

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 8, 2005

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, November 8, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach 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 Bill Larson, Commissioner Clara Shepherd, Lawrence Spataro, and Stephen Gawron, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

Absent: Commissioner Chris Carter and Kevin Davis (both excused).

2005-100 HONORS AND AWARDS: Public Safety Director Tony Kleibecker presented a certificate of appreciation to Mr. Lee.

2005-101 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, October 25, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Resolution for Charitable Gaming License. CITY CLERK

SUMMARY OF REQUEST: Lakeside Business Association is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. They would like to hold a raffle in connection with the Holiday's in Lakeside event on Saturday, December 3, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

C. Policy Change to "Policy for Sale of City Owned Residential Property".
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the change to the "Policy for Sale of City-Owned Residential Property" definition of "commence construction" stating that at least 75% of the dwelling be completed as opposed to 25%.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the policy change at their regular meeting of October 25, 2005.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Gawron, and Larson

Nays: None

MOTION PASSES

2005-102 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Park Street, Young Ave. to Laketon Ave. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Park Street, Young Avenue to Laketon Avenue, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$44,739.22 would be spread against the ten (10) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:38 p.m. to hear and consider any comments from the public. Comments in opposition were heard from Patty Lowe, 1922 Park.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 5:55 p.m. and spread the special assessment roll for Park Street, Young Avenue to Laketon Avenue.

ROLL VOTE: Ayes: Spataro, Warmington, Gawron, Larson, and Shepherd

Nays: None

MOTION PASSES

2005-103 NEW BUSINESS

A. Resolution for Class C Liquor License for Ciggzree Morris. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing on the request for a Class C Liquor License for Ciggzree Morris and approve the resolution. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

COMMITTEE RECOMMENDATION: The Downtown Development Authority approved the request on November 2, 2005.

Motion by Vice Mayor Larson, second by Commissioner Gawron to approve the resolution for a Class C Liquor License for Ciggzree Morris.

ROLL VOTE: Ayes: Warmington, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

B. Defined Contribution Retirement Plan for New Hires (Fire, Non-Union). FINANCE

SUMMARY OF REQUEST: The City Commission has previously approved a contract with the firefighters union that includes provision for new hires to be members of a defined contribution retirement program in lieu of membership in the defined benefit police and fire retirement system. The new fire DC plan calls for a fixed city contribution of 10% and an employee contribution of 6% of wages. Present employees may also join the DC plan on an elective basis during a window period. We are also recommending at this time implementation of a similar plan for new non-union employees. The outline of the program is the same except for lower contribution rates (6% city; 3% employee) reflecting the fact that these employees are covered by social security (fire employees are not). Approval of the resolutions and ordinance amendments is the final step in putting in place the mechanics of these new programs.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the City's annual pension costs. We are negotiating similar arrangements for other employee groups.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

Motion by Spataro, second by Gawron to approve the defined contribution retirement plan for new hires (fire, non-union).

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

C. Agreement between Nutritional Services for Older Americans, Inc. (NSOA) and the City for the Use of McGraft Park Community Building.

ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Staff recommends that the Mayor signs a one-year agreement with Nutritional Services for Older Americans, Inc. for the use of the Community Building at McGraft Park. The agreement calls for the City to provide Nutritional Services for Older Americans with the amount of \$8,317 for support staff time to offer recreation and wellness services for seniors at McGraft Park. Nutritional Services for Older Americans will in turn pay the monthly fee of \$200 for the use of the facility.

FINANCIAL IMPACT: McGraft Part: \$8,317.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to approve the agreement between Nutritional Services for Older Americans, Inc. and the City of Muskegon for the use of McGraft Park Community Building.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

D. Sale of Buildable Vacant Lot at 445 Marquette. PLANNING & ECONOMIC DEVELOPMENT

ITEM REMOVED BY STAFF REQUEST.

2005-104 **ANY OTHER BUSINESS:** Various comments were heard.

2005-105 **PUBLIC PARTICIPATION:** Bill Craner spoke reference 590 Catherine.

Motion by Commissioner Spataro, second by Vice Mayor Larson to allow Mr. Craner up until Friday, November 18, 2005, to file for a consent judgment for 590 Catherine which would include placing \$5,000 in escrow and to negotiate a timeline for completion.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:21 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk