

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 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, November 23, 2010.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Stephen Gawron 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, Steve Wisneski, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Sue Wierengo (excused)

2010-98 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the November 8th Commission Worksession Meeting and the November 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Moratorium on Fees for 2011 Vacant Buildings. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to approve a moratorium on fees charged to owners of vacant buildings that are entering their third year billing cycle in 2011. Eligibility requirements for the moratorium of fees charged are proposed to remain the same as approved for the 2010 calendar year, but intended to apply only to buildings in their third year billing cycle. Waivers would be determined based on the criteria included on the staff memo.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of a fee moratorium for vacant building invoices meeting the approved criteria.

C. United States Bicycle Route 35 (USBR35). WATER FILTRATION

SUMMARY OF REQUEST: To approve the resolution supporting the development of United States Bicycle Route 35 through the City of Muskegon.

FINANCIAL IMPACT: None, this is a mapped route with optional signage.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission approve the resolution in support of the development of US Bicycle Route 35 through the City of Muskegon.

D. Budgeted Vehicle Replacement – Five Ford Rangers. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize DPW staff to purchase five Ford Rangers from Great Lakes Ford.

FINANCIAL IMPACT: Total cost of \$67,885.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase.

E. Request to Rescind Previous Commission Authorization and Authorize Purchase of Four Service Bodies and One Plow. PUBLIC WORKS

SUMMARY OF REQUEST: Rescind commission agenda item #2010-87G, that occurred on October 12, 2010, authorizing staff to purchase five service bodies from Arista Truck Systems and one plow from Hoekstra Equipment due to improper bid tabulation.

Furthermore, it is respectfully requested that DPW staff be authorized to purchase four service bodies from Arista Truck Systems instead of the previously approved five and one plow from Muskegon Brake who was the lowest bidder.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Rescind commission agenda item #2010-87G from October 12, 2010, meeting and authorize staff to purchase four service bodies and one plow.

F. Amendment to the Zoning Ordinance – Regulations on Fencing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions) to provide regulations on fencing as part of erosion control measurements.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 10, 2010, meeting.

H. Budgeted Equipment Purchase – Combination Sewer and Catch Basin Cleaner. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one combination sewer and catch basin cleaner from Jack Dohney Supplies.

FINANCIAL IMPACT: \$322,165.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the purchase.

I. Approval of Realtor for NSP Properties. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Exit Lakeshore Realty to be used by the City of Muskegon on NSP properties.

FINANCIAL IMPACT: The funding for any projects the realtor would be used for would come out of the funds the house was originally established under: CDBG, HOME, or NSP1.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Exit Lakeshore Realty for Community and Neighborhood Services office.

J. Reclassification of Water Filtration Plant Supervisor Position. PUBLIC WORKS

SUMMARY OF REQUEST: Change the classification of the Filtration Plant Supervisor Position from Range V to Range IIIB. This proposal will result in a net annual saving to the City of over \$2,000 in addition to enhancing the City's ability to attract more qualified candidates to fill the vacant position resulting from Bob Veneklasen's retirement. The savings are in the form of modifying the position to a salary based position without any additional on-call and/or overtime compensation which we currently pay.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the reclassification of the Filtration Plant Supervisor position from Range V to Range IIIB.

Motion by Commissioner Carter, and second by Commissioner Spataro to

approve the Consent Agenda as read minus Item G.

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

Nays: None

MOTION PASSES

2010-99 ITEM REMOVED FROM THE CONSENT AGENDA:

G. Special Events Policy – Revisions. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: City staff is recommending several modifications to the Special Events Policy. Some of these revisions include fee changes, earlier submission deadlines and costs for City equipment and labor. In addition, for any events with approved street closures, the closures must not occur until 12:01 a.m. the day of the event and the streets must be open to traffic by 6:00 a.m. the day after the event.

FINANCIAL IMPACT: The application fee has increased to a minimum of \$100 for events held between April 15 and September 30. Also, all City staff time will be charged to the event, as well as equipment rental (with the exception of recognized Neighborhood Associations and Veteran Groups).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the revised City of Muskegon Special Event Policy.

COMMITTEE RECOMMENDATION: The City Commission Worksession reviewed the revised Policy at their November 8th meeting and recommended that it be presented to the Commission for approval on November 23, 2010.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the revised Special Events Policy as presented.

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

Nays: None

MOTION PASSES

2010-100 UNFINISHED BUSINESS:

A. SECOND READING: Rezoning Request for the Property Located at 1823 Commerce Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 1823 Commerce from B-4, General Business District to B-5, Governmental Service District, by West Michigan Therapy. The applicant would like to run a Transitional Living Center at this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14, 2010, meeting.

Motion by Commissioner Carter, second by Commissioner Shepherd to table to the December 14th meeting.

ROLL VOTE: Ayes: Shepherd, Warmington, Wisneski, and Carter

Nays: Spataro and Gawron

MOTION TO TABLE PASSES

2010-101 NEW BUSINESS:

A. Youth Basketball League and Open Gym & Swim Proposal – Muskegon Public Schools. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff has been working with the Muskegon Public Schools (“Schools”) in an effort to transition the Youth Basketball League and Open Gym & Swim (formerly supervised by the City Leisure Services Department) to the Schools. This is a logical transition, as the public school buildings were used for the programs and the majority of those attending have been students of Muskegon Public Schools. Although it is too late to start the program this fall, the Schools have submitted a proposal that would include both boys and girls basketball in the winter/spring. Open Gym & Swim would be held during this time, as well. The Commission is requested to approve the proposal and authorize staff to enter into a formal agreement with the Schools for oversight of these two programs.

FINANCIAL IMPACT: In 2009, the City spent approximately \$14,500 for the basketball program (while receiving approximately \$4,100 in revenue). The City spent approximately \$11,000 for the Open Gym & Swim program. These amounts do not reflect administrative costs. The Schools are offering to conduct the programs for \$18,500. They may require a lesser amount if the City provides equipment, etc.

BUDGET ACTION REQUIRED: Funds are available through the Leisure Services budget.

STAFF RECOMMENDATION: To approve the “Youth Basketball League and Open Gym & Swim Proposal” and authorize staff to enter into a formal agreement with the Schools.

Moved by Commissioner Spataro, second by Commissioner Shepherd to approve the Youth Basketball League and Open Gym & Swim Proposal with Muskegon Public Schools.

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

Nays: None

MOTION PASSES

B. 2011 Salary Schedule for Part-Time and Limited Term Employees and the 2011 Salary Schedule and Fringe Benefits for Non-Represented Employees. CITY MANAGER

SUMMARY OF REQUEST:

- 1) To establish the 2011 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional, and supervisory employees for 2011 (1.0% increase);
- 3) Increase the employee health insurance bi-weekly premium co-pay from \$20.00 to \$30.00.

FINANCIAL IMPACT:

- 1) None. No changes are proposed;
- 2) The salary increases will cost approximately \$23,000, plus approximately \$6,000 in added fringe benefit costs;
- 3) City cost savings of approximately \$10,000.

BUDGET ACTION REQUIRED: To authorize the necessary 2011 budgetary amendments and transfer of money from the affected City funds (Contingency Account for General Fund) to the appropriate salary and fringe benefit accounts to accommodate the salary increases and fringe benefit adjustments.

STAFF RECOMMENDATION:

- 1) To approve the 2011 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed 2011 salary ranges, salary schedules, and fringe benefit changes for non-represented employees.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the 2011 salary ranges for part-time and limited-term employees; and to approve and adopt the proposed 2011 salary ranges, salary schedules, and fringe benefit changes for non-represented employees.

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

Nays: None

MOTION PASSES

C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 753 Oak 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 753 Oak Avenue 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 Commissioner Wisneski to concur with the Housing Board of Appeals Notice and Order to demolish 753 Oak Avenue.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington mentioned that Representative Mary Valentine, County Commissioners Bill Gill and Charles Nash were in attendance. Commissioner Shepherd announced there will be a meeting December 8th from 6:00 p.m. to 8:00 p.m. at the Shoreline Inn reference a Passenger Railway.

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk