CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 24, 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, February 24, 2004.

Mayor Warmington opened the meeting with a prayer from Pastor Anderson of the Philadelphia Baptist Church after which the Commission and Public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioners Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kundinger.

2004-21 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, February 9, 2004, and the Regular Commission Meeting that was held on Tuesday, February 10, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Fireworks Display – Shrine Circus. CITY CLERK

SUMMARY OF REQUEST: Jordan Productions, Inc. is requesting approval of a fireworks display permit for March 5th and 6th, at the Walker Arena. Fire Marshall Metcalf will inspect the fireworks. The insurance coverage has been approved.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

c. Real Estate Purchase Agreement – Crow Investments. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the Real Estate Purchase Agreement with Crow Investments to purchase property for the

Lakeshore Trail.

FINANCIAL IMPACT: $52,000 from the Golf Course Fund

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve.

d. **Sale of Buildable Vacant Lot on Meeking Street.** PLANNING & ECONOMIC DEVELOPMENT

Staff requested item removed for agenda.

e. **Sale of Buildable Vacant Lot on Ducey Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 1030 Ducey Ave. (designated as parcel number 24-612-000-0503-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 150 X 134 ft. and is being offered to the Muskegon County Habitat for Humanity for $9,000. They plan to split the lot into two 75ft. lots and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is $12,000, so our price is set at $9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of two new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

f. **Sale of Buildable Vacant Lot on Erickson Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 440 Erickson St. (designated as parcel number 24-205-140-0005-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 132 X 132ft., and is being offered to the Muskegon County Habitat for Humanity for $4,125. They plan to split the lot into two 66ft. lots and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is $5,500, so our price is set at $4,125 which is 75% of that amount

FINANCIAL IMPACT: The sale of this lot for construction of two new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

g. **Sale of Buildable Vacant Lot on Albert Avenue.** PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot 1338 Albert Ave. (designated as parcel number 24-611-000-0315-00) to Muskegon County Habitat for Humanity, 280 Ottawa St., Muskegon, MI. The lot is 150 X 132 ft. and is being offered to the Muskegon County Habitat for Humanity for $9,000. They plan to split the lot into two 75ft. lots, and construct two 1,260 sq. ft., single-family homes. The homes will conform to the design guidelines contained in the "Policy for Sale of City-Owned Residential Property." The True Cash Value (TCV) for the property listed in the Assessor's office is $12,000, so our price is set at $9,000 which is 75% of that amount.

FINANCIAL IMPACT: The sale of this lot for construction of two new homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

h. **<u>Sale of Non-Buildable Lot at 538 Jackson Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 538 Jackson Ave. (designated as parcel number 24-205-014-0017-00) to J. Arthur Sanders, owner of 532 Jackson Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand his current yard. In keeping with the unbuildable lot policy, the lot will be offered to the adjacent property owner with the smallest lot. Therefore, Mr. Sanders will be offered the 24.8 X 207.3-ft lot for $100. (This sale was approved and the deposit paid in 2003 prior to the $1 Lot Marketing Plan being approved.)

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

i. **<u>Sale of Non-Buildable Lot at 593 Muskegon Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 593 Muskegon Ave. (designated as parcel number 24-205-345-0003-10) to Marie Rudd, of 597 W. Muskegon Ave., Muskegon, MI. Approval of this sale will allow the adjacent property owner to expand her current yard. Other adjacent property owners were offered the other City-Owned lots on that block, but as of this time have not responded. This lot is being offered to Ms. Rudd for $1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

j. **Sale of Non-Buildable Lot at 1247 Marcoux Avenue.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 1247 Marcoux Ave. (designated as parcel number 24-610-000-0178-00) to Garry & Nancy Workman, owners of 1301 Marcoux Ave., Muskegon, MI. Approval of this sale will allow the Workman's to expand the current yard on the house they are rehabbing. This lot is being offered to the Workman's for $1 under the Dollar Lot Marketing Plan.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and Clerk to sign said resolution and deed.

k. **Sale of Non-Buildable Lot at 538 S. Getty Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 538 Getty St. (designated as parcel number 24-612-000-0647-00) to Archer Holdings, L.L.C., owner of 548 S. Getty St., Muskegon, MI. Approval of this sale will allow the owners of Dailey Cleaners to maintain and beautify this lot located next to their business. Since this lot is zoned R-1 Residential, it is being offered to Archer Holdings, L.L.C. for $1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

l. **Sale of Non-Buildable Lot at 1080 Spring Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant non-buildable lot at 1080 Spring St. (designated as parcel number 24-205-236-0001-00) to Melvin Kimbrough, Sr., owner of 1112 spring St., Muskegon, MI. Approval of this sale will allow the owner to expand his current yard. This lot has no room for a driveway; however, Mr. Kimbrough can apply for a variance for front-yard parking. The other adjacent property has both a driveway and garage. Therefore, the lot is being offered to Mr. Kimbrough for $1 under the Dollar Lot Marketing Plan for residential lots.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the

Mayor and Clerk to sign said resolution.

m. Brownfield Consulting Contract – Ann Couture. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has been contracting with Anne Couture, of Couture Environmental Strategies LLC, during the last six years, to assist us with our Brownfield activities. She has excellent contacts at the Department of Environmental Quality, since she worked there several years ago. Therefore, her assistance is important in moving forward on the technical aspects of our Brownfield Authority, as well as grant application assistance. Not only does Ms. Couture work closely with our City Staff, but we also refer potential brownfield applicants to her. Since we instituted a Brownfield Redevelopment Authority application fee, in the amount of $2,500, the City has received funds which help defray the costs of the contract (in fact, in 2003, there were five applications). Funds for Ms. Couture's current contract have been expended. Therefore, the Commission is asked to approve the current proposal from Ms. Couture.

FINANCIAL IMPACT: Costs to the City will not exceed $15,000. It is expected that this amount will allow for at least one year of services.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor and Clerk to sign the proposal.

n. FIRST READING: Police Command: Pension Ordinance Change. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To adopt the pension ordinance change resulting from contract negotiation with the Police Officer Command Unit. In January, the Commission approved tentative agreements (TA) reached with the Command unit; among TAs was a proposed change in the pension multiplier from 2.5% to 2.75% (for normal retirement) effective 12/31/06, and change the retirement age from 55w/25 years of service to age 53 w/25 years of service. This is a normal follow-up action that takes place after the actuarial has reviewed the appropriate language that will be reflected in the contract.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

o. Consideration of Bids: 2004 Sidewalk Replacement Program. ENGINEERING

SUMMARY OF REQUEST: The 2004 Sidewalk Replacement contract be awarded to Accurate Excavators out of Muskegon. Accurate was the lowest, responsible bidder with a bid price of $200,690.10.

FINANCIAL IMPACT: The construction cost of $200,690.10 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to accurate Excavators.

p. Consideration of Bids: Torrent Street, Sherman to Letart. ENGINEERING

SUMMARY OF REQUEST: The contract to construct a new paved (Asphalt) street on Torrent between Sherman & Letart be awarded to McCormick Sand Co. out of Shelby. McCormick Sand was the lowest, responsible bidder with a bid price of $71,692.10.

FINANCIAL IMPACT: The construction cost of $71,692.10 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to McCormick Sand Co.

r. Donation of Salvaged Boiler. ENGINEERING

SUMMARY OF REQUEST: Your authorization to donate a boiler that was salvaged from a previous Filtration plant upgrade to Mount Zion Church of God in Christ is requested. This boiler is of no use in any of the City owned buildings and has been setting idle, collecting dust for the last four to five years. After checking with contractors, we were informed that the cost to assemble is about $2,500 and to install would cost around the same amount.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Donate the Boiler to Mount Zion Church of God in Christ.

Motion by Vice Mayor Larson, second by Commissioner Davis to approve the Consent Agenda as read, minus Item Q.

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

Nays: None

MOTION PASSED

2004-22 ITEMS REMOVED FROM CONSENT AGENDA

q. Consideration of Bids: Walnut Street, Thompson to Wilcox. ENGINEERING

SUMMARY OF REQUEST: The milling & resurfacing as well as water service contract (H-1576) on Walnut between Wilcox & Thompson be awarded to McCormick Sand Co., out of Shelby. McCormick Sand was the lowest, responsible bidder with a bid price of $41,360.00.

FINANCIAL IMPACT: The construction cost of $41,360 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to McCormick Sand Co.

Motion by Commissioner Spataro, second by Vice Mayor Larson to award the milling and resurfacing as well as water service contract on Walnut between Wilcox & Thompson to McCormick Sand Co.

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

Nays: None

MOTION PASSED

2004-23 PUBLIC HEARINGS:

a. Request for the Transfer of an Industrial Development Certificate – Burgess-Norton Mfg. Co. to Re-Source Industries, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Re-Source Industries, Inc., 1485 S. Getty St., Muskegon, MI has requested the transfer of Industrial Development Certificate No. 96-741 for property located at 1485 Getty St., Muskegon, Mi. The certificate was originally requested October 22, 1996 by Burgess-Norton, Manufacturing Co. The transfer will be for real property only. Re-Source Industries Inc., is a company performing high volume production machining, and will be transferring their business from their plant in Coopersville.

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

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution transferring the Industrial Development Certificate to Re-Source Industries, Inc.

The Public Hearing opened at 5:51pm to hear comments from the public. There were no comments heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Carter to Close the Public hearing at 5:54 pm and to approve the resolution transferring the Industrial Development Certificate to Re-Source Industries Inc.

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

Nays: None

MOTION PASSED

b. 2004-2005 Public Hearing Proposals. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the proposal packets of proposals solicited by CNS office for the 2004-2005 fiscal year. To instruct the CNS office to continue with the Consolidated Planning process which includes proposal reviews and recommendation by both the Citizen's District Council (CDC) board and administration before being brought to the City Commission for preliminary and final decisions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To instruct the CNS office to continue the consolidated planning process for fiscal year 2004-2005.

The Public Hearing opened at 5:55pm to hear comments from the public. There were no comments heard at this time.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:04pm and to accept the packets of proposals solicited by CNS office for the 2004-2005 fiscal year and to instruct the CNS office to continue the consolidated planning process for fiscal year 2004-2005.

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

Nays: None

MOTION PASSED

c. **Create Special Assessment District for Austin Street, Barney to Delano.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Austin, Barney to Delano and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 6:06pm to hear comments from the public. Comments in opposition were heard from Herbert Grissom of 2278 Austin and Roger Neilsen of 2156 Austin. Comments in favor were heard from Mary Hussey of 2115 Austin, William Odneil of 2142 Austin, Patricia Cole of 2124 Austin and Jacqueline Vines of 2174 Continental.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing at 6:35pm and to create the special assessment district for Austin, Barney to Delano and appoint two Commissioners (Carter and Gawron) to the Board of Assessors by adopting the resolution.

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

Nays: None

MOTION PASSED

d. **Create Special Assessment District for Ridge Avenue, Cumberland to Wickham.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Ridge Ave., from Cumberland St. to Wickham St. and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution

The Public Hearing opened at 6:43pm to hear comments from the public. There were no comments heard at this time.

Motion by Vice Mayor Larson, second by Commissioner Davis to close the Public Hearing at 6:46pm and to deny the request to create the special assessment district of the Ridge Ave., from Cumberland St. to Wickham St.

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

Nays: Gawron, Shepherd, Spataro

MOTION PASSES

e. **Create Special Assessment District for Hudson Street, Forest to Southern.** ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of the Hudson St., Forest to Southern, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 6:47pm to hear comments from the public. There were no comments heard at this time.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 6:50pm to approve the request to create the special assessment district for Hudson St., Forest to Southern and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

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

Nays: Larson

MOTION FAILED

2004-24 NEW BUSINESS:

a. **2004 Fee Schedule.** ENGINEERING

SUMMARY OF REQUEST: Amend the 2004 Fee Schedule to include a $30.00 none refundable fee to obtain construction contract documents and plans. At the present time we have a $25.00 deposit which is refundable upon the return of the documents. The deposit is not effective at this time since we are issuing an average of 15-contracts per projects and when they are returned we have little or no use for all of them.

FINANCIAL IMPACT: Saving of about $450 per year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the amendment and add to the 2004 fee schedule the cost for construction documents.

Motion by Commissioner Carter, second by Vice Mayor Larson to approve the amendment to the 2004 Fee Schedule to include a $30.00 none refundable fee for construction contract documents and plans.

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

Nays: None

Out of Room: Warmington

MOTION PASSED

b. FIRST READING: Zoning Ordinance Amendment for Signs. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in regards to prohibited and exempt signs. The amendment creates provisions regarding the installation of "Community Promotional" banners on poles located on City property.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend and add proposed language in the articles and sections described above, with the recommended modifications proposed by the Planning Commission.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 2/12 meeting. The Planning Commission deleted the need for an encroachment agreement with the City and added that there be an agreement with the owner of the pole. This is reflected in the proposed ordinance. The vote was unanimous with B. Smith absent.

Motion by Vice Mayor Larson, second by Commissioner Spataro to amend Section 2334 (Signs) of Article XXIII (General Provisions) of the City's Zoning Ordinance in regards to prohibited and exempt signs, and approve the Planning Commissions recommendation to delete the need for an encroachment agreement with the City and that there be an agreement with the owner of the pole.

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

Nays: None

MOTION PASSED

c. Extension of Renaissance Zone Agreement Terms – Shaw Walker. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon designated the Shaw Walker property as a Renaissance Zone in October 2002. As part of the process, an agreement was entered into with the owner/developer, P & G Holdings, LLC. The Agreement stated that P & G Holdings would invest at least $3,000,000 in the property within two years from the date of the property designation as a Renaissance Zone. Since it has taken longer than expected for the owner to receive their Remedial Action Plan amendment (RAP – which allows them to include residential in the building) from the MDEQ, the owners are requesting an extension on their development requirements. The owners have stayed in continual contact with City staff throughout this process. They now have their approved amended RAP and will take out building permits for the Phase I construction prior to February 24, 2004. They are asking for a one-year extension on our Agreement, to ensure that construction is completed within the requirements of the Agreement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the "First Amendment to Development Agreement, City of Muskegon Renaissance Zone", allowing for a time extension to September 1, 2005 to complete Phase I improvements to the Shaw Walker property.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the "First Amendment to Development Agreement, City of Muskegon Renaissance Zone", allowing for a time extension to September 1, 2005 to complete Phase 1 improvements to the Shaw Walker property.

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

Nays: None

MOTION PASSED

d. <u>Nugent Sand Pipeline Construction.</u> CITY MANAGER

SUMMARY OF REQUEST: To consider intervening in Nugent Sand's appeal of the DEQ decision to deny the permit to construct a pipeline through the Lake Michigan dune.

FINANCIAL IMPACT: $3,000 - $5,000 to file motion to intervene.

BUDGET ACTION REQUIRED: An amendment to the 2004 Budget would be required.

STAFF RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Larson to authorize staff to pursue intervening in Nugent Sand's appeal of the DEQ decision to deny the permit to construct a pipeline through the Lake Michigan dune.

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

Nays: None

MOTION PASSED

e. <u>Milwaukee Clipper Request.</u> LEISURE SERVICES

SUMMARY OF REQUEST: S.S. Milwaukee Clipper Preservation, Inc. has requested that they be allowed to permanently moor the Milwaukee Clipper along the peninsula at Hartshorn Marina.

FINANCIAL IMPACT: Unknown

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Develop a contract to be brought back to the City Commission.

COMMITTEE RECOMMENDATION: The Leisure Services Board recommends approval of the request.

Motion by Vice Mayor Larson, second by Commissioner Gawron to direct staff to develop a contract have it be brought back to the City Commission.

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

Nays: None

MOTION PASSED

f. <u>Public Safety Administrative Consolidation.</u> CITY MANAGER

SUMMARY OF REQUEST: To endorse a proposal to consolidate the administration of police, fire and inspections.

FINANCIAL IMPACT: Projected first-year net savings of $102,820.

BUDGET ACTION REQUIRED: Savings will be accounted for in future budget amendments.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Commissioner Gawron to endorse the proposed Public Safety Administrative Consolidation.

Motion and second amended to endorse the proposal to consolidate the administration of the Police, Fire, and Inspections and include a request that staff prepare a recommendation based on the Firefighters information and the Ludwig proposal and that it be brought back to this Commission no later than March 23, 2004.

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

Nays: Davis

MOTION PASSED

g. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u> INSPECTION SERVICES

SUMMARY OF REQUEST: This is to request the City Commission concur with the Housing Board of Appeals that the structures located at the following addresses are unsafe, substandard, public nuisances 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 contract for demolition at the lowest responsible bidder.

Staff requested that 637 Amity and 267 Merrill be removed from the agenda.

1. 346 Mason

CASE 3 & PROJECT ADDRESS: #EN030171 – 346 Mason

LOCATION AND OWNERSHIP: This structure is located on Mason between Sixth and Seventh Streets and is owned by James Foster.

STAFF CORRESPONDENCE: This case began from a referral from the housing inspector because of life safety issues. The house had been illegally converted to 2 units (without permits) and the owner was given 72 hours to have electrical repairs completed. On 6/18/03 the Director of Inspections notified James Foster that due to the life safety issues the tenants were being removed from this rental house. On 11/20/03 an exterior dangerous building inspection was conducted. A notice and Order to remove or repair was issued 12/3/03. On 1/8/04 the case was heard before the HBA and Mr. Foster was present. The structure was declared on that date. Due to conversations with the attorney for the mortgage company this office has verified with equalization the ownership, based on a quit claim deed, of this property.

OWNER CONTACT: James Foster was present at the 1/8/04 HBA meeting and stated he wanted to save the house. He said he was buying the house back from Jason Hancock. He was told on that date that he would need to prove ownership, schedule an interior inspection, submit a timetable for repairs and pull necessary permits.

FINANCIAL IMPACT: The demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

SEV: $18,700

ESTIMATED COST OF REPAIRS: $35,000

2. 828 W. Southern

CASE # & PROJECT ADDRESS: #EN030178 – Address 828 W. Southern

LOCATION AND OWNERSHIP: This structure is located on Southern between Division and Henry. It is owned by John Joseph, last known address of Grand Haven, MI.

STAFF CORRESPONDENCE: A dangerous building interior inspection was conducted 11/8/03 and Notice and Order to repair or remove was issued 12/1/03. On 1/8/04 the HBA declared the structure substandard and dangerous.

OWNER CONTACT: There has been no contact from John Joseph. Julia Summerville's daughter was present at the 1/8/04 HBA meeting and stated her mother thought she was buying the house from Mr. Joseph. She was advised to seek legal advice.

FINANCIAL IMPACT: The demolition will be paid with General Funds.

BUDGET ACTION REQUIRED: None

SEV: $22,100

ESTIMATED COST OF REPAIRS: $23,000

3. 1719 Wood (Garage only)

CASE # & PROJECT ADDRESS: #EN030090 – 1719 Wood St. – Garage only

LOCATION AND OWNERSHIP: This structure is located on Wood between E. Dale and E. Larch and is owned and occupied by Andrew Patricio.

STAFF CORRESPONDENCE: This garage was written as dangerous on 5/29/03 and the Notice and Order to repair or remove was issued 6/12/03. The case was scheduled to go before the HBA on 9/4/03, but was removed from the agenda when a permit to demolish the garage was applied for by the owner. The garage was not demolished and on 11/6/03 the HBA declared the garage.

OWNER CONTACT: On 6/16/03 the owner came into the Inspection office and scheduled an inspection on the foundation of the garage. The owner stated he works out of town and would check back later. He mailed in a demolition permit in July and stated he will come in and pay for it later when he is in town. On 9/2/03 Mr. Patricio reapplied for a demolition permit. The permit is expired and the garage has not been demolished.

FINANCIAL IMPACT: The demolition will be paid with CDBG funds.

BUDGET ACTION REQUIRED: None

SEV: $14,900 (house and garage)

ESTIMATED COST OF REPAIRS: $1,000

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

Motion by Commissioner Gawron, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 346 Mason, 828 W. Southern and 1719 Wood (Garage).
ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington
Nays: None
MOTION PASSED

The Regular Commission meeting for the City of Muskegon was adjourned at 7:39pm.

Respectfully submitted,

Gail A. Kundinger, MMC
City Clerk