

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 23, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
 - A. MAREC – Energy Partners, LLC.
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Amend Zoning Ordinance – Vintage Shops. PLANNING & ECONOMIC DEVELOPMENT
 - C. Amend Zoning Ordinance Definitions for Vintage Shops. PLANNING & ECONOMIC DEVELOPMENT
 - D. Road Salt Procurement Authorization. PUBLIC WORKS
 - E. Amend 2008-2009 and 2009-2010 CDBG and HOME Action Plans. COMMUNITY & NEIGHBORHOOD SERVICES
 - F. Resolution in Support of Protecting the Great Lakes from the Asian Carp. CITY CLERK
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the following: PUBLIC SAFETY

558 E. Apple Avenue (Area 11)

337 Catawba Avenue

313 E. Forest Avenue

❑ 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 BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.



PRESS RELEASE

For Immediate Release

Contact: T. Arnold (Arn) Boezaart - Director
(616) 331-6900

MICHIGAN ALTERNATIVE AND RENEWABLE ENERGY CENTER (MAREC) WELCOMES NEW TENANT: ENERGY PARTNERS, LLC

Muskegon, MI – February 2, 2010 – GVSU officials announced today an agreement with start-up company Energy Partners, LLC for use of lab and office space at the MAREC incubator facility. Energy Partners moved in today and will lease office and laboratory space totaling 1,000 square feet. The company is engaged in the development and commercialization of portable power products technology and is working closely with Coffman Equipment (Grand Rapids) in efforts to expand their product offerings in energy storage and management systems.

Energy Partners founder, Dr. James Wolter is a recently retired physicist and professor of business and new product market development at GVSU and has been working on development of alternative energy products for a number of years. Dr. Wolter said, “the company will start with one employee with plans to grow in the future”. The first employee of Energy Partners will be George Jaeger, a Hope College trained biologist who brings an “organic” dimension relevant to the development of bio-based fuels and energy as a complement to the “inorganic” focus by Dr. Wolter on battery and power systems. “As the technology that will be developed by Energy Partners and its collaborators is successfully commercialized, many direct and indirect jobs will be added to the West Michigan economy”, notes Arnold (Arn) Boezaart, Director of the MAREC facility. Both agree that locating Energy Partners at MAREC represents a perfect match based on the company’s focus and current needs and MAREC’s role in advancing new technology and business development.

200 Viridian Drive, Muskegon, MI 49440 (616) 331-6900 or (231) 722-4371



Energy Partners, LLC is the third incubator tenant at MAREC and joins Logical Lighting, Co. who moved in last October; and Smart Vision Light who has been with MAREC for 2 years. With the addition of Energy Partners, MAREC's incubator laboratory space is now two-thirds full.

About the Michigan Alternative and Renewable Energy Center

The MAREC facility is a "distributed generation" energy center, or one which produces the energy it needs to heat, cool, light, and power the building. The facility also serves as a business incubator offering office and laboratory space to start-up technology companies. It was opened in 2003 and is designated a SmartZone by the State of Michigan. The MAREC mission is to be an economic development catalyst; business accelerator as well as research and development center that link business, education and government resources. Emphasis is on the development, commercialization and advancement of emerging technology with emphasis on alternative and renewable energy. Visit www.gvsu.edu/marec to learn more.

Date: February 23, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the February 1st Special Commission Meeting, the February 8th Commission Worksession, and the February 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 1, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Special Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Monday, February 1, 2010.

ROLL CALL FOR THE SPECIAL COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, and City Clerk Ann Marie Becker

Absent: Commissioners Sue Wierengo and Steve Wisneski (excused)

2010-09 NEW BUSINESS:

A. Liquor License Transfer Request. CITY CLERK

SUMMARY OF REQUEST: Step 1 is a request to transfer ownership of 2009 Class C-SDM Licensed Business with Dance Permit, Outdoor Service (1 Area) and Official Permit (Food), located at 2536 Henry (Sardine Room) from Small Perch, Inc. to Top Spin, Inc; and Step 2 is to transfer same from Top Spin, Inc. to Red Dawn, LLC and New Entertainment Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the transfer.

Motion by Commissioner Shepherd, second by Commissioner Carter to approve the transfer of the license.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 5:40 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

City of Muskegon
City Commission Worksession
February 8, 2010
City Commission Chambers
5:30 PM

MINUTES

2010-10

Present: Commissioners Warmington, Carter (arrived 5:39 p.m.), Wierengo, Shepherd, Spataro, Wisneski, and Gawron.

Absent: None.

Amendments to the L.C. Walker Arena Management Agreement.

Jeff Patulski, President of the Lumberjacks, presented a resolution requesting the City Commission adopt the resolution authorizing the Mayor and/or City Manager to execute any and all documents required by the Michigan Liquor Control Commission in connection with: a) JS Hockey Enterprises, Inc. being deleted as a co-Licensee and b) Logger Hockey, LLC being added as co-Licensee with the City of Muskegon to that certain Class C License issued by the Michigan Liquor Control Commission, being 1962-2009, and all related permits.

The resolution also authorizes the operation of a USHL Junior Hockey team in the L.C. Walker Arena and Conference Center and that it is in the city's best interest to consent to the assignment by JS Hockey Enterprises, Inc. to Logger Hockey, LLC of all of its right, title, and interest in and to that certain City of Muskegon Operations Management Contract L.C. Walker Arena and Conference Center between the City and JS Hockey Enterprises, Inc.

Motion by Spataro, seconded by Wisneski to approve the resolution of consent and management agreement as presented.

ROLL CALL VOTE:

Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski.

Nays: None.

MOTION PASSES

Downtown Street Vending.

Dan Rinsema-Sypenga gave a presentation for a possible food vending cart ordinance in downtown Muskegon.

Many Commissioners thought it may be a good idea in the future, but the downtown is not ready for such an ordinance at this time.

Habitat Restoration Proposal at Amoco Site (Seawall Removal/Creating Wetland)
WMSRDC.

Kathy Evans of WMSRDC presented a proposed conceptual site grading plan for the former Amoco site.

Motion by Carter, seconded by Shepherd to approve the Habitat Restoration Proposal contingent upon final approval of the design set by staff.

ROLL CALL VOTE:

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter.

Nays: None.

MOTION PASSES

Street Light Removal on Terrace, Pine, and Western.

Mohammad Al-Shatel, City Engineer, has marked sixty-three (63) street lights on Terrace, Pine, and Western that can be removed to reduce energy cost. The savings will be approximately \$1593 per month. The cost to remove the lights will be approximately \$37,000 and will take two years to recover the costs.

Motion by Gawron, seconded by Spataro to authorize the removal of sixty-three (63) street lights located on Terrace Street, Pine Street, and Western Avenue.

ROLL CALL VOTE:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron.

Nays: None.

MOTION PASSES

Grievance Report.

The 2009 grievance reports were placed on file.

Any Other Business.

Public participation was accepted.

Adjournment.

Motion by Carter, seconded by Shepherd to adjourn at 7:12 p.m.

MOTION PASSES

Ann Marie Becker, MMC
City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 9, 2010

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 9, 2010.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Sue Wierengo, Steve Wisneski, Chris Carter, and Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-11 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, January 26, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Response Agreement – Department of Veteran Affairs Police. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a cooperative agreement with the United States Department of Veteran Affairs Police. This agreement, known as a “threshold agreement”, coordinates public safety response to Veterans Affairs offices within the City, specifically: 165 East Apple Avenue, Suite 201. There are no costs associated with this agreement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

C. Request to Amend Encroachment Agreement #2005-82(i).
ENGINEERING

SUMMARY OF REQUEST: BLDI Environmental who is working with Ken's Super Service Station at the north west corner of Laketon and Henry has submitted an encroachment agreement form requesting your permission to install four (4) additional monitoring wells in the area surrounding the aforementioned station bringing the total to 17 wells. The wells would be installed in the public right-of-ways of Franklin Street, Hudson Street, and Larch Avenue.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement subject to the supplemental conditions.

D. Restrictive Covenant Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase restrictive covenant for parcel: 10-670-000-0015 (lot 15) and authorize the Mayor to sign the agreement.

FINANCIAL IMPACT: \$5,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase and authorize the Mayor to sign the agreement.

E. Request to Fly the Irish Flag. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Irish American Society is requesting permission to fly the Irish Flag at City Hall on Wednesday, March 17 to Wednesday, March 24th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

F. Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To concur with recommendations from the Community Relations Committee regarding appointments and resignations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval at their February 1, 2010, meeting.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve

the Consent Agenda as read minus item G.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

2010-12 ITEM REMOVED FROM THE CONSENT AGENDA:

G. Fluoride System Evaluation. WATER FILTRATION

SUMMARY OF REQUEST: To enter into an agreement with Fishbeck, Thompson, Carr & Huber Engineers and Architects for the evaluation of the fluoride system at the Water Filtration Plant.

FINANCIAL IMPACT: The engineering-design proposal cost is \$8,250.

BUDGET ACTION REQUIRED: None. The fluoride system evaluation was planned as part of the 2010 capitol improvements plan.

STAFF RECOMMENDATION: It is staff's recommendation that the Mayor and City Commission authorize staff to enter into an agreement with Fishbeck, Thompson, Carr & Huber for the fluoride system evaluation at the Water Filtration Plant at a cost of \$8,250.

Motion by Commissioner Shepherd, second by Commissioner Spataro to enter into an agreement with Fishbeck, Thompson, Carr and Huber for the evaluation of the fluoride system at the Water Filtration Plant.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2010-13 NEW BUSINESS:

A. Adopt the Revised Standard Construction Specifications. ENGINEERING

SUMMARY OF REQUEST: Adopt the standard construction specification for the City's construction projects as revised by engineering on May 19, 2009. The specifications were revised to incorporate new materials, construction methods and to make use of the State's construction standards manual by referencing it.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the revision and authorize staff to use for 2010 construction projects.

Motion by Commissioner Spataro, second by Commissioner Wierengo to adopt

the Revised Standard Construction Specifications.

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington,
and Wierengo**

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 5:43 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: February 23, 2009

Date: February 17, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendments to the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Section 1101 of Article XI to include "Vintage Shops" as a special use permitted in B-2 districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the request to amend Section 1101 of Article XI to include "Vintage Shops" as a special use permitted in B-2 districts.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/11 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

February 11, 2009

Hearing, Case No. 2010-02 Staff-initiated request to amend Section 1101 of Article XI to include “Vintage Shops” as a special use permitted in B-2 zones.

BACKGROUND

Staff has recently received various requests from local entrepreneurs to open vintage clothing and furniture stores in B-2 zones. However, Section 1101 of Article XI only allows second hand merchandise in B-2 zones as a special use permitted if they meet the following conditions.

1. The site shall be located within or adjacent to an established, identifiable commercial corridor.
2. The store will be associated with a bona fied charitable organization, such as but not limited to 501©3 organizations.

Staff recognizes the reasoning behind the limitations and the need to restrict so called “junk stores” from locating in these zones. However, there are many stores across the country that offer renewed vintage furniture that is indistinguishable from new furniture. These stores are tapping into the green market by offering recycled furniture, in which they take used furniture and refurbish it into artistic, like-new products. Many times these stores will also offer vintage clothing to expand their business market. Although these products appear to be new merchandise, they are technically used merchandise and not allowed in B-2 zones. Staff has created two definitions proposed for inclusion to the zoning ordinance (please see Case No. 2010-03) for these types of stores and is confident that they will continue to restrict the “junk stores.”

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in bold:

Amendment to Section 1101 of Article XI, “Special Uses Permitted”

New #14

14. Vintage Shops

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 1101, #14 of Article XI, to allow “Vintage Shops” as special land uses in B-2 districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Section 1101, #14 of Article XI
New #14.

14. Vintage Shops.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of February, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on February 23, 2010, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1101, #14, of Article XI to add "Vintage Shops" as special land uses in B-2 districts.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2010.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: February 23, 2009

Date: February 17, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendments to the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add definitions for "Vintage Shops" and "Vintage Merchandise."

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the request to amend Article II (Definitions) to add definitions for "Vintage Shops" and "Vintage Merchandise."

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 2/11 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

February 11, 2010

Hearing, Case No. 2010-03 Staff-initiated request to amend Article II, Definitions, to add definitions for “Vintage Shops” and “Vintage Merchandise.”

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Amendment to Article II, “Definitions”

Vintage Shop: A retail establishment which sells vintage merchandise.

Vintage Merchandise: Furniture or clothing; esteemed for its collectability, artistry, beauty or period of origin; meeting the following criteria.

- 1. Clothing must be laundered and in like-new, ready to wear condition.**
- 2. Furniture must have been previously restored to like-new condition through the process of reupholstering or renovation, prior to being brought on-site.**

DELIBERATION

I move that the amendment to Article II, Definitions, of the City of Muskegon Zoning Ordinance to add definitions for “Vintage Shops” and for “Vintage Merchandise,” be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II (Definitions), to include definitions for “Vintage Shops” and “Vintage Merchandise”.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Amendment to Article II, “Definitions”

Vintage Shop: A retail establishment which sells vintage merchandise.

Vintage Merchandise: Furniture or clothing; esteemed for its collectability, artistry, beauty or period of origin; meeting the following criteria.

- 1. Clothing must be laundered and in like-new, ready to wear condition.**
- 2. Furniture must have been previously restored to like-new condition through the process of reupholstering or renovation, prior to being brought on-site.**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 23rd day of February, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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**CITY OF MUSKEGON
NOTICE OF ADOPTION**

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Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2010.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

AGENDA ITEM NO._____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: February 23, 2010

SUBJECT: Road Salt Procurement Authorization

SUMMARY OF REQUEST:

Authorize staff to enter into an annual contract for road salt procurement through the State of Michigan Purchasing Program (MIDEAL).

FINANCIAL IMPACT:

Per ton price is determined yearly; average winter purchases of between 4000-6000 tons.

The most current contracts have solicited 2006/2007 pricing of \$32.99/ton and 2007/2008 pricing of \$34.24/ton and 2008/2009 pricing of \$40.40/ton and 2009/2010 extended contract price of 56.49/ton.

BUDGET ACTION REQUIRED:

None; expense is budgeted yearly through public works.

STAFF RECOMMENDATION:

Approve request.

COMMITTEE RECOMMENDATION:

Commission Meeting Date: February 22, 2010

Date: February 16, 2010

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE: Amend 2008 – 2009 & 2009 – 2010 CDBG and HOME Action Plans

SUMMARY OF REQUEST: To approve for the CNS office to amend the 2008 – 2009 and 2009 – 2010 CDBG and HOME Action Plans.

In 2007 the City of Muskegon was awarded a three-year Healthy Home Lead grant from the U. S. Department of Housing and Urban Development for \$1,000,070. The first two years of the grant were designed to focus on community outreach and the abatement of homes that tested positive for Lead. The last year, which we are currently in, is to be used to take care of miscellaneous items that need to be addressed in order to close out the grant.

In the original grant documentation, the City was to be responsible for \$658,304 in in-kind and/or cash match. To complete the City's match requirements, the CNS office is proposing the following adjustments to its 2008 – 2009 and 2009 – 2010 Action Plans.

Reallocate \$140,000 from the 2009 – 2010 Action Plan originally allocated to HOME Weatherization.

Reallocate \$50,000 from the 2009 – 2010 Action Plan originally allocated to HOME Rental Rehabilitation.

Reallocate \$10,000 from the 2009 – 2010 Action Plan originally allocated to CDBG Delivery Services.

Reallocate \$30,000 from the 2008 – 2009 Action Plan from HOME Infill New Construction.

FINANCIAL IMPACT: Those amounts will be deducted from the specific program budgets.

BUDGET ACTION REQUIRED: The amendment of the 2008 and 2009 budgets.

STAFF RECOMMENDATION: To approve for the CNS office to amend the 2008 and 2009 Action Plans in the manner described above to meet its grant match requirements.

Date: February 23, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
**RE: Resolution in Support of Protecting the Great
Lakes from the Asian Carp**

SUMMARY OF REQUEST: Approve the resolution to support Federal and State efforts to prevent the Asian Carp from infiltrating the Great Lakes.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

CITY OF MUSKEGON

State of Michigan

Resolution to Support Federal and State Efforts to Prevent the Asian Carp from Infiltrating the Great Lakes

WHEREAS, the City of Muskegon Commission wishes to express their unified support for all aggressive efforts to stop the Asian Carp from entering Lake Michigan and;

WHEREAS, the Asian Carp was first brought to the United States in 1972 from Taiwan and they have proven to be alarmingly effective at adapting to and reproducing in their new environment;

WHEREAS, this invasive species voraciously consumes up to 40% of their own body weight each day and can grow to weigh 100 lbs. and;

WHEREAS, recent studies have tied more than 800,000 jobs to the Great Lakes and;

WHEREAS, the Great Lakes provide 1/5 of the world's freshwater and the commercial and recreational use of Lake Michigan is the lifeblood of our City and;

WHEREAS, the Asian Carp has migrated up the Mississippi River and now threatens the Great Lakes ecosystem;

NOW THEREFORE, BE IT RESOLVED that the City Commission for the City of Muskegon, and on behalf of all our citizens does hereby urge the United States Congress and the State of Michigan to take all necessary precautions to protect the Great Lakes from the Asian Carp and the eventual disaster that an invasion of Asian Carp would pose to the Great Lakes ecosystem, and ultimately, the economies of the Great Lakes States.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Muskegon to be affixed this 23rd day of February, 2010.

Stephen J. Warmington, Mayor

DATE: 02/15/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090203

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 **558 E APPLE AVE Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. 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.

Case# & Project Address: # EN090203 - 558 E APPLE AVE

Location and ownership: This structure is located on Apple Ave. between Maple and Chestnut Streets and is owned by BAUER PROPERTY MANAGEMENT LLC with unregistered land contract with a Jennifer Ward, 1078 2nd Street, Muskegon, MI 49440 as of 05/13/09.

Staff Correspondence: A dangerous building inspection was conducted on 08/10/09. The Notice and Order to Repair was issued on 08/19/09. On 10/01/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 10/01/09. No permits have been issued and no inspections scheduled. Copies of inspection reports, notices have been sent to new land contract owner.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$17,400 (Entire property)

Estimated cost to repair: \$30,000

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

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Wednesday, August 12, 2009

Enforcement # EN090203 **Property Address** 558 E APPLE AVE
Parcel #24-205-058-0007-00 **Owner** BAUER PROPERTY MANAGEMENT
LLC

Inspector: Henry Faltinowski

Date completed: 08/10/ 09

DEFICIENCIES:

Uncorrected

1. Replace damaged roof system - holes in roof, sagging rafters, shingles on home need replaced, sheathing inspection needed - rafter inspection needed.
2. Front porch foundation damage, holes in decking floor joists failing.
3. Broken out windows - replace to energy code.
4. Repair chimney.
5. Interior by trade inspectors requested.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



558 E. Apple



D.B. 558 E. Apple 8/10/2009



558 E. Apple



DATE: 02/15/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090062

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 **337 CATAWBA AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. 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.

Case# & Project Address: # EN090062 - 337 CATAWBA AVE

Location and ownership: This structure is located on Catawba between Spring and Pine Streets and is owned by Anthony J. Thomas, 36-63 83 Rd Street Unit #56, Jackson Heights, MY 11372.

Staff Correspondence: A dangerous building inspection was conducted on 03/06/09. The Notice and Order to Repair was issued on 03/12/09. On 05/07/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 05/07/09. There was a phone conversation with previous owner who stated she sold property online and a called was received 01/17/10 that property changed hands again at online auction. Copies of all notices and inspection report were sent to new owner.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$17,700 (Entire property)

Estimated cost to repair: \$15,000 (Exterior only)

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

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Monday, March 9, 2009

Enforcement # EN090062 **Property Address** 337 CATAWBA AVE
Parcel #24-205-268-0010-00 **Owner** JONES LUCY MARCILUS

Inspector: Henry Faltinowski

Date completed: 03/06/2009

DEFICIENCIES:

Uncorrected

1. Garage roof has collapsed - replace MRC 2006 code.

Uncorrected

2. Scrape and paint siding

Uncorrected

3. Repair front porch steps, guardrails, roof damage structural.

Uncorrected

4. Replace roof covering

Uncorrected

5. Repair - replace all damaged windows and doors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

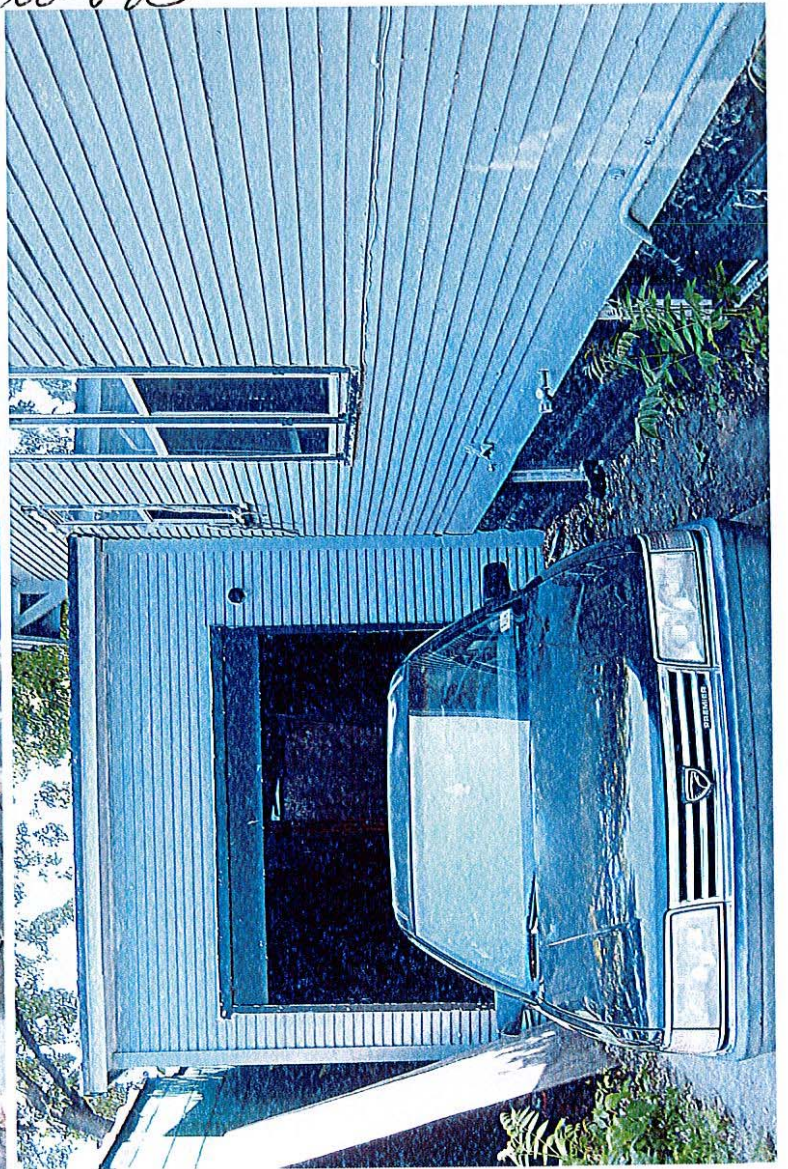


337 Catawba





337 Catumba



DATE: 02/15/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090098

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 **313 E FOREST AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. 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.

Case# & Project Address: # EN090098 - 313 E FOREST AVE

Location and ownership: This structure is located on E. Forest. between Smith and Pine Streets and is owned by MICHIGAN LAND BANK AUTHORITY, 3028 W. Grand Ave; Ste # 4 600, Detroit, MI 48202.

Staff Correspondence: A dangerous building inspection was conducted on 04/14/09. The Notice and Order to Repair was issued on 06/19/09. On 07/02/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 07/02/09. There has been some phone and email contact with Jeffrey Huntington but no permits have been applied for nor any interior inspections scheduled.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$22,800 (Entire property)

Estimated cost to repair: \$10,000 (Exterior only)

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

SUMMARY FOR: 313 E FOREST AVE

This is a two story wood framed multi-family dwelling. This building has been left to deteriorate for the past few years. The roof needs to be replaced and it appears that the roof sheeting may be damaged by water. The structure has been unsecured on a number of occasions.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Monday, April 27, 2009

Enforcement # EN090098

Parcel #24-205-294-0001-00
ASSOC

Property Address 313 E FOREST AVE

Owner FEDERAL NATIONAL MORTGAGE

Inspector: Henry Faltinowski

Date completed: 04/14/2009

DEFICIENCIES:

Uncorrected

1. Replace all roof covering ; call for sheathing inspection when roof is stripped.
2. Replace damaged siding scrape and paint all exterior wood that is peeling.
3. Repair entry porch and steps - ceiling of entry porch.
4. Replace broken out windows and doors.
5. Repair soffit and fascia on roof system.
6. Tuck point chimney brick.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



313 E. Forest



P.B. 313 E. Forest. 4/14/2009.



313 E. Forest

