

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 14, 2014

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, January 14, 2014.

Mayor Gawron opened the meeting with prayer from Pastor Penny Johnson from Oak-Crest Church of God 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, Commissioners Byron Turnquist, Ken Johnson, Eric Hood, Lawrence Spataro, Willie German, and Dan Rinsema-Sybenga, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-03 INTRODUCTIONS/PRESENTATION:

A. Sister Cities. Pat Donahue and students that participated in the recent October Sister Cities exchange gave an update to the Commission.

2014-04 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the December 9th Commission Worksession Meeting, and the December 10th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Deficit Elimination Plan for Neighborhood Stabilization Fund. FINANCE

SUMMARY OF REQUEST: At June 30, 2013, the City of Muskegon Neighborhood Stabilization Fund had a deficit balance of \$38,767. Act 275 of the Public Acts of 1980 requires that the City file a Deficit Elimination Plan with the Michigan Department of Treasury. Staff is requesting adoption of the Neighborhood Stabilization Elimination Plan and Resolution.

FINANCIAL IMPACT: As presented by the Deficit Elimination Plan, the

Neighborhood Stabilization Fund will no longer have a deficit by June 30, 2014.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the Deficit Elimination Plan Resolution.

C. SAFEbuilt “Addendum to Professional Services Agreements”.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has contracted with SAFEbuilt to provide building and property inspection services. Currently, there are two separate agreements with different termination dates. In order to remain consistent, there are three changes recommended to the agreements. The first is to permit SAFEbuilt the use of City telephone and internet services, for a monthly/annual fee. The second is to use the same termination dates for both the Building and Rental/Environmental Code Compliance Agreements. The third is to allow SAFEbuilt to use the City's BS&A software, as well as the Alpha software.

FINANCIAL IMPACT: The City will be providing services for use of the telephone and internet and will receive a monthly fee of \$150 plus an annual SIP handset fee of \$85 per telephone from SAFEbuilt.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Addendum and authorize the Mayor's signature.

E. Liquor License Request – Racquets, 446 W. Western Avenue,
Commission Approval for Use of City Owned Property. PUBLIC SAFETY

SUMMARY OF REQUEST: The Muskegon Police Department has received an Application for Temporary Authorization from Downtown Pinnacle Properties (dba Racquets Downtown Grill) for a charity volleyball event scheduled for January 30, 2014 to February 1, 2014. The liquor license request is to include the volleyball court area which will be located on Western Avenue between 3rd and 4th Street.

The State of Michigan Liquor Control Commission is asking for local Commission approval, for use of the City street, before the license is issued. This is a repeat event, and the Muskegon Police Department finds no reason to deny this request.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

F. Quit Claim City Property to County of Muskegon. CITY MANAGER

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the quit claim

deed to the County of Muskegon for \$1. The City lot is currently being used as parking by County employees and will continue to be used as parking.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign the quit claim deed.

G. Title VI – Non-Discrimination Plan & Limited English Proficiency Plan.
AFFIRMATIVE ACTION

SUMMARY OF REQUEST: A Title VI Plan was developed to adhere to non-discrimination requirements that shall be met prior to the receipt of, or upon entering into a contract with the Michigan Department of Transportation (MDOT) for Federal Highway Administration (FHWA) funds.

The City of Muskegon currently does not have a Title VI Non-Discrimination Plan or Limited English Proficiency Plan on file with the Michigan Department of Transportation. Compliance with Federal and State Civil Rights Regulations is mandatory and it is our responsibility to ensure that as a recipient or sub-recipient of Federal Highway Administration dollars, we have a Title VI Plan and a Limited English Proficiency Plan on file with the Michigan Department of Transportation prior to the receipt of federal funds.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the City of Muskegon Title VI – Non-Discrimination Plan, and Limited English Proficiency Plan, and authorize the Mayor and Staff to sign, and place on file with the Michigan Department of Transportation.

H. Approval of Realtor Procurement Bid for CNS. COMMUNITY &
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Greenridge Realty as our Realtor and listing agent for the City of Muskegon's CNS properties for 2014. The procurement bidding process conducted in November, 2013, resulted in an unacceptable bid offer.

FINANCIAL IMPACT: Any financial impact would be realized at the sale closing; the realtor would receive 6% of the sale price; 1% discount if Greenridge is the buyer's agent.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Greenridge Realty as the Realtor for the Community & Neighborhood Services office for the 2014 year.

I. Vacation of Nims Street between Brunswick Street and Vulcan Street.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Newkirk Electric at 1875 Roberts Street is requesting to vacate the portion of Nims Street between Brunswick Street and Vulcan Street so they may combine their main facility with their other property at 1975 Vulcan Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the street at their December meeting, with the condition that all utility easement rights be retained.

J. Vacation of Vulcan Street South of Nims Street and North of Keating Avenue.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Newkirk Electric at 1875 Roberts Street is requesting to vacate the portion of Vulcan Street south of Nims Street and north of Keating Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the street at their December meeting, with the condition that all utility easement rights be retained.

Motion by Commissioner Hood, second by Commissioner Johnson to accept the Consent Agenda as presented minus Item D.

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

Nays: None

MOTION PASSES

2014-05 ITEM REMOVED FROM THE CONSENT AGENDA:

D. SAFEbuilt Inspectors – Authorization to Issue Citations.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has contracted with SAFEbuilt to provide building and property inspection services. This responsibility includes

the necessity of issuing citations. Since State law specifies that only “local authorized officials” may issue civil citations on behalf of the municipality it is necessary to appoint the SAFEbuilt inspectors as “local authorized agents with the power to issue municipal citations and municipal ordinance violation notices”.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution authorizing SAFEbuilt inspectors to act as “local authorized agents”.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga to approve the resolution authorizing SAFEbuilt inspectors to act as “local authorized agents”.

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

Nays: None

MOTION PASSES

2014-06 UNFINISHED BUSINESS:

A. Appointment of Vice Mayor.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga to appoint Larry Spataro as Vice Mayor for the next two-year term.

ROLL VOTE: Ayes: Spataro, Turnquist, Johnson, and Gawron

Nays: German, Rinsema-Sybenga, and Hood

MOTION PASSES

2014-07 NEW BUSINESS:

A. Towing Contract. PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the towing contract with the City. This contract will go into effect on January of 2014. Proposals were submitted by the following companies:

1. Ramos Towing, 2444 S. Getty, Muskegon 49444
2. ASAP Towing, 2486 S. Getty, Muskegon 49444
3. Central Towing, 710 Alberta Ave., Muskegon 49441
4. Reliable Towing, 1288 Ninth St., Muskegon 49440

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Director of Public Safety recommends the

Commission consider selecting Ramos Towing Services for a three year towing contract to provide needed towing services listed in the contract.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to award the towing contract to Ramos Towing Services for a three year towing contract to provide needed towing services listed in the contract.

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

Nays: None

MOTION PASSES

B. Muskegon Lakefront LLC Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve the agreements as submitted.

FINANCIAL IMPACT: \$50,000 in payments from Muskegon Lakefront LLC.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreements as submitted.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German to approve the agreements as submitted for Muskegon Lakefront LLC.

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

Nays: None

MOTION PASSES

C. Community Relations Committee Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To concur with recommendations from the Community Relations Committee regarding appointments and resignations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the recommendations of the Community Relations Committee from their January 13, 2014, meeting.

Motion by Commissioner Turnquist, second by Commissioner Hood to approve the recommendations of the Community Relations Committee from their January 13, 2014, meeting.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Vice Mayor Spataro represented the City at the groundbreaking of the new Muskegon County Jail.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:41 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk