

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

JULY 26, 2011

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, July 26, 2011.

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

Absent: Commissioner Sue Wierengo (excused).

#### **2011-51 CONSENT AGENDA:**

##### **A. Approval of Minutes. CITY CLERK**

SUMMARY OF REQUEST: To approve minutes of the July 11<sup>th</sup> Commission Worksession Meeting and the July 12<sup>th</sup> City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Switchgear Upgrade Engineering Proposal. WATER FILTRATION**

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Tetra-Tech to provide the necessary engineering design, bidding assistance and start-up construction assistance to replace the existing 1972 pump station switchgear for \$24,950 since they were the design engineer for the entire facility back in 2004.

FINANCIAL IMPACT: This upgrade was budgeted at \$175,000 which includes engineering services.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering service agreement with Tetra-Tech for \$24,950 as per the proposal.

**C. Muskegon County Mutual Police Assistance Agreement.** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting that the Commission approve the Muskegon County Mutual Police Assistance Agreement. This agreement will provide for supplemental police service from other law enforcement agencies in the County in the event of an emergent need or large scale incident. This document updates the current agreement which was approved by this body some years ago.

The agreement includes all ten law enforcement agencies in the County.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

**D. Encroachment Ordinance Amendment.** CITY CLERK

SUMMARY OF REQUEST: This request is to amend Chapter 74, Article V of the Code of Ordinances by adding sections 74-200 through 74-214.

Under the proposed ordinance, all encroachments will expire August 31, 2011, and will require renewal on or before September 1<sup>st</sup> of each year.

FINANCIAL IMPACT: New proposed fees are \$25 if an annual inspection is not required and a \$50 fee if an annual inspection is required.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the ordinance amendment.

(Requires Second Reading)

**E. Resolution Authorizing Issuance of Municipal Security with a Grant with Fifth Third Bank.** FINANCE

SUMMARY OF REQUEST: As discussed in a recent Worksession meeting, the Finance Director has been able to negotiate a \$2,000,000 loan for the purpose of paying the City's local match of federal and state grants for street improvements at a fixed rate of 2.98% interest rate over a ten-year period of time.

FINANCIAL IMPACT: As described above.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to proceed with the loan as described.

**Motion by Commissioner Carter, second by Vice Mayor Gawron to**

approve the Consent Agenda as read.

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

Nays: None

**MOTION PASSES**

**2011-52 NEW BUSINESS:**

**A. Approval of Sale of City-Owned Home at 468 W. Forest. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services department to complete the sales transaction between Ms. Julia A. Johnson for the totally rehabilitated home at 468 W. Forest Avenue, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Ms. Johnson's purchase price is \$52,000. The beautiful three-bedroom, two and a half-bath home was previously vacant.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through NSP to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the sale of the City-owned home at 468 W. Forest.**

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

Nays: None

**MOTION PASSES**

**B. Approval of Sale of City-Owned Home at 1080 E. Laketon. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services department to complete the sales transaction between Mr. Thomas Grosswiler for the totally rehabilitated home at 1080 E. Laketon Avenue, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Mr. Grosswiler's purchase price is \$39,900. The beautiful two-bedroom, one-bath home was previously vacant.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the

rehabilitation of vacant houses through NSP to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

**Motion by Commissioner Carter, second by Commissioner Wisneski to approve the sale of the City-owned home at 1080 E. Laketon.**

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

**Nays: None**

***MOTION PASSES***

**C. Approval of Sale of City-Owned Home at 1644 Division. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services department to complete the sales transaction between Mr. Allen Serio for the totally rehabilitated home at 1644 Division Street, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Mr. Serio's purchase price is \$50,000. The beautiful three-bedroom, one and a half-bath home was previously vacant.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through NSP to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the sale of the City-owned home at 1644 Division.**

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

**Nays: None**

***MOTION PASSES***

**D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 407 Marquette. 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 407 Marquette Avenue (commercial) 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 Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 407 Marquette.**

**Motion by Commissioner Spataro, second by Commissioner Shepherd to table action to the second meeting in September.**

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

**Nays: Wisneski**

***MOTION TO TABLE PASSES***

**E. Encroachment Agreement – 1991 Lakeshore Drive, Suite B, Muskegon MI 49441**

SUMMARY OF REQUEST: Joe Booker is requesting an encroachment agreement to add an 8' sign from the existing building.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent that all requirements listed by the Inspections Department are met.

**Motion by Commissioner Carter, second by Commissioner Wisneski to approve the encroachment agreement at 1991 Lakeshore Drive, Suite B.**

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

**Nays: None**

***MOTION PASSES***

**2011-53 ANY OTHER BUSINESS:**

Mayor Warmington stated he had been contacted by Coach Fairfield requesting permission for the Big Red football team, adults only, to sell on street corners this Friday and that the fee be waived.

**Motion by Commissioner Carter, second by Commissioner Shepherd to waive the fee for the Muskegon football program to allow them to fundraise on**

intersections in the City of Muskegon.

Motion amended by Commissioner Spataro, second by Commissioner Carter that there is no automatic grandfathering based on this action for this organization and that they pay the initial fee.

(VOTE ON AMENDED MOTION)

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

Nays: None

*AMENDED MOTION PASSES*

(VOTE ON ORIGINAL MOTION)

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

Nays: None

*MOTION PASSES*

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:24 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk