

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 28, 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, May 28, 2013.

Mayor Gawron opened the meeting with a prayer from Pastor Tim Cross from the Living Word 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, Eric Hood, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Willie German (excused)

2013-46 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the May 13th Commission Worksession Meeting, and the May 14th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Gnarley Varley's Righteous Cuisine-Mobile Vending Business - Concession Contract for City of Muskegon Parks. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement with Nicolas Mika of Gnarley Varley's Righteous Cuisine at Pere Marquette Park, located within the City of Muskegon, to sell various food items as outlined in their proposal, from a mobile food truck.

FINANCIAL IMPACT: Contract revenue will be 10% of gross receipts, per Mobile Vending Business/Concession Contract.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into a one-year Mobile Vending Business/Concession Contract with Nicolas Mika of Gnarley Varley's Righteous Cuisine.

C. Fatty Lumpkins Sandwich Shack-Mobile Vending Business – Concession Contract for City of Muskegon Parks. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement with Brett Gilbert of Fatty Lumpkins at Pere Marquette Park, located within the City of Muskegon, to sell various food items as outlined in their proposal, from a mobile "Special Transitory Food Unit".

FINANCIAL IMPACT: Contract revenue will be 10% of gross receipts, per Mobile Vending Business/Concession Contract.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into a one-year Mobile Vending Business/Concession Contract with Brett Gilbert of Fatty Lumpkins.

D. Consumers Energy Rate Case – Municipal Coalition Participation. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize participation in the Consumers Energy Rate Case Municipal Coalition coordinated by the Michigan Municipal League.

FINANCIAL IMPACT: \$833.25 Contribution.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to make the financial contribution of \$833.25 to the legal defense arguing against the most recent request for a rate increase by Consumer.

E. CDBG Program Administration Agreement – City of Muskegon/City of Norton Shores. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has contracted with the City of Norton Shores to administer their Community Development Block Grant (CDBG) program since 2006. The current Agreement concludes on June 30, 2013. The new Agreement extends for two years (through June 30, 2015).

FINANCIAL IMPACT: The City of Norton Shores will pay the maximum allowable CDBG costs per program year to the City of Muskegon, minus \$1,000 to administer their CDBG program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement and authorize the Mayor and City Clerk to sign.

F. Cemetery Utility Cart. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one Kioti Mechron utility cart from J&J Farms, the lowest qualified bidder. This machine will replace the

1995 model currently being used.

FINANCIAL IMPACT: \$9,000 minus \$500 trade in for old model for a total of \$8,500.

BUDGET ACTION REQUIRED: None, amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase one Kioti Mechron utility cart from J&J Farms.

G. Grant Agreement Addendum – Grand Trunk Boating Access. PUBLIC WORKS

SUMMARY OF REQUEST: Adopt the resolution and authorize the Mayor and Clerk to sign the agreement amendment between the City and MDNR reflecting the acceptance of the grant based on actual costs; the dredging was completed earlier this month.

FINANCIAL IMPACT: \$89,623.44.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the resolution and authorize the Mayor and Clerk to sign the agreement.

H. Grant Agreement with the Department of Natural Resources for Dredging Cottage Grove Launch Ramp and Hartshorn Marina. PUBLIC WORKS

SUMMARY OF REQUEST: Adopt the resolution and authorize the Mayor and Clerk to sign the grant agreement with the Department of Natural Resources for the dredging work necessary at the large and small boat basins of Hartshorn Marina, and at Cottage Grove launch ramp.

FINANCIAL IMPACT: \$175,000.

BUDGET ACTION REQUIRED: None at this time, project will be incorporated into the 2013/2014 budget.

STAFF RECOMMENDATION: Authorize the Mayor and Clerk to sign the agreement.

I. Sale of Parcel in Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of Lot #7 in Seaway Industrial Park to Schultz Transport, Inc., 421 Delano Ave., Muskegon, MI 49444. The company will utilize the new land in its plans to expand its lawn care services. The lots will be combined and the new land will be used for mulch and other lawn care storage.

FINANCIAL IMPACT: The sale of this lot, while located in a Renaissance Zone, will still generate City of Muskegon income tax.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the lot sale.

J. Approval of Extension for Realtor and Title Company Procurement Contracts for CNS. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To extend the Procurement Contract to December 31, 2013, for Greenridge Realty and Lighthouse Title Company to be used by the City of Muskegon Community and Neighborhood Services office. By granting the extension, the expiration dates will coincide with the other procurement contracts.

FINANCIAL IMPACT: The awards for the realtor or title company will be paid through the sale of homes originally established under: HOME or NSP1.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the extension of the Procurement Contracts for Greenridge Realty and Lighthouse Title Company for the Community and Neighborhood Services office.

K. HOME Consortia Application. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: The CNS Department is requesting authorization for the City of Muskegon to submit an application as the lead agency for a HOME Consortium as evidenced through a signed agreement with the Cities of Muskegon Heights, Norton Shores, and Roosevelt Park. The application to participate as HOME Consortia will be submitted to the Department of Housing and Urban Development in June, 2013.

The City Commission is also asked to direct the Mayor to sign a resolution for the HOME Consortium to support the agreement.

FINANCIAL IMPACT: The 2014 HOME allocations will be based on HUD's decision to approve the HOME Consortia application.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To enter into an agreement between the Cities of Muskegon Heights, Norton Shores, and Roosevelt Park to form a HOME Consortia from the City of Muskegon's HOME Investment Partnership Program.

L. 2013/14 Water Treatment Chemical Bids. PUBLIC WORKS

SUMMARY OF REQUEST: Endorse the lowest responsible bids received for a one-year extension of the current contracts for three chemicals used at the Water Filtration Plant: USALCO – AluminumSulfate
Key Chemical – HydrofluorisilicicAcid
Standard Carbon – Powdered Activated Carbon

FINANCIAL IMPACT: Annual cost: Aluminum Sulfate - \$74,000

Hydrofluorisilicic acid - \$50,000

Powdered Carbon - \$7,000

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends endorsing the chemical bid extension for one more year with USALCO, Key Chemical and Standard Carbon.

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

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

Nays: None

MOTION PASSES

2013-47 NEW BUSINESS:

A. Permanent Traffic Control Order – Install “No Parking” Signs on the South Side of Forest Avenue between Peck and Clinton. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to install “No Parking” signs on the south side of Forest Avenue between Peck and Clinton.

FINANCIAL IMPACT: Cost of signs and man-power to install if approved.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to install “No Parking” signs on the south side of Forest Avenue between Peck and Clinton.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to authorize staff to install “No Parking” signs on the south side of Forest Avenue between Peck and Clinton and enter into the permanent traffic control order.

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

Nays: None

MOTION PASSES

B. Pere Marquette Improvement Fund. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon established a Pere Marquette Improvement Fund (Fund) through the Community Foundation of Muskegon County (Foundation) to receive deposits from Festival Unified Network (FUN), Inc. to be used for improvements and events at the beach. FUN, Inc. is no longer functioning. The Advisory Committee of FUN, Inc. has authorized different oversight and expansion of the Fund (see “Community Foundation for Muskegon County Advised Fund Agreement”).

FINANCIAL IMPACT: Allows for broader use of funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk's signatures.

COMMITTEE RECOMMENDATION: The FUN, Inc. Advisory Committee, the Foundation and City of Muskegon staff met to discuss the future of the Fund and they recommend approval of transfer of funds to the Community Foundation for Muskegon County Pere Marquette and Margaret Drake Elliott Park Fund.

Motion by Commissioner Markowski, second by Commissioner Wierengo to approve the transfer of funds to the Community Foundation for Muskegon County Pere Marquette and Margaret Drake Elliott Park Fund.

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

Nays: None

MOTION PASSES

C. Transmittal of 2013-14 Proposed Budget. CITY MANAGER

SUMMARY OF REQUEST: At this time staff is transmitting to the City Commission the proposed budget for fiscal year 2013-14 which starts July 1, 2013. Both hardcopy and electronic versions of the budget have been distributed to Commissioners. Additionally, the budget is available for public inspection on the City's website and at the City Clerk's office or Hackley Public Library.

The proposed budget will be reviewed in detail with staff at the June 10th Worksession. A public hearing on the budget will be held at the regular Commission meeting the following evening. City ordinance requires that the budget be adopted by the Commission on or before the second Commission meeting in June.

FINANCIAL IMPACT: The budget is the City's financial plan for the coming fiscal year.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: None.

The proposed budget was received.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk