

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 11, 2010

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, May 11, 2010.

Mayor Warmington 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 Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused).

2010-41 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 27, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Ordinance Setting Fiscal Year and Budget Calendar. FINANCE

SUMMARY OF REQUEST: Last November, voters approved Charter amendments that gave the City Commission authority to set the City's fiscal year and change the budget adoption process. The ordinance is intended to implement these changes. The proposed ordinance sets the City's fiscal year as of July 1 (starting in 2010) and also lays out a budget adoption process that eliminates the requirement we have had in the past of adopting a budget months in advance of the start of the fiscal year.

FINANCIAL IMPACT: The change in fiscal years will help stabilize City finances and make the City's fiscal period consistent with the majority of Michigan's city governments. The change in budget process will help ensure the City's budget is

prepared with the most current information available and does not become outdated before the fiscal year begins.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Adoption of the ordinance.

C. Memorandum of Understanding-Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2010 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$46,759 in this grant will be utilized for the prosecution of City ordinance cases primarily dealing with neighborhood issues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

D. Resolution of Support for the Michigan Port Collaborative. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Michigan Port Collaborative is a coalition of Michigan waterfront communities. They are holding a Summit in Muskegon on May 20-21, 2010. The intention of the Collaborative is to speak as one voice on issues affecting Michigan's ports, such as commercial shipping, tourism, recreation, alternative energy and environmental restoration. The resolution serves as "the membership application for the City of Muskegon". At this time, the only direct requirements of the community are to provide an inventory of local resources and assets (which the Port of Muskegon volunteer committee is currently completing) and name a community individual as its liaison to the Collaborative.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as presented.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

UNFINISHED BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to

Demolish 439 Houston Avenue. PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 439 Houston Avenue, Area 10, is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 439 Houston Avenue.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro

Nays: None

MOTION PASSES

B. Machine Vending Contract for Pere Marquette Park. PUBLIC WORKS

Item withdrawn by applicant.

2010-43 NEW BUSINESS:

A. Approval of Sale of City-Owned Home at 214 Myrtle. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Mr. Forest McPherson and wife for the totally rehabilitated home at 214 Myrtle, which is part of the City's neighborhood redevelopment plan under Operation Market View. Mr. and Mrs. McPherson's purchase price is \$105,000 with a subsidy of \$32,500.

Overlooking our lovely Farmer's Market, this beautiful four bedroom, three full-bath home that the McPherson family is purchasing, was previously a blighted eyesore of a structure. As a part of the City's continuous neighborhood redevelopment efforts, the house was purchased by the CNS office on the open market and totally rehabilitated with HOME funds.

FINANCIAL IMPACT: The proceeds from the funding will be used to lower the current Home Program deficit and to be added to the CNS office program income fund.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the sale of the City-owned home at 214 Myrtle.

**ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington
Nays: None**

MOTION PASSES

B. Medical Marijuana Facilities Moratorium. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: For the City Commission to pass a six-month moratorium on medical marijuana facilities so that staff can prepare an ordinance concerning the permitted location and regulation of these facilities.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the six-month moratorium.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to adopt the six-month moratorium pursuant to the medical marijuana facilities.

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo
Nays: None**

MOTION PASSES

C. Acceptance of Bid for Marquette Avenue Fire Station. PUBLIC SAFETY

SUMMARY OF REQUEST: The City has accepted bids to modify the entrances to Fire Station #5 on Marquette Avenue. This work is being undertaken to enlarge the bay doors in order to accommodate the newest fire truck in our fleet. The truck is expected to be delivered in early July. The work will include enlarging the entrances by two feet and installing new doors.

The following companies bid on the project:

Clifford Buck Construction, 800 Irwin, Muskegon - \$24,278.00

Muskegon Construction Company, 111 W. Western, Muskegon - \$36,975.00

Tridonn Construction Company, 1461 Evanston, Muskegon - \$20,760.00

Staff recommends that the Commission accept the bid from Tridonn Construction.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the request to modify the Fire Station on Marquette Avenue and award the bid to Tridonn Construction.

ROLL VOTE: Ayes: Carter, Gawron, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

2010-44 ANY OTHER BUSINESS: City Manager Bryon Mazade stated approval was requested for the fee of the next year of auditing services.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the contract for the modified audit for the year 2010.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

Commissioner Spataro stated that on May 5th the Michigan Community Services Commission held a meeting in Muskegon, any questions please contact him.

Mayor Warmington announced he will be running for the Michigan State House of Representatives, 92nd District seat.

ADJOURNMENT: The City Commission Meeting adjourned at 5:48 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk