

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 9, 2021 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS, AWARDS, AND PRESENTATIONS:**
- ☐ **PUBLIC COMMENT ON AGENDA ITEMS:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes City Clerk
 - B. On-Premise Tasting Room Permit for West Michigan Rum Company
City Clerk
 - C. Non-Union Pay/Benefits City Manager
 - D. Solid Waste Ordinance Amendment City Manager
 - E. Peck Street Change Order #005 DPW
 - F. Liquid Sodium Hypochlorite – Change Order #002 Public Works-Filtration
- ☐ **PUBLIC HEARINGS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
 - A. Amendment to Lakeside Form Based Code – Marihuana Facilities
Planning
- ☐ **ANY OTHER BUSINESS:**
- ☐ **PUBLIC COMMENT ON NON-AGENDA ITEMS:**
 - ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
 - ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
 - ▶ Submit the form to the City Clerk.
 - ▶ Be recognized by the Chair.

- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.
- ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: November 9, 2021	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the October 26, 2021 Regular Meeting.	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the minutes.	
For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 26, 2021 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, October 26, 2021, Pastor Tim Cross, Living Word Church, opened the meeting with a prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Dan Rinsema-Sybenga, Willie German, Jr., and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioners Ken Johnson and Teresa Emory

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2021-95 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the October 11, 2021 Worksession and the October 12, 2021 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

C. Michigrown – Consumption Event City Clerk

SUMMARY OF REQUEST: Michigrown is planning a consumption event with music and entertainment at 331 W. Laketon from noon until 11 pm on June 4, 2022. The City Clerk's signature is required on the attestation for the event permit filed with the State of Michigan.

This event was approved on July 27, 2021 and is being rescheduled. They do plan to provide live music at the event.

STAFF RECOMMENDATION: To authorize the Clerk to sign the attestation and approve live music at the event contingent upon a meeting and approval with the special event staff.

D. Request to Purchase AED's Public Safety

SUMMARY OF REQUEST: Requesting the approval to purchase eight AED units to replace the current aging units.

The Fire Department requests approval to purchase eight (8) AED's "Automated External Defibrillators." Currently, the fire department uses two different models of AED's. There are six (6) units we are no longer able to obtain batteries for. Currently, we pay for the pads placed on a patient's chest at the cost of \$99.00. Anytime the pads are opened or used, they must be replaced. Pro-Med now uses Zoll equipment and will provide replacement pads at no cost.

In August, the department received a grant for the purchase of a Zoll AutoPulse Resuscitation System. The Zoll AutoPulse and AED will interface with each other as one resuscitation system. Zoll's offers a buyback program. Zoll will pay \$1,350 for 11 AED units. The buyback credit applies to all AED models.

AMOUNT REQUESTED: \$26,088.00 AMOUNT BUDGETED: \$28,000.00

STAFF RECOMMENDATION: Authorize the fire department to purchase eight AED's from Zoll Medical Corporation for the amount of \$26,088.00

E. Request to Purchase Portable Fire Pump for the Fireboat Public Safety

SUMMARY OF REQUEST: Requesting the approval to purchase one portable fire pump.

The Fire Department requests approval to purchase one (1) portable fire pump for the fireboat. The current fire pump (trash pump) is approximately 20 years old and it has become unreliable. Replacement parts have been difficult to obtain. The Tohatsu pump will be approximately nine pounds lighter, be able to pump more water for a longer period. The new pump is designed for the fire service and for firefighting.

AMOUNT REQUESTED: \$9,199.00 AMOUNT BUDGETED: \$10,000.00

STAFF RECOMMENDATION: Authorize the fire department to purchase the Tohatsu fire pump for the fire department fireboat for the amount of \$9,675.00

G. MiDeal with Staples Finance

SUMMARY OF REQUEST: Enter into a MiDeal Participation Agreement with Staples.

Staples was selected by the State of Michigan for the MiDeal Participation Agreement. This agreement allows local units of government to get the same cost savings as the State of Michigan when ordering items through Staples. The savings are on paper, office supplies, furniture, janitorial supplies, and other goods. The MiDeal Participation Agreement goes until May 31, 2022 plus two 1-year optional extensions.

STAFF RECOMMENDATION: To allow the Finance Director to enter into a

MiDeal Participation Agreement with Staples.

H. Sale – 766 Leonard Economic Development

City staff is seeking authorization to sell the city-owned home at 766 Leonard in Jackson Hill to DeMarko Thomas.

The city is constructing this single family detached home as part of our infill housing program. Our contract to construct two homes was for \$425,000, and the estimated finished costs of this home will be \$215,000. We also anticipated \$12,900 in sales commissions. The accepted purchase price is \$201,000, and the incurred sales commissions are \$10,000. The City will not contribute funds toward closing costs outside of the seller's agent commission. The proceeds of this home will repay a portion of the Priority Related Investment made by the Community Foundation for Muskegon County. The sale of the second home in this project should repay the remainder, and any additional funds will reimburse the Economic Development Fund for the \$75,000 investment in the project.

STAFF RECOMMENDATION: Authorize the Code Coordinator to complete the sale of 766 Leonard Street, as described in the purchase agreement and for the Mayor and City Clerk to sign the deed.

J. Ice Rink Refrigeration System Arena

SUMMARY OF REQUEST: The current ice rink refrigeration system is 24 years old. It has become unreliable and uses an outdated refrigerant that is no longer manufactured.

The current refrigeration system was installed in 1998, the compressors and related equipment are unreliable, leaky, and showing their age. In just the past 12 months alone we have spent \$48,000 on repairs and replacement refrigerant. The R22 refrigerant used in our system is an environmental hazard and is no longer manufactured. Due to the scarcity of the product, this price will only increase.

If we were to have a leak or a system failure, we may not be able to source enough refrigerant to keep the ice, that type of situation would be detrimental for the arena and the Lumberjacks hockey season.

The new system will use ammonia as the refrigerant which is about 30 times cheaper, more readily available, and more environmentally friendly. The new system will use brand new energy efficient compressors and be easier and less expensive to operate and maintain, significantly reducing labor hours and repairs.

As we started this process we intended to get 3+ quotes, we soon realized there is a limited supply and long order time for the necessary equipment. If we did a formal RFP process, we would never be able to complete the project during our open timeline in Spring of 2022.

In order to have the parts available by the end of this season, the equipment needs to be ordered as soon as possible. The lead-time on new equipment is up to 30 weeks, which puts us right up the edge of our time frame during the off-season. If we are able to order equipment soon, we will be able to schedule the change-over to happen during a 6-8 week down period during the summer.

Serv-Ice is the closest contractor capable of completing this project. Their proposal covers the entire change over 100%, including removal off all existing equipment (entire walls need to be removed), compressor installation, plumbing, electrical, pipe-fitting, and final setup. Serv-Ice has serviced and repaired our machines over the years, and knows our building and setup very well.

AMOUNT REQUESTED: \$718,000 AMOUNT BUDGETED: \$626,000
FROM THE Shuttered Venue Operators Grant. Additional grant funds may be available to cover the full amount, or remaining funds to come from the Arena.

FUND OR ACCOUNT: 254

STAFF RECOMMENDATION: To approve the refrigeration upgrade by Serv-Ice of Michigan for \$718,000.00

K. Contract for Stormwater Management Review Engineering

SUMMARY OF REQUEST: Staff is requesting approval of an as needed services contract wit Eng. To review stormwater management for development within the city limits.

Many of the developments within our city limits are experiencing delays when working with the county's water resources office. Staff worked with the Water Resources Commissioner to discuss alternatives, and all agree that the best option is for city staff to manage the process moving into the future. Ent., Inc. currently provides stormwater management review services for the county Water Resources Commissioner so staff requested a proposal from Ent., Inc. to provide consistency and experience for future developments. New fees will cover the expenses to review the projects.

STAFF RECOMMENDATION: To approve the as need services contract with Eng., Inc.

L. Stormwater Management Review Fees Engineering

SUMMARY OF REQUEST: Set the fees for stormwater management review.

The stormwater management review fees are used to cover expenses necessary for the review of proposed development within the City of Muskegon, including but not limited to: review of development plans and on-site inspections. If the expense to review the proposed development exceeds the amount of fees collected, the Developer will be responsible for the payment of all additional costs.

Stormwater Review Base Fee \$2,000.00

STAFF RECOMMENDATION: Approve the fees.

Motion by Commissioner German, second by Vice Mayor Hood, to accept the consent agenda as presented minus items, B, F, and I.

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, Hood, Ramsey, and German
Nays: None

MOTION PASSES

2021-96 REMOVED FROM CONSENT AGENDA:

B. Adelaide Point Development Agreement Economic Development

SUMMARY OF REQUEST: The team has been working with the developer at Adelaide Pointe to negotiate mutually favorable terms on a development agreement that will stipulate funding and incentives for the project. The final draft is mutually agreed upon by staff and Ryan Leetsma, the project's owner and developer.

The structure of this development agreement is quite different than other recent projects due to the large amount of new public infrastructure that is required to build out the project. We would essentially be funding the roads, water, sewer, boat ramp/lift well and other public amenities for a whole new district of the Nims neighborhood and an extension/connection of downtown to the lakefront. Tonight, staff will give one final walkthrough of the city and developers obligations pursuant to this agreement, and take final questions before the recommended ratification of the document.

AMOUNT REQUESTED: Bond Issue for Public Infrastructure estimated at \$10,000,000

AMOUNT BUDGETED: To be completed no later than fiscal 22/23

STAFF RECOMMENDATION: Motion to accept the development agreement as presented, and authorize the mayor and clerk to sign.

Motion by Commissioner German, second by Vice Mayor Hood, to accept the consent agenda as presented minus items, B, F, and I.

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, Hood, Ramsey, and German
Nays: None

MOTION PASSES

F. Local Officers Compensation Commission Recommendation City Clerk

SUMMARY OF REQUEST: The City of Muskegon's Local Officers Compensation Commission met on October 18, 2021 and is recommending a salary increase of \$500 for the Mayor (\$8,100 to \$8,600) and \$400 for City Commissioners (\$6,500 to

\$6,900). No increase was recommended for the travel budget.

STAFF RECOMMENDATION: No action is required unless City Commission rejects the Committee Recommendation.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey, to reject the recommendation of the Local Officers Compensation Commission.

ROLL VOTE: Ayes: Gawron and Rinsema-Sybenga

Nays: Hood, Ramsey, and German

MOTION FAILS

I. Contract for Critical Dune Enforcement Planning

SUMMARY OF REQUEST: Prism Engineering has been the consultant for reviewing critical dune applications for the City since 2018, however, the company has recently disbanded. One of the consultants has started a new firm, Point Blue, LLC. Staff is recommending entering into the contract with Point Blue, LLC.

STAFF RECOMMENDATION: To approve the services contract with Point Blue, LLC.

Motion by Commissioner Ramsey, second by Commissioner Rinsema-Sybenga, to approve the services contract with Point Blue, LLC.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2021-97 PUBLIC HEARINGS:

A. Brownfield Plan Amendment Public Hearing – Harbor 31 LLC (Trilogy Senior Housing Redevelopment Project), 60 Viridian Drive Economic Development

SUMMARY OF REQUEST: To hold a public hearing on the request for a Brownfield Plan Amendment for Harbor 31, LLC (Trilogy Senior Housing Redevelopment Project) and to consider the resolution.

Harbor 31, LLC requests a Brownfield Plan Amendment for a portion of the 5-acre site at 60 Viridian Drive, site of the former Teledyne Continental Motors industrial facility. Proposed redevelopment activities include the construction of an approximately 63,000 square foot multi-story 118-unit senior living building with surrounding asphalt parking areas, concrete walkways and landscaping. The project will create a walkable community that provides access to Muskegon lake, greenspace areas, and downtown Muskegon.

Total private investment, for this phase, not including property acquisition, is approximately \$15M. The development is expected to start in Spring 2022 and continue through 2023. A revised Planned Unit Development (PUD) site plan was

approved by the City Commission in January. This impactful waterfront multi-use project is another initiative which is key to the continued redevelopment of our downtown area.

The initial plan includes \$4,378,740 in eligible costs. It is a local-only property tax capture plan, although through statute the plan is eligible for \$119,500 for eligible environmental costs captured by state educational millage through EGLE. The local-only EGLE. Eligible costs are \$920,000 and include \$800,000 for due care. Local only MSF eligible costs are \$3,339,240 and include \$10,000 demolition, \$781,968 site preparation and \$490,000 for infrastructure improvements. The initial capture for phase one is estimate at \$598,353 over the 27 years.

Capture of tax increment revenues for Developer reimbursement is anticipated to commence in 2025 (after the sunset of the Smart Zone tax abatement for the property) and end in 2049, a total of 27 years. This Plan Amendment assumes approximately three years of additional capture of tax increment revenues (following Developer reimbursement) for deposit into a Local Brownfield Revolving Fund, if available.

There is a 15 percent contingency in the plan. A request for 4% interest is included for all accrued and unreimbursed eligible activities on a yearly basis. There is an annual \$10,000 administrative fee paid to the BRA.

In addition, the City has recently secured a State enhancement grant of \$2.3M to be used to remediate contaminated soil and mitigate adjacent wetlands on site. A soil cap will be installed over the site to prevent human and animal interaction with previously impacted soils.

STAFF RECOMMENDATION: To close the public hearing and approve the Brownfield Plan Amendment for Harbor 31 LLC (Trilogy Senior Housing Redevelopment Project at Harbor 31) at 60 Viridian Drive with the resolution, authorizing the Mayor and City Clerk to sign.

PUBLIC HEARING COMMENCED: Mike Houseman, representing Harbor 31, LLC – the site developer and Peter Massey, representing the real estate division of Trilogy Health Services both spoke briefly about the project.

No other public comments were made.

Motion by Commissioner Ramsey, second by Vice Mayor Hood, to close the public hearing and approve the Brownfield Plan Amendment for Harbor 31 LLC (Trilogy Senior Housing Redevelopment Project at Harbor 31) at 60 Viridian Drive with the resolution, authorizing the Mayor and City Clerk to sign.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, and Gawron

Nays: None

MOTION PASSES

**B. Public Hearing on Adelaide Pointe Project Brownfield Plan Amendment,
1148 and 1204 West Western Avenue** Economic Development

SUMMARY OF REQUEST: To hold a public hearing on the request for a Brownfield Plan Amendment for Adelaide Pointe QOZB, LLC (Adelaide Pointe Project) and to consider the resolution.

Adelaide Pointe QOZB, LLC proposes a Brownfield Amendment for its Adelaide Pointe Project; a 35-acre mixed use waterfront development project including winter boat storage, 280 slip marina, In/Out forklift boat storage, commercial/retail, and up to 400 new residential condominium units. Total private investment, not including property acquisition, is approximately \$250 million.

This sustainably designed multi-use project is intended to improve the existing 3,500-foot Muskegon Lake shoreline through the expansion of public access for waterfront activities such as swimming, fishing, boating, inviting peninsula park/greenspace areas, and transient docking. The project will create a walkable community which will further connect to an existing bike train, our vibrant downtown and other recreational activities.

The developer's environmental consultant completed a Phase II Environmental Site Assessment (ESA) and a Baseline Environmental Assessment in December 2020. This plan is for \$54,166,757 in eligible costs. It is a local-only property tax capture plan, although through statute the plan is eligible for \$350,000 for eligible environmental costs captured by state educational millage through EGLE. There is no need for state approval. The local-only ELGE eligible costs are \$3,250,000 which include due care activities - \$500,000 vapor intrusion mitigation, \$1,500,000 soil capping, \$250,000 dewatering and \$1,000,000 for the dredging and removal of soil contaminants. Local-only MSF eligible costs are \$21,295,000 which include \$1,500,000 demolition, \$1,250,000 asbestos abatement, \$5,545,000 site preparation and \$13,000,000 public infrastructure improvements.

The City is proposing to use bond proceeds of \$10,000,000 to pay certain eligible site preparation and public infrastructure costs incurred by the City; which will be repaid via tax increment revenues: \$6,840,000 for creation of new roadways to support the development; \$1,035,000 for reconfiguration of West Western; \$1,615,000 for an East Basin Launch Well; Total City Bond eligible costs would be \$12,608,621 (including interest of \$2,608,621).

Capture of tax increment revenues for City reimbursement is anticipated to commence in 2023 and end in 2029. Developer reimbursement will follow with an estimated start date of 2029. The anticipated end date for Developer reimbursement is 2048. It is projected that the Plan Amendment will extend 30 years, which assumes four years of additional capture of tax increment revenues for deposit into a Local Brownfield Revolving Fund, if available.

There is a 15% contingency in the plan. A request for 5% interest in included for all accrued and unreimbursed eligible activities on a yearly basis. There is an annual \$10,000 administrative fee paid to the BRA. The BRA-DDA approved the Adelaide Pointe Project Brownfield Plan Amendment on October 12, 2021.

STAFF RECOMMENDATION: To close the public hearing and approve the Brownfield Plan Amendment for the Adelaide Pointe Project at 1148 and 1204 West Western Avenue with the resolution, authorizing the Mayor and City Clerk to sign.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Ramsey, second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the Brownfield Plan Amendment for the Adelaide Pointe Project at 1148 and 1204 West Western Avenue with the resolution, authorizing the Mayor and City Clerk to sign.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Gawron, and Hood

Nays: None

MOTION PASSES

C. Establishment of an Obsolete Property District – 221 W Webster Avenue Planning

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, 221 W Webster LLC and Western Land Co LLC (Divisions of Core Development Corp), have requested the establishment of an Obsolete Property District for their property at 221 W Webster Avenue. The establishment of the Obsolete Property District would allow them to apply for an Obsolete Property Rehabilitation Exemption Certificate. This is the former Huntington Bank property downtown.

STAFF RECOMMENDATION: To approve the request to establish an Obsolete Property District at 221 W Webster Ave.

PUBLIC HEARING COMMENCED: Brian Bench, 794 Pine Street – with Core Realty Partners and Core Development spoke briefly. No other public comments were received.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing and approve the request to establish an Obsolete Property District at 221 W. Webster Avenue.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Gawron, Hood, and Ramsey

Nays: None

MOTION PASSES

D. Issuance of an Obsolete Property Certificate Planning

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, 221 W Webster LLC and Western Land Co, LLC (Divisions of Core Development), have requested the issuance of an Obsolete Property Certificate for their property located at 221 W Webster Avenue. Total capital investment for this project is estimated to be \$6,000,000.

The applicant has requested the full 12-year abatement, however, after reviewing the tax abatement policy, the tax abatement committee is recommending an eight-year abatement. The tax abatement scoring sheet is attached. Please also see the answers to questions A through F on the tax abatement application.

STAFF RECOMMENDATION: To approve the request to establish an Obsolete Property Certificate for a length of eight (8) years, with no extensions granted.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Vice Mayor Hood, second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the request to establish an Obsolete Property Certificate for a length of eight (8) years, with no extensions granted.

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, Hood, Ramsey, and German

Nays: None

MOTION PASSES

E. Inclusive Zoning Manager's Office

SUMMARY OF REQUEST: Staff is presenting on the proposed expansion of inclusive zoning to additional neighborhoods in a continued effort to educate the public. Comments from the public and commissioners will be used to finalize the request to rezone for an eventual vote in November.

Staff were given direction to offer more education to our neighbors on this topic. In response, staff has done the following.

- Developed and recorded a presentation
<https://www.youtube.com/watch?v=rHLVQS6lF24>
- Shared the presentation on the city's website, on social media, and with the affected neighborhood associations
- Held a public meeting
- Provided an email address and phone number for comments
- Heard comments and deliberation at the October Planning Commission meeting
- Included this item as a public hearing at the regular City Commission meeting.

As a reminder, the expansion of Urban Residential zoning is being requested to

benefit existing and future residents.

- Housing choices at every price point and for all income levels is more inclusive
- Choices for people to stay in one neighborhood for a lifetime as their housing needs change
- Lease options for those who cannot or prefer not to own
- Options for people to build generational wealth
- Homes that allow multi-generational families to live at one address
- Limits gentrification often seen in exclusive single-family zoning
- Honors existing neighborhoods and residents living in them by providing options that fit the neighborhood
- More choices for existing and future neighbors
- Builds a sense of place where neighbors feel connected

Staff will use the information gathered through the above activities and input from commissioners to determine a proposal for the City Commission to consider in November.

STAFF RECOMMENDATION: Item presented as information only.

PUBLIC HEARING COMMENCED: Comments were received from the following:

Dave Medendorp – 2314 Harrison Street – supports Form Based Code

Randy Vanderwhite – 1577 Clinton – unsure of support, concerned about gentrification

Rashard Thrower – 701 Orchard – supports Form Based Code

Maria McIntosh – 644 Jackson – thinks we should explore more areas of concern

Anna DeRouin – 1391 W Laketon - who decides what will be built where

Trinell Scott – 3029 Maffett – owns property in the City of Muskegon – concerns is with Angell Neighborhood, how is it determined what housing type goes where

Calvin McLaurin – 223 Amity – in support of Form Based Code but has concerns about potential close proximity of buildings/his view

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2021-98 NEW BUSINESS:

A. HBA Demolitions – 181 Irwin Public Safety

SUMMARY OF REQUEST: HBA approved the demolition of 181 Irwin.

This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 181 Irwin Avenue (between Hoyt Street and Leahy Street) 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 or staff may issue infraction tickets to the owner, agent, or responsible bidder if they do not demolish the structure.

FUND OR ACCOUNT: 101-80387-5356

STAFF RECOMMENDATION: Staff recommends that the City Commission concur with HBA to demo of 181 Irwin and approval from commission to accept bids on this demolition.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey, to concur with the Housing Board of Appeals to demo 181 Irwin and approval to accept bids on this demolition.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

PUBLIC COMMENT ON NON-AGENDA ITEMS: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 7:45 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: November 9, 2021	Title: On-Premise Tasting Room Permit for West Michigan Rum Company, LLC
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: To adopt a resolution approving a new On-Premise Tasting Room Permit for West Michigan Rum Company, LLC at 333 W. Western Avenue, Suites 2 & 4, Muskegon, MI 49440	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To adopt the resolution for a new On-Premises Tasting Room Permit for West Michigan Rum Company, LLC at 333 W. Western, Suites 2 & 4, Muskegon, MI 49440.	
For City Clerk Use Only:	
Commission Action:	



Local Government Approval For On-Premises Tasting Room Permit
(Authorized by MCL 436.1536)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new On-Premises Tasting Room Permit application.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
called to order by _____ on _____ at _____
the following resolution was offered: (date) (time)
Moved by _____ and supported by _____
that the application from _____
(name of applicant - if a corporation or limited liability company, please state the company name)

for a **NEW ON-PREMISES TASTING ROOM PERMIT**

to be located at: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____ (township, city, village)
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933

Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906

Fax to: 517-763-0059

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date:	Title: Non-Union Pay/Benefits
Submitted By: Frank Peterson	Department: City Manager
Brief Summary: Staff is seeking approval of the 2022 Non-Union Employee Wage and Benefit Program as detailed below.	
Detailed Summary: With CPI expected to be between 3% and 4%, we are seeking approval of the following: 1. 2.0% wage adjustment. 2. Increase the employee residency incentive from 4.5% to 6%. 3. .5% lump sum payment for all non-union staff. 4. Additional 1.0% lump sum payment for <u>all vaccinated staff</u>. This would be payable the first payroll in January; unvaccinated staff will have time to complete their vaccinations. 5. Every March, employees are able to cash out a portion of the value of their accrued and unused sick time. To receive the full value, the employee is required to deposit the proceeds directly into a retirement savings account or a dependent college savings fund. We are asking to make a permanent change to remove the requirement to invest those funds into either of those savings accounts. This should be cost-neutral to the city. 6. No budget amendment will be necessary. Note: Due to pandemic concerns, no wage adjustment was granted to non-union staff in 2021.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): Various	Fund(s) or Account(s): Various
Recommended Motion: Approve the wage and benefit program as detailed.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 11/9/2021	Title: Solid Waste Ordinance Amendment
Submitted By: LeighAnn Mikesell	Department: City Manager's Office
Brief Summary: Staff is seeking approval of an amendment to Chapter 70, Article II of the Code of Ordinances in coordination with the revised Sanitation Policy.	
Detailed Summary: The newly adopted Sanitation Policy includes revised times when refuse collection carts can be placed at the curb and restricts where the carts can be stored. Staff is seeking a change to the Solid Waste ordinance to match the new standards. A summary of requirements for storage of refuse collection carts in neighboring cities is included for reference. Staff will continue to seek compliance through issuance of warnings when the ordinance is not followed and will assist neighbors who have individual hardship related to this ordinance.	
Amount Requested: None	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To amend and adopt Chapter 70, Article II, Section 31(a) of the Code of Ordinances for Solid Waste.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Sanitation Ordinance

Location of Collection Cart

Grand Rapids

Rigid carts for storage of Solid Waste shall be placed at the rear or side of buildings at a place which is reasonably inconspicuous and away from streets and places occupied by other persons.

Lansing

Containers not enclosed in an accessory structure or primary structure shall be stored and placed to the rear or side of the primary structure or an accessory garage or shed structure as close to the structure as possible. Side placement shall be at least one-half the distance of the length of the structure.

North Muskegon

All portable garbage containers shall be stored in a location shielded from public view.

Whitehall

Containers shall be stored in a garage or a side or rear yard of a lot.

Norton Shores

Silent

Roosevelt Park

Only covers placement for collection

Muskegon Heights

After tote is emptied, it is to be stored out of public view.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. ____

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 70 Article II of the Code of Ordinances of the City of Muskegon, Michigan, Section 70-31(a) is amended to read as follows:

Sec. 70-31. City refuse collection.

(a) *Placement of refuse.* Unless authorized by section 70-4(b), every owner and occupant of a residential unit for which city refuse collection service is afforded under this chapter shall place all accumulated and acceptable refuse for collection in a mixed refuse collection cart supplied by the city or its contractor which cart shall be tightly sealed, with excess mixed refuse in additional mixed refuse bags with authorized stickers attached. Mixed refuse collection carts and additional refuse bags intended for collection with stickers attached shall be placed by the owner and occupant of the residential unit at the curb in front of the residence not earlier than 4:00 p.m. of the day preceding the collection day and not later than 6:00 a.m. of the day of collection. Mixed refuse collection carts shall be removed by the owner and occupant of the residential unit not later than 7:00 a.m. of the day after the collection day and stored in a discrete location ~~10 feet~~ behind the front face of the residence or in a screened location. Additional refuse bags intended for collection shall not be broken nor weigh more than 30 pounds when filled. The owner and occupant shall not place or cause to be placed by unacceptable items in any additional refuse bag or mixed refuse collection cart intended for collection. No person shall place refuse materials of any kind of the premises of or in front of a residence for city collection service, except refuse originating in that residence.

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

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 ____ day of _____, 2021, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2021

Ann Marie Meisch, MMC
City Clerk

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2021, the City Commission of the City of Muskegon amended subsection (a) of Chapter 70, Article II, Section 70-31 of the Muskegon City Code, summarized as follows:

1. Section 70-31(a) is amended to require removal of mixed use refusal carts by 7:00 a.m. on the day after the collection day and specify locations for storage of the carts.

Copies of the ordinance may be viewed and purchased at a 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 (10) days from the date of this publication.

Published: _____, 2021

CITY OF MUSKEGON

By _____
Ann Marie Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 11/09/2021	Title: Peck Street – Change Order #005
Submitted By: Leo Evans	Department: DPW
Brief Summary: Staff is requesting approval of Change Order #005 on the Peck Street project as the overall project has exceeded staff approval levels for change orders.	
Detailed Summary: Change Order #005 represents several minor adjustments needed on the project as a result of the continuing work. These items are all assigned as city responsibility as opposed to the bulk of the additional work to date on the project which is the responsibility of Muskegon Public Schools. It is anticipated that there will be one additional Change Order needed to complete this project which will balance all final quantities upon full completion and acceptance of the work. Change Order #005 is brought for consideration by the Commission as this project in total has exceeded the staff approval thresholds for Change Orders, primarily because of the additional work for MPS. The “Amount Budgeted” noted below is a snapshot of the project contingency prior to approval of this change order. If approved the remaining contingency will drop to \$63,090.94.	
Amount Requested: \$26,678.30	Amount Budgeted: \$89,769.24
Fund(s) or Account(s): 591-60558-5219	Fund(s) or Account(s): 591-60558-5219
Recommended Motion: Authorize staff to approve Change Orders #005 to Project 92010 in the amount of \$26,678.30 for the additional work as noted.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only:	

Commission Action:

CHANGE ORDER NO.: 5

Owner: City of Muskegon Owner's Project No.: 92010
 Engineer: Prein&Newhof Engineer's Project No.: 2190730
 Contractor: Kamminga & Roodvoets Contractor's Project No.:
 Project: Street and Utility Improvements - Peck Street: Laketon to Merrill
 Date Issued: 10/27/2021 Effective Date of Change Order: 10/27/2021

The Contract is modified as follows upon execution of this Change Order:

Description:

- Remove and Replace the driveway to 1365 Morrall due to deteriorating curb (Bulletin No. 6)
- Install a rain garden near 1781 Peck Street due to grading issues encountered in the terrace area (Bulletin No. 6)
- Exploratory dig at Southern Avenue and Sanford Avenue to verify water main pipe diameters and valving status
- Install a handicap accessible ramp at 1649 Peck Street (Bulletin No. 6)
- Reroute an existing 4-inch private drain at 85 W Southern to the new catch basin
- Remove abandoned 6-inch water main from system that was in conflict with the new storm sewer by disconnecting it from the 16-inch water main.

Attachments:

- Contract Modification Summary
- Change Order 5 Pricing

Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
\$ 3,481,438.91		Substantial Completion:	September 2, 2021
		Ready for final payment:	September 17, 2021
Increase from previously approved Change Orders No. 1 to No. 4:		[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order] :	
\$ 577,652.15		Substantial Completion:	60 days
		Ready for final payment:	60 days
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 4,059,091.06		Substantial Completion:	November 1, 2021
		Ready for final payment:	November 15, 2021
Increase this Change Order:		Increase this Change Order:	
\$ 26,678.30		Substantial Completion:	N/A
		Ready for final payment:	N/A
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 4,085,769.36		Substantial Completion:	November 1, 2021
		Ready for final payment:	November 15, 2021

Recommended by Engineer (if required)

By: _____
 Title: Project Engineer
 Date: _____

Authorized by Owner

By: _____
 Title: Director of Public Works
 Date: _____

Accepted by Contractor

By: _____
 Title: _____
 Date: _____

Approved by Funding Agency (if applicable)

By: _____
 Title: _____
 Date: _____



Contract Modification

Prein&Newhof

10/27/2021 4:46 PM

FieldManager 5.3c

Contract: _2190730, Peck Street

Cont. Mod. Number	Revision Number	Cont. Mod. Date	Electronic File Created	Net Change	Awarded Contract Amount
5		10/27/2021	No	\$26,678.30	\$3,481,438.91
Route		Managing Office		District	Entered By
		PN Muskegon		0	Tyler A DeNooyer
Contract Location					
City of Muskegon					

Short Description

CO 5

Description of Changes

- Remove and Replace the driveway to 1365 Morrall due to deteriorating curb
- Install a rain garden near 1781 Peck Street due to grading issues encountered in the terrace area
- Exploratory dig at Southern Avenue and Sanford Avenue to verify water main pipe diameters and valving status
- Install a handicap accessible ramp at 1649 Peck Street
- Reroute an existing 4-inch private drain at 85 W Southern to the new catch basin
- Remove abandoned 6-inch water main from system that was in conflict with the new storm sewer by disconnecting it from the 16-inch water main.

New Items

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	ItemType	Proposed Quantity	Unit	Unit Price	Dollar Value
_ 1365 Morrall Driveway, Remove and Replace	8507051	0509	1005	2190730	002	Extra	1.000	LS	11,787.00000	\$11,787.00
Reason: CO 5										
_ Rain Garden	8507051	0514	1010	2190730	002	Extra	1.000	LS	3,769.00000	\$3,769.00
Reason: CO 5										
_ Exploratory Digging, Southern Avenue	8507051	0519	1015	2190730	002	Extra	1.000	LS	2,377.00000	\$2,377.00
Reason: CO 5										
_ Sidewalk Ramp, 1649 Peck	8507051	0524	1020	2190730	002	Extra	1.000	LS	1,966.00000	\$1,966.00
Reason: CO 5										
_ Sewer, Sch 40, 4", Tr Det B	8507001	0529	1025	2190730	002	Extra	25.000	Ft	35.00000	\$875.00
Reason: CO 5										

Contract: _2190730

Cont. Mod.: 5

Page 1 of 2



Contract Modification

Prein&Newhof

10/27/2021 4:46 PM

FieldManager 5.3c

New Items

Item Description	Item Code	Prop. Line	Proj. Line	Project	Catg.	ItemType	Proposed Quantity	Unit	Unit Price	Dollar Value
_ Dr Structure, Tap, 4"	8507050	0534	1030	2190730	002	Extra	1.000	Ea	500.00000	\$500.00

Reason: CO 5

_ Water Main, 16 inch, Jefferson Remove and Replace	8507051	0539	1035	2190730	002	Extra	1.000	LS	5,404.30000	\$5,404.30
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Reason: CO 5

Total Dollar Value: \$26,678.30

Project / Category Summary

Project/Catg	Project/Category Description	Federal Number	Project Status	Finance System	Control Section	Dollar Value
2190730	Peck Street	0	CNST			
002	SRF/DWRF Ineligible					\$26,678.30

Total: \$26,678.30

Total Net Change Amount: \$26,678.30

Tyler DeNooyer

From: Adam Khodl <khodlad@kandrinc.com>
Sent: Wednesday, October 6, 2021 4:04 PM
To: Tyler DeNooyer
Cc: Brad Kreider
Subject: FW: Bulletin No. 6 - Peck Street

Tyler,
Please see the proposed pricing for the work potentially added to Bulletin 6. Please let me know if you have any questions.
Thank you



Adam Khodl, Project Manager
Kamminga and Roodvoets Inc.
Phone: (616)949-0800 Ext. 140
Cell: (616)-437-6764
Fax: (616) 949-1894

From: Karl Klynstra <klynska@kandrinc.com>
Sent: Wednesday, October 06, 2021 2:44 PM
To: Adam Khodl <khodlad@kandrinc.com>
Cc: Brad Kreider <kreidbr@kandrinc.com>
Subject: RE: Bulletin No. 6 - Peck Street

For extra work items potentially added to Bulletin No. 6.....

1649 Peck Street reconfigured parkway ramp.....\$ 1966.00 lsm
85 W Southern Ave storm drain reconfigure.....
Sewer, Sch 40, 4", Tr Det B, 25 Ft @ \$ 35.00 per foot
Dr Structure, Tap, 4", 1 Each @ \$ 500.00 per each

Please forward to Engineer for approval to add work. Thanks,



Karl Klynstra, VP Estimating
Kamminga and Roodvoets Inc.
Phone: (616) 949-0800 x122

From: Tyler DeNooyer <tdenooyer@preinnewhof.com>
Sent: Wednesday, October 06, 2021 10:15 AM
To: Adam Khodl <khodlad@kandrinc.com>
Subject: RE: Bulletin No. 6 - Peck Street

Adam,

We are planning to connect to the existing 4" line as close to the road as we can. According to Dave the pipe was broken a few feet back when the curb was removed. So we would need to attach to the pipe a foot or two away from the sidewalk. No

private property work will be required and no additional restoration outside of the right of way will be necessary, only what was disturbed already in the terrace. If for some reason we need to go slightly further back on the pipe to pick it up and we need to remove the sidewalk we can pay for sidewalk removal/replacement at contract pricing. But I do not anticipate that will be needed.

Let me know if you have any other questions.

Tyler DeNooyer, P.E.

Prein&Newhof

t. 231-798-0101

f. 231-798-0337 c. 616-481-0693

[Website](#) | [Blog](#) | [LinkedIn](#)

From: Adam Khodl <khodlad@kandrinc.com>

Sent: Wednesday, October 6, 2021 7:05 AM

To: Tyler DeNooyer <tdenooyer@preinnewhof.com>

Subject: FW: Bulletin No. 6 - Peck Street

Tyler,

Please see the questions we had regarding the added work to bulletin 6. Thank you



Adam Khodl, Project Manager

Kamminga and Roodvoets Inc.

Phone: (616)949-0800 Ext. 140

Cell: (616)-437-6764

Fax: (616) 949-1894

From: Karl Klynstra <klynska@kandrinc.com>

Sent: Tuesday, October 05, 2021 9:39 AM

To: Adam Khodl <khodlad@kandrinc.com>

Cc: Brad Kreider <kreidbr@kandrinc.com>

Subject: RE: Bulletin No. 6 - Peck Street

Adam – need further clarification on this also.....ROW is just behind sidewalk. Has grading easement been obtained by Engineer / City as it appears from markup that intent is to relocate drain line back to concrete driveway/parking pad which is on private property? Is the intent to pay for sidewalk removal and replacement via existing contract items in addition to pricing requested below? Turf restoration paid by Station?



Karl Klynstra, VP Estimating

Kamminga and Roodvoets Inc.

Phone: (616) 949-0800 x122

From: Tyler DeNooyer <tdenooyer@preinnewhof.com>

Sent: Tuesday, October 05, 2021 9:14 AM

To: Adam Khodl <khodlad@kandrinc.com>

Cc: Brad Kreider <kreidbr@kandrinc.com>; Leo Evans - City of Muskegon (leo.evans@shorelinecity.com)

<leo.evans@shorelinecity.com>; Dave Baker (dave.baker@shorelinecity.com) <dave.baker@shorelinecity.com>; Dave Cadena

<dcadena@preinnewhof.com>; Matthew R. Hulst <MHulst@preinnewhof.com>

Subject: RE: Bulletin No. 6 - Peck Street

Adam,

In addition to the request for pricing for the ramp (below), we would like to request pricing to reroute a private 4-inch PVC drain to catch basin #20 at STA 14+93. The existing 4-inch drain was located in the curb line at approximately STA 14+73. The reroute would require approximately 25-30 feet of 4-inch Schedule 40 PVC (and fittings as required) and a 4-inch tap into the new catch basin. Can you please provide proposed pricing for the following pay items to complete the connection:

Sewer, Sch 40, 4", Tr Det B (Feet)

Dr Structure, Tap, 4" (Ea)

Thank you,



Tyler DeNooyer, P.E.

Prein&Newhof

t. 231-798-0101

f. 231-798-0337 c. 616-481-0693

[Website](#) | [Blog](#) | [LinkedIn](#)

From: Tyler DeNooyer

Sent: Monday, October 4, 2021 12:41 PM

To: Adam Khodl <khodlad@kandrinc.com>

Cc: Brad Kreider <kreidbr@kandrinc.com>; Leo Evans - City of Muskegon (leo.evans@shorelinecity.com)

<leo.evans@shorelinecity.com>; Dave Baker (dave.baker@shorelinecity.com) <dave.baker@shorelinecity.com>; Dave Cadena

<dcadena@preinnewhof.com>; Matthew R. Hulst <MHulst@preinnewhof.com>

Subject: RE: Bulletin No. 6 - Peck Street

Adam,

We approve your requested pricing below. Please plan on completing the work and we will draft up a change order soon.

In addition, the City would like to remove the sidewalk in the terrace behind the curb at 1649 Peck (~STA 30+01) and replace it with a ramp between the curb and the sidewalk. The resident at 1649 Peck is handicapped and the ramp will assist with getting in and out of his vehicle. The City would like to remove the sidewalk, saw cut the curb head down, and install and ADA compliant 6" concrete ramp (with the exception of a detectable warning surface).

Can you also provide a price for removing the existing sidewalk, installing the proposed ramp, and restoring the turf around the area?

Thank you,

Tyler DeNooyer, P.E.

Prein&Newhof

t. 231-798-0101

f. 231-798-0337 c. 616-481-0693

[Website](#) | [Blog](#) | [LinkedIn](#)

From: Adam Khodl <khodlad@kandrinc.com>

Sent: Tuesday, September 28, 2021 7:12 AM

To: Tyler DeNooyer <tdenooyer@preinnewhof.com>

Cc: Brad Kreider <kreidbr@kandrinc.com>; Leo Evans - City of Muskegon (leo.evans@shorelinecity.com) <leo.evans@shorelinecity.com>; Dave Baker (dave.baker@shorelinecity.com) <dave.baker@shorelinecity.com>; Dave Cadena <dcadena@preinnewhof.com>; Matthew R. Hulst <MHulst@preinnewhof.com>

Subject: RE: Bulletin No. 6 - Peck Street

Good Morning Tyler,

Please see the below pricing for the Bulletin 6 work. Please let me know if you have any questions. Thank you

1365 Morrall Driveway, Remove and Replace 1 Lsum	\$ 11,787.00
Rain Garden 1 Lsum	\$ 3,769.00
Exploratory Digging, Southern Avenue 1 Lsum	\$ 2,377.00
Water Main, Valve Box, 6" 2 Ea	\$ 794.50 per each



Adam Khodl, Project Manager

Kamminga and Roodvoets Inc.

Phone: (616)949-0800 Ext. 140

Cell: (616)-437-6764

Fax: (616) 949-1894

From: Tyler DeNooyer <tdenooyer@preinnewhof.com>

Sent: Thursday, September 16, 2021 2:13 PM

To: Adam Khodl <khodlad@kandrinc.com>

Cc: Brad Kreider <kreidbr@kandrinc.com>; Leo Evans - City of Muskegon (leo.evans@shorelinecity.com)

<leo.evans@shorelinecity.com>; Dave Baker (dave.baker@shorelinecity.com) <dave.baker@shorelinecity.com>; Dave Cadena <dcadena@preinnewhof.com>; Matthew R. Hulst <MHulst@preinnewhof.com>

Subject: Bulletin No. 6 - Peck Street

Adam,

Please see attached Bulletin No. 6 for the Peck Street Project.

Thank you,

Tyler DeNooyer, P.E.

Prein&Newhof

t. 231-798-0101

f. 231-798-0337 c. 616-481-0693

[Website](#) | [Blog](#) | [LinkedIn](#)

EXTRA WORK

#12030: Peck St

KAMMINGA & ROODVOETS, INC.

WORK ITEM: Remove old water main cross and valve, chamber, installed new tee and valve to Hydrant.

LOCATION: Southern/Jefferson Intersection

DATE: 10.8.21

1 LS

LABOR		RATE		#		HRS		TOTAL
FOREMAN & PU		\$ 99.48	X	1.00	X	6.00	=	\$ 596.88
LABOR		\$ 57.76	X	4.00	X	6.00	=	\$ 1,386.24

EQUIP OPERATED

Cat 328 Excavator	\$ 177.48	X	1.00	X	6.00	=	\$ 1,064.88
JD 644 Loader	\$ 146.48	X	1.00	X	6.00	=	\$ 878.88
135 Excavator	\$ 139.48	X	1.00	X	6.00	=	\$ 836.88
					SUBTOTAL LAB & EQUIP	\$	4,763.76
					10 % OH&P	\$	476.38
					TOTAL LAB & EQUIP	\$	5,240.14

MATERIAL

				UNIT PRICE		
6" 22 Deg Bend	1.00	X	EA @	\$ 39.75	=	\$ 39.75
6" Megalug	2.00	X	EA @	\$ 38.50	=	\$ 77.00
6" Kit	2.00	X	EA @	\$ 13.00	=	\$ 26.00
				SUBTOTAL MATERIAL	\$	142.75
				15 % OH&P	\$	21.41
				TOTAL MATERIAL	\$	164.16

GRAND TOTAL \$ 5,404.30
UNIT PRICE \$ 5,404.30 / LS

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 11/09/2021	Title: Liquid Sodium Hypochlorite – Change Order #002
Submitted By: Joe Buthker	Department: Public Works - Filtration
Brief Summary: Staff is requesting authorization to accept the temporary price increase of liquid sodium hypochlorite from Alexander Chemical.	
Detailed Summary: The Water Filtration Plant uses sodium hypochlorite in the production of drinking water. The application of sodium hypochlorite is one of several crucial processes used to inactivate or remove pathogens from the water. Since 1996, the Water Filtration Plant has solicited competitive bids for water treatment chemicals jointly with the cities of Grand Haven, Grand Rapids, Holland, Muskegon Heights, and Wyoming. Major disruptions in the liquid sodium hypochlorite supply chain have been exacerbated by Hurricane Ida. Our supplier of liquid sodium hypochlorite, Alexander Chemical, has been able to obtain a limited supply of these materials in order to keep us supplied. However, it has come at an increased cost due to rising material prices. This is an industry-wide problem, and similar challenges would be experienced with any of the other companies that provided quotes for the work. At the July 13, 2021 meeting, the Commission approved a change order from Alexander Chemical for a temporary price increase from \$156.67 per ton to \$205.58 per ton. Alexander Chemical is requesting another temporary price increase until the market stabilizes and pricing comes back in line. Alexander requests a temporary increase to \$290.00 per ton. Grand Rapids holds the master agreement for the purchasing cooperative and has already approved this change order. Prior to this price increase, the Water Filtration Plant has spent \$35,054.02 to procure liquid sodium hypochlorite. If this temporary price increase remains in effect for the remainder of the fiscal year, it is estimated an additional \$86,420.00 will be spent, bringing the FY 21-22 total cost to \$121,474.02. Liquid sodium hypochlorite is included in the budget, but the actual amount spent will depend on the volume of the water treated, the quality of the source water, and the duration of the temporary price increase. The additional amount requested will be addressed in a budget reforecast if necessary.	
Amount Requested: \$121,474.02 (estimate) (\$27,729.54 over last request)	Amount Budgeted: \$72,864.00
Fund(s) or Account(s): 591-60558-5219	Fund(s) or Account(s): 591-60558-5219

Recommended Motion:

Authorize staff to purchase liquid sodium hypochlorite from Alexander Chemical at a temporary increased price of \$290.00 per ton.

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

**Change Order to Contract**

Date: October 6, 2021

Vendor: Alexander Chemical Corporation
7593 S First Road
LaPorte, IN 46356

Department: ESD, LMFP

Contract Number: MA #233 21000166

Contract Title: Bulk Chemicals, Liquid Sodium Hypochlorite

Term Contract Change: XX

Contract Expiration: April 12, 2022

Bid File Number: 885-40-49

Vendor Note Change as Follows:

Temporary Pricing Increase effective October 2021:

1.	Ton	Liquid Sodium Hypochlorite	Year 1 – effective 10/1/21
			\$290.00 /Ton
			<u>\$1.4529</u> /Gal.

All other terms, conditions, requirements, specifications remain in full force and effect.

Purchasing Buyer: Kelly Criner

cc: Department
Bid Pack

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: November 9, 2021	Title: Amendment to Lakeside Form Based Code-Marihuana Facilities
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff initiated request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.	
Detailed Summary: The Planning Commissions motion to recommend approval of the request ended in a tie, with three Commissioners voting yes and three Commissioners voting no, with three Commissioners absent. Staff presented this idea to the City Commission at the September work session. Please see the enclosed comments from the public.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the request to amend the Lakeside Form Based Code to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.	

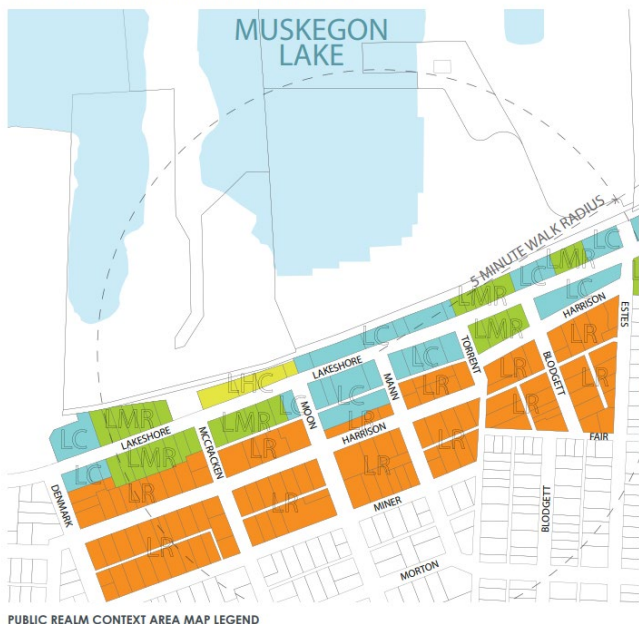
Planning Commission Excerpt

SUMMARY

1. Marihuana caregivers are allowed in B-2, B-4, Medical Care, I-1 and I-2 zoning districts.
2. The Lakeside Business District was made up predominantly of B-2 and B-4 zoning districts. They were rezoned to Lakeside Form Based Code in May of 2019. The newly created Lakeside Form Based Code did not allow for caregivers at the time, which was an oversight from staff. There is now a legally non-conforming caregiver located in Lakeside, as it existed before the zoning change.
3. In November of 2020, in an effort to help get more local people involved in the marihuana industry, the Commission adopted an ordinance amendment that would allow smaller marihuana license types to operate where caregivers were already allowed. These license types included microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted.
4. Had the Lakeside Business District not been rezoned to Lakeside Form Based Code, the Lakeside Businesses would have enjoyed the ability to operate these uses under a special use permit.
5. Staff is proposing to amend the Lakeside Form Based Code ordinance to allow these same license types in the Lakeside Commercial and Lakeside Heavy Commercial Context areas.
6. There are 37 properties in Lakeside that have Lakeside Commercial and Lakeside Heavy Commercial Context areas, however, most of them do not have enough space to operate for marihuana production. Its estimated that for a 100 plant grow, there will need to be at least 4,000-5,000 sf available for growing and harvesting.
7. Notice was sent to all properties within 300 feet of the “Lakeside Commercial” and “Lakeside Heavy Commercial” context areas. At the time of this writing, staff had not received any comments.

2005.02 CONTEXT AREA MAP

This Map contains Context Areas for the Lakeside Form Based Code

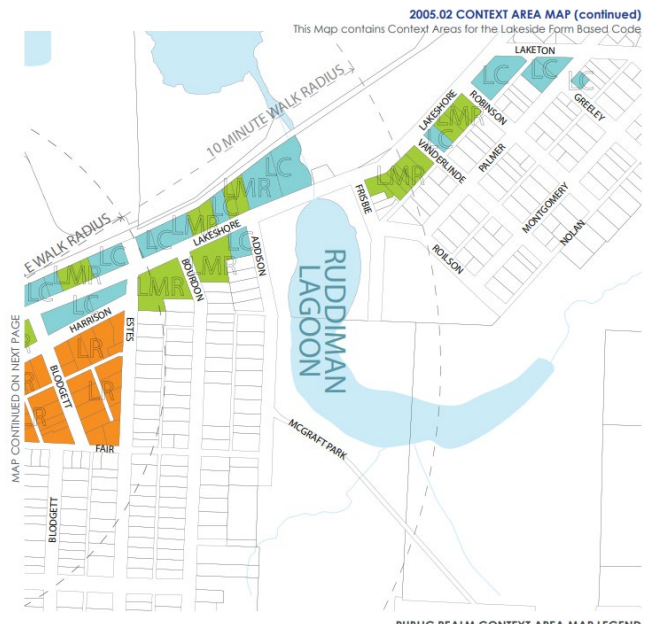


PUBLIC REALM CONTEXT AREA MAP LEGEND



SECTION 2005

CONTEXT AREAS AND USE



PUBLIC REALM CONTEXT AREA MAP LEGEND



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Lakeside Form Based Code section of the zoning ordinance to allow caregivers. microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The Lakeside Form Based Code section of the zoning ordinance now allows caregivers. microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, 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 9th day of November 2021, 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 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2020.

Ann Meisch, 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 November 9, 2021, the City Commission of the City of Muskegon adopted an ordinance to amend the Lakeside Form Based Code section of the zoning ordinance to allow caregivers, microbusinesses, designated consumption establishments, class A recreational grows, class B recreational grows, class A medical grows and temporary marihuana events as a special use permitted in the Lakeside Commercial and Lakeside Heavy Commercial context areas.

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 _____, 2021.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



October 14, 2021

Good afternoon, I am Randy Crow. For almost 30 years I have invested in Lakeshore Drive, Park Street and Henry St here in Muskegon and own properties at 1756, 1768, and 1794 Lakeshore Drive. My companies and I have invested thousands of dollars in these properties, and we have been key employers and business owners in this part of Muskegon.

I am a strong supporter of this area and of this neighborhood. I'm also a supporter of growth and opportunity for our entire community. When I bought these properties, they were zoned B2 Commercial and Waterfront Marine. As recently as last year our zoning planning director dealt with me on the understanding that my property was zoned B2. I moved my business and placed this property for sale, but after I moved my businesses and put building for sale, I was informed that I was now in the Lakeside Form Based area which limited the potential uses and therefore buyers. I lost a potential buyer because I was told the properties were not commercial zone because they were changed to Lakeside Form Based Code, a more restrictive area. Which to my surprise.

Form based code severely restricts all commercial property owners in Lakeside to what can be done with our buildings we have invested in. One of the options of correct zoning is new potential business opportunities such as specific types of cannabis operations like micro grows. While I must say some of these types of cannabis businesses we see elsewhere in our city and community do not have the professional appearance that I would like to see in our community, this industry has been approved by the State of Michigan, City of Muskegon and other neighboring cities throughout our entire state.

I presently have a quality inquiry on my Lakeshore Drive building. If it comes together the buyer would bring professional, experienced operators that know what they are doing to our area and help re-vitalize this area. The buyer is already licensed by the State of Michigan, and they have other viable locations in California and other states. Their operations and facilities have been described as having an "Apple Store" look and feel. They also have invested heavily in communities that they are in. They will buy homes here, open other businesses and contribute to our community in many positive ways.



To have someone of this caliber want to locate in the City of Muskegon is something our entire community will benefit from. They would be the perfect partner for this area and run a first-class business and invest thousands in updates to this now vacant building at 1756 Lakeshore Drive located in City of Muskegon.

This industry is not new to the neighborhood. 1700 Lakeshore, just few doors down, has been doing Cannabis business out of their building for 6 years and recently were relicensed for an additional three years, from what I'm told. The use was approved by the neighborhood and City back then. So, for the record Cannabis is not new to the Lakeshore area as it has been here peacefully present for over six years. Their building also changed from commercial zoning to form base code zoning which now does not put them in the correct zoning for their cannabis operation either. So, it will put them into compliance and create additional opportunities going forward.

I support growth for all businesses along Lakeshore Drive. I also support a professional look, experienced operators, and a true community partner for this type of business, if it comes. Someone that our residents, fellow business owners and visitor to our city will be proud of.

My commercial buildings and property need to return to correct commercial zoning not only for this opportunity, but for other opportunities if this one is not the correct fit.

I support the Muskegon Zoning Department staff recommendation here and request that you support the same. This would finally place these area properties on Lakeshore Drive on an even playing field with those similarly situated in the area who have been approved for cannabis business and correct our commercial building zoning in this neighborhood.

I will be happy to answer questions.

Thank you ~

**Public Comment on Lakeside FBC amendment to allow marijuana facilities in commercial buildings
Case 2021-26**

Greetings Mike,

Happy Monday! I don't believe that we have had an opportunity to meet (but maybe we did at a planning conference?). I am about to become a resident of your fair city and I'm super excited about Muskegon! There is so much potential and great things happening. I had hoped to be able to call you up for lunch as my first reach-out to you. Unfortunately, I'm writing regarding the notice for Case 2021-26 to amend the Lakeside Form Based Code to allow microbusinesses, designated consumption establishments, recreational and medical grows, and temporary marijuana events as a special use in the Lakeside Commercial and Lakeside Heavy Commercial context areas. Is there information that you send to me? Not having it available 3 days before the meeting is problematic from a review and comment timeline for me. I do not know if I will be able to attend in-person and may need to submit written comments. Would you have time for a phone call to discuss? And could you send me the proposed zoning language as well as any other language that the City of Muskegon relies on to regulate marijuana businesses?

Thank you very much in advance.

Best Regards,

Suzanne

Mr. Franzak or designate:

I wish to voice my support for the Lakeside Form Based Code change described in this Notice Of Public Hearing.

I can be contact via e-mail or other means as listed below.

Michael Bentley
2033 Harrison Ave.
Muskegon, MI 49441
Mobile: 231.740.3802

I went to the designated website for the hearing regarding my views about marijuana facilities in Lakeside. My husband and I have been residents of Lakeside nearly all of our lives. We are in our 70's so you can tell that we love to be part of this area which has been our home. I am so sorry that you chose not to actually have the website indicated on your form letter available for comments. We would be vehemently opposed to having such places in our beautiful, growing community. We believe that this would be a detriment to growth and not indicative of what Lakeside is all about. Personally, it would definitely make us reconsider being residents of this city. We hope that you will sincerely consider citizen input and put people above monetary issues. And now, I hope this gets to the appropriate person in time for the hearing since it was difficult to know how to connect. Sincerely and respectfully,
the McKeowns

As a new resident to the Muskegon area, having bought a home in the Lakeside neighborhood about 3 years ago, I am adamantly AGAINST introducing pot shops into residential neighborhoods. We moved here because we liked the character of the neighborhood- the mix of ages/races/and families. Opening up a pot shop, or for that matter a liquor store, in the middle of a family-focused neighborhood is a bad move.

Apparently Muskegon has had a growth in population over the past few years... are you looking to destroy that trend?! If so, rezoning neighborhoods for marijuana businesses is a step in the right direction. Leave our neighborhood alone. Sincerely, Adam Dahlstrom

We received your letter regarding rezoning meeting in our lakeside community. was planning on attending @ 4pm today. Noticed it was cancelled. We do not agree with the proposed zoning changes to allow for marihuana grows, recreational,, medical our events. We feel Lakeside has always been a unique area of Muskegon. There are already far too many grow and purchase facilities in our small town.

jeff and cindy bolduc

Dear Mr. Franzak,

Thank you for the opportunity to weigh in on the zoning request for the property located at 2080 Lakeshore Dr., 2034 Lakeshore Dr. and what appears to be the adjacent lot that was formerly the USA Café prior to being torn down.

When I review the map that was provided on Notice of Public Hearing I was surprised that a request is being made to change the zoning on these properties from Commercial to Heavy Commercial for a designated consumption establishment for the cannabis industry. Every other piece of property on that side of Lakeshore Drive shown on the map is zoned as Commercial. Why would a cannabis growing and consumption require heavy commercial zoning? Since a class A grower is allowed to grow up to 500 plants and a Class B recreational grower is authorized to grow up to 1,000 plants are they planning on trucking their product out to distributors? I have to say that I am strongly opposed to this zoning change if it increases the trucking traffic.

As well, a since the zoning change is also for a Designated Consumption Establishment, and, based on my research, cannabis consumers can rarely consume cannabis legally anywhere but on private property, I'm unclear as to how this will be legally allowed. I am extremely concerned, as I am with drunk drivers, that the addition of a location to legally smoke or consume cannabis and then get in a vehicle and drive is putting our residents in to great of risk for property damage and personal injury.

Until the City can provide me with more specific details as to why this zoning ordinance change would be positive for a residential property owner in Lakeside (a block away from this proposed establishment) I am strongly opposed to this ordinance change!

If you would like to discuss further please feel free to reach out to me.

Regards,
Ellen Davis
2057 Harrison Ave.
Muskegon, MI 49441
Davis.e@frontier.com
231-414-5219

Good Afternoon,

I am the resident and property owner of 2055 Lakeshore Dr. Unfortunately I will not be able to attend the public hearing meeting on October 14th for Hearing, Case 2021-26. I have some concerns with the projected project located at 2034 Lakeshore Drive and changing the code to allow Microbusinesses. First concern is the lack of parking on that parcel as well as no street parking on the commercial side of Lakeshore Drive. This will push all overflow parking of customers and employees to the residential side of the street, as well as cause issues with congestion at the McCracken and Lakeshore Drive intersection. Secondly, if there were to be a grow house within such close proximity to residential housing and neighborhood, the odor can be offensive. It would be a shame to have the smell of marijuana drift into the Lakeside shopping district and into the neighborhood. It ruins the image and vibe Lakeside has been creating and has. It is also on the Lakeshore Bike Trail and the main street that residents and visitors of Muskegon use to get to Lake Michigan. I am not against recreation and medical marijuana,

but I do believe there are the appropriate locations for Microbusinesses (especially grow houses) and Lakeside is not one of them. As for putting a dispensary at 2034 Lakeshore Dr, there has to be the appropriate amount of parking for a highly trafficked retail store, which this location does not.

I appreciate you taking the time to hear my concerns and hope you take some of this feedback into consideration.

Sincerely,
Kristin Mutton
kmutton@gmail.com
260-413-9493