

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 24, 2006

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, January 24, 2006.

Mayor Warmington opened the meeting with a prayer from Reverend Michael Borgert from the First Christian Reformed 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, Commissioner Clara Shepherd, Lawrence Spataro, Sue Wierengo, Chris Carter, and Kevin Davis, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

2006-07 INTRODUCTIONS/PRESENTATION:

A. Donation Presentation – West Michigan Trails/Greenways Coalition.

Mr. Tom Anderson presented the City with a \$20,000 check for the Laketon Avenue path.

B. Michael Matheny, MML President. Commissioner Clara Shepherd introduced Michael Matheny, Michigan Municipal President.

2006-08 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the January 3rd Organizational Meeting, the January 9th Commission Worksession, and the January 10th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Traffic Department Materials and Services 2006. PUBLIC WORKS

SUMMARY OF REQUEST: Contract with the Muskegon County Road Commission for the joint purchase of various Traffic Department materials and services. We

have bid out these items with the Muskegon County Road Commission for the past sixteen years. By bidding together with the Muskegon County Road Commission and other municipalities, we are able to get better unit prices because of larger quantity purchases.

FINANCIAL IMPACT:

Sign materials and services to be jointly bid:

Sign blanks.....\$1,300.00 approx.

Sign posts.....\$2,200.00 approx.

Sign sheeting.....\$2,000.00 approx.

Ready Made Signs.....\$4,200.00 approx.

Centerline painting.....\$12,000.00 approx.

Total \$21,700 (\$23,100 in 2005)

BUDGET ACTION REQUIRED: None, this item is requested each year in the appropriate Highway budgets.

STAFF RECOMMENDATION: Approve the continued joint purchasing with the Muskegon County Road Commission for sign materials and services.

C. Recommendations for the Various Boards and Committees.
COMMUNITY RELATIONS COMMITTEE

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

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

COMMUNITY RELATIONS COMMITTEE RECOMMENDATION: Approval

D. FIRST READING: Amendment to Muskegon City Code of Ordinances, Chapters 14 and 58. CITY CLERK

SUMMARY OF REQUEST: To adopt the amendments to the City of Muskegon Code of Ordinances to reflect changes by City Commission to dissolve the Cemetery Committee and assign the responsibilities to Leisure Services Board. The amendments will repeal Chapter 14 (Cemetery) and amend Chapter 58 (Parks and Recreation).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read.

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

Nays: None

MOTION PASSES

2006-09 PUBLIC HEARINGS:

A. Create a Special Assessment District for Forest Avenue, Davis to Ruddiman. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Forest Avenue, Davis to Ruddiman paving project, 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 district and assign two City Commissioners to the Board of Assessors by adopting the resolution.

The Public Hearing opened at 5:43 p.m. to hear and consider any comments from the public. Jim Hozer, 1240 W. Forest, spoke in opposition.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing at 5:52 p.m. and create the special assessment district for Forest Avenue, Davis to Ruddiman, and appoint two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

B. Create a Special Assessment District for Montgomery Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Montgomery Street, Laketon 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 at this time.

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

The Public Hearing opened at 5:53 p.m. to hear and consider any comments from the public. Reverend Kratochvil; Andrew Fink, 415 S. Division, Whitehall; Diane Leafers, 1240 Montgomery, William and Rose Lear, 1264 Montgomery; Peg

Tozelar, 1261 W. Forest; Ian Roy, 1267 W. Forest; Kim Belter, 1381 Montgomery; Sue Hozer, 1240 W. Forest; Hillary Joslin, 1337 Montgomery; and Jeff Foster, 1326 Montgomery spoke in opposition.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing at 6:53 p.m. and create the special assessment district for Montgomery Street, Laketon to Southern, with the street being widen to 32 feet maximum, and the existing intersection and curb at Forest and Montgomery be retained as it is, and parking provisions be made for the Church, and that two City Commissioners be appointed to the Board of Assessors.

Motion by Commissioner Davis to table. No support.

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

Nays: Davis

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to direct staff to contact the United States Department of Transportation to negotiate parking on the east side of Montgomery Street.

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

Nays: None

MOTION PASSES

C. Create a Special Assessment District for Sixth Street, Houston to Muskegon. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the Sixth Street, Houston to Muskegon, 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 7:18 p.m. to hear and consider any comments from the public. Robert Mitchell, 1260 Seventh, spoke in favor of the assessment.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 7:21 p.m. and create the special assessment district for Sixth Street, Houston to Muskegon, and appoint two City Commissioners to the Board of Assessors.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll for Southern Avenue, Sixth to Seaway. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Southern Avenue from Sixth to Seaway, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$98,204.80 would be spread against the forty-five (45) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 7:22 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 7:24 p.m. and approve the spreading of the special assessment roll for Southern Avenue, Sixth to Seaway.

ROLL CALL: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

2006-10 NEW BUSINESS:

A. FIRST READING: 2006 Parking Fine Adjustments. FINANCE

SUMMARY OF REQUEST: Staff proposes the following changes to the City's Parking Ordinance:

- Increase in the fine for launching a boat without a permit. The current fine is \$17.50 and the cost of a daily permit is \$10.00. Some boaters may feel the \$7.50 additional cost is sufficiently low to make it worth the risk of launching without a permit. Staff believes that considerable revenue is being lost because of this. We propose increasing the base fine to the cost of an annual launch ramp permit (\$55.00)
- Increase the base handicap violation fine from \$50.00 to \$100.00. This will improve handicap parking compliance. The current \$50.00 fine is at the low end of the range of fines assessed by area communities:
 - o Grand Haven \$50.00
 - o Grand Rapids \$75.00
 - o Holland \$52.00

- o Kentwood \$100.00
- o Norton Shores \$50.00
- o Walker \$100.00
- o Wyoming \$100.00

FINANCIAL IMPACT: Increased compliance with launch ramp permit requirements will increase revenues to the city's Marina & Launch Ramp fund. Increased compliance with handicap parking regulations will result from the increase in this fine category.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the recommended increases in parking fines for boat launch and handicap parking violations.

Motion by Vice Mayor Gawron, second by Commissioner Davis to approve the increases in parking fines for boat launch and handicap parking violations.

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

Nays: None

MOTION PASSES

B. Approval of Memorandum of Agreement – Weed & Seed. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission approve a Memorandum of Agreement between the City and the Muskegon/Muskegon Heights Weed and Seed. This agreement will designate services that the Muskegon Police Department will provide as a member of this collaborative effort. This agreement will be administered within the provisions of the policies and procedures set forth by the Weed and Seed Steering Committee and the United States Department of Justice.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Wierengo, second by Commissioner Carter to approve the Memorandum of Agreement for Weed & Seed.

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

Nays: None

MOTION PASSES

C. Landscape Architect and Engineering for Western Avenue – Third Street to Eighth Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Enter into an engineering services agreement with URS for design engineering for Western Avenue from 3rd Street to 8th Street. URS was the low bidder at a cost of \$55,877.

FINANCIAL IMPACT: The cost for these services have already been budgeted.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City enter into an engineering services agreement with URS for design engineering for Western Avenue from 3rd Street to 8th Street.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to enter into an engineering services agreement with URS for design engineering for Western Avenue from 3rd Street to 8th Street.

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

Nays: None

MOTION PASSES

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 291 Washington, 1532 Terrace, 250 Strong, 915 W. Hackley, 472 W. Muskegon, 856 Fork, and 512 E. Apple. 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 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 contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Fund

BUDGET ACTION REQUIRED: None

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

291 Washington and 1532 Terrace – REMOVED PER STAFF REQUEST

856 Fork – TABLED TO FEBRUARY 28, 2006, PER STAFF REQUEST

915 W. Hackley and 472 W. Muskegon

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 915 W. Hackley and 472 W. Muskegon.

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

Nays: None

MOTION PASSES

250 Strong (Area 10)

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 250 Strong.

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

Nays: None

MOTION PASSES

512 E. Apple (Area 11)

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals notice and order to demolish 512 E. Apple.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Gail A. Kunding, MMC
City Clerk