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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 3, 2014

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A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 3, 2014 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Robert Hornkohl, Catherine Zaring, Mark Wittlieff, and Eric Gustad.

ABSENT: Edward Cote and Robert Goodspeed.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Finance Director – Ed Bradford, Public Safety Director – Dave Bachman, and City Engineer – Shawn Middleton/Spicer Group.

### CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Mayor Kenny stated that additional applications for Boards and Commissions have been received after the agenda was printed. They include:

- Downtown Development Authority: Todd Mohr, Barry Lind, Sara Spore, and Valerie Bergstrom
- Parks & Beautification Commission: Mark Tomaszewski
- Brownfield Redevelopment Authority: Clinton McKinven-Copus
- Ramsdell Theatre Governing Authority: Brian Garcia
- Zoning Board of Appeals: Craig Schindlbeck

No citizen comments received.

### CONSENT AGENDA.

- Minutes - May 20, 2014 - Regular Meeting
- Payroll - May 12–25, 2014 - \$ 121,657.85
- Cash Balances Report - April 2014
- Notification Regarding Scheduling a Special Meeting  
A special meeting of the Manistee City Council has been scheduled for Tuesday, June 10, 2014 at 6:30 p.m. prior to the regular work session scheduled for that evening at 7 p.m. The only item under consideration at the special meeting will be a first reading of a revised Water and Sewer Ordinance as required due to the adoption of the recent Water and Sewer Utility Rate Study. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.
- Notification Regarding Next Work Session – June 10, 2014  
A discussion will be conducted on Street Funding, Project Updates; and such business as may come before the Council.

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- Consideration of Manistee County Humane Society Tag Days.  
The Manistee County Humane Society would like to hold their annual tag day fundraiser on Friday and Saturday, August 22 & 23, 2014 in the City of Manistee. This is one of their largest fundraisers held during the year to support the Homeward Bound Animal Shelter.
- Consideration of VFW Buddy Poppy Sales.  
The VFW Walsh Post 4499 has requested authorization to conduct their annual Buddy Poppy Sales in the City of Manistee from July 2 through July 5, 2014. Money collected from the event goes to our veteran's relief fund and back to needy veterans in our community.
- Consideration of Annual Forest Festival Activities.  
A request has been received from the Manistee Area Chamber of Commerce to authorize the annual Forest Festival Parade and other events beginning Wednesday, July 2 and running through Sunday, July 6, 2014. The proposed schedule has been attached and includes parades, fireworks, carnival, hospitality tent, arts & crafts show and special events for the kids.

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

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

### **CONSIDERATION OF INTRODUCING ORDINANCE CHAPTER 270 HOUSING COMMISSION AMENDMENTS.**

The initial Housing Commission ordinance was drafted in 1966. At that time and based upon the ordinance, it was the responsibility of the City Council to fix compensation for employees of the Housing Commission. More recently the State of Michigan has subsequent laws that makes it the responsibility of the Council appointed Housing Commission to set employee compensation.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Hornkohl, second by Zaring to introduce an ordinance amending Chapter 270 Housing Commission.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

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### **CONSIDERATION OF INTRODUCING ORDINANCE CHAPTER 289 PARKS AND BEAUTIFICATION COMMISSION AMENDMENTS.**

The Parks and Beautification Commission have passed a motion to amend Chapter 289 removing the language that the Chair is required to be a resident of the City. All Parks and Beautification Commissioners will still be required to own property or own a business or profession having a licensed business location within the City.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Gustad, second by Hornkohl to introduce an ordinance amending Chapter 289 Parks and Beautification Commission.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

### **CONSIDERATION OF INTRODUCING NEW ORDINANCE CHAPTER 663 FIREWORKS.**

City Council discussed the creation of a new ordinance to limit fireworks being discharged within the City of Manistee. No person shall ignite, discharge, or use commercial fireworks in the City between the hours of 11:00 p.m. and 8:00 a.m. This prohibition shall not preclude a person from igniting, discharging, or using consumer fireworks within the City of the day preceding, the day of, or the day after a national holiday; consistent with Act 256, except between the hours of 1:00 a.m. to 8:00 a.m. on those days.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Gustad, second by Hornkohl to introduce a new ordinance Chapter 663 Fireworks. Questions were asked about remnants of fireworks landing on property other than your own, enforcement, and fines.

With a roll call vote this motion passed, 3-2.

AYES: Hornkohl, Zaring, and Gustad

NAYS: Kenny and Wittlieff

### **CONSIDERATION OF INTRODUCING ORDINANCE 692 WEEDS.**

City staff has been working to amend how Chapter 692 Weeds is enforced. Based on this experience,

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the Department of Public Works felt there was a more efficient way to enforce the weed ordinance.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Hornkohl, second by Wittlieff to introduce an ordinance amending Chapter 692 Weeds. Changes included getting away from the four times per year scheduled cutting, but instead cutting can be done any time that it is more than 10" tall; goal is not to spend time on private property.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

### **CONSIDERATION OF INTRODUCING ORDINANCE 1028 RIVER STREET TRAFFIC FLOW, PARKING AND AMENITIES.**

In the late 1990s the City was preparing to complete a downtown streetscape project as part of a combined sewer separation project. Included in the original plans were bump outs (traffic calming measures) and trees downtown. A referendum vote was put before City residents to prohibit trees from being placed in the downtown. This referendum passed and Section C. of Ordinance 1028 was added. By law, Section C. could not be reversed for a two-year period. Having passed that time period requirement, Council could now amend this section.

The DDA Design Committee and the full DDA Board have approved the concept of placing trees back in the downtown area in large planters. Use of the planters would allow them to be removed for winter maintenance.

This ordinance has been reviewed and supported by the Council Ordinance Committee. As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next regular meeting.

MOTION by Gustad, second by Zaring to introduce an ordinance amending Chapter 1028 Traffic Flow, Parking and Amenities. Questions were asked about the requirement of trees being placed closer to the building (item E.) rather than along the street; number of trees proposed to begin the project; opportunity for memorial funds.

MOTION by Gustad, second by Hornkohl to amend the original motion to eliminate Section 1028.01 E.

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

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

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Roll call vote was then taken on the original motion. Motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

### CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority, Downtown Development Authority, Historic District Commission, Non-Motorized Transportation Committee, Oil and Gas Investment Board, Parks & Beautification Commission, Ramsdell Theatre Governing Authority, and the Zoning Board of Appeals.

All appointments by the Mayor are subject to the Council's approval, unless otherwise specified by statute or ordinance. Nominations for Council appointments do not require a second. After a member of Council nominates an individual for appointment, Council shall vote on the nomination. A majority vote in favor of placement of the nominee is required for appointment.

The following applications have been received (\*Incumbent):

**BROWNFIELD REDEVELOPMENT AUTHORITY** – Two vacancies, three-year terms ending 06/30/17; applicants must be City residents or have an interest in property in the City; Mayoral appointment.

Don Kuk, 1235 Greenwich Street\*

Clinton McKinven-Copus, 5480 S. Lakeshore Dr., Ludington\*

Mayor Kenny appointed Don Kuk – 1235 Greenwich Street to the Brownfield Redevelopment Authority for a three-year term ending 06/30/17. MOTION by Zaring, second by Wittlieff to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

Mayor Kenny appointed Clinton McKinven-Copus – 5480 S. Lakeshore Dr., Ludington to the Brownfield Redevelopment Authority for a three-year term ending 06/30/17. MOTION by Hornkohl, second by Gustad to support the Mayor's appointment. Question asked about Mr. McKinven-Copus not being a City resident or owning property in the City. Saylor responded.

With a roll call vote this motion passed, 4-1.

AYES: Kenny, Hornkohl, Zaring, and Gustad

NAYS: Wittlieff

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**DOWNTOWN DEVELOPMENT AUTHORITY** – Four vacancies, two four-year terms ending 06/30/18 and two unexpired terms ending 06/30/16; at least three applicants must have an interest in property located in the downtown district; Mayoral appointment.

Todd Mohr, P. O. Box 1011, Manistee  
Barry Lind, 532 Fourth Street\*  
Sara Spore, 325 First Street  
Valerie Bergstrom, 1224 Critter Trail

Mayor Kenny appointed Barry Lind – 532 Fourth Street to the Downtown Development Authority (interest member) for a four-year term ending 06/30/18. MOTION by Hornkohl, second by Gustad to support the Mayor’s appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

Mayor Kenny appointed Valerie Bergstrom – 1224 Critter Trail to the Downtown Development Authority (at large member) for a four-year term ending 06/30/18. MOTION by Zaring, second by Hornkohl to support the Mayor’s appointment. Question was asked about her not being in the downtown district.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

Mayor Kenny appointed Sara Spore – 325 First Street to the Downtown Development Authority (interest member) to fill the unexpired term ending 06/30/16. MOTION by Zaring, second by Wittlieff to support the Mayor’s appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

Mayor Kenny appointed Todd Mohr – P.O. Box 1011, Manistee to the Downtown Development Authority (interest member) to fill the unexpired term ending 06/30/16. MOTION by Hornkohl, second by Zaring to support the Mayor’s appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad  
NAYS: None

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**HISTORIC DISTRICT COMMISSION** – Two vacancies, one three-year term ending 02/28/17; and one unexpired term ending 02/28/15; applicants must be city residents, Council appointment.

*None received.*

**NON-MOTORIZED TRANSPORTATION COMMITTEE** – Three vacancies, one two-year term ending 03/31/16; and two unexpired terms ending 03/31/15; Mayoral appointment.

*None received.*

**OIL AND GAS INVESTMENT BOARD** – One vacancy, four-year term ending 06/30/18, Mayoral appointment.

Steven Brower, 4102 College Avenue\*

Mayor Kenny appointed Steven Brower – 4102 College Avenue to the Oil and Gas Investment Board for a four-year term ending 06/30/18. MOTION by Zaring, second by Gustad to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

**PARKS & BEAUTIFICATION COMMISSION** – Three vacancies, three-year terms ending 06/30/17; at least two applicants must be city residents; non-residents must own real estate in the City or own a business or profession having a licensed business location in the City; Mayoral appointment.

Brittani Goda, 124 Fourth Street, Eastlake (temporary address)

Mark Tomaszewski, 106 Tamarack Street\*

Mayor Kenny stated that Ms. Goda has intentions of moving into the city, but does not currently live here, she is unfortunately ineligible but encouraged to reapply when the move does take place.

Kenny then appointed Mark Tomaszewski – 106 Tamarack Street to the Parks & Beautification Commission for a three-year term ending 06/30/17. MOTION by Wittlieff, second by Hornkohl to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Hornkohl, Zaring, Wittlieff, and Gustad

NAYS: None

**RAMSDALL THEATRE GOVERNING AUTHORITY** – Three vacancies, two three-year terms ending 06/30/17; and one unexpired term ending 06/30/15; at least two applicants must be city residents; Mayoral

appointment.

Brian Garcia, 2374 Aikens Road\*

Mayor Kenny appointed Brian Garcia – 2374 Aikens Road to the Ramsdell Theatre Governing Authority for a three-year term ending 06/30/17. MOTION by Gustad, second by Zaring to support the Mayor’s appointment .

**ZONING BOARD OF APPEALS** – One vacancy, three-year term ending 05/31/17; applicants must be city residents; Mayoral appointment.

Craig Schindlbeck, 420 Cedar Street\*

Mayor Kenny appointed Craig Schindlbeck – 420 Cedar Street to the Zoning Board of Appeals for a three-year term ending 05/31/17. MOTION by Hornkohl, second by Wittlieff to support the Mayor’s appointment.

**A REPORT FROM THE BROWNFIELD CONSULTANT.**

Mr. T Eftaxiadis reported on the activities of the Brownfield Redevelopment Authority and responded to questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Dave Story – 1102 Cherry Street asked if any discussion has taken place regarding his ability to place his lunch wagon by the boat ramps at First Street beach.

Karen Wrzesinski-Goodman – 1925 Twelfth Street introduced herself as a candidate for the 6<sup>th</sup> County Commissioner.

Ray Fortier – 367 Eleventh Street commented on the water and sewer rate increase and hiring of an extra policeman, both affect him and anyone on a fixed budget greatly; told Council they are elected by the public and should serve the public.

**OFFICIALS AND STAFF.**

Deisch informed Council that the electricity will be shut off at City Hall tomorrow to allow installation of the generator, City Hall will still be open; Senator Levin’s office informed us that we have received the Land & Water Conservation (LAWCON) grant for the Rotary Park playground; also said a discussion should be held on how the last minute applications received for Boards and Commissions should be handled so there is time to review them.

**COUNCILMEMBERS.**

Wittlieff commented again on the recycling at the City Garage and asked people to stop putting

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garbage in the recycling, it costs us money; it was also stated that non-residents are using it; suggestion was made to limit time or access to the recycling dumpsters.

Gustad asked for an update on the Twelfth Street issue. Deisch stated one property owner has indicated his interest in making changes, two other property owners are not interested; will try to get together with involved parties to look at options available.

### **ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 8:20 p.m.

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