

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 22, 2009

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, September 22, 2009.

Mayor Warmington opened the meeting with a prayer from Reverend Marcy Miller from the Samuel Lutheran 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 Chris Carter, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused).

2009-78 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. North Passage Roof Replacement. WATER FILTRATION

SUMMARY OF REQUEST: To approve staff to enter into an agreement with Gale Roofing for the replacement of the north passage roof at the Water Filtration Plant.

FINANCIAL IMPACT: The cost of the roof replacement is \$9,270.

BUDGET ACTION REQUIRED: None, this project is included in the 2009 budget.

STAFF RECOMMENDATION: Staff recommends approval.

C. Amendment to the Zoning Ordinance – Wind Turbines. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2311, #10 (Accessory Structures and Buildings) of Article XXIII (General Provisions) to include "Wind Turbines" as permitted accessory structures.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include "Wind Turbines" as permitted accessory structures.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

D. Amendment to the Zoning Ordinance – Wind Turbine Facilities.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2310 of Article XXIII (General Provisions) to add "Wind Turbine Facilities (WTF)".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include "Wind Turbine Facilities (WTF)".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

E. Amendment to the Zoning Ordinance – Definitions. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add definitions for "Wind Turbine" and "Wind Turbine Facility".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include definitions for "Wind Turbine" and "Wind Turbine Facility".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

F. Termination and Release of Sewer Utility Easement at Betten Chevrolet. PUBLIC WORKS

SUMMARY OF REQUEST: Request for termination and release of the former Sewer Utility Easement at Betten Chevrolet located at 2474 Henry Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends Termination and Release of Easement.

H. Selection of Installer for Pole Lighting at Clara Shepherd Park. LEISURE SERVICES

SUMMARY OF REQUEST: To approve the Leisure Services and Park Department's selection of electrical contractor West Shore Electric, 3678 Airline Rd., Muskegon, MI, to install pole lighting at Clara Shepherd Park at a cost of \$9,740.

Public notices were posted, a pre-bid meeting was held with two attendees. West Shore Electric was the only bid received by the bid opening deadline.

FINANCIAL IMPACT: None, the Public Health Department of Muskegon County will reimburse the City of Muskegon for all costs related to the project.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: Installation of lights was approved by the Commission at the August 11, 2009, meeting.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Consent Agenda as read minus item G.

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

Nays: None

MOTION PASSES

2009-79 ITEM REMOVED FROM THE CONSENT AGENDA:

G. Request for an Access Agreement – Burgess Norton. PUBLIC WORKS

SUMMARY OF REQUEST: Burgess-Norton Manufacturing, Inc. has requested a limited access agreement to install monitoring wells in Restlawn Cemetery and McCrea Park to determine the extent of groundwater contamination from the former BNM plant located at 660 Nims Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the limited access agreement subject to supplemental conditions and compliance with necessary insurance requirements.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Limited Access Agreement with Burgess Norton.

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

Nays: None

MOTION PASSES

2009-80 UNFINISHED BUSINESS:

A. 2010 Budget Adoption. FINANCE

SUMMARY OF REQUEST: The City Commission may take action to adopt the 2010 budget with whatever changes or adjustments it deems necessary. City Charter requires the budget be adopted no later than September 25, 2009.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2010. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2010.

STAFF RECOMMENDATION: Approve the proposed 2010 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2009 Budget Reforecast as shown in the Budget Book is recommended at this time.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the 2010 Budget as presented.

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

Nays: None

MOTION PASSES

2009-81 NEW BUSINESS:

A. Pooled Health Care Coverage. COMMISSIONER SPATARO

SUMMARY OF REQUEST: To approve a resolution to endorse the State of Michigan concept to pool health care coverage for public employees and retirees. The goal is to reduce costs through standardization of benefits and economies of scales.

FINANCIAL IMPACT: Early estimates are \$400 - \$600 million savings statewide.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and send it to Legislators and the Governor.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution and send it to Legislators and the Governor.

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

Nays: None

MOTION PASSES

B. Congress of Cities Voting Delegates. CITY CLERK

SUMMARY OF REQUEST: To designate one of our officials who will be in attendance at the National League of Cities Annual Business Meeting on Saturday, November 14th, to cast the City's vote; and, if possible, to designate an alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to designate Commissioner Clara Shepherd as the voting delegate to the Congress of Cities Annual Business Meeting on November 14, 2009.

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

Nays: None

MOTION PASSES

C. Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To appoint Paul Edbrooke and Willie German, Jr., to the Local Officer's Compensation Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Wierengo to appoint Paul Edbrooke and Willie German, Jr. to the Local Officer's Compensation Committee.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Parking for most of downtown is going to two hours.

PUBLIC PARTICIPATION: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk