

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 12, 2014

CITCOMMISSION 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, August 12, 2014.

Mayor Gawron opened the meeting with prayer from Pastor Tim Cross from the Living Word 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 Ken Johnson, Willie German, Dan Rinsema-Sybenga, and Byron Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Absent: Commissioner Eric Hood (excused).

2014-58 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the July 22nd City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Hours at City Parks – Ordinance Amendment. CITY CLERK

SUMMARY OF REQUEST: Staff has found a discrepancy in the code of ordinances for park hours. City parks have opened at 5:00 a.m. for many years. Under the Uniform Traffic Code, Chapter 92-33, section 8.10(v), it inadvertently list the park opening as 7:00 a.m.

The amendment would change subsection (v) to list the hours of the park as being closed from the hours of 11:00 p.m. and 5:00 a.m.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the ordinance amendment.

F. Property Tax Settlement Agreement with Consumers Energy B.C. Cobb Plant. CITY MANAGER

SUMMARY OF REQUEST: The City and Consumers Energy wish to avoid any additional cost of a tax appeal before the Michigan Tax Tribunal. Staff has come to a tentative agreement with Consumers to stipulate a true cash value for the property located at 151 North Causeway. The property tax settlement agreement states the following:

2014 Assessed Value agreed to - \$24,000,000

2015 Assessed Value agreed to - \$20,000,000

2016 Assessed Value agreed to - \$11,000,000

In recognition of the ongoing financial cost to the City for essential services, Consumers will make the following payments:

\$100,000 on October 1, 2014

\$100,000 on July 1, 2015

\$25,000 on July 1, 2016

These payments are conditioned upon the City's compliance with all other provisions of the agreement, including payment of any refunds and interest owed under the Stipulation for Entry of Consent Judgment.

FINANCIAL IMPACT: None, this is a budgeted item.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign the agreement as written.

G. Marihuana Ordinance. ITEM REMOVED

Motion by Vice Mayor Spataro, second by Commissioner Johnson to approve the Consent Agenda as presented minus items C, D, and E.

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

Nays: None

MOTION PASSES

2014-59 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. Farmers' Market – Third 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 should occur in the near future. Therefore, a Third Amendment to the Purchase Agreement is recommended to extend the closing date. The Third Amendment allows for a 90-day extension. It is anticipated that the closing will occur prior to that time. 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 November 14, 2014, or before.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Third Amendment to Purchase Agreement" and authorize the City Manager's signature (after the fact).

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to approve the "Third Amendment to Purchase Agreement" and authorize the City Manager's signature (after the fact).

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

Nays: None

MOTION PASSES

D. MDOT-City Agreement for Muskegon & Webster. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to sign the agreement with Michigan Department of Transportation accepting Priority Road funding to reconstruct Muskegon & Webster from 9th to Spring and adopt a resolution naming the authorized staff.

FINANCIAL IMPACT: None at this time as all elements of the projects are eligible for the awarded 3.3 million, however, some adjustments (needing more money) might be necessary as we proceed with the design and evaluation of utility needs.

BUDGET ACTION REQUIRED: Authorize staff to incorporate the project into the 2014/2015 budget.

STAFF RECOMMENDATION: Authorize staff to sing the agreement/contract with MDOT and adopt the resolution naming the authorized staff.

Motion by Commissioner German, second by Vice Mayor Spataro to authorize staff to sing the agreement/contract with MDOT and adopt the resolution naming the authorized staff.

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

Nays: None

MOTION PASSES

E. Prosecution Services for Muskegon Police Department. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed contract for prosecutorial services required for the police department as it relates to civil infractions and misdemeanor ordinance cases generated by Muskegon Police Department during enforcement efforts. The service time of this proposed contract will be for a one-year period, expiration date of July 31, 2015.

Request for prosecutorial service letters were sent to two law firms on June 10, 2014, outlining the terms and conditions of said services to be provided. Parmenter O'Toole & Muskegon County Prosecutor Office both responded.

The Muskegon County Prosecutor forwarded a "flat rate" fee of \$75,000, which is a savings over the contract that is now in place with the prosecutor's office. Parmenter O'Toole offered a "flat rate" fee of \$90,000. Parmenter O'Toole added additional information that all other city matters would be handled at the current rate until year 2017; information was received, but not considered in the decision to select a firm for specific prosecutorial services.

FINANCIAL IMPACT: Positive impact – proposal forwards a savings over 20% over current legal expenditures for civil infractions and misdemeanor representation.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approving Muskegon County Prosecutor's proposal.

Motion by Vice Mayor Spataro, second by Commissioner German to approve the Muskegon County Prosecutor's proposal.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:15 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk