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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – JANUARY 7, 2020

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A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, January 7, 2020 at 7:00 pm in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

**PRESENT:** Dale Cooper, Lynda Beaton, Roger Zielinski, Jermaine Cipic, Michael Szymanski, James Grabowski and Erin Pontiac

**ABSENT:** None

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, Finance Director – Ed Bradford, Planning & Zoning Administrator – Kyle Storey, Public Safety Director – Tim Kozal and City Engineer – Shawn Middleton

### **CITIZEN COMMENTS ON AGENDA RELATED ITEMS**

None

### **CONSENT AGENDA**

- Minutes - December 17, 2019 Regular Meeting
- Financial Reports
  - Cash Balances November 2019
  - Revenue & Expense November 2019
- Consideration of Ordinance 19-24 Adding Chapter 1064 Charges for Fire Runs and Emergency Services.
- Notification Regarding Next Work Session – January 14, 2020, 7:00 pm  
A discussion will be conducted on the Strategic Plan, RAD Conversion Plans, and a Substance Education & Awareness Sea Youth Presentation; and such business as may come before Council.

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

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

### **CONSIDERATION OF SCHEDULING A PUBLIC HEARING FOR A NEW DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT PLAN.**

The current DDA Development Plan and TIF sunsets on March 1, 2020. The Downtown Development Authority approved a new Development Plan for Council's consideration. In order for City Council to consider adopting a new Downtown Development Authority Plan, a public hearing is required.

MOTION by Grabowski, second by Szymanski to schedule a public hearing for February 4, 2020.

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With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

### **CONSIDERATION OF ORDINANCE 20-1 AMENDING CHAPTERS 866 AND 867.**

The City of Manistee Medical Marihuana Facilities Ordinance and Recreational Marihuana Ordinance authorize up to twelve Grower Facilities (Medical Marihuana) and twelve Grower Establishments (Recreational Marihuana). Recent discussion has led city staff to believe that there may be more demand than permits and licenses available. Grower operations all take place within closed, locked facilities and can only take place in certain areas of the City. It is city staff's opinion that the number of permits and licenses should be unlimited, as the area where grower operations can take place under the zoning ordinance will limit the number of permits and licenses that may be requested. Additionally, under the recreational marihuana law, the State may license designated consumption facilities if authorized within a particular community. The State is unwilling to indicate whether it would issue such a license in the City of Manistee based upon the current ordinance. Consequently, city staff recommends that Chapter 867 be amended to specifically prohibit designated consumption facilities, or any other recreational marihuana facility not specifically authorized within the City. Amendment 20-1 would make unlimited the number of available Grower Facility Permits under Chapter 866 and Grower Establishments Licenses under Chapter 867 and would also specifically prohibit any recreational marihuana establishments not specifically authorized under the Chapter 867, including a designated consumption facility.

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 Szymanski, second by Cipic to introduce Ordinance 20-1, amending Chapters 866 and 867.

With a roll call vote this motion passed 4-3.

AYES: Beaton, Zielinski, Cipic, and Szymanski

NAYS: Cooper, Grabowski and Pontiac

### **CONSIDERATION OF ZONING ORDINANCE AMENDMENT Z19-25: ASSEMBLY OPERATION IN KEY STREET SEGMENT.**

Amending the City of Manistee Zoning Ordinance to allow an Assembly Operation as a permitted Special Use in the R-2: Medium Density Residential District. Amend Article 3: Table of Land Uses, Table 3-2 Uses Permitted by Right and Special Land Use Permit. Amend Article 9: R-2 Medium Density Residential Special Uses "Requires Key Street Frontage Table."

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 Szymanski, second by Pontiac to introduce Zoning Ordinance Z19-25, amending Article 3 and Article 9.

With a roll call vote this motion passed unanimously.

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AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski and Pontiac

NAYS: None

### **CONSIDERATION OF APPROVING A CONTRACT FOR THE PHASE I, CONTRACT A, WASTEWATER COLLECTION SYSTEM REHABILITATION.**

The City has publicly bid out Phase I, Contract A, Wastewater Collection System Rehabilitation. Five bids were received as follows:

Inland Water Pollution Control, Inc.	\$2,316,994.00
Visu-Sewer, Inc.	\$2,756,194.95
SAK	\$2,841,417.00
Insituform	\$2,877,568.20
Granite Inliner	\$3,526,575.00

The engineer's estimate is \$2,340,000.00. The Public Works Department and City Engineers are recommending a contract award to the low bidder.

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

MOTION by Cooper, second by Szymanski to award a construction contract to the low bidder, Inland Waters Pollution Control, Inc. in the amount of \$2,316,994.00 and authorize the Mayor and City Clerk to execute the documents. City Engineer Shawn Middleton gave a brief overview of the work to be completed for Phase 1, Contract A & B.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipcic, Szymanski, Grabowski and Pontiac

NAYS: None

### **CONSIDERATION OF APPROVING A CONTRACT FOR THE PHASE I, CONTRACT B, WASTEWATER COLLECTION SYSTEM REHABILITATION.**

The City has publicly bid out Phase I, Contract B, Storm and Sanitary Sewer Improvements. Three bids were received as follows:

Gerber Construction	\$1,770,267.00
Hallack Contraction	\$1,798,897.80
Elmer's	\$1,999,500.00

The engineer's estimate is \$1,440,000.00 but did not cover several project items such as watermain replacement. The Public Works Department and City Engineers are recommending a contract award to the low bidder.

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

MOTION by Beaton, second by Grabowski to award a construction contract to the low bidder, Gerber

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Construction in the amount of \$1,770,267.00 and authorize the Mayor and City Clerk to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Cooper, Beaton, Zielinski, Cipic, Szymanski, Grabowski and Pontiac

NAYS: None

### CITIZEN COMMENT

Bob Grabowski, 341 Fourth Street / commented on the icy roads last weekend.

### OFFICIALS AND STAFF

None

### COUNCILMEMBERS

Grabowski wished everyone a Happy New Year.

Szymanski offered a reminder that 2020 is a census year and expressed how important it is for everyone to be counted.

Beaton stated she received several calls over the weekend regarding icy roads.

### ADJOURN

MOTION to adjourn was made by Szymanski. Meeting adjourned at 7:27 p.m.

Heather Pefley CMC, CMMC / MiCPT  
City Clerk