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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 6, 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, October 6, 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, Robert Goodspeed, James Smith, Mark Wittlieff, and Eric Gustad.

**ALSO PRESENT:** Interim City Manager – R. Ben Bifoss, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Public Safety Director – Dave Bachman, City Engineer – Shawn Middleton / Spicer Group.

### **CITIZEN COMMENTS ON AGENDA RELATED ITEMS.**

John Brakora – 536 Eighth Street / encouraged Council to approve the proposed ordinance banning the feeding of deer, stating it is a necessary first step to control the deer herd.

### **CONSENT AGENDA.**

- Minutes - September 15, 2015 - Regular Meeting
- Payroll - September 14-27, 2015 - \$ 115,900.95
- Cash Balances Report - August 2015
- Consideration of Ordinance 15-10, to Prohibit the Feeding of Deer, Wild Turkeys and Other Wild Mammals.  
City Attorney Saylor drafted language to amend Chapter 606 of the Codified Ordinance of Manistee to include a Section 606.08 Feeding of Wild Mammals which was endorsed by the Ad Hoc Deer Herd Committee and forwarded to the Council Ordinance Committee. The Council Ordinance Committee met on September 1, 2015 and made changes to the language to also ban feeding wild turkeys and to specifically exclude pets, chickens and ducks; and recommended the ordinance as amended be forwarded for full Council consideration. This ordinance was introduced at the regular meeting of September 15, 2015 and could be adopted at this time.
- Notification Regarding Next Work Session – October 13, 2015  
A discussion will be conducted on such business as may come before the Council.
- Consideration of MSDDA Boos, Brews and Brats 5K.  
The Boos, Brews and Brats 5K is scheduled for Saturday, October 24, 2015 from 2:30 until 4:00 p.m. with the race beginning at 3:00 p.m. The request is to use River Street west of Maple to Water Street; Water Street west from River to First Street; First Street west from Water to First Street Beach; and the loop around the First Street Beach area. Those who have parked their cars on these streets can remain before and during the race. As soon as the last runner crosses the finish line, the streets can be opened back up. They have requested a police presence to close streets and escort runners; allowing some streets to stay open. This is subject to appropriate departmental approvals.

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

With a roll call vote this motion passed unanimously.

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 6, 2015

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

### **CONSIDERATION OF AMENDING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR TELECOMMUNICATION EQUIPMENT AT THE INDUSTRIAL PARK WATER TOWER.**

The City currently leases space on and at the base of the Industrial Park water tower to New Cingular Wireless PCS, LLC for telecommunication equipment. The lease expires May 31, 2016 unless renewed by the tenant. The tenant approached the City about modifying the lease earlier this summer. The request was to lower the annual rent by 7.5% and reduce the annual escalator from 3% to 2.5%, as well as add two other minor provisions. In return, the City will receive a seven year rent guarantee and reduce the likelihood of AT&T relocating in the future. The City Attorney has reviewed and approved the agreement.

MOTION by Cote, second by Zielinski to amend a lease agreement with New Cingular Wireless PCS, LLC; and further authorize the Mayor and City Clerk to execute the document. Brief discussion followed.

With a roll call vote this motion passed unanimously.

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

### **CONSIDERATION OF THE PURCHASE OF AN ARTICULATED WHEEL LOADER FROM FREDRICKSON SUPPLY.**

The Department of Public Works has budgeted to purchase an articulated wheel loader through the Motor Pool. The selected machine will increase capabilities and efficiencies when used for cleaning debris from the beaches, loading salt, stump grinding, trash haul, leaf collection, forestry work, etc. Following a demonstration and quote process the department recommends the Wacker Neuson loader for the advantages it provides.

MOTION by Wittlieff, second by Cote to approve the purchase of a Wacker Neuson WL32 Wheel Loader and selected attachments from Fredrickson Supply in the amount of \$79,930.05. Discussion followed.

With a roll call vote this motion passed, 6-1.

AYES: Kenny, Cote, Goodspeed, Smith, Wittlieff, and Gustad  
NAYS: Zielinski

### **CONSIDERATION OF THE PURCHASE OF TWO PICKUP TRUCKS FROM MANISTEE FORD.**

The Motor Pool maintains a database of equipment age, condition, and anticipated replacement. This year's budget includes the purchase of two pickup trucks for the Department of Public Works including a  $\frac{3}{4}$  ton truck and a 1 ton truck. Bids were solicited through local vendors and the State of Michigan MiDeal program. Bids submitted are as follows:

		<u>Manistee Ford</u>	<u>Signature Ford</u>
Ford F250	=	\$26,085.38	\$25,582.00
Ford F350	=	\$26,953.38	\$26,935.00

Because the bid amounts are very close in price, the bids from Manistee Ford are recommended since it is a local dealership.

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 6, 2015

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MOTION by Wittlieff, second by Zielinski to approve the purchase of two pickup trucks from Manistee Ford.

With a roll call vote this motion passed unanimously.

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

NAYS: None

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

The City Clerk has taken action to advertise vacancies on the Compensation Commission, Downtown Development Authority, Harbor Commission, PEG Commission, Planning 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 Mayor requested a discussion amongst Council before any appointments or nominations were made. She asked to receive their opinion on having Councilmembers being appointed to any of the boards or commissions; do they feel it is a conflict of interest; does it create a conduit between the Council and the Commissions; are the terms of office too long and discouraging applicants; asked if Councilmembers should be appointed at the beginning of the year to various boards and commissions when other Council committee appointments are made; it was noted that this should be discussed further when the Council guidelines are reviewed.

The following applications have been received (\*incumbent):

**COMPENSATION COMMISSION.** Three vacancies, terms ending 09/30/17, 09/30/19 and 09/30/20, applicants must be registered voters in the City; Mayoral appointment.

Marylynn Wrzesinski, 266 Sixth Street\*

Mayor Kenny appointed Marylynn Wrzesinski to the Compensation Commission for a term ending 09/30/20. MOTION by Goodspeed, second by Cote to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**DOWNTOWN DEVELOPMENT AUTHORITY.** One vacancy, four-year term ending 06/30/19, applicants must have an interest in property in the downtown district; Mayoral appointment.

*None received*

**HARBOR COMMISSION.** Three vacancies, terms ending 10/31/18, Council appointment.

James W. Smith, 353 First Street

Wittlieff, second by Cote, nominated James W. Smith to the Harbor Commission for a term ending 10/31/18.

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 6, 2015

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With a roll call vote this motion passed, 6-1.

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

NAYS: Goodspeed

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

James W. Smith, 353 First Street

Goodspeed, second by Zielinski, nominated James W. Smith to the PEG Commission for a term ending 12/31/17.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**PLANNING COMMISSION.** One vacancy, three-year term ending 10/31/18, applicant must be a City resident; Mayoral appointment.

Edward Ray Fortier, 367 Eleventh Street\*

Kenny appointed Edward Ray Fortier to the Planning Commission for a term ending 10/31/18. MOTION by Goodspeed, second by Smith to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

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

*None received*

### **CITIZEN COMMENT.**

Comments received by:

- Ed Tegler, 522 Fifth Avenue & Parks Commission member / stated that it is great to have a Councilmember on the commission; also stated the toys at the old rocket park are being refinished, are in good shape, and requested that they not be removed.

### **OFFICIALS AND STAFF.**

Bifoss informed Council that 1 of the 2 additional people to be interviewed for the City Manager position has accepted an interview on Monday, October 12<sup>th</sup> at 5:00 p.m.; will continue to try to get ahold of the 2<sup>nd</sup> candidate; the meeting will be posted.

Mikula stated that painting of the Maywood Water Tank is completed, disinfection process will be starting, it should be back on line on Monday; full road construction has started and hopes to have final completion this

## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – October 6, 2015

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weekend; there are no plans to dismantle rocket park.

### **COUNCILMEMBERS.**

Cote would like to have the fireworks ordinance revisited at a work session for further discussion.

Goodspeed said 'Save the Rocket'.

Smith thanked Bifoss for his diligence thru this process; thanked the Public Safety Department for tracking the burglaries.

Wittlieff stated he would not be here next Tuesday for the work session; asked Patrick Kay/MSDDA for an update on the Riverpark Condos.

Gustad thanked Ed Tegler and the Parks Commission for their work on saving rocket park; stated that the water tower and the road construction looks good; and thanked the Public Safety Department for work on the burglaries.

Kenny thanked Council for their input on the boards and commissions; Mayor Pro-Tem Smith for applying to the boards; and City Council time and effort on finding a new City Manager.

### **ADJOURN.**

MOTION to adjourn was made by Cote, second by Goodspeed. Meeting adjourned at 7:58 p.m.

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