

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 5, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 5, 2012 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Beth Adams, and Alan Marshall.

ABSENT: Sid Scrimger.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Community Development Director – Jon Rose, DPW Director – Jack Garber, and Finance Director – Ed Bradford.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Melissa Reed, Manistee County Chamber of Commerce, commented on the Forest Festival and how it impacts the community.

Dianne Longo, Longo's Sweet Treats LLC, asked for Council's support of their ice cream truck.

Ross Spencer, chair of the Harbor Commission, commented on the proposed Harbor Commission ordinance amendment and asked that it be removed from the agenda until a document that is agreeable to both the Ordinance Committee and the Harbor Commission can be developed.

CONSENT AGENDA.

- Minutes
 - May 8, 2012 - Special Meeting
 - May 8, 2012 - Work Session
 - May 15, 2012 - Regular Meeting
- Payroll
 - May 14 – 27, 2012 - \$ 117,773.96
- Cash Balances Report
 - April 2012
- Consideration of Ordinance Z12-01 Creating New Zoning District P-D Peninsula District.

This ordinance amendment creates a new peninsula zoning district for the property on the east end of River Street. It would apply changes recommended by the Planning Commission including elimination of heavy industry, shipping facilities and warehouses. This new district provides for mixed use development consistent with the 2005 Peninsula Brownfield Redevelopment Plan. This amendment was first introduced by Council at their meeting of May 15, 2012 and could be adopted this evening.

- Consideration of Ordinance 12-02 Adding Chapter 1030 Complete Streets to the Manistee City Codified Ordinances.

The Michigan Department of Transportation has adopted the complete streets concept. Complete Streets provides for consideration of all forms of transportation including vehicular, bicycle, mobility devices and walking when designing and constructing. It is anticipated that local grant applications will be looked upon more favorably if the applicant has endorsed complete streets. This amendment was first introduced by Council at their meeting of May 15, 2012 and could be adopted this evening.

- Notification Regarding Next Work Session – June 11, 2012
A discussion will be conducted on 2012 project updates; and such business as may come before the Council.

- Consideration of Annual Forest Festival Parade and Activities.
Authorization is being sought by the Manistee Area Chamber of Commerce to support the Annual Forest Festival Parade and events beginning Wednesday, July 4 through Sunday, July 8, 2012. The proposed schedule includes:

- The Grand Parade on July 4 at 10 a.m., beginning on Division Street, traveling West on River Street, to the Armory.
- Authorization for the Great Northern Senury Company to begin setup at First Street Beach for fireworks at 4 p.m. with execution when dark, weather permitting.
- The Manistee World of Arts & Crafts is requesting the use of Red Szymarek Park for the 41st annual show to be held July 6-7, 2012; with permission to use the park from July 4-7 to allow time for setup.
- Authorization is requested to hold a Children’s Parade on Saturday, July 7 at 10 a.m.; walking on sidewalks from Filer Street to Division to River Street ending at the Art Park.
- Requesting the use of city property by the Armory on July 7 from 1-4 p.m. for a lawn tractor pull.
- They request permission for the use of city property on Sunday, July 8 from 8 a.m. to 3 p.m. to barricade the First Street Boat Launch parking lot to hold the Customs-N-Classics Car Show.

- Consideration of Running for God 5K Fun Run / Walk.
Christian Faith Church International is sponsoring the Running for God 5K Fun Run / Walk to benefit Love, Inc. The event is scheduled for Saturday, June 16, 2012 at 9 a.m. beginning at the First Street Lion’s Pavilion, to Cherry Street, to Eighth Street, to Robinson Street, to Oak Street, to Water Street to First Street; and ending back at the Lion’s Pavilion.

MOTION by Haydon, second by Hornkohl to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

CONSIDERATION OF AN AGREEMENT WITH FILER CHARTER TOWNSHIP FOR THE FINAL CLARIFIER AT THE WWTP.

The agreement under consideration this evening would allow the City of Manistee to engage Fishbeck, Thompson, Carr & Huber as engineers to design the third final clarifier for the Manistee Wastewater Treatment Plant and for the Charter Township of Filer to advance the City \$85,000 for the payment of these professional services as part of the previously approved Interlocal Governmental Agreement to provide sewer and wastewater treatment plant services to the Charter Township of Filer.

The agreement has been reviewed and approved by the City Attorney and is recommended by the Council Utilities Committee.

MOTION by Haydon, second by Zaring to authorize the Mayor and City Clerk to execute the Clarifier Agreement with the Charter Township of Filer.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

CONSIDERATION OF ORDINANCE 12-03 AMENDING CHAPTER 266 BOARD OF HARBOR COMMISSIONERS.

In September of 2011 City Council conducted a work session with the Harbor Commission to discuss the purpose of the Harbor Commission and Chapter 266, of the Code of Ordinances. Council directed this discussion to the Council Ordinance Committee to consider revising the ordinance or the possible combination of various commissions. The Council Ordinance Committee met and reviewed draft amended ordinance language and met jointly with the Harbor Commission and the Parks and Beautification Commission to investigate a possible combination of commissions. Both commissions rejected the possibility of combining into one board.

Following continued research and review of proposed ordinance amendment language prepared by staff and the Harbor Commission, the Council Ordinance Committee arrived at the attached proposed 12-03 Chapter 266 Ordinance Amendment. The Council Ordinance Committee has reviewed and recommends the ordinance amendment.

This would be the first reading of the proposed Ordinance Amendment 12-03. A second reading and possible adoption could take place at the June 19, 2012 Council meeting.

MOTION by Hornkohl, second by Marshall to introduce Ordinance Amendment 12-03 amending Chapter 266 Board of Harbor Commissioners. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

CONSIDERATION OF A REQUEST TO OPERATE AN ICE CREAM TRUCK WITHIN THE CITY OF MANISTEE LIMITS.

Longo’s Sweet Treats LLC has requested authorization to operate an ice cream truck within the Manistee City limits. Longo’s has provided copies of insurance, employee background checks, and a business license. They would like to operate within Manistee for the summer/fall season.

MOTION by Haydon, second by Hornkohl to authorize the operation of an ice cream truck by Longo’s Sweet Treats LLC in Manistee for the summer and fall season. Proposed hours of operation are 11 a.m. – 4:30 p.m. Monday – Saturday; no service on Sunday. The truck will operate in the residential areas and possibly at the First Street beach if allowed.

With a roll call vote this motion passed, 5-1.

AYES: Kenny, Hornkohl, Haydon, Zaring, and Adams
NAYS: Marshall

CONSIDERATION OF ELECTION PRECINCT INSPECTORS PAY INCREASE.

The Manistee City Charter Section 3-3 requires City Council to fix the rate of compensation for election precinct inspectors. The City Election Commission has recommended a pay increase for the election precinct inspectors and the chairpersons. Currently the inspectors are earning \$8.50 per hour and the chairperson earns \$9.25 per hour. The proposed increase, effective July 1, 2012, would be to raise these amounts to \$10.00 and \$11.00 per hour respectively. This is a budgeted amount.

MOTION by Haydon, second by Zaring to approve an hourly pay increase for the election precinct inspectors from \$8.50 to \$10.00 and from \$9.25 to \$11.00 for the precinct chairpersons effective July 1, 2012. Discussion followed regarding their responsibilities.

With a roll call vote this motion passed, 5-1.

AYES: Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: Kenny

CONSIDERATION OF ESTABLISHING RECEIVING BOARDS FOR ELECTIONS.

Michigan Election Law, MCL 168.679(a), provides that the legislative body of a city or township may, by resolution, approve the establishment of one or more “receiving boards” to take receipt of the sealed ballot containers, Poll Books, Statement of Votes and other materials which are returned to the clerk immediately following the close of the polls.

The use of receiving boards is strongly encouraged by the Bureau of Elections as they provide an effective, low cost way to promote the “recountability” of precincts in the event a recount is requested after the election. This is another step in improving election process efficiency. Although a similar process has already been established by the City Clerk’s department, they are requesting City Council

approval of this formal process.

MOTION by Hornkohl, second by Marshall to approve a resolution to establish Receiving Boards for Elections as deemed necessary by the City Clerk and authorize the Mayor and City Clerk to sign the resolution.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

CONSIDERATION OF THE PURCHASE OF TWO RIDING LAWN MOWERS.

The Parks Department currently has several riding mowers with baggers that are more than ten years old. Maintenance costs are starting to out-weigh the value of the machines. Downtime while maintaining these mowers causes a backup of jobs. Two new mowers would increase job productivity, efficiency and completion time.

The 2012-2013 Motor Pool Budget includes \$10,000 to replace one riding mower. However, the Parks Department would like to purchase an additional mower and the Finance Department has advised that there are sufficient funds in the Motor Pool to purchase both mowers. Council is being asked to consider the purchase of two Ex Mark riding lawn mowers with baggers from Freeman Creek Equipment for a total purchase price of \$21,914.

MOTION by Haydon, second by Hornkohl to approve the purchase of two riding lawn mowers from Freeman Creek Equipment: 60" six deck mower with triple bagger, kit and quick dump for \$11,477 and 52" mower with double bagger, complete kit and quick dump for \$10,437.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

A REPORT FROM THE FINANCE DEPARTMENT AND THE OIL AND GAS INVESTMENT BOARD.

Mr. Ed Bradford reported on the activities of the Finance Department and the Oil and Gas Investment Board and responded to questions the Council had regarding their activities.

PRESENTATION BY FINANCE DIRECTOR OF THIRD QUARTER FINANCIAL AND INVESTMENT REPORT.

CITIZEN COMMENT.

Lynda Beaton, Hughes Street, commented about complaints she received about the downtown restroom next to Goody's during the Memorial Day holiday.

OFFICIALS AND STAFF.

Wright stated that City Council petitions are now available for the 1st, 3rd, 5th, and 7th districts.

Deisch stated a discussion will be held at the next work session on the fertilizer quotes received. Ms. Polly Schlaff will be notified of the discussion.

COUNCILMEMBERS.

Hornkohl commented on an article in the *"Lakeland Boating"* magazine about Manistee and the new marina.

Haydon stated that there was good representation at the dedication of the Pere Marquette marker and encouraged others to visit the site.

Adams received a call about the condition of the lighthouse and asked if there was any type of quick fix to make it look better temporarily.

ADJOURN.

MOTION to adjourn was made by Haydon, second by Hornkohl. Meeting adjourned at 8:25 p.m.

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