

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 10, 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, Michigan at 5:30 p.m., Tuesday, December 10, 2013.

Mayor Gawron opened the meeting with a prayer from Reverend Diane Stark from the Unity Church of Muskegon 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 Eric Hood, Willie German, Sue Wierengo, Byron Turnquist, and Lea Markowski, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2013-94 HONORS AND AWARDS:

- A. Muskegon High School Big Reds Football Team – 2012-2013 State Finalist.
- B. Muskegon Catholic Central Crusaders Football Team – Division 8 State Championship.

Mayor Gawron and the Commission congratulated Muskegon Big Reds Coach Shane Fairfield and the team for their 2012-2013 State Finalist; and Muskegon Catholic Central Crusaders Coach Steve Czerwon and the team for their Division 8 State Championship. He thanked them for their sportsmanship, enthusiasm, and hard work and presented them with a Certificate of Recognition and a sign.

2013-95 CONSENT AGENDA:

- A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the November 26th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Amendment to the Water Supplies Ordinance.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Gene's Service, Inc. has petitioned to designate a total of 13 properties located in the City of Muskegon as "affected premises" under the City of Muskegon Water Supplies Ordinance (Ordinance no. 1133). This request follows years of response activities, including investigation and monitoring associated with the site, as well as the Michigan Department of Quality's approval for Gene's Service, Inc. to utilize the Muskegon ordinance as an appropriate exposure control measure.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the amendment to the ordinance.

C. Request to Deny and Accept Properties That Did Not Sell During the Tax Sale for 2013. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon held two delinquent tax auctions during 2013. There were seventy-eight properties left after the last auction. According to the State's tax foreclosure laws, the City must state that they are not interested in obtaining them, otherwise the City will automatically receive ownership of the parcels. From the list that was provided, Planning and Community & Neighborhood Services have gone over the parcels to determine which ones to accept.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

D. Approval of Building Procurement Contractor for Community & Neighborhood Services. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Award the Procurement Building Contract to Bradfield Home Improvement & Remodeling for the years 2014-2015 to be used by the Community & Neighborhood Services for HOME rental projects.

The CNS office solicited bids through public notices for a variety of trades. Bradfield Home Improvement and Remodeling was the only bid submitted.

FINANCIAL IMPACT: The funding for all projects would be used from the income received from our Rental/Lease Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Bradfield Home Improvement &

Remodeling for the Building Contractor Procurement Bid for the Community & Neighborhood Services office.

**E. Health & Wellness Program. AFFIRMATIVE ACTION & RISK
MANAGEMENT**

SUMMARY OF REQUEST: The City of Muskegon selected a Wellness Package with our Healthcare provider several years ago. They have provided both a comprehensive analysis of our organizations health risk status, and the findings of our detailed investigation into the modifiable health risks that currently drive a significant portion of our health care costs. Upon recommendation of Priority Health we have established several wellness initiatives in attempt to address the most urgent modifiable health risks.

Moving forward we recommend implementation of a reimbursement of 50% of the cost of monthly membership fees to Weight Watchers and/or Fitness Clubs for full time employees, not to exceed \$25 per employee per month. Employees participating will be reimbursed half the monthly cost for each month the member provides proof of usage of the facility a minimum number of times during the month. The number of gym visits will be established by the Wellness Committee, and approved by the City Manager. The proof of documented gym attendance and Weight Watchers meeting attendance will be submitted to the Risk Management Director.

FINANCIAL IMPACT: This Wellness Initiative, for approximately 218 full-time employees, has the potential to cost \$65,000 if every employee participates. Monies have been set-aside in the insurance fund for the City's wellness initiatives. The committee's goal is 25% participation the first year.

BUDGET ACTION REQUIRED: Yes.

STAFF RECOMMENDATION: To approve the Wellness Committee recommendation to reimburse 50% of the cost of monthly membership fees to Weight Watchers and Fitness Clubs for full-time employees, not to exceed \$25 per employee per month, provided the employee supplies proof of the agreed upon attendance requirements established by the Wellness Committee and City Manager.

Motion by Commissioner German, second by Commissioner Wierengo to approve the Consent Agenda as presented.

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

Nays: None

MOTION PASSES

2013-96 NEW BUSINESS:

A. 2014 User Fee Update. 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:

- Modifications and additions to Farmers Market fees with the opening of the new Market in the spring. The fees have not changed, however some of the names have changed and there are some additional fees for spaces not available at the current market.
- Increase in administrative fee for Code Enforcement violations to encourage compliance.
- Decrease in Rental Registration annual fee to promote compliance. The annual fee will only include one inspection and one re-inspection.
- Cemetery fees have been rounded up/down to make an even dollar amount and to slightly increase the fees which have not been changed since 2004.
- Liquor license fees have changed to fall in line with other municipalities and to reflect reduction in requirements the City must provide to the State.
- Increases in some fees at the Marina that have not changed in many years.
- The storm water cross connection sewer treatment charge is being reviewed by the City Attorney's office so we are not proposing a fee at this time.
- Increase in building permit base fee for projects up to \$2,000.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Markowski, second by Vice Mayor Spataro to approve the 2014 User Fee Update.

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

Nays: None

MOTION PASSES

B. 2014 Salary Schedule and Fringe Benefits for Non-Represented Employees. CITY MANAGER

SUMMARY OF REQUEST: To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional,

and supervisory employees for 2014 (2.0% increase).

FINANCIAL IMPACT: The salary increases will cost approximately \$40,500 annually plus approximately \$8,500 annually in added fringe benefit costs.

BUDGET ACTION REQUIRED: To authorize the necessary 2014 budgetary amendments and transfer of money from the affected City funds (Contingency Account for General Fund) to the appropriate salary and fringe benefit accounts to accommodate the salary increases and fringe benefit adjustments.

STAFF RECOMMENDATION: To approve and adopt the proposed salary ranges, salary schedules, and fringe benefit changes for non-represented employees for 2014.

Motion by Commissioner Hood, second by Commissioner Wierengo to approve and adopt the proposed salary ranges, salary schedules, and fringe benefit changes for non-represented employees for 2014.

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

Nays: None

MOTION PASSES

C. Agreements with Harris Hospitality for Pere Marquette Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Harris Hospitality has modified their plans for the development of the commercial property at Pere Marquette Park. They plan to start with the current footprint of the restaurant building and after that is constructed and in operation, seek financing for the additional uses (banquet facility, etc.) Therefore, the Agreement documents have been modified for City Commission approval.

FINANCIAL IMPACT: \$6,000 annual lease payments during initial term.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request and authorize the Mayor and Clerk to execute the documents, subject to City staff approval of each and every exhibit.

Motion by Vice Mayor Spataro, second by Commissioner German to approve the request and authorize the Mayor and Clerk to execute the documents, subject to City staff approval of each and every exhibit.

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

Nays: None

MOTION PASSES

D. City Commission to Petition LCC to Revoke Elk's Club License. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission move to petition the Michigan Liquor Commission to revoke the Elk's Charity Lodge 1397 "Club" Liquor License.

The Elk's Charity Lodge local hearing was held on December 2, 2013, City Staff testified at the hearing under the direction of Attorney John C. Schrier. The City presented facts and information relating to many violent incidents over the past several years, with the last being a mass shooting that claimed the lives of three individuals and wounded four others.

Elk's Board Members attended the hearing which was open to the public representing the interests of the Charity Lodge. The Honorable Robert Chessman presided over the matter at the request of the City of Muskegon Commission.

Referee Chessman rendered a decision on December 9, 2013. Mr. Chessman recommended the City Commission formally petition the Michigan Liquor Commission to revoke the Elk's Charity Lodge "Club" Liquor License.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the City Commission move to petition the MLCC to permanently revoke the Elk's Charity Lodge "Club" License as declared by Robert Chessman, which would permanently prohibit the Elk's Lodge from serving any/all alcoholic beverages.

Motion by Vice Mayor Spataro, second by Commissioner Markowski to petition the MLCC to permanently revoke the Elk's Charity Lodge "Club" License based on the recommendations by Robert Chessman, which would permanently prohibit the Elk's Lodge from serving any/all alcoholic beverages.

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

Nays: None

MOTION PASSES

E. SEIU Unit 1 – Clerical Contract. CITY MANAGER

SUMMARY OF REQUEST: To approve the negotiated tentative agreement with the SEIU Unit 1 (Clerical Union).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the tentative agreement and to authorize the Mayor and Clerk to sign the contract.

Motion by Commissioner Turnquist, second by Commissioner Wierengo to approve the tentative agreement with the SEIU Unit 1 (Clerical Union) and to authorize the Mayor and Clerk to sign the contract.

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

Nays: None

MOTION PASSES

F. SEIU Unit 2 – DPW Contract. CITY MANAGER

SUMMARY OF REQUEST: To approve the negotiated tentative agreement with the SEIU Unit 2 (DPW Union).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the tentative agreement and to authorize the Mayor and Clerk to sign the contract.

Motion by Commissioner Hood, second by Commissioner Wierengo to approve the tentative agreement with the SEIU Unit 2 (DPW Union) and to authorize the Mayor and Clerk to sign the contract.

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

Nays: None

MOTION PASSES

2013-97 ANY OTHER BUSINESS: Mayor Gawron and Commission thanked Commissioner Lea Markowski and Commissioner Sue Wierengo for their dedicated and faithful service. They were presented with a Certificate of Recognition extending our deep appreciation for their service.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:17 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk