

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 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, March 13, 2007.

Mayor Warmington opened the meeting with a prayer from Reverend Duane Banks from the Spring Street Missionary 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, Commissioner Clara Shepherd, Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

INTRODUCTIONS/PRESENTATION: Mayor Warmington introduced Deniz Tolga who is from our Sister City Kepez-Turkey.

2007-23 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, February 27th.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: Concur with the Community Relations Committee to approve the following:

Accept the resignation of Sonja Hernandez from the Citizen Police Review Board

Appoint Carlos Florez to the Citizen's Police Review Board

Appoint Bess Commodore to the Hospital Finance Authority

Appoint Branden J. Gemzer to the Income Tax Board of Review

Appoint Dwayne Lang and Jodi McClain to the Local Officer's Compensation Commission

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

C. Liquor License Request – 609 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Topsy Toad, Inc. for a New Outdoor Service Area. They currently have a 2006 Class C-SDM Licensed Business with Dance-Entertainment Permit and Two Bars located at 609 W. Western.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

D. Six Month Extension to Complete Reconstruction of the Home at 354 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a six month extension to allow John C. Allen time to complete the reconstruction of the home at 354 W. Muskegon Avenue. Mr. Allen purchased the property to reconstruct a historic home on the property and has completed over 75% of the exterior. The City has customarily granted extensions to parties who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Allen has worked with staff and feels that the six month extension will allow enough time for this.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution.

E. Amendment to the Policy for Sale of City-Owned Residential Property in the Historic Infill Area. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the amendment to the "Policy for Sale of City-Owned Residential Property in the Historic Infill Area". This policy is only for the area located on W. Muskegon Avenue between Fourth and Fifth Streets. There are two city owned lots left in this infill area. The amendment is to remove the sentence "Staff is further directed not to charge for city assistances with tree trimming, traffic control or police escorts when assisting with a house move to this target area." and to remove the word "also" from the sentence that followed.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the policy change at their regular meeting of February 27, 2007.

F. Consideration of Bids - Modifications to Locker Room in Police Department. ENGINEERING

SUMMARY OF REQUEST: Award the base bid portion of the contract for the police department modification to Muskegon Quality Builders, Inc. of Muskegon Heights, MI since they were the lowest responsible bidder with a bid price of \$35,400.

FINANCIAL IMPACT: The construction cost of \$35,400

BUDGET ACTION REQUIRED: None. This project was budgeted for in the 2006 CIP, however, not much of the budgeted amount was spent in 2006 and therefore the project was carried over to 2007 and will be reflected in the 1st Quarter Forecast of the 2007 budget.

STAFF RECOMMENDATION: Award the contract to Muskegon Quality Builders, Inc.

G. Contract Agreement - Lockers - The Casper Corporation. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission consider the bid for lockers for the women's locker room in the police department. The bid was submitted by The Casper Corporation of Kalamazoo, Michigan. This request is being made in conjunction with the proposed bid award for the expansion of the same locker room.

Due to the layout of the locker room, The Casper Corporation is the only vendor who could provide the style of locker (built-in locking storage and bench) that will function in conjunction with the design. Cost for the lockers as proposed by Casper is \$16,036.

FINANCIAL IMPACT: A portion of the locker costs will be paid for by the capital improvement funds designated for this project. The remaining costs (approximately \$9,000) need to be funded.

BUDGET ACTION REQUIRED: Appropriation from the contingency fund.

STAFF RECOMMENDATION: Approval of this request.

I. Nested Stormwater Agreements. PUBLIC WORKS

SUMMARY OF REQUEST: To approve the Interagency Agreements with Muskegon Public Schools, Muskegon Community College and Muskegon Area Intermediate School District for coverage under the City of Muskegon's Phase II National Pollutant Discharge Elimination System Permit to discharge stormwater and to approve the resolution authorizing the Mayor and City Clerk to sign these Agreements.

FINANCIAL IMPACT: Under these Agreements, the named school districts, all located within the City's jurisdiction, agree to participate in compliance with the Permit and to reimburse the City for a percentage of the routine costs associated with the City's compliance with the Permit.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: That the Agreements and resolution be approved.

J. Consideration of Bids - Department of Public Works Building Modifications. ENGINEERING

SUMMARY OF REQUEST: Award a heating system modification at the Department of Public Works building to Northside Heating since they were the lowest responsible bidder with a bid price of \$18,705. The scope of work shall consist of replacement of the unit heaters in the stock room area with tube heaters to save over 25% in energy usage and to reconfigure and balance the heat distribution into the offices to cutback on portable heater usage.

FINANCIAL IMPACT: The construction cost of \$18,705.

BUDGET ACTION REQUIRED: The 1st quarter forecast will be revised to include this project.

STAFF RECOMMENDATION: Award the contract to Northside Heating.

K. Request for an Encroachment Agreement. ENGINEERING

SUMMARY OF REQUEST: ESC Consulting Engineers is requesting on behalf of Federal – Mogul Corporation your permission to install two monitoring wells within the Temple Street's right of way as reflected in the application.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

L. City MDOT Agreement for Park Street Reconstruction, Hackley to Young. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Park Street from Hackley to Young and to approve the

resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is capped at \$192,000 but not to exceed 80% of eligible cost. The estimated total eligible construction cost (without engineering which is not eligible) of the project is \$240,000.

BUDGET ACTION REQUIRED: None. The Cities of Muskegon and Muskegon Heights has budgeted for their share (50% each) of the project in 2007.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus item H.

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

Nays: None

MOTION PASSES

2007-24 ITEM REMOVED FROM THE CONSENT AGENDA:

H. Change Order #1 for Central Fire Station. CITY MANAGER

SUMMARY OF REQUEST: To approve Change Order #1 for the new fire station, the majority of which is for fill sand to raise up the site. The amount needed was not yet determined at the time of the bid.

FINANCIAL IMPACT: \$40,109.65

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Change Order.

Motion by Commissioner Carter, second by Commissioner Spataro to approve Change Order #1 for Central Fire Station.

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

Nays: None

MOTION PASSES

2007-25 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate - Johnson Technology, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Johnson Technology, Inc., 2034 Latimer Drive, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2034 Latimer Drive, Muskegon. The total capital investment is approximately \$5,580,077 with \$993,077 in real property and \$4,587,294 in personal property, and includes the

addition of 25 new jobs. This request qualifies Johnson Technology, Inc. for a term of 12 years for real property and 9 years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the request for an Industrial Facilities Exemption Certificate for Johnson Technology, Inc.

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

Nays: None

MOTION PASSES

B. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinance for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 23, 2007, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the resolution.

Public comments were heard from Malachi Williams, 3031 Merriam Street, owner of Dreamers; and Michael Baker, 1150 Apple, Elks Charity Lodge.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing and adopt the resolution for the annual renewal of liquor licenses with the provisions outlined.

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

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Division Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Division Street, Laketon Avenue to Southern Avenue project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Public comments were heard from Benita Blohm, 1749 Division, against the special assessment.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing and create the special assessment district for Division Street, Laketon to Southern, and assign two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Shepherd and Vice Mayor Gawron to the Board of Assessors.

D. Create a Special Assessment District for McGraft Park Road, Addison to Glenside. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the McGraft Park Road, Addison to Glenside project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing and create the special assessment district for McGraft Park Road, Addison to Glenside.

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

and Carter

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Wierengo and Commissioner Davis to the Board of Assessors.

E. 2007-2008 Community Development Block Grant/HOME Recommendation and City Commission Preliminary Decision.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing concerning the CDBG/HOME 2007-2008 recommendation, submitted by both the administration and the Citizen's District Council. The public hearing is to obtain comments from the public in reference to the 2007-2008 CDBG/HOME allocation funding which is designated to be \$1,060,000 and \$301,760 respectively, excluding any program income and reprogrammed funding. The Commission is also asked to make their preliminary decision on what items should be funded and at what amounts. The City Commission will be asked to make their final decision on April 10, 2007. After that date, the CNS office will continue the Citizen Participation process until at least April 17, 2007. At or near that date, the City of Muskegon will request a release of funds from the U.S. Department of Housing and Urban Development.

FINANCIAL IMPACT: The 2007-2008 allocations will be based on the Commission decision.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To conduct the Public Hearing and to make preliminary allocation decision.

Public comments were heard from Leland Davis, 1148 Terrace Manor, asking how much money is being spent to fix up our housing. Community & Neighborhood Services Director, Wilmern Griffin gave an explanation.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve Citizen District Council's preliminary request for the 2007-2008 CDBG/HOME recommendation.

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

Nays: None

MOTION PASSES

2007-26 NEW BUSINESS:

A. Amendment to the 2007 Master Fee Schedule - Hartshorn Marina Boat

Slip and Mooring Rate Increase. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To amend the 2007 Marina boat slip/mooring fees. The increase is being requested due to the Michigan State Waterways Commission action that took place on February 23, 2007. The increase on average is 3.3% in both Standard Transient and Seasonal Rate Areas.

FINANCIAL IMPACT: Potential increase in slip rental revenues at Hartshorn Marina.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, to adopt the rates as required.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the amendment to the 2007 Master Fee Schedule for the Hartshorn Marina boat slip and mooring rate increase.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro asked for an update on 487 W. Clay. City Attorney John Schrier gave an update.

Commissioner Shepherd commended Frances Day and Police Officers Tim Titus and Jeremy Velik for their efforts in helping a citizen in need.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:23 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk