

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

JUNE 8, 2004

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, June 8, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Bob Rogers of the Oak Crest Church of God 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, Commissioners Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

#### **2004-53 INTRODUCTIONS/PRESENTATION:**

##### **A. Introduction of Summer Interns. AFFIRMATIVE ACTION**

Ken James, Affirmative Action Director, introduced the summer interns.

#### **2004-54 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, May 25, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Fireworks Display – Muskegon Country Club. CITY CLERK**

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit at the Muskegon Country Club, 2801 Lakeshore Drive for July 4<sup>th</sup>. Fire Marshall Metcalf will inspect the fireworks.

FINACIAL IMPACT: None

BUDBET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

**C. Fireworks Display – Muskegon Summer Celebration. CITY CLERK**

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display permit for June 26<sup>th</sup> and 29<sup>th</sup>, and July 1<sup>st</sup> and 4<sup>th</sup>. Fire Marshall Metcalf will inspect the fireworks.

FINACIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

**D. Housing Commission Appointment – Jerry Lottie. CITY MANAGER**

SUMMARY OF REQUEST: To appoint Jerry Lottie to fill the unexpired term of Reverend Kirksey (deceased).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the appointment.

**E. Sale of Non-Buildable Lot at 1164 Ambrosia Street. PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot (Parcel #24-205-249-0003-00) at 1164 Ambrosia Street to Marge Stafford, owner of 1160 Ambrosia Street, Muskegon, MI. Approval of this sale will allow the owner to expand her current yard. Since the RT-Two Family Residential zoning requires 75 ft. of frontage, it would not be possible for the adjacent property owner to have a buildable lot if we were to offer this lot to them. Therefore, the lot is being offered to Ms. Stafford for \$1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls, thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

**F. City-MDOT Agreement for McCracken St., Sherman Blvd. to Lakeshore Drive. ENGINEERING**

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of McCracken St. from Sherman Blvd. to Lakeshore Dr. and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT'S participation is estimated a \$552,354 but not to exceed 81.85% of eligible cost. The estimated total construction cost (without engineering) of the project, including the non-participating items of watermain & sanitary sewer, is \$1,180,200.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street and water/sewer funds as was budgeted.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

**G. Community Relation Appointments.** CITY CLERK

SUMMARY OF REQUEST: To approve the appointment of Aime Brown to the Historic District Commission replacing Lois Cole, and reappoint Barbara VanFossen to the District Library Board.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval at their June 7<sup>th</sup> meeting.

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the Consent Agenda.**

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

**Nays: None**

***MOTION PASSES***

**2004-55 NEW BUSINESS:**

**A. DNR Harbors and Docks-Mooring Construction Agreement.** LEISURE SERVICES

SUMMARY OF REQUEST: To approve the agreement with the Department of Natural Resources (DNR) for construction and improvements at Hartshorn Municipal Marina.

FINANCIAL IMPACT: \$2,000,000 with the MDNR providing \$1,000,000 as a 50% match.

BUDGET ACTION REQUIRED: Match will need to be provided by either a bond or loan to be paid off by the marina.

STAFF RECOMMENDATION: Approve.

**Motion by Vice Mayor Larson, second by Commissioner Gawron to approve the agreement.**

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

**Nays: None**

***MOTION PASSES***

**B. Liquor License Request – Polly Anna's Whole Foods.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Polly Anna's Whole Foods of 1848 E.

Sherman Blvd. for a new SDM licensed business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

**Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the request for a new SDM license.**

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

**Nays: None**

***MOTION PASSES***

**C. FIRST READING: Illicit Discharge and Connection Ordinance. PUBLIC WORKS**

SUMMARY OF REQUEST: The City's permit (Certificate of Coverage) to discharge storm water to waters of the state requires the adoption of an ordinance to prohibit illicit connections of non-storm water to the municipal storm water collection system. The ordinance is recommended by our consultant, FTCH, and has been reviewed and approved as corrected by the City Attorney.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None. Expenses are budgeted under the Storm Water Budget.

STAFF RECOMMENDATION: To approve the adoption of the Illicit Discharge and Connection Ordinance.

**Motion by Commissioner Davis, second by Commissioner Carter to approve the adoption of the Illicit Discharge and Connection Ordinance.**

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

**Nays: None**

***MOTION PASSES***

**D. Purchase of 510 Creston. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the purchase of the property located at 510 Creston (City of Muskegon Urban Renewal Plat number 2 Lot 349) from the U.S. Department of Housing and Urban Development for the amount of \$16,500. If approved, CNS will solicit bids to rehabilitate the structure at 510 Creston and later sell the totally rehabilitated home to a qualified low/moderate-income family, which will continue the City's neighborhood revitalization efforts by returning once blighted homes to the tax roll and eliminating their blighting influence on their specific neighborhood.

FINACIAL IMPACT: Funding for the purchase and rehabilitation will be deducted from the City's 2002 HOME funding.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None.

**Motion by Commissioner Carter, second by Commissioner Gawron to approve the purchase of 510 Creston.**

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

**Nays: None**

***MOTION PASSES***

**E. Approval of 2004-2005 Subrecipient and Community Housing Development Organization (CHDO) Agreements. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To direct the Mayor and City Clerk to sign all of the 2004-2005 approved agreements for the City's subrecipients and Coho's. The City Commission approved the funding for each of the nonprofits last spring during the City's Consolidated Planning process. After the Mayor and Clerk sign the contracts, the CNS office will retain one copy for their files and a copy will be supplied to the appropriate nonprofit for their records.

FINANCIAL IMPACT: Funding will be allocated from the 2004-2005 CDBG and HOME programs.

BUDGET ACTION REQUIRED: None. The City Commission made budgeting decision last spring.

STAFF RECOMMENDATION: To direct Mayor and Clerk to sign agreements.

**Motion by Commissioner Spataro, second by Commissioner Carter to direct Mayor and Clerk to sign agreements.**

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

**Nays: None**

***MOTION PASSES***

**F. Seaway Industrial Park Easements. ENGINEERING**

SUMMARY OF REQUEST: Authorize staff to record or cause the recording of three public utility easement within the area know as the Seaway Industrial Park as shown and described on the survey document. The easements are for existing utilities and are necessary to insure proper documentation to establish such utilities ahead of any real estate transaction. The three easements are

1. A 33' for WM along the west side of parcel A for an existing 36" WM
2. The NW part of parcel A for a water & sewer service
3. A 50' storm sewer easement for the old Rudiment

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the recording of utility easements.

**Motion by Commissioner Gawron, second by Commissioner Spataro to approve the recording of the utility easements.**

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

**Nays: None**

***MOTION PASSES***

**G. Shoreline Drive East – Agreement with Consumer Energy to Provide Power. ENGINEERING**

***STAFF REQUESTED THIS ITEM BE REMOVED.***

**H. MCACA Grant Application. CITY MANAGER**

SUMMARY OF REQUEST: To authorize applying for a MCACA grant on behalf of the Frauenthal Center for the Performing Arts for capital improvements to the Hilt Building.

FINANCIAL IMPACT: None. The community Foundation will be responsible for the grant match.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the application.

COMMITTEE RECOMMENDATION: None

**Motion by Commissioner Spataro, second by Commissioner Shepherd to authorize applying for the MCACA grant.**

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

**Nays: None**

***MOTION PASSES***

**I. Boilerworks Project. CITY MANAGER**

SUMMARY OF REQUEST: To authorize staff to work with HDC Companies to designate the Boilerworks property (including the "yellow building") as a historic district and include it in the City's Brownfield Plan (including a letter of support).

FINANCIAL IMPACT: None

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: None

**Motion by Vice Mayor Larson, second by Commissioner Shepherd to authorize staff to work with HDC Companies to designate the Boilerworks property as a historic district and include it in the City's Brownfield Plan.**

**ROLL VOTE: Ayes: Carter, Larson, Shepherd, Warmington**

**Nays: Davis, Gawron, Spataro**

***MOTION PASSES***

The Regular Commission Meeting for the City of Muskegon adjourned at 5:58 p.m.

Respectfully submitted,

Gail A. Kunding, MMC  
City Clerk