

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 8, 2013

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, October 8, 2013.

Mayor Gawron opened the meeting with a prayer from Bishop Nathaniel Wells, Jr. from the Holy Trinity 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, Lea Markowski, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Sue Wierengo.

2013-83 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Policy Change to "Policy for Sale of City-Owned Residential Property". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the changes to the "Policy for Sale of City-Owned Residential Property" to remove the reference of the Land Reutilization Committee (LRC) from the policy on pages three and four as this committee no longer exists. Plus the removal of "whether appealed or not" on page four.

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.

C. Sale of the Property at 1035 E. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable, industrial zoned lot at 1035 E. Laketon to Newkirk Electric at 1875 Roberts Street. The property is 2.6 acres and has 116 feet of frontage on Laketon Avenue. The company will utilize this space for storage and it will allow them to combine with their other property at 1975 Vulcan Street.

FINANCIAL IMPACT: Staff recommends a sale price of \$29,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval and signature of the purchase agreement, resolution and deed.

D. Approval of Building Contract for 2169 Hudson. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To award the Building Contract for the construction of a new home located at 2169 Hudson Street to Holden Construction, in the amount of \$112,800, for the City of Muskegon's Homebuyers Program through CNS.

CNS received three bids and the cost estimate from our spec writer was \$140,300.

FINANCIAL IMPACT: The funding for this project has been secured through the HOME program 2013 grant allocation.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To award Holden Construction the contract for the construction of 2169 Hudson Street, in the amount of \$112,800, for the Community and Neighborhood Services Department.

E. Community Relations Committee. CITY CLERK

SUMMARY OF REQUEST: To accept the recommendations from the Community Relations Committee made at the meeting held on October 7, 2013 as follows:

Accept resignations of LeighAnn Mikesell and William Parker from the Planning Commission.

Accept appointments of Bryon Mazade to the Board of Review as Citizen; Kim Burr to the Citizen's District Council Commission as Citizen representing Ward 3; Kim Burr to the Local Development Finance Authority as Citizen/Interest in District; Virgie Jackson to the Local Officer's Compensation Commission as Citizen; and Bryon Mazade and Steve Wisneski to the Planning Commission as Citizens.

Accept the removal of Lori Rasmussen from the Citizen's District Council.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Community Relations Committee recommendations.

Motion by Commissioner Hood, second by Commissioner German to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2013-84 NEW BUSINESS:

A. Police Cruisers. PUBLIC WORKS

SUMMARY OF REQUEST: Rescind your authorization for staff to purchase the six Chevy Caprice cruisers from Betten Chevrolet for \$167,003.16 which was granted on September 24, 2013. Betten notified staff on September 30 that a mistake was made when submitting the bid using a 2013 module rather than the 2014 requested. Betten's revised figure on the 2014 caprices is \$169,003.16, an increase of \$2,000.

Furthermore, it is requested that staff be authorized to purchase the six cruisers from Shaheen Chevy, the state's dealer, who submitted the low bid of \$166,608 originally which he is willing to honor.

FINANCIAL IMPACT: A total of \$166,608.

BUDGET ACTION REQUIRED: None since the proposed purchase is within the budgeted amount.

STAFF RECOMMENDATION: Rescind prior authorization of September 24, 2013 and authorize staff to purchase the six cruisers from Shaheen instead for \$166,608.

Motion by Commissioner Markowski, second by Commissioner Hood to rescind prior authorization of September 24, 2013, and authorize staff to purchase the six cruisers from Berger Chevrolet of Grand Rapids for \$166,608.

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

Nays: None

MOTION PASSES

B. Water and Sewer Connection Fees for Farmers Market. CITY MANAGER

SUMMARY OF REQUEST: To waive the water and sewer connection fees and water meters cost for the new Farmers Market.

FINANCIAL IMPACT: \$27,200 for the water and sewer connection fees and \$2,900 for two meters.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Turnquist, second by Vice Mayor Spataro to waive the water and sewer connection fees and water meters cost for the new Farmers Market.

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

Nays: None

MOTION PASSES

C. City Commission to Petition LCC to Revoke Elk's Club License. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and consider petitioning the Michigan Liquor Commission to revoke, suspend or amend the Elk's Charity Lodge "Club Liquor License", through a hearing process.

The Elk's Charity Lodge has been involved in many violent incidents over the past several years, with the last being a mass shooting incident that claimed the lives of three individuals and wounded four others. Other serious weapon offenses/shootings have occurred at this location over the summer, which has led to the temporary closing of this establishment.

The Muskegon Police have been summoned to the Lodge countless times, investigated and compiled a list of complaints/crimes for the Commission to review. In addition to the calls for service, police/LCC investigators have noted numerous administrative violations that have/are occurring at the lodge contrary to Michigan administrative law that governs alcohol establishment. I have outlined the criminal events and rouge business practices that have led to this important request.

FINANCIAL IMPACT: Negative – the murder investigation to date has caused over 100 hours of Detective Bureau over-time, which doesn't include other staff time to mitigate this matter.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: "To notify the Liquor Control Commission to maintain the Emergency Suspension Order until notice is provided and a hearing is held before the Liquor Control Commission to suspend, revoke or amend the liquor license held by Charity Lodge #1397 of I.B.P.O.E. of W. and appoint Robert Chessman as a hearing officer to take testimony and make a recommendation to the City Commission as to whether the City Commission should recommend

to the Liquor Control Commission to revoke, suspend or amend the liquor license held by Charity Lodge #1398 of I.B.P.O.E. of W.”

Motion by Vice Mayor Spataro, second by Commissioner Hood to notify the Liquor Control Commission to maintain the Emergency Suspension Order until notice is provided and a hearing is held before the Liquor Control Commission to suspend, revoke or amend the liquor license held by Charity Lodge #1397 of I.B.P.O.E. of W. and appoint Robert Chessman as a hearing officer to take testimony and make a recommendation to the City Commission as to whether the City Commission should recommend to the Liquor Control Commission to revoke, suspend or amend the liquor license held by Charity Lodge #1398 of I.B.P.O.E. of W.

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

Nays: Turnquist

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:12 pm.

Respectfully submitted

Ann Marie Cummings, MMC
City Clerk