

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 11, 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, September 11, 2007.

Mayor Warmington offered condolences to the family of Kevin Davis. The meeting opened with a moment of silence in remembrance of 9-11, and prayer from Reverend Dennis Remenschneider from St. Paul's Episcopal 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 Sue Wierengo, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-76 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, August 28th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: 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.

C. Meter Reading Radio Equipment Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 400 Radio Transceiver units. Currently the City manually reads 2,000 residential meter pits throughout the City. This proposal is intended to begin the process of installing radio read technology in our residential meter pits. The purchase of the remaining 1600 Radio Transceivers is included in the 2008 Budget.

FINANCIAL IMPACT: Total Cost \$44,000.

BUDGET ACTION REQUIRED: None, the proposed 3rd Quarter Budget Reforecast includes funding for this purchase.

STAFF RECOMMENDATION: To approve the purchase from ETNA SUPPLY.

D. Request to Amend Encroachment Agreement #2000-112(j).
ENGINEERING

SUMMARY OF REQUEST: AMEC/CSX is requesting your permission to amend agreement #2000-112(j) to install one (1) additional monitoring well in the public right-of-way of E. Western & Marquette bringing the total to five (5) wells at that location. The request was made through an encroachment agreement form and letter.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions.

E. Engineering Services Agreement for Traffic Signals at Marquette and Harvey/Broadmoor. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Wade Trim Inc. out of Grand Rapids to perform the construction engineering services (inspection) on this federally funded project. Wade Trim's services are necessary due to lack of experienced staff's availability at this time.

FINANCIAL IMPACT: The charges will be on a per hour rate for a not to exceed of \$9,900.

BUDGET ACTION REQUIRED: None.

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

F. Appointment to the Leisure Services Board. COMMUNITY RELATIONS

SUMMARY OF REQUEST: The Muskegon Public School Board has requested that Charles Nash be named to the Leisure Services Board. The term will expire January 31, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consent Agenda as read.

**ROLL VOTE: Ayes: Wierengo, Carter, Gawron, Shepherd, Spataro, and Warmington
Nays: None**

MOTION PASSES

2007-77 PUBLIC HEARINGS:

A. 2008 Budget. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2008. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website (www.shorelinecity.com). After hearing public comments, the City Commission may take action to adopt the 2008 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2007.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2008. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2008.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2008 City of Muskegon Budget. Also, approval of the 3rd Quarter 2007 Budget Reforecast as shown in the Budget Book is recommended at this time.

The Public Hearing opened to hear and consider any comments from the public. Mr. Leland Davis, 1148 Terrace, made comments.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to close the Public Hearing and approve the 3rd Quarter 2007 Budget Reforecast and take action on the 2008 Budget at the September 25th meeting.

**ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo
Nays: None**

MOTION PASSES

**B. Create a Special Assessment District for Clay Avenue, Third to Terrace.
ENGINEERING**

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Clay Ave., Third St. to Terrace St. paving 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 since the actual construction of this project, if the district is created and the proposed 2008 budget is approved, will not take place until 2008.

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

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Father Tom Page, representing St. Mary's Catholic Church, 239 Clay, turned in their response card. Reverend Dennis Remenschneider asked for details regarding the timeline.

Motion by Commissioner Carter, second by Vice Mayor Gawron to close the Public Hearing and create the special assessment district for Clay Avenue, Third to Terrace.

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

Nays: None

MOTION PASSES

2007-78 NEW BUSINESS:

A. Certification of MERS Representatives. FINANCE

SUMMARY OF REQUEST: The MERS plan document provides that "the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member office/employees of the municipality."

FINANCIAL IMPACT: Cost of attending MERS conference in Kalamazoo estimated to be \$700 per person.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Certification of Tim Paul and John Corrigan to be the City's officer and employee delegates at the MERS annual meeting in Kalamazoo September 18-20.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to certify Tim Paul and John Corrigan to be the City's officer and employee delegates at the MERS annual meeting in Kalamazoo September 18 to 20.

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

Nays: None

MOTION PASSES

B. Consideration of Bids for Muskegon and Webster Avenues Two-Way

Conversion and Traffic Signal Upgrade (H-1623). ENGINEERING

SUMMARY OF REQUEST: Award the contract for the Muskegon and Webster Avenues' Two-Way Conversion and Traffic Signal Upgrade and Traffic Signal installation to Strain Electric Company out of Grand Rapids, MI since they were the lowest responsible bidder with a bid price of \$344,662.70.

FINANCIAL IMPACT: The construction cost of \$344,662.70.

BUDGET ACTION REQUIRED: The project was initially budgeted at \$250,000 and thus that number needs to be revised.

STAFF RECOMMENDATION: Award the contract to Strain Electric Company.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the bid for Muskegon and Webster Avenues two-way conversion and traffic signal upgrade to Strain Electric Company.

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

Nays: None

MOTION PASSES

2007-79 ANY OTHER BUSINESS: Fundraiser for Chris Jensen.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve waiving the Leisure Services fees for the fundraiser for Chris Jensen in October, 2007.

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

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk