
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – September 20, 2016

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, September 20, 2016 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, Mark Wittlieff, and Erin Pontiac.

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

AMEND AGENDA.

MOTION by Zielinski, second by Goodspeed to amend the agenda to add Item X. Concerns & Comments d.) Consideration of a Closed Session to Discuss Trial and/or Settlement Strategy Regarding the Remaining Claims in the Manistee County Circuit Court Case of Seng vs. City of Manistee and Reith-Riley.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac

NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Valerie Bergstrom, 1224 Critter Trail commented on the process the DDA followed leading up to the hiring of Tyler Leppanen; requested Council's approval of hiring Mr. Leppanen.

Tom Geoghan, MPA videographer, reminded Council to use the microphones so they could put out a good product.

Nancy Day and Julie Raymond commented on the Paint the Town Pink event to be held on Thursday, October 6th, stated that it is a time to pause and come together as the Manistee Community in support of those effected by cancer.

CONSENT AGENDA.

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| • Minutes | - | September 6, 2016 | - | Regular Meeting |
| | - | September 13, 2016 | - | Work Session |
| • Financial Reports | | | | |
| - Payroll | - | August 15-28, 2016 | - | \$ 125,879.61 |
| | - | Aug. 29 – Sept. 11, 2016 | - | \$ 119,226.45 |
| - Invoices | - | August 4, 2016 | - | \$ 1,264,241.85 |
| | - | August 24, 2016 | - | \$ 3,268,621.93 |

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- Notification Regarding Next Work Session – October 11, 2016
A Council work session has been scheduled for Tuesday, October 11, 2016 at 6 p.m. for the annual Council bus tour of projects and various updates; and such business as may come before the Council.
- Consideration of Northern Michigan Recovery’s Second Annual Run for Recovery Event.
Northern Michigan Recovery has requested authorization to conduct their second annual Run for Recovery event on Saturday, September 24, 2016 from 8 a.m. to 11 a.m. This run/walk will start at the First Street Beach pavilion to Cherry Street, down Cherry to the end of Twelfth Street, and back through the beach park.

MOTION by Zielinski, second by Wittlieff to approve the Consent Agenda as presented. Goodspeed requested the removal of item: Consideration of Adopting Ordinance 16-01, Amending Chapter 663 Fireworks.

With a roll call vote this motion passed with the removal of Adopting Ordinance 16-01, 6-1.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Wittlieff, and Pontiac
NAYS: Smith

CONSIDERATION OF ADOPTING ORDINANCE 16-01, AMENDING CHAPTER 663 FIREWORKS.

At their work session of August 9, 2016 Council revisited the discussion on the Fireworks Ordinance. Following that discussion City Council directed the City Attorney to develop an ordinance mirroring state law; with Council approval for display requests.

As an ordinance two separate readings are required. This ordinance was introduced at the regular meeting of September 6, 2016 and could be adopted at this time.

MOTION by Zielinski, second by Pontiac to adopt Ordinance 16-01 amending Chapter 663 Fireworks, Section 663.02 Use of Consumer Fireworks Prohibited.

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

AYES: Kenny, Beaton, Zielinski, Smith, Wittlieff, and Pontiac
NAYS: Goodspeed

CONSIDERATION OF APPROVAL OF THE DDA’S APPOINTMENT OF A NEW DIRECTOR.

Over the past several months the Manistee Downtown Development Authority (DDA) has been exploring options to fill their Director position. Following the application and interview process the DDA Board has offered the position to Tyler Leppanen. State statute and the DDA bylaws stipulate, “the board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality.”

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MOTION by Goodspeed, second by Wittlieff to approve the employment of Tyler Leppanen to the position of DDA Director. Discussion followed regarding the DDA, the process followed, and the candidate's experience.

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

AYES: Kenny, Beaton, Zielinski, Goodspeed, Wittlieff, and Pontiac

NAYS: Smith

CONSIDERATION OF A RESOLUTION, NORTH CHANNEL BREWING COMPANY LLC, 86 WASHINGTON STREET, LIQUOR LICENSE.

North Channel Brewing Company LLC is proposing to open a new Brew Pub at 86 Washington Street and is requesting a resolution from City Council to support their application to the Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission. The application includes licenses for Micro Brewer, Small Wine Maker, and Small Distiller.

MOTION by Beaton, second by Goodspeed to approve the resolution supporting the request from North Channel Brewing Company LLC for Micro Brewer, Small Wine Maker and Small Distiller licenses.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac

NAYS: None

CONSIDERATION OF THE ANNUAL PAINT THE TOWN PINK EVENT.

The Ninth Annual Paint the Town celebration and ribbon walk is scheduled for Thursday, October 6, 2016. This breast cancer awareness and fundraising event begins in front of the Manistee Municipal Marina, along the Riverwalk to the House of Flavors and back on River Street sidewalks. A road closure is requested on River Street in front of the marina from 8 a.m. to 7 p.m. The Committee has also requested permission to post a banner on the River Street arch; decorate downtown lamp posts; use of the Marina Open Space at no charge; and a Mayoral proclamation. Several businesses have planned special activities including decorations and sales in conjunction with this event.

MOTION by Goodspeed, second by Smith to authorize the Ninth Annual Paint the Town Pink event on Thursday, October 6, 2016; subject to the appropriate department approvals.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac

NAYS: None

PRESENTATION ON NPDES PERMIT.

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Mr. Jeff Mikula updated Council on the NPDES permit and timeline.

CITIZEN COMMENT.

None received.

OFFICIALS AND STAFF.

Mikula informed Council that the mill and fill project will begin Wednesday morning.

COUNCILMEMBERS.

Zielinski thanked the Paint the Town Pink ladies for a good job.

CONSIDERATION OF ADJOURNING INTO A CLOSED SESSION TO DISCUSS TRIAL AND/OR SETTLEMENT STRATEGY REGARDING THE REMAINING CLAIMS IN THE MANISTEE COUNTY CIRCUIT COURT CASE OF SENG VS. CITY OF MANISTEE AND REITH-RILEY.

The Manistee County Circuit Court ruled in favor of the City of Manistee on its Motion for Summary Disposition regarding the claims filed against it by Seng. The Court also ruled in favor of Seng in its request to dismiss Reith-Riley from the lawsuit. Both decisions remain within the period of time for Seng and Reith-Riley to appeal. There remains a pending counterclaim brought by the City. The City Attorney has requested a closed session to discuss trial and/or settlement strategy regarding the remaining issues of the case as permitted pursuant to Section 8 (e) of the Michigan Open Meetings Act.

MOTION by Zielinski, second by Wittlieff to proceed into closed session under Section 8 (e) of the Michigan Open Meetings Act. Time: 7:49 p.m.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac

NAYS: None

MOTION by Zielinski, second by Smith to return to Regular Session. All in favor. Time: 8:17 p.m.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Zielinski. Meeting adjourned at 8:17 p.m.

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