
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – February 21, 2017

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, February 21, 2017 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, 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, and City Engineer – Shawn Middleton / Spicer Group.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Brandon David – 321 Second Avenue introduced himself as an applicant for the Historic District Commission and gave a brief description of his background.

CONSENT AGENDA.

- Minutes - February 7, 2017 - Regular Meeting
- Financial Reports
 - Payroll - January 16 – 29, 2017 - \$ 118,018.84
 - January 30 – February 12, 2017 - \$ 109,416.32
 - Invoices - January 12, 2017 - \$1,237,002.81
 - January 27, 2017 - \$ 659,408.07
- Notification Regarding Next Work Session – *Thursday, March 9, 2017*

A special Council work session has been scheduled for Thursday, March 9 at 5 p.m., at the Manistee ISD with the League of Women Voters. This will be an opportunity for LWV and the community to meet the Council.
- Consideration of the American Cancer Society Relay for Life of Manistee County

The American Cancer Society Relay for Life in Manistee County is scheduled for Friday, July 28, 2017. This is an annual request and the site requested is for one-half of the parking lot in Douglas Park. Set up will commence on Thursday, July 27; roping off that section of the parking lot. The event will run on Friday from noon to midnight.

MOTION by Beaton, second by Zielinski to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

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

NAYS: None

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CONSIDERATION OF CITY COUNCIL ADOPTION OF 2017 THROUGH 2018-2019 CITY OF MANISTEE STRATEGIC PLAN.

City Council and the Alliance for Economic Success have completed updates for the City of Manistee Strategic Plan. Council is being requested to review and adopt the 2017 through 2018-2019 Strategic Plan.

MOTION by Zielinski, second by Wittlieff to adopt the 2017 through 2018-2019 Strategic Plan for the City of Manistee. Brief discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac
NAYS: None

CONSIDERATION OF LOCAL REVENUE SHARING BOARD GRANT APPLICATIONS.

The Local Revenue Sharing Board (LRSB) distributes 2% money from the Little River Casino. The deadline for 2017 Cycle I applications is Friday, March 3, 2017 at 5:00 p.m. City staff has prepared two grant applications for submission to the Local Revenue Sharing Board. This agenda item will include two separate motions, one for each grant application.

MOTION by Zielinski, second by Wittlieff to authorize the submission of a grant application to the Local Revenue Sharing Board for four police vehicle radar units in the amount of \$8,940.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac
NAYS: None

MOTION by Goodspeed, second by Cooper to authorize the submission of a grant application to the Local Revenue Sharing Board for a stairchair and evac-u-splint set in the amount of \$4,000.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Pontiac
NAYS: None

CONSIDERATION OF AN EASEMENT, MANISTEE HOUSING COMMISSION FOR PROPERTY AT 273 SIXTH AVENUE.

The City of Manistee maintains and operates storm and sanitary sewer facilities within the Century Terrace property at 273 Sixth Avenue. Some of these facilities predate the current building while several are new as a result of the Sixth Avenue Pump Station and force-main replacement project. The proposed easement document is intended to address all existing City utilities at 273 Sixth Avenue. The

Grant of Easement has been prepared by the City Attorney.

MOTION by Zielinski, second by Wittlieff to approve a Grant of Easement between the City of Manistee and the Manistee Housing Commission for existing City storm and sanitary sewer facilities located across the Century Terrace property at 273 Sixth Avenue; and further authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF AMENDING CHAPTER 1489 LOW OR MODERATE INCOME HOUSING ORDINANCE.

Third Coast Development is moving forward on its plans for redevelopment of the former Oleson's property. In preliminary discussions with City staff, Third Coast Development has indicated a desire to secure a Payment in Lieu of Taxes (PILOT) agreement with the City for the residential unit component of the building.

City Ordinance 1489 mandates that a PILOT must be equal to 10% of annual shelter rents, there's no mechanism for the City to accept a lower PILOT. Ordinance language also restricts the PILOT term to 35 years. City staff recommends that this ordinance be amended.

MOTION by Wittlieff, second by Goodspeed to direct the City Attorney to draft an ordinance amendment for Chapter 1489 that changes the wording from "an amount equal to ten percent (10%) to "an amount up to ten percent (10%) and change "or the thirty-fifth (35th) year" to "or the fiftieth (50th) year; for a first reading at the March 7, 2017 Council meeting. Discussion followed voicing concerns on the change of the percentage and years allowed; would like more time and discussion to take place; Taylor stated this mirrors State law and gives Council more flexibility.

MOTION by Cooper, second by Pontiac to table this item until the March 20th Council meeting to allow more discussion at the work session.

With a roll call vote the motion to table this item passed, 5-2.

AYES: Cooper, Beaton, Zielinski, Smith, and Pontiac

NAYS: Goodspeed and Wittlieff

CONSIDERATION OF COMMERCIAL USES PERMITTED WITHIN THE CITY RIGHT-OF-WAY POLICY.

A policy has been drafted by the DDA Design Committee to provide standards for commercial uses within the public right-of-way. The DDA reviewed and approved the drafted policy at their meeting on February 8, 2017. The policy has been designed to provide standards for properties in the DDA and commercial properties outside of the DDA. This policy would expand upon and replace existing policy GP-47 Sidewalk Merchandise.

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MOTION by Wittlieff, second by Cooper authorize the City Manager to initiate General Policy GP-47 Commercial Uses Permitted Within the City Right-of-Way.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF UPDATING CITY CHARTER.

Mayor Pro-Tem Roger Zielinski has requested Council consideration of requesting the City Attorney and staff to review the Charter document and notate areas that are no longer applicable or are superseded by state or federal law. Many areas are outdated which makes it difficult for Councilmembers and the public to clearly understand various requirements, causing some misinterpretations.

The Home Rule City Act allows communities to make nominal changes to the Charter. Substantial revisions or amendments are subject to a vote by the electors.

MOTION by Zielinski, second by Pontiac to direct the City Attorney and City Clerk to review the City Charter for areas that are no longer applicable or are superseded by state or federal law.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF RECOMMENDATIONS FROM THE COMPENSATION COMMISSION.

Compensation for the Mayor and members of City Council is established based on procedures set in the Charter, State Statute and local ordinance. A fundamental point in these requirements is that the Mayor and Council may not approve changes in their own levels of compensation. Any change in compensation must take effect after the terms of all current Council members have expired.

Under established procedures, the City Council may not develop compensation rates even though the rates do not become effective during the term of the Council. Rates are developed by an independent Compensation Commission which only meets every other year.

The Council may accept or reject the Compensation Commission's recommendations, they may not be modified. If the Council chooses to reject the recommendations, they are returned to the Compensation Commission for further consideration. Rejection can only occur if a majority of City Council, five (5) members, votes to reject the recommendations. If the recommendations are accepted, they will be implemented at the beginning of the year 2019, after all current Council terms have expired.

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The current salaries for the Mayor and City Council are \$4,774 and \$3,713 per year respectively. These rates have been in effect since January 2009. The Compensation Commission is recommending that these amounts be increased to \$5,000 for the Mayor and \$3,875 for Council. They also recommend that in a twelve (12) month period, beginning after the Council's Organizational Meeting, if a Council member misses more than six (6) regularly scheduled Council meetings or work sessions, the Council member or Mayor would receive a deduction of \$100 (Council) or \$120 (Mayor) per meeting missed thereafter. City Attorney Saylor stated that the second part of the recommendation is not enforceable; there is no requirement that Council approve the recommendation, the only action would be to reject the recommendation.

MOTION by Beaton, second by Wittlieff to reject the Compensation Commission's recommendations. Brief discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Board of Review, Brownfield Redevelopment Authority, Historic District Commission, PEG Commission, and the Parks Commission.

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)

HISTORIC DISTRICT COMMISSION. Three vacancies, two terms ending 2/28/20, and one term ending 2/28/19 (applicants must be City resident); Council appointment.

Brandon T. David, 321 Second Avenue

Mary E. Russell, 609 Broad Avenue*

Lee Trucks, 453 Second Street*

Randell Zakrajsek, 173 Quincy Street

Goodspeed nominated Brandon David, 321 Second Avenue, to the Historic District Commission for a term ending 2/28/20.

With a roll call vote this nomination passed unanimously.

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

NAYS: None

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Goodspeed nominated Lee Trucks, 453 Second Street, to the Historic District Commission for a term ending 2/28/20.

With a roll call vote this nomination passed unanimously.

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

NAYS: None

Wittlieff nominated Mary Russell, 609 Broad Avenue, to the Historic District Commission for a term ending 2/28/19.

With a roll call vote this nomination passed unanimously.

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

NAYS: None

CONSIDERATION OF A CITY REPRESENTATIVE TO THE COUNTY-WIDE MULTI-USE TRAIL COMMITTEE.

On November 1, 2016 City Council repealed Chapter 263 Non-Motorized Transportation Committee after the formation of a County-Wide Multi-Use Trail Committee. At the January 2017 Parks Commission meeting they selected Mickey McCann (Parks Leadman) as the primary representative and Mike Quinn as the second representative to represent the City on the County-Wide Multi-Use Committee.

MOTION by Zielinski, second by Pontiac to appoint Mickey McCann as the City representative, and Mike Quinn as the second representative to serve on the County-Wide Multi-Use Trail Committee.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE PUBLIC SAFETY DEPARTMENT.

Police Sergeant Steve Schmeling and Fire Deputy Chief Heath Darling reported on the activities of the Public Safety Department and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

None received.

OFFICIALS AND STAFF.

Taylor stated he will be on vacation thru March 2nd; Chief Bachman will be in charge in his absence.

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Mikula stated his departments are getting caught up on a lot of things due to the nice weather; an update on the run water notice was posted on Facebook; will be bringing the night shift back due to the warmer weather; stated the skating rink has to be completely thawed out before removing it.

COUNCILMEMBERS.

Zielinski commented on the condition of the observation fence by the First Street boat ramp; also asked if some trees or shrubs could be planted by the lift station to make it look better.

Wittlieff stated there will be an open house for the Armory Youth Project this weekend.

Pontiac stated there is a street light out on the corner of Twelfth and Ramsdell Streets; congratulated the DDA on a good weekend for the chili cook off.

Smith congratulated the Public Safety Department for their presentation; thanked staff for the work on this aggressive agenda tonight; thanked Councilmember Wittlieff for being the first Councilmember to appear at the Council on Aging, this will be a monthly feature.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Zielinski. Meeting adjourned at 8:35 p.m.

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