CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 24, 2010

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, August 24, 2010.

Mayor Warmington opened the meeting with a prayer from Commissioner Lawrence Spataro 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, Steve Wisneski, Chris Carter, and Lawrence Spataro, City Manager Bryon Mazade, Assistant City Attorney William Meier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused).

2010-74 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the August 9th Commission Worksession Meeting and the August 10th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Admiral Petroleum – 531 E. Laketon Avenue, Request for an Encroachment Agreement. ENGINEERING

SUMMARY OF REQUEST: Hopp Environmental, on behalf of Admiral Petroleum, is requesting your permission to install five groundwater monitoring wells in the easterly right-of-way of McIlwraith Street south of Laketon and within the alleys located to the west of the Admiral station and west of McIlwraith.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

C. National Association for County and City Health Officials (NACCHO) Achieve Grant Administration Agreement Between the City and County of Muskegon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon obtained a NACCHO Achieve Grant for improvements in the Jackson Hill Neighborhood in March 2009. Leisure Services staff have assisted with the grant administration, along with County Health Department staff. Since the funds are being spent in the City of Muskegon, we have agreed that it is beneficial for the City to administer the grant funds. The total funds available for the project to the Jackson Hill Neighborhood are $23,750. The Community Health Action and Response Team (CHART) have determined that the funds will be spent for community gardens at Marquette School, Aamodt Park and Steele School. They are working on some additional projects, as well. The agreement outlines the process for reimbursement.

FINANCIAL IMPACT: The City of Muskegon will ensure that only receipts that have been approved in the Achieve budget, and include signatures from the CHART Chairperson and Treasurer, are paid. In no cases will the budgeted line item be exceeded. NACCHO will reimburse the City for expenditures.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor's signature.

D. Fireworks Display Permit for Muskegon Shoreline Spectacular. CITY CLERK

SUMMARY OF REQUEST: Shoreline Foundation, Inc. is requesting approval of a fireworks display permit for September 5th at the Muskegon Shoreline Spectacular. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

I. Consideration of Bids for B-242 Department of Public Works Parking Lot. ENGINEERING

SUMMARY OF REQUEST: Award the Department of Public Works Parking Lot project to Wood Trucking Company out of Muskegon. They were the lowest responsible bidder with a total bid price of $58,933.50.

FINANCIAL IMPACT: The construction cost of $58,933.50 plus engineering cost, which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the construction project to Wood Trucking Company.

J. **Selection of Vinyl Siding Installer for Fiscal Year 2010 – 2011.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community & Neighborhood Services to sign a contract with Mark Tucker Construction, 9121 Holton Road, Holton, MI; and Cutting Edge, 766 Chatterson Road, Muskegon, MI to install vinyl siding at an agreed price of $50 per building square for the Vinyl Siding Program's 2010 – 2011 fiscal year. Last year's price was $55 per building square.

The Community & Neighborhood Services office received two other bids from vinyl siding installers:

- 4 Star Builders, Inc. – 3326 Lenedo #C, Muskegon, 49444 $55
- Gray Space Construction – 601 Amity, Muskegon, 49442 $260

FINANCIAL IMPACT: Funding will be disbursed from the 2010 – 2011 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2010 – 2011 allocation period last April.

K. **Selection of Vinyl Siding Supplier for Fiscal Year 2010 – 2011.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community & Neighborhood Services department's selection of the Vinyl Siding Supplier for 2010 - 2011 fiscal year. After reviewing all bids, the department selected the bid from Keene Lumber, located at 346 W. Laketon Avenue, Muskegon, MI for the price of $48 per building square for white and $50 per square for color.

The Community & Neighborhood Services department received three additional bids from:

- Premier Building Products $53.75 for white
  2152 S. Harvey, Muskegon $53.75 for color
- Sethco Lumber $69.99 for white
  4566 Apple Ave., Muskegon $72.99 for color
- Weber Lumber Co. $51.00 for white
  465 Ottawa, Muskegon $51.00 for color

The above documentation shows the closeness of all the bids; but, because of the long-term relationship with Keene Lumber as well as them being located in the City of Muskegon, CNS has selected Keene Lumber to be the 2010 – 2011 Vinyl Siding supplier for this fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2010 – 2011 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2010 – 2011 allocation period last April.

L. <u>Contract for Demolition of 1585 Hudson.</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Approval for Community & Neighborhood Services to execute a contract with Press's LLC, 8081 Holton Duck Lake Road, Holton, for the demolition of the structure located at 1585 Hudson. This activity is under the Neighborhood Stabilization Program. The bid is for $3,980, which was the lowest bid. The City received two additional bids:

- Robert Peters, 2790 S. Maple Island, Muskegon for $4,300
- Tarte Trucking, 1138 Dangl Rd., Muskegon for $6,600

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

M. <u>Approval of Contractor for Complete Rehabilitation of CNS Homes.</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the following rehabilitation contracts:

Gray Space, 601 Amity, Muskegon, for the complete rehabilitation of 1644 Division in the amount of $35,945.

Mossy Oak Builders, 3101 Hall Road, Muskegon, for the complete rehabilitation of 1500 Leahy in the amount of $64,490.

JEA Construction, 4392 Hall Road, Muskegon, for the complete rehabilitation of 1733 Manz in the amount of $54,625.

Five contractors bid on the various projects.

The complete rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the houses will be marketed to any eligible owner-occupied homebuyer with a household income less than 120 percent of the area median income.

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for the Community & Neighborhood Services office to develop a contract with these contractors and direct the Mayor and

Clerk to sign the contract. This is contingent upon CNS receiving the additional NSP grant funding.

N. <u>High Service Pump #5.</u> WATER FILTRATION

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Wylie Electric Motor Service Inc. out of Ferrysburg to perform the necessary repairs on high service pump #5 at the Water Filtration Plant for a not to exceed cost of $8,321.62.

FINANCIAL IMPACT: The repair cost is $8,321.62.

BUDGET ACTION REQUIRED: The cost of repair is unexpected, however this situation is planned as part of the Water Filtration Plant budget.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission allow staff to enter into an agreement with Wylie Electric Motor Service Inc. for the repair of the motor on high service pump #5 at a cost of $8,321.62.

O. <u>Request to Submit a Grant Application for Temple Street Resurfacing from Young to Laketon.</u> ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution and authorize staff to submit a request for a grant application to MDOT for TEDF-A economic funds to mill and resurface Temple Street between Young and Laketon along with other necessary work including drainage. The request is for $180,000 and will require a match of up to $36,000 which will have to be budgeted for in the upcoming budget year. The grant request is for 2011.

FINANCIAL IMPACT: A local share of $36,000 match plus engineering costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Adopt the resolution and authorize staff to submit the application.

Motion by Vice Mayor Gawron, second by Commissioner Wisneski to accept the Consent Agenda as presented minus items E, F, G, and H.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

2010-75 ITEMS REMOVED FROM THE CONSENT AGENDA:

E. <u>Budgeted Vehicle Replacement – Six 2011 Crown Victoria Police Interceptors.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase six 2011 Crown Victoria Police Interceptors.

FINANCIAL IMPACT: $130,860.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase from Vanderhyde Ford.

Motion by Commissioner Spataro, second by Commissioner Carter to award the bid for six 2011 Crown Victoria Police Interceptors to Great Lakes Ford for $130,992 because it is within our local preference policy.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

F. <u>Budgeted Vehicle Replacement – One Regular Cab 2011 Ford F-250 Truck.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one regular cab 2011 Ford F-250 Truck from Vanderhyde Ford.

FINANCIAL IMPACT: Total cost $18,295.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for one regular cab 2011 Ford F-250 truck to Great Lakes Ford for $18,371 because it is within our local preference policy.

ROLL VOTE: Ayes: Carter, Gawron, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

G. <u>Budgeted Vehicle Replacement – Five Extended Cab 2011 Ford F-250 Trucks.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase five extended cab 2011 Ford F-250 Trucks from Vanderhyde Ford.

FINANCIAL IMPACT: Total cost $96,240.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for five extended cab 2011 Ford F-250 trucks to Great Lakes Ford for $97,090 because it is within our local preference policy.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

H. <u>Budgeted Vehicle Replacement – One Extended Cab 4x4 2011 Ford F-250 Truck.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one extended cab 4x4 2011 Ford F-250 Truck from Vanderhyde Ford.

FINANCIAL IMPACT: Total cost $23,038.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for one extended cab 4x4 2011 Ford F-250 truck to Great Lakes Ford for $23,105 because it is within our local preference policy.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

2010-76 PUBLIC HEARINGS:

A. <u>Review 2009 – 2010 Consolidated Annual Performance Evaluation Report (CAPER).</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To conduct a public hearing on August 24, 2010, to review accomplishments and receive comments from the public concerning the 2009 – 2010 Consolidated Annual Performance Evaluation Report (CAPER) developed by the Community & Neighborhood Services department.

After the public hearing has been conducted and all the comments have been documented, the Community & Neighborhood Services office requests that the Commission direct the staff to submit the required documents to the U. S. Department of Housing and Urban Development (HUD) in compliance with 24 CFR 91.520, by no sooner than September 8, 2010.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving Community Development Block Grant (CDBG) and HOME funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

COMMITTEE RECOMMENDATION: The document was reviewed by the Citizen's District Council.

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 Wierengo to close the Public Hearing and direct staff to gather comments from the public and submit the CAPER to the Housing and Urban Development Department after the public comment period has elapsed.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

2010-77 NEW BUSINESS:

A. <u>Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting.</u> CITY CLERK

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the annual meeting; and, if possible, to designate one other official to serve as alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Wisneski to designate Commissioner Shepherd as the voting delegate for the Michigan Municipal League annual business meeting.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro

Nays: None

MOTION PASSES

B. <u>Special Event Request – Breakwater Festival, Labor Day Weekend at Margaret Drake Elliott Park.</u> COMMUNITY & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Breakwater Festival has filed a special events application to hold their annual festival at Pere Marquette/Margaret Drake Elliott Park on Labor Day weekend, September 3–6, 2010.

They have requested that the City waive equipment rental fees for the following items: 25 rolls of snow fence and poles, 30 picnic tables, 10 barricades, 20 metal trash cans, 30 plastic trash cans, trash bags, and the Hackley Park stage. They have stated that they will pick up, set up and return the equipment to the DPW, in order to eliminate City staff costs.

FINANCIAL IMPACT: The Breakwater Festival requests that equipment rental fees be waived, the estimated value of which is $2,325.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Wierengo, second by Commissioner Spataro to disapprove the request.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

C. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> PUBLIC SAFETY

1237 Pine Street (Area 11)

79 E. Grand Avenue (Area 13)

553 Oak Avenue (Area 11)

148 Allen Avenue (Area 11)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1237 Pine Street, 79 E. Grand Avenue, 553 Oak Avenue, and 148 Allen Avenue.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Carter commented on the senseless violence that has been going on over the last 30 days.

PUBLIC PARTICIPATION: Public comments received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk