

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 10, 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, April 10, 2012.

Mayor Warmington opened the meeting with a prayer from Mr. George Monroe from 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, Commissioners Sue Wierengo, Byron Turnquist, Eric Hood, Lawrence Spataro, and Willie German, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-24 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the March 27th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Fly the Norwegian Flag. CITY CLERK

SUMMARY OF REQUEST: Sons of Norway are requesting permission to fly the Norwegian Flag at City Hall on Thursday, May 17th in honor of Norway's Constitution Day (Independence Day).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

C. Memorandum of Understanding – Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the FY 2012 Justice Assistance Grant. It is further requested that the Mayor be authorized to sign the Memorandum of Understanding. Note that time is of the essence as this grant requires a 30 day governing body review period before the grant submission and the grant deadline is May 14.

Although the Bureau of Justice Assistance has designated us as being in a disparate funding situation due to the County providing more than 50% of the jail facilities, our proposal is to keep the allocations exactly as they initially came down from the BJA which is as follows: County of Muskegon \$0; City of Muskegon \$28,513 and City of Muskegon Heights \$17,561. Note that BJA uses crime data versus population in making these allocation decisions.

The City of Muskegon portion is planned to be used in continuation of the manner in which the previous year's JAG funding was used which is for the prosecution of city ordinance cases dealing primarily with neighborhood issues. A prosecutor was hired specifically for this under a previous fiscal year JAG Grant.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

D. Great Lakes Comnet – METRO Act Permit. ENGINEERING

SUMMARY OF REQUEST: Approve the permit for Great Lakes Comnet to install a fiber optic network within the City's right of way and authorize the Mayor and Clerk to sign said permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the permit and sign the documents.

E. MUFD Equipment Request – Turnout Gear. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of \$19,048.56 for (12) twelve sets of turnout gear for part time fire fighters who have/will be in-service by June of 2012. The department recently hired (6) six firefighters who are now in fire training, the other (6) six will be activated on/before June 2012. The safety equipment is personalized to each firefighter and will be issued at the time received. The turnout gear per set (\$1,587.38), quote thru 04/26/12, sole source vendor (Douglass Safety Systems LLC).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: Equipment was budgeted for in the 2011/12 budget cycle to support the hire of part time firefighters.

STAFF RECOMMENDATION: Approval of this purchase request.

F. Veterans Memorial Park Transportation Project. CITY MANAGER

SUMMARY OF REQUEST: To approve funding for a transportation improvement project for Veterans Memorial Park.

FINANCIAL IMPACT: Up to \$12,000 cost to the City.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve funding up to \$12,000 for the project and authorize the City to act as the fiduciary for the project.

COMMITTEE RECOMMENDATION: The Veterans Memorial Park Committee recommends approval.

G. Next Michigan – Interlocal Agreement for the West Michigan Economic Development Partnership. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The “Interlocal Agreement for the West Michigan Economic Development Partnership” (Muskegon and Kent counties) has been prepared and reviewed by the staff and attorneys for all participating jurisdictions. Approval of the “Agreement” by all entities will allow us to apply for a Next Michigan status. The County of Muskegon approved the “Agreement” at their meeting on March 22.

FINANCIAL IMPACT: None at this time. However, if we are approved for Next Michigan status, board members will be appointed from each jurisdiction. The Board will then develop a budget, with funding coming from each entity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the “Agreement” and authorize the Mayor and Clerk to sign.

H. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS

SUMMARY OF REQUEST: Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company

Award bid to supply road slag to Verplank Trucking Company

Award bid to supply Sylvax patching material to Asphalt Paving

Award bid for crack sealant to Sherwin Industries, Inc.

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc.

Award bid to supply screened top soil to Accurate Excavators

Award bid to supply 2NS sand to Jackson-Merkey Contractors, Inc.

Award bid to supply 7-sack mix concrete to Port City Redi-Mix

Award supply of Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride

FINANCIAL IMPACT: \$414,993.50 based on quantities requested in bid at 2012 quotes.

BUDGET ACTION REQUIRED: None, funds appropriated in several budgets.

STAFF RECOMMENDATION: Approval of bids as outlined in Summary of Request.

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

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

Nays: None

MOTION PASSES

2012-25 PUBLIC HEARINGS:

A. 2012 – 2013 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing of the 2012-2013 Action Plan for public comments.

FINANCIAL IMPACT: Action Plan establishes the 2012-2013 Community Development Block Grant and HOME budgets.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To receive comments about the proposed 2012-2013 Action Plan at the public Commission meeting.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to close the Public Hearing and receive comments of the proposed 2012-2013 Action Plan.

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

Nays: None

MOTION PASSES

2012-26 NEW BUSINESS:

A. Revolving Loan Fund (RLF) Loan with Great Lakes Die Cast. CITY
MANAGER

SUMMARY OF REQUEST: To approve a request to discount a Revolving Loan Fund loan with Great Lakes Die Cast. A loan of \$30,000 was made in 2009 and approximately \$16,600 is the current balance. Closing out the loan would allow the company to refinance some current debt and enable the City to receive \$10,000 as payment-in-full for the remaining City loan, rather than waiting to receive the remaining payments over time.

FINANCIAL IMPACT: Reduction of the remaining balance to \$10,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To discount the loan to \$10,000 as payment-in-full and authorize City staff to execute necessary documents to close out the loan.

Motion by Commissioner Spataro, second by Commissioner Wierengo to discount the loan to Great Lakes Die Cast to \$10,000 as payment in full and authorize City staff to execute the necessary documents to close out the loan.

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

Nays: None

MOTION PASSES

B. Master Contract for the Muskegon County Wastewater System. CITY
MANAGER

SUMMARY OF REQUEST: To make determinations relative to the Master Contract for the Muskegon County Wastewater System and the billing overpayment issue.

On November 9, 2010, the City Commission took the following action on the proposed Master Contract for the Muskegon County Wastewater System:

NOW, THEREFORE, BE IT RESOLVED, that the Muskegon City Commission approves the proposed Master Contract for the Muskegon County Wastewater System contingent upon installation and use of the meters for billing purposes and resolution of the overpayment issue, in the City Manager's opinion and after notice to the City Commission, and authorizes the Mayor and Clerk to sign the Master Contract for the Muskegon County Wastewater System after the City Manager informs the City Commission that the meters have been installed and being used for billing purposes and a resolution of the overpayment for wastewater service has been reached.

The installation of the meters has occurred and the meters are in use. However, in the opinion of the City Manager, a resolution of the overpayment issue has not been achieved after more than a year of attempts.

FINANCIAL IMPACT: The City believes it should be reimbursed approximately \$802,308.62.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Based on the foregoing, it is recommended that the Muskegon City Commission hereby determines the following:

1. Impasse has been reached in the overpayment for wastewater service issue.
2. The City will not execute the Master Contract for the Muskegon County Wastewater System until the City receives appropriate reimbursement for overpayment for wastewater service.
3. City staff is directed to explore alternate long-term wastewater system options for the City.
4. City staff is directed to convey to Muskegon County the measures the City intends to take.

Motion by Vice Mayor Gawron, second by Commissioner Turnquist to direct City staff to convey to Muskegon County the measures the City intends to take.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:15 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk