CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 13, 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, December 13, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from Oak-Crest Church of God 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 Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-114 HONORS AND AWARDS:

A. <u>2005 Employee Service Awards.</u> CIVIL SERVICE

The Civil Service Commission Vice President, Mayor and Commission recognized the employees for their years of service.

B. <u>Recognize Volunteers on the Various City Boards/Committees/ Commissions.</u> MAYOR AND CITY COMMISSION

The Mayor and Commission thanked the volunteers for their time and hard work.

2005-115 CONSENT AGENDA:

A. <u>Approval of Minutes</u>. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, November 22, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

C. <u>Agreement Between Muskegon Police Department and Muskegon Township Police Department.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City enter into an agreement with Muskegon Township which would allow Muskegon Police armorers to inspect and repair firearms currently used by Muskegon Township officers. This is a one-time request by the Muskegon Township Police Chief. This request involves approximately 15 weapons.

FINANCIAL IMPACT: Any needed parts will be paid for by Muskegon Township. As we are currently involved in our 2005 annual firearms inspection, this request will not have any adverse effect on our armorers.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

D. Nims Street Tank Painting. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to re-enter into an engineering services agreement with Nelson Tank Engineering & Consulting out of Lansing for a not-to-exceed cost of $20,330. The scope of services includes revising the contract documents that were prepared in 2004, construction management, and daily inspection should the project be awarded. Nelson Tank was originally awarded this project back in April of 2004 and subsequently prepared the bid documents. Unfortunately, the bids were rejected due to limited funds.

In 2004, two proposals were evaluated: Nelson's was for $20,175 of which $1,700 was spent back then to prepare the specifications, and Dixon Engineering out of Lake Odessa who submitted a very similar proposal with a not-to-exceed price of $21,987.50.

FINANCIAL IMPACT: The cost for engineering services (Contract specifications & Inspection) of $20,175.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to re-enter into an engineering services agreement with Nelson Tank Engineering & Consulting.

E. Liquor License Request to Transfer Co-Licensee – City Café. CITY CLERK

SUMMARY OF REQUEST: We have been notified by the Liquor Control Commission that the resolution that was presented to you on September 27, 2005, was worded incorrectly. PKT Twelve, Inc. is requesting to drop Ashley-Chandler, Ltd. as the co-licensee and add Iordache holdings, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the corrected resolution.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the Consent Agenda as presented with the exception of item B.

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

Nays: None

MOTION PASSES

2005-116 ITEM REMOVED FROM THE CONSENT AGENDA:

B. <u>Policy for Sale of City-Owned Residential Property in the Historic Infill Area.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the "Policy for Sale of City-Owned Residential Property in the Historic Infill Area". This policy is an elaboration of the Resolution to Create an Historic Home Infill Program that was approved by the City Commission in 2003. This policy is only for the area located on W. Muskegon Avenue between Fourth and Fifth Streets. The City had already sold two of the properties in this area for infill. There has been some interest for new construction. This policy addresses new construction as well as moving a historic home into the district. The only incentive anyone would be able to get in this area would be a Neighborhood Enterprise Zone Certificate for the new construction. The policy was designed incorporating our Policy for Sale of City-Owned Residential Property and the Historic District Design Guidelines for New Construction.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Carter, second by Commissioner Spataro to approve the policy for sale of City-owned residential property in the Historic Infill Area.

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

Nays: None

MOTION PASSES

2005-117 NEW BUSINESS:

A. <u>2006 User Fee Update.</u> FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution for your consideration. New fees and fee changes proposed for 2006 include the following:

- Restructuring of various cemetery service fees to reflect operational changes and to spark demand for certain services such as columbarium niches;

- Changes in certain Clerk Office fees to improve consistency;
- Increase in senior transit fee;
- Changes to cat license fees to make them consistent with County dog license fees;
- Increases in certain building permit fee categories;
- Slight increases in some Marina fees;
- New park fees for sports field preparation and reserved use of tennis courts;
- Administrative cleanup of certain obsolete fees

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the 2006 Master Fee Resolution will help the City attain its 2006 budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Larson, second by Commissioner Carter to approve the 2006 user fee update.

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

Nays: None

MOTION PASSES

B. 2006 Salary Schedule and Fringe Benefits for Non-Represented Employees and the 2006 Salary Schedule for Part-Time and Limited-Term Employees. CITY MANAGER

SUMMARY OF REQUEST:

1) To establish the 2006 salary ranges for part-time and limited-term employees;
2) To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional, and supervisory employees for 2006 (2.0% increase);
3) Increase Sunday and Holiday pay from 1.50 to 2 times rate of pay for non-union employees eligible for overtime pay;
4) Adopt a pay policy for non-represented employees.

FINANCIAL IMPACT:

1) Minimal. There are minor changes to steps and pay grades.

2) The salary increases will cost approximately $52,000 plus approximately $13,000 in added fringe benefit costs.

3) Minimal additional cost.

4) Minimal, if any, additional cost.

BUDGET ACTION REQUIRED: To authorize the necessary 2006 budgetary amendments and transfer of money from the affected City funds (Contingency Account for General Fund) to the appropriate salary and fringe benefit accounts to accommodate the salary increases and fringe benefit adjustments.

STAFF RECOMMENDATION:

1) To approve the proposed 2006 salary ranges for part-time and limited-term employees;

2) To approve and adopt the proposed 2006 salary ranges, salary schedules, and fringe benefit changes for non-represented employees;

3) To adopt a pay policy for non-represented employees.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the 2006 salary schedule and fringe benefits for non-represented employees and the 2006 salary schedule for part-time and limited-term employees.

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

Nays: None

MOTION PASSES

C. <u>Hartshorn Marina Renovation Project – Re-bid.</u> ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve an agreement with Great Lakes Dock & Material for construction and improvements of Phase III marina renovations.

FINANCIAL IMPACT: $958,382 with the MDNR providing a 50% match. The project funding source is a $1 Million grant from the State of Michigan Department of Natural Resources (MDNR) with an equivalent City of Muskegon match of $1 Million. The remaining money is expected to be used towards other marina related enhancements.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

Motion by Vice Mayor Larson, second by Commissioner Gawron to award the contract to Great Lakes Dock & Material for the reconstruction of Hartshorn Marina.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and

Spataro

Nays: None

MOTION PASSES

D. <u>30" Clearwell Valve Operators and Stems Replacement.</u> WATER FILTRATION PLANT

SUMMARY OF REQUEST: Endorse Contractor replacement of the 30" clearwell valve operators and stems by Franklin-Holwerda Company and Solomon Diving, Inc.

FINANCIAL IMPACT: Total cost of $31,460 from the water fund ($21,800 for Franklin-Holwerda Company and $9,660 for Solomon Diving, Inc.).

BUDGET ACTION REQUIRED: Applied to the 2006 Water Filtration Plant budget and to be reflected in the quarterly budget reforecast.

STAFF RECOMMENDATION: Recommend the Mayor and Commissioners endorse contracting the valve operator and stem replacement with Franklin-Holwerda Company and Solomon Diving, Inc.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the 30" clearwell valve operators and stems replacement contract and award to Franklin-Holwerda Company and Solomon Diving, Inc.

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

Nays: None

MOTION PASSES

E. <u>Contract with Architect Hooker DeJong and Cole & Russell.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: Staff is requesting that you accept the final negotiated fee of 7.5% of construction costs for the design of the new Central Fire Station. This fee now includes not only design preparation but also bidding and construction administration phase work. A draft contract is being finalized by the City Attorney. We also request that you authorize the City Attorney to approve the final contract language.

FINANCIAL IMPACT: As stated, the fee will be 7.5% of construction costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the request and authorize the Mayor and City Clerk to sign the contract when approved by the City Attorney.

Motion by Commissioner Shepherd, second by Vice Mayor Larson to approve the contract with architect Hooker DeJong and Cole & Russell.

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

Nays: None

MOTION PASSES

F. <u>Additional Landscaping Along Shoreline Drive.</u> ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Double L Enterprise Inc. out of Montague to install/plant additional landscaping along Shoreline Drive between Western Avenue and Ottawa Street.

FINANCIAL IMPACT: The cost of planting ($112,970.47) plus minor architectural fee to stake the flower beds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Waive irregularities in the bids resulting from omission and errors on Double L's bid and authorize staff to enter into a contract with Double L since they are willing to honor their bid with the omission of bid item number 9 and the corrected total of item number 23.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the additional landscaping along Shoreline Drive and waive irregularities in the bids resulting from omission and errors on Double L's bid and authorize staff to enter into a contract.

ROLL VOTE: Ayes: Spataro, Carter, Davis, and Gawron

Nays: Warmington, Larson, and Shepherd

MOTION PASSES

2005-118 ANY OTHER BUSINESS: Mayor Warmington, on behalf of the City Commission and citizens of Muskegon, thanked Vice Mayor Larson for his four years of service.

2005-119 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Spataro, second by Commissioner Carter to go into Closed Session at 6:13 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Commissioner Spataro to come out of Closed Session at 6:28 p.m.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the City Attorney's recommendation.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:29 p.m.

Respectfully submitted,

Gail A. Kundinger, MMC
City Clerk