

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 9, 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, December 9, 2008.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon 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.

2008-101 HONORS AND AWARDS:

A. Muskegon High School Big Reds Football Team.

B. Muskegon Catholic Central Crusaders Football Team.

Mayor Warmington and the Commission congratulated Coach Holmes and Coach Fairfield and their teams for the championships. He thanked them for their sportsmanship, enthusiasm, and hard work and presented them with a Certificate of Recognition and a sign.

2008-102 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the November 18th Commission Worksession, and the November 25th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. SECOND READING: Adoption of the 2006 Building Code. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting that the City Commission adopt the 2006 Michigan Building Code and repeal all other

ordinances and parts of the ordinances that may conflict with the new code.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

E. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a service agreement (calendar year 2009) with Professional Med Team (Pro-Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County.

FINANCIAL IMPACT: The cost to the department will be \$75 per blood draw.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

F. Adding Property to the Lease with Option to Purchase Program.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the Commission approve the CNS office request to add the City-owned home at 451 Isabella to the Lease with Option to Purchase program. The lessee will have a three-year period (36 months) to obtain a mortgage. If the lessee is able to obtain a mortgage after the first year, the purchaser will be able to receive a nine percent decrease in the purchase price. If the lessee is able to obtain a mortgage in the second year, the property will be sold at a five percent decrease from the present asking price. If the lessee is not able to obtain a mortgage until the third year, the home will sell for the current asking price. The lessee will be responsible for all the utilities and upkeep of the property. The current price of 451 Isabella is \$60,000.

Two homes owned by the City are currently in this program: 435 Monroe and 867 Williams. Both are currently occupied.

FINANCIAL IMPACT: This will eliminate some of the overhead costs the City has because of the length of time these houses have been on the market. Costs include utilities, alarm system, grass cutting, snow removal, etc.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The activity has been approved by the Citizen's District Council.

G. Combining of Liens. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the Commission approve for the CNS office to

begin combining liens on Emergency Repair and Vinyl Siding projects that aggregate costs total \$3,500 or more. Currently the CNS office only establishes liens on Emergency Repair and/or Vinyl Siding projects if the individual activity meets or exceeds \$3,500. Because of the age of some of the housing and lack of long-term maintenance, some clients have received multiple assistance. The individual cost of the repair may be less than \$3,500; but the combined cost may exceed the established threshold. In order to insure the citizens' investment in the property, the City would like to combine the cost and establish a lien on the property under the CNS office established guidelines.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: This request was approved by the Citizen's District Council.

H. Elimination of First-Time Home-Buyer Requirement for CNS Home-Buyer Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the Commission approve for the CNS office to eliminate the First-Time Home-Buyer requirement from both the CNS office Infill and Total Rehabilitation Home-Buyer programs. Currently, to be eligible for the City's home-buyer program, an individual or family could not have owned a home in the last three years. Because of the current fragileness of the local economy, especially as it related to the housing market, the CNS office would like to eliminate the first-time home-buyer requirement, although the stipulation that the home be owner-occupied is not being eliminated.

All of the homes in the CNS office inventory have been on the market for at least 8-12 months.

FINANCIAL IMPACT: Hopefully, this will increase the market of potential home-buyers for the City-owned homes, eliminating the overhead and maintenance cost that the City and CNS are trying to maintain.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the change to the current policy.

COMMITTEE RECOMMENDATION: The change was presented to the Citizen's District Council and was approved.

I. Appointment to the Local Development Finance Authority. CITY CLERK

SUMMARY OF REQUEST: To appoint Andrew Cirner to the Local Development Finance Authority.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointment at their November 18th meeting.

J. Consideration of Bids/Contract Award – Remodeling of Men’s Locker Room for MPD. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Buck Construction, of Muskegon, to completely remodel the men’s locker room in the Police Department since they were the lowest responsible bidder with a bid price of \$26,614 unless the City removes the existing lockers at which time the price would be \$25,498.

FINANCIAL IMPACT: The construction cost of \$26,614.

BUDGET ACTION REQUIRED: None. This project was budgeted for in the 2009 CIP.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Buck Construction to remodel the locker room.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consent Agenda as read minus items K, D, and B.

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

Nays: None

MOTION PASSES

2008-103 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. SECOND READING: Amend Chapter 30 of the Code of Ordinances – Fire Prevention. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting that the City Commission amend Chapter 30 of the Code of Ordinances concerning Fire Prevention and Protection. This includes the adoption of the 2006 International Fire Code.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the second reading to amend Chapter 30 of the Code of Ordinances for fire prevention.

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

Nays: None

MOTION PASSES

K. 2009 User Fee Update. FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution.

New fees and fee changes proposed for 2009 include the following:

- Adjustments to certain sanitation fees;
- Adjustments to cat license fees to maintain consistency with County dog license fees;
- Increase in the fee to hang street banners to reflect our actual costs;
- New marina fees for storage of boats and kayaks and other miscellaneous services not previously provided;
- Increases in some recreation fees to reflect increased officiating charges;
- Increases in certain treasury fees to reflect our increased costs;
- Increases in certain zoning fees to reflect our increased costs;
- Elimination of taxi licensing fees.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the 2009 Master Fee Resolution will help the City attain its budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the 2009 User Fee update.

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

Nays: None

MOTION PASSES

B. SECOND READING: Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of making the ordinance easier for property owners to comply with and easier for staff to administer.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107 Annual Registration of Vacant Buildings and Registration Fees, specifically to amend sub-section (b)(2) Applicability, sub-section (b)(3) Registration statement and fees; local agent, sub-section (b)(4) Appeal rights, sub-section (b)(6) Two-Year waiver, subsection (b)(7)(d) Exceptions.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the second reading of the Vacant Building Registration Ordinance amendments.

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

Nays: None

MOTION PASSES

2008-104 UNFINISHED BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 254 Amity 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 254 Amity Ave. 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 Carter, second by Commissioner Spataro to concur with the Housing Board of Appeals notice and order to demolish 254 Amity Avenue.

Motion by Commissioner Shepherd, second by Commissioner Spataro to table the concurrence of the Housing Board of Appeals notice and order to demolish 254 Amity to the second meeting in January, 2009.

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

Nays: None

MOTION TO TABLE PASSES

2008-105 NEW BUSINESS:

A. 2009 Salary Schedule and Fringe Benefits for Non-Represented Employees and the 2009 Salary Schedule for Part-Time and Limited-Term Employees.

CITY MANAGER

SUMMARY OF REQUEST:

1. To establish the 2009 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 2009 (2.5% increase);
3. Increase the lifetime major medical health plan maximum from \$325,000 to \$500,000 per covered individual.

FINANCIAL IMPACT:

1. Minimal. There are minor changes to steps and pay grades;
2. The salary increases will cost approximately \$68,500 plus approximately \$17,125 in added fringe benefit costs;
3. Minimal cost.

BUDGET ACTION REQUIRED: To authorize the necessary 2009 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 proposed 2009 salary ranges for part-time and limited-term employees;
2. To approve and adopt the proposed 2009 salary ranges, salary schedules, and fringe benefit changes for non-represented employees.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the 2009 Salary Schedule and Fringe Benefits for Non-Represented Employees and the 2009 Salary Schedule for Part-Time and Limited-Term Employees.

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

Nays: None

MOTION PASSES

B. Final Amendments to 2008 Budget. FINANCE

SUMMARY OF REQUEST: Provided under separate cover are proposed year-end amendments to the City's 2008 Budget to assure compliance with the State *Uniform Budget Act*. The state requires that final budget amendments (as reported in the annual CAFR) be formally adopted by the governing body prior to the end of the fiscal year (December 31). As there will only be one meeting in December, it is necessary to approve final 2008 budget amendments at this time.

FINANCIAL IMPACT: These budget amendments establish the final 2008 revenue estimates and authorized spending limits for the various City departments and funds.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the final amendments to the 2008 Budget.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk