

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

NOVEMBER 10, 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., Monday, November 10, 2008.

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 Steve Wisneski, Chris Carter, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

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

#### **2008-95 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, October 28<sup>th</sup>.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Veterans Memorial Park. CITY MANAGER**

SUMMARY OF REQUEST: To approve the Veterans Memorial Park resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

##### **C. Agreement for Gypsy Moth Suppression. PUBLIC WORKS**

SUMMARY OF REQUEST: Muskegon County is offering a gypsy moth suppression

program to local governments in 2009. To participate in the program, an intergovernmental agreement is required. An initial fee is required for field work and mapping of infestations. Financing options for actual suppression costs, if needed, are not known at present. Once actual costs are determined, the City may opt in or out of the program at will.

FINANCIAL IMPACT: Initial cost is \$300 for field inspections and mapping in 2008 to determine if infestations qualify for suppression.

BUDGET ACTION REQUIRED: None, the expense is budgeted under Cemetery Maintenance.

STAFF RECOMMENDATION: Approve the intergovernmental agreement with the County.

**D. Distribution System Reliability Study Resolution.** WATER FILTRATION

SUMMARY OF REQUEST: To approve the resolution for the area-wide water distribution system reliability study.

FINANCIAL IMPACT: The City's portion of the study cost is \$34,745.86.

BUDGET ACTION REQUIRED: The reliability study is included in the 2009 Capitol Improvements Budget.

STAFF RECOMMENDATION: Approval.

**E. Change in Selling Price for City Owned Buildable lots in Jackson Hill, Nelson, McLaughlin, and Angell Neighborhoods.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The assessed values for vacant, buildable lots appear to be rather high in certain central city neighborhoods. Therefore, it is recommended that lots be sold for a lower percentage of the assessed value. The Commission is requested to approve the changes for the selling price of City-owned buildable lots in target areas. The selling prices of the City-owned buildable lots in Jackson Hill, McLaughlin, and Angell neighborhoods will be offered at 55% of the True Cash Value and in Nelson neighborhood they will be offered for 25% of the True Cash Value as shown on the Assessor's Office records. The building requirements would remain the same in all the neighborhoods. The selling prices would also reflect properties with the same lot dimensions. For example 66 ft. by 132 ft. would be close to the same selling price.

FINANCIAL IMPACT: The selling price change for this target area could help spur property sales and relieve the City of maintenance costs for those lots. Additional sales will also place the property back on the tax rolls.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the selling price

changes.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the changes to the selling prices for these areas at their October 28, 2008, meeting.

**F. Engineering Services Agreement for Traffic Signals Upgrades at Various Locations.** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Progressive A/E to perform the necessary design and specifications to upgrade 12 traffic signals to LEDs. Progressive is being recommended as a result of reviewing a review of three proposals.

FINANCIAL IMPACT: \$23,450 for the design and specifications only, survey will be done by City.

BUDGET ACTION REQUIRED: None since this project was budgeted for in 2009.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Progressive.

**G. Request for Encroachment Agreement for Muskegon Housing Commission, 1088 Terrace Street.** ENGINEERING

SUMMARY OF REQUEST: Rivertown Contractors, Inc. on behalf of the Muskegon Housing Commission has submitted the encroachment agreement form requesting your permission to install a 12 volt underground electrical cable in the right of way consisting of 10 feet from the property line to the terrace on Hartford Ave., 150 feet beneath the terrace along Hartford Ave., and 66 feet beneath Terrace St., for a total encroachment of 216 feet. This encroachment will connect the newly purchased parking lot to the existing electrical system of the Housing Commission building.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement to install 216 feet of 12 volt electrical cable per the site plan.

**H. Request for Encroachment Agreement, 379 W. Western Avenue.** ENGINEERING

SUMMARY OF REQUEST: Sidock Systems, LLC has submitted the amendment to encroachment agreement #2008-15(j) requesting your permission to install a flag pole on each side of the glass canopy 30' long and 7'6" deep glass canopy which will extend into the Western Ave. public right of way.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the encroachment agreement for the installation of the flag poles.

**I. Request to Approve Donation of Items to Muskegon County Museum.**

**PUBLIC SAFETY**

SUMMARY OF REQUEST: The Muskegon County Museum has requested the City of Muskegon to donate items from the list to their collection. These items have been stored at the old Central Fire Station and are no longer required for use by the Fire Department.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**J. U. S. Environmental Protection Agency (USEPA) Grant Submittal.**

**PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The Site Assessment grants that the City of Muskegon has received through the Michigan Department of Environmental Quality have been invaluable to assisting our development community. Unfortunately, these funds have been exhausted. However, the US Environmental Protection Agency has a funding cycle for a similar grant. We applied for this grant in 2007, but were not approved. We would like to try, again, this year. The application is due November 14, 2008. Envirologic Technologies Inc. (Kalamazoo) and Ann Couture have agreed to prepare the grant on the City of Muskegon's behalf (with assistance for our staff). If approved, the funds would be received through the BRA. Anne Couture would continue to assist with the grant administration, and the City would go through a RFP process for environmental consultants.

FINANCIAL IMPACT: If approved, the City of Muskegon will receive up to \$200,000 in grant funds to assist in Brownfield redevelopment.

BUDGET ACTION REQUIRED: None.

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

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

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

**Nays: None**

***MOTION PASSES***

**2008-96 UNFINISHED BUSINESS:**

**A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 254 Amity Avenue.** PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 254 Amity Ave. is unsafe, substandard, a public nuisance and that it be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structure 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 Carter, second by Commissioner Spataro to table the concurrence of the Housing Board of Appeals notice and order to demolish 254 Amity to the first meeting in December and send for final inspection on the exterior of the property and allow applicant to pull permits for the interior work.**

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

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Various comments were heard.

**ADJOURNMENT:** The City Commission Meeting adjourned at 5:52 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk