

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 8, 2013

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Policy Change to "Policy for Sale of City-Owned Residential Property".
PLANNING & ECONOMIC DEVELOPMENT
 - C. Sale of the Property at 1035 E. Laketon Avenue. PLANNING &
ECONOMIC DEVELOPMENT
 - D. Approval of Building Contract for 2169 Hudson. COMMUNITY &
NEIGHBORHOOD SERVICES
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Police Cruisers. PUBLIC WORKS
 - B. Water and Sewer Connection Fees for Farmers Market. CITY MANAGER
 - C. City Commission to Petition LCC to Revoke Elk's Club License. PUBLIC
SAFETY
- ❑ ANY OTHER BUSINESS:
- ❑ PUBLIC PARTICIPATION:

- **Reminder: Individuals who would like to address the City Commission shall do the following:**
- Fill out a request to speak form attached to the agenda or located in the back of the room.
- Submit the form to the City Clerk.
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: October 8, 2013
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the September 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 24, 2013

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 24, 2013.

Mayor Gawron opened the meeting with a prayer from Reverend Pool after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Eric Hood, Willie German, Sue Wierengo, Byron Turnquist, and Lea Markowski, Acting City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Mayor Gawron read from the Congressional Records which recognized Bryon Mazade for his 19 years as City Manager for the City of Muskegon and listed his many accomplishments. Mayor Gawron read two additional resolutions. The first one was signed by State Senator Goeff Hansen, State Representative Marcia Hovey-Wright, and Governor Rick Snyder; and the second one was from the Commission, citizens and employees of the City of Muskegon.

2013-78 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the September 9th Commission Worksession Meeting, and the September 10th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Valve Replacement Project – High Service Pumps. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Northern Boiler and Mechanical Contractors for replacement of an 18" and 14" ball valve on high service pumps #1 and #3, as well as the addition of an isolation valve on both pumps.

FINANCIAL IMPACT: \$121,775.

BUDGET ACTION REQUIRED: Budgeted capital improvement for 2013/14.

STAFF RECOMMENDATION: Staff recommends acceptance of bid from Northern Boiler and Mechanical Contractors for \$121,775.

C. Consideration of Bids for: S-664 Austin Lift Station Rehabilitation.
ENGINEERING

SUMMARY OF REQUEST: Award the Austin Lift Station Rehabilitation project – S-664 to Jackson Merkey out of Muskegon, MI since they were the lowest responsible bidder with a total bid price of \$202,845.

FINANCIAL IMPACT: The construction cost of \$202,845 plus engineering.

BUDGET ACTION REQUIRED: None since this project is on the 2013/2014 CIP's list.

STAFF RECOMMENDATION: Award the contract to Jackson Merkey.

D. Authorization to Firm for Zoning Ordinance Update. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is seeking authorization to hire and execute all documents for the selected planning firms, Nederveld and Williams & Works, to accomplish the task of updating the City of Muskegon Zoning Ordinance. The update will focus on incorporating form based codes into the downtown area, a parking plan and to also better define uses on the downtown lakeshore. The two consultants will be working together to complete the project.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: The City will pay \$30,000 for the project, while The Community Foundation for Muskegon County will be contributing \$15,000.

STAFF RECOMMENDATION: Approval to select Nederveld and Williams & Works as the consultants and for staff to be authorized to execute all contracts and documents.

E. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY2014 (October 1, 2013 – September 30, 2014). CITY
MANAGER

SUMMARY OF REQUEST: To approve the City of Muskegon's portion of the WestPlan dues, payable to West Michigan Shoreline Regional Development Commission. This agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT: \$16,040.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request.

F. Permanent Traffic Control Order – Designate One On-Street Parking

Space as a “Handicap Parking” on Second Street. PUBLIC WORKS

SUMMARY OF REQUEST: Approve the Traffic Control Order authorizing staff to designate an existing on-street parking space and install a “Handicap Parking” sign and Handicap Pavement Marking on the Northeast side of Second Street between Western Avenue and Clay Street.

FINANCIAL IMPACT: Cost of signs, paint and man-power to install, if approved.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to designate an existing on-street parking space and install a “Handicap Parking” sign and Handicap Pavement Marking on the northeast side of Second Street between Western Avenue and Clay Street.

G. Cemetery Utility Cart. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one Kioti Mechron utility cart from J&J Farms, the lowest qualified bidder. This machine will replace the 1995 model currently being used.

FINANCIAL IMPACT: \$10,980 minus \$500 trade in for old model for a total of \$10,480.

BUDGET ACTION REQUIRED: None, amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase one Kioti Mechron utility cart from J&J Farms.

K. Request to Fly Breast Cancer Ribbon Flags. CITY CLERK

SUMMARY OF REQUEST: Tempting Tables is requesting permission to fly breast cancer ribbon flags the week of October 14th at the following locations:

Hackley Park
City Hall
Shoreline Drive
Central Fire Station
Hartshorn Marina
Root Park

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

L. Towing Contract Extension (Ramos Towing Services). PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and consider approving a contract extension with our current service provider Ramos Towing. Currently, Ramos provides towing/impoundment/storage service for the City of Muskegon.

Ramos Towing has been under authorized contract services for towing for the last three years (9/25/10 to 9/24/13). Staff is currently reviewing the current contract and preparing a “competitive bid process” to select an acceptable tow service.

Ramos Towing is willing to extend towing services for three months (12/24/13) and/or until a new contract can be established/approved not to exceed one year (per current contract language).

FINANCIAL IMPACT: None, current contract language in effect.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of this extended towing contract agreement until a new contract is accepted.

M. Appointments to Local Officer Compensation Commission. CITY CLERK

SUMMARY OF REQUEST: There are two openings on the Local Officer’s Compensation Commission which need to be filled prior to October 1, 2013. Greg Borgman has expressed an interest in serving on this board and the City Clerk is searching for an additional applicant.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Appointment of Greg Borgman and an additional person to fill the vacancies.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the Consent Agenda with the exceptions of items H, I, and J.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

2013-79 ITEMS REMOVED FROM THE CONSENT AGENDA:

H. Signing of 2013-2014 Subrecipient and Community Housing Development Organization Agreements. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To direct staff to have the Subrecipient Agreements for the following agency signed by the Mayor and Clerk. The funding allocations were approved by the Commission in June of this year.

- | | |
|--------------|------------------------------|
| 1. Love Inc. | \$3,500 – Wheelchair Ramps |
| | \$4,500 – Utility Assistance |

Also, to have the Community Housing Development Organization Agreements signed for the following agencies:

1. Bethany Housing Ministries
dba Community enCompass \$60,000
2. Habitat for Humanity \$36,000
3. Trinity Housing Ministries \$30,000

FINANCIAL IMPACT: Funding will be allocated from the 2013-2014 Community Development Block Grant/HOME Funds as directed by the City Commission.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To direct staff to have documents signed by the Mayor and the Clerk.

COMMITTEE RECOMMENDATION: All of the allocations were previously approved by the Commission.

Motion by Commissioner German, second by Vice Mayor Spataro to approve the signing of the 2013-2014 Subrecipient and Community Housing Development Organization Agreements.

ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

I. Police Cruisers. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to proceed with the purchase of six Chevy Caprice cruisers from Betten Chevrolet for \$167,003.16.

While Shaheen Chevy's (state) bid of \$166,608 was the lowest bid received, Betten is being recommended since their bid of \$167,003.16 is within the 1% local preference.

FINANCIAL IMPACT: \$27,833.86 each for a total of \$167,003.16.

BUDGET ACTION REQUIRED: None, amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to proceed with the purchase of six cruisers from Betten Chevrolet.

Motion by Commissioner German, second by Vice Mayor Spataro to approve the purchase of six cruisers from Betten Chevrolet.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Wierengo, Turnquist, and Markowski

Nays: None

MOTION PASSES

J. Police SUV's. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase three Ford Police SUV's

from Great Lakes Ford the lowest qualified bidder.

FINANCIAL IMPACT: \$25,730 each for a total of \$77,190.

BUDGET ACTION REQUIRED: None, amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase three Ford Police SUV's from Great Lakes Ford.

Motion by Commissioner Markowski, second by Vice Mayor Spataro to approve the purchase of three Ford Police SUV's from Great Lakes Ford.

ROLL VOTE: Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES

2013-80 NEW BUSINESS:

A. Liquor License Request for Muskegon Moose Lodge. CITY CLERK

SUMMARY OF REQUEST: The liquor Control Commission is seeking local recommendation on a request from Muskegon Moose Lodge #2697, Loyal Order of Moose for a new Club License with Dance and Entertainment Permit to be located at 871 Pulaski Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the liquor license request for the Muskegon Moose Lodge.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

B. Blight Elimination Project – Demolition Bids. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon obtained a 2013 Blight Fight Elimination Grant to be used for the demolitions of 510 Ottawa Street and 1875 Waterworks Road. The Contract between Michigan Land Bank Fast Track Authority and the City of Muskegon has been signed by the Mayor. The bids for the demolition have been received. Our consultant, Abonmarche, is recommending the City Commission approve the low bid as submitted by Smalley Construction, Inc. It is requested that the Commission authorize Staff to enter into a contract and sign all necessary documents with Smalley Construction, the lowest responsible bidder as per the recommendation of

Abonmarche.

FINANCIAL IMPACT: The City will receive \$111,500 in grant funds. In addition, it is expected that the remaining Site Assessment Funds (EPA grant), which must be expended within the next two months, can be used for asbestos removal oversight. Any remaining cost difference will be paid by Muskegon Public Schools.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the low bid as submitted by Smalley Construction, Inc. in the amount of \$147,400 and authorize Staff to execute the contract and sign all documents related to the demolition of 510 Ottawa Street and 1875 Waterworks Road.

Motion by Commissioner Hood, second by Vice Mayor Spataro to approve the low bid as submitted by Smalley Construction, Inc. in the amount of \$147,400 and authorize Staff to execute the contract and sign all documents related to the demolition of 510 Ottawa Street and 1875 Waterworks Road.

ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

C. Sappi Power Plant Implosion Request. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and consider approval as it relates to the demolition of the Sappi Paper Plant – Power House Structure.

Muskegon Public Safety personnel & City staff have been working with Melching Inc. over the past several months to devise a plan for the demolition/removal of the remaining Power Plant & Smoke Stacks that are located on the south end of the property (2400 Lakeshore Dr.). This request is exclusive to the building known as the “**Power House Structure**”; the stacks in question will be demolished at a later date (TBD).

The plan for demolition is Sunday, October 27, 2013; time frames will be forwarded when received. Implosion of the structure will take place unless unforeseen conditions prohibit action; no alternate date has been selected at this time.

The Melching Overview Plan & Demolition Contingency Requirements (revised) are available for additional information and review.

FINANCIAL IMPACT: No negative impact to the City of Muskegon.

BUDGET ACTION REQUIRED: Melching Inc. to satisfy financial cost(s) to the City of Muskegon to accomplish demolition and public safety plans.

STAFF RECOMMENDATION: No recommendation on implosion action – approves plan to demolish and contingent requirements to promote public safety.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve the request contingent on all staff recommendations and requirements which were discussed at the Worksession.

ROLL VOTE: Ayes: Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro
Nays: German

MOTION PASSES

D. Naming of Conference Room 203. CITY CLERK

SUMMARY OF REQUEST: This is a request to name conference room 203 of City Hall the Bryon L. Mazade Conference Room in recognition of his 19 plus years of serving as City Manager (the second longest sitting City Manager) for the City of Muskegon.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve naming conference room 203 the Bryon L. Mazade Conference Room.

Motion by Vice Mayor Spataro, second by Commissioner Wierengo to approve naming conference room 203 the Bryon L. Mazade Conference Room.

ROLL VOTE: Ayes: Turnquist, Markowski, Gawron, Hood, Spataro, German, and Wierengo

Nays: None

MOTION PASSES

2013-81 NEW BUSINESS:

Commission commented on violence and the tragic event at the Elks Charity Lodge.

PUBLIC PARTICIPATION: Representative from West Michigan Lake Hawks Basketball asked the Commission to adopt a proclamation.

Motion by Commissioner Hood, second by Vice Mayor Spataro to have staff prepare a letter of support for West Michigan Lake Hawks Basketball.

ROLL VOTE: Ayes: Markowski, Gawron, Hood, Spataro, German, Wierengo, and Turnquist

Nays: None

MOTION PASSES

Additional public comments were received.

Bryon Mazade thanked the Commission and public for allowing him to serve as Muskegon's City Manager. He also thanked the current and past City staff and his family for their support.

ADJOURNMENT: The City Commission Meeting adjourned at 6:57 pm.

Respectfully submitted

Ann Marie Cummings, MMC
City Clerk

Commission Meeting Date: October 8, 2013

Date: October 1, 2013
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Policy change to “Policy for Sale of City-Owned Residential Property”

SUMMARY OF REQUEST:

To approve the changes to the “Policy for Sale of City-Owned Residential Property” to remove the reference of the Land Reutilization Committee (LRC) from the policy on pages three and four as this committee no longer exists. Plus the removal of “whether appealed or not” on page four.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION:

None

City of Muskegon

Policy for Sale of City-Owned Residential Property

Objective

The City of Muskegon (the City) wishes to expand its residential tax base while simultaneously alleviating itself of the significant cost burden associated with year-round maintenance of vacant lots. The City reserves the right to join and split lots to assist with this process. All property will be sold as is. All sales are subject to City Commission approval.

Pursuant to the above, the City will periodically implement neighborhood marketing strategies. Elements of this policy may be superseded by a marketing strategy, if said strategy is approved by the City Commission as an exception to this policy, and only while said strategy is being utilized to market properties identified by the strategy.

Non-Buildable Lots/Marginal Lots

- Non-Buildable lots are defined as lots that are insufficient in size or configuration for new construction under the Zoning Ordinance. Marginal lots are defined as residential lots that are between 50 and 60 feet of frontage, however it would not be in the best interest of the neighborhood to create increased density, or would create buildable lots for adjoining property owners. These lots may only be sold to adjacent property owners; neighborhood organizations; or valid non-profit agencies, to expand/improve or beautify existing property. In the event that both adjacent owners seek to purchase a property, the City shall divide the property in the most equitable manner. Factors considered before approvals of property sales include but are not limited to the following:
 - Amount of existing property owned by interested parties
 - Current upkeep of existing property owned by interested parties
 - Evidence of unresolved zoning issues.
 - Unpaid environmental invoices or delinquent property taxes.

These lots will be sold for \$1.

Buildable Lots

Buildable lots are defined as lots of legal record which are suitable in size and configuration under the Zoning Ordinance, for the construction of single-family homes, and may only be sold for such a purpose. As a condition of sale, structures built on these properties must be owner occupied for a minimum of 5 years. The buyer must ¹commence construction within 18 months of the date of purchase, or the property will revert back to the City's ownership, free and clear of any claim of the buyer. Buyers requiring frontage of 130' or more must build homes with a minimum of 2,500 square

¹ "Commence Construction" means that a buyer has been issued a residential building permit by the City of Muskegon and also (in the sole opinion of the City of Muskegon's Building Official) that at least seventy-five percent (75%) of the dwelling has been completed.

feet of living space ~~and go before the Land Reutilization Committee (LRC) for a recommendation.~~ All structures must conform to all City building and zoning requirements. These lots shall be sold for market value.

Home Design

Any person wishing to purchase land from the City for the purposes of constructing a single family or duplex structure (in areas zoned for duplexes) shall adhere to the following standards:

1. The structure shall have a minimum of 1,260 square feet of usable living space per unit (excluding all basement area).
2. The roof of the structure shall have a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5").
3. A single-story home shall have a variable roof line on the front elevation (e.g. gable, dormer or offset).
4. The building design shall be approved by the City and shall include at least two of the following:
 - a. A covered front porch with design amenities (e.g., decorative railing). (potential \$300 lot credit)
 - b. A picture or bay window in the front elevation. (potential \$500 lot credit)
 - c. A starburst or other siding design features in roof gables or over doorways or windows. (potential \$200 lot credit)
 - d. Shutters or other acceptable outdoor window treatments (potential \$100 lot credit)
 - e. Brick or stone accents in the front elevation (potential \$1,000 lot credit)
 - f. Decorative windows (potential \$200 lot credit)
5. A second story may be a potential \$2,000 lot credit but may not be included as one of the two required design elements.
6. A "stick-built" home may be a potential \$2,000 lot credit but may not be included as one of the two required design elements.
7. In no case shall the total number of credits amount to more than \$3,500 nor shall it exceed the purchase price of the land. This credit must be asked for within 1 (one) year of building completion by the purchaser/owner. All landscaping must be competed in order to qualify for the credit.
8. The house shall have a garage or at least an 8 foot x 8 foot painted or vinyl covered wood storage shed constructed as per City requirements for sheds.

9. All bedrooms shall have at least one hundred (100) square feet of livable floor area.
10. At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of this policy.
11. Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection.
12. At least two (2) shade trees shall be provided on site of at least two and one-half (2.5") inches in diameter four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement.
13. The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner.

The aforementioned conditions and credits shall be incorporated into a sales contract between the city and the buyer.

Large Blocks of Land

This type of lot is defined as contiguous property that would allow for the construction of a minimum of 3 single-family residential structures. It is the preference of the City that these lots be sold as a single parcel to individuals with the means to develop the land for multiple single family units or multi-family units such as townhouses, site condos; and the like. Development must conform to either Single Family or Multiple Family building/zoning requirements. All interested parties must comply with preliminary site review requirements as determined by the Zoning Administrator.

Process for Purchasing Land

The procedure for purchasing city-owned property can be found in a brochure produced by the Planning Department, entitled "Purchase of City Owned Buildable Lots & Building Incentives".

Recording of the Deed

All property sales must be recorded with the Muskegon County Register of Deeds. This is the sole responsibility of the buyer. All sales will be handled as quit claim deeds.

Closing Costs

All closing costs will be split between the buyer and the seller.

Property Survey

All costs and activities associated with a survey are the sole responsibility of the buyer.

Environmental

Properties will be sold as is. Any environmental analysis is the sole responsibility of the buyer.

Title Evidence/Insurance

Quitting title of tax reverted properties sold and properties split for minimal amounts such as non-buildable lots, shall be the responsibility of the buyer.

Financing

Financing the acquisition of City-owned property and subsequent construction (if applicable) is the sole responsibility of the buyer. Failure to provide proof of adequate financing may be used as a basis for denial of a sale.

Appeal Procedure

~~Any denial of a sale can be appealed to the LRC using the appeals procedure as defined by the LRC.~~ All sales ~~whether appealed or not~~ go before the City Commission for approval before a sale can be initiated.

RESOLUTION NO. _____

MUSKEGON CITY COMMISSION

RESOLUTION TO ADOPT AN AMENDMENT TO THE “POLICY FOR SALE OF CITY-OWNED RESIDENTIAL PROPERTY”

WHEREAS, the City of Muskegon owns many lots and wishes to sell these lots, and;

WHEREAS, the City of Muskegon would like to remove reference to the Land Reutilization Committee (LRC) from the policy as they have been dissolved;

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby adopts the following policy amendment:

(to be changed on page 2)

Buyers requiring frontage of 130’ or more must build homes with a minimum of 2,500 square feet of living space ~~and go before the Land Reutilization Committee (LRC) for a recommendation.~~ All structures must conform to all City building and zoning requirements. These lots shall be sold for market value.

(to be changed on page 4)

~~Any denial of a sale can be appealed to the LRC using the appeals procedure as defined by the LRC.~~ All sales ~~whether appealed or not~~ go before the City Commission for approval before a sale can be initiated.

Adopted this 8th day of October, 2013.

Ayes:

Nays:

Absent:

By _____
Stephen Gawron
Mayor

Attest _____
Ann Marie Cummings, MMC
City Clerk

Commission Meeting Date: October 8, 2013

Date: October 3, 2013
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of the property at 1035 E Laketon Ave

SUMMARY OF REQUEST:

Staff is seeking approval to sell the vacant, buildable, industrial zoned lot at 1035 E Laketon to Newkirk Electric at 1875 Roberts St. The property is 2.6 acres and has 116 feet of frontage on Laketon Ave. The company will utilize this space for storage and it will allow them to combine with their other property at 1975 Vulcan St.

FINANCIAL IMPACT:

Staff recommends a sale price of \$29,000.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval and signature of the attached purchase agreement, resolution and deed.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1035 E LAKETON AVE FOR \$1,000.

WHEREAS, Newkirk Electric will be allowed to purchase the parcel designated as number 24-133-100-9991-00, located at 1035 E Laketon Ave for \$29,000; and

WHEREAS, Newkirk Electric will combine this property with their other properties at 1875 Roberts St and 1975 Vulcan St; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

NOW THEREFORE BE IT RESOLVED, that parcel number 24-133-100-9991-00, located at 1035 E Laketon Ave St be sold to Newkirk Electric for \$29,000.

CITY OF MUSKEGON PART OF SEC 33 T10N R16W 100 FT OLD CSX RR R/W EXT
FROM E LN VULCAN ST TO S LN LAKETON AVE

Adopted this 8th day of October, 20013

Ayes:

Nays:

Absent

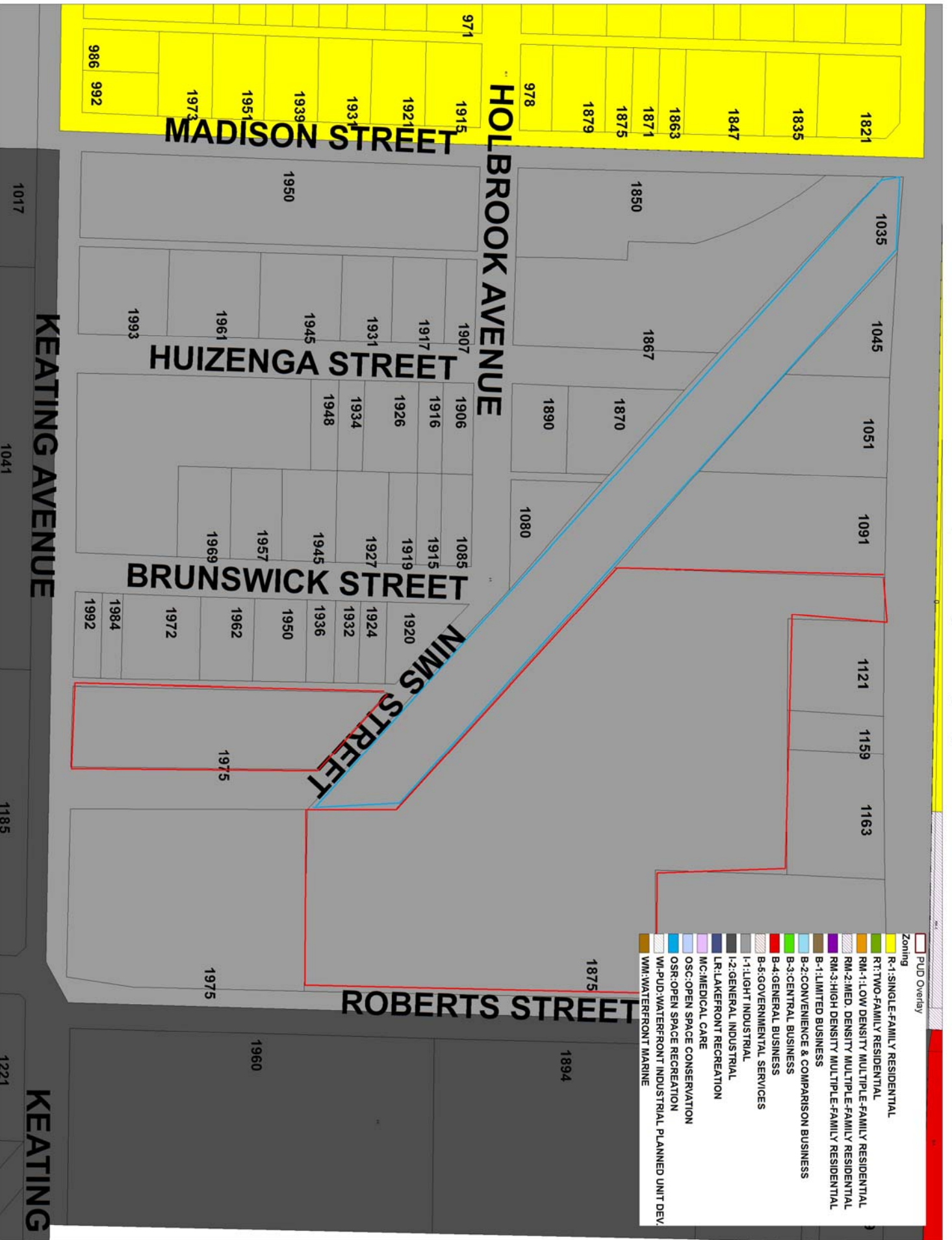
By: _____
Stephen Gawron
Mayor

Attest: _____
Ann Cummings, MMC
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on October 8, 2013.

By: _____
Ann Cummings, MMC
City Clerk

City of Muskegon Zoning Map



REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made _____, 2012 ("Effective Date"), by and between the **City of Muskegon**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **Newkirk Electric Associates, Inc.**, of 1875 Roberts St, Muskegon, Michigan 49442 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, the real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right and title, located in the City of Muskegon, Muskegon County, Michigan ("Premises"), and specifically described as:

CITY OF MUSKEGON PART OF SEC 33 T10N R16W 100 FT OLD CSX RR R/W EXT
FROM E LN VULCAN ST TO S LN LAKETON AVE

Subject to the reservations, restrictions and easements of record.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Twenty-Nine Thousand and no/100 Dollars (\$29,000), payable in cash at the closing.

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer, without pro-ration.

4. **Title Insurance.** Buyer waives any rights to a title insurance policy paid for by the Seller, but understands that it may purchase title insurance at any time in the future at its own expense. Seller makes no representations or warranties related to the title to the Premises.

5. **Survey.** Buyer at its own expense may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or terminate this Purchase Agreement. Buyer may elect to purchase the Premises subject to said encroachment or variation.

6. **Condition of Premises and Examination by Buyer.** No implied warranties of habitability, quality, condition, fitness for a particular purpose, or any other implied warranties shall operate between Seller and Buyer, and Buyer expressly waives any and all such implied warranties. Buyer understands and agrees that the premises are taken "**As Is**," subject to the express covenants, conditions and/or express warranties contained in this purchase agreement. Buyer further says that it has personally inspected the premises and is satisfied with the condition

of the land and improvements thereon, and that the property is being purchased as a result of such inspection and investigation and not due to any representations made by or on behalf of seller. Buyer waives any claim against seller that an investigation of Premises may have revealed.

7. **Closing.** The closing date of this sale shall be on or before 90 days after the Effective Date ("Closing"). The Closing shall be conducted at the offices of Parmenter O'Toole, 601 Terrace Street, Muskegon, MI 49440. If necessary, the parties shall execute an IRS closing report at the Closing.

8. **Delivery of Deed.** Seller shall execute and deliver a quit claim deed to Buyer at Closing for the Premises.

9. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of Closing.

10. **Costs.** Seller shall be responsible to pay the Michigan transfer tax, if any, in the amount required by law, and one half of the Closing Fee. Buyer shall pay the cost of recording the Deed and one half of the Closing Fee.

11. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument

provided for herein shall survive the Closing and continue in full force and effect after the consummation of this purchase and sale.

h. **Modification of the Agreement.** This Agreement shall not be amended except by a writing signed by Seller and Buyer.

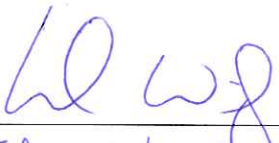
The parties have executed this Real Estate Purchase Agreement on the date written below their names, to be effective as of the day and year first above written.

WITNESSES:

SELLER: City of Muskegon

By: _____
Stephen Gawron, Mayor
Date: _____

By: _____
Ann Cummings, City Clerk
Date: _____



Ed Wilgenburg

BUYER: Newkirk Electric Associates, Inc.

By: 
Name: TED ANTON
Its: PRESIDENT
Date: 9/18/2013

Commission Meeting Date: October 8, 2013

Date: October 2, 2013

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Building Contract for 2169 Hudson

SUMMARY OF REQUEST: To award the Building Contract for the construction of a new home located at 2169 Hudson Street to Holden Construction, in the amount of \$112,800, for the City of Muskegon's Homebuyers Program through CNS.

CNS received 3 bids as listed on the attached memorandum and the cost estimate from our spec writer was \$140,300.

FINANCIAL IMPACT: The funding for this project has been secured through the HOME program 2013 grant allocation.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To award Holden Construction the contract for the construction of 2169 Hudson Street, in the amount of \$112,800, for the Community and Neighborhood Services Department.

COMMITTEE RECOMMENDATION: None required.

MEMO

**Community and
Neighborhood Services**
City of Muskegon
933 Terrace
Second Floor
Muskegon, MI 49442
Ph: 231-724-6717
Fax: 231-726-2501

Date: August 30, 2013

To: Bidders regarding 2169 Hudson – New Construction

From: Oneata Bailey, Director
Community and Neighborhood Services
City of Muskegon

Re: Bid Results

Community and Neighborhood Services received the following bid proposals:

<u>CONTRACTOR</u>	<u>Total Bid Price</u>
Holden Construction	\$112,800
J D Fisher Builders	\$142,570
Build-right Construction	\$157,630

The City of Muskegon reserves the right to accept or reject any and all bids. The City of Muskegon is also not restricted to accept the lowest bid.

We appreciate everyone's interest in being a part of the City of Muskegon's neighborhood revitalization efforts. The selected bidder will be contacted in the next few days.

OB/lh

Date: 10/8/13

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Police Cruisers

SUMMARY OF REQUEST:

Rescind your authorization for staff to purchase the six (6) Chevy Caprice cruisers from Betten Chevrolet for \$167,003.16 which was granted on September 24, 2013. Betten notified staff on September 30 that a mistake was made when submitting the bid using a 2013 module rather than the 2014 requested. Betten's revised figure on the 2014 caprices is \$169,003.16, an increase of \$2,000.

Furthermore, it is requested that staff be authorized to purchase the six (6) cruisers from Shaheen Chevy, the state's dealer, who submitted the low bid of \$166,608 originally which he is willing to honor.

FINANCIAL IMPACT:

A total of \$166,608

BUDGET ACTION REQUIRED:

None since the proposed purchase is within the budgeted amount.

STAFF RECOMMENDATION:

Rescind prior authorization of September 24, 2013 and authorize staff to purchase the six (6) cruisers from Shaheen instead for \$166,608.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Franklin J. Peterson, City Manager
DATE: September 17, 2013
RE: Water and Sewer Connection Fees for Farmers Market

SUMMARY OF REQUEST:

To waive the water and sewer connection fees and water meters cost for the new Farmers Market.

FINANCIAL IMPACT:

\$27,200 for the water and sewer connection fees and \$2,900 for two meters.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:

None.



Muskegon Downtown

September 10, 2013

Mr. Frank Peterson
City Manager
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49440

Dear Mr. Peterson:

Please accept this letter as an official request from the Downtown Muskegon Development Corp (DMDC) that the quoted utility fees for water and sewer connections for the new Farmers Market site be waived. With the City of Muskegon becoming the final owner of this site, we would ask that the City participate in supporting the Farmers Market by waiving the quoted Utility Connection fees of \$27,200.00. We would also ask that the cost of the water meters also be waived.

Should you wish to discuss, please call. 231-755-1603

Thank you in advance for considering this request.

Sincerely,

Steve Olsen - Member DMDC

Muskegon Farmers Market

Date: 07/12/13

Utility Connection Fees

LOCATION OF WORK: Market Street

The Department of Public Works quotes the cost as follows for connection fees.

(2ea) 6" Sanitary Sewer connection based on 2" meter size	\$13,600
(2ea) 2" Domestic connection	\$13,600

Total Deposit Due:	<u>\$ 27,200.00</u>
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This quotation covers the connection fees for 2, 2" water services and 2, 6" sanitary sewer connections. Payment should be made at City Hall Water Billing Department. **The cost of the water meters is not included.** The cost for the Water Meter will be billed separately.

Dave Baker
Public Utility Supervisor
231-724-6988

Date: October 2nd, 2013
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis 
RE: City Commission to Petition LCC to revoke Elk's Club License

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and consider petitioning the Michigan Liquor Commission to *indefinitely revoking* the Elk's Charity Lodge "Club Liquor License".

The Elk's Charity Lodge has been involved in many violent incidents over the past several years, with the last being a mass shooting incident that claimed the lives of three (3) individuals and wounded four (4) others. Other serious weapon offenses/shootings have occurred at this location over the summer, which has led to the temporary closing of this establishment.

The Muskegon Police have been summoned to the Lodge countless times, investigated and compiled a list of complaints/crimes for the Commission to review. In addition to the calls for service, police/LCC investigators have noted numerous administrative violations that have/are occurring at the lodge contrary to Michigan administrative law that governs alcohol establishment. I have outlined the criminal events and rouge business practices that have led to this important request.

FINANCIAL IMPACT:

Positive – The murder investigation to date has caused over 100 hours of Detective Bureau over-time, which doesn't include other staff time to mitigate this matter.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION: Staff recommends the Commission to review attachment(s), and then petition the MLCC to consider *indefinitely revoking* the Elks "Club License", which allows them to serve alcoholic beverages based on the facts presented.