

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 28, 2011

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, MI at 5:30 p.m., Tuesday, June 28, 2011.

Mayor Warmington opened the meeting with a prayer from Vice Mayor Gawron 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 Chris Carter, Lawrence Spataro, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioners Clara Shepherd and Sue Wierengo (both excused)

2011-44 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the June 13th Commission Worksession Meeting and the June 14th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. 2011 Water Treatment Chemical Bids. WATER FILTRATION

SUMMARY OF REQUEST: Endorse the lowest responsible bidders to supply aluminum sulfate, powdered activated carbon, sodium hypochlorite, and fluoride for the water filtration plant.

FINANCIAL IMPACT: Annual cost of \$205,700 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED: None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission endorse the low bids received and the contract renewal and enter into

contracts with USALCO, Alexander Chemical, Standard Carbon and Key Chemical for aluminum sulfate, sodium hypochlorite, powdered activated carbon and fluoride respectively.

C. Ryerson Creek Fish Passage – Culverts Replacement at Muskegon and Eastern (H-1673). ENGINEERING

SUMMARY OF REQUEST: Authorize staff to process payments to WMSRDC as per our financial commitment for the culverts replacement under Muskegon and Yuba by Eastern Avenue. WMSRDC solicited public bids and Jackson Merkey was the successful bidder with a bid price of \$1,697,081.10. The City's commitment was for the following:

1. \$40,000 from Major Street Fund (2011/2012 budget)
2. \$40,000 grant the City received from Community Foundation for Muskegon County
3. \$27,446 grant the City received from the Ice Mountain

FINANCIAL IMPACT: \$107,446 is the City's total share.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to process payments to WMSRDC.

D. Consideration of Bids – Mason Avenue, Sixth to Fifth (H-1677). ENGINEERING

SUMMARY OF REQUEST: Award the above-referenced project to Accurate Excavators out of Muskegon, MI. Accurate Excavators submitted the lowest responsible bid of \$137,373.

FINANCIAL IMPACT: The construction cost of \$137,373 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Accurate Excavators.

E. Fireworks Display Permit for Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 4, 2011, at the Muskegon Country Club, 2801 Lakeshore Drive. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

F. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: American Fireworks is requesting approval of a fireworks display permit for July 4th at the Muskegon Summer Celebration. 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.

G. Rezoning Request for the Property Located at 1753 Madison Street.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 1753 Madison Street from I-2, General Industrial to B-4, General Business District, by Kurt Dykman, JNJ Discounts. The applicant would like to move his growing retail business to this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their June 16th meeting.

(REQUIRES SECOND READING)

H. Rezoning Request for the Property Located at 2010 S. Getty Street.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 2010 S. Getty from I-1, Light Industrial to B-4, General Business District, by Michael Vasquez. The applicant would like to open an auto dealership at this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their June 16th meeting.

(REQUIRES SECOND READING)

J. De-Energize 27 Street Lights in the Downtown Area. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Consumers Energy to de-energize 27 lights in the downtown area bounded by Fourth, Muskegon, Western, and Seventh. Those lights include the lights known as the Heritage Association lights and the rest are within alleys.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Consumers Energy to de-energize 27 lights in the downtown area.

K. Accept Resignations from the Citizen's District Council and the Citizen's Police Review Board. CITY CLERK

SUMMARY OF REQUEST: To accept the recommendation from the Community Relations Committee made at their meeting held on June 13, 2011, to accept the resignations of Rasheedah Gillespie-Muhammad from the Citizen's District Council and Barbara Kuipers from the Citizen's Police Review Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as presented minus item I.

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

Nays: None

MOTION PASSES

2011-45 ITEM REMOVED FROM THE CONSENT AGENDA:

I. Lighting Improvement at LC Walker Arena. FINANCE

SUMMARY OF REQUEST: The arena manager would like to re-light the arena floor by replacing the existing halide lights with energy-efficient fluorescent light fixtures. The lighting improvements will greatly improve the amount of lighting in the arena and give the arena ice surface NHL-quality lighting.

FINANCIAL IMPACT: \$40,280 cost to be fully reimbursed by a contribution from Logger Hockey, Inc. These are improvements to the building and will reduce the arena's annual operating costs.

BUDGET ACTION REQUIRED: Amend the 2011-12 Arena Improvement Budget (408) to reflect the additional revenues and expenditures.

STAFF RECOMMENDATION: Approval of contract with Fredrickson Electric (Spring Lake) to install the new arena lighting fixtures.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the contract with Fredrickson Electric to install the new arena lighting fixtures.

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

Nays: None

MOTION PASSES

2011-46 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate for Ameriform Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Ameriform Inc., 1790 Sun Dolphin, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1770 E. Keating Avenue. The total capital investment is \$2,000,000 with \$1,700,000 in personal property and \$300,000 in real property. They are proposing the addition of 12-15 jobs with this investment. This request qualifies Ameriform Inc. for a term of 12 years for real property and 8 years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 8 years for personal property.

The Public Hearing opened to hear and consider any comments from the public. Daniel Harris, 1040 Randolph, commented on his request.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the request for the Industrial Facilities Exemption Certificate for Ameriform Inc.

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

Nays: None

MOTION PASSES

2011-47 NEW BUSINESS:

A. Special Event Request – Muskegon Bike Time Events Inc. (Annual Event). PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Muskegon Bike Time Events Inc. has filed a special event application for the annual Bike Time festival in downtown Muskegon to be held July 15, 16, and 17, 2011. They have requested the waiver of some City equipment rental fees. They have also requested to use their own labor pool rather than City employees whenever possible (as they have done in past years).

Bike Time would also like permission to close certain street intersections in the downtown area one day earlier than allowed in the special event policy, so that

they can work on event/tent set-up. They would like to close the intersections starting at 6:00 p.m. on Wednesday evening, July 13 (instead of waiting till Thursday evening, July 14).

FINANCIAL IMPACT: Request that equipment rental fees be waived. In exchange, Bike Time will provide a pre-negotiated amount of beverage tent wristbands. The exchange will be coordinated with the City Manager.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: It is recommended that staff be allowed to make the final decision regarding rental fees, actual costs, and/or exchange of wristbands, to be coordinated through the City Manager. In addition, staff recommends that if Bike Time picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Bike Time. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event. These recommendations follow what was done for the 2009 event.

Regarding street closures, staff recommends approval with the condition that Bike Time notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the request for the Muskegon Bike Time event as described.

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

Nays: None

MOTION PASSES

B. Harbor 31 (Smartzone) Brownfield Loan. CITY MANAGER

REMOVED PER APPLICANT REQUEST.

C. Gaming License Request from Muskegon-Oceana Community Action Partnership, Inc. CITY CLERK

SUMMARY OF REQUEST: MOCAP, 1170 W. Southern Avenue, Muskegon, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

They are partnering with DTE (one of the Summer Celebration sponsors) to hold a raffle where the proceeds will benefit their clients that need assistance with their heating bills.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Gaming License request for Muskegon-Oceana Community Action Partnership, Inc.

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

Nays: None

MOTION PASSES

D. Fireworks Display Permit for West Michigan Burnerz. CITY CLERK

SUMMARY OF REQUEST: West Michigan Burnerz is requesting approval of a fireworks display permit for July 8th for an event at the Muskegon Summer Celebration.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the fireworks display for West Michigan Burnerz contingent on inspection of the fireworks and approval of the insurance.

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

Nays: None

MOTION PASSES

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1358 Arthur Street

657 Allen Avenue (Garage)

540 Creston Street

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 1358 Arthur, 657 Allen (garage only), and 540 Creston.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Spataro asked that civil infraction fees be discussed at the next Worksession Meeting.

ADJOURNMENT: The City Commission Meeting adjourned at 5:55 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk