CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 13, 2004

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, July 13, 2004.

Mayor Warmington opened the meeting with a prayer from Commissioner Gawron 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 Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2004-60 HONORS AND AWARDS: Recognition of National Recreation Parks Month.

2004-61 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, June 22, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Second Quarter 2004 Budget Reforecast. FINANCE

SUMAMRY OF REQUEST: At this time staff is transmitting the **Second Quarter 2004 Budget Reforecast** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the second quarter budget reforecast together with any additional changes deemed necessary by

Commissioners.

Also included in the second quarter reforecast report is a very preliminary look at the 2005 budget based on currently available information. At this time, the projected 2005 budget shortfall is $589,017 which likely is understated due to incomplete departmental budget estimates. Staff will be refining these figures over the next several weeks in preparation for the September 1st submission of the 2005 budget to the City Commission.

FINANCIAL IMPACT: The projected 2004 shortfall in general fund revenues is $444,403, mostly attributable to lower than budgeted state shared revenues. The good news is that the revenue shortfall has held steady since the first quarter reforecast. The other good news is that general fund expenditures are projected at $487,752 less than original budget as the result of position elimination's, position vacancies and other cost-control measures. However, the projected year-end 2004 fund balance is $282,620 less than the targeted amount (i.e. 10% of prior year expenditures).

The 2003, 2004, and 2005 city budgets each include a $500,000 transfer from the budget stabilization fund. Obviously, without these infusions matters would be much worse. But it is also necessary to realize that recurring general fund revenues are falling far short of meeting recurring expenses. Absent a major pick-up in revenues in coming months, further major cost reductions will be required.

The second quarter reforecast also incorporates several significant changes to major capital project cost projections.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the *Reforecast* to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the *Reforecast* and related budget amendments.

COMMITTEE RECOMMENTDATION: There is no committee recommendation at this time. The budget forecast will be discussed at the July worksession.

C. **<u>Request to Purchase Tax-Reverted Properties.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The State of Michigan is again offering the City a number of tax-reverted lots acquired prior to 2002 and available to us under the "old program" for the bargain price of $300 for the first five lots and $20 for each of the remainder of the properties. Since the City continues to mow and maintain these lots, even though they are State-owned, it would be advantageous to the City to take ownership of them. We can then attempt to sell them and get them back on the tax rolls.

FINANCIAL IMPACT: The total cost of these 36 properties is $920.

BUDGET ACTION REQUIRED: Expend the additional $920 necessary to purchase these parcels.

STAFF RECOMMENDATION: To approve the request and to authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval at their June 22, 2004 meeting.

D. Leaking Underground Storage Tank Proposals. LEISURE SERVICES

SUMMARY OF REQUEST: To extend the contract with ERM to begin the closures of the contaminated sites at Hartshorn Marina and Restlawn Cemetery.

FINANCIAL IMPACT:	$5,850	Hartshorn Marina
	$15, 900	Restlawn Cemetery

BUDGET ACTION REQUIRED: Will need to adjust the Cemetery Budget. The Marina should not need adjustment.

STAFF RECOMMENDATION: Approve

E. Local Law Enforcement Block Grant – Joint Spending Agreement. CITY MANAGER

SUMMARY OF REQUEST: To approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant (LLEBG). This is required because the U.S. Department of Justice has determined that disparate funding exists.

FINANCIAL IMPACT:

City of Muskegon	$23,331
Muskegon County	$ 8,983 (use is for jail security services)
	$32,314

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the above distributions.

F. Application for Grant Funding for Fisherman's Landing. CITY MANAGER

SUMMARY OF REQUEST: To support a grant application for funding for new restroom and shower facilities at Fisherman's Landing.

FINANCIAL IMPACT: None. Any grant match will be provided by Fisherman's Landing, Inc.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To support a grant application and authorize staff to sign appropriate application documents and provide letter of support and/or resolution executed by Mayor and City Clerk.

COMMITTEE RECOMMENDATION: The City Commission reviewed this matter at their work session on July 12, 2004.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the consent agenda as read.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

MOTION PASSES

2004-62 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – SAPPI Fine Paper North America. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, SAPPI Fine Paper North America, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities Exemption Certificate. Since the total capital investment for this project is $13,500,111 in personal property, this request qualifies for a 9-year exemption. The project will not create any new employment opportunities, but will retain 500 jobs currently at the plant.

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 (9) years.

The Public Hearing opened at 5:37 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:39 p.m. and approve the Industrial Facilities Exemption Certificate for SAPPI Fine Paper North America for a term of nine years.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

B. Request for the Establishment of an Industrial Development District – Northern Machine Tool Company. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Northern Machine Tool Company, 761 Alberta Avenue, Muskegon, Michigan, has requested the establishment of an Industrial Development District for property located at 2380 Henry Street, Muskegon, Michigan. The project will result in the creation of 3 new jobs and $770,000 in private investment.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution establishing the Industrial Development District for Northern Machine Tool Company.

The Public Hearing opened at 5:40 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 5:42 p.m. and establish the Industrial Development District for Northern Machine Tool Company.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

C. <u>Request for an Industrial Facilities Exemption Certificate – Northern Machine Tool Company.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Northern Machine Tool Company, 761 Alberta Avenue, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 2380 Henry Street, Muskegon. The total capital investment for this project is $450,000 in real property and $250,000 in personal property for a total of $700,000 and will create 3 new employment opportunities. This request qualifies Northern Machine Tool Company for a 12-year exemption for real property and a 6-year exemption for personal property. Northern Machine Tool Company's current workforce is 45.

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 twelve (12) years for real property and six (6) years for personal property.

The Public Hearing opened at 5:42 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Vice Mayor Larson to close the Public Hearing at 5:44 p.m. and approve the Industrial Facilities Exemption Certificate for Northern Machine Tool Company for a term of twelve years for real property and six years for personal property.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

D. <u>Amendments to Brownfield Plan.</u> PLANNING & ECONOMIC DEVELOPMENT

1. Northern Machine Tool Expansion.

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 Triple O Enterprises, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the Northern Machine Tool expansion 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 July 13, 2004, at their June 22, 2004 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 June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened at 5:44 p.m. to hear and consider any comments from the public. Comments were heard from Mr. Steve Olson, 761 Alberta, the owner.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:47 p.m. and approve the amendments for the inclusion of property owned by Triple O Enterprises, LLC in the Brownfield Plan.

ROLL VOTE: Ayes: Spataro, Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

MOTION PASSES

2. Terrace Lots Office Building.

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 MSB II, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the completion of construction of the Terrace Lost Office Building 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 July 13, 2004, at their June 22, 2004 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 June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:50 p.m. and approve the amendment for the inclusion of property owned by MSB II, LLC in the Brownfield Plan.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

MOTION PASSES

3. Art Works Apartments.

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 Boiler Works, 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 an Art Works space (with residential and gallery space) will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To hold 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 July 13, 2004, at their June 22, 2004 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 June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

The Public Hearing opened at 5:51 p.m. to hear and consider any comments from the public. Comments in favor of the project were heard from Gary Hydell from MSHDA; Michael Jacobsen, 2282 Fulton, Grand Rapids; Kevin Woods, Woods Consulting, Muskegon; and Paul Veltkamp, 592 W. Muskegon.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 7:10 p.m. and postpone vote until the July 27th meeting.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2004-63 NEW BUSINESS:

A. Lakefront, LLC – Special Assessment. CITY MANAGER

SUMMARY OF REQUEST: To agree to allow Lakefront, LLC to delay the 1st installment payment on their special assessment for up to six months and agree not to invoke the payment acceleration provision of the special assessment agreement during that period. Lakefront will be responsible for paying late fees and interest in accordance with the special assessment agreement.

FINANCIAL IMPACT: Delay in payment of $220,000 in principal and interest payment.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

Motion by Vice Mayor Larson, second by Commissioner Gawron to allow Lakefront, LLC to delay the first installment payment.

ROLL VOTE: Ayes: Davis, Gawron, Larson, Shepherd, Spataro, Warmington, Carter

Nays: None

MOTION PASSES

B. Amendment to the Ferry Development Agreement. CITY MANAGER

SUMMARY OF REQUEST: To enter into an amendment to the Ferry Development Agreement with Great Lakes Marina. This is necessary to accommodate additional costs associated with the project.

FINANCIAL IMPACT: Additional cost of $641,097.82 of which $200,000 will be covered by a grant from the County of Muskegon.

BUDGET ACTION REQUIRED: A budget adjustment will be necessary to accommodate this request.

STAFF RECOMMENDATION: None

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the amendment to the Ferry Development Agreement with Great Lakes Marina.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

C. Relocation of Former Gas Station @ 793 W. Laketon. CITY MANAGER

SUMMARY OF REQUEST: To consider sale of City owned lot to Brenda Moore to relocate the former gas station building (Freres) from 793 W. Laketon.

FINANCIAL IMPACT: Sale proceeds to City of $1,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Davis to approve relocation contingent on receipt of title of property from State of Michigan

MOTION AND SECOND WITHDRAWN.

Motion by Commissioner Spataro, second by Vice Mayor Larson to authorize staff to negotiate a purchase agreement contingent on receipt of title of property from the State.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

D. Disclosure of Potential Conflict of Interest Under CDBG Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Under Community Development Block Grant regulations, potential Conflicts of Interest must be disclosed to the public prior to requesting a waiver from HUD. Sheliah Shah of 807 Wood, has applied for CDBG assistance under the City's Emergency Assistance Program. Ms. Shah is a member of the Citizen's District Council which governs how the monies are spent in this program. The City Attorney has determined that no Conflict of Interest is present in this case: however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The legal opinion of the City Attorney must be kept on file with the City Clerk for future public review. If the public can present no evidence to support a potential conflict, a request for a Conflict of Interest waiver may be forwarded to HUD for approval.

Motion by Vice Mayor Larson, second by Commissioner Davis that the request for a Conflict of Interest waiver be forwarded to HUD.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd

Nays: None

Absent: Spataro (out of the room)

MOTION PASSES

E. <u>SECOND READING - Rezoning Request for Property Located at 955 W. Laketon.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 955 W. Laketon, form B-4, General Business to RT, Two Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 3/11 meeting and recommended that the City Commission ask the ZBA to reconsider the hardship application for this property. The denial request was approved with Commissioners S. Warmington, B. Smith, and T. Michalski voting nay. T. Johnson was absent.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the rezone request for property located at 955 W. Laketon from B-4, General Business to RT, Two Family Residential.

ROLL VOTE: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

MOTION PASSES

F. <u>Request for Encroachment Agreement – Alley off Howden to the East.</u> ENGINEERING

SUMMARY OF REQUEST: Mr. Stephen Gawron, owner of 1952 Howden, has submitted the encroachment agreement form requesting your permission to install and maintain a berm with planting as well as a decorative fence along the north right of way line of the referenced alley.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the encroachment agreement with the supplemental conditions.

ROLL VOTE: Ayes: Carter, Davis, Larson, Shepherd, Spataro

Nays: None

Absent: Warmington (out of the room)

Abstain: Gawron

MOTION PASSES

G. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures listed below are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contractor for demolition with the lowest responsible bidder.

1837 Kinsey

CASE # & PROJECT ADDRESS: #EN-030169 – 1837 Kinsey

LOCATION AND OWNERSHIP: This structure is located on Kinsey between Laketon and Windsor and is owned by Bonaes, LLC.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 10/24/03 and an interior inspection 11/12/03 and the notice and order to repair was issued on 1/27/04. On 4/1/04 the HBA declared the structure substandard and dangerous.

OWNER CONTACT: There has been no contact from the owner.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $24,400

ESTIMATED COST TO REPAIR: $40,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

307 Merrill

CASE# & PROJECT ADDRESS: #EN-040024 – 307 Merrill

LOCATION AND OWNERSHIP: This structure is located on Merrill between Fourth and Fifth Street. It is owned by JP Morgan Chase Bank.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/2/04 and the notice and order to repair was issued on 2/3/04. On 5/6/04 the HBA declared the structure substandard and dangerous.

OWNER CONTACT: There has been no contact from the owner.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $16,100

ESTIMATED COST TO REPAIR: $1,500 plus the cost of interior repairs

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

382 Amity-Garage

CASE# & PROJECT ADDRESS: #EN-040008 – 382 Amity-Garage

LOCATION AND OWNERSHIP: This structure is located on Amity between Emerald and Wood Street. It is owned by Doris Brown.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 1/26/04 and the notice and order to repair was issued on 1/27/04. On 4/1/04 the HBA declared the garage substandard and dangerous.

OWNER CONTACT: There has been no contact from the owner.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $24,100

ESTIMATED COST TO REPAIR: $2,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

1194 Sixth

CASE# & PROJECT ADDRESS: #EN-040033 – 1194 Sixth

LOCATION AND OWNERSHIP: This structure is located on Sixth between Merrill and Monroe and is owned by Sam Hicks.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 3/9/04 and the notice and order to repair was issued on 3/22/04. On 5/6/04 the HBA declared the structure substandard and dangerous. The case began with an appeal by the owner stemming from requirements from the rental inspection. The owner was not present at the HBA meeting for his appeal and was ordered to have the trade inspectors inspect the house. Once the trade inspectors saw the condition of the house, it was determined to be a dangerous building.

OWNER CONTACT: The owner scheduled the interior inspection.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $17,300

ESTIMATED COST TO REPAIR: $30,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Carter, second by Comissioner Spataro to concur with the Housing Board of Appeals decision to demolish 1837 Kinsey, 307 Merrill, 382 Amity-Garage, and 1194 Sixth.

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

Nays: None

Absent: Larson (out of the room)

MOTION PASSES

331 Sumner-Garage

CASE# & PROJECT ADDRESS: #EN-030131 – 331 Sumner-Garage

LOCATION AND OWNERSHIP: This structure is located on Sumner between Erickson and Octavius Street. It is owned by Dorothy Bates.

STAFF CORRECPONDENCE: A dangerous building inspection was conducted on 5/29/03 and the notice and order to repair was issued on 6/12/03. On 11/6/03 the HBA declared the garage substandard and dangerous.

OWNER CONTACT: The owner pulled a permit to repair 7/23/03 which expired

9/30/03. The permit was extended to 10/30/03. The owner and her son came in and submitted a proposal for NIC to repair the garage. There has been no further contact and the garage was not repaired by NIC.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $19,000

Estimated cost to repair: $3,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 331 Sumner-Garage.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

MOTION PASSES

1124 Ambrosia-Garage

CASE # & PROJECT ADDRESS: #EN-040030 – 1124 Ambrosia-Garage

LOCATION AND OWNERSHIP: This structure is located on Ambrosia between Iona and E. Isabella. It is owned by Dorothy Bailey.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/6/04 and the notice and order to repair was issued on 2/9/04. On 4/1/04 the HBA declared the garage substandard and dangerous.

OWNER CONTACT: The owner spoke with the Director; she knows the garage needs to be demolished. The City will proceed with the process and she is going to work out a payment plan with Bob Robles for the demolition.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $19,400

ESTIMATED COST TO REPAIR: $5,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the Housing Board of Appeals decision to demolish 1124 Ambrosia.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Warmington, Carter, Davis, Gawron

Nays: None

MOTION PASSES

509 Amity

CASE# & PROJECT ADDRESS: #EN-040003 – 509 Amity

LOCATION AND OWNERSHIP: This structure is located on Amity between Williams and Scott Street. It is owned by Mary Barnes.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 1/20/04 and the notice and order to repair was issued on 1/23/04. On 4/1/04 the HBA declared the garage substandard and dangerous.

OWNER CONTACT: This property was owned by Carrie Green, who is recently deceased. Her family was present at the 4/1/04 HBA meeting. Her daughter, Mary Barnes, stated the family was trying to sell the house at the time. They stated Marshall Redder might be interested in purchasing the home. The Director of Inspections explained the demolition process to Ms. Barnes, they can still sell the house, the new owner will have to bring it up to code. On 6/24/04 Mary Barnes came into the office to say that Marshall Redder was purchasing the house. She wanted to make sure it was ok for her to sell the house during this process. She was told she can sell it, but the demolition process will continue and it will be up to the new owner to stop the process.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: $13,900

ESTIMATED COST TO REPAIR: $2,000 plus the cost of interior repairs.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 509 Amity.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

MOTION PASSES

769 Amity-Garage – Removed per request of staff.

2004-64 CLOSED SESSION: Land Acquisition.

Motion by Commissioner Spataro, second by Vice Mayor Larson to go into Closed Session at 8:06 p.m. to discuss land acquisition.

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

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Carter to come out of Closed Session at 8:49 p.m.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:50 p.m.

Respectfully submitted

Gail A. Kundinger, MMC
City Clerk