CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 26, 2017 @ 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, September 26, 2017. 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 Ken Johnson, Byron Turnquist, Willie German, Jr., and Dan Rinsema-Sybenga, Acting City Manager, Public Safety Director – Jeffrey Lewis, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Debra Warren – arrived 5:38 p.m.

2017-76 CONSENT AGENDA:

A. <u>Approval of Minutes</u> City Clerk

SUMMARY OF REQUEST: To approve minutes of the September 11, 2017 Worksession Meeting and the September 12, 2017 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

C. <u>Sanitary Sewer Improvements</u> Department of Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an Engineering Agreement with Prein & Newhof to perform the necessary tasks (design, bidding, and construction engineering) for the rehabilitation of a portion of the Oak Grove and Clay Hill Sewers. The project consists of lining a 10 inch and 12 inch sewer in the Oak Grove area and lining a 12 inch sewer along with one manhole installation and several lateral relocations in the Clay Hill area.

City Staff would like to capitalize on the work already completed by Prein & Newhof as part of the recent SAW Grant.

FINANCIAL IMPACT: Total Cost $22,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Prein & Newhof.

D. <u>POLC Collective Bargaining Agreement</u> City Manager

SUMMARY OF REQUEST: City Staff and Police Officers Labor Council representatives previously agreed upon a new contract that took effect January 1, 2017. Since that time, a number of small issues related to the original tentative agreement have been identified and subsequently reconciled. This is a formal request to incorporate all of the final changes into the tentative agreement. The POLC has already ratified the contract and city staff has been enforcing the provisions of the contract since January 1, 2017. The new agreement is beneficial to both parties and is expected to help with police officer recruiting and retention; there is no financial impact on the budget as part of the agreement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Collective Bargaining Agreement with the Police Officers Labor Council as presented.

E. <u>Request to Order Phase II Environment Assessment at 920 and 1000 W. Western</u> Planning & Economic Development

SUMMARY OF REQUEST: The City has a purchase agreement with Smith Equities for a residential development at these parcels. Known environmental concerns exist and a Phase II environmental assessment will be necessary to move the project forward. Certain contaminants have been identified and data has demonstrated that the soil is contaminated from historic fill materials. The assessment will give the purchaser a better understanding of the limitations and costs related to the environmental conditions on the property. The City has a contract with Envirologic for the United States Environmental Protections Agency's Brownfield Site Assessment Grant; however, this parcel is not eligible for grant funding. Envirologic has quoted the project at $24,500.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: $24,500 from the Public Improvement fund.

STAFF RECOMMENDATION: To approve the request to conduct the Phase II Environmental Assessment with Envirologic.

H. Authorization to Staff to Submit a Transportation Alternative Program (TAP) Agreement DPW/Engineering

SUMMARY OF REQUEST: Authorize staff to submit a TAP grant application by adopting the resolution.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as presented, except items B, F, and G.

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

Nays: None

MOTION PASSES

2017-77 ITEMS REMOVED FROM CONSENT AGENDA

B. Kitchen 242 Contract Renewal City Clerk

SUMMARY OF REQUEST: Our contract with our Kitchen Manager, Renae Hesselink, is set to expire on September 30, 2017. Renae has been instrumental in updating the kitchen, substantially increasing the use of the kitchen, and managing two of the grants we have for the kitchen as well as applying for new grants. At this time, staff is requesting to extend her agreement until the end of the fiscal year, June 30, 2018.

FINANCIAL IMPACT: Continuation of the current agreement.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To extend Renae Hesselink's contract through June 30, 2018.

Motion by Commissioner Warren, second by Commissioner Johnson, to extend Renae Hesselink's contact through June 30, 2018.

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

Nays: None

MOTION PASSES

F. Desktop Computer Work Stations – Police Department Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of $24,570.00 for 39 desk top computers for the police department. ($630 each) These upgraded/enhanced CPU's will replace the current computers that are approximately seven years old, which cannot be serviced and no longer meet the standards of the software required to operate within the police department.

The new machines are configured with the latest storage technology built for speed. They have the memory to handle multi-tasking; they also will run the latest Windows 10 Operating System from Microsoft.

Dell is the chosen supplier as the City is enlisted in a state and local government contract with Dell computers. The machines in this proposal come heavily discounted due to the relationship and purchase volume the City has with Dell. The City uses Dell at the server, networking, storage and computer level.

FINANCIAL IMPACT: N/A - Budgeted

BUDGET ACTION REQUIRED: Equipment was budgeted in the 2017/2018 (need to adjust 1st quarter budget report to support the equipment price increase (*5700-Capital Outlays*)

STAFF RECOMMENDATION: Staff recommends approval of this equipment purchase to update and enhance essential desk top computers for all bureaus within the police department.

Motion by Commissioner German, second by Commissioner Johnson, to approve the equipment purchase to update and enhance essential desktop computers for all bureaus within the police department.

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

Nays: None

MOTION PASSES

G. <u>Unattended Running Vehicles</u> Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the adoption of the Unattended Running Vehicle Ordinance. Note: City Ordinance – Chapter 92, Article V will be included with this adoption. The Director also requests that all level 1-5 parking violations have extended time to pay parking penalties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends adoption of the Unattended Running Vehicle Ordinance and all level 1-5 parking violations have extended time to pay parking penalties.

Motion by Commissioner German, second by Commissioner Warren, to adopt the Unattended Running Vehicle Ordinance and all level 1 through 5 parking

violations having extended time to pay parking penalties.

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

Nays: None

MOTION PASSES

2017-78 PUBLIC HEARINGS:

A. <u>BID Special Assessment – Resolution Approving District</u>
Planning & Economic Development

SUMMARY OF REQUEST: The Downtown Business Improvement District (BID) Board is requesting that the special assessment district for downtown properties be expanded and renewed. The previous BID district was approved for one year on two separate occasions. It is now proposed to expand the district to include more parcels, modify the property classifications and rates and to extend the approval for three years. The assessments will continue to go towards various downtown expenditures, including sidewalk snow removal, spring/fall cleanup and landscaping, events, directional signs and marketing/advertising. The BID assessment includes both a "Class A" and a "Class B" district. Please note that on April 25, 2017, the BID Board voted to amend the BID Bylaws to define a "Class B" property as "Properties located within the Downtown Muskegon Business Improvement District which are currently used for, or zoned for industrial or manufacturing." The word "automotive" was removed from the definition, moving that category of property to "Class A." The BID Board also recommends to raise the amount per square footage on "Class B" properties from $0.02/sf to $0.04/sf and to raise the cap from $750 to $2,000. The cap on "Class A" properties was recommended to be raised from $3,000 to $4,000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution approving the special assessment district and authorize the Mayor and Clerk to sign. Also, to appoint two Commissioners to the Board of Assessors.

PUBLIC HEARING COMMENCED:

The following public comments were received:

Dave Alexander from Downtown Muskegon Now

Beth/Gary Post, 272 W. Clay

Brenda Moore – 611 W. Clay – doesn't feel she has benefited. Did not get snow removal services – disincentive for mixed use – 25% increase on her taxes

Dr. Burlingame – 2287 McCracken, representing "Clyde's group" (Hot Rod

Harley)

Kristi Burris – U.S. 31 BBQ, will cost them $1200/year – wants to revisit each year (the assessment).

Jon Rooks, 939 Third Street, Holiday Inn – has 3 parcels – issues with the way it's written but in favor of assessment.

Maureen, owner of Northwestern Mill Supply, 820 Pine Street.

Clyde Whitehouse, Hot Rod, would like to vote on it on a yearly basis – in favor of the assessment.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to close the public hearing and create the district.

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

Nays: German

MOTION PASSES

Commissioner Rinsema-Sybenga and Commissioner Warren are appointed to the Special Assessment Board of Assessors.

2017-79 NEW BUSINESS:

A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following</u>: Public Safety

561 Catherine Avenue – Garage Only

216 Allen Avenue

189 Strong Avenue

1750 Pine Street

1526 Terrace Street

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 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 or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Warren, second by Vice Mayor Hood, to concur with the Housing Board of Appeals decision to demolish 216 Allen, 189 Strong, 1750 Pine Street, and 1526 Terrace Street.

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

Nays: None

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to concur with the Housing Board of Appeals decision to demolish 561 Catherine – garage only.

ROLL VOTE: **Ayes: Gawron, Hood**

Nays: Rinsema-Sybenga, Turnquist, Johnson, Warren, and German

MOTION FAILS

Motion by Commissioner Johnson, second by Commissioner Warren, to refer the matter of 561 Catherine – garage only – back to the Housing Board of Appeals at their meeting on the first Wednesday in October.

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

Nays: None

MOTION PASSES

B. <u>Request to Amend the Planned Unit Development (PUD) at Terrace Point Circle</u> Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Terrace Point Circle Final PUD to reconfigure the non-waterfront lots and allow for duplexes on them. The request is intended to move the project forward by offering homes at a popular price point, while still offering the same amount of density as the original plan.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the final PUD.

COMMITTEE RECOMMENDATION: The request was unanimously recommended for approval at the September 14 Regular Planning Commission meeting.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the final Planned Unit Development.

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

Nays: None

MOTION PASSES

C. <u>Request to Amend the Planned Unit Development (PUD) at 3425 Fulton Avenue</u> Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Harbour Towne Final PUD at 3425 Fulton Avenue to allow a 7-unit boutique hotel at the former Muskegon Yacht Club building. The development will include hotel suites on the top floor and a banquet room on the bottom floor.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the final PUD.

COMMITTEE RECOMMENDATION: The request was unanimously recommended for approval at the September 14 Regular Planning Commission meeting.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the final Planned Unit Development.

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

Nays: None

MOTION PASSES

D. <u>Approval of the Proposal at 895 4th Street</u> Planning & Economic Development

SUMMARY OF REQUEST: Staff sent out a Request for Proposal (RFP) for this property on August 29 and proposals were due on September 19. The City received one proposal in response to the RFP, which was from Pigeon Hill Brewing Company. Staff is seeking approval of a slightly amended proposal and to enter into a purchase agreement. After discussions with City staff, the company is now offering a total of $40,000 for Sub-Parcel 1 and Sub-Parcel 2. They plan to construct a building of approximately 15,000 square feet that is expected to be a $1.5 million investment and would feature large windows facing Shoreline Drive to showcase their large stainless-steel brewing equipment.

FINANCIAL IMPACT: The City would receive no less than $40,000 for Sub-Parcels 1 & 2.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To allow staff to enter into a purchase agreement with Pigeon Hill Brewing Company for Sub-Parcels 1 and 2 for a price that is within at least 15% of the appraised value and no less than $40,000.

Motion by Commissioner Johnson, second by Commissioner German, to allow staff to enter into a purchase agreement with Pigeon Hill Brewing Company for Sub-Parcels 1 and 2 for a price this is within at least 15% of the appraised value and no less than $40,000.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 8:38 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk