

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 23, 2016

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes City Clerk
 - B. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting City Clerk
 - C. Certification of MERS Representatives Finance
 - D. Police Detective Vehicles DPW/Equipment
 - E. Trust Fund Grant Application for Pere Marquette Park Engineering
 - F. Beach Cleaner DPW/Equipment
 - G. Youth Basketball League and Open Gym Proposal – Muskegon Public Schools Planning & Economic Development
 - H. Request to Create a New Neighborhood Enterprise Zone District at 285 W. Western Avenue Planning & Economic Development - REMOVED
- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

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

1133 W. Western Avenue

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

☐ **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 MEISCH, 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.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: August 18, 2016

Here is a quick outline of the items on next week's agenda:

1. Under the consent agenda, we are asking the Commission for approval of the following:
 - a. Last meeting's minutes.
 - b. Designation of voting delegates for the MML annual business meeting
 - c. Certification of our MERS representatives. MERS is our pension fund manager.
 - d. Purchase of two police detective vehicles. These Chevy Impalas will be purchased from Berger Chevrolet as part of the State Purchasing Program. The \$46,738.12 expense was originally included in the FY 16-17 budget.
 - e. Amendment to our current MDNR Trust Fund grant application for Pere Marquette Park.
 - f. Authorization of the purchase of a beach cleaner (surf rake). The net cost after trading in our old rake will be \$44,750.
 - g. Approval of the youth basketball and open gym proposal with Muskegon Public Schools.
 - h. Consideration of a new neighborhood enterprise zone at 285 West Western to accommodate the Highpoint Flats development.
2. Under new business we will be asking the Commission to consider the following:
 - a. To concur with the HBA's decision to demolish 1133 West Western Ave. The owner states that he intends to self-demolish the structure, but we are proceeding in our process to help ensure we can have it removed regardless of their follow through.
 - b. We are requesting expansion of the City's Groundwater Ordinance to include new parcels on the City's Westside. There is a newly identified area of groundwater contamination, which has been attributed to Exxon Mobil. Notices were sent to affected property owners by their consultant (Groundwater and Environmental Services, Inc.). The Commission is being asked to expand the current groundwater ordinance to include the newly identified parcels. The ordinance greatly restricts the use of wells in the affected area.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Date: August 17, 2016
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the August 8, 2016 Worksession and the August 9, 2016 Regular City Commission Meetings.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
August 8, 2016
Muskegon City Chambers
933 Terrace, Muskegon, MI 49440
5:30 PM

MINUTES

2016-61

Present: Commissioners Hood, Gawron (left at 6:15 p.m.), Johnson, Turnquist, Rinsema-Sybenga, and Warren.

Absent: German.

Pure Muskegon.

Wes Ecklund, of Fleet Engineering, gave a presentation of Windward Pointe. Several members of the community purchased the old Sappi property with plans to redevelop it. The property will be mixed use with houses, marina, shopping, etc. Plans are not complete and much needs to be done before development can commence but change is coming.

Red Project.

Steve Alsum, Executive Director of The Grand Rapids Red Project would like to begin a similar program in Muskegon. The program allows people to exchange used needles for clean needles. The program has proven very successful in Grand Rapids and has lowered the percentage of those who contract a disease from a used needle.

Commission approval is mandated by law before such a program can begin. Commissioners did request more information including the sites the needles would be available. More information will be forthcoming.

Street Lighting.

A possible street lighting assessment was discussed. The assessment would pay for existing lights to be replaced with higher efficiency lighting. There are 14,482 properties that would be responsible for approximately \$18.85 each year over a ten year period of time.

Some Commissioners showed reluctance or stated they would not support a special assessment for this purpose. Others requested more information. Staff was requested to gather solid numbers to share with the Commission.

Adjournment.

Moved by Hood, seconded by Rinsema-Sybenga to adjourn the meeting at 7:45 p.m.

MOTION PASSES.

Ann Marie Meisch, MMC
City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 9, 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, July 12, 2016.

Pastor Matthew Sharpe, 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 Gawron, Vice Mayor Eric Hood, Commissioners Debra Warren, Willie German, Jr., Dan Rinsema-Sybenga, Byron Turnquist, and Ken Johnson, City Manager Franklin Peterson, City Attorney Will Meyer, and City Clerk Ann Meisch.

2016-62 INTRODUCTIONS/PRESENTATION:

A. Presentation of 2016 Beautification Awards

Mayor Gawron recognized residents for their participation in the Neighborhood Associations' Yard Beautification Awards program for 2016.

B. Veteran's Memorial Park Presentation by Muskegon County Department of Veteran's Affairs and Northside Lions

Lupe Alviar addressed the Commission thanking the city for supporting the improvements at Veteran's Memorial Park, especially the efforts and assistance of the City's engineer, Mohammed Al-Shatel. The City was also presented with a beautiful framed photograph of Veteran's Memorial Park.

2016-63 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 11, 2016 Worksession and the July 12, 2016 regular City Commission meetings.

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German, to approve the Consent Agenda as presented with the exception of Item B.

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

Nays: None

MOTION PASSES

2016-64 ITEMS REMOVED FROM THE CONSENT AGENDA:

- B. Approval of Bid Award for 2112 Sampson** Community &
Neighborhood Services

SUMMARY OF REQUEST: To approve the bids and award the building contract for the construction for a single family dwelling at 2112 Sampson to Mike Murphy for the City of Muskegon's HOME Program through CNS.

STAFF RECOMMENDATION: To award Mike Murphy the building construction contract for 2112 Sampson, in the amount of \$166,855, for the Community and Neighbor Services office.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga, to award Mike Murphy the building construction contract for 2112 Sampson, in the amount of \$166,855, for the Community and Neighborhood Services Office.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission adjourned at 5:54 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

Date: August 17, 2016
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
**RE: Designation of Voting Delegates for the Michigan
Municipal League Annual Business Meeting**

SUMMARY OF REQUEST: To designate by action of the Commission, Mayor Stephen J. Gawron, who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the Annual Meeting; and to designate City Manager, Frank Peterson, to serve as alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

August 4, 2016

Michigan Municipal League Annual Meeting Notice(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held on Mackinac Island, September 14-16, 2016. The League's "Annual Meeting" is scheduled for 1:30 pm on Wednesday, September 14 in the Terrace Room at the Grand Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each (see #1 on page 2).
2. Policy. A) To vote on the Core Legislative Principles document.
In regard to the proposed League Core Legislative Principles, the document is available on the League website at <http://www.mml.org/delegate>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)
In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by August 15, 2016.
3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <http://www.mml.org/delegate> no later than August 15, 2016.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

We love where you live.



1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the League to receive resolutions is **August 15, 2016**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.

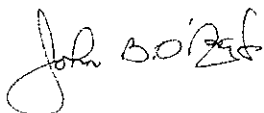
Further, "Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Wednesday, September 14 in the Terrace Room in the Grand Hotel for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

Sincerely,



John B. O'Reilly, Jr.
President
Mayor of Dearborn



Daniel P. Gilmartin
Executive Director & CEO

Commission Meeting Date: August 23, 2016

Date: August 15, 2016
To: Honorable Mayor and City Commissioners
From: Finance
RE: Certification of MERS Representatives

SUMMARY OF REQUEST: The MERS plan document provides that “the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality.”

The City’s employee units previously agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the official employee representative attending the MERS conference will be Peter Hughes (Firefighter) from the firefighters’ union group.

It is recommended that Elizabeth Lewis (Assistant Finance Director) be designated as the City’s employer delegate.

FINANCIAL IMPACT: Registration for the MERS conference in Acme, MI is \$250 per person. Additionally, mileage, hotel and related costs will be incurred.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Certification of Elizabeth Lewis and Peter Hughes to be the City’s officer and employee delegates at the MERS annual meeting in Acme September 28 – 29, 2016.

Date: 8/23/16

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Police Detective Vehicles

SUMMARY OF REQUEST:

Authorize staff to purchase 2 Chevy Impalas from Berger Chevrolet the Mi-Deal State contract holder. These will replace the two oldest vehicle currently being used.

FINANCIAL IMPACT:

\$46,738.12 or \$23,369.06 each

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase 2 Chevy Impalas from Berger Chevrolet

Date: August 23, 2016

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Trust Fund Grant Application for Pere Marquette Park

SUMMARY OF REQUEST:

Adopt the attached resolution committing the city for the local match on the Trust Fund Grant application for improvements at Pere Marquette Park.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None as the local match has been anticipated and budgeted for in the Public Improvement fund

STAFF RECOMMENDATION:

Adopt the attached resolution.

COMMITTEE RECOMMENDATION:

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION FOR COMMITMENT OF CITY GENERAL FUNDS FOR LOCAL MATCH OF MICHIGAN
NATURAL RESOURCES TRUST FUND GRANT FOR UPGRADES AT PERE MARQUETTE PARK**

WHEREAS, the City of Muskegon has applied for funding in the amount of \$220,700 from the Michigan Natural Resources Trust Fund grant for upgrades at Pere Marquette Park; and

WHEREAS, the City of Muskegon will commit a project match of \$147,100 from the City of Muskegon's Public Improvement Fund; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon that the City Commission acknowledges that the requested funding from the Michigan Natural Resources Trust Fund is \$220,700 and, if awarded the grant, the City of Muskegon will commit a match of \$147,100 sourced from the City's Public Improvement Fund.

Adopted this _____ Day of _____ 2016

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on _____, 2016.

Ann Meisch
Clerk

Date: 8/23/16

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Beach Cleaner

SUMMARY OF REQUEST:

Authorize staff to purchase 1 New Surf Rake from H Barber and Sons Inc. for \$53,750.00 and trade in current Surf Rake for trade value of \$9,000.00.

FINANCIAL IMPACT:

\$53,750.00 minus \$9,000.00(trade-in) for total purchase of \$44,750.00

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase 1 New Surf Rake



SURF RAKE®

INSTRUCTION & PARTS MANUAL

MODEL 600HD

61531

MACHINE SERIAL NUMBER

CATALOG 600HDS 61480 0815

Commission Meeting Date: August 23, 2016

Date: August 8, 2016
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Youth Basketball League and Open Gym
Proposal- Muskegon Public Schools

SUMMARY OF REQUEST: The City of Muskegon has contracted with the Muskegon Public Schools ("Schools") for the management of the Youth Basketball League and Open Gym since 2010. The program has been successful (see attached report) and the Schools would like to manage the program for the 2016-2017 school year. The Commission is requested to approve the attached proposal and authorize staff to enter into an agreement with the Schools for oversight of the basketball program and the Open Gym program.

FINANCIAL IMPACT: The cost for the program is \$18,500 (which has not changed since 2010).

BUDGET ACTION REQUIRED: Funds are available through the Leisure Services budget.

STAFF RECOMMENDATION: To approve the "Youth Basketball League and Open Gym Proposal" and authorize staff to enter into a formal agreement with the Schools.



21st CCLC After School Programs 349 W. Webster Avenue, Muskegon, MI 49440 231-720-2000 Fax 231-720-2050

August 4, 2016

MPS 21st CCLC Youth Basketball League & Open Gym Proposal

From: Muskegon Public Schools
To: The City of Muskegon

Muskegon Public Schools is continually looking for new ways to "reach out and change lives" in our community. Collaborating with the City of Muskegon will help offer safe, positive after school recreational opportunities for the students serviced throughout our communities. Last year's Youth Basketball and Open Gym programs continued a successful foundation to sustain this collaborative effort. Based on review of expenses our current proposal is as follows:

- 1.) The MPS 21st CCLC After School Program office located @ Muskegon Hackley Administration Building, would administer the following programs: the Girls & Boys Youth Basketball League and City Open Gym. These programs would run between October 2016 and March 2017.
- 2.) The City of Muskegon would contribute \$18,500 towards this partnership. The funds would be used for the following expenses: program administration and supervision, custodial services, supplies/materials and support personnel (i.e. referee's and event staff).

Program Descriptions:

- 1.) Boy's and girl's basketball seasons would run consecutively for (6) weeks with the (6th) week being tournament play to conclude each season. The girl's season would start Fall of 2016 and the boy's would begin after the conclusion of Christmas break (Winter 2017).
- 2.) Student registration fee would remain \$25 per student to include: reversible game jerseys, individual participation medals, team plaques, and trophies for the tournament champion and runner up teams will be provided.
- 3.) MPS will accept responsibility for all administrative and supervisory obligations for the Youth Basketball League and Open Gym.

Open Gym:

- 1.) Open gym will be offered for (3) hours to the community the day following the Saturday basketball games of both girls and boys seasons.
- 2.) MPS will accept responsibility for all administrative and supervisory obligations for the Open Gym program.

It is the policy of the Public Schools of the City of Muskegon that no person shall, on the basis of race, color, religion, national origin or ancestry, sex, age, disability, height, weight, or marital status be excluded from participation in, be denied the benefits of, or be subjected to discrimination during any program or activity or in employment. If you feel you have been discriminated against, please contact the Office of the Assistant Superintendent of Human Resources, 349 W. Webster Avenue, Muskegon, MI 49440 (231) 720-2000

Grant Contacts

George Sharp
Assistant Director
21st CCLC
gsharp@mpsk12.net

231-720-2061

Kimberly Leavell
Director
21st CCLC
kleavell@mpsk12.net

231-720-2557

Muskegon Public Schools looks forward to our partnership for the 2016/2017 academic year.

Commission Meeting Date: August 23, 2016

Date: August 16, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Request to Create a New Neighborhood Enterprise Zone District
at 285 W Western Avenue**

SUMMARY OF REQUEST:

Pursuant to Public Act 147 of the Michigan Public Acts of 1992, the developer of the Highpoint Flats project has requested to create a new Neighborhood Enterprise Zone (NEZ) district for the parcel at 285 W Western Ave. Properties located in this NEZ district will be eligible to apply for NEZ certificates, which will lower the residential property taxes rehab construction. Notice letters were sent to the taxing jurisdictions on June 20 and a public hearing was held on June 28. State law requires that the resolution must be adopted at least 60 days after the notice letters were sent. This project will include 47 apartments units. Since they will be apartments, once the district is created, the developer will only need to apply for one NEZ certificate for the entire project, rather than 47 individual certificates that would be required for condos.

FINANCIAL IMPACT:

No financial impact at this point. However, being in a district will allow them to apply for a rehab NEZ certificate, which will freeze the building at its pre-rehabilitated rate for 1 to 15 years.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the new NEZ district.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO CREATE A NEW NEIGHBORHOOD ENTERPRIZE ZONE
DISTRICT WITHIN THE CITY OF MUSKEGON**

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, the City of Muskegon would like to create a new Neighborhood Enterprise Zone district to a new location within the City, and;

WHEREAS, notices were sent to the local taxing jurisdictions on June 20, 2016, and;

WHEREAS, a public hearing was held regarding the creation of this new district on June 28, 2016; and

WHEREAS, the new district boundaries will include the property known as “Hackley Union Bank (285 W Western Ave, property #24-234-000-0001-00) ,” as shown in Attachment A, and;

WHEREAS, the total square footage of Neighborhood Enterprise Zone districts in Muskegon will not exceed 15% of the total square footage of the City;

NOW, THEREFORE, BE IT RESOLVED that the new Neighborhood Enterprise Zone district in the City of Muskegon have been approved.

Adopted this, 23rd day of August, 2016.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Meisch
City Clerk

CERTIFICATION

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 August 23, 2016.

By: _____
Ann Meisch
City Clerk

Attachment A



COMMISSION MEETING DATE: August 23, 2016

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN1602118 – 1133 W Western Ave.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1133 W. Western Ave.** 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 (they currently have obtained a demolition permit to complete the demolition) the City would like to be able to follow through with the demolition bidding process.

Location and ownership: This structure is located on W. Western Ave. before the cul-de-sac and west of Franklin St. and is owned by Kirksey Investment Corp.

Staff Correspondence: This property had been partially demolished in 2006. The permit had been closed 11/26/2013 due to lack of progress. The Notice and Order to Repair was issued on 5/10/2016. On 7/7/2016 the HBA declared the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 25,600 due to start of demo.

Estimated cost to repair: \$ Unable to give a value due to this being an industrial property that had been damaged by fire and partially demolished already.

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Notification procedures:

- 1) Title search is performed so all interested parties are notified.
- 2) All notifications are posted on the structure.
- 3) All notifications are mailed by certified mail with a return card for signature.

Owner Contact: Dennis Kirksey did meet with City staff and was in attendance at the HBA meeting in July. He has also hired a demolition contractor.

Permits obtained: A demolition permit was applied for on 7/6/2016 by Press's LLC & paid for. SAFEbuilt's requires that all foundation be removed. The State has also stated they want all the foundation removed & they may need to review before it is filled as the environmental survey that had been performed was completed in 1997 by Superior Environmental Corp & the State of MI received it in 2003.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.



Commission Meeting Date: August 23, 2016

Date: August 18, 2016
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request to Add Parcels to the City's Existing Groundwater Ordinance

SUMMARY OF REQUEST:

The City has received an application to designate 52 parcels under the water supplies ordinance. These parcels are associated with the former Mobil Oil Pipeline – Sisson Ave @ McCracken St. 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 addition 52 parcels.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

An ordinance amending the City Code of Ordinances by adding to Ordinance No. 2039 (Muskegon City Code of Ordinances Section 34, Article III) certain identifying "Appendix Maps" and descriptions of properties determined to be "affected premises" on which groundwater wells are prohibited unless excepted under Section 34-65 due to the contamination or potential contamination of said groundwater. The said Ordinance No. 2039 is amended by this Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. The properties identified in this amending ordinance are determined to be affected premises within the meaning of and regulated in accordance with, Ordinance No. 2039 or any successor ordinance prohibiting wells on such premises. The said affected premises are included in Attachment A.
2. Attached to this ordinance and incorporated herein are Appendix Maps locating the affected premises and their legal descriptions.
3. This ordinance shall be effective ten (10) days after publication. In the event any part of this ordinance is finally determined to be invalid or unenforceable by a court having jurisdiction, then said determination shall not affect the validity of the remaining provisions.

Adopted this 23rd Day of August 2016.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on August 23, 2016.

Ann Meisch
Clerk

Attachment A

2326 Greenwood St

CITY OF MUSKEGON REVISED PLAT OF 1903 PT OF LOT 1 BLK 620 & PT OF LOT 1 BLK 1 GREENWOOD SUB COM SW COR LOT 1 BLK 1 GREENWOOD SUB TH S 46D 09M E 5.3 FT TH N 66D 49M E 12.17 FT TH N 135.3 FT TO NLY LN SD LOT TH S 76D 29M W 15.4 FT TO NW COR SD LOT TH S ON W LN SD LOT 105 FT TH SWLY 140.53 FT TO NLY LN OF GREENWOOD ST TH SELY ON NLY LN GREENWOOD ST 85.8 FT TH N 43D 50M E 103.84 FT TO BEG

1963 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 640 LOT 2

1964 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 13 BLK 639

1977 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 4 BLK 640 ALSO COM @ NWLY COR LOT 3 FOR POB TH SELY TO SWLY COR SAID LOT TH ELY 4 FT TH NWLY 125.85 FT TO POB

1978 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 11

1984 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 10 BLK 639

1995 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 640 LOT 6

1996 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 9

2003 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 640 LOT 7

2006 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 SE 1/2 LOT 8

1970 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 12

1987 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 640 LOT 5

1971 Harding Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 3 BLK 640 EX COM @ NWLY COR SD LOT FOR POB TH SELY ALG LOT LN OF SWLY COR TH ELY ALG SLY LN LOT 3 4 FT TH NWLY 125.85 FT TO BEG

2204 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 NWLY 82 FT LOT 7 & SWLY 10 FT NWLY 82 FT LOT 6 BLK 638

2218 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 EXC SWLY 10 FT OF NWLY 82 FT & SELY 50 FT LOT 7 BLK 638

2226 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 638 LOT 8

2272 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 NW 1/2 LOT 8 BLK 639

2311 McCracken St

CITY OF MUSKEGON REVISED PLAT 1903 BLK 646 N 90 FT LOT 1 & WLY 19.6 FT MCCracken STREET ABUTTING SD

2320 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 620 PT OF LOT 1 COM ON E LN MC CRACKEN ST 16 FT SELY OF SW COR BLK 640 TH N 76D 29M E 180 FT TH S 105 FT TH SWLY 140.53 FT TO E LN MC CRACKEN ST TH NWLY ALG MC CRACKEN ST 106.15 FT TO BEG

2331 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 646 SLY 90.00 FT OF THE ELY 50.00 FT LOT 19 ALSO SLY 90.00 FT OF LOT 20 WITH THE WLY 19.60 FT OF MCCracken ST ABUTTING SD LOT 20

2264 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 SE 1/2 LOT 7

2321 McCracken St

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 1 & 20 & ELY 50 FT LOT 19 & ENTIRE VAC 16.50 FT ALLEY ABUTTING SAME BLK 646 ALSO WLY 19.60 FT MCCracken ST ABUTTING SD LOT 1 & SD VAC ALLEY & ABUTTING LOT 20 DESC AS FOLS COM @ NELY COR SD LOT 20 FOR POB TH SLY ALG WLY LN MCCracken ST 98.34 FT TH N ALG W LN MCCracken ST EXTND TO A POINT 19.60 FT @ RT ANG TO WLY LN MCCracken ST TH NWLY PAR WITH WLY LN MCCracken ST TO SLY LN ALLEY EXTND TH SWLY 19.60 FT ALG SLY LN ALLEY EXTND TO POB EXC SLY 90 FT TH'OF ALSO EXC NLY 90 FT TH'OF

2001 Miner Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 SW 1/2 LOT 4

1997 Mine Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 638 NLY 72 FT LOT 1

2021 Miner Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 4 BLK 638

2031 Miner Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 638 LOT 5

2225 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 NW 1/2 LOT 1 BLK 639

2253 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 NW 1/2 LOT 1 BLK 639

2271 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 1 BLK 640

2303 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 PT LOT 3 BLK 620 & PT LOT 1 BLK 1 GREENWOOD SUB DESC AS COM NE COR LOT 3 BLK 620 TH WLY ALNG NLY LN 31.5 FT TO WLY LN MOON ST FOR POB TH SWLY 145.3 FT TO POINT LOCATED 57.35 FT SLY OF NE COR LOT 1 BLK 1 TH N 57.35 FT TO NE COR TH SWLY ALNG N LN 118.8 FT TO NW COR TH SLY ALNG WLY LN 13 FT TO SW COR TH S 46D 09M W 5.3 FT TH N 66D 49M E 290.27 FT M/L TO WLY LN MOON ST TH NWLY ALNG WLY LN MOON ST 53.75 FT TO POB EXC W 15 FT TH'OF

2231 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 SE 1/2 LOT 1 BLK 639

2205 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 14 BLK 638

2245 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 15

2185 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 S 60 FT LOT 1 BLK 638

2293 Moon St

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 640 LOT 8 ALSO THAT PT OF LOT 3 OF BLK 620 DESC AS FOL COM @ A PT ON N LN LOT 3 BLK 620 & WLY LN OF MOON ST TH W 133.5 FT TO W LN OF LOT 3 TH S 57.35 FT TH NELY 145.3 FT TO POB

2017 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 639

2016 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 638 LOT 10

1983 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 2

1993 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 LOT 3

2005 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 5 BLK 639

2026 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 9 BLK 638

2025 Morton Ave

CITY OF MUSKEGON REVISED PLAT OF 1903 BLK 639 NW 1/2 LOT 7