

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 12, 2008

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, February 12, 2008.

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

Absent: Commissioner Clara Shepherd (arrived at 5:35 p.m.)

2008-15 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, January 22nd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Recommendations for the Various Boards and Committees. CITY CLERK

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommended approval at their February 4th meeting.

C. Response Agreement-Department of Veteran Affairs Police. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Veteran Affairs Police. This agreement, known as a "threshold agreement", coordinates public safety response to Veterans Affairs offices within the City, specifically: 165 East Apple Avenue, Suite 201. There are no costs associated with this agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

D. Project Safe Neighborhood Sub-award Agreement. PUBLIC SAFETY

SUMMARY OF REQUEST: The United States Department of Justice, Office of Justice Programs, has awarded the Muskegon Police Department a \$30,000 grant under the auspices of Project Safe Neighborhoods (PSN). PSN is a nationwide, anti-gun initiative. We have been a member of the PSN Federal Taskforce since its inception. The award money will be utilized to purchase equipment and technology that will aid us in the forensic processing of guns.

The award is being administered by Grand Valley State University, who serves as the Primary Awardee. The Director of Public Safety is asking that you authorize him to sign the appropriate grant award documents.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

E. Traffic Department Materials and Services 2008. PUBLIC WORKS

SUMMARY OF REQUEST: Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We have bid out these items with MCRC for the past eighteen years. By bidding together with MCRC and other municipalities we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT:

Sign materials and services to be jointly bid:

Sign blanks - \$1,400 approx.

Sign posts - \$1,800 approx.

Sign sheeting - \$2,000 approx.

Ready Made Signs - \$2,000 approx.

Centerline painting - \$17,000 approx.

Total - \$24,200 (\$24,800 in 2007)

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

F. Utility Boxes. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two truck utility boxes.

FINANCIAL IMPACT: Total Cost \$8,850.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase of two utility boxes from Hoekstra Truck Equipment.

G. Budgeted Vehicle Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three 2008 Chevrolet Impalas from Berger Chevrolet.

FINANCIAL IMPACT: \$45,648.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase of three Chevrolet Impalas from Berger Chevrolet.

H. Purchase of 226 Catherine. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the property at 226 Catherine from the Muskegon County Land Bank for the price of \$600. The parcel at 226 Catherine (City of Muskegon Revised Plat of 1903 W ½ Lot 7 Block 252) is currently owned by the Muskegon County Land Bank through the tax-reversion process.

After the Community and Neighborhood Services Department legally obtains the property at 226 Catherine, the parcel will be combined with the parcel at 218 Catherine, where the department recently completed a rehabilitation project. A garage will now be built on the 226 Catherine site to accompany the house at 218 Catherine. This will continue the City's aggressive neighborhood revitalization efforts.

FINANCIAL IMPACT: The \$600 cost will come from the HOME funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the purchase from the Muskegon County Land Bank.

I. Selection of Contractors for Fair Housing Analysis. COMMUNITY &
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve a contract with the Fair Housing Center of Southeastern Michigan for the production of a housing impediment study for Muskegon County, with special emphasis on the entitlement communities of Muskegon, Muskegon Heights and the City of Norton Shores. The total cost of the study is \$29,000.

Since the aforementioned entitlement cities receive Community Development Block Grant funds from the US Department of Housing and Urban Development, all of the communities are required to produce an impediment study every two to three years. Due to the significant cost of having the impediment study completed, it has been agreed on by the three entitlement communities to share the cost of the study. In addition, the entitlement communities have also requested assistance from Muskegon County and several local banks.

At this time, the City of Muskegon's contribution will be between \$7,500 and \$10,000. It is hoped the cost can be decreased as more players are added to the contribution list.

FINANCIAL IMPACT: The final cost will be deducted from CDBG Administration Funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the CNS office to enter into a joint contract with the two other entitlement communities and the Fair Housing Center of Southeastern Michigan of Ann Arbor.

J. Request for Encroachment Agreement for 379 W. Western Avenue.
ENGINEERING

SUMMARY OF REQUEST: Sidock Systems, LLC has submitted an encroachment agreement form requesting your permission to install a glass canopy 30' long and 7' 6" deep which will extend approximately 3' 6" into the Western Avenue public right-of-way.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement to install the canopy.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2008-16 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Knollwood Court, Beach Street to End. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Knollwood Court from Beach Street to end and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$21,508.76 would be spread against the 13 parcels abutting the project. The amount being spread is roughly \$10 per foot below what the owners were expecting at the time of the creation of the district.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the spreading of the special assessment roll for Knollwood Ct. from Beach Street to the end.

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

Nays: None

MOTION PASSES

B. Create Special Assessment District for Roblane Avenue, Quarterline Road to Marlane Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Roblane Avenue, Quarterline Road to Marlane Street project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Vice Mayor Gawron to close the Public Hearing and create the special assessment district for Roblane Avenue, Quarterline Road to Marlane Street.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Wierengo and Commissioner Carter to the Board of Assessors.

C. Create Special Assessment District for Dale Avenue, Sanford Street to Peck Street. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Dale Avenue, Sanford Street to Peck Street project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and create the special assessment district for Dale Avenue, Sanford Street to Peck Street.

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

Nays: None

MOTION PASSES

Mayor Warmington appointed Commissioner Spataro and Vice Mayor Gawron to the Board of Assessors.

2008-17 UNFINISHED BUSINESS:

**A. Amendment to the Zoning Ordinance – WM, Waterfront Marine Districts, Special Land Uses Permitted. PLANNING & ECONOMIC DEVELOPMENT
(Tabled from January 22, 2008)**

SUMMARY OF REQUEST: Request to amend Section 1901 (Special Land Uses Permitted) of Article XIX (WM, Waterfront Marine Districts) to allow an additional

special land use.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to allow an additional special land use in the WM, Waterfront Marine zoning district.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their January 10th meeting. The vote was unanimous with T. Michalski and B. Smith absent.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the amendment to the zoning ordinance.

Motion by Commissioner Wierengo, second by Commissioner Spataro to table the amendment to the Zoning Ordinance Waterfront Marine Districts, Special Land Uses Permitted and refer it back to staff.

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

Nays: None

MOTION TO TABLE PASSES

2008-18 NEW BUSINESS:

A. Sale of Property to the County of Muskegon. CITY MANAGER

SUMMARY OF REQUEST: To approve the sale of property to the County of Muskegon for the construction of mental health facilities.

FINANCIAL IMPACT: The sale is for \$1.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale and authorize the Mayor to execute the Purchase Agreement and Quit Claim deed.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the sale of property to the County of Muskegon.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

Abstain: Spataro

MOTION PASSES

B. Muskegon Events Committee. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: A group of City Staff and representatives from Walker

Arena and the Convention & Visitors Bureau (CVB), have been meeting to plan events for Muskegon. The goal of the Committee is to provide residents of the area with events to attend and participate in, and to bring visitors to the area to enjoy Muskegon's natural resources, entertainment, dining, accommodations and shopping opportunities. Generating major events in the City will also create better usage of our City facilities (e.g., Walker Arena, beaches, parks). At this time, the Events Committee requests that the City Commission formally recognize the group as a Committee. This will assist in public relations, marketing and fundraising efforts.

FINANCIAL IMPACT: None at this time. However, with major events being generated in our community, the City will gain financially from visitors to the area through revenues at the various venues offered (e.g. restaurants, hotels, entertainment facilities).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To formally recognize the Muskegon Events Committee. Members currently consist of : Jill Foreman (CVB), Tony Lisman (Walker Arena), Ann Becker, Cathy Brubaker-Clarke, Lowell Kirksey, Bob Kuhn, Bryon Mazade, Tim Paul, Doug Sayles, and Bernadette Young. Additional members may be added, depending on the events being developed/coordinated.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to recognize the Muskegon Events Committee as proposed.

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

Nays: None

MOTION PASSES

**C. Addition to 2008 Street Construction Plan – Beidler Street. CITY
MANAGER**

SUMMARY OF REQUEST: To approve amending the 2008 street construction plan to add Beidler Street between Laketon and Southern Avenues. Funds have become available to do this project because Harbortowne Circle and Vincent Drive were dropped for the 2008 construction season.

FINANCIAL IMPACT: Approximately \$575,000.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the addition of Beidler Street to the 2008 street construction plan.

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

Warmington

Nays: None

MOTION PASSES

D. Municipal Service Agreement with Lac Vieux Desert Band of Lake Superior Chippewa Indians. CITY MANAGER

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Municipal Service Agreement with Lac Vieux Desert Band of Lake Superior Chippewa Indians.

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

Nays: Gawron and Wierengo

MOTION PASSES

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

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk