

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 26, 2011

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, April 26, 2011.

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.

Mayor Warmington asked for a moment of silence in honor of Kalamazoo Officer Eric Zapata.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2011-27 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the April 11th Commission Worksession Meeting and the April 12th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Appointments to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To appoint Norm Cunningham to the Civil Service Board, Roger Brink to the Downtown Development Authority, and Joe Doyle to the Planning Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommended the appointments at their April 11th meeting.

C. Special Event Request – Catamaran Racing Association of Michigan

(CRAM). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: CRAM is requesting permission to hold a Catamaran sailing event at Pere Marquette Park August 19 through 21, 2011. They would like to use the City-owned lot that is currently being leased by Captain Jack's for overnight camping on August 19 and 20, 2011. There will be approximately 10 to 12 RVs in the lot overnight. This is the event's fourth year of operation, and they have provided proof of liability insurance.

The owners of Captain Jack's (CJ's on the Beach) submitted a letter indicating their support of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution allowing for overnight camping at Pere Marquette for this event on August 19 and 20, 2011,

COMMITTEE RECOMMENDATION: This request was recommended for approval by the City's Special Event Approval staff.

D. Police Vehicle Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase five Ford Crown Victoria Police Interceptor Patrol Cars from Great Lakes Ford.

FINANCIAL IMPACT: Total cost \$109,660.

BUDGET ACTION REQUIRED: None, the 2010/11 Equipment Fund 3rd Quarter Budget Reforecast has been adjusted to include the purchase.

STAFF RECOMMENDATION: Approve purchase from Great Lakes Ford.

E. Consideration of Bids for Getty Street Reconstruction, Laketon to Evanston (H-1669). ENGINEERING

SUMMARY OF REQUEST: Award the project to Jackson Merkey Contractors out of Muskegon, MI since they were the lowest responsible bidder with a bid price of \$1,179,240.54.

The award, if approved, must be contingent upon approval by MDOT since the project has State funding.

FINANCIAL IMPACT: The estimated cost of the project is over one million dollars for the street part of the construction which is partially funded by \$375,000 of TEDF-F (state funds) grant; \$130,000 of CDBG funds and the remaining cost will have to be from bonds proceeds.

BUDGET ACTION REQUIRED: The matching funds will require the issuance of bonds.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey.

F. City – MDOT Agreement for the Reconstruction of Getty Street, Keating to Laketon. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the reconstruction of Getty Street from Keating to Laketon. And approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the approved federal funds of \$300,000. The estimated total construction cost is \$700,000.

BUDGET ACTION REQUIRED: Due to the short fall of street funds the City will use bond money for the match.

STAFF RECOMMENDATION: Approve the contract and resolution authorizing the Mayor and Clerk to sign both.

G. Authorization to Director and/or Office Manager. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize the Director of Public Works and/or DPW's office manager to sign off on the titles and registrations for newly acquired and/or sold vehicles by adopting the resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize the director and/or office manager by adopting the resolution.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2011-28 PUBLIC HEARINGS:

A. Public Hearing for 2011 – 2012 CDBG/HOME Grants. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To close the comment period and conduct a public hearing of the 2011-2012 CDBG/HOME grants.

FINANCIAL IMPACT: The 2011-2012 Community Development Block Grant and HOME budgets will establish the annual Action Plan for the Community and Neighborhood Services department.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Complete public hearing for 2011-2012 CDBG/HOME

grants based on Commission's preliminary recommendations.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Dan Bonner, 1652 Nelson, Managing Attorney of Legal Aid of Western Michigan; Dannette Williams, 310 Iona and Judy Smith, 271 E. Hile, representing Sacred Suds; Charlotte Johnson, 219 Catherine, representing McLaughlin Healthy Neighborhood Project; Tom Pastoor, 1291 Terrace Street, President McLaughlin Neighborhood Association; and letter from Julie Kitchen, Sacred Suds.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing.

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

Nays: None

MOTION PASSES

2011-29 NEW BUSINESS

A. Application for Special License (Liquor Control Commission). PUBLIC SAFETY

SUMMARY OF REQUEST: The USS LST393 Preservation Association has submitted an application for a Special License for Beer, Wine and Spirits for Consumption on the Premises for May 7, 2011. This license is for a fund-raising event to watch the Kentucky Derby.

The Foundation meets all of the requirements for the special license with the exception of the request for "spirits". Commission policy dictates that any special license request which includes spirits must be considered and approved by the body.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff has no recommendation.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the application for a Special License for USS LST393 Preservation Association.

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

Nays: None

MOTION PASSES

B. Third Quarter 2010-11 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the *Third Quarter*

2010-11 Budget Reforecast which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: Proposed changes to the 2010-11 budget include:

- Increase in estimated income tax revenues from the original budgeted amount of \$6.0 to \$6.7 million based on continued recovery from the recession
- Decrease in estimated state-shared revenues from \$3,774,813 to \$3,594,813 due to population loss in the 2010 census
- Adjustments to operating budgets reflecting position vacancies/transfers and other factors
- Adjustments to equipment and other major capital projects reflecting actual expenditures to date, project postponements or other factors

Overall, we project ending FY 2011 with a general fund fund balance of \$4.125 million, down from \$6.038 million at 6/30/10. Bear in mind, however, that this drawdown in fund balance was planned and is related to an earlier decision to make a \$1.0 million supplemental payment to MERS and pay down debts including ULA loans and fire truck leases.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Third Quarter 2010-11 Budget Reforecast.

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

Nays: None

MOTION PASSES

C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

28 Delaware REMOVED PER STAFF REQUEST

299 Sumner

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 299 Sumner 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 Shepherd, second by Commissioner Spataro to concur with the Housing Board of Appeals notice and order to demolish 299 Sumner.

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

Nays: Wierengo, Carter, and Shepherd

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro asked that the Community Relations Committee Meeting be cancelled for next Monday.

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk