

# Manistee Harbor Commission Agenda

Tuesday, June 15, 2021 at 1:00 p.m. – Council Chambers

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## **Call to Order**

## **Approval of Agenda**

## **Public Comments on Agenda Items (5 minute limit)**

## **Approval of Minutes**

- Minutes of April 20, 2021

## **Unfinished Business**

- Annual Review of Bylaws – was tabled at the January 19, 2021 and April 20, 2021 meetings to give Commissioners additional time to review.

## **Reports**

- Harbormaster Report
- City Manager – Boat Launch Revenue

## **New Business**

- Other

## **Public Comment (5 minute limit)**

## **Comments by Harbor Commissioners**

## **Adjourn**

## HARBOR COMMISSION MEETING MINUTES OF April 20, 2021

A special meeting of the Manistee Harbor Commission was called to order by the Chair on Tuesday, April 20, 2021 at 1:01 p.m. via Zoom.

| Roll Call                    | Present | Excused<br>Absence | Unexcused<br>Absence | Remote Location               |
|------------------------------|---------|--------------------|----------------------|-------------------------------|
| Commissioner Fritz Boehm     | x       |                    |                      | Filer Twp, Manistee County    |
| Commissioner Ty Cook         | x       |                    |                      | City of Manistee, Manistee Co |
| Commissioner Jeff Mikula     | x       |                    |                      | Manistee Twp, Manistee Co     |
| Commissioner Tom Swedenborg  |         | x                  |                      |                               |
| Commissioner Alex Zaccanelli |         |                    | x                    |                               |
| Commissioner Tracey Lindeman | x       |                    |                      | City of Manistee, Manistee Co |
| Commissioner George Becker   | x       |                    |                      | City of Manistee, Manistee Co |
| City Manager Thad Taylor     | x       |                    |                      | City of Manistee, Manistee Co |

### **OTHERS PRESENT**

None.

### **APPROVAL OF AGENDA**

*MOTION* by Jeff Mikula, second by Tracey Lindeman to approve the agenda as presented.  
With Roll Call this motion passed 5 to 0.

Yes: Ty Cook, Jeff Mikula, George Becker, Fritz Boehm, Tracey Lindeman

No: None

### **PUBLIC COMMENTS ON AGENDA ITEMS**

- None

### **APPROVAL OF MINUTES**

*MOTION* by Jeff Mikula, second by Tracey Lindeman to approve the minutes from the February 5, 2021 meeting as presented.

With Roll Call this motion passed 5 to 0.

Yes: Ty Cook, Jeff Mikula, George Becker, Fritz Boehm, Alex Zaccanelli, Tracey Lindeman

No: None

### **OLD BUSINESS**

- Annual Review of Bylaws

*MOTION* by Jeff Mikula, second by Tracey Lindeman to table the bylaws review to the ~~May~~ June meeting.

With Roll Call this motion passed 4 to 1.

Yes: Jeff Mikula, George Becker, Fritz Boehm, Tracey Lindeman

No: Ty Cook

## **REPORTS**

- **Harbormaster**
  - Shoreline Revetments – Materials have been brought in, but construction cannot begin until the Army Corps of Engineers issues their permit. If the delay continues it will make it very difficult for the contractor to fulfill the contractual agreement to have Riverwalk portion of project completed by July 4, 2021.
  - Princess of Ludington – 30 events already booked for the season. In addition to event bookings, will be offering cruises, including sunset cruises, three times daily. Will have catering and working on obtaining a liquor license. Fully licensed, leasing space at the Marina, proposed three-year agreement would include dockage, and requirement for them to purchase fuel and pump out exclusively at the City Marina. Will be an asset to our downtown.
  - First Street Breakwater – The Army Corps of Engineers has contacted the City requesting assistance in fixing the First Street Breakwater. The Corps is paying for the steel (\$5,500) and the City will be repairing. Future repairs will be needed but have yet to be approved by the Federal Government for their 2022 Fiscal Year.
  - Dock Replacement Grant Application – Waterways grant application has been submitted and accepted as complete – currently waiting on determination. If not granted will look for other funding sources.
  - Other – Added the Marina patio to the Capital Improvement Plan.
  
- **City Manager**
  - Launch Ramp Revenue Report - \$945 as of March 31, 2021. With the City offices closed, we are making arrangements for payments through the mail or other accommodations.
  - Ramps are now open and auto-attendant/payment tube options available for payment. Auto-attendant machine is currently taking credit cards and exact change only. Change hopper is being replaced.
  - City is participating in a Michigan State University coastal research program. Includes a multi-discipline team documenting erosion and high-water issues in coastal communities. Training and mobilizing “citizen scientists” to fly a drone along shoreline to gather photographic documentation. Great opportunity for our community and others.
  - City is participating in a collaborative program with Michigan State University and University of Michigan pertaining to environmental planning. This is a multi-discipline group of students gathering data from shoreline communities – the semester project includes these students offering ideas to communities at the conclusion of the project.

## **OTHER COMMENTS**

- None.

## **PUBLIC COMMENTS**

- None.

**ADJOURNMENT**

Next meeting is scheduled for June 15, 2021 at 1:00 p.m.

*MOTION* to adjourn by Tracey Lindeman, second by Jeff Mikula at 1:35 p.m.

*Kelly McColl*  
Recording Secretary

DRAFT



## MANISTEE HARBOR COMMISSION

### BYLAWS AND RULES OF PROCEDURE

#### **Section 1. NAME.**

The name of the Commission shall be the "Manistee Harbor Commission."

#### **Section 2. PURPOSE.**

The purpose of the Commission shall be to implement and carry out provisions of Chapter 266 of the Manistee Code of Ordinances. (As may be amended from time to time.)

#### **Section 3. MEMBERSHIP OF THE COMMISSION.**

The membership of the Commission shall consist of seven (7) members appointed by the City Council, one of whom shall be the Harbormaster. They shall serve three (3) year terms. The City Manager shall be a non-voting ex-officio member of the Commission.

#### **Section 4. OFFICERS.**

4.1 Selection: The Commissioners shall elect a chair, and a vice-chair. The election shall take place during the first meeting of each calendar year. Officers shall be selected by majority vote of the Commissioners. Recording Secretary services will be provided by the Executive Secretary in the City Manager's Office.

4.2 Tenure: The Officers shall take office upon selection and shall hold office for a term of one year, or until their successors are selected and assume office.

#### **Section 5. OFFICER DUTIES.**

5.1 CHAIR. The Chair shall:

- a.) Preside at all meetings.
- b.) Appoint committees.
- c.) Periodically meet with City department staff.
- d.) Appoint an acting recording secretary for a meeting in which the recording secretary is absent.
- e.) Perform such other duties as may be ordered or authorized by the Harbor Commission.

5.2 VICE-CHAIR. The Vice-Chair shall:

- a.) Act in full capacity of the Chair in the absence of the Chair.
- b.) In the event of a vacancy in the position of Vice-Chair, the Harbor Commission shall then select a successor to the office of Vice-Chair from its membership for the unexpired term.

5.3 SECRETARY. The Secretary shall:

- a.) Execute documents in the name of the Harbor Commission as authorized by the Harbor Commission.
- b.) Be responsible for the minutes of each meeting and shall have them appropriately distributed.
- c.) Track attendance and make reports to the City Manager as specified in Section 6.3 of these bylaws.
- d.) Perform such other duties as the Harbor Commission may determine.

**Section 6. VACANCIES, REMOVAL, ABSENCES.**

6.1 Vacancies: Vacancies shall be filled for unexpired terms in the same manner as original appointments.

6.2 Removal: A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon.

6.3 Absences: In order to maintain the maximum participation of all appointed Harbor Commission members at all scheduled meetings, the following is the attendance guide and Board member replacement policy for “excused” or “unexcused” absences:

- a) When appointed, each Commission member should state his/her willingness and intention to attend each scheduled meeting of the Harbor Commission.
- b) In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Board member from attending the scheduled meeting; the Commission Chair or staff liaison to the Harbor Commission should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Commission member upon this notification will receive an “excused absence” for the involved scheduled meeting.
- c) If any Commission member is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Commission member shall be reported in writing to the City Manager. The City Manager will contact the Commission member in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
- d) There will be no limit on the number of consecutive “excused absences” for any Commission member. However, if the Commission member is repeatedly absent for

at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the City Manager. The City Manager will contact the Commission member in writing and question the member's continued ability or interest to be on the Commission. The Commission member will be considered for appointment nullification when the absences total six in the calendar year.

- e) The appointment nullification action would be initiated by the City Manager and forwarded on to the City Council for official action.

## **Section 7. MEETINGS.**

7.1 Regular Meetings: As directed in Chapter 266 of the Manistee Code of Ordinances the Commission shall meet at least quarterly during each year, and more frequently as needed. The date and time of each meeting will, where practicable be agreed upon by the consensus of the Commission members and such City staff as may be assigned to meet with the Commission. Meeting times and locations shall be posted and open to the public with time set aside at each meeting to receive public comment. All actions taken by the Commission shall be recorded by the Secretary and filed with the Manistee City Clerk. All meetings and Commission business shall comply with the Open Meetings laws of the State of Michigan.

Meetings can be cancelled by the Chair if there are no agenda items or if it is predetermined that a quorum will not be present. Special meetings may be called by or at the request of the Chair or any two members. Meetings shall be held after due notice to all members and the public.

7.2 Quorum: Four members shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting when a quorum is present by acting to approve the minutes of the meeting at which the quorum was not present.

7.3 Order of Business: The Chair or their designee shall prepare an agenda for each meeting and the order of business shall follow in an orderly manner according to the agenda. A designated period for public comment shall be allowed. A time limit for discussion and/or comment may be set by the Chair.

7.4 Parliamentary Procedure: Parliamentary procedure in Harbor Commission meetings, when needed, shall be governed by Roberts' Rules of Order.

## **Section 8. EXPENSE REIMBURSEMENT.**

Commissioners shall be reimbursed by the City of Manistee for all pre-approved out of pocket expenses incurred in carrying out the official business of the Commission. The City Manager or his designee shall be responsible for the preapproval process.



**Section 9. CONFLICT OF INTEREST.**

In the event that business being carried out by the Commission may have a personal or financial impact on a member of the Commission or their immediate family, or any corporation or business of which a Commissioner is an officer or director, the Commission member must disclose the conflict of interest and refrain from voting on that particular business. If any question of whether or not a conflict exists cannot be determined by the Commission, then the matter of the question shall immediately be referred in writing to the Manistee City Attorney for consultation and recommendation.

**Section 10. CHANGES OR AMENDMENTS.**

Bylaws shall be reviewed annually during the first meeting of the year. All changes or amendments to the Bylaws must be approved by the majority of the Commissioners. Such changes or amendments must be presented to the Commission in writing for consideration and may not be voted upon until the following regularly scheduled meeting. Upon approval by the Commission, the Bylaws, showing the proposed amendment, shall be submitted to the Manistee City Council for final approval.

The foregoing Bylaws were duly adopted at a regular meeting of the Manistee Harbor Commission held 9/16/91; amended 5/06/96; amended 4/4/06; amended 8/3/09 amended 5/10/11; amended 2/19/13.

Cynthia J. Lokovich 2/19/13  
Cynthia J. Lokovich, Secretary      Dated

Approved by the Manistee City Council:

Colleen Kenny 3/5/13  
Mayor Colleen Kenny      Dated