Street from Washington Street to US-31 on behalf of the Michigan Department of Transportation in the amount of \$45,869.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack

NAYES: None

#11-67 CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The Deputy Clerk has taken action to advertise vacancies on the Historic District Commission and the Housing Commission. The following applications have been received:

HISTORIC DISTRICT COMMISSION – One vacancy, unexpired term ending February 28, 2012 and two vacancies, three-year terms ending February 28, 2014; Council appointment.

Maria DeRee, 389 River Street*

Nathaniel Neider, 111 Pine Street*

MOTION by Hornkohl, second by Cote to appoint Maria DeRee, 389 River Street, to the unexpired term ending February 28, 2012 and to appoint Nathaniel Neider, 111 Pine Street, to a three-year term ending February 28, 2014.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack

NAYES: None

HOUSING COMMISSION – One vacancy, five-year term ending May, 2016; Mayoral appointment.

Dale W. Priester, 346 Fourth Street*

Mari J. Manke, 906 Merkey Road

Rose Carlson, 305 Fifth Street

*Incumbent

After a brief discussion, Mayor Mack appointed Dale W. Priester to the Housing Commission for a five-year term ending May, 2016. Council directed the Deputy Clerk to advertise for any remaining vacancies.

MOTION by Hornkohl, second by Kenny to support Mayor Macks appointment of Dale W. Priester to the Housing Commission for a five-year term ending May, 2016.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack

NAYES: None

#11-68 CONSIDERATION OF AMERICAN LEGION POPPY SALES.

The American Legion requests authorization to conduct their annual poppy sale fundraiser in the City of Manistee on May 26, 27 and 28, 2011 and during the Memorial Day Parade on May 30, 2011. All proceeds are earmarked to benefit veterans and their families.

MOTION by Kenny, second by Hornkohl to take action to authorize the annual American Legion Poppy Sales on May 26, 27, 28 and 30, 2011.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, and Mack

NAYES: None

#11-69 A REPORT FROM THE FIRE DEPARTMENT.

Captain Timm Smith and Director of Public Safety Dave Bachman reported on the activities of the Fire Department and responded to any questions the Council had regarding their activities.

Mayor Mack presented Captain Timm Smith with a Resolution of Thanks and Appreciation. Director of Public Safety Dave Bachman presented Captain Smith with an Outstanding Service Award Pin for his uniform.

CITIZEN COMMENT.

Mari J. Manke, 906 Merkey Road introduced herself to the Council and thanked them for considering her application to the Housing Commission.

Roger Zielinski, 529 First Street stated that he lives in the heart of the construction zone; he is very pleased with Elmers Construction; had some backup in his basement during the past storm; wanted to thank Jon Rose and Jeff Mikula for their help; thanked the Council for hiring people like them.

OFFICIALS AND STAFF.

Edward Bradford, Finance Director thanked the Council for approving the extension of the lease for equipment space on the industrial park water tower with new Cingular Wireless PCS, LLC.

COUNCILMEMBERS.

Councilmember Zaring reminded everyone of the TIGHT Lines for Troops event this Sunday, May 22, 2011.

Mayor Mack stated that Mayors Exchange is scheduled for May 25, 2011 with the City of Fremont. The group is departing at 7a.m.

ADJOURN.

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 8:02 p.m.

Mary M. Bachman, CMC
City Deputy Clerk/Payroll & Benefits

