

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**OCTOBER 8, 2019 @ 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 8, 2019, Pastor Tim Cross, Living Word Church, opened the meeting with 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 Byron Turnquist, Ken Johnson, Debra Warren, Dan Rinsema-Sybenga, and Willie German, Jr., City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

**PUBLIC COMMENT ON AGENDA ITEMS:** Public comments were received.

#### **2019-80 CONSENT AGENDA:**

##### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve the minutes of the September 24, 2019 Regular Meeting.

STAFF RECOMMENDATION: Approval of the minutes.

##### **C. MDOT Maintenance Agreement** Public Works

SUMMARY OF REQUEST: MDOT has requested renewal of the maintenance contract by which the City provides maintenance for MDOT operated streets (M-46 / US-31 BR) within the City of Muskegon. The contract is largely unchanged from previous iterations and carries a 5-year term.

The City will be reimbursed by MDOT for work performed on M-46 and US-31 BR within the City of Muskegon. Previous contracts have been in place for several years without major concern. The contract has been reviewed by staff and counsel and no objections noted.

STAFF RECOMMENDATION: Authorize staff to sign the State Trunkline Maintenance Contract.

##### **D. Traffic Control Orders** Public Works

SUMMARY OF REQUEST: To approve the Traffic Control Orders, #54, #55, #56, and #57 to authorize staff to remove and install various traffic control devices.

STAFF RECOMMENDATION: To approve removal/installation of various Traffic Control Devices as outlined in the submitted Traffic Control Orders.

**E. McCormick Sand – Change Order #001** Public Works

SUMMARY OF REQUEST: Add ten water service line replacements to contract (W-91838.2). McCormick Sand will replace ten lead service lines at various locations within the City of Muskegon.

Our previously approved Pilot Drinking Water Community Supply Grant has remaining funds that staff would like to use in order to maximize the number of lead service line replacements in the City. Change Order #001 represents \$48,387.10 worth of refundable grant money to replace 10 extra lead service lines at various locations throughout the City of Muskegon. McCormick Sand was the low bidder on the previously approved contract (February 26, 2019) and has agreed to hold their pricing for the additional locations.

STAFF RECOMMENDATION: Authorize staff to sign Change Order #001 to contract (W-91838.2) with McCormick Sand in the amount of \$48,387.10.

**F. Park Storage Land Exchange** Development Services

SUMMARY OF REQUEST: Staff is requesting authorization to enter into an agreement with Catholic Charities West Michigan to exchange a portion of city owned property at 1713 Seventh Street for property owned by the diocese at 1095 Third Street.

Catholic Charities West Michigan plans to construct a new building at the southeast corner of Park and W. Dale, near the Muskegon Rescue Mission and the population this organization serves. In exchange, the city will receive the property and structure located at the northwest corner of Third and Houston, in our developing Midtown area.

STAFF RECOMMENDATION: To approve the land exchange agreement with Catholic Charities West Michigan and authorize the mayor and clerk to sign.

**G. Community Relations Committee Recommendations** City Clerk

SUMMARY OF REQUEST: To accept the resignation of Ann Funk from the Lakeside Business Improvement District and Larry Boersma from the Farmer's Market Advisory Board and to accept the appointments of Samantha Ferguson to the CDBG/Citizen's District Council and Kathy Fearnley to the Lakeside Business Improvement District.

STAFF RECOMMENDATION: To concur with the recommendations of the Community Relations Committee and approve the resignations and appointments.

**Motion by Commissioner Warren, second by Commissioner German, to accept the consent agenda, as presented, minus item B.**

**ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Warren, and German**

**Nays: None**

**MOTION PASSES**

**2019-81 ITEMS REMOVED FROM CONSENT AGENDA:**

**B. Resolution Authorizing Issuance of 2019 Capital Improvement Note**  
Finance

SUMMARY OF REQUEST: Resolution authorizing a Capital Improvement Note to be issued in the aggregate principal sum of not to exceed \$3 million dollars for the purpose of paying the cost of the Scattered Housing Project, including the cost incidental to the issuance, sale and delivery of the note.

The note will be a single instrument note for \$3 million dollars with interest from the date such installment of principal is delivered to the City until paid at a variable rate of interest equal to the lesser of (i) the maximum annual rate permitted by law and (ii) a rate per annum equal to the 30 day LIBOR rate plus 1.25% adjusted on the first business of each month, first payable on December 1, 2019 and the first day of each month thereafter. The registered owner of the note will be Fifth Third Bank.

STAFF RECOMMENDATION: To approve the resolution authorizing a Capital Improvement Note to be issued not to exceed \$3 million dollars for the purpose of paying the costs of the Scattered Housing Project.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the resolution authorizing a Capital Improvement Note to be issued not to exceed \$3 million dollars for the purpose of paying the costs of the Scattered Housing Project.**

**ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, German, and Rinsema-Sybenga**

**Nays: None**

**MOTION PASSES**

**2019-82 UNFINISHED BUSINESS:**

**A. Recreational Marihuana Regulatory Ordinance – 2<sup>nd</sup> Reading** Planning

SUMMARY OF REQUEST: Staff initiated request to amend the City Code of Ordinances and adopt a Recreational Marihuana Regulatory Ordinance under the Michigan Regulation and Taxation of Marihuana Act.

STAFF RECOMMENDATION: To approve the Recreational Marihuana

Regulatory Ordinance as part of the City Code of Ordinances.

**Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the Recreational Marihuana Regulatory Ordinance as part of the City Code of Ordinances.**

**ROLL VOTE: Ayes: Johnson, Gawron, Hood, Warren, and Rinsema-Sybenga**

**Nays: German and Turnquist**

**MOTION PASSES**

**B. Amendment to the Medical Marihuana Facilities Overlay District to also allow Recreational Marihuana Facilities – 2<sup>nd</sup> Reading** Planning

SUMMARY OF REQUEST: Staff initiated request to amend Section 2330 of the zoning ordinance, the Medical Marihuana Facilities Overlay District, to also allow for Recreational Marihuana facilities under the Michigan Regulation and Taxation of Marihuana Act.

Staff is proposing to amend the current Medical Marihuana Facilities Overlay District to also allow for Recreational Marihuana Facilities. The building and site requirements are essentially the same for recreational and medicinal facilities and they would be allowed within the same overlay district, as depicted on the map. The Planning Commission voted 7-1 in favor of recommending approval of the ordinance.

STAFF RECOMMENDATION: To approve the amendments to Section 2330 of the Zoning Ordinance to also allow for Recreational Marihuana Facilities.

**Motion by Commissioner Johnson, second by Commissioner Warren, to approve the Recreational Marihuana Regulatory Ordinance as part of the City Code of Ordinances.**

**ROLL VOTE: Ayes: Gawron, Hood, Warren, and Johnson**

**Nays: German, Rinsema-Sybenga, and Turnquist**

**MOTION PASSES**

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

**ADJOURNMENT:** The City Commission meeting adjourned at 6:37 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk