

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

SEPTEMBER 13, 2005

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, September 13, 2005.

Mayor Warmington opened the meeting with a prayer from Pastor D. L. Rogers from Zion 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 Bill Larson, Commissioner Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

#### **2005-82 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, August 23, 2005.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **C. Liquor License Transfer of Ownership Request – Ruby Tuesday. CITY CLERK**

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from RT Michiana Franchise, LLC, to transfer interest in the 2005 12-months Resort Class C licensed business by dropping Jerry Smith as a member thru transfer of his 99% interest to existing member, Ruby Tuesday, Inc., and by adding RT One Percent Holdings, Inc., as a new member thru transfer of 1% interest from existing member, Ruby Tuesday, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent upon final inspection.

**D. Resolution for Charitable Gaming License. CITY CLERK**

SUMMARY OF REQUEST: Deaf/Hard of Hearing Connection, 3391 Merriam Street, is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a gaming license. The event will be at Heritage Landing. Due to time constraints, they are coming to us after the event (permission has been given by the State). They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

**E. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: The State of Michigan is offering the City a number of tax-reverted properties acquired prior to 2002 and available to us under the "old program" for the bargain price of \$300 for the first five properties and \$20 for each additional property after that. Since the City continues to mow and maintain these lots, even though they are State-owned, it would be advantageous to the City to take ownership of them. We can then attempt to sell them and get them back on the tax rolls. The Community and Neighborhood Services Department will be obtaining seven of the properties from the list for their program, one of which is a home to rehabilitate.

FINANCIAL IMPACT: Total cost of the 32 properties is \$840.

BUDGET ACTION REQUIRED: Expend the additional \$840 necessary to purchase these parcels.

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval at their regular meeting of August 23, 2005.

**F. County Wastewater Easements. CITY MANAGER**

SUMMARY OF REQUEST: To approve two agreements with Muskegon County which grants easements to the County across City property for the purpose of the County constructing and maintaining water lines.

FINANCIAL IMPACT: \$1,600 in revenue to the City.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the two easement agreements.

**G. Approval of Contractor for Completion of Rehabilitation of Structure at 458-460 Mulder.** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Nobles Incorporated, 210 East Broadway, Muskegon, MI for the completion of the rehabilitation of the City-owned home at 458-460 Mulder for \$68,439. Operation: Two will be made into one. This present two-unit structure will be converted into a single family home in order to be more conforming to the immediate neighborhood. After the rehabilitation is completed, the home will be marketed to qualified eligible first-time homebuyers.

Two other bids were received for this project:

Top Notch Design  
4740 Jenson, Fruitport \$96,995

Lewis Johnson Builders  
1607 Bonita Court, Grand Haven \$82,800

FINANCIAL IMPACT: The funding for this project will be taken from the City's HOME funds from fiscal year 2004 and program income.

BUDGET ACTION REQUIRED: None required.

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services request.

**H. City-County Agreement for Community Development Block Grant Funds (Neighborhoods of Choice).** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the agreement between the City and the County for the expenditure of Community Development Block Grant funds for the Neighborhoods of Choice project.

FINANCIAL IMPACT: The City will receive \$500,000 in grant funds from the State of Michigan, through the County of Muskegon for the project.

BUDGET ACTION REQUIRED: None.

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

**I. Request for an Encroachment Agreement (Laketon & Henry, Northwest Corner).** ENGINEERING

SUMMARY OF REQUEST: BLDI Environmental who is working with Ken's Super Service Station at the northwest corner of Laketon and Henry has submitted an encroachment agreement form requesting your permission to install five (5) monitoring wells in the area surrounding the aforementioned station. The wells would be installed in the public right of ways of Hudson, Laketon, Henry, and Division.

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.

**J. Fireworks Display - Blue Corner Boxing. CITY CLERK**

SUMMARY OF REQUEST: Blue Corner Boxing is requesting approval of a fireworks display permit for their boxing event at the L. C. Walker Arena on September 24, 2005. Fire Marshall Metcalf will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

**K. Accept Resignation and Make Appointment to Various Boards and Committees. CITY CLERK**

SUMMARY OF REQUEST: To accept the resignation from J. D. Wallace from the Zoning Board of Appeals, and appoint Carol Lynne Nash to the Loan Fund Advisory Committee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

**L. Approve Resolution Requests. CITY CLERK**

SUMMARY OF REQUEST: To approve resolution requests for Muskegon Community Youth Group, Pioneer Resources, Stepfamily Association of America, and Babbitt Memorial Garden.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

**Motion by Commissioner Carter, second by Vice Mayor Larson to approve the Consent Agenda as read with the exception of item B.**

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

**Nays: None**

***MOTION PASSES***

**2005-83 ITEM REMOVED FROM THE CONSENT AGENDA:**

**B. Liquor License Transfer of Location Request – Port City Cruise Line, Inc.**  
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Port City Cruise Line, Inc. to transfer location of the 2005 Watercraft licensed business with dance-entertainment permit and 250 passengers from 1133 W. Western.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: All departments are recommending approval.

**Motion by Commissioner Davis, second by Commissioner Carter to approve the liquor license transfer of location request for Port City Cruise Line, Inc.**

**ROLL CALL: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis**

**Nays: None**

***MOTION PASSES***

**2005-84 PUBLIC HEARINGS:**

**A. 2006 Budget Adoption. FINANCE**

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2006. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website since September 1<sup>st</sup>. After hearing public comments, the City Commission may take action to adopt the 2006 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2005.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2006. As proposed, the budget includes no property tax increases.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2006.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2006 City of Muskegon Budget resolution. Also, approval of the 3<sup>rd</sup> Quarter 2005 Budget Reforecast as shown in the Budget Book is recommended at this time.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. City Manager Bryon Mazade gave an overview. No public comments were made.

**Motion by Commissioner Gawron, second by Commissioner Spataro to close the**

Public Hearing at 5:48 p.m. and approve the proposed 2006 Budget adoption and the 3<sup>rd</sup> Quarter 2005 Budget Reforecast.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, and Larson

Nays: None

***MOTION PASSES***

**2005-85 NEW BUSINESS:**

**A. Tool & Die Recovery Zone Status for Northern Machine Tool. PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT**

SUMMARY OF REQUEST: To approve the development agreement and resolution establishing a Tool & Die Recovery Zone for Northern Machine Tool, 761 Alberta.

FINANCIAL IMPACT: The City will forego approximately \$7,300 per year for a total of approximately \$109,545 in taxes for the 15-year period of the zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Development Agreement and the resolution establishing a Tool and Die Recovery Zone, and authorize the Mayor and Clerk to sign.

**Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the Development Agreement and resolution establishing a Tool and Die Recovery Zone for Northern Machine Tool.**

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

***MOTION PASSES***

**B. Filter Turbidimeter Replacement. WATER FILTRATION**

SUMMARY OF REQUEST: To replace the existing ten filter turbidimeters at the Water Filtration Plant.

FINANCIAL IMPACT: \$19,500 plus shipping and handling. Installation will be made by staff.

BUDGET ACTION REQUIRED: This planned purchase is budgeted.

STAFF RECOMMENDATION: To purchase the ten filter turbidimeters from HACH Company at a cost of \$19,500 plus shipping and handling.

**Motion by Commissioner Spataro, second by Commissioner Carter to authorize the purchase of ten filter turbidimeters.**

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, and

Carter

Nays: None

***MOTION PASSES***

**C. Seyferth Park Skate Ramp. CITY MANAGER**

SUMMARY OF REQUEST: To purchase a new ramp for the Seyferth Park Skate Park from Sphon Ranch, Inc. from the City of Industry, CA in the amount of \$39,000 installed. Funds for the purchase will come from the Seyferth Fund within the Community Foundation for Muskegon County.

FINANCIAL IMPACT: \$39,000

BUDGET ACTION REQUIRED: Authorize necessary budget adjustments.

STAFF RECOMMENDATION: To approve the purchase of a 6' x 16' Mini Half Pipe Ramp (HD Series) from Sphon Ranch, Inc. which includes installation.

**Motion by Commissioner Gawron, second by Commissioner Spataro to approve the purchase of a new ramp for the Seyferth Park Skate Park from Sphon Ranch, Inc.**

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

**Nays: None**

***MOTION PASSES***

**2005-86 PUBLIC PARTICIPATION:** Request for flags and markers for St. Mary's and Sunrise Memorial Gardens Cemeteries.

**Motion by Vice Mayor Larson, second by Commissioner Spataro to authorize staff to pay the total amount of \$6,599.74 one final time for Sunrise and St. Mary's Cemeteries with the understanding that in the future we will be responsible for cemeteries owned by the City only.**

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

**Nays: None**

***MOTION PASSES***

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

Respectfully submitted,

Gail A. Kunding, MMC  
City Clerk