

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 26, 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, June 26, 2007.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from the Oakcrest Church of God 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, Sue Wierengo, Chris Carter, Kevin Davis, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter

2007-52 INTRODUCTIONS/PRESENTATION:

A. 2007 Julia E. Hackley Interns. AFFIRMATIVE ACTION

Dwana Thompson, Affirmative Action Director, introduced William Vauters who is working in the Planning Department and Brittany Tillman (not present) who is working in the Clerk's Office

2007-53 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 11th Commission Worksession, and the June 12th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display – Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th and July 8th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends

approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

C. 2007 Wage Matrix for Non-Union Part-Time and Limited-Term Employees. CIVIL SERVICE

SUMMARY OF REQUEST: Due to an oversight of information submitted in December 2006, the 2007 Wage Matrix for Non-Union Part-Time and Limited-Term Employees requires a mid-year adjustment for the seasonal Recreation Aide. With the current Michigan minimum wage at \$6.95 an hour, on July 1, 2007 it increases to \$7.15 an hour. The present pay range for the seasonal Recreation Aide is :

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
\$5.50	\$5.75	\$6.00	\$6.25	\$6.50	\$6.75	\$7.00

The top of the range only just meets the current state requirements and becomes inadequate as of July 1, 2007.

As proposed, the pay range below adequately addresses the new pay requirements as well as anticipated future wage mandates, considering that the federal minimum wage is expected to rise to \$7.25 per hour by 2008 and the Michigan minimum wage is scheduled to rise to \$7.40 per hour as of July 1, 2008. The below proposed range also allows for employee year-to-year wage progression, if called for.

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
\$7.25	\$7.50	\$7.75	\$8.00	\$8.25	\$8.50	\$8.75

FINANCIAL IMPACT: Accounted for in current budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of request.

D. FIRST READING: Amendment to the Zoning Ordinance – Section 300 (Districts) of Article III. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 300 (Districts) of Article III (Zoning Districts and Maps) of the zoning ordinance to remove the reference to the Heritage District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning

Ordinance to Section 300, Article III to remove the reference to the Heritage District.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their June 14th meeting. The vote unanimous.

E. FIRST READING: Amendment to the Zoning Ordinance – Remove H, Heritage District Reference from Table I. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Table 1 (Heights, Areas, and Yards) and Table Notes, #6 of the zoning ordinance to remove the reference to the Heritage zone.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to remove the reference to the Heritage zone from Table 1 and Table Notes, #6.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their June 14th meeting. The vote was unanimous.

I. City – MDOT Agreement for Federal Money Loan to Reconstruct McGraft Park Road, Glenside to Addison. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of McGraft Park Road from Glenside to Addison and to approve the resolution authorizing the Mayor and City Clerk to sign the contract for the federal funds loan from the state.

The advantage on this project is that this whole agreement is merely a paper work matter since the city could not have spent any construction money against the federal funds to accrue any interest until those funds become available.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street and water funds as will be shown in the 2008 budget.

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

K. Request for Encroachment Agreement for Cable Installation on Roberts Street. ENGINEERING

SUMMARY OF REQUEST: West Shore Cardiology Consultants has submitted an encroachment agreement form requesting your permission to install 66' of 2"

PVC conduit (housing a 50x24 copper cable and a 6 fiber cable) under Roberts Street 318' north of the centerline of Sherman Blvd. to connect the communication line between the two buildings.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement with supplemental conditions and compliance with required insurance coverage.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the Consent Agenda as read minus items F, G, H, J and L.

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

Nays: None

MOTION PASSES

2007-54 ITEMS REMOVED FROM THE CONSENT AGENDA:

- F. Approval of the Use & Maintenance of City Owned Property at 1441 Hoyt & 360 E. Isabella by the Healthy Neighborhoods Project.**
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the use and maintenance of the City owned property located at 1441 Hoyt Street and 360 E. Isabella for a community garden. The properties are buildable and the City would retain the right to sell the properties with the Healthy Neighborhoods Project having time to remove the garden prior to any sales. The Healthy Neighborhood Project has proposed a garden with flowers at both locations. The neighborhood residents will be involved in the garden and the maintenance. All gardening tools will be stored off site. There will be no permanent structures on the site. The Healthy Neighborhoods Project has committed to maintaining the gardens.

FINANCIAL IMPACT: None. By having the maintenance agreement with the Healthy Neighborhoods Project, the City would not need to maintain the properties while the gardens are located on the properties.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and maintenance agreement.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the use and maintenance agreement for the City-owned property located at 1441 Hoyt Street and 360 E. Isabella by the Healthy Neighborhoods Project.

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

Wierengo

Nays: None

MOTION PASSES

G. Interagency Agreement with Muskegon County Community Mental Health. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting permission to enter into an agreement with Muskegon County Community Mental Health for purposes of participating in a Jail Diversion/Mental Health Intervention program. All law enforcement agencies within Muskegon County have been asked to participate in this program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Carter, second by Commissioner Davis to approve the interagency agreement with Muskegon County Community Mental Health.

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

Nays: None

Abstain: Spataro

MOTION PASSES

H. Approval of 2007 & 2008 Contract with Norton Shores for the Administration of their Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To direct the Mayor and City Clerk to sign the agreement between the City of Muskegon and the City of Norton Shores. In reference to the City of Muskegon's Community and Neighborhood Services office administrating the Norton Shores CDBG program for the 2007-2008 fiscal year.

The total amount that the City of Muskegon will receive for administrating the program is \$22,500 (twenty-two thousand five hundred.)

FINANCIAL IMPACT: Funding will be added to the City's Administration funds.

BUDGET ACTION REQUIRED: None needed.

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

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the 2007 & 2008 contract with Norton Shores for the administration of their Community Development Block Grant Program.

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

Nays: None

MOTION PASSES

J. City – MDOT Agreement for the Reconstruction of McGraft Park Road, Glenside to Addison. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of McGraft Park Road from Glenside to Addison and to 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 \$197,558 and \$49,390 of state funds (Local Jobs Today Grant) for a total grant of \$246,948. The estimated total construction cost, without engineering, is \$286,100. The engineering cost is estimated at an additional 15% of the construction cost.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street fund as will appear in the 2008 budget.

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

Motion by Commissioner Davis, second by Commissioner Carter to approve the City – MDOT agreement for the reconstruction of McGraft Park Road, Glenside to Addison.

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

Nays: None

MOTION PASSES

L. Request for Encroachment Agreement for Lighted Sign on Pine Street. ENGINEERING

SUMMARY OF REQUEST: Bakker Auto Trim at 90 Hartford Ave. has submitted an encroachment agreement form requesting your permission to install a lighted sign on their building which will encroach over the sidewalk on Pine St. for approximately 18".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement.

Motion by Commissioner Davis, second by Commissioner Carter to approve the encroachment agreement for a lighted sign on Pine Street for Bakker Auto Trim.

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

Warmington

Nays: None

MOTION PASSES

2007-55 NEW BUSINESS:

A. Jurisdictional Transfer with Michigan Department of Transportation.

CITY MANAGER

SUMMARY OF REQUEST: To approve the Memorandum of Understanding (MOU) with the Michigan Department of Transportation (MDOT) for the jurisdictional transfer of the current US 31 Business Route (Muskegon and Webster Avenues) to the City and transfer Shoreline Drive to MDOT, and authorize the Mayor to sign the MOU. When this transfer transaction is complete, it will enable Shoreline Drive to become the business route and will return Muskegon and Webster Avenues to residential streets.

FINANCIAL IMPACT: Remaining Build Michigan III grant funds will be available to the City to fund eligible street work.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the jurisdictional transfer with the Michigan Department of Transportation.

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

Nays: None

MOTION PASSES

B. Engineering Agreement for Engineering Services with Wade Trim.

ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Wade Trim Inc. out of Grand Rapids to provide design, plans, specifications and bidding documents for the Muskegon & Webster conversion into two way streets. The scope of services consists of new traffic signals at 7th Street as well as signal modifications at Terrace Street for a total fee of \$18,600.

Wade Trim is being recommended for four main reasons:

A- We already have a contract with them for two other projects, signal installation at Harvey and Marquette and traffic signals modifications along Laketon Ave. Corridor on with they have done an excellent job thus far.

B- Wade Trim is the engineer that assembled the conceptual plans of the

conversion and provided recommendations which have been reviewed by the downtown group and the state.

C- The proposed fee of \$18,600 is very reasonable.

D- Deadline to meet the community's desire to convert Muskegon & Webster into two way streets shortly after Labor Day of this year makes it difficult to solicit and review other proposals at this time.

FINANCIAL IMPACT: The engineering fee of \$18,600 for the design and specifications plus construction engineering at an additional 15%.

BUDGET ACTION REQUIRED: None, the cost is budgeted for.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Wade Trim Inc.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to authorize staff to enter into an engineering services agreement with Wade Trim Inc. for the Muskegon and Webster conversion into two way streets.

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

Nays: None

MOTION PASSES

C. Liquor License Transfer - D & L of Michigan, LLC, 435-441 W. Western Avenue. CITY MANAGER

SUMMARY OF REQUEST: Recommend approval to the Liquor Control Commission of a request from D & L of Michigan, LLC, to transfer ownership of the 2006 Class C Licensed Business with Dance Permit, located in escrow at 3621 Getty, Norton Shores, MI 49444, from North-Saylor, Inc.; transfer location to 435-441 W. Western Avenue, Muskegon, MI 49440, Muskegon County; cancel existing Outdoor Service (1 area); requests a new SDM License to be held in conjunction; and requests a New Entertainment Permit and New Outdoor Service (1 area).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve, final inspections are complete.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the liquor license transfer for D & L of Michigan, LLC, at 435-441 W. Western Avenue.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Davis commented on the Farmer's Market. Commissioner Spataro commended the Mayor, City Manager, City Attorney, and Public Safety Director on the handling of the Sieradzki house situation. Commissioner Shepherd commented on the Taste of Muskegon event. Commissioner Wierengo recommended a member of staff attend the Lead Conference.

PUBLIC PARTICIPATION: comments were heard reference safety at Pere Marquette and the demolition of the Sieradzki house.

ADJOURNMENT: The City Commission Meeting adjourned at 7:13 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk