
PROCEEDINGS OF THE MANISTEE CITY COUNCIL -AUGUST 6, 2019

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, August 6, 2019 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, Michael Szymanski, James Grabowski, and Erin Pontiac.

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

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Angela Tabor, 523 Second Street. / commented on the meeting held regarding storm damage. Mayor Zielinski informed Ms. Tabor that this was not an agenda related item but could be addressed at the end of the meeting during citizen comments.

CONSENT AGENDA.

- Minutes - July 16, 2019 - Regular Meeting
- Financial Reports
 - Cash Balances June 2019
 - Quarterly Financial Update
 - Quarterly Investment Update
- Notification Regarding Next Work Session – August 13, 2019
A discussion will be conducted on a tree trimming policy and Jen Teller’s request; and such business as may come before Council.
- Consideration of Ragnar Racing to Hold a Relay Race through the City of Manistee.
Ragnar Racing will hold a relay race that will pass through the City of Manistee on Saturday, September 28, 2019/ Runners will pass through from approximately 2:00 a.m. to 8:00 a.m.; with Ragnar Racing requesting five hours’ time before runners and an additional five hours’ time after runners pass through for sign setup and take down that will be handled by Ragnar Racing.
- Consideration of Suicide Awareness and Prevention Walk.
The Manistee County Suicide Awareness and Prevention Coalition is requesting authorization to hold a suicide prevention and awareness walk on Tuesday, September 17, 2019 from 4:30 p.m. to 5:45 p.m. Participants will walk on sidewalks along River Street and Maple Street and stop on the steps of City Hall for a photo. Ribbons will be tied to River Street lamp posts.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

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CONSIDERATION OF ORDINANCE 19-19 ADDING CHAPTER 460 GOLF CARTS.

Michigan law permits, subject to a municipality authorizing, the use of golf carts on streets of a city with a population of less than 30,000. The Ordinance Committee has reviewed Ordinance 19-19 that would add Chapter 460 to the City of Manistee Codified Ordinances and would allow the use of golf carts, registered with the City of Manistee Police Department, on City streets. Use of the golf carts is subject to restrictions established within the ordinance.

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 Grabowski to introduce Ordinance 19-19 Chapter 460 Golf Carts.

MOTION by Szymanski, second by Pontiac to amend the Ordinance to include the operator and/or owner of a golf cart operated pursuant to this ordinance shall maintain liability insurance protecting against damage and injury associated with the use of the golf cart and the owner or operator must show proof of liability insurance as required by Section 460.02 N. when registering with the City.

With a roll call vote this motion to amend the ordinance passed unanimously.

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

NAYS: None

With a roll call vote the original motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE 19-20 AMENDING CHAPTER 866 MEDICAL MARIHUANA FACILITIES.

The City of Manistee Medical Marihuana Facilities Ordinance permits up to three Provisioning Centers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. An amendment to chapter 866 is being proposed that would authorize an unlimited number of Provisioning Center permits; however, the number of parcels available in the marihuana Sales Overlay District is a limiting factor in how many Provisioning Center permits will be requested. The proposed amendment also limits the duration of a provisional permit to one year.

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 19-20 amending Chapter 866 Medical Marihuana Facilities.

With a roll call vote this motion passed, 5-2.

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

CONSIDERATION OF ORDINANCE 19-21 AMENDING CHAPTER 867 RECREATIONAL MARIHUANA.

The City of Manistee Recreational Marihuana Ordinance authorizes up to three Marihuana Retailers. Under State law, a single business may operate both a Provisioning Center and Marihuana Retailer, at the same location. This means that three businesses could utilize all six Provisioning Center permits and Marihuana Retailer licenses. Initial interest suggests that the requests for Provisioning Center Permits and Marihuana Retailer Licenses will exceed what is currently authorized by City Ordinance. Similar to the previous agenda item, an amendment to Chapter 867 is being proposed that would authorize an unlimited number of Marihuana Retailer Licenses and Marihuana Microbusinesses; however, the number of parcels available in the Marihuana Sales Overlay District for these businesses is a limiting factor in how many licenses will be requested. The proposed amendment also limits the duration of a provisional license to one year.

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 Szymanski, second by Beaton to introduce Ordinance 19-21 amending Chapter 867 Recreational Marihuana Facilities.

With a roll call vote this motion passed, 5-2.

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

CONSIDERATION OF ORDINANCE 19-22 AMENDING CHAPTER 1420 STATE CONSTRUCTION CODE.

In 2015 the City eliminated local building inspection responsibilities and delegated that responsibility to the State of Michigan. City Council agreed to a contract with SAFEbuilt to conduct all inspections (building, electrical, plumbing and mechanical). For the City to resume handling building inspection responsibilities and to assume the responsibility for electrical, plumbing, and mechanical inspections, an Amendment to Chapter 1420 is required. The City Attorney has prepared Ordinance 19-22.

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 Goodspeed to introduce Ordinance 19-22 Chapter 1420 State Construction Code.

With a roll call vote this motion passed unanimously.

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

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CONSIDERATION OF MANISTEE COUNTY HISTORICAL MUSEUM PICNIC / HISTORICAL TALK IN RIETZ PARK.

The Manistee County Historical Museum is requesting the use of Rietz Park for a picnic and historical talk on the history of the City of Manistee on Wednesday, August 14, 2019 from 6:00 p.m. to 8:00 p.m.

MOTION by Grabowski, second by Goodspeed to support and approve the use of City services and Rietz Park for the Manistee County Historical Museum historical talk and picnic on Wednesday, August 14, 2019; subject to appropriate department approvals.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF THE PURCHASE OF A ONE TON DUMP TRUCK.

The 2019-2020 Motor Pool budget includes the purchase of a one ton dump truck. A quote was received from Jorgensen Ford Sales under MiDEAL contract #07B7700179 for a F450 Pickup (and a Henderson Mark III dump body from Knapheide) in the amount of \$57,495. The budgeted amount is \$60,000.

MOTION by Goodspeed, second by Szymanski to approve the purchase of a F450 Pickup and dump body from Jorgensen Ford Sales in the amount of \$57,495.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF DOWNTOWN DEVELOPMENT AUTHORITY BYLAW AMENDMENTS.

The Manistee Downtown Development Authority took action at their July 10, 2019 meeting to review and approve changes to their bylaws. A copy of the bylaws showing proposed amendments has been attached. Amendments provide additional clarification and updates the bylaws to coincide with recently revised Chapter 282 of the Code of Ordinances.

MOTION by Beaton, second by Grabowski to approve amendments to the bylaws of the Manistee Downtown Development Authority and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE UTILITIES DEPARTMENT.

Mr. Bruce Banks and Mr. Rick Mohr reported on the activities of the Utilities Department and responded to any questions the Council had regarding their activities.

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CITIZEN COMMENT.

Paul Glaser, 253 Fifth Street / commented on recent hit and runs on Fifth Street.

Judy Stocki, 169 Harrison Street / stated there is a group of concerned citizens regarding the proposed development on the Olson Lumber Property and they would like more information. Mayor Zielinski stated she could put the concerns in writing to Council and they will try to get the information requested.

OFFICIALS AND STAFF.

Taylor notified Council that the Manistee Housing Commission has severed their relationship with Hollander Development; the appeal filed by Hollander was denied.

COUNCILMEMBERS.

Grabowski stated that the 12th Street project looks close to being completed.

Szymanski passed out cards for City Employees.

Cooper asked for update on Sophia Street asphalt issue.

Beaton asked Mr. Taylor if adjustments could be made on fees for sewer portion of bills for those residents with sewer backups from the recent storm. Saylor stated public funds cannot be used for private matters. Taylor stated that additional trash pickups were added for those affected by the storm. Beaton would like residents to be reminded or advised to check their homeowners insurance for additional coverage options.

Zielinski hoped he didn't offend anyone during the meeting; meetings run according to the agenda.

ADJOURN.

MOTION to adjourn was made by Goodspeed. Meeting adjourned at 8:13 p.m.

Heather Pefley CMC, CMMC / MiCPT
City Clerk