

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 25, 2016

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, October 25, 2016. Pastor Wally Reames, Central Assembly of God Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood Commissioners Willie German, Jr., Dan Rinsema-Sybenga, Byron Turnquist, and Ken Johnson, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Debra Warren

HONORS AND AWARDS:

A. Resolution Recognizing Adopt-A-Lot Sponsors in Nelson Neighborhood

The Mayor issued resolutions of recognition commending local organizations and citizens that are creating a spirit of community and commitment to neighborhoods through the Adopt-A-Lot Program.

2016-83 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the October 10, 2016 Worksession Meeting and the October 11, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

C. Permanent Traffic Control Order – Remove Traffic Signal at Clay Avenue and 3rd Street and Install permanent “Stop” signs at Clay Avenue, per Control order #29-(2016). Department of Public Works

SUMMARY OF REQUEST: Authorize removal of traffic signal at Clay Avenue and 3rd Street and install permanent “Stop” signs at Clay Avenue, per Traffic Control

Order #29-(2016).

FINANCIAL IMPACT: Cost of removing Traffic Signal, installing signs/posts, if approved.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize DPW to have contractor remove Traffic Signal at Clay Avenue and 3rd Street and staff install "Stop" signs at Clay Avenue, per Traffic Control Order #29-(2016).

D. Permanent Traffic Control Order – Remove Traffic Signal and Install permanent "Stop" Signs at Muskegon Avenue and 1st Street, per Traffic Control order #30-(2016). Department of Public Works

SUMMARY OF REQUEST: Authorize removal of Traffic Signal and installation of permanent "Stop" signs at Muskegon Avenue and 1st Street/Apple Avenue, per Traffic Control Order #30-(2016).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Install Permanent Stop Signs on Muskegon Avenue at First Street per Traffic Control Order #30-(2016).

I. Request to Add Parcels to the City's Existing Groundwater Ordinance
Planning & Economic Development

SUMMARY OF REQUEST: The Commission previously approved the parcels to be added to the groundwater ordinance regarding the former Mobil Oil Pipeline – Sisson Avenue at McCracken Street on August 23, 2016 (Ordinance 2355). However, the applicant listed the wrong parcels on the application, but they did mail notices to the correct addresses. Staff is requesting to repeal Ordinance 2355 and replace it with a new ordinance with the correct parcels listed.

The ordinance prohibits the use of groundwater wells and secondary water supplies under certain circumstances and in certain locations, to prevent exposure to contaminated groundwater, as well as to prevent wells from influencing the movement of contaminated water. Notice was sent to the affected addresses prior to this meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the ordinance amendment to add the additional 52 parcels.

J. Quit Claim Five (5) Residential Properties to the Muskegon County Land Bank Authority for Demolition Through the Hardest Hit 2 Funds Blight Grant
Planning & Economic Development

SUMMARY OF REQUEST: Request to Quit Claim five (5) City of Muskegon residential properties:

430 Allen Avenue, 333 Catherine Avenue, 325 Iona Avenue,
139 Myrtle Avenue, and 862 Stevens

To the Muskegon County Land Bank Authority, to be demolished using "Hardest Hit 2" funds from the Michigan State Housing Development Authority (MSHDA). The City obtained these properties through the property tax foreclosure process at the end of 2015 with the intent to demolish them. The City did not pay for any of these properties to obtain ownership.

FINANCIAL IMPACT: By deeding these to the Muskegon County Land Bank Authority, the City will not incur the demolition fees to demolish each of these structures (estimated at \$70,000 plus).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request and have the Mayor and City Clerk sign the Quit Claim Deed to the Muskegon County Land Bank Authority.

K. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY 2016 (October 1, 2016 – September 30, 2017) City Manager

SUMMARY OF REQUEST: Authorize staff to pay the City of Muskegon's portion of the WestPlan dues annually at a cost not to exceed \$20,000 annually payable to West Michigan Shoreline Regional Development Commission: projects and distribution of federal transportation funds.

FINANCIAL IMPACT: Not to exceed \$20,000 per year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this request.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to approve the Consent Agenda as presented with the exception of Items B, E, F, G, AND H.

ROLL VOTE: Ayes: Hood, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

2016-84 ITEMS REMOVED FROM THE CONSENT AGENDA

B. Permanent Traffic Control Order – Remove Traffic Signal and Install permanent "Stop" signs at Western Avenue and 4th Street, per Traffic Control order #28-(2016). Department of Public Works

SUMMARY OF REQUEST: Authorize removal of traffic signal and installation of permanent “Stop” signs at Western Avenue and 4th Streets, per Traffic Control Order #28-(2016).

FINANCIAL IMPACT: Cost of removing Traffic Signal, installing signs/posts, if approved.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize DPW to have contractor remove Traffic Signal and staff install “Stop” signs at Western Avenue and 4th Street, per Traffic Control Order #28-(2016).

Motion by Commissioner Turnquist, second by Commissioner Johnson, to authorize DPW to have contractor remove traffic signal and staff to install “Stop” signs at Western Avenue and 4th Street, per Traffic Control Order #28-(2016).

**ROLL VOTE: Ayes: German, Rinsema-Sybenga, Johnson, Gawron, and Hood
Nays: Turnquist**

MOTION PASSES

E. Removal of Street Lights on Ottawa Avenue Department of Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Consumer’s Energy to remove 27 street lights on Ottawa Street from Hall Street to Richards Park for an estimated cost of \$9,500.

The estimated annual savings to the City is over \$3,900 for an estimated payback of less than 2.5 years.

FINANCIAL IMPACT: \$9,500 from the Street Light cost center

BUDGET ACTION REQUIRED: Adjustment to the Street Light cost center when preparing the 1st quarter reforecast.

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Consumer’s Energy to remove 27 mid-block street lights on Ottawa Street between Hall & Richards Park.

Motion by Commissioner Turnquist, second by Commissioner Johnson, to authorize staff to enter into an agreement with Consumer’s Energy to remove 27 mid-block street lights on Ottawa Street between Hall & Richard’s Park.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

F. Police Cruisers Department of Public Works/Equipment

SUMMARY OF REQUEST: Authorize staff to purchase three Chevy Caprice Cruisers from Berger Chevrolet, the Mi-Deal State contract holder for a price of \$27,109.00 each. These will replace the three oldest cruisers currently in use.

FINANCIAL IMPACT: \$81,327.00 or \$27,109.00 each.

BUDGET ACTION REQUIRED: None. Amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase three Chevy Caprice Cruisers from Berger Chevrolet.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to authorize staff to purchase 3 Chevy Caprice Cruisers from Berger Chevrolet.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and German

Nays: None

MOTION PASSES

G. Amendment to the Zoning Ordinance Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the zoning ordinance to require “private clubs, lodge halls, social & similar organizations” to obtain a special land use permit instead of allowing them as a use by right in B-2, Convenience & Comparison Business districts.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their October meeting.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga to approve the zoning ordinance amendment.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to table this agenda item.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

H. Authorize Muskegon County to Adopt and Enforce a Storm Water Runoff and Post-Construction Ordinance Planning & Economic Development

SUMMARY OF REQUEST: Staff is requesting the approval of the resolution that will allow Muskegon County to administer and enforce a Storm Water Runoff and Post-Construction Ordinance on behalf of the City of Muskegon. This ordinance will require a landowner to obtain a Storm Water Permit from the County Drain Commissioners office before commencement of a project that includes any of the following:

- 1) requires Planning Commission approval
- 2) creates more than 10,000 square feet of impervious surface
- 3) disturbs, changes, disrupts, more than 10,000 square feet of existing impervious surface
- 4) disturbs more than one acre of land
- 5) is within 500 feet of the water's edge of a drainage course, wetland, lake or stream

The application for a Storm Water Permit is \$600 and will be approved or denied within 30 days, however, most reviews can be completed within one to two weeks.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the ordinance.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German, to approve the ordinance.

ROLL VOTE: Ayes: Gawron, Hood, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

2016-85 PUBLIC HEARINGS:

A. BID Special Assessment – Resolution Confirming Special Assessment Roll Planning & Economic Development

SUMMARY OF REQUEST: The City Commission approved the creation of a BID special assessment district at the September 27, 2016 meeting and the Special Assessment Roll is now ready to be confirmed. The assessments will go towards various downtown expenditures, including snow removal on sidewalks, spring/fall clean up and landscaping, holiday decorating, banners & directional signs, marketing/advertising and art. The BID assessment includes both a “Class A” and “Class B” district.

FINANCIAL IMPACT: The total estimated cost of services within the BID is \$150,000 of which approximate 75% (\$111,924) will be paid by the special assessment to property owners, with the remaining amount to come from the existing BID fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution approving the confirmation of the special assessment roll and authorize the Mayor and Clerk to sign.

PUBLIC HEARING COMMENCED:

Public Participation: Bill Noordyk, 103 W. Clay, spoke in opposition of the confirmation of the special assessment roll for street lighting.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to close the public hearing and approve the resolution approving the confirmation of the special assessment roll and authorize the Mayor and Clerk to sign.

ROLL VOTE: Ayes: Hood, Rinsema-Sybenga, Turnquist, Johnson, Gawron

Nays: German

MOTION PASSES

B. Confirmation of Special Assessment Roll – Street Lighting Treasurer

SUMMARY OF REQUEST: Confirm the special assessment roll – street lighting.

FINANCIAL IMPACT: Total collections over 10 years projected to be \$2,706,860.00 based on 14,360 eligible parcels.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Confirm the roll for special assessment and to establish the amount to levy on all eligible properties for 10 years and approve the resolution.

PUBLIC HEARING COMMENCED:

Public Participation: the following members of the public spoke regarding the confirmation of the roll for a street light assessment.

In opposition:

August Panici, 2137 Hudson

David Walthey – 1724 Beidler

1720 Beidler – 640 Catawba

Duane Little, 1076 Ambrosia

Tom Weatherby, 1747 Edgewater

Jack Page, 1853 Cherry

Michael Howaisen, 903 Turner

Marietta Barrett, 1366 Creston

Easter Young, 321 Merrill

Dennis Mayer, 1687 E. Harbour Towne & 3545 Marina View Pointe

Hannah Lewis, 885 Marquette

Sena Parks, 307 Ottawa

Ann Craig, 1387 & 1388 6th Street

Mancela Jimenez, 751 Washington

In Favor:

Larry Spataro, 1567 6th Street

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to close the public hearing and confirm the roll for special assessment and to establish the amount to levy on all eligible properties for 10 years and approve the resolution.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: German

MOTION PASSES

2016-86 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish Public Safety

2152 S. Getty Street

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: General Funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to concur with the Housing Board of Appeals decision to demolish.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

B. City and Consumer's Energy Contract for Street Lights Upgrade to LED Department of Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Consumer's Energy to start the process of engineering and upgrading the City's street lights to LED at an estimated cost of over 2.7 million dollars with an initial payment of \$270,000 to start the process.

FINANCIAL IMPACT: 2.7 million

BUDGET ACTION REQUIRED: None at this time, however, future budgets will reflect this additional expense.

STAFF RECOMMENDATION: To authorize staff to enter into an agreement with Consumer's Energy to start the engineering/upgrades of all Consumer's owned street lights into LED.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to authorize staff to enter into an agreement with Consumer's Energy to start the engineering/upgrades of all consumer owned street lights into LED.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: German

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 8:37 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk