
PROCEEDINGS OF THE MANISTEE CITY COUNCIL – APRIL 20, 2021

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Roger Zielinski on Tuesday, April 20, 2021 at 7:00 p.m. remotely as authorized by the Open Meetings Act (MCL 15.263a).

PRESENT: David Bachman – attending remotely from City of Manistee, Manistee County, MI
Lynda Beaton – attending remotely from City of Manistee, Manistee County, MI
Roger Zielinski – attending remotely from City of Manistee, Manistee County, MI
Jermaine Sullivan – attending remotely from City of Manistee, Manistee County, MI
Michael Szymanski - attending remotely from City of Manistee, Manistee County, MI
James Grabowski – attending remotely from City of Manistee, Manistee County, MI
Erin Martin Pontiac – attending remotely from City of Manistee, Manistee County, MI

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 & Zoning Administrator – Zachary Sompels, Police Chief – Josh Glass, Fire Chief – Mark Cameron, and City Engineer – Shawn Middleton

PUBLIC HEARING ON THE 2021-2022 BUDGET AND CAPITAL IMPROVEMENT PLAN

The City fiscal year runs from July 1 through June 30. Under Section 7-4 of the Charter, a public hearing is required on the budget which must be adopted not later than May 15 of each year.

A work session was held on Tuesday, April 13 and a budget work session is scheduled for later this evening. An optional work session is scheduled for Tuesday, April 27. The Budget Calendar anticipates adoption of the budget at the May 5, 2021 meeting.

At this time the public had an opportunity to comment on the 2021-2022 Budget and Capital Improvement plan.

Cindy Fuller-Wangbichler, 9894 Valley View Dr., Onekama - requested the City's allocation for Alternatives for Area Youth be increased from \$11,700 to \$13,000.

Public Hearing closed at 7:10 p.m.

CITIZEN COMMENTS ON AGENDA RELATED ITEMS

Mayor Zielinski reviewed the items on the agenda for those in attendance that did not have a copy of the agenda.

Chris Shilts, 500 Second St. – spoke in support of bringing back the Forest Festival.

Dennis Skiera, 1453 Maple Rd. – spoke against proposed changes to the rental ordinance; and spoke in favor of enforcing the blight ordinance.

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Suzanne Riley, 314 Lakeshore Dr. – supported Mr. Skiera’s comments.

Kerry Gavigan, owner of 30 rental units located in the City of Manistee, spoke against increasing the inspection frequency of rentals.

Therran Ferguson, 510 Fairview Ave. – asked Council for confirmation of receipt of recent letter and asked Council to reconsider the proposed rental ordinance changes.

CONSENT AGENDA

- Minutes - April 6, 2021 Regular Meeting
April 13, 2021 Work Session
- Financial Reports Payroll March 2021
Invoices March 2021
- Consideration of Ordinance 21-09 to amend Chapter 1482, Residential Rental Properties, of the City of Manistee, Michigan Codified Ordinances
- Notification Regarding Next Work Session – April 27, 2021, 7:00 pm
An optional Council work session has been scheduled for Tuesday, April 27, 2021 at 7:00 p.m. A discussion will be conducted on the 2021-2022 Budget and Capital Improvement Plan; and such business as may come before Council.
- Consideration of Ladies Classic Pro/Am – Budweiser Pro/Am fishing tournament to hold a fishing tournament on June 24-27, 2021 at Douglas Park. The tournament will utilize drive-thru registration and drive-thru weigh-in and will follow all COVID-19 protocols that may be in place at the time of the tournament.
- Consideration of Manistee Area Chamber of Commerce to hold the Manistee National Forest Festival "Lite" and associated events scheduled from July 1-5, 2021.

Beaton requested to remove Item VII, a) Consideration of Ordinance 21-09 To Amend Chapter 1482, Residential Rental Properties, of the City of Manistee, Michigan Codified Ordinances.

MOTION by Grabowski, second by Szymanski to approve the Consent Agenda with the removal of Item VII, a) Consideration of Ordinance 21-09 To Amend Chapter 1482, Residential Rental Properties, of the City of Manistee, Michigan Codified Ordinances.

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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CONSIDERATION OF ORDINANCE 21-09 TO AMEND CHAPTER 1482, RESIDENTIAL RENTAL PROPERTIES, OF THE CITY OF MANISTEE, MICHIGAN CODIFIED ORDINANCES

Ordinance 21-09 would amend Chapter 1482 by a definition of property, require that property not be in violation of Chapter 650, Blight, or any other City ordinance, require that the property owner have valid homeowner's insurance, change the frequency of inspections from three years to two years, and add language for revocation of the Certificate of Compliance.

As an ordinance two separate readings are required. This ordinance was introduced at the April 6, 2021 meeting and could be adopted at this time.

MOTION by Bachman, second by Beaton to adopt Ordinance 21-09 amending Chapter 1482, Residential Rental Properties.

With a roll call vote this motion failed unanimously.

AYES: None

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

INTRODUCTION OF NEW EMPLOYEE, OFFICER JOSHUA POMORSKI

Police Chief Glass introduced new Police Officer Joshua Pomorski, and Council welcomed Officer Pomorski.

CONSIDERATION OF AN ASSIGNMENT OF LEASE AGREEMENT, ERIC GERSTNER

In 2016, the City entered into a lease agreement with Gerstner Development, LLC for a parking lot at the corner of Division and River Streets. The term of the lease was for one year and automatically renews unless terminated by either party. Gerstner Development, LLC is being phased out and the deed to the property has transferred to Eric Gerstner. The City Attorney has drafted an Assignment of Lease Agreement to reflect this transfer.

MOTION by Grabowski, second by Martin Pontiac to approve the Assignment of Lease Agreement and authorize the Mayor and City Clerk to execute the agreement.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ZONING ORDINANCE Z21-10 TO AMEND ARTICLE 20 OF THE MANISTEE CITY ZONING ORDINANCE

This amending ordinance would remove section 2004 of the Manistee City Zoning Ordinance, which had prohibited mixed uses and dwellings in the Marijuana Overlay District.

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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 Grabowski, second by Szymanski to introduce Zoning Ordinance Z21-10 amending Article 20 of the Manistee City Zoning Ordinance.

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

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

NAYS: Beaton

CONSIDERATION OF A 2022 MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) CATEGORY B GRANT APPLICATION

The Michigan Department of Transportation notified the City of a grant program that has been created to assist with paving streets for communities with populations of less than 10,000. The maximum grant amount is \$250,000 with a 50/50 match. The City has identified eligible street segments with proposed utility work already scheduled in the City's Transportation Improvement Program for 2022 construction and will utilize these projects as match money.

MOTION by Szymanski, second by Grabowski to adopt the resolution to establish a request for funds, provide the required grant match, designate Jeffrey W. Mikula as the designated agent and agree to future maintenance on the projects.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF ORDINANCE 21-14 TO AMEND THE CITY OF MANISTEE CODIFIED ORDINANCE TO ADD AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF MANISTEE; TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED; TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE

The City of Manistee currently participates in the National Flood Insurance Program (NFIP). This program makes flood insurance available in communities that agree to manage their floodplains in such a manner that additional flood prone structures are not built and substantial repairs to structures within the floodplain are built to recommended floodplain standards. In Michigan, the state building codes already contain the necessary requirements to participate in the NFIP.

There is no fee to participate in the NFIP, but the community must pass an ordinance adopting the current maps and Flood Insurance Study and identify an enforcing agent. FEMA recently completed a 2-year process of updating new Digital Flood Insurance Rate Maps (DFIRMs) and an updated Flood Insurance

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Study (FIS). These maps were previously published for review and comment and are now ready for adoption.

The City Engineer will assist in enforcing the requirements of the floodplain ordinance and Michigan Building Code. This will be accomplished by coordinating with the City's building inspector and Planning and Zoning Administrator on any new construction or substantial construction to be performed within a mapped Special Flood Hazard Area (SFHA) as shown on the DFIRM.

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 Bachman, second by Grabowski to introduce Ordinance 21-14 to amend the City of Manistee Codified Ordinance to add an ordinance to designate an enforcing agency to discharge the responsibility of the City of Manistee; to designate regulated flood hazard areas under the provisions of the state construction code Act, Act No. 230 of the Public Acts of 1972, as amended; to repeal all ordinance in conflict therewith; to provide for severability; and to provide for an effective date.

With a roll call vote this motion passed unanimously.

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

NAYS: None

CONSIDERATION OF APPROVING CHANGE ORDER #5 ON WASTEWATER COLLECTION SYSTEM REHABILITATION, 2019 GENERAL WASTEWATER IMPROVEMENTS CONTRACT (RD1A)

The City of Manistee has preliminarily balanced the existing contract with Inland Waters Pollution Control, Inc. and has determined there are approximately \$167,000 of loan proceeds available. The Department of Public Works is recommending a change order to add six additional pipe segments and five manholes to be lined. The total amount of the proposed work is \$162,829.

MOTION by Szymanski, second by Martin Pontiac to approve Change Order #5 with Inland Waters Pollution Control, Inc. in the amount of \$162,829.

With a roll call vote this motion passed unanimously.

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

NAYS: None

A REPORT FROM THE ALTERNATIVES FOR AREA YOUTH

Ms. Sheila Kaminski reported on the activities of the Alternatives for Area Youth and responded to questions the Council had regarding their activities. Ms. Kaminski announced that the Teen Center has been renamed The Rec at Sands Park as the result of a contest held to find a new name that better reflects the organization's mission. Reported activities included:

- Ice Rink
- After school activities

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- WIFI availability
- Skate Park
- Softball
- Fundraising for onsite equipment storage unit

CITIZEN COMMENT

None

OFFICIALS AND STAFF

Mikula reported that the shoreline project construction has not yet begun due to a delay by Corps of Engineers in issuing the necessary permits.

COUNCILMEMBERS

Sullivan asked staff if SafeBuilt has been contacted regarding proposed changes in the rental ordinance and suggested SafeBuilt be invited to participate in a future work session to discuss the rental ordinance.

Szymanski welcomed Officer Pomorski, thanked the Chamber of Commerce for opportunities to safely celebrate the Forest Festival, and expressed support of the MAPS Vision Bond Proposal.

ADJOURN TO BUDGET WORK SESSION

A Council work session on the proposed Fiscal Year 2021-2022 Budget and Capital Improvement Plan was scheduled for immediately following the regular meeting.

MOTION to adjourn to the Budget Work Session was made by Beaton, second by Szymanski. Meeting adjourned at 8:07 p.m.

Lora Y Laurain
Deputy Clerk

Heather Pefley MiPMC/CMC
City Clerk