

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 9, 2014

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, December 9, 2014.

Mayor Gawron opened the meeting with 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 Willie German, Byron Turnquist, Ken Johnson, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Dan Rinsema-Sybenga (arrived at 5:43 p.m.)

2014-95 HONORS AND AWARDS:

A. Employee Years of Service Awards.

Mayor Gawron, City Commissioners, and City Manager Franklin Peterson presented the 2014 Service Awards to the City employees thanking them for their years of service.

2014-96 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the November 25th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Deny & Accept Properties That Did Not Sell During the Tax Sale for 2014. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon held two delinquent tax

auctions during 2014. There were seventy-eight properties left after the last auction. According to the State's tax foreclosure laws, the City must state that they are not interested in obtaining them, otherwise the City will automatically receive ownership of the parcels. From the list that was provided, Planning and Community & Neighborhood Services have gone over the parcels to determine which ones to accept.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny and accept certain parcels and authorize both the Mayor and the Clerk to sign said resolution.

C. Bloomberg Philanthropies Public Art Challenge. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Public Art Challenge is a new program to support temporary public art projects that can transform civil spaces and drive economic development. Project submittals must formally be submitted by cities, through their mayors, although communities must demonstrate collaboration between artists, arts organizations, city government and others. As the timeline for submittal for the project overview is December 15, a collaboration is being formed between the Cities of Muskegon, Muskegon Heights, Norton Shores, Roosevelt Park, North Muskegon, the County (with the County Grants Administrator acting as project coordinator and grant writer), the MAISD, the Community Foundation, the Muskegon Museum of Art, the Muskegon Art Festival and the downtown Arts Committee. The proposal will include the Lyman Davis sculpture, as well as school research and writing projects tied to Muskegon's port history, design and creation of small ship replicas to place throughout downtown and neighborhood art. The details of the project will be formulated further if we are asked to submit a full proposal.

FINANCIAL IMPACT: If approved, the City of Muskegon will receive up to \$1 million over two years for the project.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the project submittal by December 15, 2014.

D. City – MDOT Agreement for the Resurfacing of US31 BR from Sherman to Shoreline Drive. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the resurfacing of US-31 BR (Seaway Dr.) from Sherman to Shoreline Dr. and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: The City's participation is limited to 8.75% of the state's share as required by ACT 51 which is estimated at \$65,900.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution authorizing the Mayor and Clerk to sign both.

E. Approval of the Fair Housing Agreement with Muskegon County.
COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: the cities of Muskegon, Muskegon Heights, Norton Shores and the County of Muskegon are entering into an agreement with the Fair Housing Center of West Michigan to conduct fair housing testing in the County of Muskegon per the recommendation of the 2009 Analysis of Impediments Report. This agreement will be for 2015 and 2016.

FINANCIAL IMPACT: Based on population, the City of Muskegon will pay \$4,500 per year of the \$15,000 annual cost.

BUDGET ACTION REQUIRED: None.

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

F. Approval of the Settlement Agreement with COAM. CITY MANAGER

SUMMARY OF REQUEST: The City and COAM have tentatively settled the 2015-18 collective bargaining agreement. The City Commission is requested to approve the negotiated tentative agreement with the POLC Unit. This agreement has been ratified by the bargaining unit.

Key points of the agreement are as follows:

1. Agreement term from January 1, 2015 to December 31, 2018.
2. Increases of 1%, 1%, 1.5%, and 0%
3. Lump sum payments of \$600, \$0, \$600, and \$1,500.
4. Creation of a field training officer compensation program that applies to all unit members. It would be equal to ½% of the one (1) year sergeant's pay.
5. Changes to comp-time that limit the amount an employee can accrue in a calendar year to 110 hours.
6. Changes to the way holidays are administered in the unit.
7. Changes to the way the City's HMO plan is administered.
8. Changes to the way workers compensation is administered in the unit.

FINANCIAL IMPACT: Approximately \$25,000 in the first year; \$14,000 in the second year, \$32,000 in the third year, and \$28,000 in the fourth year.

BUDGET ACTION REQUIRED: None.

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

G. 2015 Salary Schedule and Fringe Benefits for Non-Represented Employees. CITY MANAGER

SUMMARY OF REQUEST: To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional, and supervisory employees for 2015. For Ranges 1 to 5, the increase is 1%. For all other ranges, the proposed increase is 1.5%. Employees in ranges 1 to 5 would also receive a one-time stipend of \$500 to accept as a deposit into either a city deferred compensation plan or a city health care savings plan (the stipend could be accepted as cash, but would be reduced to \$250).

FINANCIAL IMPACT: The salary increases will cost approximately \$34,000 annually plus approximately \$7,600 annually in fringe benefits.

BUDGET ACTION REQUIRED: To authorize the necessary 2015 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: To approve and adopt the proposed salary ranges, salary schedules, and fringe benefit changes for non-represented employees for 2015.

H. Farmers' Market - Fifth Amendment to Purchase Agreement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City is waiting for the contractor's lien period on the Farmers' Market to expire, so the property can be transferred from the DMDC to the City free of any claims. This is taking longer than anticipated. Therefore, a Fifth Amendment to the Purchase Agreement is recommended to extend the closing date. The Amendment allows for continued operation of the Farmers' Market prior to the official closing on the property, with the City "fully responsible for any and all liability related to operating the farmers' market" during that time. The Closing is moved to December 30, 2015 or before. Meanwhile, the City is working with the County Assessor on alternatives to lower the taxable value on the property while it is in this transition period.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Fifth Amendment to Purchase Agreement" and authorize the City Manager's signature.

I. Community Relations Committee Recommendation. CITY CLERK

SUMMARY OF REQUEST: To concur with recommendation from the Community Relations Committee to appoint Kevin Huss to the Civil Service Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the recommendation of the Community Relations Committee from their December 8, 2014, meeting to appoint Kevin Huss to the Civil Service Commission.

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

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood.

Nays: None

MOTION PASSES

2014-97 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – AFI Real Estate. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Real Estate, 1920 Port City Blvd., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$640,000 in real property and will create up to twenty (20) jobs. This qualifies them for a tax abatement of twelve (12) years.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for personal property.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Doris Rucks, 348 Cross Avenue.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro to close the Public Hearing and adopt the Industrial Facilities Exemption Certificate.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

2014-98 NEW BUSINESS:

A. Local Parking Restrictions. PUBLIC SAFETY

The Director of Public Safety requests that the City Commission review and authorize the proposed amendment to Chapter 92; Article V., subsections 71-72-73 of the City of Muskegon Ordinance as it relates to parking restrictions, snow emergency declaration, and parking violations bureau.

Sec. 92-71; is an inclusive list of “*parking restriction*” that could be enforced within the city limits of Muskegon, which includes “*winter parking ban*”, and allowances to park on the “*terrace*” at specified times of the year.

Sec. 92-72; is a “*snow emergency declaration*” which would be enacted at the request of the Mayor (designee) to clear the public streets if snow or other winter precipitation was significant and/or impeded safe travel upon the city streets.

Sec. 92-73; is a “*parking violations bureau – minimum parking fines*”, the fine schedule (*graduated system with set levels*) was aligned with the city ordinance parking restrictions to specify the level of fine(s) associated with the specific parking violations within sec. 92-71.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approving this ordinance amendment as written.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to approve the amendments to the local parking restrictions as described.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

B. 2015 User Fee Update. 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.

The new fees and fee changes that are being proposed are highlighted on the spreadsheet and include the following:

- Modification to Cemeteries opening (cremation) fee for non-residents of the City and elimination of other Cemeteries opening (cremation) and family tree search fees to simplify the fee schedule;
- New fee added in the Clerk’s Office for liquor license renewal after February 28 and the ordinance book fee has been eliminated;
- New fee added by DPW for use of bike path for organized events and new fee for wide load permit;

- Increased fee for wedding reservations in/on City parks/beaches;
- Reduction in the late fee for non-payment of rental registration annual fee;
- Modifications to the Farmers' Market daily fees following the first season of operating the new market,;
- New fees added for license to purchase applications to be processed by the Police Department and court or probation ordered preliminary breath tests to be performed;
- Marina added new fees for shoppers docks and cost to move catamaran post, commercial launch ramp permit, trailer storage and end of season late removal fees have been adjusted;
- Fees for installation of water or sewer stub line to property line have been increased as these fees have not changed in many years;
- New fee added for thawing water/sewer line after the first free visit each season and new fee for TV sewer lateral;
- Additions and changes to some Zoning fees to fall in line with other municipalities and to better reflect costs.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

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

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Hood, second by Vice Mayor Spataro to approve the User Fee update.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

C. Neighbor-to-Neighbor Policy. CITY MANAGER

SUMMARY OF REQUEST: A policy has been drafted to encourage our employees to participate in volunteer activities by providing flexibility in work schedules, paid leave opportunities, and bonuses for meeting certain community volunteering goals.

Employees will be encouraged to increase their involvement in the community by mentoring youth, organizing food drives, helping neighborhoods, etc. The City Manager will give final approval of events or organizations that qualify under this program. A list of programs currently approved will be provided to employees but will be added to and updated on a regular basis.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the policy as submitted and give authorization to the City Manager to select qualified programs.

Motion by Commissioner Hood, second by Commissioner Johnson to approve the Neighbor-to Neighbor Policy as submitted and give authorization to the City Manager to select qualified programs.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: Turnquist

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk