

MANISTEE CITY COUNCIL

MEETING AGENDA

TUESDAY, MAY 20, 2014 – 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.
- 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 May 6, 2014 regular meeting and the May 13, 2014 work session as attached.

VI. Financial Report.

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

VII. Unfinished Business.

VIII. New Business.

a.) CONSIDERATION OF A PARCEL SPLIT FOR ROY E. HENDERSON.

On May 1, 2014 the Planning Commission met to review a request from Roy E. Henderson for a parcel split. Mr. Henderson purchased 9.36 acres (+/-) of parcel 51-0174-708-09 from the State of Michigan in 2012. The parcel that Mr. Henderson purchased has been placed on the tax roll (using the legal description from the Quit Claim Deed) and has been assigned parcel code number 51-174-708-10. The Planning Commission recommends approval of this parcel split.

At this time Council could take action to approve the request from Roy E. Henderson for a parcel split using the legal description from the State of Michigan Quit Claim Deed to Roy E. Henderson; recorded at the Register of Deeds Office on November 15, 2012.

b.) CONSIDERATION OF DOWNTOWN DEVELOPMENT AUTHORITY BYLAW AMENDMENT.

On April 9, 2014 the Downtown Development Authority took action to amend their bylaws, Article IV, Section 2. Regular Meetings removing “on the first Wednesday of each month” and adding “on the second Wednesday of each month.” This is the only amendment made to the bylaws at this time.

At this time Council could take action to adopt bylaws for the Manistee Downtown Development Authority.

IX. Notices, Communications, Announcements.

a.) A REPORT FROM THE PEG COMMISSION AND THE ALTERNATIVES FOR AREA YOUTH.

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

At this time Mr. Keith Brown will report on the activities of the PEG Commission and respond to any questions the Council may have regarding their activities.

At this time Ms. Sheila Kaminski will report on the activities of the Alternatives for Area Youth (AAY) 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, June 10, 2014 at 7 p.m. A discussion will be conducted on Street Funding, Project Updates; and such business as may come before the Council. No action is required on this item.

X. Concerns and Comments.

a.) CITIZEN COMMENT. This is an opportunity for citizens to comment on municipal services, activities or areas of City involvement. Citizens in attendance shall be recognized by the Mayor for comments (limited to five minutes). Letters submitted to Council will not be publicly read.

b.) OFFICIALS AND STAFF.

c.) COUNCILMEMBERS.

XI. Adjourn.

MDD:cl

COUNCIL AGENDA ATTACHMENTS:

Council Meeting Minutes – May 6, 2014
Council Work Session Minutes – May 13, 2014
Henderson Parcel Split Request
DDA Bylaw Amendment Request

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 6, 2014

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, May 6, 2014 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Edward Cote, Robert Hornkohl, Robert Goodspeed, Catherine Zaring, and Mark Wittlieff (*arrived at 7:03 p.m.*)

ABSENT: Eric Gustad

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – Richard Wilson, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, and City Engineer – Shawn Middleton/Spicer Group

AMEND AGENDA.

MOTION by Zaring, second by Goodspeed to amend the order of the agenda by moving item VIII. b.) Consideration of Proposed MSDDA Budget for Fiscal Year 2014-2015 to the first item under New Business. The reason for this change is because the MSDDA budget is included within the City budget and should be approved first.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, and Zaring

NAYS: None

Councilman Wittlieff arrived at 7:03 p.m.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Judy Carl – 159 Quincy Street commented on the budget stating that the economy is not the whole cause of the City's problems, but because of poor decisions; asked Council to take responsibility.

CONSENT AGENDA.

- Minutes
 - April 15, 2014 - Regular Meeting
 - April 15, 2014 - Work Session
 - April 22, 2014 - Work Session
 - April 29, 2014 - Work Session
- Payroll
 - April 14-27, 2014 - \$ 111,325.18

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 6, 2014

- Monthly Bills - March 27, 2014 - \$ 1,568,700.99
 - April 10, 2014 - \$ 301,606.90
 - April 29, 2014 - \$ 236,748.39
- Cash Balances Report - March 2014
- Notification Regarding Next Work Session – May 13, 2014
A discussion will be conducted on Commercial Fire Inspections; and such business as may come before the Council.
- Consideration of the United Veterans Council Annual Memorial Day Parade.
The United Veterans Council has requested authorization to conduct the Annual Memorial Day Parade on Monday, May 26, 2014 in recognition of veterans and their service to our country. The parade will commence at 10 a.m. at the corner of River and Division Street, travel west along River Street, cross the Maple Street Bridge to the Veterans Memorial.

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

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, and Wittlieff

NAYS: None

CONSIDERATION OF PROPOSED MSDDA BUDGET FOR FISCAL YEAR 2014-2015.

The Manistee Main Street Downtown Development Authority Board of Directors approved their 2014-2015 Fiscal Year Budget at their meeting of April 30, 2014 to be presented to City Council. The board is now requesting that City Council approve the budget as presented. City Code of Ordinance No. 282.09 (b) requires the DDA to submit their annual budget to Council by the same date that the City Budget is required by Charter to be approved which is May 15.

MOTION by Hornkohl, second by Goodspeed to take action to approve the MSDDA's 2014-2015 Fiscal Year Budget. Questions were asked regarding the timeliness of this budget, clarification of the new DDA direction, and downtown trees.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, and Wittlieff

NAYS: None

CONSIDERATION OF ADOPTING THE 2014-2015 BUDGET AND CAPITAL IMPROVEMENT PLAN.

Under Section 7-4 of the Charter, the annual budget must be adopted before May 15 of each year. The budget has been the subject of multiple work sessions and a public hearing.

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – May 6, 2014

MOTION by Hornkohl, second by Zaring to adopt a resolution approving the 2014-2015 Budget and Capital Improvement Plan for the City of Manistee. Questions asked about inclusion or removal of a utility trailer and pump, whether these items should be included in the Motor Pool, and the wage increases for employees.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, and Wittlieff
NAYS: None

CONSIDERATION OF A LETTER OF SUPPORT, LITTLE RIVER BAND OF OTTAWA INDIANS SEWER PROJECT.

On November 7, 2012 the Manistee City Council passed a resolution supporting a collaborative multi-governmental concept that would allow for a current force main sewer along US-31 in Manistee Township to be replaced by a gravity sewer by the Little River Band of Ottawa Indians. Federal and State jurisdictional matters threaten to jeopardize or delay this project. A letter of support from City Council has been requested and has been prepared.

MOTION by Hornkohl, second by Goodspeed to sign a letter of support regarding the proposed sewer upgrades in Manistee Township north of M-55 as proposed by the Little River Band of Ottawa Indians. Brief discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Goodspeed, Zaring, and Wittlieff
NAYS: None

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

CITIZEN COMMENT.

Patrick Kay, MSDDA Director, commented on various happenings in the downtown area.

Christa Johnson, chair of the Non-Motorized Transportation Committee, presented Council with the Governor's Council Active Community Award that was recently given to the City.

Carol Pasco – 610 Spruce Street stated that Manistee is a wonderful place to live, it is a small city but has lots to offer; she also commended Council for the job they have done.

OFFICIALS AND STAFF.

Deisch stated that dredging is occurring at the marina and a portion of the Riverwalk is detoured; the First Street boat launch is now open also.

COUNCILMEMBERS.

Hornkohl echoed Ms. Pasco’s comments, has heard a lot of good comments on Manistee.

Zaring thanked Rachel Estabrook for organizing trash cleanup on the Riverwalk.

Wittlieff had a couple of safety concerns: 1) River Street - can the speed limit be lowered in downtown area, and 2) deer in town – they are a nuisance to drivers, bikers, and joggers. Deisch will put this on an upcoming work session agenda for discussion.

Kenny thanked Deisch, Bradford, and department directors for all of the time and effort put into the budget.

ADJOURN.

MOTION to adjourn was made by Cote, second by Goodspeed. Meeting adjourned at 8:02 p.m.

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

**MANISTEE CITY COUNCIL
WORK SESSION
MINUTES OF MAY 13, 2014**

The Manistee City Council met in a work session on Tuesday, May 13, 2014 at 7 p.m., Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan 49660.

MEMBERS PRESENT: Colleen Kenny, Eric Gustad, Bob Hornkohl, Catherine Zaring, Ed Cote, Robert Goodspeed, Mark Wittlieff

MEMBERS ABSENT: None

OTHERS PRESENT: Department Directors, City Attorney, City Engineer, Media and Public

Public Comments. None.

Discussion on Commercial Fire Inspections. Public Safety Director Dave Bachman addressed the Council on the subject of commercial fire inspections. Discussed new law on commercial fire suppression systems. Will begin notifying businesses that are not in compliance with the goal of full compliance by January 1, 2015. May need to write enforcement tickets to obtain full compliance.

Consensus: Council is in full support.

Discussion on Run Water / Frozen Pipe Invoices. Public Works Director Jeff Mikula addressed the Council on the subject of outstanding invoices for thawing froze pipes and other related expenses from the run water directive.

Consensus: Council supported concept of all water freeze-ups on or after February 10, 2014 would be responsible for actual contractor costs. Extreme and unusual situations would be handled on a case by case basis by administration.

Miscellaneous Discussions. Councilmember Wittlieff discussed the request from the Lions Club for the City to assist in the cost of a fireplace in their new pavilion. DPW Director Jeff Mikula will take this item to the Parks and Beautification Commission for their opinion on reprioritizing budgeted funds for the inclusion of the fireplace and that the Parks Department and administration will make the final determination. A brief update on the status of street funding discussions was given by Mr. Mikula.

Adjourned at 8 p.m.

Respectfully submitted,

Mitchell D. Deisch, City Manager

MDD:cl



City of Manistee Planning & Zoning Administrator



MEMORANDUM

231.398.2805

Fax 231.723-1546

dblakeslee@manisteemi.gov

www.manisteemi.gov

TO: Mitch Deisch, City Manager
FROM: Denise Blakeslee, Planning & Zoning 
DATE: May 2, 2014
RE: Roy E. Henderson, Parcel Split Request



Mitch, enclosed is a copy of a request from Roy E. Henderson for a Parcel Split. Mr. Henderson purchased 9.36 acres +/- of parcel #51-174-708-09 from the State of Michigan in 2012. Staff has been working with the City Attorney, Mr. Henderson and the State to obtain the necessary paperwork to process the parcel split.

The Planning Commission reviewed and recommends Council approve the request at their meeting on May 1, 2014. The parcel that Mr. Henderson purchased has been placed on the tax roll (using the legal description from the Quit Claim Deed) and has been assigned Parcel Code #51-174-708-10.

Until approval has been received from the Planning Commission and City Council Mr. Henderson is unable to lease or expand the use of the property.

A copy of the request, staff report and meeting minutes are enclosed.



City of Manistee Planning & Zoning Administrator



MEMORANDUM

231.398.2805

Fax 231.723-1546

dblakeslee@manisteemi.gov

www.manisteemi.gov

TO: Planning Commissioners
FROM: Denise Blakeslee, Planning & Zoning
DATE: April 15, 2014
RE: Roy E. Henderson, Parcel Split Request

Commissioners, we have received a request from Roy E. Henderson for a Parcel Split. Mr. Henderson purchased 9.36 acres +/- of parcel #51-174-708-09 from the State of Michigan in 2012. Staff has been working with the City Attorney, Mr. Henderson and the State to obtain the necessary paperwork to process the parcel split.

The property that Mr. Henderson purchased does not have frontage on U.S. 31. A site plan prepared by Midwestern Consulting dated 2/13/14 Job No. 05268-68329 shows that an easement exists over parcel #51-101-275-03 (A Storage Inn) that provides the necessary access to the property as required in Section 510 Access to Public Streets.

SECTION 510 ACCESS TO PUBLIC STREETS

In every Zoning District, every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public road or a private road or easement which provides access to a public road, such private road or easement being at least sixty-six (66) feet in width, unless a lesser width was duly established of record prior to the effective date of this Ordinance or as part of a Planned Unit Development, provided that private easements in all cases shall be at least twenty (20) feet in width.

The remaining portion of the State Police Post property has been reviewed for compliance with the Zoning Ordinance. Staff has determined the requirements of the ordinance have been met except for minimum lot width (street frontage). The split did not create this condition; the parcel has been and will continue to be a legal non-conforming parcel with regards to street frontage.

The parcel that Mr. Henderson purchased has been placed on the tax roll (using the legal description from the Quit Claim Deed) and has been assigned Parcel Code #51-174-708-10. Until approval has been received from the Planning Commission and City Council Mr. Henderson is unable to lease or expand the use of the property.





Planning & Zoning, City Hall
 70 Maple Street
 Manistee, MI 49660
 231.398.2805 (phone)
 231.723.1546 (fax)

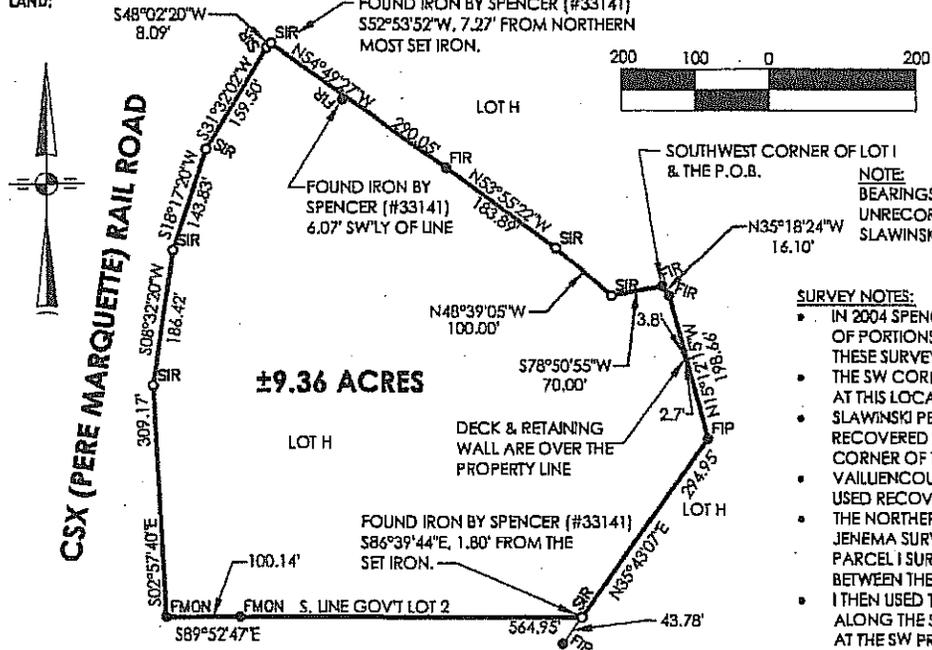
Parcel Split Request Form

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: <u>Arthur Street</u> | Parcel # <u>5151-174-708-10</u> | |
| Applicant Information | | |
| Name of Owner: <u>Roy E Henderson</u> | | |
| Address: <u>13999 S. West Bayshore Drive, Traverse City, MI 49684</u> | | |
| Phone #: <u>231-947-3220</u> | Cell#: <u>972-342-6493</u> | e-mail: <u>1749rh@gmail.com</u> |
| Project Information | | |
| Reason for Request: <u>Parcel Split</u> | | |
| 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> | | |
| Signature: <u>[Signature]</u> | | Date: <u>4/4/2014</u> |
| <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) | | |
| Office Use Only | | |
| Fee: <input checked="" type="checkbox"/> \$100.00 | Receipt # | |
| Notes: <u>PC-2014-04</u> | | |
| Signature: <u>[Signature]</u> | | Date: <u>4.14.14</u> |

CERTIFICATE OF SURVEY

I, PATRICK G. BENTLEY, A LICENSED PROFESSIONAL SURVEYOR, NUMBER 47944, IN MICHIGAN, CERTIFY THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:



DESCRIPTION OF A PARCEL OF LAND LOCATED IN PART OF LOT H, S.C. THOMPSON'S ADDITION TO THE CITY OF MANISTEE, LYING IN GOVERNMENT LOT 2 OF SECTION 1, TOWNSHIP 21 NORTH, RANGE 17 WEST, CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, S.C. THOMPSON'S ADDITION TO THE CITY OF MANISTEE; THENCE SOUTH 78°50'55" WEST, 70.00 FEET; THENCE NORTH 48°39'05" WEST, 100.00 FEET; THENCE NORTH 53°55'22" WEST, 183.89 FEET; THENCE NORTH 64°49'27" WEST, 290.05 FEET TO A POINT ON THE RIGHT OF WAY LINE OF THE RAILROAD; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: SOUTH 48°02'20" WEST, 8.09 FEET; THENCE SOUTH 31°32'20" WEST, 159.50 FEET; THENCE SOUTH 18°17'20" WEST, 143.83 FEET; THENCE SOUTH 08°32'20" WEST, 186.42 FEET; THENCE SOUTH 02°57'40" EAST, 309.17 FEET TO A POINT ON THE SOUTH LINE OF LOT H, ALSO BEING THE SOUTH LINE OF GOVERNMENT LOT 2; THENCE SOUTH 89°52'47" EAST, 564.95 FEET ALONG SAID SOUTH LINE; THENCE NORTH 35°43'07" EAST, 294.95 FEET; THENCE NORTH 15°12'15" WEST, 198.66 FEET; THENCE NORTH 35°18'24" WEST, 16.10 FEET TO THE POINT OF BEGINNING. CONTAINING: 9.36 ACRES OF LAND, MORE OR LESS.

NOTE:
BEARINGS ARE BASED ON AN UNRECORDED 1984 SURVEY BY SLAWINSKI (#13597).

SURVEY NOTES:

- IN 2004 SPENCER (#33141) PERFORMED A BOUNDARY SURVEY OF THE PROPERTY - THIS IS NOT OF RECORD. WE DID OBTAIN A COPY OF PORTIONS OF HIS SURVEY ALONG WITH BOUNDARY SURVEYS BY JENEMA (#25850), SLAWINSKI (#13597) & VAILLIENCOURT (#9292). THESE SURVEYS WERE ALL USED IN MY EVALUATION OF THE BOUNDARY.
- THE SW CORNER OF LOT 1 WAS SET BY SPENCER. I FOUND NO OTHER EVIDENCE TO DISPUTE THE LOCATION AND I ACCEPTED HIS IRON AT THIS LOCATION.
- SLAWINSKI PERFORMED A BOUNDARY SURVEY IN 1984 THAT ESTABLISHED THE EAST LINE OF THE PARCEL I SURVEYED. I UTILIZED RECOVERED SLAWINSKI IRONS TO ESTABLISH THE EAST SIDE OF THE PARCEL. I DID NOT HONOR THE SPENCER IRON SET AT THE SE CORNER OF THE PARCEL BECAUSE IT WAS 1.80 FEET OFF LINE BETWEEN RECOVERED SLAWINSKI IRONS.
- VAILLIENCOURT AND SLAWINSKI HAD BOTH ESTABLISHED THE SOUTH LINE OF GOVERNMENT LOT 2, ALSO BEING THE SOUTH LINE LOT H. I USED RECOVERED SLAWINSKI MONUMENTATION TO ESTABLISH THE SOUTH LINE OF LOT H.
- THE NORTHERLY LINE WAS ESTABLISHED BY USING A COMBINATION OF DEED CALLS AND FOUND MONUMENTATION BY JENEMA. JENEMA SURVEYED THE BOUNDARY OF THE SUPER 8 MOTEL. IT IS MY OPINION THAT THE SUPER 8 BOUNDARY IS SHARED WITH THE PARCEL I SURVEYED. I DID NOT HONOR THE SPENCER IRONS ALONG THIS LINE AS THEY WOULD HAVE CREATED A GAP OF OVER 6 FEET BETWEEN THE SUBJECT PARCEL AND THE ADJOINING PARCELS TO THE NORTHEAST OF THE SUBJECT PARCEL BASED ON FOUND IRONS.
- I THEN USED THE LEGAL DESCRIPTION ON RECORD FOR THE RAIL ROAD RIGHT OF WAY AND THE FOUND SLAWINSKI MONUMENTATION ALONG THE SOUTH LINE OF GOVERNMENT LOT 2 TO ESTABLISH THE RAIL ROAD RIGHT OF WAY. I DID NOT HONOR THE SPENCER IRON AT THE SW PROPERTY CORNER BECAUSE IT WAS ABOUT 4 FEET NORTH OF THE MONUMENTED GOVERNMENT LOT LINE AND IT WAS ABOUT 14 FEET FURTHER WEST THAN THE SLAWINSKI CONCRETE MONUMENT.

LEGEND

- FIP FOUND IRON PIPE BY SLAWINSKI (#13597)
- FMON FOUND CONCRETE MONUMENT BY SLAWINSKI (#13597)
- FIR FOUND IRON ROD
- SIR SET 1/2" IRON ROD W/CAP #47944

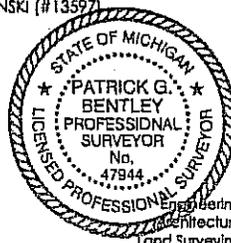
Patrick G. Bentley
 PATRICK G. BENTLEY
 LICENSED PROFESSIONAL SURVEYOR No. 47944
 ABONMARCHE CONSULTANTS, INC.

11-23-11
 DATE OF CERTIFICATE



361 First Street
 Manistee, MI 49660
 T 231.723.1198
 F 231.723.1149

Benton Harbor, MI
 South Haven, MI
 South Bend, IN
 Fort Wayne, IN



Engineering
 Architecture
 Land Surveying
 Marina/Waterfront
 Community Planning
 Landscape Architecture
 Development Services

PREPARED FOR:

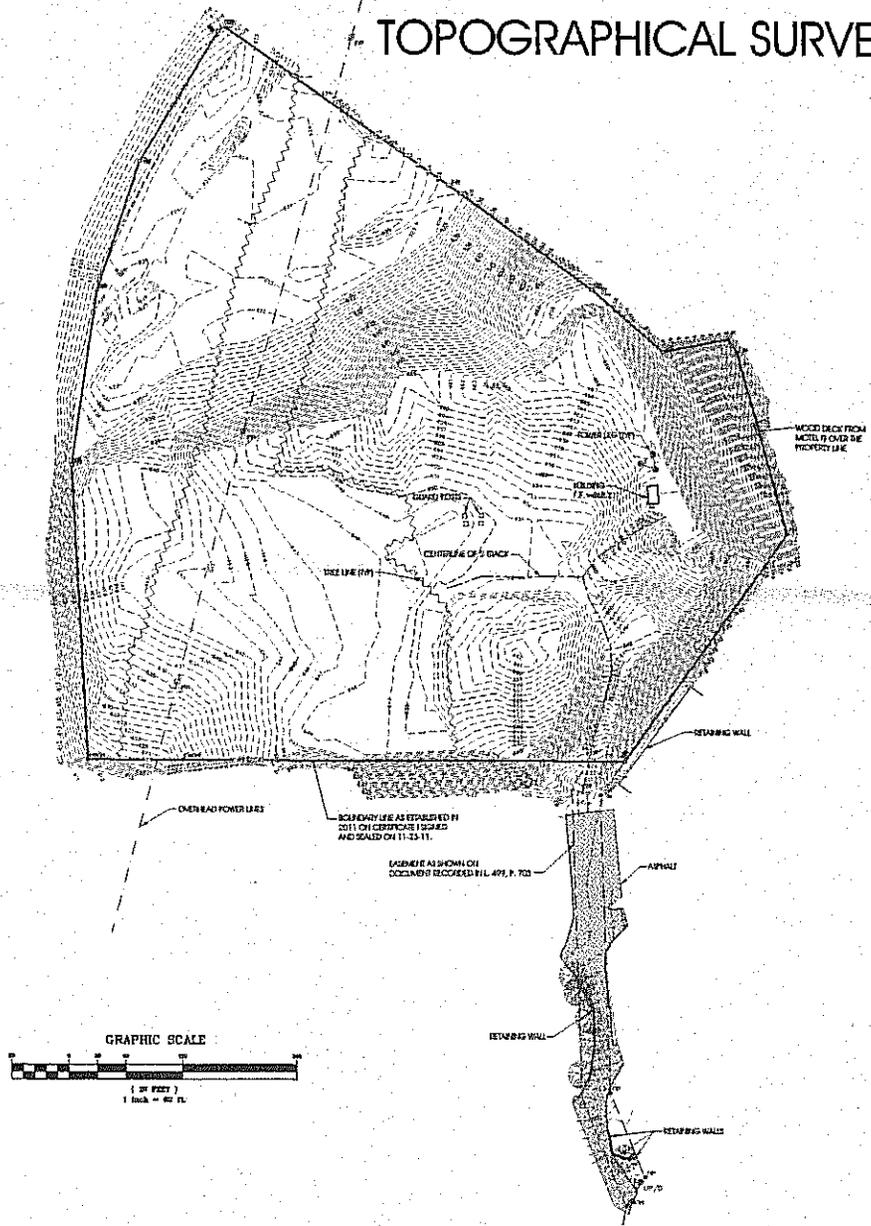
**ROY
 HENDERSON**

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| | |
|-------------------------|--------------------------------|
| DRAWN BY: PGB | S.C. THOMPSON'S ADDITION |
| APPROVED BY: - | PART OF LOT H |
| DATE: NOVEMBER 23, 2011 | GOVT LOT 2, SEC. 1, T21N, R17W |
| SCALE: 1" = 200' | SHEET 1 OF 1 |

JOB NO. 11-0733

TOPOGRAPHICAL SURVEY



LEGAL DESCRIPTION

DESCRIPTION OF A PARCEL OF LAND LOCATED IN PART OF LOT 11, S. 1/4, SECTION 18, TOWNSHIP 21 N., RANGE 13 W., CO. OF WAUSAU, WISCONSIN, COUNTY OF WAUSAU, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 11, S. 1/4, SECTION 18, TOWNSHIP 21 N., RANGE 13 W., CO. OF WAUSAU, WISCONSIN; THENCE NORTH 70°00'00" WEST, 70.00 FEET; THENCE NORTH 45°00'00" WEST, 10.00 FEET; THENCE NORTH 63°42'00" WEST, 141.87 FEET; THENCE NORTH 67°27'00" WEST, 100.00 FEET TO A POINT ON THE EDGE OF MAIN LINE OF THE HUNDRED TRUCK ACCESS ROAD NORTH OF WAY USE THE FOLLOWING FIVE COORDS: NORTH 45°00'00" WEST, 10.00 FEET; NORTH 11°22'00" WEST, 18.00 FEET; THENCE SOUTH 11°00'00" WEST, 14.00 FEET; THENCE SOUTH 85°00'00" WEST, 18.00 FEET; THENCE SOUTH 10°00'00" WEST, 16.00 FEET; THENCE SOUTH 10°00'00" WEST, 16.00 FEET TO A POINT ON THE SOUTH LINE OF LOT 11, ALSO BEING THE SOUTH LINE OF CORPORAION LOT 2, THENCE SOUTH 85°00'00" WEST, 28.00 FEET ALONG SAID SOUTH LINE; THENCE NORTH 10°00'00" EAST, 29.45 FEET; THENCE NORTH 10°12'10" WEST, 17.00 FEET; THENCE NORTH 65°12'10" WEST, 16.10 FEET TO THE POINT OF BEGINNING. CONTAINING 7.30 ACRES OF LAND, MORE OR LESS.

NOTES

- THE ELEVATIONS ARE BASED OFF FROM HIGH BENCH MARK "2.3011" WHICH HAS AN ELEVATION OF 545.03 FEET (DMS) M.
- THE BOUNDARY LINE SHOWN IS FROM A BOUNDARY SURVEY THAT IS BOUND AND SEALED ON 11-23-11.
- ELEVATIONS SHOWN ARE FROM A SURVEY OF THE YEAR PERFORMED BY THIS OFFICE.
- APPROXIMATELY 2" BENCH MARK WAS ON THE CIRCLED CORNER OF THE TOPOGRAPHICAL SURVEY OF THE PARCEL.

LEGEND

- | | |
|--|---|
| <ul style="list-style-type: none"> • TREE ○ ELECTRICAL LOCATION ○ GUY WIRE ○ POWER POLE ○ TELEPHONE LOCATION ○ GAS LOCATION ○ WATER LOCATION ○ SANITARY MANHOLE ○ SEWER MANHOLE ○ TELEPHONE PEDestal ○ STREET SIGN ○ CHAIN LINK ○ FEE METER ○ CATCH BASIN ○ WATER VALVE | <ul style="list-style-type: none"> ○ TELEPHONE POLE ○ WATER CUB STOP ○ UTILITY POLE ○ TRAFFIC SIGN ○ BORING LOCATION ○ GAS VALVE ○ WATER METER ○ GROUND POLE ○ LIGHT POLE ○ SIGN ○ ELECTRIC MANHOLE ○ HANDICAP ○ CURB CATCH SIGN ○ FOUND SIGN PIPE ○ FOUND SIGN HOOD ○ FOUND CONCRETE FOUNDATION ○ SET 1/2" DIA. ROD W/ CAP #47544 |
|--|---|



PROJECT:
ROY HENDERSON
13999 S. WEST BAYSHORE DR.
TRAVERS CITY, MI 49784

TOPOGRAPHICAL SURVEY
OF RADIO HILL PARCEL

DATE: **JANUARY 8, 2013**

SCALE:
HORIZONTAL: 1" = 40'
VERTICAL: N.A.
ACROSS: 11-0733

Gockerman Wilson Saylor & Hesslin

A Miller Meyers Becken & Jones Law Firm

414 Water St. Manistee, MI 49660 Tel 231-723-8333 Fax 231-723-3888 Web mmbjlaw.com
Grand Rapids Office 616-632-8000 Caledonia Office 616-891-0000 Rockford Office 616-866-5900

Attorneys at Law

March 31, 2014

Via e-mail: n749rh@gmail.com
Mr. Roy E. Henderson

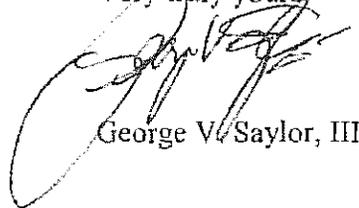
Re: Former State Police post property

Dear Mr. Henderson:

As city attorney, I have been asked to respond to the discussions that have taken place between my office, Denise Blakeslee, Ms. DeClercq and you. After being supplied with information from you regarding the easement that services the property that you acquired, the City will have sufficient information upon your submitting an application for parcel split to make a decision upon your request. I have included with this letter, a parcel split request form which you should complete and include in the information you supply a second copy of the survey of the easement. I understand that the information that Ms. Blakeslee recently received allowed her to determine that the property retained by the State of Michigan, and where the former State Police post is located, does not meet the minimum parcel width requirements of the Zoning Ordinance; however, the City will consider that parcel to be a pre-existing legal non-conforming use.

You should submit the parcel split request form as directed within the form.

Very truly yours,



George V. Saylor, III

/pav

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Notice of Assessment, Taxable Valuation, and Property Classification

This form is issued under the authority of P.A. 209 of 1993, Sec 211.27(c) and Sec 211.34c, as amended. This is a model assessment notice to be used by the local assessor.

| | |
|---|---|
| FROM CITY ASSESSOR CITY HALL 70 MAPLE ST MANISTEE MI 49660 | PARCEL IDENTIFICATION PARCEL CODE NUMBER: 5151-174-708-10 PROPERTY ADDRESS: ARTHUR ST MANISTEE, MI 49660 |
| NAME AND ADDRESS OF OWNER OR PERSON NAMED ON ASSESSMENT ROLL: HENDERSON ROY E 13999 S WEST BAYSHORE DR TRAVERSE CITY MI 49684 | PRINCIPAL RESIDENCE EXEMPTION % Exempt As "Homeowners Principal Residence": .00% % Exempt As "Qualified Agricultural Property": .00% % Exempt As "MBT Industrial Personal": .00% % Exempt As "MBT Commercial Personal": .00% Exempt As "Qualified Forest Property": <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

ACCORDING TO MCL 211.34c THIS PROPERTY IS CLASSIFIED AS: 201 (201 COMMERCIAL)

PRIOR YEAR'S CLASSIFICATION: 701

| | PRIOR AMOUNT YEAR: 2013 | CURRENT AMOUNT YEAR: 2014 | CHANGE |
|--|----------------------------|------------------------------|--------|
| 1. TAXABLE VALUE (Current amount is tentative): | 0 | 46,000 | 46,000 |
| 2. ASSESSED VALUE: | 0 | 46,000 | 46,000 |
| 3. TENTATIVE EQUALIZATION FACTOR: 1.000 | | | |
| 4. STATE EQUALIZED VALUE (Current amount is tentative): | 0 | 46,000 | 46,000 |
| 5. There WAS/WAS NOT a transfer of ownership on this property in 2013. WAS NOT | | | |

The 2014 Inflation rate Multiplier is: 1.016

Legal Description: PT LOT H S C THOMPSONS ADD TO CITY OF MANISTEE, GOV LOT 2, COMMSW COR LF LOT 1, TH S 81 DEG 09 MIN 07 SEC W 70 FT, TH N 46 DEG 20 MIN 53 SEC W 100 FT, TH N 51 DEG 35 MIN 53 SEC W 188 FT, TH N 52 DEG 5 MIN 53 SEC W 165 FT, TH CONT N 52 DEG 5 MIN 53 SEC W 120.44 FT, TO RAW OF CSX RR, TH ALG RR RAW S 44 DEG 24 MIN 7 SEC 43.40 FT, S 31 DEG 15 MIN W 153.50 FT, S 20 DEG 39 MIN 7 SEC W 143.83 FT, S 10 DEG 54 MIN 7 SEC W 186.42 FT, S 259.09 FT TO S LN GOV LOT 2, TH S 86 DEG 44 MIN 24 SEC E 111.93 FT, TH S 86 DEG 44 MIN 24 SEC E 466.89 FT, TH N 3

March Board of Review Information:

CITY HALL, 70 MAPLE ST, 2ND FLOOR CONFERENCE ROOM, MARCH 10, FROM 9AM TO 12PM & 1PM TO 4PM AND MARCH 11, FROM 2PM TO 6PM & 6PM TO 9PM. TAXPAYER'S REPRESENTATIVE NEEDS WRITTEN, NOTARIZED AUTHORIZATION FROM THE TAXPAYER TO FILE AN APPEAL. RESIDENTS AND NON-RESIDENTS MAY FILE LETTERS OF APPEAL WITH THE BOARD OF REVIEW.

* If you believe that these values, the property classification, or the information on line 5 is incorrect you may protest to the Local Board of Review, which will meet at: (see above)

* A nonresident may protest to the Board of Review by letter. Letter appeals are to be accompanied by a completed Board of Review petition form (form L-4035 or an alternate petition form used by the local unit of government). The petition form approved by the State Tax Commission (form L-4035) is available at www.michigan.gov/treasury. When you reach the site, click on Forms (at top of page), then click on Property Tax, then click on Board of Review.

* Proposal A, passed by the voters on March 15, 1994, requires your property taxes to be calculated on the Taxable Value (see line 1 above). If there is a number entered in the "Change" column at the right side of the Taxable Value line, that number is not your change in taxes. It is the change in Taxable Value.

* State Equalized Value (SEV) is the Assessed Value multiplied by the Equalization Factor, if any (see line 3 above). State Equalized Value must approximate 50% of market value.

* IF THERE WAS A TRANSFER OF OWNERSHIP on your property in 2013, your 2014 Taxable Value will be the same as your 2014 State Equalized Value.

* IF THERE WAS NOT A TRANSFER OF OWNERSHIP on your property in 2013, your 2014 Taxable Value is calculated by multiplying your 2013 Taxable Value (see line 1 above) by (which is the Inflation Rate Multiplier for the current year). Physical changes in your property may also increase or decrease your Taxable Value. Your 2014 Taxable Value cannot be higher than your 2014 State Equalized Value.

The denial of an exemption from the local school operating tax for "qualified agricultural properties" may be appealed to the local Board of Review. The denial of an exemption from the local school operating tax for a "homeowner's principal residence" may be appealed to the Michigan Tax Tribunal by the filing of a petition within 35 days of issuance of this notice. The petition must be a Michigan Tax Tribunal form or a form approved by the Michigan Tax Tribunal. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

Protest at the Board of Review is necessary to protect your right to further appeals to the Michigan Tax Tribunal for valuation and exemption appeals and to the State Tax Commission for classification appeals. Properties classified Commercial Real, Industrial Real or Developmental Real may be appealed to the regular March Board of Review or to the Michigan Tax Tribunal by filing a petition by May 31. Commercial Personal, Industrial Personal, or Utility Personal Property may be appealed to the regular March Board of Review or to the Michigan Tax Tribunal by filing a petition by May 31 if a personal property statement was filed with the local unit prior to the commencement of the Board of Review as provided by MCL 211.19. The petition must be a Michigan Tax Tribunal form or a form approved by the Michigan Tax Tribunal. Michigan Tax Tribunal forms are available at www.michigan.gov/taxtrib.

HOMEOWNER'S PRINCIPAL RESIDENCE AFFIDAVIT INFORMATION REQUIRED BY P.A. 114 OF 2012. If you purchased your principal residence after May 1 last year, to claim the principal residence exemption, if you have not already done so, you are required to file an affidavit by June 1 for the immediately succeeding summer tax year levy and all subsequent tax levies or by November 1 for the immediately succeeding winter tax levy and all subsequent tax levies.

Manistee County Property Search

Parcel Number 51-174-708-10



Close This Window | Find Location on Map | 300 Foot Radial Search

Manistee County Parcel Information for 2014 (Tentative) Assessment Year
 City of Manistee, Manistee County

Owner Name(s): HENDERSON ROY E
Owner Address: 13999 S WEST BAYSHORE DR
 TRAVERSE CITY, MI 49684

Parcel Address: ARTHUR ST
 MANISTEE, MI 49660

Property Information

Property Class: 201 - COMMERCIAL IMPROVED
School District: 51070 - MANISTEE
Current Homestead %: 0%

Current Assessment: \$46,000
Current S.E.V.: \$46,000
Current Taxable Value: \$46,000

Last Year's Assessment: \$0
Last Year's S.E.V.: \$0
Last Year's Taxable Value: \$0

Property Sale Information

| Sale Date | Sale Amount |
|-----------|-------------|
| 1/20/2012 | \$30,000.00 |

Tax Roll Description

PT LOT H S C THOMPSONS ADD TO CITY OF MANISTEE, GOV LOT 2, COMMSW COR LF LOT I, TH S 81 DEG 09 MIN 07 SEC W 70 FT, TH N 46 DEG 20 MIN 53 SEC W 100 FT, TH N 51 DEG 35 MIN 53 SEC W 188 FT, TH N 52 DEG 5 MIN 53 SEC W 165 FT, TH CONT N 52 DEG 5 MIN 53 SEC W 120.44 FT, TO R/W OF CSX RR, TH ALG RR R/W S 44 DEG 24 MIN 7 SEC 43.40 FT, S 31 DEG 15 MIN W 159.50 FT, S 20 DEG 39 MIN 7 SEC W 143.83 FT, S 10 DEG 54 MIN 7 SEC W 186.42 FT, S 269.08 FT TO S LN GOV LOT 2, TH S 86 DEG 44 MIN 24 SEC E 111.93 FT, TH S 86 DEG 44 MIN 24 SEC E 466.89 FT, TH N 38 DEG 34 MIN 7 SEC E 294.14 FT, TH N 12 DEG 19 MIN 42 SEC W 197.91 FT, TH N 32 DEG 13 MIN 54 SEC W 16.05 FT TO POB. 9.44 A M/L AS OF 9-26-2013 THIS PARCEL IS A NON-CONFORMING SPLIT, IN VIOLATION OF THE CITY OF MANISTEE LAND DIVISION ORDINANCE. CITY APPROVAL OF THIS SPLIT HAS NOT BEEN OBTAINED. SPLIT ON 10/02/2013 FROM 51-174-708-09; CALLS ON DEED MAY PREVENT CLOSURE OF PARCEL BY .65 FT, PER 10/2/13 DEED PROCESSING

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CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

May 1, 2014

A meeting of the Manistee City Planning Commission was held on Thursday, May 1, 2014 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, David Crockett, Bill Dean, Ray Fortier, Mark Wittlieff, Roger Yoder

Members Absent: Marlene McBride (excused)

Others: Denise Blakeslee (Planning & Zoning Administrator)

APPROVAL OF AGENDA

Motion by Ray Fortier, seconded by Mark Wittlieff that the agenda be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Barry, Crockett, Dean, Fortier, Wittlieff, Yoder
No: None

APPROVAL OF MINUTES

Motion by Ray Fortier, seconded by Dave Crockett that the minutes of the April 3, 2014 Planning Commission Meeting be approved as prepared.

With a Roll Call vote this motion passed 6 to 0.

Yes: Dean, Fortier, Barry, Crockett, McBride, Wittlieff, Yoder
No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

PC-2014-04 – Roy E. Henderson, Parcel Split Request

A Request has been received from Roy E. Henderson for a Parcel Split using the legal description from the Quit Claim Deed from the State of Michigan to Roy E. Henderson recorded at the Register of Deeds office on November 15, 2012 from parcel #51-174-708-09 owned by the State of Michigan (former State Police Post).

Mr. Henderson purchased 9.36 acres +/- of parcel #51-174-708-09 from the State of Michigan in 2012. Staff has been working with the City Attorney, Mr. Henderson and the State to obtain the necessary paperwork to process the parcel split.

The property that Mr. Henderson purchased does not have frontage on U.S. 31. A site plan prepared by Midwestern Consulting dated 2/13/14 Job No. 05268-68329 shows that an easement exists over parcel #51-101-275-03 (A Storage Inn) that provides the necessary access to the property as required in Section 510 Access to Public Streets.

The remaining portion of the State Police Post property has been reviewed for compliance with the Zoning Ordinance. Staff has determined the requirements of the ordinance have been met except for minimum lot width (street frontage). The split did not create this condition; the parcel has been and will continue to be a legal non-conforming parcel with regards to street frontage.

The parcel that Mr. Henderson purchased has been placed on the tax roll (using the legal description from the Quit Claim Deed) and has been assigned Parcel Code #51-174-708-10. Until approval has been received from the Planning Commission and City Council Mr. Henderson is unable to lease or expand the use of the property.

Motion by Maureen Barry, seconded by Ray Fortier that the Planning Commission recommend to City Council to approve the request from Roy E. Henderson for a Parcel Split using the legal description from the Quit Claim Deed from the State of Michigan to Roy E. Henderson recorded at the Register of Deeds office on November 15, 2012 from parcel #51-174-708-09 owned by the State of Michigan.

With a Roll Call vote this motion passed 6 to 0.

Yes: Wittlieff, Dean, Fortier, Barry, Crockett, Yoder
No: None

OLD BUSINESS

None

DOWNTOWN MANISTEE

— michigan —



May 9, 2014

Manistee City Council
70 Maple Street
Manistee, Michigan 49660

Re: Request to change Manistee Main Street DDA By-Laws

To Mayor and Council,

The Manistee Main Street DDA wishes to change our by-laws to reflect a change in meeting date. Our current by-laws state in Article IV, Section 2 "Regular meetings of the board shall be held at 12:00 noon on the first Wednesday of each month at a location agreed to by the board. In the event the meeting day shall fall on a holiday, the meeting will occur on the following day. The financial records shall always be open to the public. Any regularly scheduled meeting may be cancelled for lack of quorum. Notice of all meetings shall be posted in accordance with the Michigan Open Meetings Act." At our April 9th board meeting there was an approved motion to move our meetings to the 2nd Wednesday of each month so the board would have ample time to review the minutes and financial reports of the previous month. The minutes of this meeting are attached and highlighted with the exact motion.

Our by-laws require that all amendments made must also be approved by City Council for the amendment to be treated as part of the by-laws. Therefore we request that you approve the amendment in by-laws to reflect a meeting date change to the 2nd Wednesday of each month. Our by-laws under Article IV, Section 2 would then read: "Regular meetings of the board shall be held at 12:00 noon on the second Wednesday of each month at a location agreed to by the board. In the event the meeting day shall fall on a holiday, the meeting will occur on the following day. The financial records shall always be open to the public. Any regularly scheduled meeting may be cancelled for lack of quorum. Notice of all meetings shall be posted in accordance with the Michigan Open Meetings Act."

We thank you for taking the time to review this request and encourage any of you to attend our meetings and learn more about what our organization does to serve this downtown community.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Kay", written over a white background.

Patrick Kay,
Executive Director

Manistee Main Street Downtown Development Authority
11 Cypress Street Manistee, Michigan 49660
231-398-3262 patrick@manisteedowntown.com
www.VisitManistee.com

DOWNTOWNMANISTEE

michigan



Board Meeting Minutes April 9, 2014

Call to Order

The Chair called the meeting to order at 12:01 pm.

Members Present

Brandon Ball, Steve Brower, Rachel Estabrook, Colleen Kenny, Barry Lind, Jeff Reau, Lee Trucks, Shari Wild

Members Absent

John Smith

Also Present

Patrick Kay (Executive Director), Dianna Wall (Manistee Area Chamber of Commerce), Eric Sagonowsky (Manistee News Advocate)

Approval of Agenda

There was a MOTION by Ms. Kenny, supported by Ms. Wild, that the Agenda be accepted as presented.
MOTION CARRIED

Public Comment

None

Approval of Minutes

There was a MOTION by Ms. Kenny, supported by Ms. Estabrook that the minutes from the regular meeting on March 5, 2014 be accepted as presented. MOTION CARRIED

Treasurers Report

It was noted that the March Check Register, the Balance Sheets and Profit and Loss Report had been previously distributed. Mr. Brower reviewed the reports.

There was a MOTION by Mr. Brower, supported by Ms. Kenny to accept the Treasurers Report as presented to be placed on file. MOTION CARRIED

Marketing & Promotions Committee

Mr. Lind reported the Co Op Program would have a similar structure to previous years. Discussion was held on the websites and graphic design.

Organization Committee

Mr. Trucks reported the Organization Committee met and discussed the volunteer site training. MS Creative Services is working on the PSAs, which will go out soon and the Volunteer Appreciation event, which will be held on May 7th at the Elk's Lodge.

Design Committee

The Design Committee Minutes had been previously distributed. Ms. Wild reported that committee would be scheduling a walk to review capital maintenance and design projects.

The proposed Façade Grant Application and Guidelines had been previously distributed. There was a MOTION by Ms. Wild, supported by MS. Kenny, to accept the Façade Grant Application and Guidelines as presented. MOTION CARRIED.

Economic Restructuring Committee

It was noted the minutes from the Economic Restructuring Committee had been previously distributed. Mr. Ball reported Mr. Brower has taken a leave of absence from that committee and he will serve as Chair.

Old/New Business

Mr. Kay noted proposals for the TIF Renewal Plan were received from Spicer Group, Beckett & Raeder and Williams & Works. Discussion followed. There was a MOTION by Ms. Wild, supported by Mr. Brower, to accept the proposal from Beckett & Raeder for Tax Increment Finance and Development Renewal Plan s presented. MOTION CARRIED

Mr. Kay reported Northwestern Bank is changing to Chemical Bank and he requested to change the Manistee Main Street/DDA accounts to Shelby State Bank. Discussion followed. Consensus of the Board is that Mr. Kay drafts an RFP, which includes Downtown Dollars, check fees, etc. and submit it to banks located in the City of Manistee.

Mr. Kay noted the By Laws need to be changed to reflect the new meeting date. There was a MOTION by Ms. Wild, supported by Mr. Trucks that Article IV, Section 2. Regular Meetings of our Rules Governing the Manistee, Michigan Downtown Development Authority be amended so that from now on our regular meetings shall be held at 12:00 noon on the second Wednesday of each month at a location agreed to by the board. Upon approval of the board on said motion I request these minutes reflection our decision be accompanied by a letter to council asking them to adopt this amendment as required by Article XI Amendment to Rules. MOTION CARRIED

It was noted that the Budget needs to be submitted to City Council before their May 6th Meeting. A Special Board Meeting will be held, April 30th, 12 pm in Council Chambers to finalize the Manistee Main Street/DDA FY 2014-2015 Budget.

*Mr. Lind left the meeting at 1:00 pm; Mr. Ball left the meeting at 1:10 pm.

Discussion was held on expenses for Board Members to attend the National Main Street Conference. There was Motion by Mr. Reau, supported by Ms. Wild, that reasonable and customary expenses for a Board Member to attend the National Main Street Conference up to \$1,000 per Board Member be paid by Manistee Main Street/DDA. MOTION CARRIED.

Liquor Licenses for Women's Wine & Chocolate Walk

There was a MOTION by Mr. Trucks and supported by Ms. Kenny, that the application from the City of Manistee Downtown Development Authority for a special license to serve alcohol on Saturday, May 10 to be located at Reusch Jewelers, 395 River Street, Manistee Michigan be considered for approval. MOTION CARRIED.

There was a MOTION by Mr. Trucks and supported by Ms. Estabrook, that the application from the City of Manistee Downtown Development Authority for a special license to serve alcohol on Saturday, May 10 to be located at Port City Clipper, 78 Division Street, Manistee Michigan be considered for approval. MOTION CARRIED.

Meeting of Manistee Main Street/DDA

April 9, 2014

Page 3 of 3

There was a MOTION by Mr. Trucks and supported by Ms. Kenny, that the application from the City of Manistee Downtown Development Authority for a special license to serve alcohol on Saturday, May 10 to be located at Zoelle Consignment & Boutique, 431 River Street, Manistee Michigan be considered for approval.
MOTION CARRIED

Public Comment

None

Adjournment

There being no further business, there was a MOTION by Ms. Wild, supported by Mr. Trucks that the meeting be adjourned and the meeting was so adjourned at 1:25 pm.

Respectfully submitted on May 14, 2014

Dianna Wall, Recording Secretary

4 9 14 minutes approved at the MSDDA meeting on: _____

**RULES GOVERNING THE MANISTEE, MICHIGAN
DOWNTOWN DEVELOPMENT AUTHORITY**

ARTICLE I. PURPOSES AND POWERS

The purpose or purposes for which the Authority is organized are as follows: To act as a Downtown Development Authority in accordance with Act 197 of the Public Acts of 1975, as amended, including, but not limited to: to correct and prevent deterioration in the Downtown Development District, to encourage historic preservation, to create and implement development plans, and to promote economic growth. In furtherance of these purposes, the Authority shall have all of the powers which now or hereafter may be conferred by law on Authorities organized under Act 197, Public Acts of 1975 as amended; and Public Law 9-1-646, being the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The power or authority given under Public Acts 197 is as follows:

- (a) Prepare an analysis of economic changes taking place in the downtown district.
- (b) Study and analyze the impact of metropolitan growth upon the downtown district.
- (c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.
- (d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hal single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- (e) Develop long-range plans, in cooperation with the agency which is chiefly responsibility for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (f) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the Authority as granted by this act.
- (g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (h) Acquire by purchase or otherwise on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as

lessor or lessee, land and other property, real or personal, or rights of interests therein, which the Authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.

- (i) Improve land and construction, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building including multiple-family dwellings, and any necessary or desirable appurtenances thereto, within the downtown district for use, in whole or in part, of any public or private person or corporation, or a combination thereof.
- (j) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.
- (k) Lease any building or property under its control, or any part thereof of a building or property.
- (l) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (m) Acquire and construct public facilities.
- (n) Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- (o) Contract for broadband service and wireless technology service in the downtown district.
- (p) Operate and perform all duties and exercise all responsibilities described in this section in a qualified township if the qualified township has entered into an agreement with the municipality under section 3(7).

ARTICLE II. BOARD

Section 1. General Powers

The Authority shall be under the supervision and control of a board.

Section 2. Number, Tenure, and Qualifications

The Board of the Authority shall consist of nine persons, the Mayor of the City of Manistee and eight members. The members shall be appointed for one term of four years except that of members first appointed; two shall be appointed for one year, two for two years, two for three years, and two for four years. At least five of the members shall be persons having an interest in property located in the downtown district. At least one of

the members shall be a resident of the downtown district if it has one hundred or more persons residing within it. The term of office shall begin on the First day of July.

Section 3. Selection of Board Members

The Chief Executive of the City of Manistee with the advice and consent of the City Council shall appoint the members of the board. Subsequent board members shall be appointed in the same manner as the original appointments at the expiration of each member's term of office. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

Section 4. Compensation of Members

Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

Section 5. Expiration of Term, Continuation in Office, Reappointment, and Filling Vacancies

If a vacancy is created by the death, resignation, or removal of a member, a successor shall be appointed in the manner prescribed for filling vacancies on City of Manistee Authorities.

Section 6. Removal

Pursuant to proper notice and an opportunity to be heard, a member may be removed from office for neglect of duty including nonattendance at meetings, misconduct, malfeasance, or any other good cause by a majority vote of the City Council. Removal of a member is subject to review by the Circuit Court.

Board Absences

In order to maintain the maximum participation of all appointed Downtown Development Authority members at all scheduled meetings, the following is the attendance guide and board member replacement policy for "excused" or "unexcused" absences:

1. When appointed, each board member should state his/her willingness and intention to attend each scheduled meeting of the Downtown Development Authority.
2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the board member from attending the scheduled meeting; the board chair or staff liaison to the Downtown Development Authority should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend.

The board member upon this notification will receive an “excused absence” for the involved scheduled meeting.

3. If any board member is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the board member shall be reported in writing to the City Manager. The City Manager will contact the board member in writing and question his/her continued ability or interest in being on the board, giving the member a chance to rectify the attendance issue or submit a resignation.
4. There will be no limit on the number of consecutive “excused absences” for any board member. However, if the board member is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the board member in writing and question the member’s continued ability or interest to be on the board. The board member will be considered for an appointment nullification when the absences total six in the calendar year.
5. The appoint nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

Section 7. Disclosure of Interest

A board member who has a direct interest in any matter before the Authority shall disclose his interest prior to the Authority taking any action with respect to the matter which disclosure shall become a part of the record of the Authority’s official proceedings. Further, any member making such disclosure shall then refrain from participating in the Authority’s decision-making process relative to such matter.

ARTICLE III. OFFICERS

Section 1. OFFICERS

The officers of the Authority shall be a Chairman, Vice-Chairman, Secretary, and Treasurer. The Chairman shall be the Chief Executive Officer of the City, or as elected by the board.

Section 3. Filling of Vacancies

A vacancy in any of the officer positions may be filled by the board for the unexpired portion of the term.

Section 4. Chairman

The Chairman shall preside at all meetings of the board and shall discharge the duties of a presiding officer.

Section 5. Vice-Chairman

In the absence of the Chairman or in the event of his inability or refusal to act, the Vice Chairman shall perform the duties of the Chairman and when so acting shall have all the powers and be subject to all restrictions of the Chairman.

ARTICLE IV. MEETINGS

Section 1. Annual Meeting

The annual meeting shall be held on the third Wednesday of July. The election of officers shall occur at the annual organizational meeting. If the election of officers should not occur on the day designated, or any adjournment thereof, the board shall cause the election to be held at a regular special meeting of the board within ninety days of the annual meeting.

Section 2. Regular Meetings

Regular meetings of the board shall be held at 12:00 noon on the ~~first~~ second Wednesday of each month at a location agreed to by the board. In the event the meeting day shall fall on a holiday, the meeting will occur on the following day. The financial records shall always be open to the public. Any regularly scheduled meeting may be cancelled for lack of quorum. Notice of all meetings shall be posted in accordance with the Michigan Open Meetings Act.

Section 3. Special Meetings

Special meetings of the board may be called by the Chairman, by the Vice-Chairman in the absence of the Chairman, by the Executive Director, by any three members, or by the City Council by giving twenty-four hours' notice of the meeting stating the purpose of the meeting and by posting the notice eighteen hours prior to the meeting.

Section 4. Notice of Meetings

All meetings shall be preceded by public notice posted no less than eighteen hours prior to the meeting in accordance with the Open Meetings Act (Act 267 of the Public Acts of 1976, as amended.) Notice to the members of the board and to the public shall be the responsibility of the Secretary.

Section 5. Agenda

The Chairman may direct the Secretary or Executive Director to prepare the agendas for all meetings and send them to the Authority members at least twenty-four prior to a meeting. Any member of the Authority may request any item to be placed upon the

Agenda. Approval of the agenda, including items added or deleted, shall be one of the first items of business at each meeting.

Section 6. Quorum and Voting

A majority of the members of the board in office shall constitute a quorum for the transaction of business. In the event that effective membership is reduced because of disclosure of interest (Article II, Section 7), a majority of the remaining members eligible to vote shall constitute the action of the board.

Section 7. Rules of Order

Robert's Rules of Order will govern the conduct of all meetings.

Section 8. Public Comment During Meetings

The Manistee Downtown Development Authority wishes to provide for orderly public comment during its meetings and wishes to express its procedure for allowing public comment at its meetings in compliance with Open Meetings Act, Public 267 of the Public Acts of 1976.

1. At any meeting, any interested person may address the Board of Trustees of the Manistee Downtown Development Authority on any agenda item prior to the vote on that agenda item if recognized by the Chairman or upon request of any two Board members present.
2. Any interested person may address the Board of Trustees of the Manistee Downtown Development Authority on any matter relevant to the purposes and powers of Authority during the agenda item designated public comments.
3. The Chairman shall have the authority to limit and terminate any public comment that becomes disruptive, repetitive, or impedes the orderly progress of the meeting. The Chairman shall control the order and duration of any public comment, subject to appeal.
4. Any public comment may be limited in time to not more than five (5) minutes.
5. Prior to engaging in public comment, each person shall identify themselves and the group that is being represented.

ARTICLE V. EMPLOYMENT OF PERSONNEL

Section 1. Executive Director

The board may employ and fix the compensation of a director, subject to the approval of the City Council. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the Authority, payable to the Authority for use and benefit of the Authority, approved by the board, and filed with the City Clerk. The premium on the bond shall be deemed an operating expense of the Authority, payable from funds available to the Authority for expenses and operation. The director shall be the chief executive officer of the Authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by Act 197 of the Public Acts of 1975 as amended. The director shall attend the meetings of the board, and shall render to the board and to the City Council a regular report covering the activities and financial condition of the Authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering scribe to the oath, and furnishing bond, as required of the director, the director shall furnish the board with information or reports governing the operating of the Authority as the board requires. The director shall not be a full-time City employee.

Section 2. Treasurer

The board may employ and fix the compensation of a Treasurer if he or she is not a board member, who shall keep the financial records of the Authority and who, together with the directors, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform such other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

Section 3. Secretary

The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the controller. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such duties delegated by the board.

Section 4. Legal Counsel

The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority.

Section 5. Other Personnel

The Board may employ other personnel deemed necessary by the board.

ARTICLE VI. COMMITTEES AND ADVISORY BOARDS

Section 1. Committees

The board by resolution may designate and appoint one or more committees to advise the board. The Chairman of the Authority shall appoint the members and select the chairman. The committees may be terminated by a vote of the Authority. At the annual meeting, the committees will be evaluated and reappointed or dissolved

Section 2. Advisory Boards

The board may by resolution authorize the establishment of advisory boards to the Authority. The Chairman shall select, with the advice and consent of the Authority members, the members of each advisory board. The advisory board shall elect their own officers and establish rules governing their actions.

ARTICLE VII. CONTRACTS AND FUNDS

Section 1. Contracts

The board may authorize the Executive Director or an agent or agents of the Authority to enter into any contract or execute and deliver any instrument on behalf of the Authority within the limits authorized by Public Act 197. The authorization may be general or confined to specific instances.

Section 2. Funds

All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Authority shall be signed by the Treasurer and countersigned by the Executive Director or Administrator of the Authority. Other member of the board may be authorized to execute documents in the absence of the Treasurer or Executive Director. Account transactions require two signatures. All funds of the Authority shall be placed in such banks, trust companies, or other depositories as selected by the board.

Section 3. Contributions or Gifts

The board may accept on behalf of the Authority any contribution, gift, request, or device for the general purposes or for any special purpose of the Authority.

ARTICLE VIII. BOOKS AND RECORDS

Section 1. Books and Records

The Authority shall keep correct and complete records of books and accounts and minutes of the meetings. The records shall be kept at the principal office of the Authority

which will have a record of the names and addresses of the members of the Authority. All books and records of the Authority shall be open to the public. An annual audit by an independent certified public account will be conducted.

Section 2. Fiscal Year

The fiscal year of the Authority shall at all times conform to the fiscal year of the City of Manistee.

ARTICLE IX – RAISING OF FUNDS

Section 1. Ad Valorem Tax

The Authority with the approval of the City Council may levy an ad valorem tax on the real and tangible property not exempt by law and as finally equalized in the downtown district. The tax shall be not more than 2 mills. The tax shall be collected by the City of Manistee. The City shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the Treasurer of the Authority and credited to the general fund of the Authority for purposes of financing only the operations of the Authority.

Section 2. Borrowing Money Prior to Collection of Tax

The City may at the request of the Authority borrow money and issue its notes therefore pursuant to Act 202 of the Public Acts of 1943, as amended, being sections 131.1 and 138.2 of the Michigan Compiled Laws, in anticipation of collection of the ad valorem tax authorized in this section.

Section 3. Revenue Bonds

The Authority may borrow money and issue its negotiable revenue bonds therefore pursuant to Act 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the Authority shall not, except as hereinafter provided, be deemed a debt of the City of Manistee or the State of Michigan. The City Council by a majority vote of the members may pledge its full faith and credit to support the Authority's revenue bonds.

Section 4. Tax Increment Financing

When the Authority determines that it is necessary for the achievement of the purposes of Act 197, Public Acts 1975, the Authority shall prepare and submit a tax increment financing plan to the City Council. The plan shall include a development plan as provided in Section 17, Act 197, Public Acts of 1975, a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the program, and shall be in compliance with Section 15 of that Act. The plan shall contain statement of the estimated impact of tax increment financing on the assessed

values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the Authority shall be clearly stated in the tax increment financing plan.

ARTICLE X. DISTRICT BOUNDARIES

The Authority shall exercise its powers within the downtown district of the City of Manistee so determined by ordinance of the City Council.

ARTICLE XI. AMENDMENT TO RULES

These rules should be reviewed annually by the Board of Directors and they may be altered, amended, or repealed, and new rules adopted, by a majority of the members present at any regular meeting, to be effective upon approval of the Manistee City Council.

Adopted by the Board of Directors _____

Secretary, Manistee City Downtown
Development Authority

Approved by the Manistee City Council _____

City Clerk