

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

JULY 8, 2014

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, July 8, 2014.

Mayor Gawron opened the meeting with prayer from Mr. George Monroe from the Evanston Avenue Baptist 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 Willie German, Dan Rinsema-Sybenga, Byron Turnquist, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Commissioner Ken Johnson arrived at 5:34 p.m.

#### **2014-51 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve minutes of the June 24<sup>th</sup> City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Farmers' Market - Second Amendment to Purchase Agreement. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Due to the weather conditions during the winter of 2013-2014, the construction of the new downtown Farmers' Market has taken longer than anticipated. Final items are being completed by the contractor, and final approvals and payments are required prior to transferring the property from the DMDC to the City. The City Commission approved a "First Amendment to Purchase Agreement" in May. It is necessary to extend the closing date further. Therefore, Commission is requested to enter into a "Second

Amendment to Purchase Agreement". The Amendment allows for continued operation of the Farmers' Market prior to the official closing on the property, with the City "fully responsible for any and all liability related to operating the Farmers' Market" during that time. The closing is moved to August 8, 2014, or before.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Second Amendment to Purchase Agreement" and authorize the City Manager's signature (after the fact).

**C. Special Event Request – Catamaran Racing Association of Michigan.**  
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: C.R.A.M. is holding their annual Catamaran sailing regatta at Pere Marquette Park, July 25 – 27, 2014. They are again requesting permission for their participants to camp overnight at the park, as they have done in previous years. They would like to use the City-owned parking lot across from the former Captain Jack's restaurant for overnight camping, provided that the new owners (Harris Hospitality) approve. If they are unable to use that lot, they request to use the parking lot at Harbour Towne beach.

They expect around 10 RV's in the lot overnight. This is the event's seventh year of operation and there have been no problems in the past with this group. They will provide proof of liability insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve overnight camping at Pere Marquette Park for this event on July 25, 26, and 27, 2014.

**Motion by Commissioner Hood, second by Commissioner German to approve the Consent Agenda as read.**

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro**

**Nays: None**

***MOTION PASSES***

**2014-52 NEW BUSINESS:**

**A. Codification of City Ordinances.** CITY CLERK

SUMMARY OF REQUEST: Approximately every ten years, the City's ordinances are reviewed for errors, omissions, additions, deletions, changes to sections affected by previous modifications, and to be sure they comply with State law.

Staff, the City Attorney, and the Attorney from MuniCode reviewed all ordinances and have compiled a list of recommended changes that have been forwarded to Commissioners.

To simplify changes to any fees, we have removed the amount of fees in the ordinances and will add them into our user fee resolution to save future publication costs.

FINANCIAL IMPACT: This is a budgeted item and has been paid over a period of two fiscal years for a total price of \$18,675.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance to enact a new code of ordinances for the City of Muskegon and authorize the user fees to be added to the user fee resolution.

**Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to adopt the ordinance to enact a new code of ordinances for the City of Muskegon and authorize the user fees to be added to the user fee resolution.**

**ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German**

**Nays: None**

***MOTION PASSES***

**B. No Parking Front/Side Yard – Ordinance Amendment. PUBLIC SAFETY**

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed amendment to Section 8.10(1) of the City Ordinance as it relates to parking violators that do not park in designated areas in residential sections.

The amendment would add subsection (y) “No Parking unimproved Front/side yards of a residential lot”, resulting in the issuance of a Municipal Civil Infraction.

The police department receives numerous complaints that vehicles park in these unimproved areas adding to property blight and generate unnecessary calls for service which cannot be mitigated by the police department at this time.

FINANCIAL IMPACT: Positive financial impact as fines may be received by violators not in compliance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approving this ordinance amendment as written.

**Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro to approve the ordinance amendment as written relating to no parking front/side**

yard.

**ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga**

**Nays: None.**

***MOTION PASSES***

**C. Consideration of Bids for Merrill Avenue Reconstruction between Fifth and Third. ENGINEERING**

SUMMARY OF REQUEST: Award the reconstruction of Merrill from Fifth to Third contract to Accurate Excavators, LLC since they were the lowest responsible bidder with a total bid price of \$295,197.95.

FINANCIAL IMPACT: The construction cost of \$295,197.95.

BUDGET ACTION REQUIRED: None at this time; however, if the millage proposal does not pass, then funds will need to be transferred from Major Street Funds to Local Street.

STAFF RECOMMENDATION: Award the contract to Accurate Excavators, LLC.

**Motion by Commissioner Johnson, second by Commissioner German to award the contract to Accurate Excavators, LLC.**

**ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist**

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:25 pm.

Respectfully submitted,

Ann Marie Cummings, MMC  
City Clerk