

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 12, 2008

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, August 12, 2008.

Mayor Warmington opened the meeting with a prayer from Pastor Richard Bennett from the First Wesleyan 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 Steve Wisneski, Chris Carter, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioners Sue Wierengo and Clara Shepherd (both excused)

2008-69 INTRODUCTIONS/PRESENTATION:

A. Bike to Work Day. Mayor Warmington announced that August 20, 2008, is Ride On Day. He encouraged everyone to ride their bike to work that day.

2008-70 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 22nd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Special Event – Multiple Liquor License Request for Hot Rod Harley-Davidson/American Red Cross. LEISURE SERVICES

SUMMARY OF REQUEST: Hot Rod Harley-Davidson/American Red Cross, 149 Shoreline Dr. is requesting a temporary liquor license, for August 23 through August 24, 2008. The event is a fundraiser to benefit the American Red Cross. The Child Abuse Council was previously approved for a temporary alcohol

license for August 23rd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Leisure Services staff approved per Special Event policy guidelines August 4, 2008.

E. Certification of MERS Representatives. FINANCE

SUMMARY OF REQUEST: The MERS plan document provides that “the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality.”

Each City bargaining unit selects a member to attend the MERS annual meeting. The bargaining units have agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the employee representative will be Gerald Ziegler from the Police Command unit.

FINANCIAL IMPACT: Cost of attending MERS conference in Traverse City estimated to be \$700 per person.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Certification of Tim Paul and Gerald Ziegler to be the City’s officer and employee delegates at the MERS annual meeting in Traverse City September 30 – October 2.

F. Army Corps of Engineers Supplemental Agreement – Pier Safety. CITY MANAGER

SUMMARY OF REQUEST: To approve Supplemental Agreement No. 2 to the Army Corps of Engineers Lease No. DACW35-1-91-3004. This supplemental agreement will incorporate the North Breakwater of the Muskegon Harbor into the lease to allow the placement of pier safety devices.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Supplemental Agreement.

G. Post-Construction Stormwater Controls Resolution. PUBLIC WORKS

SUMMARY OF REQUEST: The City is required to re-apply for a stormwater permit. Stormwater runoff must be addressed at newly-developed or redeveloped properties. Since the City does not have a legal mechanism for regulating stormwater control, our consultant, FTC&H, recommends the City approve the resolution as a procedure in place to regulate stormwater control which has not

been codified as a regulatory mechanism. The City also commits to finalize a regulatory mechanism for stormwater control on or before April 1, 2013.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None is needed.

STAFF RECOMMENDATION: Approve this resolution for post-construction stormwater controls.

H. 2008 – 2009 City of Norton Shores CDBG Administration Contract.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract between the City of Norton Shores and the City of Muskegon for the administration of Norton Shores' 2008 – 2009 CDBG program.

The agreed revenues to be earned from this transition are \$22,000, to be paid on a quarterly basis. This is the third year that the CNS office will be administering the City of Norton Shores' CDBG program.

FINANCIAL IMPACT: The City will receive the revenues and will be deposited in the CDBG Administration Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct the Mayor and the City Clerk to sign the contract.

I. Accounting Services Contract. FINANCE

SUMMARY OF REQUEST: Since 1997, we have utilized a contractual arrangement for accounting services. This arrangement was put in place in lieu of replacing a full-time finance clerk employee who retired. The accounting services contract has proved very cost-effective for the City. We receive excellent service at a very reasonable rate, pay only for actual hours worked, and have benefitted from having the same person provide services for more than eight years. The current contract is nearing expiration and staff recommends renewing for a three-year period at a fixed rate of \$40.00/hour. This represents a \$5.00/hour increase over the current rate (\$35.00), but is still less than the \$42.00/hour rate paid in 2003-06.

FINANCIAL IMPACT: The City uses about 20 hours of service each month under this contract. The projected annual cost is \$9,600, far less than the cost of the full-time position the contract replaced.

	Data	
Year	Sum of Hours	Sum of Total
2003	306.8	\$ 13,138
2004	276.5	\$ 11,899
2005	253.3	\$ 10,637

2006	316.0	\$ 13,074
2007	201.5	\$ 6,045
2008 (thru June)	136.8	\$ 4,786
Grand Total	1,490.8	\$ 59,578

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of a three-year extension (2009, 2010, 2011) to the current accounting services contract with Dobb Accounting.

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

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

Nays: None

MOTION PASSES

2008-71 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Request for Encroachment Agreement for 333 W. Western Avenue, Suite 1B. ENGINEERING

SUMMARY OF REQUEST: New Trend Investments LLC has submitted an encroachment agreement form requesting your permission to install a 15' attached canopy on the side of the building facing Second St., and use 15' of the sidewalk for outdoor seating at the Muskegon Athletic Club.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the request for an encroachment agreement for 333 W. Western Avenue, Suite 1B.

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

Nays: None

MOTION PASSES

D. Request for Encroachment Agreement for Baker College of Muskegon, Clay Avenue. ENGINEERING

SUMMARY OF REQUEST: Baker College of Muskegon has submitted an encroachment agreement form requesting your permission to install 90 feet of PVC conduit under Morris Ave. along Third St. and place 198 feet of innerduct in the existing sleeves in each of the 66 foot rights-of-way beneath First St., Second St., and Jefferson St. for a total encroachment of 288 feet.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement install 90 feet of PVC conduit under Morris Ave. along Third St. and place 198 feet of innerduct in the existing sleeves in each of the 66 foot rights-of-way beneath First St., Second St., and Jefferson St. for a total encroachment of 288 feet per the plans.

Motion by Commissioner Spataro, second by Commissioner Wisneski to approve the request for an encroachment agreement for Baker College of Muskegon for Clay Avenue, First Street, Second Street, and Jefferson Street for a total encroachment of 288 feet per the plans to the extent that we control the rights-of-way.

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

Nays: None

MOTION PASSES

2008-72 UNFINISHED BUSINESS:

A. Memorial Honoring Commissioner Kevin Davis. LEISURE SERVICES

SUMMARY OF REQUEST: Beachwood-Bluffton Neighborhood Association request that the volleyball court area at Pere Marquette Park north of Captain Jack's Restaurant be named Kevin Davis Volleyball Ct., in honor of former Commissioner Kevin Davis for his public service to the citizens of Muskegon and devotion to developing Beach Volleyball at Pere Marquette Park.

The Neighborhood Association will have a dedication ceremony at their community picnic, August 19th at 6:00 p.m. at the Margaret Drake-Elliott pavilion.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: The Leisure Service Board approved the recommendation at their February 19th meeting.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the memorial honoring Commissioner Kevin Davis.

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

Nays: None

MOTION PASSES

2008-73 NEW BUSINESS:

A. Reallocation of 2008 HOME Funds. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve for the Commission to direct the Community

Neighborhood Services office to amend the 2008 – 2009 Action Plan in order to deduct \$65,000 from the HOME Total Rehabilitation program in order that it may be used for the City's Pilot Weatherization program. This plan assisted 22 Muskegon households in which 91% were senior citizens. The households received assistance with windows, doors, insulation, thermostats and furnaces.

The CNS office, in an attempt to be proactive, established this pilot program in expectation of the predicted 30% increase in energy cost this coming winter.

FINANCIAL IMPACT: The HOME Total Rehabilitation program will be decreased by \$65,000. The Pilot Weatherization program will be funded at \$65,000. After the CNS office has sold homes out of our existing inventory and all deficit arrears have been met, revenues from our HOME sales will be placed back in the Total Rehabilitation program at an amount of \$65,000.

BUDGET ACTION REQUIRED: Stated above.

STAFF RECOMMENDATION: To direct staff to amend the 2008 – 2009 Action Plan to fund the Pilot Weatherization program.

COMMITTEE RECOMMENDATION: The City Commission approved the Weatherization Program on April 22, 2008.

Motion by Vice Mayor Gawron, second by Commissioner Carter to direct staff to amend the 2008 – 2009 Action Plan to fund the Pilot Weatherization program.

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

Nays: None

MOTION PASSES

B. Sanitary Sewer Repair at Apple Avenue and Spring Street.
ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Felco Contractors, Inc. to make necessary repairs of the sanitary sewer at the intersection of Apple Ave. and Spring St. as a change order to the Pine St., Apple Ave. to Western Ave. construction project.

FINANCIAL IMPACT: The estimated cost of \$24,389.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Felco Contractors, Inc. to provide all labor and materials to perform the tasks outlined in the change order.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the sanitary sewer repair of Apple Avenue and Spring Street agreement with Felco Contractors to provide all labor and materials to perform the tasks outlined in the change order.

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

Nays: None

MOTION PASSES

C. Construction Engineering Services for Richards Park Building Demolition. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into a construction engineering services agreement with Environmental Resources Management, Inc. (ERM) to perform the demolition support services for the former wastewater treatment plant at Richards Park including bid document preparation, environmental oversight, and demolition oversight.

ERM is being recommended due to the reasonable fee proposal \$14,500 as well as their expertise in environmental issues.

FINANCIAL IMPACT: \$14,500.

BUDGET ACTION REQUIRED: None since the project was budgeted for in the 2008 CIP.

STAFF RECOMMENDATION: Authorize staff to enter into a construction engineering services agreement with ERM.

Motion by Vice Mayor Gawron, second by Commissioner Carter to authorize staff to enter into a construction engineering services agreement with Environmental Resources Management, Inc. regarding the Richards Park building demolition.

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

Nays: None

MOTION PASSES

D. Home Rehabilitation Fund Deficit Elimination Plan. FINANCE

SUMMARY OF REQUEST: At December 31, 2007 the City of Muskegon Home Rehabilitation Fund had a deficit balance of \$231,345. Act 275 of the Public Acts of 1980 requires that the City file a Deficit Elimination Plan with the Michigan Department of Treasury. Staff is requesting adoption of the Home Rehabilitation Fund Deficit Elimination Plan Resolution.

FINANCIAL IMPACT: As presented by the Deficit Elimination Plan, the Home Rehabilitation Fund will no longer have a deficit by December 31, 2009.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the Home Rehabilitation Fund Deficit Elimination Plan Resolution.

Motion by Commissioner Spataro, second by Commissioner Wisneski to adopt the Home Rehabilitation Fund Deficit Elimination Plan.

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

Nays: None

MOTION PASSES

E. Purchase of Video Security System – City Hall. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting Commission approval to purchase a video security system to be installed in various locations throughout City Hall. The locations include all entrances, the basement, the public area of the Police Department and the public area adjacent to the Treasurer's service counter.

The three bids that were solicited are as follows:

Lakeshore Security & Electronics, Hesperia, \$7,253.15

ADT, Wyoming, \$9,225.00

Vision Technology International, Grandville, \$12,383.00

This project is a joint effort between Public Safety, Engineering and Information Technology.

FINANCIAL IMPACT: The City applied for and has been approved for a grant from the Michigan Municipal Risk Management Authority. The grant will cover 50% funding up to \$5,000 towards this project.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the bid from Lakeshore Security & Electronics be accepted.

Motion by Vice Mayor Gawron, second by Commissioner Carter to accept the bid from Lakeshore Security & Electronics from Hesperia for the purchase of a video security system for City Hall.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:11 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk