
PROCEEDINGS OF THE MANISTEE CITY COUNCIL -OCTOBER 2, 2018

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, October 2, 2018 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, James Smith, James Grabowski, and Erin Pontiac.

ABSENT: Robert Goodspeed

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Public Safety Director – Tim Kozal, and City Engineer – Shawn Middleton

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Glenn C. Zaring, 321 Fifth Street / spoke in opposition of dogs being allowed on the Riverwalk.

Michael “Mick” Szymanski, 332 Fifth Street / agrees with compromise of opening wider portion of Riverwalk for dogs.

CONSENT AGENDA.

- Minutes - September 18, 2018 - Regular Meeting
- Financial Reports
 - Cash Balances August 2018
 - Revenue & Expense August 2018
- Notification Regarding Next Work Session – October 9, 2018
A joint discussion with DDA on TIF Plan, Quarterly Strategic plan update; and such business as may come before Council.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE 18-09 AMENDING CHAPTER 1024 SIDEWALKS.

Amendments to Chapter 1024 Sidewalks have been the subject of numerous discussions by City Council and the Ordinance Committee. At their meeting of September 18, 2018 Council directed staff to prepare revised language to the proposed amendments. The City Attorney prepared the attached language as directed by Council.

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As an ordinance two separate readings are required. If this ordinance is introduced this evening, it could be adopted at the next regular meeting.

MOTION by Beaton, second by Pontiac to introduce Ordinance 18-09 amending Chapter 1024 Sidewalks.

Discussion included:

- No current policy referencing dogs on the beach or Riverwalk
- Review of Ordinance on dogs in the City
- Ordinance enforcement
- Safety Concerns
- Response from residents

With a roll call vote this motion failed, 2-4.

AYES: Beaton and Pontiac

NAYS: Cooper, Zielinski, Smith, and Grabowski

CONSIDERATION OF ADOPTING A LOWER PENSION MULTIPLIER FOR NEW HIRES IN THE IAFF.

The recently ratified International Association of Fire Fighters (IAFF) 2018-2022 contract included a provision that lowered the multiplier for the defined benefit pension plan for new hires from 2.8% to 2.25%. In order to implement this change, Council must pass an adoption agreement for the changed benefit provision.

MOTION by Zielinski, second by Cooper to approve a MERS Defined Benefit Plan Adoption Agreement lowering the multiplier for new hires in the IAFF from 2.8% to 2.25%.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF A CONTRACT FOR ENGINEER OF RECORD SERVICES, THE SPICER GROUP.

The Spicer Group has served as the City's Engineer of Record since October 1, 2013 and their agreement is set to expire on October 1, 2018. The Spicer Group is interested in continuing in that capacity for an additional five years. A contract has been prepared. The City Attorney has reviewed and approved the contract document.

MOTION by Zielinski, second by Cooper to approve a new five year service agreement with the Spicer Group to serve as the City's Engineer of Record. Discussion included conflict of interest, priority to the City, and compensation.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF THE EXTENSION AND CONVEYANCE OF INFRASTRUCTURE FOR THE DUNES AT LAKE MICHIGAN DEVELOPMENT.

Ryan Kieszkowski is requesting Council approval for his request for the City to accept the water and wastewater infrastructure he intends to construct to support his proposed residential development on property located in Manistee Township that abuts the northern boundary of the City. Additionally, he is requesting approval to connect to the City's water and wastewater systems. Staff recommends that approval should be conditioned on the developer meeting the standards outlined in the attached memorandum.

MOTION by Zielinski, second by Grabowski to approve the request, in concept, and require Mr. Kieszkowski to meet the conditions stipulated by DPW Director Jeff Mikula to receive final approval.

Discussion included:

- Potential sewer connection locations
- Conditions of approval
- Operation and capacity not a concern
- Does not prohibit future expansion within the City

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF BOOS, BREWS & BRATS EVENT.

The Downtown Development Authority recently decided to cancel their annual Boos, Brews & Brats event. The Manistee Elks Lodge #250 has decided to pick up this event and is requesting authorization. This event will be held on Saturday, October 27, 2018 from 12:00 p.m. to 12:00 a.m. on River Street from Oak Street to Pine Street. River Street closure has been requested between Oak and Pine Streets.

MOTION by Zielinski, second by Beaton to support and approve the request from the Manistee Elk's Club #250 to hold a Boos, Brews & Brats event on Saturday, October 27, 2018; subject to appropriate department approvals.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Compensation Commission, Harbor Commission, Historic District Commission, Oil and Gas Investment Board, PEG Commission, Planning Commission, and the Zoning Board of Appeals.

Mayoral appointments require a motion, second, and Council voted support. Nominations for Council appointments do not require a second. After all nominations are made, Council votes on the nominees until one nominee receives majority support.

The following applications have been received:

*Incumbent

COMPENSATION COMMISSION. One vacancy, term ending 9/30/23. Applicants must be registered voters in the City; Mayoral appointment.

Ron Wilson, 216 First Avenue

Mayor Smith appointed Ron Wilson, 216 First Avenue to the Compensation Commission for a term ending 9/30/23. MOTION by Zielinski, second by Cooper to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

HARBOR COMMISSION. Three vacancies, terms ending 10/31/21. Two members can be non-residents but must own real estate or a business or profession having a licensed business location in the City; Council appointment.

Fritz Boehm, 1200 Cutter Ridge Drive*

Glenn C. Zaring, 321 Fifth Street*

Zielinski nominated Fritz Boehm, 1200 Cutter Ridge Drive, to the Harbor Commission for a term ending 10/31/21.

With a roll call vote this nomination passed unanimously.

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

NAYS: None

Zielinski nominated Glenn C. Zaring, 321 Fifth Street, to the Harbor Commission for a term ending 10/31/21.

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With a roll call vote this nomination passed unanimously.

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

NAYS: None

HISTORIC DISTRICT COMMISSION. One vacancy, term ending 2/28/21. One member is desired who meets professional qualification standards for archaeologist, architect, architectural historian, historian, or historic architect. Applicants must be City residents; Council appointment.

William R. Connor, 732 Harbor Drive

Ron Wilson, 216 First Avenue

Zielinski nominated William R. Connor, 732 Harbor Drive to the Historic District Commission for a term ending 2/28/21.

Beaton nominated Ron Wilson, 216 First Avenue to the Historic District Commission for a term ending 2/28/21.

With a roll call vote the nomination for Connor passed, 5-1.

Connor: Cooper, Zielinski, Smith, Grabowski, and Pontiac

Wilson: Beaton

OIL AND GAS INVESTMENT BOARD. One vacancy, term ending 6/30/22; Mayoral appointment.

Jeffery R. Reau, 294 River Street

George Vitta, 6 Anchor Rode Drive

Glenn C. Zaring, 321 Fifth Street

Mayor Smith appointed Jeffery R. Reau, 294 River Street to the Oil and Gas Investment Board for a term ending 6/30/22. MOTION by Zielinski, second by Grabowski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

PLANNING COMMISSION. One vacancy, term ending 10/31/21. Applicants must be City residents; Mayoral appointment.

Rochelle (Shelly) Thomas, 367 Lighthouse Way South

Mayor Smith appointed Rochelle (Shelly) Thomas, 367 Lighthouse Way South to the Planning commission for a term ending 10/31/21. MOTION by Beaton, second by Zielinski to support the

Mayor's appointment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CITIZEN COMMENT.

None.

OFFICIALS AND STAFF.

Middleton gave an update on the Corrective Action Plan; recent meeting with MDEQ on finer details; responding to questions; next deadline in spring; Pilot lining project complete for most part; thanked Council for their support on agreement.

COUNCILMEMBERS.

Grabowski would like applicants for Boards and Commissions present at the meeting when Council is voting; presented employees with service anniversary recognition.

Smith thanked everyone for their attendance and participation; expressed the importance of recognizing employees for their years of service to the City.

ADJOURN.

MOTION to adjourn was made by Zielinski. Meeting adjourned at 8:06 p.m.

Heather Pefley CMC / CMMC, MiCPT
City Clerk