

## PROCEEDINGS OF THE MANISTEE CITY COUNCIL – June 19, 2012

A regular meeting of the Manistee City Council was called to order by her honor, Mayor Colleen Kenny on Tuesday, June 19, 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, Catherine Zaring, Beth Adams, and Alan Marshall.

**ABSENT:** Ilona Haydon.

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

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

Ross Spencer, chair of Harbor Commission – requested removal of Harbor Commission ordinance from the Consent Agenda so that it can be viewed by the public and reviewed by Council members; stated the ordinance had not been published for review of the public, only by staff and Council; questioned the message given to those applying for boards and commissions.

Rick Schrock, Harvard Lane – also requested the Harbor Commission ordinance be taken off the Consent Agenda to be voted on individually; encouraged Council to send this back to committee and discuss with the Harbor Commission.

### **CONSENT AGENDA.**

- Minutes
  - June 5, 2012 - Regular Meeting
  - June 12, 2012 - Work Session
- Payroll
  - May 28 – June 10, 2012 - \$ 109,660.82
- Monthly Bills
  - May 11, 2012 - \$ 417,111.76
  - May 24, 2012 - \$ 80,008.59
- Consideration of Ordinance 12-03 Amending Chapter 266 Board of Harbor Commissioners.
- Notification Regarding Next Work Session – July 10, 2012
  - A discussion will be conducted on 2012 project updates; and such business as may come before the Council.
- Consideration of Running for Our Soldiers 5K/1 Mile Walk.

The Bravo Troop Family Readiness Group is requesting authorization to organize and hold a 5K/1 Mile Walk to be held August 25, 2012 beginning at 10 a.m. to approximately 11:30 a.m. (allowing time to complete routes back to Armory). The event would assemble at the Armory and circle First Street Beach with the 1 mile walk ending back at the Armory and the 5K route going south on Cherry; east on Eighth; north on Spruce; west on Water ending at the Armory.

MOTION by Hornkohl, second by Marshall to approve the Consent Agenda as presented. Councilmember Scrimger requested Item VII.a. Consideration of Ordinance 12-03 Amending Chapter 266 Board of Harbor Commissioners be removed from the Consent Agenda.

MOTION by Zaring, second by Scrimger to amend the original motion to approve the Consent Agenda with the removal of Ordinance 12-03 Harbor Commission.

With a roll call vote this motion failed, 3-3.

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

After some clarification, a MOTION by Zaring, second by Scrimger to *revisit* the amendment of the original motion to approve the consent Agenda with the removal of Ordinance 12-03 Harbor Commission.

With a roll call vote this motion passed, 5-1.

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

Roll call was then taken on the *original* motion and passed unanimously.

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

### **CONSIDERATION OF ORDINANCE 12-03 AMENDING CHAPTER 266 BOARD OF HARBOR COMMISSIONERS.**

In September of 2011 City Council conducted a work session with the Harbor Commission to discuss the purpose of the Harbor Commission and Chapter 266, of the Code of Ordinances. Council directed this discussion to the Council Ordinance Committee to consider revising the ordinance or the possible combination of various commissions. The Council Ordinance Committee met and reviewed draft amended ordinance language and met jointly with the Harbor Commission and the Parks and Beautification Commission to investigate a possible combination of commissions. Both commissions rejected the possibility of combining into one board.

Following continued research and review of proposed ordinance amendment language prepared by staff and the Harbor Commission, the Council Ordinance Committee arrived at the attached proposed

12-03 Chapter 266 Ordinance Amendment. The Council Ordinance Committee has reviewed and recommends the ordinance amendment. This amendment was first introduced by Council at their meeting of June 5, 2012 and could be adopted this evening.

MOTION by Marshall, second by Zaring to adopt Ordinance Amendment 12-03 amending Chapter 266 Board of Harbor Commissioners.

After a lengthy discussion, a roll call vote was taken. Motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF BUDGET AMENDMENT 2012-1 FOR FISCAL YEAR ENDING JUNE 30, 2012.**

The City of Manistee is required by State law to ensure that actual expenditures do not exceed budgeted amounts. Over the course of the current fiscal year, unanticipated and unbudgeted events and/or Council approved expenditures have occurred. The proposed budget amendment addresses the expenditures associated with these events and attempts to project what final year-end expenditures will be to avoid any year-end negative budget variances.

MOTION by Hornkohl, second by Marshall to adopt budget amendment 2012-1 for fiscal year ending June 30, 2012. Bradford responded to questions from the Council regarding the amendment.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF APPROVED DEPOSITORIES FOR CITY FUNDS.**

City Charter, Section 7-8, requires that Council designate the depositories for City funds. Traditionally this has been done at the beginning of each fiscal year. The Finance Director requests that the following financial institutions be approved as designated depositories: Charles Schwab, Flagstar Bank, Honor State Bank, Huntington Bank, MBIA Michigan CLASS, Northwestern Bank, PNC Bank, UBS, West Michigan Bank & Trust, and West Shore Bank.

MOTION by Hornkohl, second by Zaring to approve designated depositories for the City of Manistee.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF APPLICATIONS TO BOARDS AND COMMISSIONS.**

The City Clerk has taken action to advertise vacancies on the Brownfield Redevelopment Authority,

Compensation Commission, Downtown Development Authority, Oil and Gas Investment Board, Parks and Beautification Commission, Planning Commission, and the Ramsdell Theatre Governing Authority. The following applications have been received:

**BROWNFIELD REDEVELOPMENT AUTHORITY** - Four vacancies, one unexpired term ending 6/30/13 and three three-year terms ending 6/30/15; Mayoral appointment.

Steven G. Brower, 4102 College Avenue\*  
David L. Carlson, 100 Oak Street, Apt 203\*  
M. Lynne Reinhardt, 524 Fairview Avenue

**COMPENSATION COMMISSION** – One vacancy, term ending 9/30/14; Mayoral appointment.

*None received*

**DOWNTOWN DEVELOPMENT AUTHORITY** – Two vacancies, four-year terms ending 7/1/16, interest members; Mayoral appointment.

Steven G. Brower, 4102 College Avenue\*  
Lee Trucks, 453 Second Street\*

**OIL & GAS INVESTMENT BOARD** – One vacancy, four-year term ending 6/30/16; Mayoral appointment.

Doug Parkes, 724 Harbor Drive\*

**PARKS & BEAUTIFICATION COMMISSION** – Two vacancies, three-year terms ending 6/30/15; Mayoral appointment.

Ed Tegler, 522 Fifth Avenue\*  
Roger Zielinski, 529 First Street\*  
Lorraine Conway, 506 Ninth Street

**PLANNING COMMISSION** – One vacancy, unexpired term ending 10/31/13; Mayoral appointment.

Mark Wittlief, 363 Tenth Street

**RAMSDELL THEATRE GOVERNING AUTHORITY** – Two vacancies, three-year terms ending 6/30/15; Mayoral appointment.

W. Thomas Stege, 714 Harbor Drive\*

\*Incumbent

Mayor Kenny appointed Steven G. Brower – 4102 College Avenue and David L. Carlson – 100 Oak Street, Apt. 203 to the Brownfield Redevelopment Authority for three year terms ending 6/30/15; and appointed M. Lynne Reinhardt – 524 Fairview Avenue to fill the unexpired term ending 6/30/13.

MOTION by Hornkohl, second by Marshall to support the Mayor's appointments to the Brownfield Redevelopment Authority.

With a roll call vote this motion passed unanimously.

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

Kenny appointed Steven G. Brower – 4102 College Avenue and Lee Trucks – 453 Second Street to the Downtown Development Authority for four year terms ending 7/1/16. MOTION by Hornkohl, second by Zaring to support the Mayor's appointments to the Downtown Development Authority.

With a roll call vote this motion passed unanimously.

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

Kenny appointed Doug Parkes – 724 Harbor Drive to the Oil & Gas Investment Board for a four year term ending 6/30/16. MOTION by Zaring, second by Hornkohl to support the Mayor's appointment to the Oil & Gas Investment Board.

With a roll call vote this motion passed unanimously.

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

Mayor Kenny appointed Ed Tegler – 522 Fifth Avenue and Roger Zielinski – 529 First Street to the Parks & Beautification Commission for three year terms ending 6/30/15. MOTION by Hornkohl, second by Zaring to support the Mayor's appointments to the Parks & Beautification Commission.

With a roll call vote this motion passed unanimously.

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

Kenny appointed Mark Wittlief – 363 Tenth Street to the Planning Commission to fill an unexpired term ending 10/31/13. MOTION by Hornkohl, second by Marshall to support the Mayor's appointment to the Planning Commission.

With a roll call vote this motion passed unanimously.

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

Kenny appointed W. Thomas Stege – 714 Harbor Drive to the Ramsdell Theatre Governing Board for a three year term ending 6/30/15. MOTION by Hornkohl, second by Zaring to support the Mayor's appointment to the Ramsdell Theatre Governing Board.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**A REPORT FROM THE BROWNFIELD CONSULTANT AND THE HOUSING COMMISSION.**

Mr. T. Eftaxiadis reported on the activities of the Brownfield Authority and responded to questions the Council had regarding their activities.

Mr. Clint McKinven-Copus reported on the activities of the Housing Commission and responded to questions the Council had regarding their activities.

**CITIZEN COMMENT.**

Lynda Beaton - 256 Hughes Street read a letter regarding attendance of City Council members, suggesting they forego compensation for missed meetings.

**OFFICIALS AND STAFF.**

Bachman and Saylor spoke on the new law regarding fireworks and how the City should proceed.

**COUNCILMEMBERS.**

*None received.*

**CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION.**

City Manager Mitchell D. Deisch has requested an Executive Session this evening as permitted by the Open Meetings Act, Section 8 (c) to discuss contract negotiations with the International Association of Firefighters, the Police Officers Association of Michigan, the Command Officers Association of Michigan, and the United Steelworkers. Time: 8:48 p.m.

MOTION to return to Regular Session by Hornkohl, second by Zaring. Time: 9:37 p.m.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**CONSIDERATION OF THREE COLLECTIVE BARGAINING AGREEMENTS WITH THE POAM, COAM, AND USW.**

MOTION by Hornkohl, second by Zaring to approve three collection bargaining agreements with the Police Officers Association of Michigan, the Command Officers Association of Michigan and the United

Steelworkers; and authorize the Mayor and Clerk to execute the documents.

With a roll call vote this motion passed unanimously.

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

NAYS: None

**ADJOURN.**

MOTION to adjourn was made by Hornkohl, second by Zaring. Meeting adjourned at 9:38 p.m.

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