

## PROCEEDING OF THE MANISTEE CITY COUNCIL – March 15, 2011

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Richard Mack on Tuesday, March 15, 2011 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

**PRESENT:** Ed Cote, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Richard Mack, and Alan Marshall.

**ABSENT:** Colleen Kenny.

**ALSO PRESENT:** City Manager – Mitch Deisch, City Attorney – George Saylor, City Deputy Clerk – Mary Bachman, Finance Director – Ed Bradford, Community Development – Jon Rose, Acting Fire Chief – Timm Smith, Police Chief – Dave Bachman, and City Engineer – Jeff Mikula, Abonmarche.

### **CITIZENS COMMENTS ON AGENDA RELATED ITEMS.**

Barry Lind, 532 4<sup>th</sup> Street, commented on the proposed Cedar Street Hill options. He stated that he believed the process was backwards and not much can be done about it now; we're fighting momentum; and it is difficult for community to have a voice as direction has already been laid out; now in a position that so much has been done – other options will not be fully explored in an objective manner.

Liz Lasky, 537 4<sup>th</sup> Street, commented on the proposed Cedar Street Hill options. Cedar Street Hill holds a sentimental value to her; stated that she moved back into the home she grew up in and lives two blocks from the Hill; shared information regarding how Engineers from the Upper Peninsula work with projects on hills in their community; felt the letter mailed to the community was confusing; also disappointed in the process.

Tom Kubanek, 316 Tamarack Street, commented on the proposed Cedar Street Hill options. Stated he has a hard time buying the theory that the hill is too steep; there are other streets in the city with an incline in excess of 12%; disappointed that no traffic studies were done; and stated that Cedar Street Hill has been there for over 150 years.

**#11-33 CONSENT AGENDA.**

Minutes	-	March 1, 2011	-	Regular Meeting
		March 8, 2011	-	Work Session
Payroll	-	February 28 – March 6, 2011	-	\$51,121.21
Payroll	-	March 7 – March, 13, 2011	-	\$49,224.40
Cash Balances Report		February 2011		

Notification Regarding Next Work Session.

A Council work session has been scheduled for Tuesday, April 12, 2011 at 7:00 p.m. A discussion will be conducted on the 2011-2012 Fiscal Year Budget and Capital Improvement Plan; and such business as may come before the Council.

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

With a roll call vote this motion passed unanimously.

AYES: Cote, Haydon, Mack, Marshall, Hornkohl, and Zaring.

NAYS: None

**#11-34 CONSIDERATION OF CEDAR STREET HILL OPTIONS.**

This item was tabled from the March 1, 2011 meeting.

The City will begin the Cedar Street Sewer Separation Project this spring. A component of the project will be the removal of the pavement on Cedar Street Hill to install new pipes. The grade of Cedar Street Hill exceeds the ASHTO safety guidelines with a slope of 19%. There are three options for Council consideration:

Option 1: Close Cedar Street Hill to vehicular traffic (reseed the hill, retain the sidewalk for pedestrian use, install guardrails at the Third Street intersection, City retains ownership)

Option 2: Locate an engineer who will design and seal the resurfacing of the hill at the existing 19% grade

Option 3: Reconfigure the grade of the hill which results in closing the Second Street intersection

MOTION by Haydon, second by Cote to take action to select Option 1 relating to Cedar Street Hill. Jon Rose presented a power point presentation. Jeff Mikula responded to questions the Council had. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cote, Haydon, Mack, Marshall, Hornkohl, and Zaring.

NAYS: None

**#11-35 CONSIDERATION OF CLOSING “ANGLE” STREET BETWEEN 526 FIRST STREET AND 540 FIRST STREET (WATERWORKS MUSEUM).**

Preliminary planning for the Cedar Street Sewer Separation Project has indicated that it would be desirable to close the “Angle” street between 526 First Street and 540 First Street (Waterworks Museum).

The Planning Commission reviewed this request at their meeting of February 3, 2011 and recommends approval. There are no utilities under the street and there is no need to maintain easements for utilities. After the Planning Commission meeting it was determined that the Street is owned by the City of Manistee. With the City having ownership of the street, there is no need to vacate the street.

MOTION by Haydon, second by Hornkohl to take action to authorize closing the “Angle” street between 526 and 540 First Street. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cote, Haydon, Mack, Marshall, Hornkohl, and Zaring.

NAYS: None

**#11-36 CONSIDERATION OF CONFIRMING APPOINTMENT OF PUBLIC SAFETY DIRECTOR.**

In accordance with Council direction provided at the February 8, 2011 work session, administration has prepared the draft 2011-2012 Fiscal Year Budget with the Public Safety Director position included.

City Charter Section 5.4 Appointments charges the City Manager with the following responsibilities: “The Manager with Council approval shall appoint and may remove for just cause a City Finance Director who shall be the City Treasurer, a Police Chief, a Fire Chief and other such officers and heads of departments as may be deemed necessary.” City Attorney Bruce Gockerman agrees that this appointment complies with the intent of the Charter.

Based upon Charter requirements, City Manager Mitchell Deisch is appointing Police Chief David Bachman as the City of Manistee’s Public Safety Director and places this appointment before City Council as required by the City Charter.

MOTION by Haydon, second by Hornkohl to take action to confirm the City Manager’s appointment of David Bachman as the Public Safety Director. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cote, Haydon, Mack, Marshall, Hornkohl, and Zaring.

NAYS: None

### **#11-37 A REPORT FROM THE CHAMBER OF COMMERCE.**

Ms. Melissa Reed reported on the activities of the Manistee Area Chamber of Commerce and responded to questions the Council had regarding their activities.

### **CITIZEN COMMENT.**

Katherine Knechtges, 1310 Cornell Street commented on an agenda item from last week: Consideration of Ordinance Amendment Z11-01 to the Manistee City Zoning Ordinance; stated that even though this item was defeated last week it might come up again; also stated it is critical to have a strong manufacturing base; and would like to support and celebrate manufacturing.

April Steele, General Manager of Manistee Inn and Marina spoke regarding a recent water/sewer bill The Inn received; the monthly bill was in the amount of \$29,580.68 due to a leak as the result of a broken line leading to their fish cleaning station. Mitch Deisch stated

that Water Billing Clerk, Heather Pefley has already credited the bill for the sewer portion which amounts to a credit of \$19,709.12 as the water drained directly into the Manistee River; Deisch requested that Ms. Pefley put the bill on hold until Council can review the current Policy; policy will be brought before Council at the next work session as the policy can only be amended by City Council; Deisch also stated that Manistee Inn and Marina will not receive any interest or penalty charges while the bill is being reviewed.

## **OFFICIALS AND STAFF.**

Deisch stated that he understands the Council's concerns regarding the timing issue on projects; also commented on the Police and Fire Departments excellent employees and his confidence in their ability to work together to provide great service to the community; he commended Captain Timm Smith on his leadership and stepping into a tough role as Acting Fire Chief over the past few months; and also commended Captain Smith on his many accomplishments while filling that role.

Captain Timm Smith thanked the City Manager, Council and Fire employees for their support over the past few months; also stated he is looking forward to the new leadership.

Chief Bachman thanked Council for the appointment to Public Safety Director; stated he is humbled by all the kind words; also stated he won't let the Council, Citizens or the Men at the Fire Department down.

## **COUNCILMEMBERS.**

Zaring questioned what Chief Bachman's title will now be; Deisch responded that it is now Public Safety Director but Chief of Police will still work as well.

Marshall thanked Captain Smith for filling the Acting Fire Chief role so well and still doing a great job at his other duties.

Mack commented on Mayors Exchange with the City of Fremont; he stated the City of Fremont will host the City of Manistee tentatively on Wednesday, May 25<sup>th</sup> and the City of Manistee will host the City of Fremont tentatively on Wednesday, June 8<sup>th</sup>; he also gave an update on the progress of the Vogue Theatre; and stated he is leaving for vacation tomorrow.

## **ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Haydon. Meeting adjourned at 8:27p.m.

Mary Bachman, CMC  
Deputy Clerk/Payroll&Benefits

