

PROCEEDING OF THE MANISTEE CITY COUNCIL – May 4, 2011

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Richard Mack on Wednesday, May 4, 2011 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

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

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Deputy Clerk – Mary Bachman, DPW Director – Jack Garber, Finance Director – Ed Bradford, Community Development Director – Jon Rose.

**#11-50 CONSENT AGENDA.**

Minutes	-	April 19, 2011	-	Regular Meeting
	-	April 19, 2011	-	Work Session
	-	April 26, 2011	-	Work Session
Payroll	-	April 11 – April 17	-	\$50,023.87
	-	April 18 – April 24	-	\$49,801.14
	-	April 25 – May 1	-	\$52,531.96

Consideration of Ordinance 11-03, Medical Marihuana Act.

The Planning Commission worked with the City Attorney and Chief of Police on an ordinance to regulate and license certain aspects of Medical Marihuana cultivation, use and distribution in the City of Manistee. As an ordinance two separate readings are required. This amendment was first introduced by Council at their meeting of April 19, 2011.

Consideration of Ordinance 11-04 to Amend Chapter 1220 Planning Commission.

The proposed ordinance amendment exempts the Planning Commission from preparing Capital Improvement Programs. This amendment was first introduced by Council at their meeting of April 19, 2011.

Consideration of Ordinance 11-05 to Amend Chapter 650 Anti-Blight.

The proposed ordinance amendment language addresses the outside storage of accumulated junk, etc. This amendment was first introduced by Council at their meeting of April 19, 2011.

Notification Regarding Next Work Session.

A Council work session has been scheduled for Tuesday, May 10, 2011 at 7:00 p.m. to participate in joint discussions on the Ramsdell Theatre with the Ramsdell Governing Authority and the Consultant; and such business as may come before the Council.

Consideration of Special Olympics Tag Day.

The Special Olympics for Area 24 has requested authorization to conduct a tag day fund raiser on Saturday, June 11, 2011. All funds are raised locally and are spent locally.

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

With a roll call vote this motion passed unanimously.

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

NAYES: None

**#11-51** CONSIDERATION OF BYLAW AMENDMENTS, OIL AND GAS INVESTMENT BOARD.

The Oil and Gas Investment Board has recommended two changes to their bylaws. In recent research on the term Ex-Officio for the Harbor Commission it was determined by the City Attorney that the Ex-Officio position held by the City Manager for the Harbor Commission and the Oil and Gas Board is a voting position unless it is otherwise noted in the bylaws. Proposed language would amend the bylaws to make the Ex-Officio position a non-voting member. The Board further clarified language in the quorum section due to this change. The Oil and Gas Board took action at their April 19, 2011 meeting to amend the bylaws. Proposed language changes have been reviewed and approved by the City Attorney.

MOTION by Haydon, second by Zaring to take action to adopt bylaw amendments for the Oil and Gas Investment Board and authorize the Mayor to execute the document.

With a roll call vote this motion passed unanimously.

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

NAYES: None

**#11-52** CONSIDERATION OF ADOPTING THE 2011-2012 STRATEGIC PLAN UPDATE.

With assistance from the Alliance for Economic Success the City Council; through multiple work sessions and public forums; undertook the annual update to their Strategic Plan. Council is being requested to formally adopt and sign the document.

MOTION by Haydon, second by Hornkohl take action to adopt the 2011-2012 Strategic Plan Update document. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-53** CONSIDERATION OF ADOPTING THE 2011-2012 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.

MOTION by Hornkohl, second by Cote to take action to adopt a resolution approving the 2011-2012 Budget and Capital Improvement Plan for the City of Manistee. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-54** CONSIDERATION OF MSDDA BUDGET AMENDMENTS FOR FISCAL YEAR 2010-2011.

The Manistee Main Street DDA Board of Directors approved their amended 2010-2011 Fiscal year Budget at their special board meeting on April 26, 2011 to be presented to City Council for final approval. The board is now requesting City Council approve the amended budget as presented.

Travis Alden, DDA Director provided a brief presentation.

MOTION by Kenny, second by Hornkohl to take action to approve the MSDDA's amended 2010-2011 Fiscal Year Budget. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-55** CONSIDERATION OF PROPOSED MSDDA BUDGET FOR FISCAL YEAR 2011-2012.

The Manistee Main Street DDA Board of Directors approved their 2011-2012 Fiscal Year Budget at their special board meeting on April 14, 2011 to be presented to City Council for final approval. 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 the same date that the City Budget is submitted to Council for approval.

MOTION by Kenny, second by Cote to approve the MSDDA's 2011-2012 Fiscal Year Budget.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-56** CONSIDERATION OF AN APPOINTMENT TO THE HARBOR COMMISSION.

The City Clerk's Office took action to advertise a vacancy on the Harbor Commission for an unexpired term ending 10/31/13; Council appointment. Applications received from:

Tyler Cook, 373 Second Street

MOTION by Hornkohl, second by Kenny to take action to appoint Tyler Cook to the Harbor Commission and direct the City Clerk to advertise any remaining vacancies.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-57**      CONSIDERATION OF THE REPLACEMENT OF THE WWTP ANAEROBIC DIGESTER BOILER.

The current boiler at the Wastewater Treatment Plant is at the end of its useful life and in poor condition; requiring service often and at great expense. Replacement parts are no longer available. This boiler is essential to maintaining plant operation in the sludge digestion process. The current boiler is not capable of burning biogas at this time, making it even more inefficient. Bids were solicited for replacement of the boiler with three bids being received. Sufficient funds are included in the current 2010-2011 Fiscal Year Budget.

The City Attorney has reviewed and approved the proposed contract.

MOTION by Haydon, second by Hornkohl to award Allied Mechanical Services, Inc. a contract to replace the WWTP anaerobic digester boiler as based on a review of the bids received by Fishbeck, Thompson, Carr & Huber in the amount of \$58,600. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES:            Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES:          None

**#11-58**      CONSIDERATION OF SIDEWALK TRACTOR WITH SNOW-BLOWER AND BROOM PURCHASE.

In the 2010-2011 FY Budget the Motor Pool included funds to replace our 2002 sidewalk snow-blower; which was also previously used for beach cleaning and is at the end of its useful life. Council is being asked to consider the purchase of a sidewalk tractor with snow-blower and hydraulic front-mounted angling broom from Bell Equipment Company for a purchase price of \$105,986 along with a trade-in of a 2002 Holder tractor for \$12,000; bringing the total cost to \$93,986.00. All four units were demonstrated and tested by DPW employees. The low bidder was considered the best piece of equipment and is recommended.

MOTION by Haydon, second by Hornkohl to approve the purchase of a sidewalk tractor with snow blower and broom in the amount of \$93,986 from Bell Equipment Company. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Cote, Hornkohl, Zaring, Mack, Haydon, and Marshall  
NAYES: None

**#11-59** CONSIDERATION OF ACCEPTING INITIATORY PETITION,  
OXFORD COURT SPECIAL ASSESSMENT FOR CURB AND  
GUTTER.

An Initiatory Petition has been received from seven out of eight property owners on Oxford Court between Spruce and Elm, requesting that City Council create a Special Assessment District for adding curb and gutter during the Cedar Street CSO Project. The process establishing a special assessment is laid out in City Ordinance Chapter 208 Public Improvement Procedure and Council Policy 11. Numerous steps need to occur in order for the special assessment to be approved by City Council. Tonight Council is being asked to accept and review the petition.

MOTION by Haydon, second by Zaring to take action to direct the City Manager to prepare plans, specifications, estimates, number of payment installments and the interest amount; and set a public hearing at the meeting of May 17, 2011 to discuss the proposed special assessment roll. Discussion followed.

With a roll call vote this motion passed.

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

**#11-60** CONSIDERATION OF RAMSDELL THEATRE CONSTRUCTION  
MANAGEMENT.

Fishbeck, Thompson, Carr & Huber (FTCH), the firm who has designed the HVAC for the theatre also provides construction management services. Having the same firm who designed the project manage the construction has benefits. The benefits include familiarity with the project, first-hand knowledge of the building, and a good working relationship with the designer. Staff recommends the selection of FTCH as Construction Manager for the Ramsdell Theatre HVAC project.

If Council chooses to use FTCH as the Construction Manager, we would not have to enter into a contract until after bids were received. Should we proceed with the project the charge for Construction Management services would be a not to exceed cost of \$155,000.

MOTION by Hornkohl, second by Haydon to select Fishbeck, Thompson, Carr & Huber

to provide Construction Management Services for the Ramsdell Theatre HVAC Project. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYES: None

**#11-61** A REPORT FROM THE MANISTEE COUNTY COMMUNITY FOUNDATION AND THE ALLIANCE FOR ECONOMIC SUCCESS.

Ms. Laura Heintzelman reported on the activities of the Manistee County Community Foundation and responded to questions the Council had regarding their activities.

Ms. Cyndy Fuller reported on the activities of the Alliance for Economic Success and responded to questions the Council had regarding their activities.

**CITIZEN COMMENTS.**

Travis Alden, DDA Director, stated that as of Monday, May 9, 2011 the DDA Office will be relocating to the Chamber of Commerce; thanked the City of Manistee for their hospitality.

**OFFICIALS AND STAFF.**

Mitch Deisch, City Manager, stated that the next Work Session is scheduled for Tuesday, May 10, 2011 in Hardy Hall at the Ramsdell Theatre; also thanked City Council, Staff and Finance Director, Ed Bradford for all the time and effort that went into the City Budget and Strategic Plan.

**COUNCILMEMBERS.**

Councilmember Marshall congratulated Deputy Clerk, Mary Bachman for doing a wonderful job on the May 3, 2011 School Election.

Mayor Mack thanked City Council and Staff that were involved in the Budget and Strategic Plan; a lot of meetings were held and a lot of time was spent on the process; stated there have been some tough years and some good decisions made;

also asked that a date be set for the City Managers evaluation.

**ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 9:00 p.m.

Mary M. Bachman, CMC  
Deputy Clerk/Payroll&Benefits





