CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 13, 2010

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, April 13, 2010.

Vice Mayor Gawron opened the meeting with a 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: Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Mayor Stephen Warmington and Commissioner Clara Shepherd (excused).

2010-30 HONORS AND AWARDS:

A. Certificate of Appreciation – Markeia S. Hardy.

Public Safety Director Tony Kleibecker presented Markeia Hardy a Certificate of Appreciation for rescuing a two-year old boy.

B. Honorary Ambassador – Bob Fountain.

Vice Mayor Gawron presented Bob Fountain with the Honorary Ambassador award for volunteering at the Farmer's Market.

2010-31 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, March 23, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purposes of exempting seasonal residences and vacation homes from the fee requirements and occupancy notification requirements of this ordinance, removing the requirement to notarize the registration forms, clarify the language regarding the billing process and add a requirement that all fees owed the City must be paid in full before a waiver of registration fee can be considered.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees for the purposes stated.

(REQUIRES SECOND READING)

C. <u>Transmittal of 2009 *Comprehensive Annual Financial Report.*</u> FINANCE

SUMMARY OF REQUEST: The City's 2009 *Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners. At this time the CAFR is being formally transmitted to the Commission in accordance with state law. The 2009 CAFR has been prepared in accordance with GASB accounting standards. The CAFR also includes the single-audit of federal grants received by the City.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for 2009 and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the 2009 CAFR.

D. <u>Contract for Mowing Services.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a two-year contract with the Sheldon Park Neighborhood Improvement Association for the maintenance of two City-owned lots in the Sheldon Park neighborhood.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize execution of the contract. The responsibility for cleaning and mowing these lots would belong to the Association rather than the City and would extend through 2011. The City's estimated cost of $1,000 to maintain the lots over this period would then be donated to the Association. The neighborhood has maintained the lots for several years under similar agreements and has done a great job.

F. **West Michigan Underwater Preserve – Letter of Support.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To support the efforts of the West Michigan Underwater Preserve group to include the area extending from North of Holland, along the shores of Muskegon, to the lighthouse at Big Point Sable at Ludington State Park (where there are 13 known shipwrecks and other historic features), into the Michigan Underwater Preserve Council System. It is anticipated that this will not only preserve an important part of our nautical history, but it will also increase tourism to the area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To support the West Michigan Underwater Preserve groups efforts to be included in the Michigan Underwater Preserve Council System and to authorize the Mayor to sign the letter of support.

G. **Maintenance Agreement – Monet Garden.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Lakeshore Garden Masters, a Garden Club, would like to continue maintaining the Monet Garden. The Garden Masters will provide the maintenance and planting of the Garden and the City will provide the water and electricity to the premises. Capital expenses (e.g., repair of the pond) will be administered by the City, with funds coming from the Monet Garden of Muskegon Fund of the Community Foundation for Muskegon County.

FINANCIAL IMPACT: Water and electrical costs for the Garden.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Maintenance Agreement" and authorize the Mayor and Clerk's signature.

H. **Amendments to the Zoning Ordinance – On-site Sustainability and Conservation Efforts.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 #5, Exempt Signs, to allow signage related to on-site sustainability and conservation efforts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to amend Section 2334 #5, Exempt Signs, to allow signage related to on-site sustainability and conservation efforts.

(REQUIRES SECOND READING)

I. **Amendments to the Zoning Ordinance – Sporting Venues.** PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 #5, Exempt Signs, to allow sporting venues to display signage to those in attendance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to amend Section 2334 #5, Exempt Signs, to allow sporting venues to display signage to those in attendance.

(REQUIRES SECOND READING)

J. Submit for Grant Applications. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to submit two TEDF-F grant applications and one Safety to MDOT for 2012 funding years to reconstruct Sherman between Lincoln & Estes: Hackley from Glade to Park and Latimer between Port City & Black Creek. The request will require a 20% local match which would be budgeted for in 2011 for the 2012 budget.

FINANCIAL IMPACT: Local share estimated at $300,000 for all three projects plus engineering costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to submit the applications.

K. Designate Street Administrator. PUBLIC WORKS

SUMMARY OF REQUEST: Designate Mohammed Al-Shatel as the City's street administrator by adopting the resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the resolution and authorize the Clerk to sign.

L. Consideration of Bids for S-647 Fisherman's Village Lift Station Rehabilitation. ENGINEERING

SUMMARY OF REQUEST: Award the Fisherman's Village Lift Station Rehabilitation project to Jackson Merkey out of Muskegon, MI since they were the lowest responsible bidder with a total bid price of $89,740.

FINANCIAL IMPACT: The construction cost of $89,740.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey.

M. Beach Leveling Bids. PUBLIC WORKS

SUMMARY OF REQUEST: Reject all bids for the sand leveling at Pere Marquette Park.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Reject all bids.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Consent Agenda absent item E.

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

Nays: None

MOTION PASSES

2010-32 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Amend Chapter 54, Article IV Offenses Involving Public Peace and Order. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting that the City Commission amend Chapter 54, Article IV Offenses Involving Public Peace and Order, of the Code of Ordinances of the City of Muskegon. This is being requested in order to update language in this ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

Motion by Commissioner Wisneski, second by Commissioner Spataro to approve the amendment to Chapter 54, Article IV Offenses Involving Public Peace and Order.

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

Nays: None

MOTION PASSES *(REQUIRES SECOND READING)*

2010-33 PUBLIC HEARING:

A. Approval of the 2010-2011 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the 2010-2011 Action Plan for the City of Muskegon Community Development Block Grant/HOME Partnership Program activity. If the Action Plan is approved, the Community and Neighborhood Services office will continue the comment period of the Action Plan as amended, if needed, until April 17, 2010.

On or after April 17, 2010, the Community and Neighborhood Services office will deliver the Action Plan to the United States Department of Housing and Urban Development as required in order to request the Release of Funds for the 2010-2011 fiscal year. The final allocation amounts approved by the Action Plan will be amended to the document.

FINANCIAL IMPACT: Action Plan establishes the 2010-2011 Community Development Block Grant and HOME budgets.

BUDGET ACTION REQUIRED: None at this time, budget established by Action Plan.

STAFF RECOMMENDATION: To approve the Action Plan as is or as to be amended by the Commission's final decision.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Dan Bonner, 1652 Nelson, Legal Aide; Tim Burgess, 6336 S. Walker, Fruitport, Neighborhood Investment Corp.; Charlotte Johnson, 219 Catherine, McLaughlin Neighborhood; Randy VanderWhite, 1132 Peck, Bethany Church; and Ed Garner, 37 E. Grand, President of Muskegon Area First.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing and adopt the recommendations from the Citizen's District Council in regards to the Community Development Block Grant funds and City Administration recommendations in regards to the HOME funds and approve the Action Plan.

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

Nays: None

MOTION PASSES

2010-34 NEW BUSINESS:

A. <u>Consumers Energy Rate Case – Municipal Coalition Participation.</u> PUBLIC WORKS/WATER FILTRATION

SUMMARY OF REQUEST: To authorize participation in the Consumers Energy Rate Case Municipal Coalition coordinated by the Michigan Municipal League.

FINANCIAL IMPACT: $2,500 contribution.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission authorize staff to make the monetary contribution of $2,500 to the municipal coalition for legal fees to address the electric rate increases proposed by Consumers Energy to the Public Service Commission.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consumers Energy Rate Case – Municipal Coalition Participation for $2,500.

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

Nays: None

MOTION PASSES

B. <u>Resolution Approving MDOT Grant Application.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the request to submit the grant application to the Michigan Department of Transportation for the Lakeside Business District enhancements. Improvements include traffic calming measures, beautification and signage. Commission approved the grant in 2008 and it was submitted to MDOT. However, staff did not hear back from MDOT in over a year and it was discovered that the application had been misplaced at MDOT. Staff has continued to work with MDOT on the application, and it was recommended that some of the items should be taken off since they would not be funded. The initial total project costs were $179,564; but after revisions to the project, the new total project cost would be $37,300.

FINANCIAL IMPACT: Improvements to the area could result in a more vibrant commercial district.

BUDGET ACTION REQUIRED: The grant requires a 20% match. The total project cost is estimated to be $37,300, resulting in a $7,460 match from the City, plus an estimated $10,000 in engineering costs.

STAFF RECOMMENDATION: To approve the request and sign the resolution.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the grant resolution for the MDOT grant application contingent upon getting funds from outside sources for the grant match.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:12 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk