CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 25, 2017 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

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, July 25, 2017. Elder Holmes, Holy Trinity Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Debra Warren, Byron Turnquist, and Willie German, Jr., City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Dan Rinsema-Sybenga

2017-60 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the July 10, 2017 Worksession Meeting and the July 11, 2017 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

D. Beach Tractor DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase a Beach Tractor from J & J Farm Sales, the lowest qualified bidder with a price of $59,915.00. This price includes a trade in of our current tractor for $12,000.00.

FINANCIAL IMPACT: $59,915.00

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase on Beach Tractor from J & J Farm Sales for the price of $59,915.00.

F. LC Walker Arena Locker Room Plumbing City Manager

SUMMARY OF REQUEST: The locker rooms A-F are in need of plumbing repairs/upgrades in the shower areas. In total, 16 shower assemblies will be replaced at a cost of $1,007.68 each. The total cost of the 16 assemblies is $16,123.00.

FINANCIAL IMPACT: $16,123.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize Arena Management to accept the $16,123.00 proposal from Lascko Plumbing and Mechanical, LLC.

G. Rebid the Demolition of 1290 Wood Street Public Safety

SUMMARY OF REQUEST: This is to request that the City Commission direct staff to rebid the demolition of 1290 Wood Street and to award all or part of the demolition to the lowest responsible bidder. The City Commission had concurred with the Housing Board of Appeals that the structure at 1290 Wood was unsafe, substandard, a public nuisance, and that the structure be demolished at the meeting of January 10, 2017.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To have staff rebid the demolition reflecting the changes from the original bid and to award the bid to the lowest responsible bidder.

H. Michigan Natural Resources Trust Fund Grant Development Project Agreement for Pere Marquette Park Recreational Improvements and Defined Match Amount Planning & Economic Development & Public Works

SUMMARY OF REQUEST: The City had received the Michigan Natural Resources Trust Fund Grant Development Project Agreement for the Pere Marquette Park Project Improvements. The State has requested that the development agreement and the defined contribution agreement be signed. Work may begin on the project once the State approved the agreements.

FINANCIAL IMPACT: There is no impact for the 2017 to 2019 budget years have this budgeted.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution approving the Development Project Agreement for the Pere Marquette Park Recreational Improvements and to guarantee the defined match funds, and to have the Mayor and Clerk sign the Development Project Agreement and resolution.

I. Adopt the revised WaterMain Standard Construction Specifications – Division 13 DPW – Engineering

SUMMARY OF REQUEST: Adopt the watermain specification revising the currently used standards for watermain construction effective immediately. The proposed revisions are necessary to incorporate new materials and construction methods.

The City's standard construction specifications, including the watermain section, were last revised in 2010.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the revision and authorize engineer to sign and seal revised specifications.

J. Rezoning Request for the Property at 1361 S. Getty Street Planning and Economic Development

SUMMARY OF REQUEST: Request to rezone the property at 1361 S. Getty Street from B-1, Limited Business District to B-4, General Business District by Laquan Robinson.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezoning

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their July 13 meeting. They also unanimously voted to approve a Special Use Permit to allow for a car sales lot, contingent upon the rezoning of the property to B-4.

K. Rezoning Request for Several Properties to R-2, Single Family Medium Density Residential District Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to rezone several properties from R-1, Single Family Low Density Residential District to R-2, Single Family Medium Density Residential District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their July 13 meeting.

L. Rezoning Request for Several Properties to R-3, Single Family High Density Residential District Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to rezone several properties from R-1, Single Family Low Density Residential District to R-3, Single Family High Density Residential District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their July 13 meeting.

M. Revocation of a Commercial Facilities Exemption Certificate – 165 Clay, LLC Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, staff is recommending the revocation of the Commercial Facilities Exemption Certificate granted to 165 Clay, LLC for failure to complete the project. On May 12, 2015, a 12-year certificate was granted for a project that was to include $336,000 in renovations at 165 W. Clay Avenue. The property owner is agreeable to the revocation.

FINANCIAL IMPACT: The real property will be taxed at the normal rate and will no longer be frozen.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Revocation of the Commercial Facilities Exemption Certificate.

N. Revocation of a Commercial Facilities Exemption Certificate – 896 Jefferson, LLC Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, staff is recommending the revocation of the Commercial Facilities Exemption Certificate granted to 896 Jefferson, LLC for failure to complete the project. On May 12, 2015, a 12-year certificate was granted for a project that was to include $70,000 in renovations at 896 Jefferson Street. The property owner is agreeable to the revocation.

FINANCIAL IMPACT: The real property will be taxed at the normal rate and will no longer be frozen.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Revocation of the Commercial Facilities Exemption Certificate.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to approve the consent agenda as presented, except items B, C, and E.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays:None

MOTION PASSES

2017-61 ITEMS REMOVED FROM CONSENT AGENDA:

A. Farmers Market Liquor License City Clerk

SUMMARY OF REQUEST: To finalize the application process for our permanent liquor license by authorizing signors, approving the use of the outdoor seating area, cancelling our request for a specific purpose permit, and approving a new Sunday Sales permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the request and authorize the Mayor to sign the letter to the Michigan Liquor Control Commission on behalf of the City Commission.

Motion by Commissioner Warren, second by Commissioner German, to approve the request and authorize the Mayor to sign the letter to the Michigan Liquor Control Commission on behalf of the City Commission.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays: None

MOTION PASSES

B. Appointment of Treasurer Position Finance

SUMMARY OF REQUEST: To appoint Sarah Petersen as the new City Treasurer effective August 7, 2017.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: After interviewing nine candidates the City Manager, Finance Director, and the Assistant Finance Director agree to offer the Treasurer's position to Sarah Petersen.

Motion by Commissioner German, second by Commissioner Johnson, to appoint Sarah Petersen as the new City Treasurer effective August 7, 2017.

ROLL VOTE: Ayes: Warren, German, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

E. Tahoe Police Cruisers DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase three Tahoe police cruisers from Berger Chevrolet, the Mi-Deal State

Contract holder for a purchase price of $35,246.00 each.

FINANCIAL IMPACT: $35,246 each for a total of $105,738.00

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase three Tahoe police cruisers from Berger Chevrolet.

Motion by Commissioner German, second by Commissioner Warren, to authorize staff to purchase three Tahoe police cruisers from Berger Chevrolet.

ROLL VOTE: Ayes: German, Turnquist, Johnson, Gawron, Hood, and Warren

Nays: None

MOTION PASSES

2017-62 NEW BUSINESS:

A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> Public Safety

407 Monroe Avenue – Garage Only

338 Mason Avenue – Garage Only

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the garage 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do no demolish the structure.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

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

Motion by Vice Mayor Hood, second by Commissioner German, to concur with the Housing Board of Appeals decision to demolish the garage structures only.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays: None

MOTION PASSES

B. <u>Food Truck Registration Fees</u> City Clerk

SUMMARY OF REQUEST: This is a request to adjust the mobile food vending fee to $50 for those food truck vendors that participate in the Muskegon Farmers

Market Food Truck Rallies. This is something that was made available to Taste of Muskegon Participants.

This registration will be good through April 30th of the following year. Currently mobile food vendors outside the City limits are required to pay $300 annually, those having restaurants in the City of Muskegon have a fee of $150, and those with a brick and mortar business in the downtown development district pay $50 annually.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to adjust the mobile food vending fee to $50 for those food truck vendors that participate in the Muskegon Farmers Market Food Truck Rallies.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays: None

MOTION PASSES

2017-63 ANY OTHER BUSINESS:

The City's Engineer, Mohammed Al-Shatel, addressed the City Commission regarding mechanical problems with our Mueller CL-12 tapping machine which is used exclusively to make larger water main taps from 4 inches to 12 inches. It is a specialized piece of equipment and must be sent to the original manufacturer, Mueller Co., for repairs. The Mueller Company recommends reconditioning and a rebuild including new internal parts and a new boring bar for $12,576.

Motion by Commissioner Johnson, second by Commissioner Turnquist, to approve the emergency repairs – not to exceed $13,000.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and German

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 6:35 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk