

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 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, August 14, 2012.

Mayor Gawron opened the meeting with a prayer from Pastor Marcy Miller from the Samuel Lutheran 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 Gawron, Vice Mayor Lawrence Spataro, Commissioners Eric Hood, Willie German, Sue Wierengo, Byron Turnquist, and Lea Markowski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-61 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the July 23rd Special Commission Meeting and the July 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Water Treatment Plant Sluice Gate Repair. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Northwest Kent Mechanical Co. to repair the clearwell sluice gate for a cost of \$10,600.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To contract with the lowest responsible bidder, Northwest Kent Mechanical Co. at cost of \$10,600, for repair of the Water Treatment Plant clearwell #2 sluice gate.

D. Engineering Services Agreement for Environmental Reports.

ENGINEERING

SUMMARY OF REQUEST: Accept the proposal from Westshore Engineering to prepare the necessary closing documents for the Public Service Building and Hartshorne Marina to get both locations off of the open Leaking Underground Storage Tank sites. The proposed costs are: \$8,710 for the Public Service Building and \$14,560 for the Marina site.

FINANCIAL IMPACT: The total cost of \$23,270.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Accept proposal from Westshore Engineering for \$23,270 to prepare the closing reports.

E. Purchase of Concrete Saw. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase Husqvarna FS 4800 walk behind concrete saw from J&J Farms who submitted the lowest bid.

FINANCIAL IMPACT: \$21,954.

BUDGET ACTION REQUIRED: None, the amount is under what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase new concrete saw from J&J Farms who was the lowest responsible bidder.

F. Liquor License Request from Muskegon Nights, Inc., 939 Third Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Nights, Inc., 939 Third Street to transfer shares of stock to new stockholder.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

G. Grant Application for Fisherman's Landing. FINANCE

SUMMARY OF REQUEST: The City is seeking this grant from the Great Lakes Fisheries Trust (GLFT) for Fisherman's Landing for the purpose of: a) renovating badly deteriorated restroom facilities to comply with ADA standards and, b) providing increased opportunities for bikers, trail users and the general public to more fully utilize the facility by adding a handicap chair lift, make needed launch ramp repairs, trail spur and other amenities. (A fishing pier was in the original grant application but later removed.)

The restrooms at Fisherman's Landing were cited in a Department of Justice ADA audit conducted in 2008. The City has since entered into a settlement agreement with DOJ to remedy these audit findings over time.

FINANCIAL IMPACT: The total project cost is estimated to be \$200,000. There is no required local match.

BUDGET ACTION REQUIRED: If the City is awarded the GLFT grant, it will be programmed into the 2013-14 budget.

STAFF RECOMMENDATION: Approval.

H. Lakeshore Museum Loan Agreement (LaFrance Fire Truck). PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the Lake Shore Museum Center Loan Agreement relating to the 1923 American LaFrance Fire Truck with attached equipment.

Currently, the LaFrance is on display at the Fire House Museum (Clay St.). Curator of Collections (Sharon McCullar) is requesting the City consider authorizing five additional years in which the LaFrance Fire Truck would remain on loan to the Museum for the enjoyment of the community at large.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this extended loan agreement.

I. 2012-2013 Muskegon High School Community Officer Agreement. PUBLIC SAFETY

SUMMARY OF REQUEST: To approve the 2012-2013 Muskegon High School Community Officer Agreement. This agreement provides Muskegon High School with a Community Officer during the nine months school is in session.

FINANCIAL IMPACT: Muskegon Public Schools agrees to pay the City of Muskegon \$2,121.80 each month, from September 2012 through May 2013.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the 2012-2013 Muskegon High School Community Officer Agreement.

J. New Cingular Wireless Second Amended Tower Lease Agreement. PUBLIC WORKS

SUMMARY OF REQUEST: New Cingular Wireless PCS, LLC a Delaware Corporation and the Department of Public Works have been in negotiations to amend section one of the First Amendment to the 1998 Lease Agreement for the Nims and Marshall Street Water Towers. The Second Amendment would increase the current monthly rent, for two sites, from \$4,884.48 per month to \$7,326.36 per month.

The Second Amended lease would allow New Cingular Wireless to install on

each water tower up to a total of nine antennas, three additional antennas from the current number of six.

FINANCIAL IMPACT: Monthly rental will increase to \$7,326.36 per month effective upon the installation of the three additional antennas per site which is expected to be October 1, 2012. Monthly rental amounts to be escalated at the rate of 3% annually.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Second Amendment to the 1998 Lease Agreement and to authorize the Mayor and Clerk to sign.

K. Local Officer's Compensation Commission. CITY CLERK

SUMMARY OF REQUEST: Willie German, Jr. stepped down from the Local Officer's Compensation Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee approved this request at their August 13th Meeting.

Motion by Commissioner German, second by Vice Mayor Spataro to approve the Consent Agenda minus item B.

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

Nays: None

MOTION PASSES

2012-62 ITEM REMOVED FROM THE CONSENT AGENDA:

B. Non-Discrimination Resolution. CITY MANAGER

SUMMARY OF REQUEST: To approve a resolution prohibiting discrimination on the basis of sexual orientation or gender identity.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to adopt the Non-Discrimination Resolution as presented.

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

Nays: None

MOTION PASSES

2012-63 NEW BUSINESS:

A. Sale of 2265 Lincoln Street. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the sale of 2265 Lincoln Street to Lindsey J. Dutkiewicz for the purchase price of \$45,000 through the City of Muskegon's Homebuyer Program.

Originally obtained through HUD's \$1 Program, the CNS department totally rehabilitated the structure to continue neighborhood revitalization and stabilization.

FINANCIAL IMPACT: The program income obtained from the sale will be used to continue affordable housing projects in the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to sell this home and provide a resolution for the purchase.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the sale of 2265 Lincoln Street to Lindsey J. Dutkiewicz.

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

Nays: None

MOTION PASSES

B. Water Supply Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a water supply agreement with the City of North Muskegon, City of Roosevelt Park, and County of Muskegon. This action will create a single agreement for the City of Muskegon to supply water to these customers at a uniform rate.

FINANCIAL IMPACT: May be a minor loss in revenue initially, but the agreement will provide long-term financial stability.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign it.

Motion by Commissioner Hood, second by Commissioner Wierengo to approve the water supply agreement with the City of North Muskegon, City of Roosevelt Park, and County of Muskegon.

ROLL VOTE: Ayes: Wierengo, Turnquist, Markowski, Gawron, Hood, Spataro, and

German

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

2012-64 CLOSED SESSION: Attorney/Client Communication.

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

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

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Hood to come out of Closed Session.

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

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Hood to reject the citizen driven petition language to change the zoning at 2400 Lakeshore Drive, a.k.a. Sappi and Melching from General Industrial to Waterfront Marine. By Charter the language shall be forwarded to the County Clerk to be placed on the November 6, 2012 ballot.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Markowski, Gawron, and Hood

Nays: Turnquist

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:42 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk