

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 8, 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, May 8, 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, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

2007-38 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, April 24th.

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:

Public Relations Committee: - Accept the resignation of Connolly Jenkins and appoint Duane Barnes to the committee with term expiring January 31, 2010.

Equal Opportunity Committee: - Accept the resignation of Glenn Edwards and appoint a member whose term will expire January 31, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee made the recommendations at its May 7, 2007 meeting.

C. Approval of the Use and Maintenance of City-Owned Property at 1232 Pine Street for a Garden by David O'Neal. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the use and maintenance of the City owned property located at 1232 Pine Street for a community garden. The property is an unbuildable lot and is adjacent to Mr. O'Neal's residence. The City would retain the right to sell the property with Mr. O'Neal having time to remove the garden prior to any sales. Mr. O'Neal has proposed a vegetable garden with flowers. The neighborhood residents will be involved in the garden and the maintenance with him. All gardening tools will be stored off site. There will be no permanent structures on the site. Mr. O'Neal has committed to maintaining the garden with the neighbors.

FINANCIAL IMPACT: None. By having the maintenance agreement with David O'Neal, the City would not need to maintain the property while the garden is at the location.

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.

D. Nine Month Extension to Construct a Single-Family Home at 318 Meeking Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a nine month extension to allow Mr. Juan & Mrs. Antoinette Ware to complete construction of a single-family home on Meeking Street. The original agreement between the City and Mr. & Mrs. Ware stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. & Mrs. Ware have closed on their construction loan and are working with Paul Witek Builders for the construction of their home.

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. Agreement for Engineering Services. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Cecil

Scott to provide assistant to the engineering department in the capacity of a Civil Engineer I. As you may recall, Mr. Scott worked for the City for over 37-years until retiring last month as a Civil Engineer. This short term contract, if approved, is necessary to overcome the shortage in experienced staff needed to provide construction engineering.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the City.

FINANCIAL IMPACT: Approximately \$16,000 based on estimated 800 hours of work.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Mr. Scott.

F. Altitude and Relief Valve Rebuilding. WATER FILTRATION

SUMMARY OF REQUEST: To authorize rebuilding of two altitude valves and one pressure relief valve at the Harvey Street Booster Station/Reservoir concurrently with the similar Muskegon Township valves.

FINANCIAL IMPACT: The cost to rebuild the City's three valves is \$12,500.

BUDGET ACTION REQUIRED: This activity was not specifically budgeted and will require a budget line transfer.

STAFF RECOMMENDATION: Staff recommends approval of this work by Franklin Holwerda Company.

G. Agreement with Harbor Unitarian Universalist Congregation. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To authorize the Mayor to sign a one year agreement between the City of Muskegon and Harbor Unitarian Universalist Congregation to sell Fair Trade Coffee, baked goods, tea, soft drinks, juices and bottle water at the Muskegon Farmers Market. The Church is a member of the Friends of the Market.

FINANCIAL IMPACT: None. (Harbor Unitarian Universalist Congregation will pay the City 10% of sale)

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: This is the second year agreement with the Harbor Unitarian Universalist Congregation. It is recommended that the Commission approve this request.

H. Request to Provide Matching Funds for Assistance to Firefighters Grant Proposal. DEPUTY DIRECTOR OF PUBLIC SAFETY

STAFF RECOMMENDATION: Fire Department staff is requesting approval by the

Commission to spend up to \$8000 as the ten percent matching funds for a federal Assistance to Firefighters Grant. This grant, if approved, will be used to upgrade the Department's ice rescue capability by replacing an aging hovercraft with an airboat.

FINANCIAL IMPACT: Funds for the matching portion of the grant would come from the Fire Equipment Improvement Fund. To date the Muskegon Fire Department has received approximately \$350,000 of firefighting, rescue, and safety equipment from the Assistance to Firefighters Grant Program for an investment of \$35,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

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

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

Nays: None

MOTION PASSES

2007-39 NEW BUSINESS:

A. Highway Easement for Shoreline Drive. CITY MANAGER

SUMMARY OF REQUEST: To approve the Highway Easement for Shoreline Drive with Michigan Department of Transportation (MDOT). This easement is necessary to facilitate a jurisdictional transfer of Muskegon/Webster and Shoreline Drive.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the conveyance of the Highway Easement and authorize the Mayor to sign the easement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the conveyance of the Highway Easement for Shoreline Drive and authorize the Mayor to sign the easement.

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

Nays: None

MOTION PASSES

B. Matching Grant Application Funding. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: The approval of \$5,000 as the City's part for a matching

grant from the Coastal Management Program. The City will buy 370' of portable barrier-free beach access extension decking, and local interests will provide a \$25,000 in-kind services. The Coastal Management Program will match the total with \$30,000 grant.

FINANCIAL IMPACT: \$5,000 to be solicited from local services. We may have an initial commitment of \$2,000. Should funds not become available, we will match the local share with the Equipment Fund and lease it back to the Parks.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Staff recommends approval.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the matching grant application funding.

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

Nays: None

MOTION PASSES

C. METRO Act Request from NextG Telephone Company. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Authorized the Mayor to sign the permit application submitted by NextG Networks to install, operate, and maintain fiber optic cable and associated equipment, including optical repeaters and microcellular antennas, on, over, and under the public right-of-way with the City in connection with the provisions of telecommunications services provided by NextG to its wireless operator customers.

It is requested that approval be conditioned upon City staff's satisfactory review of all documentation that are required to accompany this request.

FINANCIAL IMPACT: None. (NextG Networks paid the required \$500 permit fee.)

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the permit and authorize the Mayor to sign the document.

Motion by Vice Mayor Gawron, second by Commissioner Carter to authorize the Mayor to sign the permit application submitted by NextG Networks conditional upon City staff's satisfactory review of all documentation.

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

Nays: None

MOTION PASSES

D. Approval of Resolution to Submit Healthy Homes Lead Grant

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services Department to complete grant to the U.S. Department of Housing and Urban Development for the Healthy Homes Lead Abatement for a possible 3 million dollars.

FINANCIAL IMPACT: The City could receive up to 3 million dollars for lead abatement for homes in the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

COMMITTEE RECOMMENDATION: The City Commission approved earlier this year for the Community and Economic Development Department to work with an assigned consultant to prepare the grant.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the resolution to submit Healthy Homes Lead Grant.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro thanked Larry DeCou and staff for the new trees on Southern Avenue. Commissioner Davis stated the Farmers' Market opened Saturday. Commissioner Shepherd mentioned the passing of Craig Brown.

ADJOURNMENT: The City Commission Meeting adjourned at 5:47 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk