

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 12, 2013

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, March 12, 2013.

Mayor Gawron opened the meeting with a prayer from Reverend Bill Freeman from the Harbor Unitarian Universalist Congregation after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Byron Turnquist, Lea Markowski, Willie German, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Eric Hood (excused).

2013-20 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the February 26th City Commission Meeting and the February 28th Special City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Special Event Request – Muskegon Bike Time 2013. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Family Events has filed a special event application for the annual Bike Time festival in downtown Muskegon to be held on July 18, 19, 20, and 21, 2013. Portions of their request require City Commission approval, including some items that are new for 2013, and some that are the same as in past years. They are requesting waiver of equipment rental fees, use of Bike Time's own labor pool when possible, extended beer tent hours, and variation from street closure times allowed per the special event policy.

FINANCIAL IMPACT: Request that equipment rental fees be waived.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: As in past years, it is recommended that staff be allowed to make the final decision regarding rental fees and actual costs to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

C. Implementation of Police Command Contract Retirement Changes.

FINANCE

SUMMARY OF REQUEST: The City Commission recently approved the 2013-14 contract settlement with the Police Command Unit. To fully implement the retirement provisions of this contract there are some additional steps required by MERS:

1. Step One: Close the Police Command Unit's defined benefit (DB) pension plan to new members. MERS allows each employee division to have only one open retirement plan. All new hires into the City are covered by a defined contribution (DC) plan so, over time, the DC plan will become the Command Unit's dominant retirement plan that will be open.
2. Step Two: Adopt the *Employer Resolution Establishing Uniform Transfer Provision*. This will allow promoting patrol officers who currently have a DB pension benefit to go into the Command Unit's DB plan even though it is "closed". Note: this resolution will also apply to other situations in the City where an employee may go from one unit to another. For example, in the past we have had Clerical Unit employees become police officers or non-union employees. This is not common, but does occur.
3. Step Three: Adopt the *MERS Restated Uniform Defined Contribution Program Resolution* and *MERS Restated Defined Contribution Plan Adoption Agreement* that provide for a new defined contribution (DC) retirement plan for the Police Command unit. This new plan has the same benefit levels as the current Police Patrol DC plan (6% employee contribution; 10% employer contribution). Promoting patrol members who

currently have a DC retirement benefit will go into this new plan.

The net result of these changes will be to provide the mechanisms needed to implement contract language that provides: "Effective January 1, 2013, all Patrol Unit members entering the Command Unit shall keep their pension and retirement packages from the Patrol Unit."

FINANCIAL IMPACT: No new financial impact on the City.

BUDGET ACTION REQUIRED: None at this time. Future budgets will reflect the changes made here.

STAFF RECOMMENDATION: Approval of the steps outlined above and authorization for staff to execute documents needed to make this change.

D. Water Filtration Plant Sodium Hypochlorite Feed Pump Replacement.

PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase two 520US Watson-Marlow Hose pumps from the sole source bidder Mattoon-Lee for a sum of \$10,880.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to purchase two 520US Watson-Marlow Hose pumps from the sole source bidder Mattoon-Lee for a sum of \$10,880.

E. Consideration of Bids for Sanitary Sewer Lining (S-663). ENGINEERING

SUMMARY OF REQUEST: Award the City's portion of the County's bid to Layne Inliner, LLC out of Hilliard, OH for \$19,206 as per the Engineer's recommendation for award. The City's portion consists of lining 360' of 12" clay pipe in the alley south of Hackley between Beidler and Edgebrook.

FINANCIAL IMPACT: The construction cost of \$19,206 plus engineering.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the lining of the 12" sanitary sewer line to Layne Inliner, LLC out of Hilliard, OH.

F. Lynx Network – Request for Permit under METRO Act. ENGINEERING

SUMMARY OF REQUEST: Approve the request for a permit from the LYNX Group and authorize the Mayor to sign the unilateral permit form.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request for a permit to install fiber optics in the City's right of way along Laketon Avenue from Getty to Creston.

G. Water Treatment Plant Sluice Gates Repair. WATER FILTRATION

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Northwest Kent Mechanical Co. to repair two clearwell sluice gates for a cost of \$9,400.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To contract with the lowest responsible bidder, Northwest Kent Mechanical Co. at a cost of \$9,400, for repair of the Water Treatment Plant clearwell sluice gates.

H. State of Michigan Public Act 399 Reliability Study. WATER FILTRATION

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with FTC&H for the purpose of completing a Reliability Study of the Water Filtration Plant for a cost of \$37,562.

FINANCIAL IMPACT: \$37,562.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with FTC&H, the lowest responsible bidder for a Water Plant Reliability Study for a cost of \$37,562.

I. Appointments to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To approve the appointment of Nick Archer, William Muhammad, and Irene Navarro to the Citizen's Police Review Board; Matthew Tighe to the Construction Code Board of Appeals; and Steve Warmington, Sr. to the Zoning Board of Appeals.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the appointments.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointments at their March 11th meeting.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to adopt the Consent Agenda as read.

ROLL VOTE: Ayes: Markowski, Gawron, Spataro, German, Wierengo, Turnquist

Nays: None

MOTION PASSES

2013-21 PUBLIC HEARINGS:

A. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal

of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 22, 2013, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Joshua Eldenbrady, 1336 Spring, and Cindy Pizunski, owner of Topsy Toad.

Motion by Commissioner Turnquist, second by Commissioner German to close the Public Hearing.

ROLL VOTE: Ayes: Gawron, Spataro, German, Wierengo, Turnquist, Markowski

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to adopt the resolution with the exception of Express Lane, The Old Clover Bar and Topsy Toad.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron

Nays: None

MOTION PASSES

2013-22 NEW BUSINESS:

A. Special Event Request - Lakeshore Art Festival. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Muskegon Lakeshore Chamber of Commerce has filed a special event application for the Lakeshore Art Festival to be held in downtown Muskegon on July 5 and 6, 2013. A new group has taken over the event, and this is their first year. They are requesting to partner with the City and have the City sponsor a portion of the event. This would involve the waiver of City costs associated with Public Works labor and equipment rental charges, as well as costs for police services.

FINANCIAL IMPACT: Estimated police costs are \$840; estimated DPW costs will be provided.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends if the applicant organization picks up items such as picnic tables, barricades, and trash cans for distribution at the proper locations, the City will waive the equipment rental charges. This must be coordinated with City staff. The City generally does not waive charges for police officers at events.

Motion by Vice Mayor Spataro, second by Commissioner Markowski to use the same fee schedule for Lakeshore Art Festival that we use for Bike Time.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron

Nays: None

MOTION PASSES

B. Grant Application for Sanitary Sewer Evaluation. ENGINEERING

SUMMARY OF REQUEST: Authorize Fleis & Vandenbrink (F & V) to submit S2 Planning Grant Application to the Michigan Department of Environmental Quality soliciting funds to perform studies on the City's sanitary sewer collection system in two areas within the City, Clay Hill and Oak Grove. The studies will be performed to evaluate any I/Is (inflow and infiltration) with the aforementioned areas.

Should F & V be successful in securing the grant, they would expect to be hired to perform the studies at a cost of \$465,000. 90% of the engineering cost is covered by the grant and the City's share would be \$46,500.

It is important to realize that should we proceed with the application and we get the grant that we will be obligated to implement the recommendation within three years and failure to do so will result in the City having to reimburse the state any grant funds spent.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize F & V to submit the grant application on behalf of the City.

Motion by Commissioner Turnquist, second by Commissioner German to authorize F & V to submit the grant application on behalf of the City.

ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Spataro

Nays: None

MOTION PASSES

C. Senior Transit.

Motion by Commissioner Markowski, second by Commissioner Turnquist to request City staff to initiate a contract up to \$40,000 with Wakefield Leasing to provide Senior Transit services to the residents of the City of Muskegon for a

date not to extend further than June 30, 2014.

ROLL VOTE: Ayes: Wierengo, Turnquist, Markowski, Gawron, Spataro, German

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Vice Mayor Spataro commented on the proposed relocation of the Farmer's Market.

PUBLIC PARTICIPATION: Public comments were received.

2013-23 CLOSED SESSION: To discuss Pending Litigation.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to go into Closed Session.

ROLL VOTE: Ayes: Turnquist, Markowski, Gawron, Spataro, German, Wierengo

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner German to go into Open Session.

ROLL VOTE: Ayes: Gawron, Spataro, German, Wierengo, Turnquist, Markowski

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:09 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk