

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 23, 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, March 23, 2010.

Mayor Warmington opened the meeting with a prayer from Reverend Michael Borgert from the First Christian Reformed 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 Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-24 HONORS AND AWARDS:

A. Outstanding Citizenship Awards.

Commissioner Wierengo presented Outstanding Citizenship Awards to Sherry Walton-Steele and Randy Dahlquist. Tom Pastoor also received the award but was unable to attend tonight's meeting.

B. Life Saving Award – Amos Lee Johnson, Jr.

Tony Kleibecker, Public Safety Director, presented a Life Saving Awarded to Mr. Amos Lee Johnson, Jr., for helping to save the lives of two 10 year old girls.

2010-25 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the March 8th Commission Worksession, and the March 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Amend Encroachment Agreement #2007-23(k). ENGINEERING

SUMMARY OF REQUEST: WSP on behalf of Federal-Mogul is requesting your permission to amend agreement #2007-23(k) to install two additional monitoring wells in the public R-O-W near the contaminated site of Kens Super Serve, 331 West Laketon Avenue (Windsor Avenue West of Henry Street, and Henry Street between Laketon Avenue and Larch Avenue). This brings the total to five wells at that location. The request was made through the encroachment agreement form.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions.

D. Consideration of Bids for Janitorial Services Contract 2010-2013.
ENGINEERING

SUMMARY OF REQUEST: Award the Janitorial Services Contract to Reliant Professional Cleaning Services out of Grand Haven. The contract is to clean City Hall, DPW, and the Filtration Plant for the next three years starting May 1st of 2010 until April 30th of 2013 with an option of a fourth year. Reliant Professional Cleaning Services was the lowest responsible bidder with a bid price as follows:

	Year 1	Year 2	Year 3	Total
Public Service Building	\$12,804.00	\$12,804.00	\$12,804.00	\$38,412.00
City Hall / Police Department	\$36,564.00	\$36,564.00	\$36,564.00	\$109,692.00
Water Filtration Plant	\$12,420.00	\$12,420.00	\$12,420.00	\$37,260.00
All Sites	\$61,788.00	\$61,788.00	\$61,788.00	\$185,364.00

FINANCIAL IMPACT: The above stated annual costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the three-year contract to Reliant Professional Cleaning.

F. Budgeted Vehicle Replacement - Mowers. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Groundsmaster 3280 two-wheel drive and one 3280 Groundsmaster four-wheel drive mowers.

FINANCIAL IMPACT: Cost \$35,137.06.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

G. Electronic Voter File's Electronic Laptop & Accessories Grant. CITY CLERK

SUMMARY OF REQUEST: Under the Help America Vote Act, the State of Michigan is offering a grant for 15 electronic pollbook laptops and accessories at no cost to the City. Under this grant, the City needs to commit to using the electronic pollbooks at each election. This new technology has been piloted in several communities with great success.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the grant.

H. Support of North Muskegon and Lake Avenue Trail Project. CITY CLERK

SUMMARY OF REQUEST: The City of North Muskegon is applying for a Michigan Department of Transportation Enhancement grant. They are requesting that the City of Muskegon submit a letter of support.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff has reviewed the request and has no objections.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus items C and E.

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

Nays: None

MOTION PASSES

2010-26 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS

SUMMARY OF REQUEST:

Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply road slag to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply Sylvax patching material (CP-6 alternative) to Asphalt Paving, Inc., 1000 E. Sherman Boulevard, Muskegon MI 49444-0190

Award bid for crack sealant to Lakeshore PLM, Inc., 6818 Harvey Street, Spring Lake, MI 49456

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc., 1000 E. Sherman Boulevard, Muskegon MI 49444-0190

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride, 1012 E. Free Soil Rd, Free Soil, MI 49411

Award bid to supply screened top soil to Jackson-Merkey Contractors, Inc., 555 W. Western, Muskegon, MI 49442

Award bid to supply 2NS sand to Jackson-Merkey Contractors, Inc., 555 W. Western, Muskegon, MI 49442

Award bid to supply 7-sack mix concrete to Port City Redi-Mix, 1780 Sheridan Road, Muskegon, MI 49442; contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT: \$250,340 based on 2009 quantities at 2010 quotes.

BUDGET ACTION REQUIRED: None, funds appropriated in several budgets.

STAFF RECOMMENDATION: Award bids to suppliers.

Commissioner Wisneski stated that one of the companies is a client of his.

Motion by Commissioner Wisneski, second by Commissioner Wierengo to approve the Aggregates, Highway Maintenance Materials and Concrete Contracts.

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

Nays: None

MOTION PASSES

E. 2010, 2011 and 2012 Street Sweeping Contract. PUBLIC WORKS

SUMMARY OF REQUEST: To award a three-year contract to provide four annual street sweepings to Tri-Us Services, Inc., 78 N. Ball Creek Rd., Kent City, Michigan.

FINANCIAL IMPACT: \$139,700.50 each year; \$419,101.50 over the course of the contract. Excludes special requests charged at \$100/hour.

BUDGET ACTION REQUIRED: None, monies appropriated in highway and state trunkline budgets.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the 2010, 2011 and 2012 Street Sweeping Contract.

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

Nays: None

MOTION PASSES

2010-27 UNFINISHED BUSINESS:

A. Liquor License Renewal Resolution – Final Recommendations. CITY CLERK

SUMMARY OF REQUEST: To adopt the final resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances.

Many businesses on the list are found to owe taxes to the City. As instructed by the City Commission, representatives of these businesses may be present at the meeting having made payment arrangements and asking the City Commission for leniency.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt a final recommendation to be forwarded to the Liquor Control Commission.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Liquor License Renewal Resolution – Final Recommendation.

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

Nays: Wisneski

MOTION PASSES

2010-28 NEW BUSINESS:

A. Michigan Strategic Fund – Christian Care. CITY CLERK

SUMMARY OF REQUEST: The Michigan Strategic Fund is considering an application from Christian Care for issuance of tax exempt bonds by the Fund for a project in Muskegon Township. Christian Care is currently located in the City of Muskegon and moving the company will be a loss of 20 full-time positions within the City. If the City Commission wishes to raise an objection, a certified resolution stating such must be forwarded to the Michigan Strategic Fund.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution requested from Christian Care regarding Michigan Strategic Fund.

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

Nays: None

MOTION PASSES

B. 2010 – 2011 CDBG/HOME Recommendations. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the recommendations of the Administration and Citizen's District Council in regards to the 2010-2011 CDBG/HOME anticipated entitlement. The Commission is scheduled to make their preliminary decision regarding the 2010-2011 CDBG/HOME allocation entitlement during the City Commission meeting scheduled for March 23, 2010, with final determination at the April 13th meeting.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the acceptance of the recommendations of the Administration and Citizen's District Council and to make their preliminary recommendations.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to accept the recommendations of the Administration and Citizen's District Council in order to make our preliminary recommendations before our final determination on April 13.

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

Nays: None

MOTION PASSES

C. Police Patrol Contract. CITY MANAGER

SUMMARY OF REQUEST: To ratify a collective bargaining agreement with the Police Patrol Union (Police Officers Labor Council) for years 2010 and 2011.

FINANCIAL IMPACT: Provided in separate summary.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request and authorize the Mayor and Clerk to execute the agreement.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the request and authorize the Mayor and Clerk to execute the contract with the Police Officers Labor Council.

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

Nays: None

MOTION PASSES

D. Standards of Conduct Resolution. CITY MANAGER

SUMMARY OF REQUEST: Consideration of the proposed Standards of Conduct Resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Commissioner Wierengo to adopt the Standards of Conduct Resolution.

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

Nays: None

MOTION PASSES

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 919 Windsor Avenue and 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 structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures 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 919 Windsor Avenue and 439 Houston Avenue. (*Motion amended – see following*)

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Wierengo to amend the previous motion to table action on 439 Houston Avenue to the second meeting in April.

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

Nays: None

MOTION PASSES

F. Renaming a Portion of Fifth Street. MAYOR WARMINGTON

SUMMARY OF REQUEST: Through resolution, to authorize the renaming of Fifth Street from Western Avenue north to its end, to Robin Bouchard Drive in honor of Robin Bouchard having broken the International Hockey League's career goals record as a Muskegon Lumberjacks' player.

FINANCIAL IMPACT: Minimal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt this resolution, authorize the Mayor and Clerk to sign it, and authorize the Department of Public Works to effect the required changes.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the renaming of a portion of Fifth Street between Western Avenue north to its end to Robin Bouchard Drive.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 7:03 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk