

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 13, 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, July 13, 2010.

Mayor Warmington opened the meeting with a prayer from Elder 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 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.

2010-61 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 7th Commission Worksession Meeting and the June 22nd City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. City-MDOT Agreement for the Reconstruction of: Laketon Avenue from 250' East of Barclay to Beidler and 250' of Henry Street South of Laketon.

ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the reconstruction of Laketon Avenue between Barclay and Beidler and Henry Street south of Laketon and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of \$688,900 (81% of eligible cost). The estimated total construction cost is \$951,600.

BUDGET ACTION REQUIRED: None at this time.

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

C. De-energizing 37 Street Lights and Installing Four New Ones.
ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Consumers Energy to de-energize 37 City-owned street lights along Moses Jones (Muskegon Avenue and Webster Avenue) from Spring to Bayou Street and to install 4 new cobra head lights; 2 at the intersection of Bayou and 2 at the intersection of Marquette.

The cost to the City is \$2,315 and anticipated savings is \$638.34 per month.

FINANCIAL IMPACT: \$2,315 which would be paid out of the street light budget.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Consumers Energy to perform the work outlined in the summary of request and the letter from Consumers Energy.

D. Approval of Neighborhood Stabilization Program Authorizing Resolution. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the authorizing resolution for an additional \$1,000,000 in Neighborhood Stabilization Program (NSP) funds and instruct the Community and Neighborhood Services department to submit the resolution to the Michigan State Housing Development Authority (MSHDA).

The authorizing resolution is part of the application request to MSHDA for additional NSP funds.

FINANCIAL IMPACT: If the application request is approved, the CNS office will have \$1,000,000 in additional NSP funds to help with community development.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The City Commission approved for CNS to apply for an additional \$1,000,000 of NSP funds from MSHDA at the June 22nd Commission Meeting.

E. Contract for Excavation of 510 White. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton Duck Lake Road, Holton, for the demolition of the structure located at 510 White. This activity is under the Neighborhood Stabilization Program. The bid is for \$3,260, which was the lowest

bid. The City received one additional Bid:

- Franklin Contractors, 961 E. Barney, Muskegon for \$6,800.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

F. Contract for Excavation of 1680 Hoyt. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton Duck Lake Road, Holton, for the demolition of the structure located at 1680 Hoyt. This activity is under the Neighborhood Stabilization Program. The bid is for \$4,385, which was the lowest bid. The City received one additional bid:

- Franklin Contractors, 961 E. Barney, Muskegon for \$6,800.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

G. Sign Sponsorship Agreement with Habitat for Humanity for Neighborhood Stabilization Program Houses COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for the Community and Neighborhood Services office to give Muskegon County Habitat for Humanity two properties at 461 Marquette and 510 White and to have Cathy Brubaker-Clarke sign into a Sponsorship Agreement with them, using Neighborhood Stabilization Program (NSP) funds to build two new homes, for a maximum of \$40,000 for each home.

The CNS office has been working with Muskegon County Habitat for Humanity to join into partnership for these two NSP projects. We have purchased the properties. After demolition, we will give the properties to Habitat; they will build new homes on these properties using NSP funds and volunteers. They will then sell these homes to two families at or below 50% AMI.

FINANCIAL IMPACT: These two projects will be using NSP funds and we will meet our goal of using 25% of our funds to sell to at or below 50% AMI families. Nothing will come out of the General Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The City Commission has already approved for the CNS office to apply for additional NSP funds.

H. MML Workers' Compensation Fund Board of Trustees Ballot. CITY CLERK

SUMMARY OF REQUEST: Authorization to vote for the seven incumbent Trustees to serve as Trustees of the Michigan Municipal League Workers' Compensation Fund.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

I. Special Event Request for Muskegon Bike Time Events Inc. (3rd Annual Event). COMMUNITY & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Muskegon Bike Time Events Inc. has filed a special events application for the annual Bike Time festival in downtown Muskegon on July 16, 17, and 18, 2010. They have requested the waiver of some City equipment rental fees. They have also requested to use their own labor pool rather than City employees whenever possible.

FINANCIAL IMPACT: Request that equipment rental fees be waived. In exchange, Bike Time will provide a pre-negotiated amount of beverage tent wristbands. The exchange will be coordinated with the City Manager.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: It is recommended that staff be allowed to make the final decision regarding rental fees, actual costs, and/or exchange of concert tickets, to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no charge to Bike Time. This must first be approved by City staff.

It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event. These recommendations follow what was done for the 2009 event.

COMMITTEE RECOMMENDATION: None. This item was not presented to the Leisure Services Board, as that board was dissolved prior to the submission of this special event application.

J. Viridian Drive Extension: Agreement for the Donative Conveyance of Real Property Between the City of Muskegon and Viridian Properties, LLC, Agreement for the Donative Conveyance of Real Property Between the City of Muskegon and Parkland Acquisitions, LLC; Amendment. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: These documents were approved at the June 22, 2010 Commission Meeting. Since that time, the property owners have requested that

#6b be removed from the "Donative Conveyance" documents. This item pertains to land division issues, which GVSU and the City of Muskegon will be responsible for.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the two "Donative Conveyance" Agreements between the City and Viridian Properties, LLC and the City and Parkland Acquisition, LLC and authorize the Mayor and Clerk to sign the Agreements, as well as any other necessary documents (as outlined in the Agreement) to complete the project.

K. Liquor License Request for 435 & 441 W. Western Avenue. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Dave's House, LLC (DBA – Club Envy) for a New Outdoor Service (1 Area) to be held in conjunction with 2010 Class C-SDM Licensed Business with Dance-Entertainment Permit located at 435 & 441 W. Western Avenue, Muskegon, MI 49440, and a New Additional Bar Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent upon payment of the \$25 fee.

L. Community Relations Committee Appointments. CITY CLERK

SUMMARY OF REQUEST: To accept the recommendations from the Community Relations Committee made at the meeting held on July 12, 2010 as follows:

Appointments of Clayton Hardiman to the District Library Board and Dave Wendtland to the Civil Service Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Community Relations Committee recommendations.

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

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

Nays: None

MOTION PASSES

2010-62 NEW BUSINESS:

A. Request for Preliminary and Final Planned Unit Development Approval for 1144 3rd Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for preliminary and final Planned Unit Development approval for 1144 3rd Street for a mixed-use commercial, retail and residential development.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends preliminary approval of the PUD and final approval of the PUD contingent upon conditions listed in the staff report.

COMMITTEE RECOMMENDATION: At their June 10th meeting, the Planning Commission recommended preliminary approval of the PUD and final approval of the PUD along with the conditions listed in the staff report.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the PUD for 1144 3rd Street.

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

Nays: None

MOTION PASSES

City Clerk Ann Marie Becker introduced Kati Houseman who is working in the City Clerk's office this summer.

ADJOURNMENT: The City Commission Meeting adjourned at 5:40 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk