
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, March 5, 2019 at 7:00 pm in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, Lynda Beaton, Roger Zielinski, Robert Goodspeed, Michael Szymanski and Erin Pontiac

ABSENT: James Grabowski

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, Deputy Clerk – Lora Laurain, DPW Director – Jeff Mikula, Public Safety Director – Timothy Kozal and City Engineer – Shawn Middleton

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Mike Herbert, 306 Hancock St. – urged City Council members not to adopt Ordinance 19-05 Chapter 662 Peace Disturbances.

CONSENT AGENDA

- Minutes - February 19, 2019 - Regular Meeting

- Financial Reports
 - Cash Balances January 2019
 - Revenues & Expenses January 2019

- Notification Regarding Next Work Session – March 12, 2019, 7:00 pm
A discussion will be conducted on Special Events/Use of Public Funds, Capital Improvement Plan presentation, discussion on MAPS Blighted Building/Paine Pool, and a discussion with the DDA; and such business as may come before Council.

- Consideration of the 2019 Catamaran Racing Association of Michigan Manistee Regatta
The Catamaran Racing Association of Michigan is requesting the use of Douglas Park for the Manistee Regatta event. The event will take place Friday, August 9 from 3:00 p.m. to Sunday, August 11, 2019 at 4:00 p.m. and will include launching 20-30 catamarans from Douglas Park and sailing on Lake Michigan.

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

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

FIRE CAPTAIN PROMOTION PRESENTATION

Public Safety Director Tim Kozal made a presentation to Firefighter Brent Haskin of promotion to Captain.

CONSIDERATION OF RESCHEDULING THE NEXT REGULAR MEETING

The second meeting in March had been scheduled for Monday, March 18, 2019 to allow Council and administrative staff to attend the Michigan Municipal League Capital Conference in Lansing. No councilmembers or city staff has signed up to attend. The City Manager recommends changing this meeting back to the normal Tuesday night schedule.

MOTION by Cooper, second by Goodspeed to reschedule the next regular meeting from Monday, March 18 to Tuesday, March 19, 2019 at the regular time and place.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CONSIDERATION OF ORDINANCE 19-04 CHAPTER 663 FIREWORKS

There are two proposed changes to Chapter 663. The Michigan Fireworks Safety Act was amended at the end of 2018 to allow greater periods of time for cities to bar the use of consumer fireworks. The City's current ordinance bars the use of consumer fireworks in the City, except for those periods of time that Michigan law did not permit a city to regulate. The proposed modification to the ordinance bars the use of consumer fireworks except for those days and times that the 2018 amendment to the Michigan Fireworks Safety Act does not permit the City to regulate. The penalty section for the ordinance is also changed to follow the change to state law.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Beaton, second by Cooper to introduce Ordinance 19-04 amending Chapter 663 Fireworks.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CONSIDERATION OF ORDINANCE 19-05 CHAPTER 662 PEACE DISTURBANCES

Two changes were made to Chapter 662. First, Section 662.01 B.1. provides that being intoxicated in a public place, standing alone, is not a violation, but the individual must also be acting in a way that

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

endangers the safety of someone, endangers property, or is causing a public disturbance. This change was to conform to the requirements of Michigan law.

Section 662.01 B.15. was added to provide that consumption of marihuana in a public place, other than an area identified by a private property owner, is prohibited. The Michigan Regulation and Taxation of Marihuana Act (Recreational Marihuana) allows municipalities to authorize consumption in a public place and the ordinance is intended to make clear that it is not authorized in Manistee. The Act is silent as to what penalty, if any, is imposed for violating the restriction against consumption in a public place. The ordinance makes it a misdemeanor to consume in a public place.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Cooper, second by Goodspeed to introduce Ordinance 19-05 amending Chapter 662 Peace Disturbances.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac
NAYS: None

CONSIDERATION OF ORDINANCE 19-06 CHAPTER 606 ANIMALS

The proposed modifications to Chapter 606 are to incorporate, with respect to dogs and cats, state law. By incorporating state law, City Police Officers are able to charge what is described as a state offense as a City ordinance violation.

Section 606.5 D. was added to prohibit dogs on City beaches, except between the piers at First Street Beach and from the north end of Man-Made Lake to the north end of the City beach. While the City has posted the prohibition of dogs on the beaches, without an ordinance City Police Officers were unable to ticket violators.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Beaton, second by Szymanski to introduce Ordinance 19-06 amending Chapter 606 Animals.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac
NAYS: None

CONSIDERATION OF ORDINANCE 19-07 CHAPTER 1482 RESIDENTIAL RENTAL PROPERTIES

The ordinance to amend parts of Chapter 1482 is primarily intended to address confusion as to whether short-term rentals and bed and breakfasts are exempt from the rental inspection requirements. The ordinance refers to hotels, motels, and overnight rooms intended for transient use as being exempt. Pursuant to Michigan law hotels, motels, and overnight rooms designed for transient use are subject to inspection by the State of Michigan. Bed and breakfasts, Airbnb, etc. are not subject to inspection by the State, consequently they are subject to inspection by the City pursuant to the rental inspection program. The amendment clarifies which rentals must comply with the inspection requirement. It also clarifies that the Certificate of Compliance issued after inspection terminates after three years, but is assignable to a new owner. The remaining changes were to correct or clarify language in the ordinance.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Goodspeed, second by Pontiac to introduce Ordinance 19-07 amending Chapter 1482 Residential Rental Properties.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac
NAYS: None

CONSIDERATION OF ORDINANCE 19-08 CHAPTER 1024 SIDEWALKS AND RIVERWALK

The proposed change to Chapter 1024 prohibits walking dogs along the Riverwalk from the west end of the City Marina to the west end of the Riverwalk. Bicycles, skateboarding, and rollerblading are prohibited along all portions of the Riverwalk. Just like Chapter 606, by providing these restrictions in the ordinance, City police officers are able to ticket violators. The proposed change makes clear that a violation of Chapter 1024 is a civil infraction.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Goodspeed, second by Szymanski to introduce Ordinance 19-08 Chapter 1024 Sidewalks and Riverwalk.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac
NAYS: None

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

CONSIDERATION OF ORDINANCE 19-09 CHAPTER 292 EMPLOYEE SAVINGS PLAN AND CHAPTER 294 EMPLOYEES RETIREMENT SYSTEM

The City has two ordinances regarding employee retirement that have been superseded by City Council adopting the Michigan Employees Retirement System (MERS) in 2005 and recent City Council action to set up a defined contribution plan for new nonunion hires. The ordinances are no longer needed and should be repealed.

This ordinance has been reviewed by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Beaton, second by Cooper to introduce Ordinance 19-09 repealing Chapter 292 Employee Savings Plan and Chapter 294 Employees Retirement System.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CONSIDERATION OF ADOPTING AN UPDATED CITY OF MANISTEE PERSONNEL POLICIES AND PROCEDURES MANUAL

The City of Manistee maintains personnel policies and procedures. These policies and procedures were documented in an employee handbook last updated in 2005, various General and Council policies, City Charter, and current practice. There was a need to update the policies and procedures and consolidate them in one Personnel Policy and Procedures Manual.

MOTIN by Szymanski, second by Cooper to adopt an updated City of Manistee Personnel Policies and Procedures Manual as prepared by the City's Labor Attorney.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CONSIDERATION OF AN AUTOMATIC AID AGREEMENT WITH MANISTEE TOWNSHIP

The Manistee Fire Department and the Manistee Township Fire Department desire to implement an agreement to voluntarily aid and assist each other in an event that an emergency situation occurs. Currently each department will respond on a mutual aid basis upon request. Both departments recognized the need for an automatic response which will significantly reduce response time. The agreement is specific to the fire apparatus response. Manistee Township has signed the agreement. The City Attorney has reviewed and approved the agreement.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

MOTION by Szymanski, second by Cooper to authorize the 2019 Automatic Aid Agreement with Manistee Township.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CONSIDERATION OF A MANISTEE COUNTY MUTUAL AID AGREEMENT

The Manistee Fire Department is a member of the Manistee County Fire Association. The Association has recognized the need for a county-wide mutual aid agreement. The agreement is specific to the fire apparatus response. This agreement is for an emergent event where assistance is necessary and requested for by a participating jurisdiction. The City Attorney has reviewed and approved the agreement.

MOTION by Pontiac, second by Beaton to approve the Manistee County Mutual Aid Agreement.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

A REPORT FROM THE MANISTEE RECREATION ASSOCIATION

Mr. Nick Doyle reported on the activities of the Manistee Recreation Association and responded to questions the Council had regarding their activities.

CONSIDERATION OF THE MAXWELLTOWN WEE PARADE

The Maxwelltown Committee has requested to hold their inaugural Wee Parade on Sunday, March 17, 2019. The parade is part of the festivities planned for the day. The parade will commence at Stu's Pub, 506 Ramsdell Street, proceed to Seventh Street, then south on Kosciusko and ending at the Painted Lady Saloon, 723 Kosciusko Street. This will be a small quick parade starting at 2:00 p.m.

Deanna Marsh spoke on behalf of the Maxwelltown Committee asking that the planned route be reversed from the proposed plan. The parade will commence at the Painted Lady Saloon and proceed north on Kosciusko, west on Seventh St., then north on Ramsdell St. and ending at Stu's Pub.

MOTION by Szymanski, second by Pontiac to approve the Maxwelltown Wee Parade on Sunday, March 17, 2019; subject to appropriate department approvals.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

CITIZEN COMMENT

Luna Walker, 471 Fifth St. – had questions regarding the deer cull. Zielinski asked that Ms. Walker direct her questions to City Manager Taylor. Ms. Walker also voiced concerns about her water bill and the City's Run Water Policy.

Mike Herbert, 306 Hancock St. – asked for clarification from City Attorney Saylor regarding the wording of Ordinance 19-05 Chapter 662 Peace Disturbances.

OFFICIALS AND STAFF

Mikula updated Council on the Twelfth Street construction project and the Marina repairs. The low bid for the Twelfth Street project came in \$50,000 lower than estimated. Construction will begin mid-June and be completed before the next school year begins. The insurance company has approved the Marina repair costs. The contractor may need to request a small extension of time to complete the repairs.

Ms. Lissette Reyes of Project Rising Tide reported on the recent Economic Development Summit. Approximately 80 community members attended the event where community strengths and weaknesses were identified as well as opportunities for and threats to development.

COUNCILMEMBERS

Pontiac presented birthday cards and work anniversary cards to City employees. Pontiac also asked Chief Kozal for an update on the City deer cull.

Goodspeed asked Chief Kozal to introduce new firefighter David LaCross to Council members.

Szymanski reported on the 150th Anniversary of the City of Manistee kick off program recently held as well as upcoming events including a movie at the Vogue Theater and a walking tour to be held on April 29, 2019. Szymanski also challenged others to attend/participate in the Polar Plunge being held at Little River Casino Resort in support of Special Olympics.

CONSIDERATION OF A CLOSED SESSION, UNION CONTRACT NEGOTIATIONS

City Manager Thad Taylor has requested a Closed Session this evening as permitted by the Michigan Open Meetings Act, Section 8 (c) to discuss contract negotiations with the Police Officers Association of Michigan (POAM) and the Command Officers Association of Michigan (COAM).

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 5, 2019

MOTION by Goodspeed, second by Pontiac to proceed to Closed Session under Section 8 (c) of the Michigan Open Meetings Act. Time 8:00 pm.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

MOTION by Goodspeed, second by Szymanski to return to Regular Session. Time: 8:15 pm.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Szymanski and Pontiac

NAYS: None

ADJOURN

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 8:16 pm.

Lora Laurain
City Deputy Clerk