

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 13, 2012

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, MI at 5:30 p.m., Tuesday, March 13, 2012.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Stephen Gawron 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, Willie German, Sue Wierengo, Byron Turnquist, and Eric Hood, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-15 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the February 28th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. National Bike to Work Week Proclamation. CITY CLERK

SUMMARY OF REQUEST: The City Commission is asked to adopt the proclamation supporting National Bike to Work Week May 14 through May 18, 2012.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proclamation.

C. Approval of Amendment to Norton Shores CDBG Contract with the City

of Muskegon. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the amendment to the contract for City of Norton Shores' two-year agreement with the City of Muskegon for CDBG Administration.

After an Environment Review audit by HUD, HUD has requested the agreement between the City of Norton Shores and the City of Muskegon be amended to include compliance with National Environmental Policy Act of 1969 (NEPA) and Part 58 for the Environmental Certification compliance forms.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the contract by the City of Norton Shores for the two-year agreement with the City of Muskegon for CDBG Administration to include compliance with NEPA and Part 58 for the Environmental Certification compliance forms.

COMMITTEE RECOMMENDATION: The Norton Shores City Council approved the amendment at their February 21st meeting.

D. Lakeshore Trails Improvement Fund Agreement. FINANCE

SUMMARY OF REQUEST: The Lakeshore Trails Improvement Fund was established as a small "grow-a-fund" entity at the Community Foundation several years ago using taxpayer-designated income tax refunds as seed money. The fund has now grown to a level (>\$10,000) at which it qualifies to be managed and invested as a full-fledged endowment fund by the Foundation.

The *organization endowment fund agreement* allows this transition to take place. The agreement has been reviewed by staff and the City Attorney.

FINANCIAL IMPACT: There is no immediate financial impact on the City. Longer-term, it is hoped that the fund will continue to grow and someday be used to help fund repairs and enhancements to the Trail – costs that would otherwise be borne by the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorization for the Mayor to sign the agreement.

E. Water Filtration Plant East Clarifier Solids Pump Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase a Gorman-Rupp solids pump from the lowest responsible bidder Dubois-Cooper Associates, Inc. and contract with Allied Mechanical Services, Inc. to install for a total cost of \$12,410.

FINANCIAL IMPACT: \$12,410.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to purchase a Gorman-Rupp solids pump for the Water Filtration Plant East Clarifier sump from Dubois-Cooper Associates, Inc. for \$8,010.

Enter into a contract with Allied Mechanical to install the Gorman-Rupp solids pump and remove old pump for a cost of \$4,400.

F. Solid Waste Proposal. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to begin negotiation with Republic Services (Allied Waste) on a contract extension. Republic Services submitted the letter proposing an extension to our current solid waste contract which is slated to expire at the end of 2012. Staff's recommendation will be brought back to you for consideration at a later date.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to negotiate with Republic Services a possible contract extension.

G. City - MDOT Agreement for Milling and Resurfacing of M-120 (Causeway). ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the Milling & Resurfacing of M-120 (Causeway) from US-31 BR to Northerly City Limits, and to approve the resolution authorizing the Mayor and City Clerk to sign the contracts.

FINANCIAL IMPACT: The City's required participation on this MDOT project is expected to be around \$15,800.

BUDGET ACTION REQUIRED: The City's share of \$15,800 will need to be incorporated into the 2012/2013 CIP budget.

STAFF RECOMMENDATION: Approve the resolution and authorize the Mayor and Clerk to sign the contracts as well as authorize staff to incorporate this project into the 2012/2013 budget.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as presented.

ROLL VOTE: Ayes: German, Gawron, Wierengo, Turnquist, Warmington, Hood, and Spataro

Nays: None

MOTION PASSES

2012-16 PUBLIC HEARINGS:

A. 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 Ordinances 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 22, 2012, 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.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Jen Osborn, 3125 Tule, Grand Rapids, representing CJ's on the Beach.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and adopt the resolution with the removal of Shoreline Inn from the list.

ROLL VOTE: Ayes: Gawron, Wierengo, Turnquist, Warmington, Hood, Spataro, and German

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Street lighting on Jefferson and concern of vandalism reports at Heritage Landing. Off street parking will be rescinded as of Saturday, March 17, this will be listed on NIXLE.com.

PUBLIC PARTICIPATION: Public comments received.

2012-17 CLOSED SESSION: To Discuss Attorney/Client Information.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to go into Closed Session to discuss attorney/client information.

ROLL VOTE: Ayes: Wierengo, Turnquist, Warmington, Hood, Spataro, German, and Gawron

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner German to come out of Closed Session.

ROLL VOTE: Ayes: Warmington, Hood, Spataro, German, Gawron, Wierengo,

and Turnquist

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk