

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 28, 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, October 28, 2008.

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

2008-89 HONORS AND AWARDS:

A. Employee Service Awards. CIVIL SERVICE

Shontea Jenkins, Civil Service Commissioner, introduced the City employees. The Mayor and Commissioners thanked them for their years of service.

2008-90 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the October 13th Commission Worksession, and the October 14th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Contract Agreement – Lockers – The Casper Corporation. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission consider the bid for lockers for the men's locker room in the Police Department. The bid was submitted by The Casper Corporation of Kalamazoo,

Michigan.

Due to the layout of the locker room, The Casper Corporation is the only vendor who could provide the style of locker (built-in locking storage and bench) that will function in conjunction with the design. This is the same company that provided lockers for the women's locker room in 2007. Cost for the lockers (62) as proposed by Casper is \$66,976.

FINANCIAL IMPACT: This project is part of the 2009 capital improvement fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

C. Rezoning Request for Properties Located at 2320 and 2350 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 2320 and 2350 S. Getty, from B-4, General Business District to I-2, General Industrial District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 16th meeting. The vote was unanimous with B. Smith and J. Aslakson absent.

D. Rezoning Request for Properties Located in Area 8 Bounded by Keating Ave., Madison St., Holbrook Ave. and S. Getty St. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone multiple properties located in the City of Muskegon Continental Addition bounded by Keating Avenue, Madison Street, Holbrook Avenue and S. Getty Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 16th meeting. The vote was unanimous with B. Smith and J. Aslakson absent.

E. Resolution to Adopt Identity Theft Program Policy. TREASURER

SUMMARY OF REQUEST: To approve the resolution adopting an Identity Theft Policy Program in accordance with Federal Regulations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and policy.

F. Meter Reading Radio Equipment Purchase 2009. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 11,000 Meter (MXU) Radio Transceiver Units and one (VXU) Vehicle based reading unit during the year 2009. This proposal will complete the process of installing radio read technology to all residential customers. It is the intent of the Department of Public Works to purchase the radio units in January of 2009 and to have the project completed in 2010.

FINANCIAL IMPACT: Total Cost \$1,240,000.

BUDGET ACTION REQUIRED: None, the 2009 Water Fund Budget includes \$1,400,000 in funding for this purchase.

STAFF RECOMMENDATION: To approve the purchase from ETNA SUPPLY.

G. Consideration of Bids for B-237 Richards Park WWTP Building Demolition.
ENGINEERING

SUMMARY OF REQUEST: Award Phases 1 thru IV of the Richards Park WWTP Building Demolition contract to Pitsch Wrecking Co. out of Grand Rapids, MI since they were the lowest responsible bidder with a total bid price of \$82,600 and authorize staff to negotiate for a possible reduction in the aforementioned bid.

FINANCIAL IMPACT: The construction cost of \$82,600.

BUDGET ACTION REQUIRED: Cost from the 2008 and 2009 Budget items.

STAFF RECOMMENDATION: Award the contract to Pitsch Wrecking Co.

H. Admiral Petroleum, 11 E. Muskegon Ave., Request for an Encroachment Agreement. ENGINEERING

SUMMARY OF REQUEST: Hopp Environmental, on behalf of Admiral Petroleum, is requesting your permission to install one vertical monitoring well in the northerly right-of-way of Muskegon Avenue east of Pine Street as reflected in the application.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions and compliance with the necessary insurance requirements.

I. Support for Michigan Lighthouse Conservancy. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Michigan Lighthouse Conservancy (MLC) has applied for ownership of the Muskegon lighthouses. From the information received by staff, they appear to have the ability to take on this responsibility. They have requested the support of the City by approval of the letter. If they seek grants, they will request the partnership of the City, as well as others. Some of these grants may require the City to submit the actual application, although the MLC will prepare the grant application (similar to the process we have used before with the local museums).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve support of the Michigan Lighthouse Conservancy's application to take ownership of the Muskegon Pierhead and Muskegon South Breakwater lighthouses and authorize the Mayor to sign the letter of support.

J. Liquor License Request, Clay Avenue Cellars, Inc., 611 W. Clay Avenue.
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Clay Avenue Cellars, Inc. to Add Space to the licensed 2008 Small Wine Maker and Direct Shipper Licenses located at 611 W. Clay.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2008-91 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate Transfer, SAF Holland. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, SAF Holland, 1950 Industrial Blvd., has requested the transfer of an Industrial Facilities Exemption Certificate from their facility in Holland to their Muskegon facility. The total capital investment of the project is \$843,193 in personal property. The original certificate was issued in 2005 for a period of twelve years and it will

expire in 2017.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the IFT transfer.

The Public Hearing opened to hear and consider any comments from the public.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to close the Public Hearing and approve the request to transfer the Industrial Facilities Exemption Certificate for SAF Holland from their facility in Holland to Muskegon.

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

Nays: None

MOTION PASSES

2008-92 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 Avenue is unsafe, substandard, a public nuisance and that it be demolished within thirty 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 Spataro, second by Commissioner Shepherd to table the concurrence with the Housing Board of Appeals Notice and Order to demolish 254 Amity to the November 10th meeting.

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

Nays: None

MOTION PASSES

2008-93 NEW BUSINESS:

A. Vacation of the North Easterly Portion of the Alley Bounded by Eighth, Clay, Ninth and Western. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the North Easterly 265 feet of the alley in Block 318 in the City of Muskegon Revised Plat of 1903, bounded by Eighth Street, Clay Avenue, Ninth Street, and Western Avenue.

STAFF RECOMMENDATION: Staff recommends vacation of the north easterly 265 feet of the alley, with the condition that all utility easement rights be retained.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their October 16th meeting, with the condition that all utility easement rights be retained. The vote was 6-1 in favor, with B. Turnquist opposed and J. Aslakson and B. Smith absent.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the vacation of the north easterly portion of the alley bounded by Eighth, Clay, Ninth and Western as described.

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

Nays: Spataro

MOTION PASSES

B. Commercial Rehabilitation Tax Abatement Districts Policy. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Commercial Rehabilitation Tax Abatement Districts Policy for the City of Muskegon.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Policy.

Motion by Vice Mayor Gawron, second by Commissioner Wisneski to approve the Commercial Rehabilitation Tax Abatement Districts Policy.

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

Nays: None

MOTION PASSES

C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the following: PUBLIC SAFETY

769 Washington – Area 12

640 Catawba

143 W. Southern – Area 10b

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty 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 769 Washington.

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

Nays: None

MOTION PASSES

Mayor Warmington explained that the owner of 769 Washington had stepped out of the room during this item.

Motion by Commissioner Spataro, second by Commissioner Wierengo to reconsider actions regarding 769 Washington.

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

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 769 Washington.

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

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 640 Catawba.

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

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 143 W. Southern.

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

Nays: Warmington and Wierengo

MOTION PASSES

2008-94 ANY OTHER BUSINESS: Vice Mayor Gawron asked that a Homeowners and Bank Protection Act resolution be adopted.

Motion by Vice Mayor Gawron, second by Commissioner Carter to adopt a resolution to send to Congress in regards to the Homeowners and Bank Protection Act.

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

Nays: Warmington, Wisneski, and Shepherd

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to move the Worksession for the month of November to Tuesday, November 18th.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 6:41 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk