CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 13, 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, August 13, 2013.

Mayor Gawron opened the meeting with a prayer from Mr. George Monroe from the Evanston Avenue Baptist 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, and Byron Turnquist, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioners Lea Markowski (arrived at 5:37 p.m.)

2013-68 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve minutes of the July 23rd City Commission Meeting and the July 30th, 31st and August 5th Special Commission Meetings.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. <u>Letter of Support to WMSRDC's Great Lakes Fisheries Trust Grant Application.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Support the West Michigan Shoreline Regional Development's efforts to secure Fisheries grant to construct approximately 800' of bike trail, fishing stations and possibly a picnic shelter (depending on the dollars available) on the Hartshorne peninsula's pier and authorize the Mayor to sign the letter of support.

FINANCIAL IMPACT: None to the City, however, the application is expected to request around $200,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Endorse WMSRDC's efforts and authorize the Mayor to sign the letter of support.

E. <u>SECOND READING: Fireworks Ordinance Amendment.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: It is requested the City Commission approve the Ordinance Amendment which provides for the regulation of the ignition, discharge and use of consumer fireworks, as allowed under the Michigan Fireworks Safety Act.

The ordinance specifically limits the days and hours Consumer fireworks may be ignited, discharged or used in the City. The ordinance prohibits the use of fireworks while under the influence of alcohol or drugs. The Public Safety Office wants to ensure no person shall recklessly endanger the life, health, safety, or well-being of any person by the ignition, discharge, or use of consumer fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Ordinance as presented.

Motion by Vice Mayor Spataro, second by Commissioner Hood to adopt the Consent Agenda as presented with the exception of items B and D.

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

Nays: None

MOTION PASSES

2013-69 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. <u>Concession Contract for Concession Building at Pere Marquette Park.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement for 2014 with Morse and Jinger Michael of Moji Inc. (DBA The Beach Cove) for operating a Concession called "The Beach Cove" ("The Island" Concession) at Pere Marquette Park.

FINANCIAL IMPACT: Contract revenue for "The Island" concession was $2,118 for the 2009 operating season, $3,625 in 2010, $1,830 in 2011 and $1,296 in 2012. Concession revenue is normally 10% of gross receipts. However, if approved by Commission, staff would negotiate "in-kind" services/donation to Pere Marquette Park facilities or 10% commission of gross receipts.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW Staff to enter into a one-year Concession Agreement with Morse and Jinger Michael of Moji Inc., for a Concession at the Concession (restroom/lifeguard) Building at Pere Marquette Park for 2014.

Motion by Commissioner Turnquist, second by Commissioner Wierengo to approve the one-year Concession Agreement with Morse and Jinger Michael of Moji Inc., for a Concession at the Concession Building at Pere Marquette Park for 2014.

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

Nays: None

MOTION PASSES

D. <u>Farmers' Market DMDC Relocation Site – Purchase Agreement between the City of Muskegon (City) and Downtown Muskegon Development Corporation (DMDC).</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The DMDC is developing a portion of their property downtown for the relocated City Farmers' Market. When the property has been developed, the DMDC will transfer the land and improvements to the City for $1. The Purchase Agreement outlines the terms for this transfer, which is expected to occur in the spring of 2014.

FINANCIAL IMPACT: The City will be paying $1 for the land and improvements. The City will continue to manage the Farmers' Market, as well as the new entities, such as the community kitchen. The City will collect the revenues and pay for any future expenditures.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Purchase Agreement between the City and DMDC and authorize the Mayor and Clerk to sign all necessary documents, including closing documents at the time of sale.

Motion by Commissioner German, second by Vice Mayor Spataro to approve the Purchase Agreement between the City of Muskegon and the Downtown Muskegon Development Corporation.

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

Nays: None

MOTION PASSES

2013-70 NEW BUSINESS:

A. <u>Presentation of Veterans' Memorial Park.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Allow staff and the engineer to make a required public presentation on the proposed improvements to the Veterans' Park. The City of Muskegon, in cooperation with MDOT, the City of North Muskegon, Muskegon County, the Lions of Michigan, and local veterans groups, is undertaking the design and construction of improvements to the Veterans' Memorial Causeway Park to improve barrier-free accessibility. Since the project is within a publicly owned park, public informational meetings are required by MDOT to be held to allow for public comment.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Allow the presentation and greet any and all comments offered by the public at the meeting.

City Engineer/Public Works Director Mohammed Al-Shatel introduced Frank Bednarek, Hooker Dejong Architects, 316 Morris, who gave an overview of the project. Bruce Callen, Callen Engineering, 15172 Carriage Way, Spring Lake, explained barrier free accessibility and relocation of monuments.

Dr. Cobler, 1045 Camelot, Laketon Township, stated the water fountain and two cannons will get a make-over. These two items are not in the scope of this funding.

Mohammed Al-Shatel stated that by accepting this project you are okaying the removal of streetlights.

Tom Thompson, 5564 Southshore Dr., Fruitland Twp., commented on the decorative trees blocking the view of the interior.

County Commissioners Terry Sabo and Rillastine Wilkins support the project.

B. <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 Vice Mayor Spataro, second by Commissioner Wierengo to designate Cathy Brubaker-Clarke as the delegate and Mohammed Al-Shatel as the alternate for the convention.

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

Nays: None

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