CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 10, 2006

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, October 10, 2006.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue 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, Commissioner Lawrence Spataro, Sue Wierengo, Chris Carter, Kevin Davis, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

2006-82 HONORS AND AWARDS:

A. Annual Service Awards. CIVIL SERVICE

Mayor Warmington and the Commissioners presented the Service Awards to the City employees thanking them for their years of service.

2006-83 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, September 26, 2006.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Accept Resignations and Make Appointments to Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To accept resignations from Andrea Riegler, Aime Brown, Tom Russo, Charles Nelson and Ronald Allen; and to appoint Roger Morgenstern to Public Relations; Linda Wood and Karen Panozzo to Historic

District Commission; Louis Spyke to Board of Canvassers and Election Commission; and Steven Lague to Construction Code Board of Appeals.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointments at their October 2nd meeting.

C. **<u>SECOND READING: Rezoning Request for Property Located at 699 Pulaski Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 699 Pulaski Avenue, from I-1, Light Industrial district to B-4, General Business district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 14th meeting. The vote was unanimous with T. Michalski and B. Larson absent.

D. **<u>SECOND READING: Rezoning Request for Property Located at 236 Monroe Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 236 Monroe Avenue, from R-1, One Family Residential district to B-2, Convenience and Comparison Business district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 14th meeting. The vote was unanimous with T. Michalski and B. Larson absent.

E. **<u>SECOND READING: Rezoning Request for Property Located at 1745 Madison Street.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 1745 Madison Street, from I-1, Light Industrial district to R-1, One Family Residential district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 14th meeting. The vote was unanimous with T. Michalski and B. Larson absent.

F. Sale of Buildable Vacant Lot at 1259 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 1259 Marquette Avenue to Vernon and Dorothy Harris. The lot is 116.45 x 132 ft. and is being offered to Mr. and Mrs. Harris for $9,000. A single family home will be constructed. The home will have a two stall attached garage, three bedrooms, two bathrooms, and a basement. The square footage of the home will exceed what is required by the policy.

FINANCIAL IMPACT: The sale of this lot for the construction of a single family home will generate additional tax revenue for the City and will place the property 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 Clerk to sign said resolution and deed.

G. Ordinance Amendment – Clarification of Delay Between Historic District Commission and Demolition. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the ordinance amendment clarifying the delay between Historic District Commission and demolition. The current ordinance is not clear on when there is a six-month delay and when a structure can be demolished immediately. The amended ordinance makes it clear that there is only a six-month delay on structures that are of historic or architectural worth.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the ordinance amendment.

I. Repair of Middle Roof Section - Public Service Building. PUBLIC WORKS

SUMMARY OF REQUEST: Bids were taken to repair the middle roof section of the Public Service Building on September 22, 2006. This project is to eliminate leakage and extend the roof warranty for another 10 years. The low bidder was East Muskegon Roofing & Sheet Metal for $21,715.

FINANCIAL IMPACT: $50,000 was budgeted in the Public Service Building Fund for middle section (shop area) roof repair or replacement in 2006.

BUDGET ACTION REQUIRED: None is needed.

STAFF RECOMMENDATION: Accept the low bid of $21,715 and authorize staff to execute an agreement with the successful bidder to complete the project.

J. Request to Purchase Video Enhancement Software. PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and Cognitech, Inc., of Pasadena, California. In return, Cognitech will provide the department with video enhancement software. This software will provide officers with the capability of enhancing still photographs which can be obtained from videotape. Increasingly, businesses and homeowners are utilizing video for security reasons. There is no local assistance available and on occasion we have had to transport videos to a state police lab in Lansing. Therefore we feel that it is important for us to obtain and use this technology. Cognitech is also the vendor utilized by the Michigan State Police. Cognitech submitted a bid of $15,723.40 for software, support and training. We did receive a quote from one other company. Salient Stills of Boston, Massachusetts submitted a bid of $18,000 for software, support and training.

FINANCIAL IMPACT: Funds from the Criminal Forfeiture Account will be used to purchase this software.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

K. West Michigan Metropolitan Transportation Plan (WestPlan). CITY MANAGER

SUMMARY OF REQUEST: To approve the City of Muskegon's portion of the WestPlan dues. This organization determines projects and distributes federal transportation funds.

FINANCIAL IMPACT: $16,040

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this request.

L. Quit Claim Deed to CSX Transportation for Shoreline Dr. ENGINEERING

SUMMARY OF REQUEST: Authorize the Mayor & Clerk to execute the Quit Claim Deed transferring property to CSX. This transaction would conclude the obligation of both parties under which CSX had to relinquish their rights to the properties needed for the construction of Shoreline Drive.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign off on the quit claim deed and direct staff to record both deeds, the one from CSX to the City and the one from the City to CSX.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Consent Agenda as read minus item H.

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

Nays: None

MOTION PASSES

2006-84 ITEMS REMOVED FROM THE CONSENT AGENDA:

H. <u>Budgeted Vehicle Purchases.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two Ford Rangers from Tony Betten & Sons Ford.

FINANCIAL IMPACT: Total Cost $26,385

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve purchase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the purchase of two Ford Rangers from Tony Betten & Sons Ford.

ROLL VOTE: Ayes: Gawron and Spataro

Nays: Wierengo, Carter, Davis, Shepherd and Warmington

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Wierengo to award the purchase of two Ford Rangers to Great Lakes Ford for $13,226 each.

ROLL VOTE: Ayes: Carter, Davis, Shepherd, Warmington, and Wierengo

Nays: Gawron and Spataro

MOTION PASSES

2006-85 PUBLIC HEARINGS:

A. <u>Amendment to Brownfield Plan – Redevelopment of the Century Club & Daniels and Redevelopment of Muskegon Savings Bank.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Western Avenue Properties, LLC and Port City Construction & Development Services, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the

Brownfield Plan amendments, although the redevelopment of the property into a mixed-use development will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the Public Hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for October 10, 2006, at their September 12, 2006, meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on September 5, 2006, and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened at 5:59 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 6:04 p.m. and approve the amendments to the Brownfield Plan redevelopment of the Century Club & Daniels and redevelopment of Muskegon Savings Bank.

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

Nays: None

MOTION PASSES

B. <u>Amendment to Brownfield Plan – Vida Nova at Edison Landing.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a public hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by DDLH, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a residential condominium project will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold the public hearing and approve the resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for October 10, 2006, at their September 12, 2006, meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on September 5, 2006, and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened at 6:05 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Spataro, second by Commissioner Davis to close the Public Hearing at 6:07 p.m. and adopt the amendment to the Brownfield Plan for Vida Nova at Edison Landing.

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

Nays: None

MOTION PASSES

2006-86 NEW BUSINESS:

A. <u>Plan to End Homelessness – Continuum of Care Resolution.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Judy Kell, Continuum of Care Coordinator, has requested that the City Commission endorse the Ten Year Plan to end homelessness.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk's signatures.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution for Continuum of Care and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

B. <u>Financial Policies.</u> FINANCE

SUMMARY OF REQUEST: Periodically the Financial Policies of the City are reviewed and revised to include policy changes or revisions adopted by the Commission or necessitated to come into compliance with state or federal law since the last update. The last time the Policies were updated was March 2002. Included with this update are two policies not previously adopted by the Commission, the Cell Phone Policy created to comply with IRS regulations and the Pensions and Other Post Employment Benefits Policy created to follow

Governmental Accounting Standards Board guidelines.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the City of Muskegon Financial Policies as updated October 2006.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the City of Muskegon Financial Policies as updated October 2006.

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

Nays: None

MOTION PASSES

C. Sale of Public Improvement Bonds. FINANCE

SUMMARY OF REQUEST: Bids will be opened at 2:30 p.m. on Tuesday, October 10, 2006, for sale of $5,400,000 public improvement bonds as previously authorized by the City Commission. Proceeds of the bond sale will be used to finance construction of a new Central Fire Station and various recreation projects. The City Commission is asked to adopt the awarding resolution assuming acceptable bids are received.

FINANCIAL IMPACT: Interest costs will be known at the time bids are opened and the Commission will be provided with a summary.

BUDGET ACTION REQUIRED: Debt service costs will be included in the City's budget for the life of the bonds.

STAFF RECOMMENDATION: Approval of the awarding resolution.

Motion by Vice Mayor Gawron, second by Commissioner Davis to approve the awarding resolution for the sale of the public improvement bonds to Morgan Keegan for 4.149%.

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

Nays: None

MOTION PASSES

D. Cell Tower Lease. PUBLIC WORKS

SUMMARY OF REQUEST: Verizon Wireless has proposed to construct a monopole cellular tower on City property at the location of the Harvey Street surface water reservoir. By redesigning how we use this piece of property, sufficient land was made available to accommodate the request for a cellular tower. The cellular tower overlay district that was previously located at the Public Service Building was relocated to the Water Reservoir site by the Zoning Board. The revenues generated from the rental of this site, which begin at $1,500 per month and escalate at a rate of 3% per year starting in 2008, shall be used to offset expenses of maintaining the five-million gallon water reservoir.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the cell tower lease to Verizon Wireless.

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

Nays: None

MOTION PASSES

E. <u>Request for Flow Transfer.</u> PUBLIC WORKS

SUMMARY OF REQUEST: That the City of Muskegon grant a request to transfer .05 Million Gallons Per Day of its allocation of 10.84 Million Gallons Per Day to Cedar Creek Township.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the request for the flow transfer with Cedar Creek Township for .05 Million Gallons Per Day.

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

Nays: None

MOTION PASSES

F. <u>Sale of Parcel in Seaway Industrial Park.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of Lot #2 in Seaway Industrial Park to Dan Hoe Excavating, 13664 Ruckys Road, Holland, MI 49424. The purchase price is $135,000 (asking price $144,000). This company is currently located in Holland, but due to increased business in Muskegon, they would like to locate a satellite plant here. They plan to invest $125,000 to $150,000 in a building and other site improvements. Expected employment is at least two full-time employees, possibly more, depending on the season.

FINANCIAL IMPACT: The sale of this lot, while it is located in a Renaissance Zone, will still generate City of Muskegon income tax.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution, deed, and all other necessary documents.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the sale of Lot #2 in the Seaway Industrial Park to Dan Hoe Excavating for $135,000.

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

Nays: None

MOTION PASSES

G. <u>Agreement to Trade Used Shotguns for Rifle Lighting Systems.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: Police Department staff is requesting that the Commission approve an agreement between the City and Gary's Guns, 4021 East Apple, Muskegon, MI. This agreement will allow the department to obtain 20 new Streamlight Tactical LED Lights and mounts for the AR-15 patrol rifles which are now in service. In return, Gary's would receive 35 used Remington 870 Shotguns. The department has also received an offer from Michigan Police Equipment, 6521 Lansing Road, Charlotte, MI. The offer equates to $69 per shotgun as proposed by Gary's and $80 per shotgun as proposed by Michigan Police Equipment. As there is no actual money exchange occurring, staff would like to accept the bid from the Muskegon-area business.

FINANCIAL IMPACT: No expenditure of funds to purchase the lighting systems. No staff time needed to market the used shotguns.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the agreement to trade used shotguns for rifle lighting systems with Gary's Guns.

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

Nays: None

MOTION PASSES

H. <u>Lease Agreement – Central Dispatch.</u> CITY MANAGER

SUMMARY OF REQUEST: To approve a lease agreement with Muskegon Central Dispatch for space in the new Central Fire Station.

FINANCIAL IMPACT: The agreement requires Central Dispatch to pay their share of the debt service and operations costs of the fire station.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the lease agreement.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the lease agreement with Central Dispatch to use the new Central Fire Station.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:36 p.m.

Respectfully submitted,

Linda Potter, CMC
Acting City Clerk