
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – April 18, 2017

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, April 18, 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, Finance Director – Ed Bradford, Public Safety Director – Tim Kozal, City Engineer – Shawn Middleton / Spicer Group, and City Assessor – Molly Whetstone / Great Lakes Assessing.

PUBLIC HEARING ON THE 2017-2018 BUDGET AND CAPITAL IMPROVEMENT PLAN.

The City fiscal year runs from July 1 through June 30. Under Section 7-4 of the Charter, a public hearing is required on the budget which must be adopted not later than May 15 of each year.

A work session was held on Tuesday, April 11 with an additional work session scheduled for later this evening. An optional work session can be scheduled for Tuesday, April 25. The Budget Calendar anticipates adoption of the budget at the May 2, 2017 meeting.

Mayor Smith invited the public to comment on the 2017-2018 Budget and Capital Improvement Plan.

Comments received by:

- Jeff Dontz, County Commissioner chair / AES funding – made a correlation of the City and County both contributing to the DDA which the City gets something back out of, similar to the 1/3 – 2/3 funding of the AES, stated the City Manager calls on the AES on a regular basis, the question of jobs is not always quantifiable, on the cusp of some really good things, keep funding in place.
- Kelly Smith, AES president & Tom St. Dennis, AES board member / commented on AES return on investment, concerned about the lack of communication and their commitment to improve it, stated there is an open position on the AES board for a councilmember.
- Mark Fedder, Historic Museum executive director / museum appropriation cut of \$1500 - named several services they provide the community and various City departments and commissions, they preserve the communities unique history.
- Linda Gamache-Chick & Sheila Kaminski / Alternatives for Area Youth appropriation cut of \$6500 - cut may make them close their doors, provided a petition of 100+ signatures requesting the funding remain in place, building and skate park were built by volunteers who expect it to go forward, teens are stopping in all the time, Jaycees named them their signature project for the year.
- Eric Gustad, AES board member / AES funding - cut would dramatically affect operation, City and County are the largest active participants and act as role models to the other villages and townships, what message would this send to developers if the City isn't invested in it, Council has a seat available on AES, be part of the board and be the conduit back to City Council.
- Barry Lind, PEG Commission chair / elimination of \$25,000 PEG funding and replacing it with new

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equipment for the Council Chambers - explained what PEG is about, their strategic planning and vision for PEG, requested a proportionate decrease in funding (20%) instead of elimination.

- Xavier Verna, RRCA executive director / Ramsdell funding reduction of \$7500 – thanked Council for past support, formulating strategic plan and sustainability, have reduced their request from the City, asked that it not be reduced any further.
- Barry Lind, 532 Fourth Street / supports AES funding reduction, has concerns on the mission of the organization, the shortcomings or failures of the AES never comes out in the public, they take a lot of credit for things but also charge a lot of money their services (*ex. Vogue Theater*).

No further comments received. The Public Hearing closed at 7:48 p.m.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

- Tom Rotta, Ludington Torch / appeal of FOIA request, said the City is not investigating the incident so they should be public records.

CONSENT AGENDA.

- Minutes
 - April 4, 2017 - Regular Meeting
 - April 11, 2017 - Work Session
- Financial Reports
 - Payroll
 - March 13-26, 2017 - \$ 147,239.31
 - March 27-April 9, 2017 - \$ 109,494.49
 - Invoices
 - March 15, 2017 - \$ 348,513.58
 - March 17, 2017 - \$ 5,985.97
 - March 30, 2017 - \$ 552,465.32
- Consideration of Ordinance 17-01 Repealing Chapter 1489 Low or Moderate Income Housing of the City of Manistee Codified Ordinances.

At the March 20, 2017 Council meeting, City Council directed the City Attorney to draft an Ordinance to Repeal Chapter 1489 – Low or Moderate Income Housing. The City Attorney has drafted proposed Ordinance 17-01 providing for the repeal of Chapter 1489. As an ordinance two separate readings are required. The first reading occurred at the meeting of April 4, 2017 and could be adopted at this time.
- Notification Regarding Next Work Session – April 25, 2017

A discussion will be conducted on the 2017-2018 Budget and Capital Improvement Plan; and such business as may come before the Council.
- Consideration of Annual Memorial Day Parade and Ceremony.

The United Veterans Council would like to hold their annual Memorial Day Parade and Ceremony on Monday, May 29, 2017. Set up would begin at 9:30 a.m. at the corner of River and Division Streets. The parade would start at 10 a.m. and travel west on River Street to

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Maple Street, across the bridge to the Veterans Memorial.

- Consideration of Third Annual Ride of Silence.
A request has been received for the third annual Ride of Silence on Wednesday, May 17, 2017 from 7 to 8 p.m. The ride will begin and end at Manistee High School. It will go left out of the lot toward Eighth Street, right on Cherry Street to First Street, right to Division Street, left on Division, left on River Street, loop through First Street beach area, then right on Cherry, left on Eighth Street and back to Manistee High School (approximately six miles / 40-60 minutes).
- Consideration of Annual Elk's Excellence in Education Proclamation.
The Benevolent and Protective Order of the Elk's annual Excellence in Education awards will be presented on Wednesday, May 3, 2017 at the Manistee Elks Lodge, 432 River Street, Manistee. A mayoral proclamation has been prepared to proclaim the week of May 1 – 6, 2017 as Excellence in Education Week.

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

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A FOIA APPEAL, TOM ROTTA.

Tom Rotta submitted a FOIA request for the records pertaining to an incident currently being investigated by the Michigan State Police. The Prosecuting Attorney's Office has objected to the disclosure until they have completed their review. FOIA requires that Mr. Rotta's appeal be decided by the head of the public body within 10 business days after receiving the appeal.

MOTION by Wittlieff, second by Zielinski to deny the FOIA appeal based on the direction provided by the City Attorney and County Prosecuting Attorney. Saylor gave a brief background explanation of the request.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF 2017 TIGHT LINES FOR TROOPS EVENT.

The Tight Lines for Troops Host Committee has submitted a request to relocate the 2017 event to Douglas Park / First Street Beach. The fenced area and tents will be placed along the south end of the parking lot. Boats for the fishing tournament will utilize the City Marina and facilities.

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MOTION by Goodspeed, second by Zielinski to approve the special event request for the 2017 Tight Lines for Troops on May 19-20, 2017; subject to the appropriate department approvals.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF AN MDOT GRANT AWARD; SCRAP TIRE CLEANUP.

The City will be offering a scrap tire cleanup to residents this spring. To offset costs for the program, a grant application was submitted to the Michigan Department of Environmental Quality to reimburse disposal costs. The MDEQ has notified the City that the grant has been approved. The City Attorney has reviewed and approved the agreement.

MOTION by Beaton, second by Zielinski to approve the Scrap Tire Cleanup Grant Agreement with the Michigan Department of Environmental Quality in the amount of \$4,000; and further authorize the Mayor to sign. 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 A MEMORANDUM OF UNDERSTANDING WITH THE GRAND TRAVERSE CONSERVATION DISTRICT REGARDING INVASIVE SPECIES CONTROL.

In 2016 the City entered into a contract with the Grand Traverse Conservation District (GTCD) to assist with invasive species removal along Veterans Oak Grove Drive. GTCD has identified other areas within the City that they are willing to treat. The City has added Phragmites at Man-Made Lake as an additional site and has pledged its budgeted funds as match money to the overall City program. The City Attorney has reviewed and approved the agreement.

MOTION by Zielinski, second by Pontiac to approve the Memorandum of Understanding with the Grand Traverse Conservation District to include additional areas in the City to treat invasive species. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF A PARCEL SPLIT REQUEST FROM GARY SCHRADER.

A request has been received from Gary Schrader for a parcel split. Mr. Schrader owns vacant parcel 51-

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202-450-00 located in the R-2 Zoning district and is requesting to split the property into two parcels that will each have 75 feet of frontage and 7,500 square feet of parcel area that meets the requirements of the zoning ordinance.

The Planning Commission reviewed this request at their April 6, 2017 meeting and recommends Council endorsement.

MOTION by Zielinski, second by Cooper to approve the request from Gary Schrader to split parcel 51-202-450-00 into two parcels as submitted with survey prepared by Abonmarche Job No 17-0143, dated January 30, 2017.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF RESCHEDULING JULY AND DECEMBER BOARD OF REVIEW DATES FOR 2017.

State law requires the July Board of Review to be held on the Tuesday following the third Monday in July and the December Board of Review to be held on the Tuesday following the second Monday in December. State law allows these to be rescheduled on another day of the same week. In order for the City Assessor to be present at the Board of Review, the meeting dates need to be rescheduled to Wednesday, July 19, 2017 and Wednesday, December 13, 2017.

MOTION by Zielinski, second by Beaton to reschedule the July Board of Review for Wednesday, July 19, 2017 and the December Board of Review to Wednesday, December 13, 2017.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE CITY ASSESSOR AND LAUNCH MANISTEE.

Ms. Molly Whetstone reported on the activities of the Assessor's Office and responded to questions the Council had regarding their activities.

Ms. Mary Ann Behm reported on the activities of Launch Manistee and responded to questions the Council had regarding their activities.

QUARTERLY UPDATE ON THE CSO CORRECTIVE ACTION PLAN.

City Engineer Shawn Middleton provided Council with a quarterly update on the CSO Corrective Action Plan (CAP).

CITIZEN COMMENT.

Comments received by:

- Tyler Leppanen, DDA executive director / Oleson's project - DDA has taken the position not to support the PILOT for low to medium housing.
- Carol Pasco, 610 Spruce Street / asked Council to reconsider appropriations for the Teen Center and the Museum.
- Tom Rotta, Ludington / disappointed Council took advice of attorney and not the law, referenced a law suit in Ludington over a similar situation.
- Bobbi Rogers, Harbor Drive / skating rink at the Teen Center is a huge asset to the community, make sure the rink and skates are still available to the public.

OFFICIALS AND STAFF.

Saylor stated that democracy is a beautiful thing.

COUNCILMEMBERS.

Zielinski would like a discussion on historic district laws and how they affect the downtown, need to come up with options to improve the system.

Pontiac asked if there was any progress on the hit and run on US-31 (*under the direction of the Sheriff's department, not the City*).

Smith thanked the public for attending and expressing their views.

ADJOURN TO BUDGET WORK SESSION.

A Council work session on the proposed Fiscal Year 2017-2018 Budget and Capital Improvement Plan has been scheduled for immediately following the regular meeting.

MOTION to adjourn to the Budget Work Session was made by Wittlieff, second by Goodspeed. Meeting adjourned at 8:54 p.m.

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