

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 28, 2007

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 28, 2007.

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 Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

Absent: Commissioner Kevin Davis (excused)

2007-71 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the August 13th Commission Worksession, and the August 14th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Rezoning Request for Property Located at 1221 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 1221 W. Laketon Avenue, from R-1, One Family Residential District to RM-2, Medium Density Multiple Family Residential District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended

approval of the request at their August 16th meeting. The vote was unanimous, with J. Aslakson and S. Warmington absent.

REQUIRES SECOND READING

E. Hiring of Firm for Master Plan Update. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval of the selected planning firm, Williams & Works, to accomplish the task of updating the City of Muskegon Master Plan. Staff received six (6) proposals from planning firms around the state and interviewed five (5) of them. It was very important that the firm was to have a strong planning background, not just engineering. Williams & Works proved to be the most desired firm to handle the specific tasks involved in this project.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: The City will be matching \$20,000 in grant funding. The City received \$10,000 from the Community Foundation and \$10,000 from the Michigan Department of Environmental Quality.

STAFF RECOMMENDATION: Approval for Williams & Works to be awarded the contract of updating the City of Muskegon Mater Plan.

F. Selection of Siding Supplier for Fiscal Year 2007-2008. COMMUNITY & NEIGHBORHOOD SERVICES:

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services department to select Keene Lumber, 346 W. Laketon, Muskegon, MI for the Vinyl Siding supplier for fiscal year 2007-2008. The total material cost per unit is, three hundred ninety-eight dollars and forty seven cents (\$398.47).

The department received three other bids:

1. ABC Lumber, 123 W. Sherman, Muskegon, MI, total material cost per unit-four hundred twenty-six dollars and seventeen cents (\$426.17).
2. Weber Lumber, 465 Ottawa, Muskegon, MI, total material cost per unit-four hundred fifty two dollars and seventy four cents (\$452.74).
3. Menards, 5487 Harvey St., Muskegon, MI, was incomplete.

FINANCIAL IMPACT: Funding will be allocated from the 2007-2008 CDBG siding program.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the vinyl siding program was approved by the Commission last April during the allocation period.

G. Selection of Vinyl Siding Contractors for Fiscal Year 2007-2008. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the CNS office to sign contracts with Top Notch Design, 4740 Jensen Road, Muskegon, MI; Gawlik Construction, 5345 E. Sternberg Rd., Fruitport, MI; and Lewis Johnson Construction, 16076 Bonita Court, Grand Haven, MI as the vinyl siding installers for the 2007-2008 year. The agreed upon bid price for all three contractors is sixty-seven dollars (\$67.00) a builders square.

FINANCIAL IMPACT: Funding will be disbursed from the 2007-2008 CDBG Vinyl Siding program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the siding program was approved by the Commission during the 2007-2008 allocation period last April.

H. Approval of Contractor for Rehabilitation of House at 1581 Division.

COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Contract with D.H. Construction, 3680 Ryerson Road, Twin Lake, Michigan, for the complete rehabilitation of the house located at 1581 Division for the cost of fifty four thousand two hundred forty five dollars (\$54,245).

After the rehabilitation is completed, the home will be sold to a qualified first-time homebuyer under the Operation "A little bit of Paradise amidst the division."

The CNS office received five other bids including one that was declared disqualified. The other bids were the following:

- | | | |
|----|---|--------------|
| 1. | Johnson Construction
16076 Bonita Ct.
Grand Haven | \$59,775.00 |
| 2. | Specialty Builders
4603 Apple
Muskegon | \$72,909.50 |
| 3. | Holden Construction
601 Amity
Muskegon | \$86,290.00 |
| 4. | Beattie Brothers
2786 Holton
Whitehall | \$100,160.00 |

The department also received a bid from Murphy Brothers, who was told not to submit a bid because they had been awarded two contracts for current projects at, 214 Catherine as the contractor for J2 and 539 Orchard, which is a project that was awarded to Murphy Brothers as the sole partner. The

ineligible bid submitted by Murphy Brothers was \$50,875.

FINANCIAL IMPACT: Funding for the project will be taken from the City's 2007-2008 HOME funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the CNS office to develop a contract with D. H. Construction for the bid of \$54,245.

I. Purchase of Parcel at 1246 Fifth. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the parcel at 1246 Fifth Street from: Kiser-ICARD-LLC, Mark Kiser, Sole Manager, P.O. Box 826, 4276 Helena Street, Granite Falls, N.C. (City of Muskegon Revised Plat of 1903 N. 46th, Lot 6, Block 378), for the agreed upon appraised price of two thousand five hundred dollars (\$2,500).

After the parcel at 1246 Fifth is obtained by the City, the parcel will be combined with the Tot lot to the east extending the park. The funding for the acquisition of the land will be allocated from the City's Community Development Block Grant funding program income.

FINANCIAL IMPACT: No impact other than decrease in program income.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to purchase the parcel.

J. Signing of 2007-2008 Subrecipient and Community Housing Development Organization Agreements. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To direct staff to have the Subrecipient agreements for the following agencies signed by the Mayor and Clerk. The City Commission in April approved the funding allocations on this year.

1. West Michigan Veterans	\$3,000
2. American Red Cross	\$3,000
3. Love, INC	\$3,000
4. Sacred Suds	\$3,000
5. Legal Aid of West Michigan	\$3,000
6. Muskegon Community Health Project	\$3,000

Also to have the CHDO agreements signed for the following agencies:

1. Neighborhood Investment Corp.	\$65,000
2. Bethany Housing Ministries	\$30,000
3. Habitat for Humanity	\$70,000

FINANCIAL IMPACT: Funding will be allocated from the 2007-2008 CDBG/HOME funds as directed by the City Commission.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct staff to have the documents signed by the Mayor and the Clerk.

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

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

Nays: None

MOTION PASSES

2007-72 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Vacation of a Portion of W. Walton Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of W. Walton Avenue, between Terrace and Jefferson Streets.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the portion of W. Walton Ave., with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended the vacation, with J. Aslakson and S. Warmington absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the vacation of the portion of W. Walton Avenue as described.

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

Nays: None

MOTION PASSES

D. Replacement Garbage Carts. PUBLIC WORKS

SUMMARY OF REQUEST: Once again we need to replenish our supply of replacement garbage carts which is nearly depleted. We have taken quotes from Toter and Rehrig Pacific for a truck-load of carts. The low bidder is Rehrig Pacific at \$47.38 per cart for a total cost of \$26,149.

FINANCIAL IMPACT: \$26,149.

BUDGET ACTION REQUIRED: This purchase is covered by the Sanitation Budget. No action is required.

STAFF RECOMMENDATION: To approve the purchase of 552 garbage carts at \$26,149 from Rehrig Pacific Company.

Motion by Commissioner Carter, second by Commissioner Shepherd, to approve the replacement of garbage carts.

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

Nays: None

MOTION PASSES

2007-73 PUBLIC HEARINGS:

A. Review 2006-2007 Consolidated Annual Performance Evaluation Report (CAPER). COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a Public Hearing on August 28, 2007 to review accomplishments and receive comments from the Public concerning the 2006-2007 Consolidated Annual Performance Evaluation Report (CAPER), developed by the Community and Neighborhood Services Department.

After the Public Hearing has been conducted and all the comments have been documented, the Community & Neighborhood Services office requests that the Commission direct the staff to submit the required documents to the U.S. Department of Housing and Urban Development (HUD) in compliance with 24 CFS 91.250 by no sooner than August 31, 2007.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving Community Development Block Grant (CDBG) and HOME funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing and approve the review of the 2006-2007 Consolidated Annual Performance Evaluation Report and submit the required documents to the U.S. Department of Housing and Urban Development.

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

Nays: None

2007-74 NEW BUSINESS:

A. Muskegon Central Dispatch Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve the First Amended and Restated Agreement to participate in Muskegon Central Dispatch 911. This agreement is being done to update Muskegon Central Dispatch's organizational documents.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to execute it.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Muskegon Central Dispatch agreement.

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

Nays: None

MOTION PASSES

B. Extension of Renaissance Zone Status and Development Agreement.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval of the extension of the Renaissance Zone status for the former Comerica building and the two adjacent parcels to the east (285 W. Western, 255 W. Western and 241 W. Western). The extension would grant Parkland Muskegon, LLC the rights to attain Renaissance Zone status for 15 years, starting from the date that the status is granted from the State. Upon completion of Renaissance Zone extension status, Parkland Muskegon, LLC will be redeveloping the former Comerica building, 285 W. Western, into market-rate residential units, with retail on the first floor. The parcels at 255 W. Western and 241 W. Western will be developed into bi-level mixed-use buildings, for residential and commercial use, upon completion of the redevelopment of the former Comerica building.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the extension of the Renaissance Zone status and Development Agreement for 285 W. Western, 255 W. Western and 241 W. Western.

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

Nays: None

MOTION PASSES

C. Modifications of Solid Waste Contract. PUBLIC WORKS

SUMMARY OF REQUEST: The Department of Public Works staff has negotiated

a number of price concessions from Allied Waste Services in return for a contract extension.

The results of the negotiations were discussed at the City Commission Worksession on August 13th.

Based on these negotiations and discussions, the Department of Public Works staff recommends that the City of Muskegon grant a five-year contract extension to Allied Waste Services from January 1, 2008, to December 31, 2012.

FINANCIAL IMPACT: Estimated reduction in anticipated costs of \$90,000 to \$95,000 per year.

BUDGET ACTION REQUIRED: Concessions will be incorporated in the 2008 budget.

STAFF RECOMMENDATION: The Department of Public Works staff recommends a five-year contract extension to December 31, 2012.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the five-year contract extension with Allied Waste Services from January 1, 2008, to December 31, 2012.

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

Nays: None

MOTION PASSES

D. Agreement to Repair Ladder 44. CITY MANAGER

SUMMARY OF REQUEST: To approve an agreement with Rosenbauer America, LLC/General Safety Division to repair the ladder assembly on Ladder 44 (L44). Rosenbauer will agree to make certain repairs to the truck and the City will be required to transport the truck to and from the necessary repair facilities.

FINANCIAL IMPACT: Cost of transporting the truck to and from repair facilities (approximately \$5,190).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the City Manager to execute it, and authorize the expenditure of funds to transport the truck.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the agreement with Rosenbauer America to repair Ladder 44.

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

Nays: None

MOTION PASSES

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1660 Dyson (Garage), 316 E. Forest, and 2409 Crozier.
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 structures are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: General Funds for 1660 Dyson (garage) and 2409 Crozier. CDBG Funds for 316 E. Forest.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Shepherd, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1660 Dyson (garage) and 316 E. Forest.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 2409 Crozier.

Motion by Commissioner Spataro, second by Commissioner Carter to table action on 2409 Crozier to September 25, 2007.

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

Nays: None

MOTION TO TABLE PASSES

ANY OTHER BUSINESS: Commissioner Spataro asked what the status of 790 Terrace is. Mark Kincaid will send an up-date.

2007-75 CLOSED SESSION: Property acquisition.

Motion by Commissioner Carter, second by Vice Mayor Gawron to go into Closed Session to discuss property acquisition.

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

Nays: None

MOTION PASSES

Motion by Commissioner Wierengo, second by Commissioner Spataro to come out of Closed Session.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:22 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk