

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 11, 2012

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, Michigan at 5:30 p.m., Tuesday, December 11, 2012.

Mayor Gawron opened the meeting with a prayer from Pastor Marcy Miller from the Samuel Lutheran Church 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, and Willie German, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioners Sue Wierengo and Eric Hood (excused).

2012-91 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the November 27th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Marsh Field Management Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize the Mayor and City Clerk to execute the "Marsh Field Baseball Facility Management Agreement" with the Lakeshore Baseball Club.

FINANCIAL IMPACT: Lakeshore Baseball Club will expand the operations of this facility and will invest in improvements to the facility.

BUDGET ACTION REQUIRED: None, the contract will offer savings in maintenance costs for the City and create opportunities for capital improvements by LBC that the City is unable to accomplish at this time.

STAFF RECOMMENDATION: Approve request.

C. Truck Mounted Jet Rodder (Jet Truck). PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one truck mounted jet rodder, model 800HPR Series III ECO Sewer Equipment Company of America, from Jack Doheny Supplies, Inc. for \$201,500. Doheny was the lowest responsible bidder out of the two bids received for this piece of equipment with the other company being AIS Equipment Company who submitted a bid on a compatible piece of equipment for \$204,000.

This piece of equipment is used primarily for sewer main cleaning and will replace the 1999 model we currently have in service.

FINANCIAL IMPACT: \$201,500.

BUDGET ACTION REQUIRED: None, this item was in our 2012/2013 Budget.

STAFF RECOMMENDATION: Authorize staff to purchase truck mounted jet rodder from Jack Doheny Supplies for \$201,500.

D. Request to Deny & Accept Properties that did not Sell During the Tax Sale for 2012. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon held two delinquent tax auctions during 2012. There were nineteen properties left after the last auction. According to the State's new tax laws, the City must state that they are not interested in obtaining them, otherwise the City will automatically receive them. From the list that was provided, the properties are all vacant lots. Community & Neighborhood Services would like to obtain two of the vacant lots Planning would like to obtain four vacant lots with the remaining parcels being denied.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny thirteen parcels and accept six parcels and authorize both the Mayor and the Clerk to sign said resolution.

E. Approval of Purchase of 1282 Fleming and Sign a Memorandum of Understanding with Trinity Housing Non-Profit Corporation for the Transfer. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To authorize Community & Neighborhood Services office to purchase the HUD home at 1282 Fleming in the Oakview Neighborhood for our partner, Trinity Village Non-Profit Housing Corporation. A Memorandum of Understanding will be signed to transfer the home to Trinity after closing.

Trinity is the approved agent for the County's NSP3 HUD Grant Award. Oakview

Neighborhood is the target neighborhood.

FINANCIAL IMPACT: The home will be rehabilitated with Muskegon County NSP3 funds through Trinity Village Non-Profit Housing Corporation. No financial obligation is required of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Community & Neighborhood Services 1282 Fleming purchase and enter into a Memorandum of Understanding with Trinity Village Non-Profit Housing Corporation for the transfer of property.

F. Approval of the Bid Proposal of Blackberry Window and Door Systems at 1500 Leahy. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the bid from Blackberry Window and Door Systems to restore the existing metal windows at 1500 Leahy Street, our last NSP1 project. The proposed price for this is \$33,545.

FINANCIAL IMPACT: Funding for the project has been approved in our NSP 1 allocation and will be supported with Program Income from the sales of other NSP projects.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Community & Neighborhood Services office to sign the contract to hire Blackberry Window and Door Systems as required by the State of Michigan Historic Preservation Office.

G. Fleet Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase four full size Ford F-150 4X4 pick-up trucks for fleet replacement from Gorno Ford/MI Deal (state's lowest bidder for Ford). These will replace fleet vehicles that will be handed down to various departments as seasonal vehicles.

FINANCIAL IMPACT: \$93,983 Equipment Fund.

BUDGET ACTION REQUIRED: None, the price of this purchase is within the amount budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase four Ford F-150 4X4 pick-ups from GORNO FORD/MIDEAL.

H. Fireworks Delegation of Authority Authorization. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the "Fireworks Delegation of Authority Authorization Pursuant to PA 256".

The Bureau of Fire Services is seeking for departments that are interested in applying for inspection delegation for consumer fireworks sales facilities (CFRS) under Section 19 of 2011 PA 256. The delegation is for one year. The fire

department would be responsible to conduct inspections of the permanent and temporary CFRS location within its jurisdiction (City of Muskegon). Entities (MUFD) that elect to have delegation will receive 80% of the application fee paid for the consumer fireworks certificate (\$800 for permanent and \$480 for temporary).

Currently MUFD has two trained "certified fire inspectors" that are qualified to perform this job task. Application will be made upon the acceptance by City Commission.

FINANCIAL IMPACT: Positive financial impact as fees are paid to conduct inspections.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval to perform delegation inspections.

Motion by Commissioner Turnquist, second by Vice Mayor Spataro to accept the Consent Agenda as presented.

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

Nays: None

MOTION PASSES

2012-92 UNFINISHED BUSINESS:

A. SECOND READING: Rezoning Request for the Property Located at 137 E. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 137 E. Laketon Avenue from B-2, Convenience and Comparison Business District to B-4, General Business District, by Jack Kennedy.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their November 15th meeting.

Motion by Vice Mayor Spataro, second by Commissioner Markowski to approve the rezoning request for the property located at 137 E. Laketon Avenue to B-4, General Business District.

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

Nays: None

MOTION PASSES

2012-93 NEW BUSINESS:

A. Approval of Sale of City-Owned Home at 451 E. Isabella. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services department to complete the sales transaction between Mr. Joseph R. Kieft, for the totally rehabilitated home at 451 E. Isabella. Mr. Kieft will purchase it for \$37,500.

This is a property that was under the Lease with Option to Buy Program five years ago.

FINANCIAL IMPACT: The proceeds from the sale will be used against the HOME Program deficit.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

Motion by Commissioner Markowski, second by Commissioner German to approve the sale of the property at 451 E. Isabella.

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

Nays: None

MOTION PASSES

B. Approval of Sale of City-Owned Home at 605 Jackson. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services department to complete the sales transaction between Madra Bolden for the newly constructed home at 605 Jackson, which is part of the City's Neighborhood Stabilization Program (NSP) through the Michigan State Housing Development Authority Office of Community Development and Leverage funds with the HOME Program by HUD. Ms. Bolden is expected to receive a VA Loan for \$65,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to complete the rehabilitation of 1500 Leahy Street, our final NSP 1 project.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

Motion by Vice Mayor Spataro, second by Commissioner German to approve the sale of the City-owned home at 605 Jackson to Ms. Bolden for the price stated.

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

Nays: None

MOTION PASSES

C. Approval of Sale of City-Owned Home at 1733 Manz. COMMUNITY & NEIGHBORHOOD SERVICES

REMOVED PER STAFF REQUEST

D. Appointment to County of Muskegon Port Advisory Committee. MANAGER

SUMMARY OF REQUEST: The County of Muskegon has established the Port Advisory Committee. The bylaws of the Committee call for a member from the City of Muskegon. It is requested that the City Manager serve as the City's representative on this Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To appoint the City Manager as the City's designee to the Muskegon County Port Advisory Committee.

Motion by Commissioner German, second by Vice Mayor Spataro to appoint the City Manager as the City's designee to the Muskegon County Port Advisory Committee.

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

Nays: None

MOTION PASSES

E. Wheel Loader. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one Cat 930K wheel loader from Michigan Cat for \$160,848 minus the trade in value of \$37,000 for our Case 521D for a net purchase price of \$123,848. This price is off of the state web site Mi Deal. This will replace the trade in machine which is a 2001.

FINANCIAL IMPACT: \$123,848.

BUDGET ACTION REQUIRED: None, we budgeted \$150,000. This item was in our 2012/2013 Budget.

STAFF RECOMMENDATION: Authorize staff to purchase Cat 930K Wheel Loader for \$123,848 after trade in.

Motion by Vice Mayor Spataro, second by Commissioner Markowski to approve the purchase of one Cat 930K wheel loader for \$123,848 after trade in.

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

Nays: None

MOTION PASSES

F. User Fees. FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution for your consideration.

The new fees and fee changes that are being proposed include the following:

- Eliminating the current “cleaning deposit” for picnic shelter rentals and replacing it with a cleaning fee to be imposed if facility is not left in clean condition;
- New fee for vacant building administrative appeals that are late;
- Reducing Hartshorn Marina slip rentals to hopefully increase the number of rentals;
- Increase catamaran storage fees that have not changed in several years;
- Increase storm water cross-connection fees reflecting higher wastewater treatment costs;
- Replacing current planned unit development (PUD) processing fee with separate fees for preliminary and final PUD processing.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the Master Fee Resolution will help the City attain its budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Spataro, second by Commissioner Turnquist to adopt the proposed fee changes to the fee schedule.

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

Nays: None

MOTION PASSES

G. Melching Lawsuit. CITY MANAGER

Motion by Vice Mayor Spataro, second by Commissioner Markowski to pursue option C which would be to litigate this matter and invite interested parties to file intervention if they choose.

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

Nays: None

MOTION PASSES

H. Senior Transit. CITY MANAGER

Motion by Commissioner Turnquist, second by Commissioner German to extend and fund the Senior Transit program for fiscal year 2012/2013 ending in June of 2013.

ROLL VOTE: Ayes: German and Turnquist

Nays: Gawron, Spataro, and Markowski

MOTION FAILS

Motion by Commissioner Markowski, second by Vice Mayor Spataro to request staff to draft a request for proposal for services such as provided by Senior Transit with projected users of 150-175 to a similar cost as would be provided currently for round trip prices within the City of Muskegon.

ROLL VOTE: Ayes: Spataro, Turnquist, Markowski, and Gawron

Nays: German

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:52 pm.

Respectfully submitted

Ann Marie Cummings, MMC
City Clerk