
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – DECEMBER 19, 2017

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, December 19, 2017 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Dale Cooper, Lynda Beaton, Roger Zielinski, Robert Goodspeed, James Smith, James Grabowski, and Erin Pontiac.

ALSO PRESENT: City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Michelle Wright, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning & Zoning Director – Denise Blakeslee, Public Safety Director – Tim Kozal, and City Engineer – Shawn Middleton / Spicer Group.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Bob Grabowski - 341 Fourth Street stated he is against the mandatory recycling; the 96 gallon size container is too much; he would rather have the two bag limit remain as is.

CONSENT AGENDA.

- Minutes - December 5, 2017 - Regular Meeting
December 12, 2017 - Work Session
- Financial Reports
 - Payroll - November 2017
 - Invoices - November 2017
- Notification Regarding Next Work Session – January 9, 2018
A discussion will be conducted on the Quarterly Strategic Plan Update, State of the Streets Report; and such business as may come before the Council.

MOTION by Zielinski, second by Grabowski to approve the Consent Agenda as presented. With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

CONSIDERATION OF PROPOSED CITY ORDINANCE 18-1 ADDING CHAPTER 866 – MEDICAL MARIHUANA FACILITIES TO THE CITY OF MANISTEE CODIFIED ORDINANCES.

The City Attorney, with input from the City Manager, Planning and Zoning Administrator, and Public Safety Director, has drafted Ordinance 18-1 Medical Marihuana Facilities. Ordinance 18-1 is drafted in accordance with the authorization given the City by the Michigan Medical Marihuana Facilities Licensing Act. The proposed Ordinance is intended to describe the process by which the City may decide to permit and regulate Medical Marihuana Facilities located in the City. The Ordinance does not authorize

Provisioning Centers in the City.

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 Zielinski, second by Cooper to introduce Ordinance 18-1 adding Chapter 866 – Medical Marihuana Facilities to the City Codified Ordinances.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac

NAYS: None

CONSIDERATION OF CITY ORDINANCE 18-2 AMENDING CHAPTER 411 MICHIGAN VEHICLE CODE TO ADD A PROVISION ALLOWING THE CITY TO CHARGE AN INDIVIDUAL UNDER THE SUPER DRUNK DRIVING LAW.

Chapter 411 of the City Codified Ordinances adopts the Michigan Vehicle Code and allows criminal prosecution for violations of the Vehicle Code when the of has a maximum imprisonment of 93 days or less. The State of Michigan enacted a drunk driving law, commonly called “Super Drunk Driving,” which makes it a crime if an individual operates a motor vehicle with a blood alcohol content (BAC) of .17 grams per 100 milliliters of blood, or more. For a first time violation of the Super Drunk Driving provision an individual may be sentenced to jail for up to 180 days, community service of up to 360 hours and fines of not less than \$200 or more than \$700. An amendment to the Home Rule City Act permits cities to prosecute violations of the Super Drunk Driving statute as city ordinances violations as long as the city’s ordinance reflects the higher penalty. The City Attorney has prepared an amendment to Chapter 411 allowing prosecution for the offense as an ordinance violation.

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 Zielinski, second by Beaton to introduce Ordinance 18-2 amending Chapter 411 Michigan Vehicle Code by adding as an offense that may be prosecuted, an individual operating a motor vehicle in the City of Manistee with a high BAC. Saylor gave a brief explanation of the ordinance.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac NAYS:

None

CONSIDERATION OF A CONTRACT TO RECONSTRUCT A SEWER MAIN ON TWELFTH STREET.

A sanitary sewer along Twelfth Street from Ramsdell to Kosciusko Street is sloped backward and creates maintenance issues. The replacement of the sewer line is required as part of the Filer Township collection system tie-in. The project was publicly bid, with two bids being received:

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<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate A</u>	<u>Alternate B</u>
Elmer's	\$216,353.00	(\$2,000.00)	(\$15,000.00)
Swidorski Brothers	\$175,392.00	(\$4,800.00)	(\$25,500.00)

Staff recommends awarding a contract to the low bidder and accepting both alternates. The City Attorney has reviewed and approved the contract.

MOTION by Goodspeed, second by Zielinski to approve a contract with Swidorski Brothers Excavating for the base bid minus Alternates A and B, in the amount of \$145,092.00; and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF APPROVING A CONTRACT AMENDMENT WITH REPUBLIC WASTE FOR FIBER RECYCLING.

The 2015 refuse contract with Republic Services did not include fees for Fiber Recycling. At that time, the commodity markets' value for fiber material covered the cost for collection and processing. The market value of the material has dropped and therefore Republic has requested a contract amendment to include monthly container rental and disposal of fiber materials \$207.84 per container with an annual escalator of 2%. The City currently utilizes five containers.

MOTION by Goodspeed, second by Zielinski to approve a contract amendment with Republic Services to include a fee schedule Fiber Recycling and authorize the Mayor and City Clerk to execute the documents. Brief discussion followed.

With a roll call vote this motion passed, 5-2.

AYES: Cooper, Zielinski, Goodspeed, Smith, and Grabowski
NAYS: Beaton and Pontiac

CONSIDERATION OF APPROVING AN AMENDMENT TO REPUBLIC SERVICES CONTRACT TO INCLUDE CURBSIDE RECYCLING.

The City of Manistee offers recycling at a drop off site in the Industrial Park. City Council has asked Republic Services for a proposal to close the drop off site and move to curbside recycling. Each refuse customer would be supplied with a 96 gallon cart to be emptied two times each month. The estimated new cost of this service would be \$2.76 a month for each customer. If approved, the program switch would have a July 2018 estimated start date.

MOTION by Pontiac, second by Zielinski to approve the contract amendment with Republic Services to institute a curbside recycling program and authorize the Mayor and City Clerk to execute the documents. It was explained the proposed contract language needs to be clarified; need Council's approval to proceed, but not approve the contract at this time; if approved the previous contract for fiber recycling would go away after July 1st. Further discussion followed.

MOTION by Zielinski, second by Beaton to table this item to the second meeting in January 2018 and add further discussion on recycling to the work session agenda.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF CRIMINAL ORDINANCE PROSECUTION AGREEMENT WITH MIKA MEYERS, PLC.

The City's Prosecuting Service Agreement ends on December 31, 2017. The agreement authorizes the County Prosecutor to prosecute the City's misdemeanor ordinance violations. We experienced problems in the prosecutor providing timely information and recommend Council allow the agreement to terminate. The City Attorney currently represents the City on civil infraction ordinance violations. He is interested in representing the City on criminal misdemeanor ordinance violations. The City Attorney is proposing a one year agreement, January 1, 2018 through December 31, 2018, at an hourly rate of \$215 with a not to exceed of \$12,387.90.

MOTION by Zielinski, second by Goodspeed to approve the Criminal Ordinance Prosecution Agreement with Mika Myers, PLC to prosecute misdemeanor ordinance violations. Saylor briefly explained the difference between civil infractions and misdemeanor violations.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac
NAYS: None

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk has taken action to advertise vacancies on the Board of Review, Compensation Commission, Downtown Development Authority, Historic District Commission, Parks Commission, PEG Commission, Planning Commission, Tree Commission and the Zoning Board of Appeals.

Mayoral appointments require a motion, second and Council voted support. Nominations for Council appointments do not require a second. After all nominations are made, Council votes on the nominees until one nominee receives majority support.

The following applications have been received:

DOWNTOWN DEVELOPMENT AUTHORITY. One vacancy, term ending 6/30/19. Applicants must have an interest in property in the downtown district; Mayoral appointment.

Shari Wild, 7700 Milarch Road, Onkama MI

Mayor Smith appointed Ms. Shari Wild, 7700 Milarch Rd., Onkama to the Downtown Development Authority for a term expiring 6/30/19. MOTION by Zielinski, second by Grabowski to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac NAYS:
None

PARKS COMMISSION. Two vacancies, terms ending 6/30/18. Applicants may be non-residents but must own real estate or a business/profession having a licensed business location in the City or have a child attending school within the City; Mayoral appointment.

David LaPoint, 8675 8 Mile Road, Kaleva MI

Mayor Smith appointed Mr. David LaPoint, 8675 Mile Rd., Kaleva to the Parks Commission for a term expiring 6/30/18. MOTION by Zielinski, second by Beaton to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Goodspeed, Smith, Grabowski, and Pontiac NAYS:
None

A REPORT FROM THE CITY MANAGER.

The City Manager's office annually prepares a comprehensive review of calendar year activities. That review provides City Council and the Community an opportunity to step back from day to day operations and take a longer look at what has been accomplished during the year.

CITIZEN COMMENT.

Bob Grabowski asked where the 6% increase in water and sewer came from that was mentioned on one of the PowerPoint slides of the Manager's report.

OFFICIALS AND STAFF.

Mikula stated the run water notices will be going out as a precautionary measure to those normally affected residences and businesses, *it is not city-wide run water*; they will also start flooding the ice skating rink this week.

COUNCILMEMBERS.

Councilmembers wished all a Merry Christmas and a healthy, happy New Year.

Beaton asked if we could get input from State Police Lt. Andrew Ambrose on the proposed Medical Marihuana Ordinance, he has spoken to a lot of organizations on Medical Marihuana, it would be good to get feedback that we are doing the right thing. She also stated the County received grant money for recreational use and asked if the Senior Center could possibly get some funding from them; it was stated that they are not set up yet to receive grant requests.

Goodspeed read a thank you note from the family councilmembers adopted for the holidays, thanked them for their participation.

Smith thanked Public Safety Director Kozal for his red box efforts, it will be used; he also asked councilmembers to pick up the annual City Manager evaluation forms and return them by the first meeting in January, a closed session for the evaluation will be scheduled for the second meeting in January.

ADJOURN.

MOTION to adjourn was made by Goodspeed, second by Zielinski. Meeting adjourned at 8:08 p.m.

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