CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 26, 2012

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 26, 2012.

Mayor Warmington 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 Warmington, Vice Mayor Stephen Gawron, Commissioners Byron Turnquist, Eric Hood, Lawrence Spataro, Willie German, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2012-50 HONORS AND AWARDS:

A. Recognition of Norma Horan for her Contributions to Hackley Park.

Mayor Warmington presented a Resolution to Norma Horan who after her husband Joe Horan's passing decided to honor him by improving the landscaping of Hackley Park.

2012-51 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the June 11th Commission Worksession Meeting and the June 12th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Human Resources Agreement. CITY MANAGER

SUMMARY OF REQUEST: To renew the agreement with County of Muskegon to provide human resource services to the City from July 1, 2012 through June 30, 2013.

FINANCIAL IMPACT: $75,000 plus incidental costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign it.

C. Approval of Realtor for Community & Neighborhood Services. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Greenridge Realty to be used by the City of Muskegon in the sale of CNS properties. CNS received three bids.

FINANCIAL IMPACT: The funding for any projects the realtor would be used for would come out of the funds the house was originally established under: CDBG, HOME or NSP1.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Greenridge Realty for the Community and Neighborhood Services office.

D. Liquor License Request from Muskegon Country Club. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Muskegon Country Club, 2801 Lakeshore Drive to transfer ownership of a Class C license from Carbon Nite, LLC, 760 W. Broadway, Norton Shores to the Muskegon Country Club.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

E. Mueller CL-12 Watermain Tapping Machine Repair. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase repair services from the original equipment manufacturer, Mueller Co. of Decatur, Illinois, to rebuild and recondition our Mueller CL-12 Watermain Tapping Machine.

FINANCIAL IMPACT: Total Cost $10,500.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

F. Purchase of GPS Units. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase between forty and fifty GPS units from Networkfleet to be installed on a number of City owned vehicle/trucks operated by DPW and other departments.

The proposal calls for the City to trade in the Shadowtracker units the City owns at this time and invest up to $26,000 (budgeted in the 2012/2013 CIP) for the proposed units which would be used, at minimum, to track trips, idling and required vehicle maintenance. The recommendation to purchase from Networkfleet is the result of evaluating various other products (Fleetmatics) and having Networkfleet's product for the last six months and found them to be exactly what we need in addition to submitting the lowest price.

FINANCIAL IMPACT: Invest between $24,000 & $26,000 the first year which includes the purchase of the units and an annual investment of $25.95/month/unit after the first year.

BUDGET ACTION REQUIRED: None at this time, however, future budget will include a $25.95/month/unit for maintenance and technical support.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Networkfleet to purchase the GPS units and the annual subscription fee for an additional two years.

G. <u>Consideration of Bids for S-661 Evanston Lift Station Rehabilitation.</u> ENGINEERING

SUMMARY OF REQUEST: Award the Evanston Lift Station Rehabilitation project – S-661 to Jackson Merkey out of Muskegon, MI since they were the lowest responsible bidder with a total bid price of $193,585.

FINANCIAL IMPACT: The construction cost of $193,585 plus engineering.

BUDGET ACTION REQUIRED: None since this project is on the 2012/2013 CIP's list.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey.

I. <u>Consideration of Bids for Hackley Avenue, Glen to Hudson Water Main Replacement (W-734).</u> ENGINEERING

SUMMARY OF REQUEST: Award the project to Jackson Merkey who submitted the preliminary bid of $642,662.45.

FINANCIAL IMPACT: The construction cost of $642,662.45 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None at this time, this project is in the 2012/2013 CIP budget.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey.

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

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

Nays: None

MOTION PASSES

2012-52 ITEM REMOVED FROM THE CONSENT AGENDA:

H. <u>Gaming License Request from Red's Youth Center/Restoration Restore a Generation.</u> CITY CLERK

SUMMARY OF REQUEST: Red's Youth Center/Restoration Restore a Generation, 1855 Peck Street, 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.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Gaming License request from Red's Youth Center/Restoration Restore a Generation recognizing them as a 501(c)(3) organization by the City.

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

Nays: None

MOTION PASSES

2012-53 NEW BUSINESS:

A. <u>Request for Final Planned Unit Development Approval for 372 Morris Avenue.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The request for Preliminary and Final Planned Unit Development (PUD) approval at 372 Morris Avenue for a mixed use development. The request is by Bob Dykstra, Urban Renaissance Group, LLC.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends final approval of the PUD provided that the conditions listed in the resolution are met.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the Preliminary PUD and the final PUD, with the conditions listed on the resolution, at their June 14, 2012 meeting. The vote was unanimous with T. Michalski and W. Parker absent.

Motion by Commissioner Spataro, second by Commissioner Hood to approve the request for preliminary and final Planned Unit Development approval for 372 Morris Avenue.

ROLL VOTE: Ayes: Spataro, German, Gawron, Wierengo, Warmington, and

Hood

Nays: Turnquist

MOTION PASSES

B. **Charter Amendments Regarding Millage Cap and Senior Transit Millage.** CITY MANAGER

SUMMARY OF REQUEST: To approve a charter amendment to set a specific millage rate limit and a charter amendment for a Senior Transit millage.

FINANCIAL IMPACT: A Senior Transit millage would generate funds to support the Senior Transit program.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: These amendments are provided pursuant to direction from the City Commission at their meeting on June 12, 2012.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the Charter Amendments regarding millage cap and Senior Transit millage using the revised documents and place them on the November ballot.

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

Nays: None

MOTION PASSES

C. **Senior Transit Funding.** CITY MANAGER

SUMMARY OF REQUEST: To continue the Senior Transit Program from July 1, 2012, through December 31, 2012, under the following terms and funding requirements:

1. Raise the rate per ride from $1.50 to $3.00;
2. Fill the remaining funding gap by utilizing unanticipated savings in the Streets/Lighting budget;
3. Continue the 5-day per week operation.

FINANCIAL IMPACT: Approximately $24,120 cost to the City's General Fund.

BUDGET ACTION REQUIRED: The 2012-2013 budget will need to be amended during the first quarter.

STAFF RECOMMENDATION: To approve the proposed terms and funding for the Senior Transit Program for July 1, 2012, through December 31, 2012.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the proposed terms and funding for the Senior Transit Program for July 1, 2012, through December 31, 2012.

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

Nays: None

MOTION PASSES

D. <u>DDA On-Premise Liquor License for Nemesis, Inc.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution approving a Downtown Development Authority On-Premise Liquor License for Nemesis, Inc. at 333 W. Western Avenue. The Liquor Control Code allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approval of the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Hood, second by Commissioner Wierengo to approve the resolution for a Downtown Development Authority On-Premise Liquor License for Nemesis, Inc. at 333 W. Western Avenue.

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

Nays: None

MOTION PASSES

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

230 Myrtle (Area 11)

510 Ottawa (Area 11)

450 W. Southern (Area 11)

1290 Wood (Area 11)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Hosing 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 510 Ottawa Street and 450 W. Southern Avenue.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 230 Myrtle.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner German to concur with the Housing Board of Appeals notice and order to demolish 1290 Wood.

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

Nays: None

MOTION PASSES

F. Filling the Mayor's Vacancy. CITY MANAGER

Explanation of deadlines was given by City Manager Bryon Mazade.

ANY OTHER BUSINESS: Jenny Osborne, owner of CJ's on the Beach, spoke about the liquor license and lease violation.

Mayor Warmington thanked the City for the Open House. He thanked the employees of the Marine Tap Room for their support, the Commission, City Manager and Staff, DPW and City employees, Police and Firefighters. He thanked the citizens who got involved in committees, Pastors, Neighborhood Associations, Muskegon Chronicle, and others. Thanked the Commissioners for allowing him to be their voice and for everything that has been accomplished.

PUBLIC PARTICIPATION: Public comments received.

2012-54 CLOSED SESSION: To Discuss Property Acquisition.

Motion by Commissioner Spataro, second by Commissioner Wierengo to

go into Closed Session to discuss property acquisition.

Ayes: Gawron, Wierengo, Turnquist, Warmington, Hood, Spataro, and German

Nays: None

MOTION PASSES

Motion by Commissioner Turnquist, second by Commissioner Spataro to come out of Closed Session.

Ayes: All Ayes

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk