
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – December 1, 2015

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, December 1, 2015 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, Mark Wittlieff, and Eric Gustad.

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, City Engineer – Shawn Middleton / Spicer Group, and City Assessor – Molly Whetstone / Great Lakes Assessing.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Ron Stoneman, superintendent of Manistee Area Public Schools, supported the Twelfth Street issue stating that the condition it is in now is an unsafe environment.

CONSENT AGENDA.

- Minutes - November 17, 2015 - Regular Meeting
- Financial Reports
 - Cash Balances - October 2015
 - Revenue & Expense - October 2015
- Notification Regarding Next Work Session – December 8, 2015
 - A discussion will be conducted on Council Guidelines, Boards / Commissions / Council Committees, Ad Hoc Deer Herd Committee report, and such business as may come before the Council.

Beaton requested that the Revenue & Expense report be removed from the Consent Agenda.

MOTION by Smith, second by Gustad to approve the Consent Agenda as presented with the removal of the Revenue & Expense report.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

REVENUE & EXPENSE.

Beaton asked the Finance Director if there were any concerns with the percentage of budget spent to date.

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MOTION by Smith, second by Wittlieff to approve the Revenue & Expense report as presented.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF RESCHEDULING THE DECEMBER BOARD OF REVIEW TO WEDNESDAY, DECEMBER 16, 2015.

Traditionally the December Board of Review is held on the Tuesday following the second Monday in December. State law allows this to be rescheduled on another day of the same week. In order for the City Assessor to be present at the Board of Review, the day needs to be rescheduled to Wednesday, December 16, 2015.

MOTION by Smith, second by Goodspeed to reschedule the December Board of Review to Wednesday, December 16, 2015.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF ESTABLISHING 2016 POVERTY EXEMPTION GUIDELINES.

The adoption of a resolution establishing poverty exemption guidelines for exemption from property tax contributions is required in order for the Board of Review to grant poverty exemptions. The homestead of persons who the Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390, 1994 (MCL 211.7u).

MOTION by Wittlieff, second by Goodspeed to approve a resolution establishing 2016 Poverty Exemption Guidelines. Discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF RENEWING A LICENSE AGREEMENT WITH THE LAMAR COMPANIES.

The City licenses land on M-55 to the Lamar Companies for five billboards. The City has negotiated a five-year renewal that increases rent, includes an escalator and strengthens the indemnification section of the agreement. The City Attorney prepared the agreement and recommends Council approval.

MOTION by Wittlieff, second by Goodspeed to renew a license agreement with the Lamar Companies; and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF A BID, FHC MECHANICAL CONTRACTORS.

The item under consideration this evening is a bid to install five slide gates and two exterior doors at the Wastewater Treatment Plant as follows:

- Headworks gate
- Aeration tank influent gates x 2
- Final settling tank influent gates x 2
- Exterior door and air intake louver to the grit room
- Exterior door to the chemical storage building

The gates were custom manufactured utilizing funds from the FY14-15 budget. The two doors include furnishing and installation. Proposals for the project were solicited with two bids received:

Devere Construction	\$61,000
FHC Mechanical	\$30,923*

*Recommended bid. The City Attorney has reviewed and approved the bid agreement.

MOTION by Goodspeed, second by Smith to accept the bid from FHC Mechanical Contractors in the amount of \$30,923 for the installation of slide gates and doors at the WWTP.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad
NAYS: None

CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH THE SPICER GROUP TO COMPLETE ASSET MANAGEMENT PLANS FOR THE CITY’S SANITARY AND STORM SEWER SYSTEMS.

The Public Works Department has applied for and received a SAW Grant from the State of Michigan to complete asset management programs. Total project amount is \$1,905,000 with \$1,757,500 to be funded by the grant and \$147,000 to be funded locally over the next three years.

MOTION by Smith, second by Wittlieff to approve the Spicer Group to complete asset management plans for the City’s sanitary and storm water sewer systems as outlined in the approved grant

agreement with the Michigan Department of Environmental Quality. City Engineer gave a brief presentation of the program.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF A RESOLUTION REGARDING TWELFTH STREET.

The matter of Twelfth Street between Oak and Maple Streets has been discussed for many years. The City and other governmental agencies have attempted to negotiate the acquisition of additional right-of-way (ROW) for the improvement of Twelfth Street, with no success. Every possible effort has been made to avoid having to acquire the ROW through a Resolution “finding a public necessity.”

It is not possible to reconstruct the Street within the existing ROW. The only remaining option to the “finding a public necessity” for additional ROW is to construct Twelfth Street as a one-way west bound within the existing ROW. City Council has previously heard from MAPS, the City Engineer and Public Safety Director regarding whether this is a safe and viable option. It is not.

The expansion of Twelfth Street into Filer Township, between Maple and Oak Streets is necessary for the public health, safety and welfare. The City Engineer has concluded that in order to expand Twelfth Street to the point of it being safe for two-way travel, 28 feet of ROW would be required immediately south of the City boundary from the two parcels immediately west of Maple Street.

Should City Council determine that a public necessity exists for the additional land to extend and improve Twelfth Street and it declare as such; it could take action to authorize the appraisal of the property, make a good faith offer to the property owners in accordance with the appraisal, declare a taking, and authorize the commencement of a condemnation action if a negotiated agreement in lieu of litigation was not made. If Council were to determine that it desired to move forward with the improvement of Twelfth Street as described above, a proposed Resolution prepared by the City Attorney’s Office is provided. The Interim City Manager recommends City Council take action to approve the Resolution.

MOTION by Goodspeed, second by Wittlieff to adopt a Resolution finding that a public necessity exists to expand and extend Twelfth Street 28 feet south, between Maple and Oak Streets and over the two privately owned parcels immediately west of Maple Street and south of the City, appraise the property required for the expansion and extension, make a good faith offer to the property owners in accordance with the appraisal and, if the good faith offer is rejected, take steps necessary to condemn the property. Lengthy discussion followed.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Beaton, Zielinski, Goodspeed, Smith, Wittlieff, and Gustad

NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Board of Review. 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.

BOARD OF REVIEW. One regular member, term ending 12/31/18, applicants shall be taxpaying electors of the City who are owners of property assessed for taxes in the City and, at the time of their appointment, are neither elected or appointed officials of the City; Council appointment.

No applications received.

A REPORT FROM THE CITY CLERK.

Ms. Michelle Wright reported on the activities of the City Clerk's Office and responded to questions the Council had regarding their activities.

CITIZEN COMMENT.

Comments received by:

- Carol Pasco, 610 Spruce Street / congratulated the Clerk's office for always providing a welcoming experience/service when coming in to City Hall.
- Steve Wall, 314 Oak Street / informed Council on the proper handling of special committees; suggested they adopt a motion to suspend the rules to hear the deer herd committee report at the upcoming work session.

OFFICIALS AND STAFF.

Bifoss met with Thad Taylor and discussed the status with Filer Charter Township, Taylor agrees that Bifoss should continue to participate in those discussions for the next couple of meetings; thanked Council for the opportunity to serve in the past months, their time, effort and dedication to the job; thanked the City employees and department directors, stating they are hardworking and dedicated; and also thanked his wife Ann for allowing him to serve these past few months.

COUNCILMEMBERS.

Zielinski hopes everyone enjoys the upcoming Sleighbell Weekend and thanked the DPW for their work.

Goodspeed asked how a question regarding a consent agenda item should be handled; thanked Bifoss for coming to help us out.

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Smith also thanked the Public Works for all of the decorations; thanked Public Safety for no more home invasions; and thanked Bifoss for his service.

Wittlieff thanked Bifoss, stating it has been a privilege and honor to work with you.

Gustad also thanked Bifoss for all of his efforts; thanked Bachman and his team on handling the home invasions; and thanked the DPW.

Kenny wished all of the visitors for the Sleighbell Weekend safe travels; DPW has done a great job; thanked Bifoss for the last eight months, privilege working with you, and thank you for all you gave up.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Zielinski. Meeting adjourned at 8:22 p.m.

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