CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 11, 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 11, 2016. Pastor George Monroe, Evanston Avenue Baptist 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, Commissioners Debra Warren, 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: Vice Mayor Hood

2016-78 INTRODUCTIONS/PRESENTATION:

A. Diamond Sponsor Recognition

The City hosted a Farmer's Market Fundraising dinner on Saturday, September 10, 2016 – the Diamond level sponsors of this event were recognized and thanked by the Mayor and City Commission. Tom Lundholm of Scrib's Pizza, Julie Balgooyen of the Julie Balgooyen Agency, and Jim Gawron of Mid State Title were all Diamond level sponsors.

Carrie Uthe presented information about a Medication Disposal event coming up and the Medication Disposal Program in place.

2016-79 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the September 27, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. **Demolition Agreement Between City and Kirksey Investment Corporation – 1133 W. Western Avenue** Planning & Economic Development

SUMMARY OF REQUEST: On August 23, 2016, the City Commission concurred with the findings of the Housing Board of Appeals that the structure located at 1133 W. Western Avenue is unsafe, substandard, a public nuisance and that it be demolished. The Commission allowed for time for City staff to work with the property owner on an agreement for them to conduct the demolition process themselves in a timely manner. An agreement has been reached requiring both the demolition and the site restoration. The demolition is to be completed by December 15, 2016, with restoration being completed by May 31, 2017. Basement walls are to be removed to a minimum of 36 inches below grade and the former basement is to be filled with clean sand, topped with black dirt, and hydroseeded.

FINANCIAL IMPACT: Upon execution of the Agreement, Mr. Kirksey is to deposit the sum of $75,000 with the City. If the demolition and restoration are completed as specified, the funds will be returned to Mr. Kirksey. Otherwise, they will be used by the City to complete the project.

BUDGET ACTION REQUIRED: None.

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

D. **LC Walker Arena Vision and Branding** City Manager

SUMMARY OF REQUEST: The City's recent decision to pursue a restaurant and distillery to occupy a portion of the LC Walker Arena has led to inquiries from numerous other businesses looking to create similar and compatible businesses at the LC. Before moving forward to consider any of these requests, city staff is asking to have a professional arena designer/developer help create a vision for the arena. This visioning exercise will help us better understand current trends in area usage and develop the best product for the community. Accordingly, staff is seeking permission to enter into an agreement with Rossetti Architecture to create a conceptual plan for the re-visioning of the LC Walker Arena.

FINANCIAL IMPACT: Not to exceed $10,000

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the agreement with Rossetti and authorize the City Manager to sign.

E. **Lakeshore Museum Loan Agreement (LaFrance Fire Truck)** Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the Lakeshore Museum Center Loan

Agreement relating to the 1923 American LaFrance Fire Truck with attached equipment. Currently, the LaFrance is on display at the Fire House Museum (Clay Avenue).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of this loan agreement.

Motion by Commissioner Johnson, second by Commissioner Warren, to approve the Consent Agenda as presented with the exception of Items C and F.

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

Nays: None

MOTION PASSES

2016-80 ITEMS REMOVED FROM CONSENT AGENDA:

C. 3rd Amendment to Employment Agreement City Manager

SUMMARY OF REQUEST: To amend the City Manager's Employment Agreement with an effective date of October 1, 2016.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment to the City Manager's Employment Agreement.

Motion by Mayor Gawron, second by Commissioner Warren, to approve the amendment to the City Manager's Employment Agreement.

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

Nays: None

MOTION PASSES

F. Heritage District Lighting Agreement Engineering

SUMMARY OF REQUEST: Over the past two years, staff has worked with representatives from the Heritage District Association as well as property owners in the Heritage District to accomplish the re-lighting of their decorative street lights. We have negotiated an agreement that will allow for the lights to be activated and eventually upgraded to LED fixtures.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve lighting agreement and corresponding easement agreements as presented, and authorize the reactivation of the Heritage District lights.

Motion by Commissioner German, second by Commissioner Johnson, to approve the lighting agreement and corresponding easement agreements as presented and authorize the reactivation of the Heritage District lights.

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

Nays: None

MOTION PASSES

2016-81 PUBLIC HEARINGS:

A. <u>Create City Wide Special Assessment for Street Lights</u> Treasurer

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the entire city and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment for all eligible parcels for the entire city and assign two City Commissioners to the Board of Assessors by adopting the resolution.

PUBLIC HEARING COMMENCED:

Public Participation: the following members of the public spoke regarding the creating of the district for a special assessment for street lights.

<u>In Opposition:</u>

Joel Seyferth, 2335 Bluffton	Roger Nielsen, 420 Carmen (owns several properties)
Lyle Cater, 2035 Letart	Susan Lyme, 3340 Millard
Earlene Noffsinger, 1168 W. Laketon	Joanne Bromley, 17290 Woodland Ln
Shawn Tate, 287 McLaughlin	William Anderson, 845 Catherine
Ratan Khatri, 1478 E. Ellis Road (owns several properties)	Peter Waltz, 39 Porter Road
Joshua Eldenbrady, 1336 Spring	Jesus Pena, 1851 Walnut
Shirley Booker, 333 Oak Ave	Michael Haueisen, 903 Turner
August Panici, 2137 Hudson	

Ken Grant, City Treasurer, report that there was a 10.99% (1,578) opposition to date.

In Favor:

Bob Kuhn, 3080 W. Sherman — Jen Sanocki, 1417 Lakeshore Dr.

The following did not specify in favor or opposition:

Robin Small, 2236 Dowd — Harvey Hammond, 1191 Sanford

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to close the public hearing and create the special assessment district for all eligible parcels for the entire city and to assign two City Commissioners to the Board of Assessors by adopting the resolution.

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

Nays: German

MOTION PASSES

Commissioners Turnquist and Warren are appointed to the Board of Assessors.

2016-82 NEW BUSINESS:

A. Western Avenue Parking Lot- Agreement of Purchase & Sale between the City of Muskegon and Core Financial Corporation City Manager

SUMMARY OF REQUEST: Harold Back of Core Financial Corporation, has offered $300,000 to purchase the City's Western Avenue Parking Lot between Fourth & Fifth Streets. Core Financial will continue to use the property for public parking, including commitments agreed to for Lumberjack parking, for a year. After that time, the purchaser expects to develop the property. The property includes one lot that is technically owned by the DDA. This lot will need approval to sell by the DDA as well.

FINANCIAL IMPACT: The City will receive $300,000 as the purchase price for the property. The proceeds are expected to go into the "Economic Development Project Fund" (formerly "Sappi Economic Development Fund").

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement of Purchase & Sale between the City of Muskegon and Core Financial Corporation and authorize the Mayor and Clerk to sign all necessary documents, including closing documents, at the time of the sale, on the condition the DDA approves the sale of their lot as part of this transaction.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the Agreement of Purchase and Sale between the City of Muskegon and Core Financial Corporation and authorize the Mayor and Clerk to sign all necessary documents, including closing documents, at the time of the sale, on

the condition the DDA approves the sale of their lot as part of this transaction.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: No comments were received by the public.

ADJOURNMENT: The City Commission adjourned at 7:43 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk