

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 25, 2020 @ 5:30 P.M.

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

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **ROLL CALL:**
- ☐ **HONORS, AWARDS, AND PRESENTATIONS:**
- ☐ **PUBLIC COMMENT ON AGENDA ITEMS:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes** City Clerk
 - B. Transfer of Ownership of the Arch (Art Piece) to County of Muskegon** City Manager
 - C. Rezoning of 55 Ottawa St, 61 Ottawa St, and 65 Bank St** Planning
- ☐ **PUBLIC HEARINGS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**
 - A. Resolution for Designation of City Street in Honor of Bishop Wells** Vice Mayor Hood
 - B. Request to Fly Mexican Flag** City Clerk
 - C. First Responder Hazard Pay Premium Program** Finance
 - D. Consumers Energy Easements** Development Services
 - E. Social District Plan and Map Approval** Economic Development
 - F. Social District Permit Recommendations** Economic Development
 - G. EDA (Economic Development Administration) Public Works and Economic Adjustment Assistance Program Grant** Economic Development
 - H. Amendment to the Zoning Ordinance – Marihuana Facilities Overlay District Expansion** 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:**

Attorney/Client Confidential Communication

☐ **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.



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: August 25, 2020	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the and August 10, 2020 Worksession Meeting, August 11, 2020 Regular City Commission Meeting, and August 12, 2020 Goal Setting 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 WORKSESSION
Monday, August 10, 2020
5:30 pm
City Commission Chambers
REMOTE MEETING

MINUTES

2020-47

Present: Mayor Gawron, Vice Mayor Hood, Commissioners Rinsema-Sybenga, Emory, Johnson, Ramsey, and German.

Absent: None.

Bid Renewal Recommendation

Chair of the BID Board, Bob Tarrant, spoke about the recommendation to renew the BID for the next three years. There are two main services they want to continue which is snow removal and extra landscaping. This is the last time the BID board plans to ask for an extension of the BID and hopes the expenses will be covered a different way moving forward.

The recommendation includes no change to the rate which is an annual 8 cents per square foot of land capped at \$4,000 per property with industrial type uses at 4 cents capped at \$2,000 per property.

Swan Alpha - Development Agreement

City staff has been working with Swan Alpha Development on a proposal to reuse the former Farmers Market site as a residential development. The development would add 53 new units to the site over two project phases.

We are proposing a development agreement that follows much of the framework of the West Urban Properties Development Agreement. This project is very similar in that the developer intends to build a combination of detached and attached single-family homes that will be made available for rent. These properties will function more like a single multi-family development on one or two adjacent parcels. One key difference between this agreement and the West Urban Agreement is that this agreement does not ask the City to subsidize any rents. The only proposed use of the "Swan Alpha Development Fund" would be in the event that the city's tax assessor sets the property assessment for the 53 units above the anticipated amount. Note that this amount is similar to the benefit that would be expected with a Neighborhood Enterprise Zone certificate. The development agreement does contemplate that the City of Muskegon would make certain investments in the infrastructure necessary for the second phase. These improvements (underground utilities, alleys, greenspace, trails, etc.) are reimbursable expenses in the scattered site brownfield plan. \$777,000 is contemplated for reimbursement here. Note

that 287 East Muskegon and 227 Eastern are included in the Brownfield, but not the purchase agreement - these areas are being held for park/greenspace improvements.

Mike Kalis, with Swan Alpha Development, explained the homes will be two, three, and four bedroom homes along with duplexes for rent. Currently there are no plans to list the homes for sale.

Groundwater Ordinance Amendment

The City has received a petition from Consumers Energy to designate the Veterans Memorial Park parcel under the water supplies ordinance. The ordinance prohibits the use of groundwater wells and secondary water supplies under certain circumstances and in certain locations, to prevent exposure to contaminated groundwater, as well as to prevent wells from influencing the movement of contaminated water.

Muskegon Social District Plan

The City of Muskegon seeks to take advantage of Michigan Public Act 124 of 2020 signed into law on July 1, 2020. This is enabling legislation that would allow Michigan municipalities to establish Social Districts that would allow for "common areas" where two or more contiguous licensed establishments (bars, distilleries, breweries, restaurants and tasting rooms) could sell alcoholic beverages in special cups to be taken into the area for consumption. Muskegon city administration through a collaboration of all City Hall departments is designing a Muskegon Social District and the policies parameters and management of this new community development tool. This Muskegon Social District Plan is being shared with potential license holder users for refinement of the plan, a final draft will be presented to the Muskegon City Commission for approval and sent on to the Michigan Liquor Control Commission for state concurrence.

Public Comments – Public Comments were received.

The Worksession Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 11, 2020 @ 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 electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 11, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2020-48 HONORS, AWARDS, AND PRESENTATIONS:

A. Tribute to Muskegon Police Department

The Muskegon Police Department was presented with a Special Tribute from 34th District State Senator, Jon Bumstead. The Tribute was read aloud by Mayor Stephen J. Gawron.

B. 8 Can't Wait

8 Can't Wait is an eight-point political action campaign to reform policing in the United States. Public Safety Director, Chief Jeffrey Lewis, introduced the topic for presentation. Police Department Staff Members, Lieutenant Scott Zonnebelt, Captain Andy Rush, and Captain Shawn Bride, reviewed current police department policies that correlate with the campaign's 8 points for police reform.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2020-49 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 28, 2020 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Amendment to the Temporary Uses Ordinance – 2nd Reading Planning

SUMMARY OF REQUEST: Staff initiated request to amend section 2324 of the zoning ordinance to allow mobile food vending as a temporary use. The Planning Commission unanimously voted in favor of the ordinance amendment.

STAFF RECOMMENDATION: To approve the amendments to the zoning ordinance.

C. Mobile Food Vending Ordinance Updates-2nd Reading City Clerk

SUMMARY OF REQUEST: Interest in operating food trucks in the City has increased since the initial passage of the Mobile Food Vending Ordinance in 2014. Based on community and Commission feedback, staff has identified some language updates to more effectively regulate mobile food vendors and areas they operate.

The City Commission held work sessions to update the mobile food vending ordinance on February 10 and March 9. Based on feedback received from the community and Commission, the following changes are being recommended for approval.

Regulatory Ordinance

Changes to Chapter 50 include requiring proof of permission to be on private property, compliance with fire safety, code, and all other legal requirements (including health department inspections and licenses), and display of city license. The updates also include a change to allow temporary approval by the City Clerk to allow overnight parking on public property or streets and a clarification that a mobile food vendor cannot operate on public or private property within 1,000 feet of an event or the Farmers Market during market hours. As requested, a map showing this distance is attached. The required distance from brick and mortars is increased to 100 feet as measured from the service window to the lot line. A formal complaint, revocation, and appeals process was also added. A red lined copy of all these changes is attached.

Public Areas and Streets

Allowing mobile food vending on private property in B-2, B-4, LR, WM, I-1, I-2, MC and all Form Based Code context areas except Urban Residential and Lakeside Residential was added and addressed through the amendment to the temporary uses in the Zoning Ordinance.

A resolution allowing mobile food vendors on public property and streets in the same areas is attached along with rescinding the previously identified areas.

STAFF RECOMMENDATION: To amend and adopt Chapter 50, Article VIII Sections 50-303 through 50-305 and approve the resolution for mobile food vending in public areas.

D. Additional Costs-HVAC System at Mercy Health Arena Finance

SUMMARY OF REQUEST: To approve the Hurst Mechanical invoice for additional work to install new heating supply and return lines serving the Lumberjacks offices and the Arena Director's office for \$20,410.43. This invoice will be forwarded to Team Financial for payment.

During the start up process of the new HVAC system at Mercy Health Arena the system was pressure tested and discovered that underground sections of the return lines were compromised. Hurst Mechanical installed isolation valves at every heating supply & return line so the system could be separated into quadrants to attempt to isolate leaks and only re-pipe certain sections. However, it was discovered that there were leaks everywhere. The City Manager negotiated with Hurst Mechanical to apply the DTE Energy & Consumers rebates against the additional costs. Much of the additional costs were covered, this last invoice is for the last piece of the project.

AMOUNT REQUESTED: \$20,410.43

AMOUNT BUDGETED: \$0

STAFF RECOMMENDATION: To approve the Hurst Mechanical invoice of \$20,410.43 for payment.

E. Second Floor Furniture Development Services

SUMMARY OF REQUEST: Construction on the second floor of city hall is nearing completion. Staff is seeking approval to purchase furniture for the new space.

Staff has obtained and reviewed quotes for the work from two local office furniture companies, Grand River Office and Lakeshore Furniture, and is seeking approval for a combination of their services to complete the work.

Grand River Office – new desks, office chairs, conference room tables, and cabinets at \$36,664.55 (\$32,490.65 + \$4,173.90)

Lakeshore Furniture – reupholstered side chairs for offices, lateral file cabinets, and new chairs for the conference room at \$11,323.70.

Some details are still being investigated so a contingency cost of \$7,198.24 is being included for a total of \$55,186.49.

The most current quotes are included. Both companies are using local manufacturers where possible.

AMOUNT REQUESTED: \$55,186.49

AMOUNT BUDGETED: \$0

FUND OR ACCOUNT: Public Improvement Fund

STAFF RECOMMENDATION: Approve the expenditure of \$55,186.49 for office furniture.

H. Holiday Display Items Public Works

SUMMARY OF REQUEST: Staff is asking permission to purchase various items to add to the Holiday display at Hackley Park.

Staff is asking permission to purchase a Polar Bear bench (\$1,499), four (4) Outdoor Sleigh Reindeer (at \$1,798.00 x 4 + \$7,192.00), a Life Size Rearing Reindeer (\$999.00) and Reindeer Antlers (\$50.00), totaling \$9,751.00

The request also includes a 15-foot Snowman for a cost of \$5,579 and \$635 in shipping for a total of \$6,214. We received \$3,300 in donations for the snowman and will take the remainder of \$2,914 out of the Public Relations Budget.

AMOUNT REQUESTED: \$9,751.00 & \$2,914.00

AMOUNT BUDGETED: \$10,000.00

FUND OR ACCOUNT: 101-70751

101-10102-5352

STAFF RECOMMENDATION: Authorize staff, per recommendation of Holiday Committee, to purchase the various Holiday decorations, to be used at Hackley Park.

I. AWIA (America's Water Infrastructure Act) 2018 Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Prein & Newhof to perform an EPA Mandated "America's Water Infrastructure Act of 2018" (AWIA 2018) with our wholesale customers. Our share of the cost will be \$22,000.

AWIA 2018 was signed into law in October 2018. Section 2013 of the law requires Community Water Systems serving more than 3,300 people to perform a Risk and Resilience Assessment (RRA) and develop or revise an Emergency Response Plan (ERP). A letter certifying the completion of the RRA and ERP must be submitted to the US EPA before the statutory deadlines.

Compliance with the new requirements of AWIA 2018 by completing a Risk and Resilience Assessment and updating the Emergency Response Plan for our Community Water Supply allows us to take steps to reduce risk in response to malevolent acts or natural hazards and ensure the long-term resiliency of the water system for our customers.

AMOUNT REQUESTED: \$22,000

AMOUNT BUDGETED: \$22,000

FUND OR ACCOUNT: 591

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

K. Peck Street Water & Sewer Upgrades Public Works

SUMMARY OF REQUEST: Authorize the award of the Peck Street contract to the low bidder, Kamminga & Roodvoets Inc, and authorize the clerk to sign the resolution.

Staff solicited bids for sewer replacement, water main replacement and road reconstruction on Peck Street from Laketon Avenue north to Merrill Avenue in the Nelson and McLaughlin neighborhoods.

Bids received are as follows:

- \$3,481,438.91 – Kamminga & Roodvoets
- \$3,589,454.75 – Wadel Stabilization
- \$3,794,984.00 – Hallack Contracting
- \$4,135,588.35 – Diversco Construction
- \$4,827,140.03 – Dunigan Brothers

This project is financed through the sale of bonds in partnership with the State of Michigan Clean Water and Drinking Water Revolving Funds. The State of Michigan programs offer forgiveness for portions of the project.

The project would be constructed during the 2021 construction season.

There will be a separate project financed through City Major Streets and MDOT/FHWA to reconstruct Peck Street from Merrill to Apple in the same year. That project is expected to take bids in January or February.

AMOUNT REQUESTED: \$2,481,438.91

AMOUNT BUDGETED: \$4,700,000 (Total)

19/20 - \$200,000

20/21 - \$1,700,000

21/22 - \$2,800,000

(Inclusive of Engineering, Bonding, Financing, Contingency, etc.)

FUND OR ACCOUNTS: 202/590/591-92010

STAFF RECOMMENDATION: Approve the award of the Peck Street contract to the low bidder, Kamminga & Roodvoets, Inc and authorize the clerk to sign the resolution.

L. Water Supply System Bonds Finance

SUMMARY OF REQUEST: Ordinance Authorizing the issuance of Water Supply System Junior Lien Revenue Bonds. Request to authorize the issuance of Water Supply System Bonds in an amount not to exceed \$4,800,000. The Bonds are expected to be sold to the Michigan Finance Authority and payable in 20

annual principal installments at an interest rate of 2%. Scheduled closing is September 30th. Estimated Principal Forgiveness is \$380,000.

STAFF RECOMMENDATION: To approve the ordinance authorizing the issuance of Water Supply System Revenue Bonds.

M. Sanitary Sewer Supply System Bonds Finance

SUMMARY OF REQUEST: Ordinance Authorizing the issuance of Sanitary Sewer Supply System Junior Lien Revenue Bonds. Request to authorize the issuance of Sanitary Sewer Supply System Bonds in an amount not to exceed \$5,400,000. The Bonds are expected to be sold to the Michigan Finance Authority and payable in 20 annual principal installments at an interest rate of 2%. Scheduled closing is September 30th. Estimated Principal Forgiveness is \$950,000.

STAFF RECOMMENDATION: To approve the ordinance authorizing the issuance of Sanitary Sewer Supply System Revenue Bonds.

Motion by Commissioner Johnson second by Commissioner German, to approve the consent agenda as presented, except items F, G, and J.

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

Nays: None

MOTION PASSES

2020-50 REMOVED FROM CONSENT AGENDA:

F. Brownfield Development and Reimbursement Agreement, Harbor West, LLC Economic Development

SUMMARY OF REQUEST: Approval of the Development and Reimbursement agreement (D&RA) for the Harbor West, LLC (Hartshorn Village) brownfield plan amendment. The BRA will be meeting on August 11 to consider approval of the Development and Reimbursement Agreement to the City Commission.

Brownfield Plan Amendment for Harbor West, LLC (Hartshorn Village) was approved by the commission June 9, 2020. Harbor West, LLC has submitted a D&RA for the Brownfield Plan for Hartshorn Village, a residential site condominium development on an initial 3.01 acres adjacent to Hartshorn Marina. The BRA will reimburse developer for eligible costs for the initial 10 residential site condos and adjacent marina improvements for the next 30 years from property tax increments. Per the terms of the Sale and Development agreement from August 15, 2018, the city will provide buyer up to \$600,000 for eligible costs. The city would receive the first \$600,000 of tax capture, then Harbor West for its remaining eligible costs and finally with the marina upgrade being covered last. The initial \$5.597 million of eligible costs in brownfield plan is a local-only tax capture although the plan is eligible for \$2,249 for eligible environmental costs captured by state educational millage through ELGE. There

is no need for state approval. The plan includes state eligible environmental costs of \$250,000, \$19,500 for demolition, \$626,000 for site preparation and \$3.946 million for infrastructure improvements. A majority of the infrastructure costs (\$3.502 million) are to upgrade the city's adjacent Hartshorn Marina and for a joint-use pool and clubhouse for the condo owners and marina slip holders. The plan contemplates continued five-year capture of tax increments for a local Brownfield Revolving Loan Fund if there is time left in the 30-year plan after eligible costs are covered.

STAFF RECOMMENDATION: Approval of the Harbor West, LLC Brownfield Development and Reimbursement Agreement and authorize the city clerk and mayor to sign the same.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga, to approve the Harbor West, LLC Development and Reimbursement Agreement and resolution and allow the Mayor and City Clerk to sign the same.

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

Nays: German

MOTION PASSES

G. Concession Agreement – Grand Traverse Pie Company Public Works

SUMMARY OF REQUEST: Staff is asking permission to enter into a contractual agreement with Jennifer Serrano of "Grand Traverse Pie Company" at Pere Marquette Park.

Staff is asking permission to enter into a Concession Agreement for 2020 with Jennifer Serrano of "Grand Traverse Pie Company", at Pere Marquette Park. Commission from said Concession would be \$300.00 plus 5% of gross receipts.

STAFF RECOMMENDATION: Authorize staff to enter into a Concession Agreement with Jennifer Serrano of "Grand Traverse Pie Company", at Pere Marquette Park.

Motion by Commissioner Emory second by Commissioner Johnson, to authorize staff to enter into a concession Agreement with Jennifer Serrano of "Grand Traverse Pie Company", at Pere Marquette Park.

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

Nays: None

MOTION PASSES

J. Amity Avenue Water & Sewer Upgrade Public Works

SUMMARY OF REQUEST: Authorize the award of the Amity Avenue contract to the low bidder, Kammming & Roodvoets Inc, and authorize the clerk to sign the

resolution.

Staff solicited bids for sewer replacement, water main replacement and road reconstruction on Amity Avenue from Getty to Fork and on sections of Fork, Myrtle and Murphy in the Angell neighborhood.

Bids received are as follows:

- \$4,138,499.30 – Kamminga & Roodvoets
- \$4,246,607.65 – Jackson – Merkey Contractors
- \$4,388,385.50 – Hallack Contracting
- \$4,708,725.80 – Dunigan Brothers

This project is financed through the sale of bonds in partnership with the State of Michigan Clean Water and Drinking Water Revolving Funds. The State of Michigan programs offer forgiveness for portions of the project.

The project would be constructed during the 2021 construction season.

AMOUNT REQUESTED: \$4,138,499.30

AMOUNT BUDGETED: \$5,700,000 (Total)

19/20 - \$200,000

20/21 - \$2,750,000

21/22 - \$2,750,000

(Inclusive of Engineering, Bonding, Financing, Contingency, etc...)

FUND OR ACCOUNT: 590/591-92009

STAFF RECOMMENDATION: Approve the award of the Amity Avenue contract to the low bidder, Kamminga & Roodvoets, Inc. and authorize the clerk to sign the resolution.

Motion by Commissioner German second by Commissioner Rinsema-Sybenga, to approve the award of the Amity Avenue contract to the low bidder, Kamminga & Roodvoets, Inc. and authorize the clerk to sign the resolution.

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

Nays: None

MOTION PASSES

2020-51 PUBLIC HEARINGS:

A. Public Hearing on Michigan Natural Resources Trust Fund Application for Campbell Field Public Works

SUMMARY OF REQUEST: To receive public input on the plan for improvements at

Campbell Field and to approve a resolution to apply for grant funds under the Michigan Natural Resources Trust Fund Program with a commitment of matching funds.

Staff submitted an application to MDNR through the Michigan Natural Resources Trust Fund program to help fund the improvements at Campbell Field. The preliminary plan for improvements at Campbell Field was prepared based on staff recommendation and stakeholder feedback.

In light of COVID-19 concerns MDNR allowed for public input on the plans to be received after the initial application was submitted.

Staff also posted the plans to Facebook for comment in March of 2020, a summary of comments received on the preliminary plan is included.

Matching funds for this project are derived from the Public Improvement Fund in future years and are provided primarily via the PILOT extension that was approved for the Royal Glen Townhouses at the 11/26/2019 Commission Meeting. Proceeds from the PILOT Agreement are expected to provide \$156,000 in matching funds with any additional costs and in-kind services to be provided by the City of Muskegon.

AMOUNT REQUESTED: \$200,000 for MDNR Match + \$100,000 for Engineering & Contingencies

AMOUNT BUDGETED: \$300,000 (Future Years)

FUND OR ACCOUNT: 404

STAFF RECOMMENDATION: To close the public hearing and approve the resolution of authorization and commitment of matching funds for the Michigan Natural Resources Trust Fund application at Campbell Field.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Johnson, to close the public hearing and approve the resolution of authorization and commitment of matching funds for the Michigan Natural Resources Trust Fund application at Campbell field.

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

Nays: None

MOTION PASSES

2020-52 UNFINISHED BUSINESS:

A. Muskegon Central Dispatch Tower Site Lease Agreement Public
Safety – No action requested at this time – REMOVED

2020-53 NEW BUSINESS:

A. Designation of Voting Delegates for the Michigan Municipal League Annual Meeting City Clerk

SUMMARY OF REQUEST: To designate, by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the Annual Meeting; and, if possible, to designate on other official to serve as an alternate.

STAFF RECOMMENDATION: To appoint an official representative and alternate representative to be in attendance and to cast the vote of the municipality at the Annual Business Meeting of the Michigan Municipal League Convention.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Johnson, to designate Mayor Stephen J. Gawron as the official representative and Vice Mayor Eric Hood as the alternate representative to be in attendance and to cast the vote of the municipality at the Annual Business Meeting of the Michigan Municipal League Convention.

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

Nays: None

MOTION PASSES

B. Small Retailer Assistance Program Development Services

SUMMARY OF REQUEST: Staff is seeking approval of the establishment of a small retailer assistance program.

CDBG funds in 2019 and 2020 have been allocated to assist in the creation of more small retail businesses downtown and to aid existing small retail businesses negatively impacted by COVID-19. Staff have developed a program to award these fund as outlined below.

The Small Retailer Assistance Program will offer one of two incentives to assist in the creation of a new small retail business downtown. These incentives include the Rental Assistance Grant and the Retail Renovation Grant. Both grants require a 50% match with a maximum grant of \$5,000.

Two additional incentives are being made available to existing small retail businesses negatively impacted by COVID-19. A CV Rental Assistance Grant and a CV Capital Grant are being offered. Both grants require a 25% match with a maximum grant of \$5,000.

Businesses must be located within the Downtown Development Authority District to qualify.

AMOUNT REQUESTED: \$60,000 + CDBG-CV

AMOUNT BUDGETED: \$60,000 + CDBG-CV

FUND OR ACCOUNT: CDBG and CDBG-CV

STAFF RECOMMENDATION: To approve the establishment of the small retailer assistance program.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga, to approve the establishment of the small retailer assistance program.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga, to amend the motion to make both programs city-wide.

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

Nays: German

MOTION PASSES

VOTE ON ORIGINAL MOTION

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

Nays: German

MOTION PASSES

C. Purchase Agreement 1188 4th Street City Manager

SUMMARY OF REQUEST: City staff is seeking authorization to enter into the purchase agreement with LeighAnn Mikesell, a City of Muskegon employee.

1188 4th Street was a regular area of concern among neighbors. In an attempt to help mitigate the concerns, the city purchased the property and completed a renovation. The property was listed on the MLS for \$229,900; an offer was accepted for \$225,000. Staff is seeking permission to approve the purchase agreement and complete the sale. Note that this property is part of the scattered site brownfield project. Any difference in sales price and renovation cost will be recovered via tax capture.

In order to comply with state and local conflict of interest concerns, Ms. Mikesell has submitted a letter to the mayor disclosing her interest in the property and outlining the benefits of this sale to her and to the City. The letter has been noticed to the public along with the agenda for the commission meeting.

The sale can only be approved by a unanimous vote of all commissioners.

If approved, the minutes of the commission must disclose the name of each party involved in the contract, the terms of the contract, the nature of the financial interest of the public servant with the conflict, and that the sale is in the best interest of the City.

LeighAnn Mikesell, Director of Development Services for the City of Muskegon is the purchaser of the home at 1188 4th Street. The home is being purchased from the City of Muskegon. The approved purchase price is \$225,000 – no contingencies. A benefit to the purchaser includes the price the city paid to obtain the property (\$88,710.92) as well as the amounts paid for improvements (\$235,716). The total is \$324,427. The property was listed with a real estate agent for \$229,900. LeighAnn Mikesell offered \$225,000 and submitted a check for earnest money in the amount of \$2,500. The City will benefit by selling the property to LeighAnn Mikesell because she is a good citizen that cares about the community, has consistently paid taxes and utility bills owed to the city, she will maintain the property in excellent condition and will enhance the landscaping to further improve the property and make a positive impact on the neighborhood.

STAFF RECOMMENDATION: Declare that the sale is in the best interests of the City to sell the property to Ms. Mikesell and authorize the City Manager to sign the purchase agreement and complete the sale.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Johnson, to declare that the sale is in the best interest of the City to sell the property to Ms. Mikesell and authorize the City Manager to sign the purchase agreement and complete the sale.

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

Nays: None

MOTION PASSES

D. Groundwater Ordinance Amendment Planning

SUMMARY OF REQUEST: The City has received a petition from Consumers Energy to designate the Veteran's Memorial Park parcel under the water supplies ordinance. The ordinance prohibits the use of groundwater wells and secondary water supplies under certain circumstances and in certain locations, to prevent exposure to contaminated groundwater, as well as to prevent wells from influencing the movement of contaminated water.

Notice was sent to the only affected address (Veterans Memorial Park) prior to this meeting.

STAFF RECOMMENDATION: To approve the amended groundwater ordinance as presented.

Motion by Commissioner Rinsema-Sybenga second by Vice Mayor Hood, to approve the amendment to the groundwater ordinance as presented.

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

Nays: None

MOTION PASSES

E. City of the Dead Event Planning – REMOVED PER APPLICANT REQUEST

F. Swan Alpha Development Agreement City Manager

SUMMARY OF REQUEST: City staff has been working with Swan Alpha Development on a proposal to reuse the former Farmers Market site as a residential development. The development would add 53 new units to the site over two project phases.

We are proposing a development agreement that follows much of the framework of the West Urban Properties Development Agreement. This project is very similar in that the developer intends to build a combination of detached and attached single-family homes that will be made available for rent. These properties will function more like a single multi-family development on one or two adjacent parcels. One key difference between this agreement and the West urban Agreement is that this Agreement does not ask the City to subsidize any rents. The only proposed use of the “Swan Alpha Development Fund” would be in the event that the city’s tax assessor sets the property assessment for the 53 units above the anticipated amount. Note that this amount is similar to the benefit that would be expected with a Neighborhood Enterprise Zone certificate. The development agreement does contemplate that the City of Muskegon would make certain investments in the infrastructure necessary for the second phase. These improvements (underground utilities, alleys, greenspace, trails, etc.) are reimbursable expenses in the scattered site brownfield plan. \$777,000 is contemplated for reimbursement here. Note that 287 East Muskegon and 225 Eastern are included in the Brownfield, but not the purchase agreement – these areas are being held for park/greenspace improvements.

STAFF RECOMMENDATION: To authorize the City Manager to sign the Development Agreement.

Motion by Commissioner Rinsema-Sybenga second by Vice Mayor Hood, to authorize the City Manager to sign the Development Agreement.

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

Nays: Emory and Johnson

MOTION PASSES

G. 4th Amendment to Lease – Lumberjacks City Manager

SUMMARY OF REQUEST: Staff is seeking approval of the fourth amendment to the lease agreement with WC Hockey. This amendment will provide relief to the team as they endeavor to compete in the 2020-21 USHL season with new rules related to the COVID-19 Pandemic.

We are proposing an amendment to one section of the lease to accommodate anticipated reduced capacity at the arena: Paragraph 14. The Lumberjacks previously agreed to undertake a certain amount of construction in the facility and be reimbursed for those costs only if they exercised their first option to extend the lease. Previously, we acknowledged that the work was complete and the cost was \$260,215.35; it was to be deducted from their rent in years 3-7. Staff is proposing that the cost be deducted in years 2-4 as follow: Year 2: \$125,000; Year 3: \$100,000; Year 4: \$35,215.35

STAFF RECOMMENDATION: Approve the Agreement and authorize the Mayor to sign.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Ramsey, to approve the agreement and authorize the Mayor to sign.

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

Nays: None

MOTION PASSES

H. Beach Noise and Signage Commissioner Emory

SUMMARY OF REQUEST: We have received a request from Commissioner Emory to install signage at the beach pertaining to noise rules and alcohol consumption. The request also included a request to reduce the music level coming from The Deck Restaurant.

STAFF RECOMMENDATION: Staff has no recommendation on this item and has received no more complaints in 2020 than in years' past. The beach is significantly busier this year.

No action on this item. Referred back to staff.

Commissioner Rinsema-Sybenga left at 9:30 p.m.

ANY OTHER BUSINESS: Commissioner Willie German mentioned that he had conversations with several residents that had received complaints about having tents in their yards. Residents wishing to get a reprieve from the sun this summer should be encouraged to put up and take down their tents on occasion rather than leaving them up for too long.

Commissioner Ken Johnson brought up the sale of 1867 Hoyt Street to accommodate the construction of a garage serving 1875 Hoyt homeowner and a parking pad serving 1861 Hoyt. The Commission directed staff and legal counsel to negotiate a sales agreement for the City-owned lot.

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

ADJOURNMENT: The City Commission meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

Prep Meeting for Fall Goal Setting Session

August 12, 2020

9:00 am

Via Zoom

Minutes

2020-54

Present: Mayor Gawron, Vice Mayor Hood, Commissioners Rinsema-Sybenga, Emory, German, Johnson, and Ramsey along with the City Manager and Department Heads all joined by zoom.

Introductions

Two videos were shown to the group. The group was asked to state what stood out to them personally in the videos regarding diversity.

Public Comment

Kimi George commented that complaints simply mean citizens want to be seen and heard and we should remember that and be open to the process.

Laying the Foundation: Where are we now as a community?

Beth Buelow, the moderator of the meeting, asked Commissioners and staff where are we now as a community. What are you hearing from others?

Mayor Gawron - Neighborhoods, safe place to live, public safety, expansion of economic opportunity - a great concern now during the pandemic.

Vice Mayor Hood - People are tired of lip service. People will agree and say we are with you but they do not want you above them. We need to be honest with people and our answers. Once the rage is over, we are back to normal until something else happens. We need to get ahead of that. We have a long way to go.

Dwana Thompson - Gun violence, voter registration, gerrymandering, getting absentee ballots on-time, culturally friendly business community, and retaining employees in the community.

Commissioner German - Downtown development - people like it, everyone needs to feel included, not enough black-owned businesses, development of inner-city, concern of gentrification, less people of color graduating, more equity for marihuana facilities, and Covid-19 making sure we are not in a red zone.

Commissioner Dan Rinsema-Sybenga - Economic uncertainty, city services, police reform (How is our police doing and what do we need to do to move forward.)

Jake Eckholm - Giving minority owned businesses an ear. We might have the right words to say, but we are not the person to say it. We need to acknowledge who should be part of the conversation.

Ken Grant - The black people know this has been happening for years. It's cameras that allow others to see it. Actions speak louder than words. Muskegon would be better if the people who live here actually sent their kids to schools here. It's actions.

Dave Alexander - Educational equity. We need programs. We need Caucasian people to be excited about these programs and want to participate.

Commissioner German - each community has different concerns. We need to put ourselves in those individual shoes. Different Wards have different concerns and we need to be open to listening to those concerns and solve issues.

Reason for optimism:

Commissioner Ramsey - we can learn to foster relationships in groups and there is strength in numbers. I'm most optimistic about us coming together as a team.

Mayor Gawron - we live in a community with a long history of neighbors bannings together at the neighborhood association level. There are many good people, engaged people, willing to share their minds and hearts.

Vice Mayor Hood - We have a good Commission. We have a great Mayor and City Manager and the rest of our employees and leadership team. I have been with the City in one way or another since 1988. I have seen so much improvement especially when it comes to equality and diversity.

Commissioner German - Our youth. They are the future. I connect with a lot of youth and I see the excitement. They want change. The kids do not care about ethnicity or the background we come from. They want to see change. Racism is learned behavior. Kids want to seek knowledge. I went through Muskegon Public Schools. It was very diverse. It seems more segregated now.

Commissioner Rinsema-Sybenga - There is a great team at the City. I've seen when they put their mind to something, they get it done. I think it's something we can move forward with.

Dave Alexander - Everything from affordable housing, market rate housing, convention center, rehabbing of homes, makes me optimistic that we will be back to that transformational energy we had prior to Covid-19.

Kirk Briggs - Blight fight projects downtown, the changes over the last few years have been fantastic. Imagine what it will look like eight years from now.

LeighAnn Mikesell- Developers are now reaching out to us. They see what we are doing and they are stating that Muskegon is a really cool place. Excited that others are recognizing it finally.

Dwana Thompson- Happy to see what is happening here and having these conversations towards equity.

Oneata Bailey - Happy to see new staff, younger staff, great to see the new housing in our old employee parking lot - affordable homes. Excited about the development of new housing at the old farmers market site.

Commissioner Johnson - Awesome staff at city hall and leadership on the Commission. More effort to collaborate with other communities more than ever before.

Looking Ahead: Where do we want to be?

Oneata Bailey - Talked about what we see moving forward after covid-19. We will be a sustainable community. We will be stronger. We will have recovered. We will understand that we are not all operating the same way. We are looking at ways we can help every individual, community, and city as a whole.

Commissioner Johnson- Who do we want to be moving forward. We are a diverse community with arts and culture. We want to be attractive to families and somewhere where people want to live. Have a sense of pride living here. Be happy and proud residents living in this city. Be able to live together and work together.

Ken Grant - Emphasize Muskegon is a great destination for tourism, focus on more diversified restaurants/food courts, utilize farmers market, want to be known as a place to come here and have a good time. Want to have a more lively downtown, have more foot traffic all year around.

Dave Alexander - Aspire to enjoy. Be a joyful community. Enjoy being with each other. Current conditions liberate us to put things on the table that we would not have on there before. Be a place that meets the basic needs of everyone. Be a community that is unique with glorious resources around us.

Leighann Mikesell - Diverse neighborhoods, everyone feel comfortable sending their kids to the neighborhood schools, welcome everyone, more diverse downtown, and want city employees living in the city. Cultural, economic, ethnic, age, etc.

Beth Lewis - Everyone benefits from progress and feels part of the progress. Not everyone views progress the same way. Muskegon has a lot of momentum going into Covid-19. We could be a good case study on how this should be done. We see a lot of positive things in this city to begin with.

What stood out to you?

The word ALL stood out. A word used often in the discussion.

Pay attention most to those that are most marginalized.

Commissioner Emory - How to make people in our city feel included. Finding a way to take those barriers down.

Commissioner Johnson - What kind of metrics do we have to make this quantitative measure?

Community Stakeholders: Identification of primary constituents that will inform City of Muskegon goals, including outline of purpose of meetings and strategy for engaging with stakeholders

Next Steps

Oneata Bailey - Invite them in as we address the priorities of the city. Which stakeholders should be brought in when we are talking about that segment?

Commissioner Rinsema-Sybenga - Identified groups such as small business groups, disability groups, LGBTQ, K-12 youth, senior services, youth groups, etc. to engage with.

Dwana Thompson - Sorority, Girl Scouts, Boy Scouts, Jaycees, Optimist, and GVSU should be added to the stakeholder list.

Dave Alexander - Do it in small, intimate settings. Commissioners & staff need time and space to hear the stories. Should not be bigger than 15 people. Local landlord associations, hear from the young people, faith-based communities, and surveys to gather information.

Beth Lewis - Educational piece, Orchard View School should be added, Muskegon County should be a partner, WMSRDC, larger employers, also look at smaller businesses owned and operated by Muskegon people.

LeighAnn Mikesell - Social Justice Commission - start with groups most likely not to be included, Muskegon Democratic Black Caucus.

Need to be open to ideas not on our radar right now.

Closing Remarks

It's a large list. There is much to be done. We should make a list of what groups should be put together to discuss which topics. We could break it down among employees.

Ideas and suggestions should be passed along to LeighAnn Mikesell.

Public Participation

Kimi George stated when approaching stakeholders, are you looking for buy-in or input? Those are two different things. Be upfront with the public. Be honest if you are looking for public support and not necessarily public input.

Meeting adjourned at 12:30 pm.

Ann Marie Meisch, MMC
City Clerk

You may copy the link information below and paste it into a browser to view the meeting.

<https://www.youtube.com/watch?v=wMEIG-QQed0&feature=youtu.be>

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 8-25-2020	Title: Transfer of Ownership of the Arch (Art Piece) to County of Muskegon
Submitted By: Frank Peterson	Department: City Manager
Brief Summary: Staff is seeking permission to sign the attached Deed of Gift for the Arch, a sculpture that has been housed in several locations until it found its home at 7 th and Western Avenue next to the historic Union Depot in 2016. Staff wishes to transfer ownership and responsibility to the County as it currently sits on Muskegon County property.	
Detailed Summary:	
Amount Requested: None	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To authorize the City Manager to sign the Deed of Gift to transfer ownership of the Arch to the County of Muskegon.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

DEED OF GIFT

As owner of the property listed below, the City of Muskegon hereby irrevocably and unconditionally gives and transfers to the County of Muskegon all right, title, and interest, and when applicable, all copyrights and trademarks in and to the described property.

The County of Muskegon acknowledges and accepts the donation of the following:

- **TITLE:** *Arch*, Aluminum and painted fiberglass, 1973
- **ARTIST:** Steven Jay Urry, American (1939-1993)
 - o Steven Jay Urry was known for his abstract welded steel and aluminum sculptures of biomorphic forms. Born in Chicago, he first drew serious attention in 1966 during a solo show of large-scale welded steel sculptures in Chicago. In 1969, the Museum of Contemporary Art in Chicago hosted a solo show of Urry's work. He also lived and worked in San Francisco, New York, Miami, and Arizona.
- **PROVENANCE:** *Arch* was originally exhibited at a 1973 sculpture exhibition entitled *Off the Pedestal* in Grand Rapids, Michigan. The sculpture spent time in Grand Rapids, but was eventually purchased by the City of Muskegon and sited at the entrance to the Muskegon City Hall. Later, it was moved to 11th Street at Muskegon Avenue, one of the main city thoroughfares at that time. With the creation of a highway bypass in Muskegon in the early 2000s, *Arch* lacked public visibility, and the sculpture was moved in 2016 to a more prominent place at 7th Street and Western Avenue, next to the historic Union Depot, 610 W. Western Ave, Muskegon, MI, which houses the Muskegon County Convention and Visitor Center.
- **VALUE:** \$80,000 (estimate only, replacement value)

Given this date: ____/____/____

City of Muskegon

County of Muskegon

By: _____

By: _____

Frank Peterson, City Manager

Mark Eisenbarth, County Administrator

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 8/25/20	Title: Rezoning of 55 Ottawa St, 61 Ottawa St and 65 Bank St
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Request to rezone 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the request to rezone 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Zoning Ordinance Excerpt:

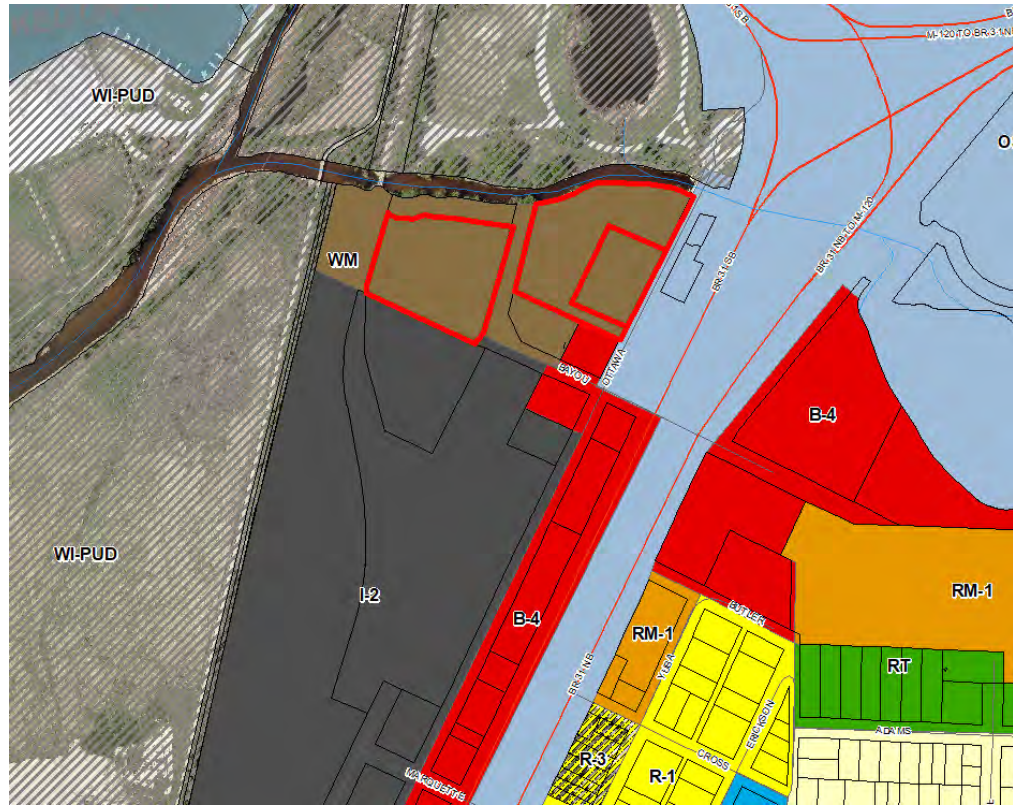
SUMMARY

1. The properties are currently zoned WM- Waterfront Marine.
2. The applicant is seeking a rezoning to industrial in order to run a crane operating training center. The site would eventually contain a building in the front and training center in the back.
3. The most appropriate zoning for this type of use would be I-2, as many of the principal uses allowed include the usage of cranes. Staff would consider this request a principal use permitted in I-2 districts.
4. The properties are adjacent to an I-2 zoning district and the area is characterized by industrial, port and heavy commercial uses.
5. Please see the enclosed zoning ordinance excerpt for I-2 districts.
6. Notices were sent to all properties within 300 feet of the property. Ron Mathews from Verplank Trucking is in favor of the request.

55 Ottawa St, 61 Ottawa St and 65 Bank St



Zoning Map



Aerial Map



CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Meisch, MMC
City Clerk

CERTIFICATE (Rezoning 55 Ottawa St, 61 Ottawa St and 65 Bank St)

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 25th day of August 2020, 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 August 20, 2020, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for 55 Ottawa St, 61 Ottawa St and 65 Bank St from WM, Waterfront Marine to I-2, General Industrial.

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 _____, 2020

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 8-25-2020	Title: Designation of City Street in Honor of Bishop Wells
Submitted By: Vice Mayor Hood	Department: Commission
Brief Summary: A request has been received to designate Valley Street and the corner of Getty Street and Delano Avenue as Bishop Nathaniel Wells Jr. Way to honor his legacy and leadership within the community.	
Detailed Summary:	
Amount Requested: None	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the resolution and designate Valley Street and the corner of Getty Street and Delano Avenue as Bishop Nathaniel Wells Jr. Way.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

RESOLUTION

DESIGNATION OF CITY STREET IN HONOR OF BISHOP WELLS

WHEREAS, the City received a request to designate Valley Street and the corner of Getty Street and Delano Avenue as Bishop Nathaniel Wells Jr. Way; and

WHEREAS, Bishop Wells was a leader in the nation's largest black Pentecostal Denomination, the Church of God in Christ, Inc.; and

WHEREAS, Bishop Wells was a leader in the community advocating for the poor throughout his career as a senior pastor at Muskegon Holy Trinity Institutional Church of God in Christ for 44 years; and

WHEREAS, Bishop Wells was the jurisdictional prelate for Western Michigan jurisdictional Church of God in Christ; and

WHEREAS, Nathaniel Wells Jr. founded the Trinity Nonprofit Housing Corporation in 1991, a program that was operated and built around affordable housing developments in Muskegon County along with many other places in Michigan and beyond; and

WHEREAS, Bishop Wells earned a doctorate degree in theology from Midwest Theological University in 2014;

WHEREAS, Bishop Wells received many awards including NAACP Man of the Year in 1975, Muskegon Bar Association's Liberty Bell Award in 2000, Muskegon County Economic Development Award in 2000, Most Influential Person of the Year in Muskegon in 2003, the statewide Jeanne Peterson Award in Affordable Housing in 1999; a general board member for the national denomination, a founding member of the Tri-Valley Academy charter school; and

WHEREAS, Bishop Wells made a profound impact on the lives he touched and will be greatly missed;

NOW THEREFORE BE IT RESOLVED that the City Commission hereby approve the request to designate Valley Street and the corner of Getty Street and Delano Avenue as Bishop Nathaniel Wells Jr. Way.

Witnessed this 25th day of August 2020.

Stephen J. Gawron, Mayor

Ann Marie Meisch, City Clerk

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: August 25, 2020	Title: Request to Fly Mexican Flag
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: Latinos Working for the Future is requesting to have the Mexican Flag flown at City Hall in celebration of Mexican Independence Day which is September 16, 2020. They are requesting that the flag be raised on September 12, 2020 during a flag raising ceremony and taken down on September 20, 2020. They are also requesting to host a mini event to raise the flag as well as having a drive by community children's PPE giveaway.	
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 grant the request of Latinos Working for the Future and allow them to host a mini flag raising event on September 12, 2020 in conjunction with a drive-by community children's PPE giveaway and to allow the Mexican Flag to be flown September 12, 2020 through September 20, 2020 at City Hall	
For City Clerk Use Only: Commission Action:	



Latinos Working for the Future 501(c)(3)
P.O. Box 1557
Muskegon, Michigan 49443
(231) 343-1360

August 18, 2020

Dear Muskegon City Commissioners:

We are requesting to have the Mexican flag flown at City Hall in celebration of Mexican Independence Day , which is September 16, 2020. We would like the flag raised on 9/12/20 during a flag raising ceremony and taken down on 9/20/20. We would like to host a mini event to raise the flag as well as having a drive by community children's PPE giveaway.

We will drop off the flag at city hall on 9/11/20 and will pick it up on 9/21/20.
(date) (date)

If you have any questions, please contact me at (231) 343-1360 or latinosworkingforthefuture@gmail.com

Sincerely,

Angelita Valdez

President

Latinos Working for the Future

latinosworkingforthefuture@gmail.com

(231) 343-1360



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: August 25, 2020	Title: First Responder Hazard Pay Premium Program
Submitted By: Beth Lewis	Department: Finance
Brief Summary: To authorize staff to apply for reimbursement under the State of Michigan's First Responder Hazard Pay Premium Program.	
Detailed Summary: As part of the State of Michigan's CARES Act the First Responder Hazard Pay Premium Program will reimburse employers for hazard pay premiums paid to eligible employees who have performed hazardous duty or work involving physical hardship related to COVID 19 up to \$1,000 per employee. During the months of April and May the City paid all sworn police, fire personnel, and employees working a full 40 hours who were deemed essential a flat \$100 per week. Additional all employees that were expected to directly interact in a face-to-face capacity with residents or handle mail or cash from outside of City Hall were paid an additional \$2.50 per hour for all hours worked. Under the States CARES Act Public Safety and Public Health Payroll Reimbursement Program the City was able to apply for reimbursement of all Police and Fire wages and payroll expenditures for April and May. So we expected to be reimbursed all the essential duty and hazard duty pay and payroll costs paid to Police and Fire along with their regular pay and payroll costs. Fire personnel have spoken to the State and confirmed that they would also be eligible to receive an additional \$1,000 per employee that the city could be reimbursed for. The Finance office has confirmed this. The reimbursement would only be for up to \$1,000 per employee and would not reimburse the City for their payroll costs. We have 92 First Responders and have estimated the payroll costs to be \$18,581. The application will be submitted as payment is pending approval of funds availability. The State has earmarked \$100,000,000 for this program.	
Amount Requested: \$18,581	Amount Budgeted: 0
Fund(s) or Account(s): General Fund	Fund(s) or Account(s):
Recommended Motion: To authorize staff to apply for the State of Michigan's CARES Act First Responder Hazard Pay Premium Program.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐	

IT Dept. ☐

For City Clerk Use Only:

Commission Action:



**First Responder Hazard Pay Premiums Program
Application Packet
2020 Public Act 144**

Coronavirus Aid, Relief, and Economic Security (CARES) Act,
Public Law 116-136

Application Period: July 7 – September 30, 2020

NOTE: As U.S. Department of the Treasury issues future guidance and clarifications, the specific guidelines listed in this document are subject to change. Changes will be addendums to this document.

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Table of Contents

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Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Application Instructions

The purpose of this document is to provide guidance to eligible applicants that would like to apply for Coronavirus Relief Funding under the Michigan Department of Treasury's First Responder Hazard Pay Premiums Program.

To receive reimbursement, eligible applicants must review, complete, and sign this entire application packet. All pages will either be initialed or signed. Pages 1 through 15 must be returned to the Michigan Department of Treasury via email or fax, as outlined in the document.

If you need to enter more employees than the Hazard Pay Premiums Payment Report (page 13) will allow, the data for the remaining employees must be submitted on additional reports. An excel template can be found at https://www.michigan.gov/treasury/0,4679,7-121-1751_2197-532758--,00.html

Signatures are required on pages 10 and 15. After verifying the entire application packet and reviewing all the requirements and terms and conditions of the grant, the same person needs to initial and date each page and sign both pages 10 and 15. The signatory on form 5723, the page initials, and the certification at the end of the packet must all be the same person.

Questions, contact the Michigan Department of Treasury at: Treas-CARES@michigan.gov or 517-335-0155.

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Program Information

Program Description

The program was created by 2020 Public Act 123 and amended by 2020 Public Act 144. The program is to reimburse and/or pay for qualifying first responder hazard pay premiums provided to first responders who have performed hazardous duty or work involving physical hardship related to COVID-19. The program is funded under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136.

Reimbursements and payments will be on a first-come, first-served basis. An application is deemed to be submitted when all required supporting documentation has been emailed or faxed to the Michigan Department of Treasury.

Eligible Expenditures

Eligible hazard pay premiums must be paid to employees by September 30, 2020 to qualify for the program.

Eligible hazard pay premiums are for:

- Law Enforcement Officers
- Firefighters
- Emergency Medical Technicians (EMTs)
- Paramedics
- 9-1-1 Operators
- Local Unit of Government Corrections Officers
- Airport Public Safety Officers
- Eligible personnel associated with ambulance operations licensed under section 20920 of the Public Health Code (1978 PA 368; MCL 333.20920)
- Private EMTs and paramedics that contract with municipalities or hospitals, if the hazard pay premiums are paid through the applicant

Eligible Applicants

- Cities
- Villages
- Townships
- Counties
- Public Airport Operators
- Ambulance Operations licensed under section 20920 of the Public Health Code (1978 PA 368; MCL 333.20920)
- A local governmental authority, intergovernmental agency, or organization that employs local public safety or local public health personnel and that was established by a city, village, township, county, or group thereof for the primary purpose of providing public safety or public health services.

Available Program Amount

- \$100,000,000

Maximum Available Limits

- \$1,000 per eligible employee
- \$5,000,000 to any one applicant

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Program Information

Application Period

- July 7 – September 30, 2020

Method of Submission

- The entire application packet must be submitted, with all the required forms, signatures, and initials, to the Michigan Department of Treasury via Email (Treas-CARES@michigan.gov) or fax (517-335-3298) by 11:59 p.m. EST on the last day of the application period.

Distributions

- Payments and Reimbursements will be on a first-come, first-served basis.
- Advance requests (using Form 5725, *First Responder Hazard Pay Premiums Program, Advance Request*) may be submitted to Treasury no later than September 1, 2020
- Advance requests will be processed as follows:
 - Submissions received on or before August 10, 2020, will be paid on August 24, 2020
 - Submissions received on or before September 1, 2020, will be paid on September 15, 2020
- Payments will be made no later than November 14, 2020.

Reporting Requirements

1. Each eligible applicant that applies for a subaward must register with the Federal System for Award Management (SAM). Applicants that apply after July 26, 2020, must register in the SAM system prior to sending an application to the Michigan Department of Treasury. The SAM website is: <https://www.sam.gov/SAM/>.
2. Each applicant must fully complete and return the application packet by the submission deadline with each page dated and initialed including the completion of the following documents in the packet:
 - a. FRHPPP Reimbursement Request (Form 5723)
 - b. Hazard Pay Premiums Payment Report
 - c. Certification
3. Applicants that are requesting an advance payment (i.e. hazard pay premiums have not been paid to the employees yet) must submit Form 5725 "First Responder Hazard Pay Premiums Program, Advance Request" with the Application Packet.
4. Applicants that were required to submit Form 5725, First Responder Hazard Pay Premiums Program, Advance Request, must submit to the Michigan Department of Treasury a Final Program Report by October 15, 2020.

The Michigan Department of Treasury may request an applicant to submit detailed backup (including payroll reports) to support the hazard pay premiums requested to be reimbursed/paid. Please do not submit any detailed backup unless the Michigan Department of Treasury requests submission from the applicant.

Contact Information

Treasury CARES Grant Programs Hotline
517-335-0155

Email Address
Treas-CARES@michigan.gov

Michigan Department of Treasury

First Responder Hazard Pay Premiums Program (FRHPPP)

Subrecipient Information

Subrecipient Information

Funds were awarded to the State of Michigan as Federal Financial Assistance from the U.S. Department of Treasury. The funds were awarded under the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") <https://home.treasury.gov/policy-issues/cares/state-and-local-governments> as the Coronavirus Relief Fund (CRF).

CFDA #: 21.019

FAIN #: SLT0040 and SLT0247

Coronavirus Relief Funds are considered federal financial assistance and have been assigned a Catalog of Federal Domestic Assistance (CFDA) or Assistance Listing Number of 21.019. Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. Sections 7501 – 7507) and the related provisions of the Uniform Guidance, 2 Code of Federal Regulations (CFR) Section 200.303 regarding internal controls, Section 200.330 – 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. Under the Single Audit Act, local jurisdictions/applicants will need to report expenditures under this program using the CFDA number 21.019.

The State of Michigan is making these funds available to eligible applicants for reimbursement/payment of first responder hazard pay premiums provided to first responders who have performed hazardous duty or work involving physical hardship related to COVID-19. Eligible applicants, including but not limited to the certifying local official/applicant submitting this application, are required to review the CRF guidance and associated FAQs and other documents to certify their compliance with the terms and conditions of the grant at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.

Coronavirus Relief Funds are considered federal financial assistance subject to the Single Audit Act and the Uniform Guidance. The following Uniform Guidance provisions have been identified as significant and summarized below. Applicants must review the Uniform Guidance at https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl for complete requirements.

Use of Funds

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are **substantially dedicated** to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Subrecipient Information

Utilization of CARES Act for this Program

For this First Responder Hazard Pay Premiums Program (FRHPPP), eligible applicants can request reimbursement/payment for hazard pay premiums paid or will be paid to eligible employees no later than September 30, 2020. The amount of hazard pay premiums is limited to \$1,000 per employee and \$5,000,000 per applicant.

Coronavirus Relief Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement. For this reason, the State of Michigan's First Responder Hazard Pay Premiums Program, Reimbursement Request (Form 5723) requires each applicant to affirm that the amounts for which reimbursement/payment is being requested have not been submitted or will not be submitted to another federal source of funding (for example, FEMA) for reimbursement/payment.

To obtain a payroll reimbursement for employees that are not normally classified as public safety and public health, but are "similar" in the context of the guidance (e.g. employees who are substantially dedicated to COVID-19 response), each jurisdiction's chief administrative officer must decide if their costs are appropriate to charge to the Coronavirus Relief Fund and document the justification for that decision.

Subaward Period of Performance and Available Funding

Under the First Responder Hazard Pay Premiums Program (FRHPPP), reimbursements/payments from the State of Michigan will be issued on a first-come, first-served basis and will cover hazard pay premiums paid to eligible employees during the period of time of March 1, 2020 – September 30, 2020. Eligible applicants receiving funding under this program may not use the proceeds to establish a sub-award to another entity.

The last date of the performance period for the subawards is September 30, 2020.

The total amount of Coronavirus Relief Funds available for the First Responder Hazard Pay Premiums Program is \$100,000,000. Funding will be issued on a first-come, first-served basis once an eligible applicant submits all the required documentation to the Michigan Department of Treasury.

Michigan Department of Treasury

First Responder Hazard Pay Premiums Program (FRHPPP)

Subrecipient Information

Responsibilities, Records, Repayments & Future Audits

The U.S. Department of Treasury has indicated that the two provisions of the Uniform Guidance, 2 Code of Federal Regulations (CFR) Section 200.303 regarding internal controls, Section 200.220 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements are applicable to all CRF subawards at this time. However, guidance is evolving, and jurisdictions will be required to comply with additional guidance as it is published. Effective internal controls must be established and maintained (2 CFR Section 200.303). All reimbursements requested under this program should be accounted for with supporting documentation. Eligible applicants should maintain documentation evidencing that the funds were expended in accordance with federal, state, and local regulations. In accordance with federal Uniform Guidance, funds received under this program shall be included on the eligible applicant's Schedule of Expenditures of Federal Awards (SEFA) and included within the scope of the eligible applicant's Single Audit.

Any funds received under the authorizing legislation for this program expended by the eligible applicant in a manner that does not adhere to the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136 or Uniform Guidance 2 CFR 200, as applicable, shall be returned to the state. If it is determined that an eligible applicant receiving funds under this act expends any funds under this act for a purpose that is not consistent with the requirements of the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, or Uniform Guidance 2 CFR 200, the state budget director is authorized to withhold payment of state funds, in part or in whole, payable from any state appropriation.

All subawards are subject to future audits and eligible applicants must allow the State of Michigan, any of its duly authorized representatives and/or the State of Michigan's Office of the Auditor General access to the eligible applicant's records and financial statements to ensure compliance with Federal statutes, regulations and the terms and conditions of the grant award.

Registration

Each eligible applicant that receives a subaward must register with the Federal System for Award Management (SAM). Applicants that apply after July 26, 2020, must register in the SAM system prior to applying to the Michigan Department of Treasury. The SAM website is: <https://www.sam.gov/SAM/>.

Uniform Guidance

The Coronavirus Relief Fund Frequently Asked Questions accessible at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf> confirm that CRF payments are subject to the following requirements in the OMB Uniform Guidance (2 CFR Part 200): section 2 CFR 200.303 regarding internal controls, sections 2 CFR 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements. These Uniform Guidance provisions are summarized below. If further clarification is needed, the Uniform Guidance is available in the electronic Code of Federal Regulations: https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

2 CFR 200.303 Internal Controls - The non-Federal entity must:

- 1 Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.
- 2 Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
- 3 Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.
- 4 Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
- 5 Take reasonable measures to safeguard protected personally identifiable information.

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Subrecipient Information

2 CFR 200.330 – 200.332 Subrecipient Monitoring and Management

The First Responder Hazard Pay Premiums Program subawards are for an individual eligible applicant's direct hazard pay premiums cost. The eligible applicant receiving the subaward shall not issue any subawards to any other entity.

Subpart F – Audit Requirements

200.501 – Audit Requirements.

- (a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

200.508 – Auditee Responsibilities

The auditee must:

1. Procure or otherwise arrange for the audit required.
2. Prepare appropriate financial statements, including the schedule of expenditures of Federal awards.
3. Promptly follow up and take corrective action on audit findings.
4. Provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit.

Record Retention Requirements

Recipients of Coronavirus Relief Fund payments shall maintain and make available to the U.S. Department of Treasury, Office of Inspector General, upon request, all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended, (42 U.S.C. 801(d)), which provides:

d) USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that—

1. *are necessary expenditures incurred due to the public health emergency with respect to COVID-19;*
2. *were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and*
3. *were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.*

Records to support compliance with subsection 601(d) may include, but are not limited to, copies of the following:

1. general ledger and subsidiary ledgers used to account for (a) the receipt of Coronavirus Relief Fund payments and (b) the disbursements from such payments to meet eligible expenses related to the public health emergency due to COVID-19;
2. budget records for 2019 and 2020;
3. payroll, time records, human resource records to support costs incurred for payroll expenses related to addressing the public health emergency due to COVID-19;
4. receipts of purchases made related to addressing the public health emergency due to COVID-19;
5. contracts and subcontracts entered into using Coronavirus Relief Fund payments and all documents related to such contracts;
6. grant agreements and grant subaward agreements entered into using Coronavirus Relief Fund payments and all documents related to such awards;

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Subrecipient Information

7. all documentation of reports, audits, and other monitoring of contractors, including subcontractors, and grant recipient and subrecipients;
8. all documentation supporting the performance outcomes of contracts, subcontracts, grant awards, and grant recipient subawards;
9. all internal and external email/electronic communications related to use of Coronavirus Relief Fund payments; and
10. all investigative files and inquiry reports involving Coronavirus Relief Fund payments.

Records shall be maintained for a period of five (5) years after final payment is made using Coronavirus Relief Fund monies. These record retention requirements are applicable to prime recipients and their grantees and subgrant recipients, contractors, and other levels of government that received transfers of Coronavirus Relief Fund payments from prime recipients.

First Responder Hazard Pay Premiums Program Reimbursement Request

Filing is mandatory to qualify for payments under 2020 Public Act 144.

The First Responder Hazard Pay Premiums program is to reimburse and/or pay for first responder hazard pay premiums provided to first responders who have performed hazardous duty or work involving physical hardship related to COVID-19.

Eligible applicants are: Cities, Villages, Townships, Counties, Public Airport Operators, Ambulance Operations (licensed under section 20920 of the Public Health Code, 1978 PA 368, MCL 333.20920), and a local government authority, intergovernmental agency, or organization that employs local public safety or local public health personnel and that was established by a city, village, township, county, or group thereof for the primary purpose of providing public safety or public health services.

Applicants must:

1. Submit to the Michigan Department of Treasury (Treasury) a signed *First Responder Hazard Pay Premiums Program, Reimbursement Request* (Form 5723).
2. Submit to Treasury a detailed report that supports the requested reimbursement amounts. The report shall include by employee, the employee's name, eligible employee type, amount of first responder hazard pay premium being requested, and date the first responder hazard pay premium was paid/will be paid to the employee. If requesting an advance payment (i.e., the hazard pay premiums payment has not been issued to your employees yet) also submit Form 5725, First Responder Hazard Pay Premiums Program, Advance Request.

Reimbursement Requests must be submitted to Treasury no later than September 30, 2020; however, reimbursements will be processed on a first-come, first-served basis until all funding has been exhausted.

PART 1: APPLICANT INFORMATION			
Applicant Name	Applicant County Name	Federal Identification Number	
Applicant Local Unit Code	Contact Name	SAM DUNS Number	
Contact E-Mail Address	Contact Title	Contact Telephone Number	Extension

PART 2: FIRST RESPONDER HAZARD PAY PREMIUMS		
For each Eligible Employee Type, enter the total amount of Hazard Pay Premiums. Attach a report listing the name of each employee, the eligible employee type, payment date, and the employee's hazard pay amount being requested. Reimbursements are limited to \$1,000 per eligible employee.		
Eligible Employee Types	Number of Employees	Total Amount Requested
Law Enforcement Officers		
Firefighters		
Emergency Medical Technicians		
Paramedics		
9-1-1 Operators		
Local Unit of Government Corrections Officers		
Airport Public Safety Officers		
Private EMTs/Paramedics (if paid for by the applicant)		
Ambulance Operations (licensed under section 20920 of the Public Health Code)		
Total Number/Amount Requested		

Initial _____ Date _____

PART 3: QUESTIONS

1. Were/will any of the above entered first responder hazard pay premiums been/be reimbursed or funded by any other federal funds?

☐ Yes ☐ No

2. Were/are any of the above entered first responder hazard pay premiums included in a reimbursement request under the Public Safety and Public Health Payroll Reimbursement (PSPHPR) program?

☐ Yes ☐ No

3. Did you attach a detailed report to support the reimbursement request?

☐ Yes ☐ No The report shall include by employee, the employees name, eligible employee type, amount of first responder hazard pay premium being requested, and date the first responder hazard pay premium was paid/will be paid to the employee.

PART 4: CERTIFICATION

The undersigned hereby certifies to the Michigan Department of Treasury that the above requested hazard pay premium amounts are accurate, that no more than \$1,000 per employee has been requested, and that the hazard pay premiums have been paid to eligible employees of the applicant or will be paid to eligible employees by September 30, 2020. The undersigned additionally certifies that none of the above hazard pay premium amounts have been or will be paid for with any other federal funds or are being requested for reimbursement under the State of Michigan's Public Safety and Public Health Payroll Reimbursement program. The applicant agrees to reimburse the State of Michigan if any of the above amounts are deemed to be fraudulent or inaccurate.

Chief Administrative Officer Signature (as defined in [MCL 141.422b](#))

Printed Name of Chief Administrative Officer (as defined in [MCL 141.422b](#))

Title

Date

Completed and signed form (including required documentation) should be E-mailed to: **Treas-CARES@michigan.gov**.

If you are unable to submit via E-mail, fax the completed form and required documentation to 517-335-3298.

For questions, call 517-335-0155.

Initial _____ Date _____

Instructions for *First Responder Hazard Pay Premiums Program, Reimbursement Request (Form 5723)*

PART 1: APPLICANT INFORMATION

Applicant Name: Enter the name of the eligible applicant. Eligible applicants are: Cities, Villages, Townships, Counties, Public Airport Operators, Ambulance Operations (licensed under section 20920 of the Public Health Code, 1978 PA 368, MCL 333.20920), and a local government authority, intergovernmental agency, or organization that employs local public safety or local public health personnel and that was established by a city, village, township, county, or group thereof for the primary purpose of providing public safety or public health services.

Applicant County Name: Enter the county name that the eligible applicant is located in.

Federal Identification Number: Enter the applicant's Federal Employer Identification Number (FEIN).

Applicant Local Unit Code: For Cities, Villages, Townships, and Counties enter the revenue sharing local unit code. All others can leave this field blank. Go to https://www.michigan.gov/documents/treasury/LocalUnitNamesCodes_110812_403341_7.pdf for local unit codes.

Contact Name: Enter the Full name of the individual that can answer any questions related to the form being submitted, including required attachment.

SAM DUNS Number: Enter the federal System for Award Management (SAM) DUNS Number. All applicants that apply after July 26, 2020, must register in the SAM system prior to sending an application packet to the Michigan Department of Treasury.

Contact E-Mail Address/Contact Title/Contact Telephone Number/Extension: Enter the information for the contact person that can answer any questions regarding the reimbursement request.

PART 2: FIRST RESPONDER HAZARD PAY PREMIUMS

For each of the eligible employee types listed, enter the total number of employees and total amount of first responder hazard pay premiums being requested for reimbursement.

PART 3: QUESTIONS

Question 3: To complete the Detailed Report, use the form provided in the First Responder Hazard Pay Premiums Program Application packet.

Initial _____ Date _____

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Hazard Pay Premiums Payment Report – Instructions

Hazard Pay Premiums Payment Report – Instructions

1. Enter the requested information on the Hazard Pay Premiums Payment Report on page 13 for each eligible employee that was or will be paid an eligible hazard pay premium.
 - a. There could be multiple lines for the same employee.
 - b. The total of the chart should equal the hazard pay premiums amounts being requested for reimbursement on Form 5723 *First Responder Hazard Pay Premiums Program, Reimbursement Request*.
 - c. Attach additional sheets if needed. Initial and date each additional sheet submitted.
 - d. Eligible Employee Types are:
 - i. Law Enforcement Officers
 - ii. Firefighters
 - iii. Emergency Medical Technicians (EMTs)
 - iv. Paramedics
 - v. 9-1-1 Operators
 - vi. Local Unit of Government Corrections Officers
 - vii. Airport Public Safety Officers
 - viii. Eligible personnel associated with ambulance operations licensed under section 20920 of the Public Health Code (1978 PA 368; MCL 333.20920)
 - ix. Private EMTs and paramedics that contract with municipalities or hospitals, if the hazard pay premiums are paid through the applicant
2. Guidelines:
 - a. Do not include any hazard pay premiums that the eligible applicant requested to be reimbursed under the Public Safety and Public Health Payroll Reimbursement Program.
 - b. The program will only reimburse the actual hazard pay premium paid to the employee, not the associated fringes and payroll taxes.

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Hazard Pay Premiums Payment Report

	Employee Name	Eligible Employee Type	Actual/Estimated Payment Date	Hazard Pay Amount
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
Subtotal from attached reports				
Total				

Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Certification

I, _____, am the chief executive of _____ (eligible applicant's legal name), and I certify that:

1. I have the authority on behalf of _____ (eligible applicant's legal name) to request a First Responder Hazard Pay Premiums Program payment from the State of Michigan pursuant to Section 801 of 2020 Public Act 144, from the allocation of funds to the State of Michigan from the Coronavirus Relief Fund as created in the CARES Act.
2. I understand that the State of Michigan will rely on this certification as a material representation in issuing a First Responder Hazard Pay Premiums Program payment to _____ (eligible applicant's legal name).
3. _____ (eligible applicant's legal name) is receiving the First Responder Hazard Pay Premiums Program payment as a reimbursement/payment to reimburse and/or pay for first responder hazard pay premiums provided to first responders who have performed hazardous duty or work involving physical hardship related to COVID-19 and will be used only to cover those costs.
4. Any funds provided as a reimbursement/payment from the State of Michigan under the First Responder Hazard Pay Premiums Program that are found to be based on inaccurate, non-qualifying, or fraudulent information will be returned to the State of Michigan.
5. Funds provided as a reimbursement/payment under the First Responder Hazard Pay Premiums Program from the State of Michigan pursuant to this certification must adhere to official federal guidance (2 CFR 200) issued or to be issued on what constitutes a necessary expenditure as described in the guidance for the U.S. Treasury Coronavirus Relief Fund at <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>. I reviewed the guidance prior to completing this request for reimbursement. I understand and agree that any funds expended by an eligible applicant in any manner that does not adhere to official federal guidance shall be returned to the State of Michigan.
6. Any eligible applicant receiving funds under the First Responder Hazard Pay Premiums Program shall retain documentation supporting the reimbursement/payment request, including but not limited to payroll records and timesheets. Such documentation shall be provided to the State of Michigan upon request and maintained by the jurisdiction for five (5) years.
7. Program funds provided pursuant to this application and certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
8. Program funds received pursuant to this application and certification cannot be used for expenditures for which the eligible applicant has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.
9. Program funds received pursuant to this application and certification cannot be used to reimburse or subaward another entity or local unit of government.
10. I have read and agree on behalf of _____ (eligible applicant's legal name) to comply with all applicable provisions and requirements corresponding to the receipt of funds required in the Coronavirus Aid, Relief, and Economic Security Act, Public Law 115-136, and Uniform Guidance, 2 CFR 200.
11. Further, that I understand and agree on behalf of _____ (eligible applicant's legal name) that any funds received under this act and expended by itself or a sub-recipient in any manner that does not comply with the Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, or Uniform Guidance, 2 CFR 200, as applicable shall be returned to the State of Michigan.

**Michigan Department of Treasury
First Responder Hazard Pay Premiums Program (FRHPPP)
Certification**

12. Further, that I understand and agree on behalf of _____ (eligible applicant's legal name) that expenditures are not eligible for reimbursement under this section if such expenses have been or will be reimbursed by any other federal funds, and if such expenditure is reimbursed by any other federal funds the undersigned eligible applicant will return said funds to the State of Michigan.
13. The governing body has been notified of the submission of this application, and are aware of the Federal statutes, regulations and terms and conditions of the grant award.

I certify under the penalties of perjury set forth in the Michigan Penal Code, MCL 750.423, that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

By: _____

Signature: _____

Title: _____

Date: _____

Subscribed and sworn to before me this _____ day of _____, 2020.

Notary Public

My commission expires _____

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: August 25, 2020	Title: Consumers Energy Easements
Submitted By: LeighAnn Mikesell	Department: Development Services
Brief Summary: Staff is seeking direction for two lease agreements to provide Consumers Energy permanent access to trim, cut down, and control any trees, brush, and other vegetation. The easements also allow the company to maintain, inspect, survey, replace, reconstruct, improve, remove, replace, change the size, enlarge, and protect their electric facilities adjacent to the easement. Please note that Consumers Energy will not use the easements to construct additional facilities.	
Detailed Summary: As compensation for the easements, Consumers Energy agrees to pay the city \$11,800 based on property values in the area. City staff propose to use the funds to plant trees throughout the urban core of the city with many targeted for the downtown area. Please note that the requirements for each easement are different based on how close the Consumer's line is to the City of Muskegon property line. For the 0005-00 parcel, the Consumers line is 70' from the city's property line, and a 10' wide easement is needed to remove "danger trees" only. Danger trees are trees that could exceed 35' in height and fall into the line. For the 0003-00 parcel, the Consumers line is 35' from the city's property line. This requires a 5' easement to remove all vegetation, and a 40' wide easement to remove "danger trees." An aerial photo is included for reference.	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): Tree Replacement	Fund(s) or Account(s): Tree Replacement
Recommended Motion: to approve/deny the two easement agreements with Consumers Energy and authorize the mayor and clerk to sign.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only:	

Commission Action:

EASEMENT FOR THE PROTECTION OF ELECTRIC FACILITIES

Cobb to Muskegon Heights No 1

SAP# 36334984

Master Tract# TRN000916039404

Agreement# MI00000050768

City of Muskegon, a Michigan Municipal Corporation, 933 Terrace St., Muskegon 49440 (hereinafter "Owner")

for \$1.00 and other good and valuable consideration [exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the City of Muskegon, County of Muskegon, and State of Michigan as more particularly described in the attached Exhibit A and to trim, cut down, and otherwise remove and control any trees, brush, roots, and other vegetation within a portion of Owner's Land (hereinafter "Maintenance Easement Area") described in the attached Exhibit B and to utilize the Maintenance Easement Area for the support of constructing, operating, maintaining, inspecting (including aerial patrol), surveying, replacing, reconstructing, improving, removing, relocating, changing the size of, enlarging, and protecting a line or lines of electric facilities, which electric facilities (hereinafter "Adjacent Facilities") are or will be located on land adjacent to the Maintenance Easement Area and which centerline is described in the attached Exhibit D, and conducting such other activities as may be convenient in connection therewith as determined by Consumers for the purpose of transmitting and distributing electricity, and the right from time to time hereafter, to enter Owner's Land to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner's Land (hereinafter "Protection Easement Area") described in the attached Exhibit C, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers' Adjacent Facilities.

Access: Consumers shall have the right to unimpaired access and the right of ingress and egress on, over, and through the Maintenance Easement Area and the Protection Easement Area for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the rights granted hereunder.

Trees and Other Vegetation: Owner shall not plant any trees within the Maintenance Easement Area without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

Buildings/Structures: Owner agrees not to build, create, construct, or permit to be built, created, or constructed, any obstruction, building, septic system, drain field, fuel tank, pond, swimming pool, lake, pit, well, foundation, engineering works, installation or any other type of structure within 20 feet of the centerline as described in Exhibit D, whether temporary or permanent, natural or man-made with the exception of those items listed on the attached Exhibit E, without a prior written agreement executed by Consumers' Real Estate Department expressly allowing the aforementioned.

No Facilities: Consumers agrees that it will not construct any facilities on Owner's Land pursuant to this easement.

Ground Elevation: Owner shall not materially alter the ground elevation within 20 feet of the centerline as described in Exhibit D without a prior written agreement executed by Consumers' Real Estate Department expressly allowing said alteration.

Crop Damage: Consumers shall pay compensation, based on market rates, for all growing crops situated on Owner's Land that are damaged or destroyed by Consumers during the original installation and/or subsequent maintenance, repair or removal of the Adjacent Facilities. Growing crops shall not mean i) trees or ii) vegetation used in landscaping.

Exercise of Easement: Consumers' nonuse or limited use of this easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Signature Page to Follow

Date: _____

Owner: City of Muskegon, a Michigan Municipal corporation

By: _____
Print Name – Stephen J. Gawron

Its: _____
Print title - Mayor

By: _____
Print Name – Ann Marie Meisch, MMC

Its: _____
Print title – City Clerk

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, Michigan,

on _____ by _____
Name Title

_____, City of Muskegon, a Michigan Municipal Corporation, on behalf of the
Name Title
Corporation.

Notary Public

Print Name

_____ County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By: Jeremy Williams 6/30/2020
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

After recording, return to:
Carrie Main, EP7-287
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the City of Muskegon, County of Muskegon, State of Michigan:

That part of the Northwest 1/4 of the Southwest 1/4 of Section 34, T10N R16W lying Southerly of a line which is 132'.00" Southerly of and parallel with Southerly line of the Railroad right of way running in a Northwesterly and Southeasterly direction across said land. Also, that part of the Northeast 1/4 of the Southwest 1/4 of said section, described as: Beginning at the Southwest corner of the Northeast 1/4 of the Southwest 1/4 : thence North 1° 17' 25" East along 1/8 line 117'.17" to the Southerly line of Consumers Power Company; thence South 70° 47' 10" East along said line 358'.43" to the 1/8 line; thence North 89° 51' 45" West along said 1/8 line 341'.10" to the point of beginning.

Parcel ID: 61-24-134-300-0003-00

EXHIBIT B

Maintenance Easement Area

All that portion of Owner's Land that lies within 40 feet of the Adjacent Facilities Centerline.

EXHIBIT C

Protection Easement Area

A 40-foot-wide strip of land across the Owner's Land on either side of and parallel and adjacent to the Maintenance Easement Area.

EXHIBIT D

Adjacent Facilities Centerline

Beginning approximately 68.00 feet south of the North Line of Section 2, T9N, R16W and approximately 500.00 feet East of the West Line of Section 2, T9N, R16W; thence Northwesterly to a point approximately 189.00 feet North of the South Section Line of Section 34, T9N, R16W and 198.00 feet West of the East Line of Section 34, T9N, R16W.

EASEMENT FOR THE PROTECTION OF ELECTRIC FACILITIES

Cobb to Muskegon Heights No 1

SAP# 36334984

Master Tract# TRN000916039404

Agreement# MI00000050771

City of Muskegon, , a Michigan Municipal Corporation, 933 Terrace St., Muskegon 49440 (hereinafter "Owner")

for \$1.00 and other good and valuable consideration [*exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to MCLA 207.526(f)*] grants and warrants to

CONSUMERS ENERGY COMPANY, a Michigan corporation, One Energy Plaza, Jackson, Michigan 49201 (hereinafter "Consumers")

a permanent easement to enter Owner's land (hereinafter "Owner's Land") located in the City of Muskegon, County of Muskegon, and State of Michigan, as more particularly described in the attached Exhibit A, to trim, cut down, and otherwise remove and control any trees, brush, roots, or other vegetation within a portion of Owner's Land (hereinafter "Protection Easement Area") described in the attached Exhibit B, which Consumers, in its sole discretion, determines both are of a species capable of obtaining a height of 35 feet or taller and which may endanger Consumers' facilities.

Access: Consumers shall have the right to unimpaired access and the right of ingress and egress on, over, and through the Protection Easement Area for any and all purposes necessary, convenient, or incidental to the exercise by Consumers of the rights granted hereunder.

Crop Damage: Consumers shall pay compensation, based on market rates, for all growing crops situated on Owner's Land that are damaged or destroyed by Consumers in the exercise of the rights granted pursuant to this easement. Growing crops shall not mean i) trees or ii) vegetation used in landscaping.

Exercise of Easement: Consumers' nonuse or limited use of this easement shall not preclude Consumers' later use of this Easement to its full extent.

Ownership: Owner covenants with Consumers that they are the lawful fee simple owner of the aforesaid lands, and that they have the right and authority to make this grant, and that they will forever warrant and defend the title thereto against all claims whatsoever.

Successors: This Easement shall bind and benefit Owner's and Consumers' respective heirs, successors, lessees, licensees, and assigns.

Counterparts: This Easement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. It is not necessary that all parties execute any single counterpart if each party executes at least one counterpart.

Date: _____

Owner:

By: _____

Print Name – Stephen J. Gawron

Its: _____

Print title - Mayor

By: _____

Print Name – Ann Marie Meisch, MMC

Its: _____

Print title – City Clerk

Acknowledgment

The foregoing instrument was acknowledged before me in _____ County, Michigan,

on _____ by _____

Name

Title

_____, City of Muskegon, a Michigan Municipal Corporation, on behalf of the

Name

Title

Corporation.

Notary Public

Print Name

_____, County, Michigan

Acting in _____ County

My Commission expires: _____

Prepared By:

Jeremy Williams, 06/30/2020

Consumers Energy Company

One Energy Plaza

Jackson, MI 49201

After recording, return to:

Carrie Main, EP7-287

Consumers Energy Company

One Energy Plaza

Jackson, MI 49201

EXHIBIT A

Owner's Land

Land situated in the City of Muskegon, County of Muskegon, State of Michigan:

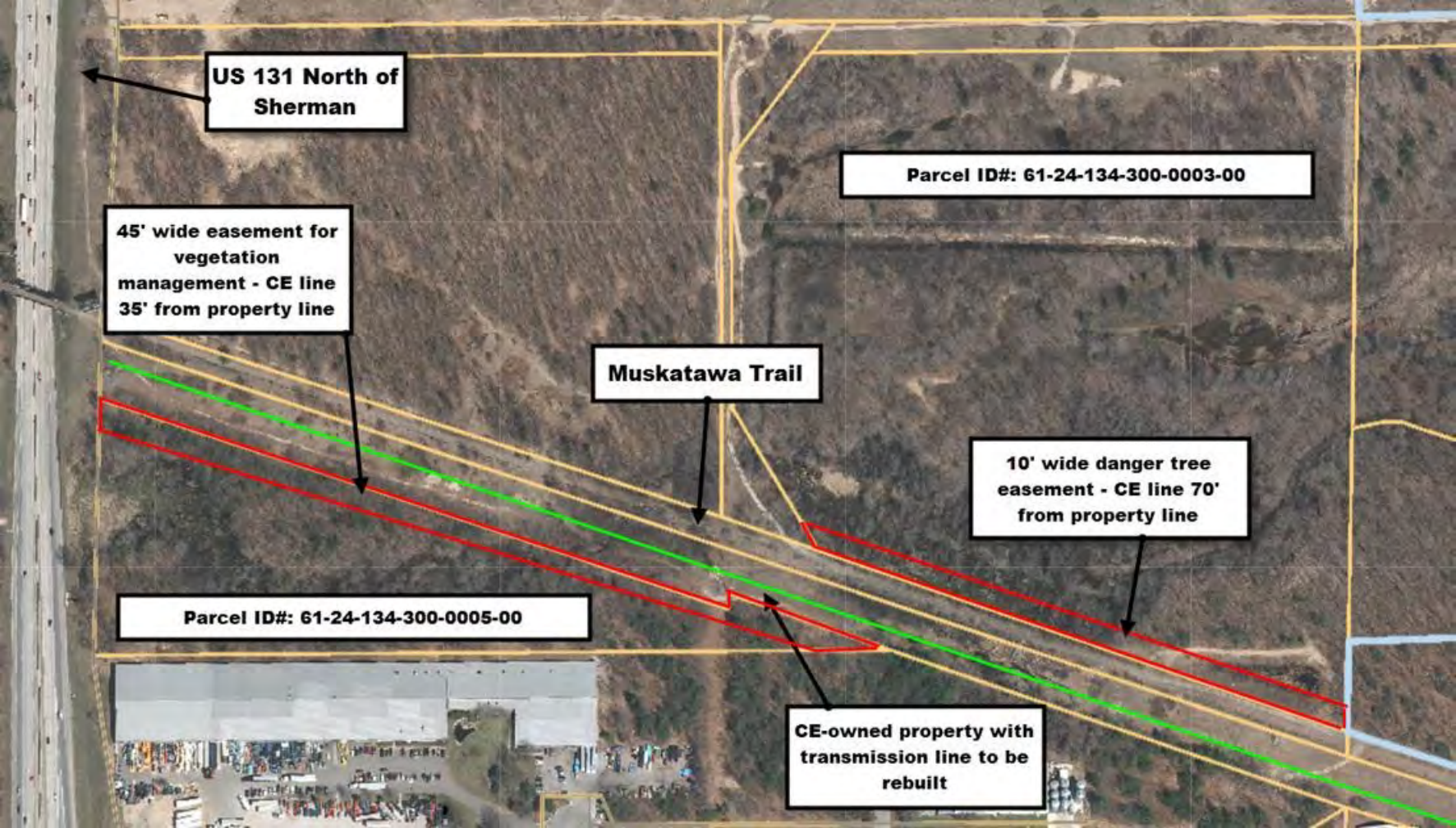
A parcel of land in the Northeast 1/4 of the Southwest 1/4 in Section 34, T10N, R16W, lying Northeasterly of Michigan Shore Railroad right of way and that part of the Southeast 1/4 of the Southwest 1/4 of Section 34 lying NorthEasterly of Michigan Shore Railroad right of way. Excepting, a parcel of land described as: Beginning at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said section: thence South 89° 40' 45" East 200'.00" along the East and West 1/4 line; thence South 36° 29' 57" West to a point on the West 1/8 line that is South 1° 17' 25" West 280'.00" from the point of beginning. Also Excepting, a parcel of land described as: Commencing at the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said section; thence South 1° 17' 25" West along the West 1/8 800'.68" for the point of beginning; thence South 27° 50' 57" East 367'.35" to the Northerly Railroad right of way; thence North 70° 47' 10" West along said right of way 188'.00" to said 1/8; thence North 1° 17' 25" East along said 1/8 line 263'.00" to the point of beginning.

Parcel ID: 61-24-134-300-0005-00

EXHIBIT B

Protection Easement Area

Easement area is the Southwesterly 10.00 of Owner's Land.



US 131 North of
Sherman

An aerial photograph showing a large area of land with yellow boundary lines. A green line runs diagonally across the middle, and a red line runs parallel to it. A trail labeled 'Muskatawa Trail' is shown. A road labeled 'US 131 North of Sherman' is on the left. A parking lot with many cars is at the bottom left. Text boxes with arrows point to specific features: a 45' wide easement, a 10' wide danger tree easement, and CE-owned property with a transmission line to be rebuilt. Parcel IDs are also provided.

Parcel ID#: 61-24-134-300-0003-00

45' wide easement for
vegetation
management - CE line
35' from property line

Muskatawa Trail

10' wide danger tree
easement - CE line 70'
from property line

Parcel ID#: 61-24-134-300-0005-00

CE-owned property with
transmission line to be
rebuilt

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 8-25-2020	Title: Social District plan & map approval
Submitted By: Dave Alexander	Department: Economic Development
Brief Summary: With state enabling legislation for Social Districts, city staff is proposing a Downtown Muskegon Social District for approval of a plan and district map and filing them with the Michigan Liquor Control Commission.	
Detailed Summary: Public Act 124 of 2020 allows cities to create Social Districts and within them Common Areas where alcoholic beverages from participating licensed establishments can be possessed and consumed outside of the establishments' service areas. A Downtown Muskegon Social District was presented at the August City Commission work session designed to create fun and new energy in the downtown, while assisting participating restaurants and bars to expand business during COVID-19 restrictions. The district would be managed by the city's downtown manager in conjunction with a number of city departments. The plan addresses a year-round, seven-day-a-week Social District in terms of marked boundaries, hours of operation, enforcement, security, design of a district cup, sanitation, marketing and entertainment. Since the work session, the draft plan and accompanying map have been changed to eliminate the Social District and Common Area north of Shoreline Drive and at this time the ability to carry district alcoholic beverages across Shoreline Drive. The other change was an expansion of the financing options to include fees per cup, annual establishment participation fees, daily patron wristband fees and potential district sponsorship revenues. Staff has brought together a working group of participating establishment representatives to come to a consensus on a funding model that would pay for all of the city's cost in implementing and managing the district. A resolution supporting the Downtown Muskegon Social District plan and accompanying district map is attached. If approved, the resolution, plan and map will be sent to the Michigan Liquor Control Commission, operational details set and implementation begun. Participating licensee permit recommendation approvals are being requested in a separate agenda item.	
Amount Requested: none	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the Downtown Muskegon Social District and Map and direct the clerk and mayor to file it with the Michigan Liquor Control Commission and authorize staff to implement.	
Check if the following Departments need to approve the item first: Police Dept. ☐	

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

Muskegon Social District Plan

Introduction:

The City of Muskegon seeks to take advantage of Michigan Public Act 124 of 2020 signed in to law on July 1, 2020. This is enabling legislation that would allow Michigan municipalities to establish Social Districts that would allow for “common areas” where two or more contiguous licensed establishments (bars, distilleries, breweries, restaurants and tasting rooms) could sell alcoholic beverages in special cups to be taken into the area for consumption. Muskegon city administration through a collaboration of all City Hall departments is designing a Muskegon Social District and the policies, parameters and management of this new community development tool. This Muskegon Social District Plan is being shared with potential license holder users for refinement of the plan, a final draft will be presented to the Muskegon City Commission for approval and sent on to the Michigan Liquor Control Commission for state concurrence.

Management:

The Muskegon Social District would be created and managed by the city through its economic development department and downtown manager. The district management and operations would be assisted by the city’s public safety, public works, clerk and finance departments.

District boundaries:

The Muskegon Social District would have a common area south of Shoreline Drive with the potential of expanding to the north in the future.

The initial Muskegon Social District would be mainly along West Western Avenue from Eighth Street to Pine Street, including portions of Clay Avenue, Morris Avenue, Third Street and Jefferson Street. (map attached)

Streets in the Social Districts would remain open to traffic and for parking, unless parking spaces are given to outdoor dining. The district is being proposed with the expectation of certain properties being developed that would include future businesses with liquor licenses that might expand the common area.

Potential participating license holders:

Muskegon Social District -- The Eagles, Topsy Toad, Mike’s Bar, Pigeon Hill, Burl & Sprig, Top Shelf, Mercy Health/Rad-Dads, Dr. Rolf’s, Racquets, Smash, Walker’s, the CIM’s Courses, Unruly, Boar’s Belly, 18th Amendment, WMSO/The Block, Farmers Market, Hennessy’s, Nipotes, 794 Kitchen, Capone’s, and Rake.

