

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 26, 2014

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, August 26, 2014.

Mayor Gawron opened the meeting with prayer from 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 Gawron, Vice Mayor Lawrence Spataro, Commissioners Byron Turnquist, Ken Johnson, Eric Hood, Willie German, and Dan Rinsema-Sybenga, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-60 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the August 11th Commission Worksession Meeting, and the August 12th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Sale of Buildable Vacant Lot at 360 East Isabella. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 360 East Isabella to May Property Management, LLC, a Michigan limited liability company who owns the adjacent parcel at 1089 Sophia, Muskegon, MI. The lot is 66 x 132 ft. and is being offered to May Property Management, LLC for \$900 plus the fee to register the deed. May Property Management, LLC will be combining this property with his existing property, which would be considered unbuildable should his home be destroyed over 75%. His property is 33 x 132 ft. The True Cash Value (TCV) for the property listed in the Assessor's office is \$2,500,

and our price is set at \$1,875 which is 75% of that amount. The City has owned the property since 2004 and there have been no inquiries for potential construction.

FINANCIAL IMPACT: The sale of this lot 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 the Clerk to sign said resolution and deed.

E. Approval of Architectural Services Procurement Proposal for CNS.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Andrea Riegler as the Architectural Services provider for Community and Neighborhood Services.

The bidding process resulted in four proposals.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Andrea Riegler as the Architectural Services provider for the Community and Neighborhood Services office for two years.

F. 2014 Great Lakes Shoreline Cities Green Infrastructure Grant.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The US Environmental Protection Agency has released applications for a Green Infrastructure Grant, to be used for projects that improve the Great Lakes water quality by reducing/treating stormwater runoff via green infrastructure. The West Michigan Shoreline Regional Development Commission (WMSRDC) has offered to prepare the grant application (in conjunction with Nederveld, Inc. and Golder & Associates). WMSRDC will also manage the project, if the grant funding is approved (with City participation and oversight). The project must be for public property, therefore the City must officially apply for the grant. The proposed project will be based on the SAW grant proposal (previously approved), with implementation through the new grant for stormwater management/green infrastructure. The project will include stormwater management/green infrastructure on the properties surrounding the Beidler Road end area (City and County parcels). It may also include a rain garden at Hartshorn near the far back side of the Fricano's parking lot. This area would be visible from the Lakeshore Trail, Hartshorn and Fricano's. There is currently a low spot where wetland vegetation attempts to grow and this will be enhanced as it will function for stormwater filtration and will be more attractive.

FINANCIAL IMPACT: The previously approved SAW grant will act as match for the grant. There may be in-kind elements that the City can assist with.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the City's application for the USEPA Green Infrastructure Grant, which includes committing to preserve/maintain the green infrastructure for 15 years and erect appropriate signage; and authorize the Mayor and Clerk to sign the necessary documents for the grant submittal, as well as any documents required to accept the grant, if we receive approval.

Motion by Commissioner German, second by Commissioner Johnson to approve the Consent Agenda as presented minus Items B and D.

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

Nays: None

MOTION PASSES

2014-61 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Amendment to the City Code of Ordinances – Livestock and Poultry.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff is requesting to amend the livestock and poultry ordinance to allow for an education exception, which would allow accredited educational institutions to keep a limited number of livestock, poultry, fowl, rabbits and other animals for educational purposes. These institutions would first need to receive Planning Commission approval after a public hearing.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the amendment to the City Code of Ordinances regarding livestock and poultry.

Motion by Commissioner Turnquist, second by Commissioner German to approve the ordinance amendment.

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

Nays: None

MOTION PASSES

D. Contract for Analysis of Impediment Study. COMMUNITY &
NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: The cities of Muskegon, Muskegon Heights, Norton Shores and the County of Muskegon are entering into an agreement with Intellectual Business Solutions to conduct an Analysis of Impediment Study in the County of Muskegon to further Fair Housing initiatives.

FINANCIAL IMPACT: The total amount of the contract is \$30,000; the City of Muskegon will pay \$12,000 of the cost.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract and authorize the Mayor to sign.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga to approve the contract for Analysis of Impediment Study.

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

Nays: None

MOTION PASSES

2014-62 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Ameriform.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to public Act 198 of 1974, as amended, Ameriform Acquisition, LLC, 1790 Sun Dolphin Drive, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$375,000 in real property and \$4,625,000 in personal property and will create 35 new jobs. This qualifies them for a tax abatement of 12 years on real property and 9 years on personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to close the Public Hearing and approve the resolution granting an Industrial Facilities Exemption Certificate for a term of 12 years for real property and 9 years for personal property for Ameriform Acquisition, LLC, 1790 Sun Dolphin Drive.

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

Nays: None

MOTION PASSES

2014-63 NEW BUSINESS:

A. Extend the Moratorium for Marihuana Licensing. CITY CLERK

SUMMARY OF REQUEST: On June 24, 2014, the City Commission extended the

current moratorium 60 days. Due to pending legislation that recently passed in the House and Senate, staff is asking to extend the moratorium by an additional 90 days.

If the proposed bills are signed, it will create significant changes to our proposed ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To extend the moratorium an additional 90 days.

Motion by Commissioner Johnson, second by Commissioner Turnquist to extend the moratorium for an additional 90 days.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Kathy Evans, WMSRDC, explained the grant.

PUBLIC PARTICIPATION: Public comments were received.

2014-64 CLOSED SESSION: To Discuss Pending Litigation.

Motion by Commissioner Hood, second by Commissioner Rinsema-Sybenga to go into Closed Session to discuss pending litigation.

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

Nays: None

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson to come out of Closed Session.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:01 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk