

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – November 7, 2012

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

PRESENT: Colleen Kenny, Sid Scrimger, Robert Hornkohl, Ilona Haydon, Catherine Zaring, and Alan Marshall.

ABSENT: Beth Adams.

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.

None received.

CONSENT AGENDA.

- Minutes - October 16, 2012 - Regular Meeting
- Payroll - October 15-28, 2012 - \$ 109,912.19
- Cash Balances Report - September 2012
- Notification Regarding Next Work Session – December 11, 2012
A discussion will be conducted on water policies/road breakage; and such business as may come before the Council.
- Consideration of Sleighbell Parade and Old Christmas Weekend.
The 24th Annual Victorian Sleighbell Parade and Old Christmas Weekend are scheduled for December 6-9, 2012. The Manistee Main Street DDA and Festival Committee are requesting various street closures and other assistance from City personnel (copy attached). Public Safety Director Dave Bachman supports approval of this request.

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

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF A NON-BINDING RESOLUTION OF SUPPORT FOR THE MANISTEE TOWNSHIP COMMERCIAL ZONE SEWER CONCEPT ALONG US-31.

Manistee Township, Manistee County, Little River Band of Ottawa Indians (LRBOI), and the City of Manistee are being requested to pass a resolution supporting the concept of a gravity sewer collection system being constructed by the LRBOI along US-31 from M-55 to the LRBOI Wastewater Treatment Plant. If the resolution is approved the four governmental units will commence discussions to craft a four-party intergovernmental agreement. Manistee Township and Manistee County have already passed similar resolutions.

MOTION by Hornkohl, second by Haydon to adopt a non-binding resolution of support for the Manistee Township Commercial Zone sewer concept along US-31; and authorize the Mayor and City Clerk to execute the resolution; and further authorize City Manager Mitchell Deisch to serve as the City’s representative in negotiating a four-way intergovernmental agreement. Discussion followed. Deisch stated that this resolution is only appointing someone from the City to work together with the other entities. He also stated that this type of agreement would be unique to the State of Michigan.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF LIQUOR LICENSE TRANSFER FOR STU’S PUB, 506 RAMSDELL STREET.

Under consideration this evening is a liquor license transfer from Stuart Johnson to JHC Investments LLC (Jason Coopshaw and Jon Hornkohl) at 506 Ramsdell Street, formerly Stu’s Pub as part of the process to secure approval through the State of Michigan application requirements. The Police Department has reviewed and approved this transfer.

MOTION by Hornkohl, second by Zaring to support the request for a liquor license transfer from Stuart Johnson to JHC Investments LLC; formerly Stu’s Pub at 506 Ramsdell Street.

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

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

CONSIDERATION OF RENEWING SSCENT GRANT AGREEMENT.

The City Police Department participates in the SSCENT Team. Council is being requested to approve the renewal of the SSCENT grant from October 1, 2012 through September 30, 2013. The agreement will release \$21,640 for wages for the SSCENT Officer from the Michigan State Police grant fund. Public Safety Director Dave Bachman supports and recommends this request.

MOTION by Zaring, second by Marshall to approve the renewal of the SSCENT grant from October 1, 2012 through September 30, 2013; and authorize the City Manager, Finance Director and the Public

Safety Director to execute the appropriate documents. Marshall stated that he would like to see a synopsis of the SSCENT grant program.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF AGREEMENT AMENDMENTS WITH FILER CHARTER TOWNSHIP.

On August 4, 2011 City Council took action to approve three agreements with Filer Charter Township allowing Filer to construct a sewer collection system along US-31 south and for the wastewater to be treated at the City's Wastewater Treatment Plant. Due to a change in operational capacity at the WWTP amendments to the agreements are being considered to remove all language regarding the construction of a third final clarifier, reducing the amount guaranteed by Filer Charter Township, and giving the City greater spending flexibility. All three agreements have been reviewed by and are recommended by the City Attorney.

MOTION by Hornkohl, second by Marshall to amend the Sewer Wastewater Treatment Plant Master Agreement, the Wastewater Treatment Agreement, and the Operating Agreement with Filer Charter Township; eliminating construction of the third final clarifier, changing the Township connection charge to \$1,350,000 and allowing complete discretion on how the funds are spent by the City; and further authorize the Mayor and City Clerk to execute the agreements. Discussion followed. Scrimger stated that revenue from this was intended to build infrastructure for the WWTP, he is a strong proponent to use funds toward infrastructure and reducing the bond debt – but not to be used for operations.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE CITY CLERK'S OFFICE.

Postponed to future meeting.

CITIZEN COMMENT.

Robert Memberto – 237 Second Avenue, introduced himself as the Director of Commerce and Legislative Affairs for the Little River Band of Ottawa Indians, and stated that they also passed the resolution of support for the sewer concept along US-31.

OFFICIALS AND STAFF.

Deisch stated that he spent time with the Clerk's office during the election and was amazed with the time and mental effort spent on running the election.

Rose congratulated everyone on the election.

COUNCILMEMBERS.

Hornkohl thanked all the citizens that voted, whether they were for or against him.

Zaring also thanked the people who voted and said she will do her best to uphold her elected office.

Marshall congratulated the incumbents and said that Eric Gustad, elected to the 7th District Council, will be a plus for the citizens. He also thanked Mayor Kenny, the rest of the Councilmembers, past Mayors, City staff, and citizens for everything in the past years he has been on Council.

Kenny stated there was a high turnout of people that came out to vote; congratulated Marshall on his appointment to County Commissioner.

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION.

City Manager Mitchell D. Deisch has requested an Executive Session this evening as permitted by the Open Meetings Act Section 8 (e) to consult with the City's attorney about trial or settlement strategy in pending litigation.

MOTION by Hornkohl, second by Zaring to adjourn to Executive Session. With a roll call vote this motion passed unanimously. Time: 7:43 p.m.

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

NAYS: None

MOTION by Zaring, second by Hornkohl to return to Regular Session. Time: 8:31 p.m.

ADJOURN.

MOTION to adjourn was made by Marshall. Meeting adjourned at 8:32 p.m.

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