

MANISTEE CITY COUNCIL

MEETING AGENDA

TUESDAY, DECEMBER 4, 2012 – 7:00 P.M. – COUNCIL CHAMBERS

I. Call to Order.

- a.) PLEDGE OF ALLEGIANCE.
- b.) ROLL CALL.

II. Public Hearings.

III. Citizen Comments on Agenda Related Items.

IV. Consent Agenda. All agenda items marked with an asterisk (*) are on the consent agenda and considered by the City Manager to be routine matters. Prior to approval of the Consent Agenda, any member of Council may have an item from the Consent Agenda removed and taken up during the regular portion of the meeting. Consent agenda items include:

- V. Approval of Minutes.
- VI. a.) Approval of Payroll.
- b.) Cash Balances Report.
- XI. b.) Notification Regarding Next Work Session.

At this time Council could take action to approve the Consent Agenda as presented.

***V. Approval of Minutes.** Approval of the minutes of the November 20, 2012 organizational meeting as attached.

VI. Financial Report.

***a.) APPROVAL OF PAYROLL.**

*b.) CASH BALANCES REPORT.

VII. Unfinished Business.

VIII. New Business.

a.) CONSIDERATION OF A PARCEL SPLIT AND COMBINATION LUEDKE / WITTLIEF.

On November 1, 2012 the Planning Commission reviewed and recommends Council approval of a request from Barry & Carmen Luedke owner of parcel 51-670-717-01 to split the east 35 feet off the parcel which would then be combined with parcel 51-670-715-15 owned by Mark & Dawn Wittlief.

At this time Council could take action to approve the split of the east 35 feet of parcel 51-670-717-01 which would then be combined with parcel 51-670-715-15.

b.) CONSIDERATION OF REHABILITATION DEVELOPMENT AGREEMENT, MANISTEE PLACE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP.

In February 2011 the City of Manistee entered into a Rehabilitation Development Agreement with Manistee Place Limited Dividend Housing Association Limited Partnership for the Chalet West Apartment property. On March 19, 2012 City Council granted extending the Timetable of Rehabilitation. While the developer has acquired the property and has begun construction, they will not be able to comply with the Timetable of Rehabilitation and is asking for a change to read:

“Such Rehabilitation shall commence not later than September 15, 2012 and shall be substantially completed not later than September 30, 2013.”

The City Attorney has drafted a new Addendum to Rehabilitation Development Agreement for Council’s consideration.

At this time Council could take action to authorize the Mayor and City Clerk to execute the Addendum to Rehabilitation Development Agreement with Manistee Place Limited Dividend Housing Association Limited Partnership.

IX. Notices, Communications, Announcements.

a.) A REPORT FROM THE 2-1-1 ACTION TEAM AND REPUBLIC SERVICES.

A regular part of each Council meeting is a report from a cooperating agency, organization or department.

At this time Ms. Evelyn Szpliet will report on the activities of the 2-1-1 Action Team and respond to any questions the Council may have regarding their activities.

At this time Mr. Todd Harland will report on the activities of the City's waste hauler, Republic Services, and respond to any questions the Council may have regarding their activities.

No action is required on this item.

*b.) NOTIFICATION REGARDING NEXT WORK SESSION.

A Council work session has been scheduled for Tuesday, December 11, 2012 at 7 p.m. A discussion will be conducted on water policies/road breakage, project updates; and such business as may come before the Council. No action is required on this item.

c.) PRESENTATION OF FIRST QUARTER FINANCIAL UPDATES BY FINANCE DIRECTOR ED BRADFORD.

X. Concerns and Comments.

a.) CITIZEN COMMENT. This is an opportunity for citizens to comment on municipal affairs. Citizens in attendance may be recognized by the Mayor for comments. Citizen comments are not limited to agenda items but should be directed toward municipal services, activities or areas of involvement.

b.) OFFICIALS AND STAFF.

c.) COUNCILMEMBERS.

d.) **CONSIDERTION 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.

XI. Adjourn.

MDD:cl

COUNCIL AGENDA ATTACHMENTS:

Council Meeting Minutes – November 20, 2012
Cash Balances Report
Luedke/Wittlief Parcel Split/Combination
Rehabilitation Development Agreement Addendum

Roll call was taken as follows:

Adams: Haydon and Adams (2)

Kenny: Kenny, Scrimger, Hornkohl, Zaring, and Gustad (5)

Councilmember Kenny was elected Mayor. Mayor Kenny assumed the Chair at this time.

ELECTION OF A MAYOR PRO-TEM FOR THE CITY OF MANISTEE.

The same provisions identified in the Charter for the Mayor apply for the Mayor Pro-Tem. The Mayor Pro-Tem serves as the Mayor in the Mayor's absence.

Mayor Kenny opened the floor for nominations to elect a Mayor Pro-Tem for the City of Manistee.

Haydon nominated Scrimger. Hornkohl nominated Zaring. No other nominations were received.

Roll was taken as follows:

Scrimger: Haydon (1)

Zaring: Kenny, Scrimger, Hornkohl, Zaring, Adams, and Gustad (6)

Councilmember Zaring was elected Mayor Pro-Tem.

REVIEW OF CITY COUNCIL GUIDELINES.

Under the adopted City Council Guidelines, the Guidelines are reviewed at the Organizational Meeting of the City Council. While the Guidelines may be amended at any time during the year, the Organizational Meeting is the traditional opportunity to review the operating procedures of the Council. City Attorney George Saylor has prepared proposed amendments to the Guidelines for Council's review.

Wright and Saylor informed Council of changes to the Guidelines. MOTION by Zaring, second by Scrimger to modify the City Council Guidelines as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF ESTABLISHING REGULAR MEETINGS FOR 2013.

In accordance with Section 2-13 of the Charter, the City Council "shall meet in public session at least twice each month at such times as may be prescribed by the rules..." The City Council Guidelines reviewed during the previous agenda item indicate that regular meetings shall be held on the first and third Tuesdays of each month beginning at 7 p.m. with work sessions conducted on the second Tuesday of each month beginning at 7 p.m. This results in the attached schedule for regular meetings

and work sessions throughout the year 2013, with exceptions made for election dates and Michigan Municipal League conferences.

MOTION by Hornkohl, second by Haydon to adopt the schedule for regular meetings and work sessions for the year 2013.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF ANNUAL REPORTS TO CITY COUNCIL.

Cooperating Organizations, City Departments, Advisory Boards & Commissions annually come before Council to provide an update on their activities. One to two reports are scheduled for each regular Council meeting. Several of the reports have become rather lengthy and some Councilmembers requested a discussion on this process. Annual reports to Council have been given for many years following a similar schedule. Direction for future reports is requested of City Council.

After discussion, consensus of the Council was to set a guideline of 15 minutes or less for the presentations.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

None received.

CONSENT AGENDA.

- Minutes - November 7, 2012 - Regular Meeting
- Payroll - October 29-November 11, 2012 - \$ 112,228.34
- Monthly Bills - October 16, 2012 - \$ 455,191.63
- October 25, 2012 - \$ 165,241.38
- 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.

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

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad

NAYS: None

CONSIDERATION OF A RESOLUTION OF SUPPORT, MICHIGAN LIGHTHOUSE ASSISTANCE PROGRAM GRANT.

The Manistee County Historical Museum has been raising money to restore the Manistee North Pierhead Light. They have an opportunity to apply for a grant from the Michigan Lighthouse Assistance Program. The grant request is for \$20,000 for a Historical Structure Report. The Museum Board will provide the \$10,000 match that has been raised through donations.

MOTION by Haydon, second by Hornkohl to authorize the Mayor and City Clerk to sign a resolution supporting a grant application from the Manistee County Historical Museum to the Michigan Lighthouse Assistance Program.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Gustad
NAYS: None

A REPORT FROM THE CITY CLERK.

Ms. Michelle Wright reported on the activities of the City Clerk's Office and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

Suzanne O'Hagan – 1010 High Street voiced her concerns about feral cats in the city.

OFFICIALS AND STAFF.

Deisch congratulated the newly elected Councilmembers and said he looks forward to working with them in the next year.

COUNCILMEMBERS.

Haydon thanked all the people that went out to vote and wished everyone a Happy Thanksgiving.

ADJOURN.

MOTION to adjourn was made by Zaring, second by Hornkohl. Meeting adjourned at 8:32 p.m.

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

CASH TRANSACTIONS REPORT
DRAFT

MONTH: OCTOBER
City of Manistee

Page: 1
11/27/2012
10:21 am

Account Number	Beginning Balance	Debit	Credit	Ending Balance
Fund: 101 - GENERAL FUND				
001.000 Cash	2,657,145.74	347,591.22	529,721.16	2,475,015.80
001.002 Cash - Escrow	76,430.82	0.00	70.00	76,360.82
004.000 Cash - Petty	800.00	0.00	0.00	800.00
017.000 MBIA Mi Class Inv	57,078.07	276,400.20	276,374.86	57,103.41
Fund: 101	2,791,454.63	623,991.42	806,166.02	2,609,280.03
Fund: 202 - MAJOR STREET FUND				
001.000 Cash	50,467.86	80,935.80	45,820.46	85,583.20
Fund: 202	50,467.86	80,935.80	45,820.46	85,583.20
Fund: 203 - LOCAL STREET FUND				
001.000 Cash	22,501.59	10,988.87	6,416.67	27,073.79
Fund: 203	22,501.59	10,988.87	6,416.67	27,073.79
Fund: 204 - STREET IMPROVEMENT FUND				
001.000 Cash	112,252.77	75.31	10,382.50	101,945.58
Fund: 204	112,252.77	75.31	10,382.50	101,945.58
Fund: 226 - CITY REFUSE FUND				
001.000 Cash	104,212.34	21,449.15	39,119.66	86,541.83
001.030 Cash Mgt Chk	223,794.30	9.48	0.00	223,803.78
Fund: 226	328,006.64	21,458.63	39,119.66	310,345.61
Fund: 243 - BROWNFIELD REDEVELOPMENT AUTHO				
001.000 Cash	70,273.04	138,470.43	139,989.20	68,754.27
017.000 MBIA Mi Class Inv	138,189.20	138,187.43	276,374.86	1.77
Fund: 243	208,462.24	276,657.86	416,364.06	68,756.04
Fund: 245 - OIL & GAS FUND				
001.000 Cash	383,617.72	9,246.86	0.00	392,864.58
001.020 Money Market	152,053.63	0.00	0.00	152,053.63
003.000 CD	750,000.00	0.00	0.00	750,000.00
Fund: 245	1,285,671.35	9,246.86	0.00	1,294,918.21
Fund: 249 - BUILDING INSPECTOR				
001.000 Cash	15,528.27	581.34	2,538.23	13,571.38
Fund: 249	15,528.27	581.34	2,538.23	13,571.38
Fund: 251 - EPA GRANT - PETROLEUM				
001.000 Cash	3,797.06	0.00	325.00	3,472.06
Fund: 251	3,797.06	0.00	325.00	3,472.06
Fund: 252 - EPA GRANT - HAZARDOUS				
001.000 Cash	27,711.92	0.00	650.00	27,061.92
Fund: 252	27,711.92	0.00	650.00	27,061.92
Fund: 275 - GRANT MANAGEMENT FUND				
001.000 Cash	369,536.91	0.00	14,127.59	355,409.32
Fund: 275	369,536.91	0.00	14,127.59	355,409.32
Fund: 290 - PEG COMMISSION				
001.000 Cash	-90.73	6,900.42	3,720.56	3,089.13
Fund: 290	-90.73	6,900.42	3,720.56	3,089.13
Fund: 296 - RAMSDELL THEATRE				
001.000 Cash	33,467.25	11,683.88	8,098.02	37,053.11
001.020 Money Market	27,438.66	1.17	0.00	27,439.83
004.000 Cash - Petty	300.00	200.00	0.00	500.00
Fund: 296	61,205.91	11,885.05	8,098.02	64,992.94

CASH TRANSACTIONS REPORT

DRAFT

Page: 2

11/27/2012

MONTH: OCTOBER

City of Manistee

10:21 am

Account Number	Beginning Balance	Debit	Credit	Ending Balance
Fund: 297 - RAMSDELL RESTORATION PROJECT				
001.000 Cash	-3,983.39	0.00	3,167.35	-7,150.74
Fund: 297	-3,983.39	0.00	3,167.35	-7,150.74
Fund: 401 - 2010 CAPITAL IMPROVEMENT BONDS				
001.000 Cash	11,834.54	1.62	0.00	11,836.16
Fund: 401	11,834.54	1.62	0.00	11,836.16
Fund: 430 - CAPITAL IMPROVEMENT FUND				
001.000 Cash	23,285.16	3.20	0.00	23,288.36
Fund: 430	23,285.16	3.20	0.00	23,288.36
Fund: 490 - RENAISSANCE PARK				
001.000 Cash	12,323.01	1.43	1,871.96	10,452.48
Fund: 490	12,323.01	1.43	1,871.96	10,452.48
Fund: 508 - BOAT RAMP FUND				
001.000 Cash	17,826.70	1,116.53	484.97	18,458.26
004.000 Cash - Petty	1,000.00	0.00	999.00	1.00
Fund: 508	18,826.70	1,116.53	1,483.97	18,459.26
Fund: 573 - WATER & SEWER UTILITY				
001.000 Cash	302,039.88	343,075.11	160,127.79	484,987.20
001.002 Cash - Escrow	31,200.00	800.00	2,200.00	29,800.00
004.000 Cash - Petty	300.00	0.00	0.00	300.00
017.000 MBIA Mi Class Inv	488,272.18	63.34	0.00	488,335.52
Fund: 573	821,812.06	343,938.45	162,327.79	1,003,422.72
Fund: 594 - MARINA FUND				
001.000 Cash	81,643.75	14,706.62	19,119.22	77,231.15
Fund: 594	81,643.75	14,706.62	19,119.22	77,231.15
Fund: 661 - MOTOR POOL FUND				
001.000 Cash	348,718.25	23,835.35	23,870.30	348,683.30
Fund: 661	348,718.25	23,835.35	23,870.30	348,683.30
Fund: 703 - CURRENT TAX COLLECTION				
001.000 Cash	38,438.01	27,423.16	47,331.70	18,529.47
Fund: 703	38,438.01	27,423.16	47,331.70	18,529.47
Fund: 704 - PAYROLL CLEARING FUND				
001.000 Cash	33,431.63	501,842.40	497,591.91	37,682.12
001.005 Cash - NEW Flex \ HRA	8,327.85	10,186.05	8,922.72	9,591.18
001.007 Cash - Federal & State Taxes	3.50	50,706.57	50,709.47	0.60
Fund: 704	41,762.98	562,735.02	557,224.10	47,273.90
Fund: 705 - DELINQUENT TAX COLLECTION				
001.000 Cash	2,372.45	0.00	2,366.44	6.01
Fund: 705	2,372.45	0.00	2,366.44	6.01
Grand Totals:	6,673,539.94	2,016,482.94	2,172,491.60	6,517,531.28



MEMORANDUM

Planning & Zoning
Community Development
231.398.2805
Fax 231.723-1546
www.mansiteemi.gov

TO: Mitch Deisch
City Manager

FROM: Jon R. Rose
Community Development Director

DATE: November 2, 2012

RE: Luedke/Wittlief Parcel Split and Combination Request

Mitch, the Planning Commission reviewed and approved a request from received from Barry & Carmen Luedke owner of parcel 51-670-717-01 to split the east 35 feet off the parcel which would then be combined with parcel 51-670-715-15 owned by Mark and Dawn Wittlief.

Review of the request shows that the requirements of the Zoning Ordinance would be met if the split were approved.

A copy of the request and draft Planning Commission meeting minutes are enclosed.

JRR:djb



MEMORANDUM

Planning & Zoning
Community Development
231.398.2805
Fax 231.723-1546
www.mansiteemi.gov

TO: Planning Commissioners

FROM:  Jon Rose
Community Development Director

DATE: October 16, 2012

RE: Luedke/Wittlief Parcel Split and Combination Request

Commissioners, a request has been received from Barry & Carmen Luedke owner of parcel 51-670-717-01 to split the east 35 feet off the parcel which would then be combined with parcel 51-670-715-15 owned by Mark and Dawn Wittlief.

Since Mark is a member of the Planning Commission he will declare a conflict of interest and remove himself to the audience while the Commission deliberates on the request.

Review of the request shows the request meets the requirements of the ordinance.

JRR:djb



Planning & Zoning, City Hall
 70 Maple Street, P.O. Box 358,
 Manistee, MI 49660
 231.398.2806 (phone)
 231.723.1546 (fax)

Parcel Split Request Form

Please Print

Parcel Combination Requirements	
<p>Any Split of a Parcel within the City of Manistee requires review and approval of the Planning Commission and City Council. Even if the Parcel contains platted lots approval is still required. Requests are reviewed for compliance with the Zoning Ordinance. If a request meets all of the requirements of the Zoning Ordinance it will be forwarded to the City Planning Commission. The Planning Commission reviews the request and makes recommendation to the City Council. Notification will be mailed to applicants regarding City Council's determination. Requests must include the fee of \$100.00 for the first split and \$50.00 for each additional split. Incomplete requests will be returned to the applicant. <i>Must be submitted 15 days prior to the Planning Commission meeting to be placed on the agenda.</i></p>	
<p>To update their property taxes the property owner should send a copy of the determination to:</p> <p style="text-align: center;">Equalization Department County Courthouse 415 Third Street Manistee, MI 49660</p>	
<p>If the parcel involves a principal residence or homestead it is up to the applicant to notify the City Assessor at (231) 398-2802 to update their Homestead Exemption.</p>	
Property Information	
Address: 381 Tenth Street	Parcel # 51-51-670-717-01
Applicant Information	
Name of Owner: Barry & Carmen Luedke	
Address: 1019 Maple Street	
Phone #: 231-723-5639	Cell#: _____ e-mail: <i>bluedke@charter.net</i>
Project Information	
<p>Reason for Request: To split parcel 51-51-670-717-01 split off east 35 feet and combine with parcel 51-51-670-751-01 ⁷¹⁵⁻¹⁵</p>	
Site Plan Requirements	
<p>The applicant is responsible to provide a survey and legal descriptions of the proposed parcels (unless waived by the Zoning Administrator). If buildings or structures are located on a parcel a site plan showing set-backs is required. Requests are reviewed for compliance with the Zoning Ordinance. The Zoning Administrator reserves the right to require additional information necessary to meet the requirements of the Zoning Ordinance.</p>	
Authorization	
<p>By signing the application the applicant is authorizing City Staff permission to make site inspections as necessary. The undersigned affirms that the information included in this application is correct.</p>	
<p>Signature: <i>Carmen Luedke</i> Date: <i>10-1-2012</i></p>	
<p><input type="checkbox"/> Fee of \$100.00 for the first split and \$50.00 for each additional split enclosed and Site Plan for project attached (permit cannot be issued without site plan)</p>	
Office Use Only	
Fee: <input checked="" type="checkbox"/> \$50.00 <i>\$100.00</i>	Receipt # <i>26952</i>
Notes:	
Signature: _____ Date: _____	

Parcel Split Request

Page 1 of 1

Mark Whittier 10-1-12
T. Ann Whittier

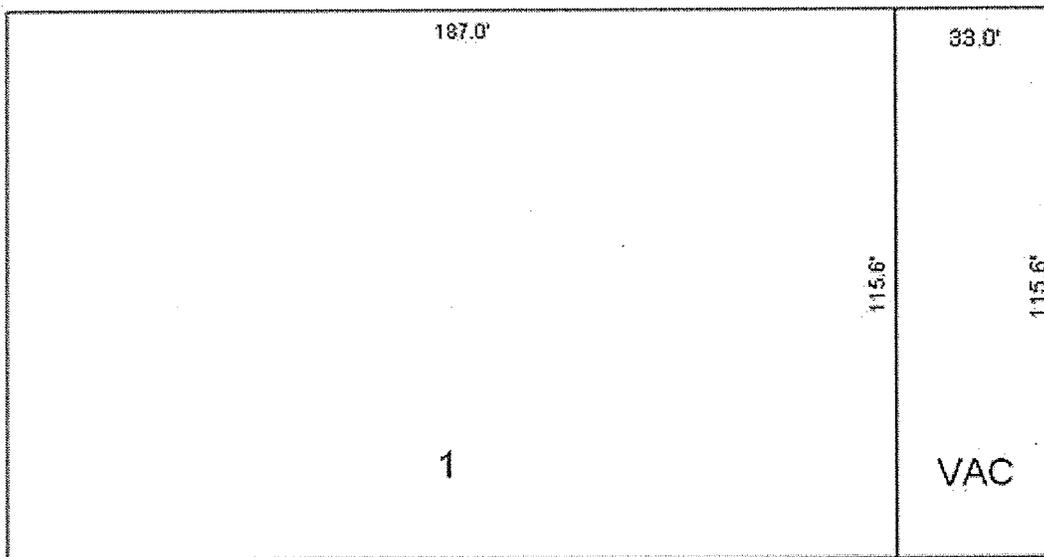
Image/Sketch for Parcel: 51-670-717-01

City of Manistee

[Back to Non-Printer Friendly Version] [Send To Printer]

Caption: No caption found

10TH STREET



Sketch by Apex Medino™

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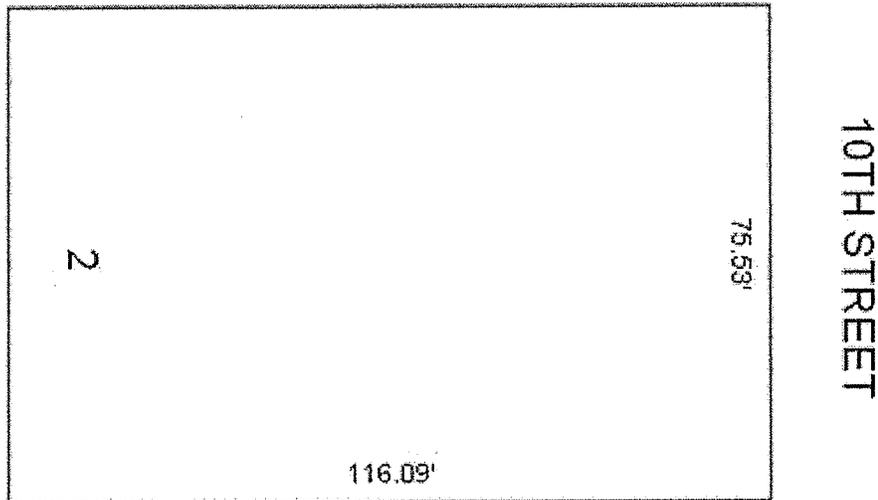
Image/Sketch for Parcel: 51-670-715-15

City of Manistee

[Back to Non-Printer Friendly Version] [Send To Printer]

Caption: No caption found

Sketch by Apex Mapping™



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Luedke/Wittlief Split and Combination



Aerial Photo Date: Apr., 2008
© City of Manistee 2011



1 inch = 50 feet

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

November 1, 2012

A meeting of the Manistee City Planning Commission was held on Thursday, November 1, 2012 at 7pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Yoder

Roll Call:

Members Present: Maureen Barry, Bill Dean, Ray Fortier, Eric Gustad, Marlene McBride, Mark Wittlief, Roger Yoder

Members Absent: Dave Crockett, One Vacancy

Others: Jon R. Rose (Community Development Director), Denise Blakeslee (Planning & Zoning) and others

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Eric Gustad that the agenda be approved as prepared.

With a Roll Call vote this motion passed 7 to 0.

Yes: Barry, Dean, Fortier, McBride, Gustad, Wittlief, Yoder

No: None

APPROVAL OF MINUTES

Motion by Eric Gustad, seconded by Maureen Barry that the minutes of the September 6, 2012 Planning Commission Meeting be approved as prepared.

The October 4, 2012 Meeting was cancelled.

With a Roll Call vote this motion passed 7 to 0.

Yes: Gustad, Dean, Fortier, Barry, McBride, Wittlief, Yoder

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Commissioner Wittlief declared a Conflict of Interest as one of the applicants for the Parcel Split and Combination Request. Commissioner Wittlief removed himself to the audience.

PC-2012-08 Barry & Carmen Luedke/Mark & Dawn Wittlief – Parcel Split and Combination

A request has been received from Barry & Carmen Luedke owner of parcel 51-670-717-01 to split the east 35 feet off the parcel which would then be combined with parcel 51-670-715-15 owned by Mark and Dawn Wittlief. Review of the request shows that the requirements of the Zoning Ordinance would be met if the split were approved.

Jon Rose discussed the request with the Commission.

MOTION by Ray Fortier, seconded by Bill Dean that the Planning Commission makes a recommendation to City Council to approve the request from Barry & Carmen Luedke and Mark and Dawn Wittlief to split the east 35 feet off from Parcel 51-670-717-01 and combine it with parcel 51-670-715-15.

With a Roll Call vote this motion passed 6 to 0 with Commissioner Wittlief Abstaining due to a Conflict of Interest.

Yes: Gustad, McBride, Dean, Fortier, Barry, Yoder

No: None

Commissioner Wittlief seated himself back on the Commission.

Meeting/Worksession Dates 2013

Staff has prepared a list of Meeting/Worksession dates for 2013 for the Commission to review.

MOTION by Eric Gustad, seconded by Mark Wittlief that the Planning Commission schedules their Meeting and Worksession dates for 2013 as follows:

MEETINGS 7:00 P.M.

January 3, 2013
February 7, 2013
March 7, 2013
April 4, 2013
May 2, 2013
June 6, 2013
July 11, 2013*
August 1, 2013
September 5, 2013
October 3, 2013
November 7, 2013
December 5, 2013

WORKSESSIONS 7:00 P.M.

January 17, 2013
February 21, 2013
March 21, 2013
April 18, 2013
May 16, 2013
No Worksession
No Worksession
No Worksession
September 19, 2013
October 17, 2013
November 21, 2013
No Worksession

*Changed due to holiday

With a Roll Call vote this motion passed 7 to 0.

Yes: McBride, Dean, Fortier, Gustad, Barry, Wittlief, Yoder
No: None

Chapter 1220 Planning Commission (Code of Ordinance)

The Michigan Planning Enabling Act of 2008 allowed City Planning Commissions to consist of 5, 7 or 9 members. Chairman Yoder read a letter from Linda Albee who decided not to reapply to the Planning Commission, Eric Gustad is running unopposed for the Seventh District Council Seat which will result in two vacancies.

Staff discussed with the Commission the cost of maintaining Master Citizen Planner Certification; budgeting for training; packet costs; seating for Commissioners. The Commissioners were asked if they would like to recommend to City Council to reduce the number of members from nine to seven or to maintain the status quo of nine members.

MOTION by Eric Gustad, seconded by Marlene McBride that the Planning Commission recommends to City Council to amend Chapter 1220 Planning Commission of the Code of Ordinance by reducing the number of Planning Commissioners from nine to seven.

With a Roll Call vote this motion passed 7 to 0.

Yes: Dean, Fortier, Barry, McBride, Gustad, Wittlief, Yoder
No: None

Number of Alternate Members – Zoning Board of Appeals

Staff reviewed the Zoning Ordinance relating to the membership for the Zoning Board of Appeals and noted a conflict with the language in the Zoning Enabling Act.

The Zoning Enabling Act of 2006 says that the legislative body may appoint to the Zoning Board of Appeals not more than 2 alternate members for the same term as regular members...

While reviewing Article 25 Zoning Board of Appeals, Section 2501 Membership, Terms of Office we found that the ordinance reads:

...With approval of Council, the Mayor shall appoint at least (2) alternate members, who shall serve for three (3) years.

MOTION by Ray Fortier, seconded by Mark Wittlief that staff be directed to draft an ordinance amendment that would change the Article 25, Section 2501 Membership, Terms of Office to read:

...With approval of Council, the Mayor shall appoint not more than (2) alternate members, who shall serve for three (3) years.

With a Roll Call vote this motion passed 7 to 0.

Yes: Wittlief, Dean, Gustad, Fortier, Barry, McBride, Yoder
No: None

METRO Act Permit Application

The City Clerk has forwarded a copy of a METRO Act Application from Lynx Network Group as required by ordinance. There is no requirement that the Commission approve the application.

Jon Rose discussed the METRO Act with the Commission, no action was taken.

Tasks for 2013

There are several projects for the Planning Commission to begin work on including the Master Plan Update. Each Commissioner was asked to list 3 to 5 things that they like best about the community; three to five things they don't like about the community; and three to five things they would like to see changed. They are to bring the list with them to the next Planning Commission Meeting for discussion.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

None

CORRESPONDENCE

Commissioners were sent a copy of the Stronach Township Master Plan. The Planning Commission had no comment.

STAFF/SUB-COMMITTEE REPORTS

Jon Rose, Community Development Director — spoke to the Commission about Conflicts of Interest.

Denise Blakeslee, Planning & Zoning — will be out of town on November 15th and at this time there are not items for the November Worksession.

MOTION by Maureen Barry, seconded by Ray Fortier to cancel the November 15, 2012 Worksession.

With a Roll Call vote this motion passed 7 to 0.

Yes: Gustad, Dean, Fortier, Barry, McBride, Wittlief, Yoder

No: None

The Planning Commission Worksession on November 15, 2012 HAS BEEN CANCELLED

The next regular meeting of the Planning Commission will be held on Thursday, December 6, 2012.

ADJOURNMENT

Motion by Ray Fortier, seconded by Maureen Barry that the meeting be adjourned. MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 7:35 pm

MANISTEE PLANNING COMMISSION

Denise J. Blakeslee, Recording Secretary

DRAFT



Planning & Zoning
Community Development
231.398.2805
Fax 231.723-1546
www.mansiteemi.gov

MEMORANDUM

TO: Mitch Deisch 
City Manager

FROM:  Jon R. Rose
Community Development Director

DATE: November 6, 2012

RE: Addendum Rehabilitation Development Agreement

Mitch, In February 2011 the City of Manistee entered into a Rehabilitation Development Agreement with Manistee Place Limited Dividend Housing Association Limited Partnership for the Chalet West Apartments property.

On March 13, 2012 City Council authorized extending The Time Table of Rehabilitation stated *"Such Rehabilitation shall commence not later than December 31, 2011 and shall be substantially completed not later than February 1, 2013."*

A request has been received from Manistee Place Limited Dividend Housing Association Limited Partnership requesting an extension for the Rehabilitation Development Agreement. The developer has experienced a delay in construction and is requesting an addendum that would change the Time Table of Rehabilitation to read:

"Such Rehabilitation shall commence not later than September 15, 2012 and shall be substantially completed not later than September 30, 2013."

The City Attorney had drafted a new Addendum to Rehabilitation Development Agreement for Council's Consideration.

JRR:djb

ADDENDUM TO REHABILITATION DEVELOPMENT AGREEMENT

WHEREAS, MANISTEE PLACE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP, a Michigan Limited Partnership (hereinafter "MPLDHA") of 229 Huber Village Blvd, Westerville, Ohio; and the **CITY OF MANISTEE**, a Michigan municipal corporation (hereinafter "City") of 70 Maple Street, Manistee, Michigan previously entered into a Rehabilitation Development Agreement and Municipal Services Agreement with an effective date of February 15, 2011, which Agreement was amended by an Addendum to Rehabilitation Development Agreement dated March 19, 2012;

WHEREAS, as a result of delays associated with securing funding for the project, MPLDHA only recently closed on its purchase of the property which is the subject of the Agreements mentioned above and is commonly known as The Chalet West Apartments; and

WHEREAS, MPLDHA has requested that the City extend the construction/completion dates contained in the Rehabilitation Development Agreement and Addendum to Rehabilitation Development Agreement;

WHEREAS, the City, by vote of the City Council, has agreed to the time extension requests made by MPLDHA;

NOW, THEREFORE, in accordance with Ordinance 01-02, Codified Ordinances of the City of Manistee, Part 14 - Building And Housing Code, Title 10, Section 1490.01, et seq., the City of Manistee and MPLDHA agree to the following modifications to the Rehabilitation Development Agreement:

2. Time Table of Rehabilitation:

Such Rehabilitation shall commence not later than September 15, 2012 and shall be substantially completed not later than September 30, 2013.

For purposes of this agreement "commence" shall mean (a) having secured all necessary Planning Commission approvals and building Permits and (b) the start of physical demolition or repair of the interior or exterior common areas of the apartment complex or the demolition repair of the interior of any individual apartment units of the apartment project "Substantial completion" shall mean have expended not less than 90% of the total funds to be expended, with only minor punch list items yet to be completed. All Rehabilitation, including punch list items, shall be completed not later than September 30, 2013.

In all other respects the terms and conditions of the parties Rehabilitation Development Agreement and Addendum to Rehabilitation Development Agreement are hereby ratified and confirmed.

IN WITNESS WHEREOF, the Parties execute this agreement on the dates denoted next to their signatures.

MANISTEE PLACE LIMITED HOUSING ASSOCIATION LIMITED PARTNERSHIP

Dated: _____, 2012.

By: Manistee Place GP, LLC
David Cooper Jr., General Counsel/Member

CITY OF MANISTEE

Dated: _____, 2012.

By: Colleen Kenny, Mayor

Dated: _____, 2012.

By: Michelle Wright, Clerk

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CONSIDERATION OF AN ADDENDUM TO THE REHABILITATION DEVELOPMENT AGREEMENT, CHALET WEST APARTMENTS.

In February 2011 the City of Manistee entered into a Rehabilitation Development Agreement with Manistee Place Limited Dividend Housing Association Limited Partnership for the Chalet West Apartments property. The timetable of rehabilitation stated "Such rehabilitation shall commence not later than December 31, 2011 and shall be substantially completed no later than February 1, 2013."

A request has been received from Manistee Place Limited Dividend Housing Association Limited Partnership requesting an extension for the Rehabilitation Development Agreement so they can obtain the permits necessary to start the project.

MOTION by Haydon, second by Hornkohl to authorize the Mayor and City Clerk to execute the Addendum to Rehabilitation Development Agreement with Manistee Place Limited Dividend Housing Association Limited Partnership. Discussion followed.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF RESIDENTIAL RIVERFRONT LEASE TRANSFER.

Jeffrey DeWeerd, Steven Fitch and Glenn Borrromeo are selling the home at 546 First Street. Messrs. DeWeerd, Fitch and Borrromeo have a Residential Riverfront Lease with the City of Manistee for a dock on the Manistee River Channel behind the home. They are requesting City Council approval for the transfer of the Residential Riverfront Lease to the new purchasers of the home.

MOTION by Hornkohl, second by Haydon to approve the assignment of the current Residential Riverfront Lease to the successful purchaser of the property at 546 First Street and authorize the Mayor and City Clerk to execute the necessary documents.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF THE OBSERVATION DECK, FIRST STREET CONSTRUCTION PROJECT.

One of the remaining items to complete the First Street Construction Project is the construction of parking and an observation deck at the entrance to Douglas First Street Beach area. Change orders due to the extensive rip-rap on the bank have driven up the cost of the deck.

The contract cost to keep the deck is: \$1,085,998.14
The contract cost to remove the deck is: \$ 977,055.82