
PROCEEDINGS OF THE MANISTEE CITY COUNCIL -FEBRUARY 20, 2018

A regular meeting of the Manistee City Council was called to order by his honor, Mayor James Smith on Tuesday, February 20, 2018 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 – Heather Pefley, 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.

AMEND AGENDA.

Motion by Zielinski, second by Pontiac to amend the agenda to amend item VII. j.) Consideration of Applications to Boards and Commissions, to allow Council to fill two current vacancies in the Planning Commission, add item VII. k.) Consideration of a FOIA Cost Estimate Appeal, Tom Rotta, and add item IX b.) Consideration of a Resolution Recognizing the Retirement of Manistee County Controller/Administrator allowing action by Council on these additional items.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Jim Matthews - 334 River Street / Questioned the bid process for the new police cruiser.

CONSENT AGENDA.

- Minutes
 - February 6, 2018 - Regular Meeting
 - February 13, 2018 - Work Session
- Financial Reports
 - Payroll - January 2018
 - Invoices - January 2018
- Consideration of Ordinance Amendment Z18-03 Medical Marihuana Facilities.
- Notification Regarding Next Work Session – March 13, 2018
 - A discussion will be conducted on a Medical Marihuana Provisioning Center, Ambulance Billing for City Residents, USRDA Application Information; and such business as may come before the Council.

MOTION by Zielinski, second by Cooper to approve the Consent Agenda as presented.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF RESOLUTION 18-03 ESTABLISHING APPLICATION AND PERMIT FEES FOR MEDICAL MARIHUANA FACILITIES IN THE CITY OF MANISTEE.

On January 2, 2018 City Council adopted Ordinance 18-1 that established Chapter 866 – Medical Marihuana Facilities as part of the City of Manistee Codified Ordinances. Chapter 866 authorizes certain medical Marihuana Facilities in the City of Manistee. The City of Manistee anticipates incurring labor costs for City staff to evaluate Applications for Medical Marihuana Facility Permits and the ongoing oversight of permits that may be granted. In analyzing the cost associated with the City services, City staff has recommended that Council establish the fee for an Application for Permit and Application for a Renewal of a Permit already granted as \$5,000. The application fee shall also be considered the annual fee for permits granted.

MOTION by Zielinski, second by Beaton to adopt Resolution 18-03 establishing Application and Oversight Fees for Medical marihuana Facility Permits in the City of Manistee.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF SUPPORT FOR THE LITTLE RIVER BAND OF OTTAWA INDIANS APPLICATION FOR RURAL BUSINESS DEVELOPMENT GRANT.

The Little River Band of Ottawa Indians are requesting a letter of support for their application for a Rural Business Development Grant for funds that will be used to explore development options for their property located at the corner of US-31 and M-22. If the grant funds are awarded they will be used to support State funding for a comprehensive feasibility study.

MOTION by Zielinski, second by Grabowski to authorize the Mayor to sign a letter of support.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A RESOLUTION RECOGNIZING THE MANISTEE AREA CHAMBER OF COMMERCE AS A NONPROFIT ORGANIZATION.

The Manistee Area Chamber of Commerce is a 501c6 Nonprofit Organization. Each year they receive a raffle license through the Michigan Lottery Charitable Gaming Division for the Duck Race held during the Manistee National Forest Festival. Prior to the State of Michigan issuing a license for this year's raffle, the Manistee Area Chamber of Commerce must re-qualify as a local nonprofit organization through recognition by the Manistee City Council.

MOTION by Goodspeed, second by Zielinski to recognize the Manistee Area Chamber of Commerce as a

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local nonprofit organization for the purpose of applying for a Charitable Gaming License through the State of Michigan.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF RENTAL INSPECTION CONTRACT WITH SPICER GROUP, INC.

Spicer Group has a contract to perform the City's rental inspection program for a three-year term that began on July 8, 2015 and ends on July 7, 2018. Spicer Group completed their contractual obligations by the end of 2017, allowing the rental inspection program to follow a calendar year.

Having the rental inspection program operate on a calendar year is the preferred option. As the City is pleased with Spicer Group's performance, the City Manager recommends that the City enter into a new three-year agreement with Spicer Group to perform rental inspection services beginning on January 1, 2018 and ending on December 31, 2020. The City Attorney prepared and approved the contract document.

MOTION by Zielinski, second by Pontiac to approve a three-year agreement with Spicer Group to perform rental inspection services. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF THE PURCHASE OF A 2018 TANDEM AXLE SNOW PLOW / HAUL TRUCK.

The Department of Public Works has budgeted with Motor Pool funds to replace Truck #133, the 1999 Sterling. The replacement truck has been priced through two MiDEAL vendors. Cab and Chassis: D and K Truck Company (Contract #071B6600119) and Equipment: Truck and Trailer Specialties (Contract #071B5500010).

MOTION by Zielinski, second by Goodspeed to approve the purchase of a Cab and Chassis from D and K Truck Company in the amount of \$110,246 and Equipment from Truck and Trailer Specialties in the amount of \$81,387. Brief discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF THE PURCHASE OF A 2018 FORD POLICE INTERCEPTOR.

The Manistee Police Department maintains a fleet of police cruisers to effectively service the City. In an effort to replace cruisers that are nearing the end of their respective life cycles it is determined that the

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purchase of a 2018 Ford Police Interceptor is warranted. Bids have been solicited and one Ford Dealer and emergency vehicle outfitter have been identified that fits the Police Department's specifications.

MOTION by Goodspeed, second by Zielinski to authorize the purchase of a 2018 Ford Police Interceptor from Harold Zeigler Ford / Emergency Vehicle Products for the price of \$47,401. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF A CONTRACT WITH QUALITY MAINTENANCE CONTRACTORS, INC TO PAINT THE SECONDARY DIGESTER COVER.

The secondary digester was constructed in 1979. The original paint on the steel cover has exceeded its useful life. Repainting the cover was publicly bid with the following bids received. Alternate A includes additional work should the existing paint be identified as lead-based.

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE A</u>
ABHE & Svoboda, Inc.	\$1,371,790	\$7,700
Lake Painting	Non-Responsive, bid not opened	
Quality Maintenance Contractors, Inc.	\$95,216	\$10,000

The contract documents were prepared by Spicer Group and approved by the City Attorney.

MOTION by Zielinski, second by Goodspeed to approve the low bid submitted by quality maintenance Contractors, Inc. to paint the digester cover in the amount of \$95,216 (plus Alternate A if required) and authorize the Mayor and City Clerk to execute the documents. Discussion followed.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF LOCAL REVENUE SHARING BOARD GRANT APPLICATIONS.

The Local Revenue Sharing Board (LRSB) distributes 2% money from the Little River Casino. The deadline for 2018 Cycle I applications is Friday, March 2, 2018 at 5:00 p.m. City staff has prepared two grant applications for submission to the Local Revenue Sharing Board. This agenda item will include two separate motions, one for each grant application.

MOTION by Zielinski, second by Cooper to authorize the submission of a grant application to the Local Revenue Sharing Board for FEMA Grant Matching Funds in the amount of \$11,466.

With a roll call vote this motion passed unanimously.

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

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NAYS: None

MOTION by Zielinski, second by Goodspeed to authorize the submission of a grant application to the Local Revenue Sharing Board for an Evidence Locker System in the amount of \$7,555.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF DESIGNATING MICHIGAN PLANNERS AS AGENT OF RECORD FOR MEDICAL, DENTAL, VISION, LIFE AND DISABILITY BENEFITS.

The City recently issued a Request for Proposals for employee benefit consultant and agent/broker services. The selection committee has interviewed the finalists and recommended that Michigan Planners be the City's next agent/benefit consultant.

MOTION by Zielinski, second by Grabowski to designate Michigan Planners as agent of record for medical, dental, vision, life and disability benefits.

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 Brownfield Redevelopment Authority, Compensation Commission, Historic District Commission, Parks Commission, PEG Commission, Planning 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: *Incumbent

HISTORIC DISTRICT COMMISSION - Four vacancies, one term ending 2/28/20, three terms ending 2/28/21. Applicants must be City residents. Council appointment.

Mary (Teena) Kracht, 403 First Street*

Pontiac nominated Mary (Teena) Kracht, 403 First Street to the Historic District Commission for a term ending 2/28/21.

With a roll call vote the nomination failed, 3-4.

AYES: Cooper, Beaton, and Pontiac

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NAYS: Zielinski, Goodspeed, Smith, and Grabowski

PARKS COMMISSION - One vacancy, term 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.

Michael Szymanski, 332 Fifth Street
Andy Amstutz, 298 Third Avenue
Lani Rozga, 7654 Riverside Drive

Mayor Smith appointed Lani Rozga to the Parks Commission for a term ending 6/30/18. 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

PLANNING COMMISSION - Two vacancies, one term ending 10/31/18 and one term ending 10/31/20. Applicants must be City residents. Mayoral appointment.

Rochelle Thomas, 367 Lighthouse Way South
Michael Szymanski, 332 Fifth Street

Mayor Smith appointed Rochelle Thomas to the Planning Commission for a term ending 10/31/18. MOTION by Zielinski, second by Goodspeed 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

Mayor Smith appointed Michael Szymanski to the Planning Commission for a term ending 10/31/20. MOTION by Goodspeed 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

ZONING BOARD OF APPEALS - One vacancy (regular member), three-year term ending 5/31/20. Mayoral appointment.

Glenn C. Zaring, 321 Fifth Street* (current alternate member)

Mayor Smith appointed Glenn C. Zaring to the Zoning Board of Appeals for a term expiring 5/31/20. MOTION by Zielinski, second by Goodspeed to support the Mayor's appointment

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With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A FOIA COST ESTIMATE APPEAL, TOM ROTTA

Mr. Tom Rotta submitted a Freedom of Information Act (FOIA) request to the City. An estimate of the costs for complying with the request was developed indicating a cost of \$241.30. Mr. Rotta appealed the cost decision. An Amended Response was sent to Mr. Rotta showing a cost of \$120.65, with a deposit of \$60.33 (1/2 of the cost). A FOIA Worksheet was supplied to Mr. Rotta and to Council setting forth the corrected cost. Staff supports Council granting the Appeal, finding that the determination of costs as contained in the FOIA Worksheet is accurate and complies with the City's publically available procedures and guidelines and lowering the cost to \$120.65 with a deposit of \$60.33.

MOTION by Zielinski, second by Pontiac to Grant the FOIA cost estimate appeal of Tom Rotta and find the determination of cost as contained in the worksheet is accurate and complies with the City's publically available procedures and guidelines and lower the fee to \$120.65, with a deposit of \$60.33. Discussion followed.

With a roll call vote this motion passed unanimously.

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

CONSIDERATION OF A RESOLUTION RECOGNIZING THE RETIREMENT OF MANISTEE COUNTY CONTROLLER/ADMINISTRATOR

Mr. Thomas D. Kaminski will retire from the position of Manistee County Controller/Administrator on February 28, 2018. A resolution of thanks and appreciation has been prepared recognizing Mr. Kaminski's service to the citizens of Manistee County.

MOTION by Zielinski, second by Goodspeed to adopt a resolution of thanks and appreciation to Thomas D. Kaminski as he retires from the position of Manistee County Controller/Administrator.

With a roll call vote this motion passed unanimously.

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

CITIZEN COMMENT.

David Kieft – Introduced himself as the new controller/administrator for Manistee County.

Jim Matthews – Asked questions regarding the life cycle of city vehicles.

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OFFICIALS AND STAFF.

Mikula mentioned a letter he received from the State regarding a new pilot grant opportunity; being offered to City due to past grant history; will aid with lead and copper mandates.

COUNCILMEMBERS.

Cooper welcomed new County Controller/Administrator.

Pontiac noted the Chili Cook Off event over the past weekend was great.

Smith recognized the 20th anniversary of Robert Hornkohl's retirement from the Manistee City Police Department; welcomed David Kieft; thanked everyone for attending tonight's meeting.

ADJOURN.

MOTION to adjourn was made by Zielinski second by Goodspeed. Meeting adjourned at 8:05 p.m.

Heather Pefley CMC, CMMC / MiCPT
City Clerk