
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – September 15, 2015

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Pro Tem James Smith on Tuesday, September 15, 2015 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Edward Cote, Roger Zielinski, Robert Goodspeed, James Smith, Mark Wittlieff, and Eric Gustad.

ABSENT: Colleen Kenny.

ALSO PRESENT: Interim City Manager – R. Ben Bifoss, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Public Safety Director – Dave Bachman, and City Engineer – Shawn Middleton / Spicer Group.

AMEND AGENDA.

Bifoss asked that item VIII. New Business c.) Consideration of Manistee Main Street Downtown Development Authority Bylaw Amendments be removed from the agenda.

Also, a MOTION received by Goodspeed, second by Cote to amend the agenda to add item VIII. New Business g.) Consideration of Next Steps in City Manager Search.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Carol Pasco – 610 Spruce Street commented on the proposed ordinance to prohibit feeding of wild mammals, how do you police squirrels coming to your bird feeders?

CONSENT AGENDA.

- Minutes - September 1, 2015 - Regular Meeting
- September 8, 2015 - Work Session
- Payroll - Aug. 31–Sept. 13, 2015 - \$ 113,368.09
- Monthly Bills - August 13, 2015 - \$ 649,160.69
- August 26, 2015 - \$4,464,852.71
- Notification Regarding Next Work Session – October 13, 2015
A discussion will be conducted on such business as may come before the Council.

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- Consideration of Manistee Catholic Central Homecoming Parade
The Manistee Catholic Central Homecoming parade is scheduled for Friday, October 9, 2015 at 4:30 p.m. and includes a gathering of floats and students. They will assemble at Manistee Tire on Division Street around 4 p.m. and take the parade down River Street to the fountain at Pine Street where they will disperse.
- Consideration of First Annual Run for Recovery 5K Run/Walk for StonesHouse Recovery
StonesHouse, Inc. is requesting authorization for their First Annual Run for Recovery 5K Run/Walk on Saturday, September 26, 2015 beginning at 8:30 a.m. with packet pick up starting at 7:00 a.m. The location is at the First Street Beach pavilion near the dog park, travel down Cherry Street to the end of Twelfth Street, returning back down Cherry Street to finish at the First Street Beach pavilion. Proceeds will be used for their Michael's House transitional residential program.

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

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE 15-10, TO PROHIBIT THE FEEDING OF DEER, WILD TURKEYS AND OTHER WILD MAMMALS.

At their meeting of July 23, 2015 the Ad Hoc Deer Herd Committee requested that the City Attorney draft ordinance language to ban the feeding of deer. City Attorney George Saylor drafted language to amend Chapter 606 of the Codified Ordinance of Manistee to include a Section 606.08 Feeding of Wild Mammals which was endorsed by the Ad Hoc Deer Herd Committee and forwarded to the Council Ordinance Committee. The Council Ordinance Committee met on September 1, 2015 and made changes to the language to also ban feeding wild turkeys and to specifically exclude pets, chickens and ducks; and recommended the ordinance as amended be forwarded for full Council consideration.

As an ordinance two separate readings are required. If this ordinance is introduced this evening it could be adopted at the next regular meeting.

MOTION by Gustad, second by Wittlieff to introduce Ordinance 15-10 amending Chapter 606 to include a Section 606.08 Feeding Deer, Wild Turkeys and Other Wild Mammals. Brief discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ORDINANCE 15-11, MODIFYING THE TIME PERIODS FOR THE USE OF CONSUMER FIREWORKS.

At the City Council work session of September 8, 2015 City Attorney George Saylor reviewed the current fireworks ordinance which restricts the use of consumer fireworks in the city between the hours of 11:00 p.m. and 8:00 a.m., except on the day before, day of, and day after a national holiday, when use is restricted between the hours of 1:00 a.m. and 8:00 a.m. Chapter 663 permits the use of consumer fireworks in the city anytime, except during restricted times. Council does have the authority to prevent the use of fireworks for all days, except for the three day window around a national holiday if they so choose.

Following that discussion the City Attorney was directed to draft an ordinance amendment that would prohibit the use of consumer fireworks, except when state law does not permit the prohibition and expand slightly the time period consumer fireworks are permitted surrounding the Fourth of July holiday.

As an ordinance two separate readings are required. If this ordinance is introduced this evening it could be adopted at the next regular meeting.

MOTION by Wittlieff, second by Cote to introduce Ordinance 15-11 amending Chapter 663 – Fireworks modifying the time periods for which the use of consumer fireworks is prohibited. Saylor helped clarify the proposed changes.

With a roll call vote this motion failed, 1-5.

AYES: Wittlieff
NAYS: Cote, Zielinski, Goodspeed, Smith, and Gustad

CONSIDERATION OF A PARCEL SPLIT AND COMBINATION FOR MILLER / HUTTON.

At their meeting of September 3, 2015 the Planning Commission reviewed and took action to recommend a request from James & Anna Miller and David & Cynthia Hutton for a parcel split and combination. The Miller's own the home at 250 Fremont Street, parcel 51-274-708-01 and wish to split the west eight feet of their parcel which will then be combined with the Hutton's property at 277 Second Avenue, parcel 51-274-708-03.

MOTION by Goodspeed, second by Cote to approve the request from James & Anna Miller and David & Cynthia Hutton for a parcel split and combination that would split the west eight feet from parcel 51-274-708-01 and combine it with parcel 51-274-708-03.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF A PARCEL SPLIT AND COMBINATION FOR McKEE / TOMASZEWSKI.

At their meeting of September 3, 2015 the Planning Commission reviewed and took action to recommend a request from Carl & Christine McKee and Thomas & Gaynell Tomaszewski for a parcel split and combination. The McKee's own the home at 433 Elm Street, parcel 51-340-717-01 and wish to split the east sixty feet of their parcel which will then be combined with the Tomaszewski's property at 486 Bryant Avenue, parcel 51-340-717-07.

MOTION by Goodspeed, second by Zielinski to approve the request from Carl & Christine McKee and Thomas & Gaynell Tomaszewski for a parcel split and combination that would split the east sixty feet of parcel 51-340-717-01 and combine it with parcel 51-340-717-07.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF AMENDING THE INTERIM CITY MANAGER'S EMPLOYMENT AGREEMENT.

Interim City Manager Ben Bifoss had agreed to serve in that capacity for approximately six months while the City searched for a new City Manager. The City has experienced delays in that search and Bifoss desires an amendment to the Employment Agreement.

Bifoss has proposed that the current annual salary of \$97,611 be converted to an equal hourly rate of \$46.93 and that future time worked be paid at that hourly rate. Vacation would be prorated to an hourly basis calculated at an annualized rate of five weeks per year. This would result in 0.96 days of vacation per 80 hours worked. The Pension Contribution would be at the same rate but paid on a per hour worked basis rather than being based on the annualized salary. Bifoss has also requested Council permission to take a 2-3 week unpaid vacation in late September/October of this year.

Bifoss expects to work 3-4 days per week and to establish regular office hours. He would be available for meetings during the entire work week. There would be no other changes to the Employment Agreement.

MOTION by Cote, second by Goodspeed to amend the Employment Agreement with Bifoss consistent with the above for his continued service as the Interim City Manager.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF NEXT STEPS IN CITY MANAGER SEARCH.

On Thursday, September 10, 2015 the City Council Personnel Committee met to consider the City

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Manager recruitment process. Also attending that meeting were three other City Councilmembers. The consensus following that meeting is summarized as follows:

- If Mr. Ryan Heise is still available, made a conditional offer of employment. Mr. Heise is not available.
- If Mr. Heise is not available, consider a second interview with Mr. Tim Wolff. Also consider a first interview with candidates #19 and #32, and Mr. David Bachman, Manistee Public Safety Director.
- Also, consider simultaneously re-advertising the position.

Mr. Wolff, candidates #19 and #32, and Mr. David Bachman are all interested and available for interviews.

Ms. Kathie Grinzinger from the Michigan Municipal League and Mr. Ben Bifoss, Interim City Manager are not available from September 21 through October 2, 2015. The suggested interview dates are either Monday or Tuesday, October 5 or 6, 2015. The suggested interview day schedule is as follows: between 10 a.m. and 1:00 p.m., one, two or even three Councilmembers conduct a second, less formal interview with Mr. Wolff. That same afternoon, schedule a first interview for the other three candidates. Consider taking action that same afternoon/early evening.

Because the proposed interview date is three weeks away, the City Council could also take action to re-advertise the position with the statement “open until filled,” with resumes required not later than October 9, 2015.

MOTION by Cote, second by Wittlieff to invite candidates for interviews as noted above on Monday, October 5, 2015 or Tuesday, October 6; and to re-advertise the position as noted. After discussion regarding Council’s availability on those dates, Wittlieff AMENDED THE MOTION, second by Cote to indicate Monday, October 5, 2015 as the interview date.

With a roll call vote this motion passed unanimously.

AYES: Cote, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

A REPORT FROM MANISTEE COUNTY COMMUNITY FOUNDATION, DPW/PARKS/TREE COMMISSION.

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

Mr. Jeff Mikula reported on the activities of the Public Works Department / Parks Department / and the Tree Commission and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

Comments received by:

- Kit Holmes - new owner of former Read More Bookstore / introduced herself, her partner, and

their plans for the building.

OFFICIALS AND STAFF.

None received.

COUNCILMEMBERS.

Zielinski stated that he saw the cement going in for the flags at First Street beach; it was noted that a community celebration for the flag raising will be held on Saturday.

Gustad stated that the Hops & Props event and flag raising will be happening this weekend; welcomed the new business owners.

Smith thanked the Public Safety department on the apprehension of those involved with the burglaries; thanked the Public Works for a good season, has received a lot of positive comments.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Cote. Meeting adjourned at 7:58 p.m.

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