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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

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A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, March 2, 2021 at 7:00 pm remotely as authorized by the Open Meetings Act (MCL 15.263a).

**PRESENT:** David Bachman, Lynda Beaton, Roger Zielinski, Jermaine (Cipic) Sullivan, Michael Szymanski, James Grabowski, and Erin Martin Pontiac

**ABSENT:** None

**ALSO PRESENT:** City Manager – Thad Taylor, City Attorney – George Saylor, City Clerk – Heather Pefley, Deputy Clerk – Lora Laurain, DPW Director – Jeff Mikula, Finance Director – Ed Bradford, Planning and Zoning Administrator – Mike Szokola, Police Chief – Josh Glass, and City Engineer – Shawn Middleton

### CITIZEN COMMENTS ON AGENDA RELATED ITEMS

None

### CONSENT AGENDA

- Minutes - February 16, 2021 Regular Meeting  
February 23, 2021 Special Meeting
- Financial Reports Cash Balances January 2021  
Revenue & Expense January 2021
- Notification Regarding Next Work Session – March 9, 2021, 7:00 pm  
A Council work session has been scheduled for Tuesday, March 9, 2021 at 7:00 p.m. A discussion will be conducted on shoreline, capital improvements, and streets and presentations from MAPS of the upcoming bond proposal and Michigan Independent Citizens Redistricting Commission on redistricting; and such business as may come before Council.

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

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### CONSIDERATION OF AMENDMENTS TO MANISTEE CITY ORDINANCE CHAPTER 650 ANTI-BLIGHT

Amendments have been made by the City Attorney to Ordinance Chapter 650 Anti-Blight. These changes allow for more efficient enforcement of the ordinance by the police department.

As an ordinance two separate readings are required. This ordinance was introduced at the February 16, 2021 meeting and could be adopted at this time.

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

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MOTION by Grabowski, second by Sullivan to adopt the proposed amendments to Manistee City Ordinance Chapter 650 Anti-Blight.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin 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 2021 Cycle I applications is Friday, March 5, 2021 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 Beaton, second by Bachman to authorize the submission of a grant application to the Local Revenue Sharing Board for the Fire Department Lucas 3 Mechanical CPR Device in the amount of \$8,000.00.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

MOTION by Szymanski, second by Sullivan to authorize the submission of a grant application to the Local Revenue Sharing Board for the Police Department for eight (8) Body Worn Camaras in the amount of \$13,376.00.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF CHANGING THE POLLING LOCATION FOR PRECINCTS ONE AND TWO FOR FUTURE ELECTIONS**

The City's Election Commission has recommended a change to the polling location for Precincts One and Two and is requesting Council's approval to establish a central polling location for future elections. The reason for this request is, to not only improve the efficiency of the election process, but to provide convenience for voters. The current polling locations are small and can become very crowded during a busy election. The location being proposed is the Manistee Council on Aging, located at 260 Saint Mary's Parkway. According to MCL 168.662 (2) ... "the legislative body in each city...may establish a central polling place or places for 6 precincts or less if it is possible and convenient for the electors to vote at the central polling place. The legislative body may abolish other polling places not required as a result of the establishment of a central polling place."

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

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The City Attorney has drafted a Polling Place Use Agreement as recommended by the Secretary of State. If approved, this change will take effect after the May 4, 2021 election to provide time to send notices and new Voter ID Cards to all registered voters in the City of Manistee.

MOTION by Beaton, second by Sullivan to approve the Change of Election Polling Location for Precincts one and two and establish a new central polling location for the City of Manistee and authorize the Mayor and City Clerk to sign the Polling Place Use Agreement.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF APPROVING AMENDMENTS TO THE MANISTEE TOWNSHIP UTILITY AGREEMENTS**

The City of Manistee and Manistee Township have utility agreements for public water and sanitary sewers owned by the City, located within Manistee Township. Reviews completed by both parties have indicated that additional clarification was required to define when existing structures were required to connect to the City utility systems. The Manistee Township Board has approved the proposed amendments.

MOTION by Szymanski, second by Martin Pontiac to approve the proposed amendments to the Manistee Township utility agreements.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF A CONTRACT AWARD AND CHANGE ORDER NO. 1 FOR THE PHASE 2, CONTRACT A, WASTEWATER COLLECTION SYSTEM IMPROVEMENTS**

A project has been designed and publicly bid to construct a new pipeline conveyance from SSO #018 to the WWTP. One bid was received as follows:

Hallack Contracting, Inc.	\$4,749,490.95
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Engineer's Estimate	\$3,000,000.00
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Hallack Contracting, Inc. is the confirmed low bidder. In order to bring the project costs closer to the budgeted amount, a change order is recommended to include value engineering items. The resulting contract amount will be \$3,864,094.80.

MOTION by Grabowski, second by Bachman to award a contract to low bidder, Hallack Contracting, Inc. in the amount of \$4,749,490.95 and execution of Change Order No. 1 in the amount of -

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**PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021**

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\$885,396.15 and authorize the City Clerk and Mayor to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

**CONSIDERATION OF A CONTRACT AWARD AND CHANGE ORDER NO. 1 FOR THE PHASE 2, CONTRACT B, CLEAN WATER RECOVERY FACILITY (WWTP) IMPROVEMENTS**

A project has been designed and publicly bid to construct a new headworks and storage facilities at the WWTP. Four bids were received as follows:

Grand River Construction	\$14,953,130.00
RCL Construction	\$15,670,000.00
Spence Brothers	\$15,733,000.00
Heaney	\$19,608,067.00 (non-responsive bid)
Engineer's Estimate	\$11,900,000.00

Grand River Construction is the confirmed low bidder. In order to bring the project costs closer to the budgeted amount, a change order is recommended to include value engineering items. The resulting contract amount will be \$12,290,280.00.

MOTION by Szymanski, second by Bachman to award a contract to low bidder, Grand River Construction in the amount of \$14,953,130.00 and execution of Change Order No. 1 in the amount of -\$2,662,850.00 and authorize the City Clerk and Mayor to execute the documents.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

**CONSIDERATION OF BOND AUTHORIZING ORDINANCE FOR THE ISSUANCE OF SEWER JUNIOR LIEN REVENUE BONDS SERIES 2021A AND 2021B IN AN AGGREGATE AMOUNT OF \$18,000,000**

The City is subject to an MDEQ NPDES permit that mandates a wet weather corrective action program (CAP) to remove the last combined sewer overflow. This requirement and progress towards completion has been discussed many times at past Council work sessions and meetings. A Notice of Intent Resolution was approved by Council on August 22, 2017 for the issuance of debt to finance the needed activities to comply with the CAP. No referendum petitions were filed so the City can proceed with issuing additional debt. The Series 2021 bonds which fund Phase 2A and Phase 2B of the overall CAP are being financed by USDA Rural Development. The approval of the Bond Authorizing Ordinance

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

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is necessary to authorize and proceed with the bond issuance.

MOTION by Bachman, second by Szymanski to approve a Bond Authorizing Ordinance for the issuance of Sewer Junior Lien Revenue Bonds Series 2021A and 2021B in an aggregate amount of \$18,000,000.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF USDA RURAL DEVELOPMENT LOAN RESOLUTIONS FOR \$9,100,000 AND \$8,900,000 OF SEWER REVENUE BOND INDEBTEDNESS**

The City is subject to an MDEQ NPDES permit that mandates a wet weather corrective action program (CAP) to remove the last combined sewer overflow. This requirement and progress towards completion has been discussed many times at past Council work sessions and meetings. The Series 2021 bonds which fund Phase 2A and Phase 2B of the overall CAP are being financed by USDA Rural Development. The USDA requires Loan Resolutions as part of the financing process.

MOTION by Bachman, second by Beaton to approve USDA Rural Development Loan Resolutions in the amount of \$9,100,000 and \$8,900,000 of Sewer Revenue Bond indebtedness.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS STREET/GROUND LEVEL AND LOWER-LEVEL DWELLING STANDARDS**

Staff were instructed to develop language for street/ground level and lower-level dwelling standards within the C-3 Commercial District. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

MOTION by Grabowski, second by Szymanski to introduce Zoning Ordinance Z21-01 with the proposed text amendments addressing street/ground level and lower-level dwelling standards.

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

AYES: Bachman, Beaton, Zielinski, Szymanski, and Martin Pontiac

NAYS: Sullivan and Grabowski

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

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### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS RESIDENTIAL DWELLING DESIGN STANDARDS**

Staff were instructed to develop language that would set standards for residential dwellings within the Residential District. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

MOTION by Szymanski, second by Grabowski to introduce Zoning Ordinance Z21-02 with the proposed text amendments addressing standards for residential dwellings.

With a roll call vote this motion passed, 6-1.

AYES: Bachman, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: Beaton

### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS PATIOS**

Often patios are exempt from permitting provided they are at grade, do not exceed the “maximum lot coverage” for the district in which they are built, and are built within setbacks as approved by the Planning Commission. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

MOTION by Bachman, second by Grabowski to introduce Zoning Ordinance Z21-03 with the proposed text amendments addressing patios.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS TEMPORARY STORAGE STRUCTURES**

In review of the Temporary Storage Structure language in the Zoning Ordinance, Staff proposed modifying the language to the Planning Commission to allow for a temporary structure, while still prohibiting the membrane covered framework temporary structures. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

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## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – MARCH 2, 2021

---

MOTION by Szymanski, second by Bachman to introduce Zoning Ordinance Z21-04 with the proposed text amendments addressing temporary storage structures.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS THE SITE PLAN REVIEW COMMITTEE**

To conform to the Ready Redevelopment Communities (RRC) requirements, the City must identify who serves on the Site Plan Review Committee. Staff recognized the need to amend the Zoning Ordinance to bring the City into compliance. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

MOTION by Grabowski, second by Szymanski to introduce Zoning Ordinance Z21-05 with the proposed text amendments addressing the Site Plan Review Committee.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

### **CONSIDERATION OF TEXT AMENDMENTS TO THE ZONING ORDINANCE TO ADDRESS FENCES**

As of June 16, 2017, the City of Manistee has no longer required permits for constructing fences. Though a permit is not required, it is required that they be constructed with the requirements of Section 508 of the Zoning Ordinance. Staff developed language to clearly outline this within the Zoning Ordinance. Language has been approved by the Planning Commission.

As an ordinance two separate readings are required. If this ordinance is introduced at this time it could be adopted at the next meeting.

MOTION by Bachman, second by Szymanski to introduce Zoning Ordinance Z21-06 with the proposed text amendments addressing fences.

With a roll call vote this motion passed unanimously.

AYES: Bachman, Beaton, Zielinski, Sullivan, Szymanski, Grabowski, and Martin Pontiac

NAYS: None

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### CITIZEN COMMENT

None

### OFFICIALS AND STAFF

None

### COUNCILMEMBERS

Grabowski asked for an update on the burned structures on Davis and Kosciusko Streets. Police Chief Glass reported that Fire Chief Cameron is coordinating with insurance companies for their demolition.

Szymanski reported a complaint by a resident regarding the condition of bathrooms located at Rietz Park. Mikula stated that all restrooms utilize electronic locks to reduce vandalism and restrooms are checked and cleaned daily during the summer.

### ADJOURN

MOTION to adjourn was made by Grabowski, second by Beaton. Meeting adjourned at 8:28 pm.

Lora Y Laurain  
Deputy Clerk

Heather Pefley MiPMC/CMC  
City Clerk