

PROCEEDINGS OF THE MANISTEE CITY COUNCIL – January 17, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, January 17, 2012 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Sid Scrimger, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Beth Adams, and Alan Marshall.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, Community Development Director – Jon Rose, DPW Director – Jack Garber, Finance Director – Ed Bradford, Public Safety Director – Dave Bachman, and City Engineer – Jeff Mikula.

PUBLIC HEARING ON THE CITY OF MANISTEE COMMUNITY RECREATION PLAN 2012-2017.

The purpose of this hearing is to afford an opportunity for all citizens to express opinions, ask questions, and discuss all aspects of the Community Recreation Plan 2012-2017. This plan describes the physical features, existing recreation facilities and desired actions to be taken to improve and maintain recreation facilities during 2012-2017. The Community Recreation Plan is required to be filed with the Michigan Department of Natural Resources to qualify for grant funds.

City Council will take action on this item later in the meeting. Jon Rose gave a presentation on the background of the plan. Mayor Kenny invited the public to speak on the Community Recreation Plan 2012-2017.

No comments received. Public hearing closed at 7:07 p.m.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS.

Ross Spencer commented on the RFQ proposals for the First Street Beach House - stated that various committees were not invited; no minutes were taken; told it was not a violation of the Open Meetings Act; Council should have supporting documentation before any decision is made.

John Soltes, 1054 Oak Street, commented on Zoning Ordinance amendment Z11-09 – has asked many questions and learned a lot about zoning; has contacted the County Planning Department regarding the land fill used on this property; no permit issued; non-compliance; violation of special use permit; asked that Ordinance Z11-09 not be permitted.

Marc Eix, pastor of Faith Covenant Church, commented on the fill on their property – they were asked by Swidorski Excavating, a contractor for the City sewer separation project; weren't looking for dirt or fill; thought they would help out with the City project. He also commented on the Zoning Ordinance amendment Z11-09 – because of changes in the ordinance, they cannot even build a classroom or

anything; residents can build if they wish, but they cannot; don't intend on continuing to build on every year; church has chosen to make a commitment to the City; have financially and physically supported Love Inc and the development of Maxwell Park behind the Casman Academy.

CONSENT AGENDA.

- Minutes - January 3, 2012 - Regular Meeting
- January 10, 2012 - Work Session
- Payroll - Dec. 26, 2011 – Jan. 8, 2012 - \$ 105,971.03
- Monthly Bills - December 9, 2011 - \$ 256,593.84
- December 21, 2011 - \$1,358,356.11
- Notification Regarding Next Work Session – February 14, 2012
A discussion will be conducted on such business as may come before the Council.
- Consideration of Manistee Eagles St. Patrick's Day Wee Parade.
The Manistee Eagles Lodge Aerie 1765 has requested authorization to host a parade on St. Patrick's Day, March 17, 2012 beginning at 5:00 p.m. The parade route will be along Division Street from First Street to Lake Street and culminate in the Eagles Lodge parking lot.

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

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

CONSIDERATION OF A RESOLUTION ADOPTING THE CITY OF MANISTEE COMMUNITY RECREATION PLAN 2012-2017.

The 2012-2017 Community Recreation Plan has been available for public review and comment from October 28, 2011 through December 12, 2011 when it was adopted by the Parks and Beautification Commission. The plan was endorsed by the Planning Commission on January 5, 2012. Earlier tonight a public hearing was held on the plan.

MOTION by Hornkohl, second by Haydon to authorize the Mayor and City Clerk to sign a resolution adopting the Community Recreation Plan 2012-2017. Questions were asked whether maintenance costs of the parks should be added to the wish list and what the Council's commitment would be to these projects in the future. It was stated that this is a master plan, not a budget – not locked into anything.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

CONSIDERATION OF ORDINANCE Z11-09 TO THE ZONING ORDINANCE.

Faith Covenant Church made application to the Planning Commission to amend Section 1868 Place of Public Assembly of the Zoning Ordinance; the proposed ordinance amendment would read:

A large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined here, ***unless it is located on a parcel of land with a minimum area of five (5) acres.***

A public hearing was held on October 6, 2011 after which the Planning Commission made a motion to recommend to City Council to amend the ordinance. This amendment was first introduced by Council at their meeting of December 6, 2011 and could be adopted this evening.

At their meeting of December 20, 2011 City Council requested additional information on this item. A presentation was made to Council at their January 10, 2012 work session on various zoning amendments.

MOTION by Marshall, second by Zaring to adopt Ordinance Z11-09 to the Zoning Ordinance. Discussion followed including the lack of a permit and whether it was needed; not their fault that zoning changed; maybe it should have been grandfathered in when the zoning changed in 2007; and the Planning Commission has recommended this and they are master planners, we are not.

After discussion, roll call was taken. Motion approved, 4-3.

AYES: Scrimger, Haydon, Zaring, and Marshall
NAYS: Kenny, Hornkohl, and Adams

CONSIDERATION OF DIXON / SKIERA PARCEL SPLIT & COMBINATION.

The City Planning Commission reviewed and recommends City Council's consideration for a parcel split and combination request from Dale & Kathy Dixon (Parcel 51-448-732-05) and Dennis & Julie Skiera (Parcels 51-448-279-03 & 51-448-729-15). Mr. & Mrs. Dixon wish to split Parcel A as shown on Abonmarche Survey Job No. 11-0613 and sell it to Dennis & Julie Skiera who will then combine it with their two parcels and create a new parcel.

MOTION by Hornkohl, second by Zaring to remove Parcel A from parcel #51-448-732-05, combine this parcel with #51-448-279-03 & #51-448-729-15; creating a new parcel as shown on Abonmarche Survey Job No. 11-0613.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

CONSIDERATION OF A RESOLUTION APPROVING PROPOSED CHANGES TO CITY OF MANISTEE ELECTION PRECINCTS.

In the second year following each federal census, election commissions shall divide election precincts as they would deem necessary to make the population of each precinct equitable. The 2010 Census declared the population of Manistee as 6,226. This makes the average population of each precinct 889. The Election Commission has presented their changes to City election precincts. Any changes to the precinct boundaries would take effect 90 days prior to the primary election (May 9, 2012). Since Council districts are determined by election precincts, their boundaries would also change.

MOTION by Marshall, second by Haydon to authorize the Mayor and City Clerk to sign a resolution approving the changes to City of Manistee election precincts and Council districts effective May 9, 2012.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT FOR THE FIRST STREET BEACH HOUSE.

Following a Request for Qualifications process and Review Team interviews; Abonmarche Consultants, Inc. has been recommended to provide architectural and design professional services for the First Street Beach House Project.

A professional services agreement was prepared by Administration, agreed to by Abonmarche, and reviewed and approved by the City Attorney for the First Street Beach House. The current Engineer of Record (EOR) Agreement was used as a baseline to assist with determining a not to exceed cost for professional services. Under the EOR new projects between \$400,000 and \$500,000 will be billed at 15.25% or approximately \$66,000. The agreed upon price for providing professional services for this project is \$66,000. It is Administration's recommendation that this agreement be executed.

MOTION by Hornkohl, second by Marshall to authorize an agreement with Abonmarche Consultants, Inc. in a not to exceed amount of \$66,000 for professional services related to the First Street Beach House Project; and further authorize the Mayor and Clerk to execute the documents. Concerns were raised on the problems encountered with the Marina project and how they could be avoided in the future. Discussion was also held regarding e-mail allegations regarding the plans for the Fifth Avenue beach house.

After discussion, roll call vote was taken. Motion passed, 6-1.

AYES: Kenny, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: Scrimger

CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.

The City Clerk had previously advertised vacancies on the Brownfield Redevelopment Authority, Compensation Commission, Historic District Commission, Parks & Recreation Commission, and the PEG Commission. Council may consider any applications received prior to this meeting for these board and commission vacancies. As of the agenda deadline the following applications have been received:

BROWNFIELD REDEVELOPMENT AUTHORITY – Two vacancies, terms ending 6/30/13, Mayoral appointment.

None received

COMPENSATION COMMISSION – Two vacancies, terms ending 9/30/14 and 9/30/15, Mayoral appointment.

None received

HISTORIC DISTRICT COMMISSION – One vacancy, term ending 2/28/14, Council appointment.

Chad LaFave, 302-1/2 Twelfth Street

PARKS & BEAUTIFICATION COMMISSION – One vacancy, term ending 6/30/14, Mayoral appointment.

Lynne Reinhardt, 524 Fairview Avenue

PEG COMMISSION – Two vacancies, three year terms ending 12/31/14, Council appointment.

Mark Sandstedt, 503 Seventh Street*

Kathy Ervin, 1726 Lakeshore Road*

*Incumbent

MOTION by Marshall to appoint Mr. Chad LaFave, 302-1/2 Twelfth Street to the Historic District Commission for a term ending 2/28/14. Motion died because of lack of a second.

Mayor Kenny appointed Ms. Lynne Reinhardt - 524 Fairview Avenue, to the Parks & Beautification Commission for a term ending 6/30/14. MOTION by Haydon, second by Zaring to support the Mayor's appointment.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall

NAYS: None

MOTION by Haydon, second by Hornkohl to appoint Mr. Mark Sandstedt - 503 Seventh Street, and Ms. Kathy Ervin – 1726 Lakeshore Road to the PEG Commission for three year term ending 12/31/14.

With a roll call vote this motion passed unanimously.

AYES: Kenny, Scrimger, Hornkohl, Haydon, Zaring, Adams, and Marshall
NAYS: None

A REPORT FROM THE MANISTEE BLACKER AIRPORT.

Mr. Barry Lind reported on the activities of the Manistee Blacker Airport and responded to questions the Council had regarding their activities.

PRESENTATION BY FINANCE DIRECTOR ED BRADFORD OF FINANCIAL PROJECTIONS.

Postponed to the next meeting.

PRESENTATION BY ADMINISTRATION ON STATUS OF THE MUNICIPAL MARINA PROJECT.

Rose gave a PowerPoint presentation on the various steps of the marina project and what needs to be accomplished yet.

CITIZEN COMMENT.

Rick Schrock, 603 Harvard Lane, commented on new information received on the marina project and the First Street beach house agreement.

OFFICIALS AND STAFF.

Deisch stated that he is working with Garber and G. Niesen regarding the parks maintenance numbers; old lights on First Street (6 high pressure sodium lights) cost approximately \$600-700 annually; new lights (28 LED lights) will cost approximately \$1100-\$1150 annually.

COUNCILMEMBERS.

Zaring read a letter received from Jack Lynch - 156 Quincy Street, addressed to Dave Bachman - Public Safety Director, commending Officer Goodspeed on her conduct and professionalism in regards to a dispute last winter between neighbors concerning snow removal; it also stated that she is a credit to your department.

ADJOURN.

MOTION to adjourn was made by Hornkohl, second by Haydon. Meeting adjourned at 9:49 p.m.

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