Participating license holders would be asked to sign a Social District agreement with the city, which must approve social district permits issued by the MLCC. This allows a license holder to sell alcoholic beverages in special district cups in its service area to be taken into the common area for consumption.

Non-alcohol businesses within the district:

There are businesses which could be in the common area and allow for Social District beverages to be brought into those places of business. Examples would be retail outlets such as Vintage Redefined, Harris and Willow, Western Market and the Century Club Center.

Operations:

The Muskegon Social Districts would operate year round but the district's seasonal road closures along with outdoor services and amenities would be from May 1 to Oct. 31. Operations would be seven days a week. The common areas would be open from 11 a.m. until 11 p.m. Before 11 a.m. and after 11 p.m., Social District beverages would not be able to be possessed nor consumed in the common areas. After hours, consumption of alcoholic beverages would have to be contained within the license holders' service areas.

It is the intent of city administration to begin implementing the Muskegon Social Districts in 2020, if possible. An initial roll out might not be a full Muskegon Social District but by the spring of 2021 the entire Muskegon Social District plan would be implemented.

District designation and marking:

The boundaries of the Muskegon Social Districts would be clearly designated and marked with signs and graphics on streets and sidewalks. The signs could be accompanied by a trash receptacle for customers to dispose of used district cups as they exit the district.

Social District financing:

The Muskegon Social District established, implemented and managed by the City of Muskegon must generate enough revenue to cover its costs. A number of funding models could pay for the Muskegon Social District. The options include a surcharge on beverages purchased for possession and consumption in the common areas though an upcharge on cups that would need to be purchased through the city. Participating establishments could handle the surcharge however they choose within their product price structure. The cup could contain a sponsor logo or message that could generate dollars for the district. The district establishments could charge a small daily fee for a wrist band to be a common area user. And finally, a district fee for participating license holders in the Muskegon Social District could generate further revenues. One or a blending of these funding methods would be explored and implemented by consensus of the city and the participating establishments. Revenues would pay for initial implementation such as signs and trash receptacles and ongoing costs such as the cups, security-enforcement, sanitation, marketing-promotion and entertainment.

Social District logo and beverage containers:

The Muskegon Social Districts should have a name for branding and marketing purposes but must have a special logo for use on the non-glass district beverage cups of no more than 16 ounces. The cups of various colors and/or stickers to differentiate among license holders must also have a logo or name identifying the establishment. Muskegon Social District cups may not be reused, must remain in the establishment where they were purchased or in the common area and may not be taken into an establishment that did not sell the beverage.

Muskegon Social District will explore the use of cups that can be recycled or composted.

Security-enforcement:

Security and enforcement in the Muskegon Social Districts would be provided by the Muskegon Police Department. The Muskegon Social District may hire certified private security personnel to assist within the district.

Insurance:

The city would insure its management and operation of the Muskegon Social District through its municipal umbrella insurance policy. Participating license holders would be left to secure their own liability insurance as they deem necessary.

Sanitation:

The Muskegon Public Works Department with heavy assistance from participating establishments would provide sanitation within the district including trash removal, litter pick up on a daily basis and deployment of portable toilets, if needed. Each participating license holder would be required to have a city provided trash receptacle outside of its entrances for the disposal of district cups and empty those receptacles when needed. The city would maintain its current downtown trash receptacles and could expand the number in areas where establishments are not available to assist.

Marketing and promotion:

The Muskegon Social District should have a branded name for marketing purposes and a distinctive logo. Marketing would be done through traditional free media and paid advertising along with extensive social media. The district needs its own Facebook page, other social media accounts and website.

Entertainment/food trucks:

The Muskegon Social District has the opportunity to provide entertainment on a regular basis and food trucks when warranted. The district includes three small stages to provide various musical acts, including Olthoff Stage, Alcoa Square and the Farmers Market. The district could also coordinate and promote individual establishments wanting to feature musical

entertainment. Finally, food trucks could be introduced to drive visitors into the district and create a street-fair atmosphere when deemed necessary.

Festivals/special events:

The state's Social District law does not allow special event liquor licenses to participate in a Social District. Such special licenses are the backbone of several large festival events historically within Muskegon's Social Districts. Going forward, the Muskegon Social District and its participating license holders seem to favor allowing these "beer tents" with no alcoholic beverage entering or exiting special-event licensed area. But ongoing coordination and collaboration with downtown events and festivals would be needed.

Muskegon Social District

- 1 The Eagles
- 2 Tipsy Toad Tavern
- 3 Mike's Inn
- 4 Pigeon Hill Brewing
- 5 Burl and Sprig
- 6 Top Shelf
- 7 Mercy Health Arena/Rad Dads
- 8 Dr. Rolf's BBQ
- 9 Racquet's
- 10 Smash Wine Bar & Bistro
- 11 Delta Hotels by Marriot
- 12 The CIM's Courses
- 13 Unruly Brewing
- 14 The Block
- 15 18th Amendment
- 16 The Boar's Belly
- 17 Farmers Market
- 18 Hennessy's Pub
- 19 Nipote's
- 20 794 Kitchen & Bar
- 21 Capone's Speakeasy
- 22 Rake Beer Project



RESOLUTION APPROVING DOWNTOWN MUSKEGON SOCIAL DISTRICT

PLAN AND MAP

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held virtually, live on the city's FaceBook page per the governor's COVID-19 executive order on open meetings, on the 25th day of August, 2020 at 5:30 p.m., prevailing Eastern Time.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, in accordance with Public Act 124 of 2020 on the establishment of Social Districts within a Michigan city; and

WHEREAS, COVID-19 pandemic has caused unprecedented economic disruption worldwide and within our local business community; and

WHEREAS, restaurants and bars, which have been key contributors to the historic redevelopment of Downtown Muskegon, have been and will continue to be hard hit by the economic impact of the pandemic; and

WHEREAS, increasing availability of outdoor spaces for dining and drinking will help downtown and its businesses recover; and

WHEREAS, Public Act 124 of 2020 empowers local governments like the City of Muskegon to enhance its downtowns with Social Districts and accompanying Common Areas where purchasers may consume and possess alcoholic beverages sold by multiple qualified Michigan Liquor Commission licensees who obtain Social District Permits; and

WHEREAS, the City Commission has received requests to designate a downtown Social District; and

WHEREAS, the City Commission has considered the potential impact of the requested Social District on the public health, safety and welfare of the city; and

WHEREAS, the City Commission desires to designate a downtown Social District with Common Area,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The following Social District containing a Common Area is designated described in the attached plan and map, and
2. That the Common Area within the Social District, the City Manager, or his designee, is authorized to make minor and reasonable adjustments to the Common Area to safeguard public health, safety and welfare, and
3. That the Social District and Common Area have at least two qualified, participating and permitted Liquor Control Commission licensees, and
4. That the signage placed to clearly define and mark the limits of the Common Area shown in the plan and on the Social District map, and
5. The management and maintenance of the Social District and Common Area shall be conducted by city staff in accordance with the operational details in the plan, and
6. That the Social District and Common Area shall be maintained in a manner that protects the health and safety of the city, and
7. That, if the Social District and Common Area are deemed to be a public health and safety concern, a public hearing revoking the plan will be held before the City Commission in accordance with Act. 124 of 2020.

Be it Further Resolved that the Mayor and City Clerk are hereby authorized to execute all documents necessary to file the Muskegon Downtown Social District plan and map with the Michigan Liquor Control Commission.

AYES:

NAYS:

RESOLUTION DECLARED APPROVED.

Ann Marie Meisch, City Clerk

Stephen J Gawron, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on August 25, 2020 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and modified by the governor's COVID-19 executive order and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Meisch, City Clerk

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 8-25-2020	Title: Social District Permit recommendations
Submitted By: Dave Alexander	Department: Economic Development
Brief Summary: The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District.	
Detailed Summary: With the establishment of the Downtown Muskegon Social District, participating licensed establishments must receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for approval from the City Commission before granting the permits. The attached resolution includes the names of the establishments initially seeking a Social District permit from the state and seeking City Commission recommended approval. The Social District plan identifies 22 potential participating licensees within the district. Beyond this initial group of permit applicants, other licensed establishments may file a Social District permit application in the future.	
Amount Requested: None	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

RESOLUTION RECOMMENDING DOWNTOWN MUSKEGON SOCIAL DISTRICT

PERMIT APPLICATION APPROVALS

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held virtually, live on the city's FaceBook page per the governor's COVID-19 executive order on open meetings, on the 25th day of August, 2020 at 5:30 p.m., prevailing Eastern Time.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, in accordance with Public Act 124 of 2020 on the establishment of Social Districts within a Michigan city; and

WHEREAS, COVID-19 pandemic has caused unprecedented economic disruption worldwide and within our local business community; and

WHEREAS, restaurants and bars, which have been key contributors to the historic redevelopment of Downtown Muskegon, have been and will continue to be hard hit by the economic impact of the pandemic; and

WHEREAS, increasing availability of outdoor spaces for dining and drinking will help downtown and its businesses recover; and

WHEREAS, Public Act 124 of 2020 empowers local governments like the City of Muskegon to enhance its downtowns with Social Districts and accompanying Common Areas where purchasers may consume and possess alcoholic beverages sold by multiple qualified Michigan Liquor Commission licensees who obtain Social District Permits; and

WHEREAS, the City Commission has designated a Downtown Muskegon Social District and Common Area, and

WHEREAS, the city has received requests from multiple qualified licensees to recommend approval of their Social District Permit applications by the Michigan Liquor Control Commission, and

WHEREAS, the licensed establishments are contiguous to the Common Area within the Social District, and

WHEREAS, the City Commission desires to recommend approval of the Social District Permit applications,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Social District Permit Applications from the following licensees are recommended by the City Commission to consideration and approval by the Michigan Liquor Control Commission:

- a. 18th Amendment, LLC – 350 W. Western Ave. 49440
- b. Baker College of Muskegon/Culinary Institute – 336 W. Clay St. 49440
- c. Parkland Acquisition Two, LLC – 939 Third St. 49440
- d. Unruly Brewing Co., LLC – 360 W. Western Ave. 49440
- e. Pigeon Hill Brewing Co., LLC – 500 W. Western Ave, Ste 1 49440

2. The City Clerk is authorized and directed to provide each applicant with a certification of this action in the form specified by the Michigan Liquor Control Commission.

AYES:

NAYS:

RESOLUTION DECLARED APPROVED.

Ann Marie Meisch, City Clerk

Stephen J Gawron, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on August 25, 2020 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and modified by the governor's COVID-19 executive order and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Meisch, City Clerk



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: 18th Amendment, LLC		
Address: 350 West Western Avenue		
City: Muskegon	State: Michigan	Zip Code: 49440
Contact Name: Kiernan Pitts	Phone: 231-855-5699	Email: kiernan@18th-amendment.com

Part 2 - Required Documents & Fees

☒ Local Governmental Unit Approval ☒ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: \$320.00 Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Kiernan Pitts - Director of Ops

Print Name of Licensee & Title

Signature of Licensee

08/17/2020

Date

Please return this completed form and fees 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 with Credit Card Authorization to: 517-284-8557



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: Baker College of Muskegon/Culinary Institute Class C license, number 184940-2017226		
Address: 336 W. Clay St		
City: Muskegon	State: MI	Zip Code: 49440
Contact Name: Aaron Maike	Phone: 2317775248	Email: aaron.maike@baker.edu

Part 2 - Required Documents & Fees

☐ Local Governmental Unit Approval ☒ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

_____ Print Name of Licensee & Title	_____ Signature of Licensee	_____ Date
---	--------------------------------	---------------

Please return this completed form and fees 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 with Credit Card Authorization to: 517-284-8557



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: Parkland Acquisition Two, LLC		
Address: 939 Third Street		
City: Muskegon	State: MI	Zip Code: 49440
Contact Name: Jon Rooks	Phone: 616-450-4600	Email: jon@parklandgr.com

Part 2 - Required Documents & Fees

☐ Local Governmental Unit Approval ☒ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: Make checks payable to State of Michigan

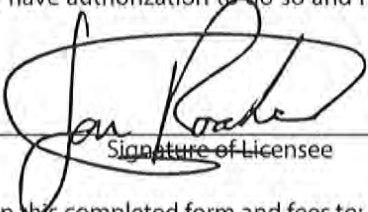
Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Jon Rooks	 Signature of Licensee	8/13/2020 Date
_____ Print Name of Licensee & Title		

Please return this completed form and fees 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 with Credit Card Authorization to: 517-284-8557



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll-Free: 866-813-0011 - www.michigan.gov/lcc

Business ID: _____
Request ID: _____
(For MLCC Use Only)

Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: <u>Unruly Brewing Co., LLC</u>		
Address: <u>300 W. Western Ave</u>		
City: <u>Muskegon</u>	State: <u>MI</u>	Zip Code: <u>49440</u>
Contact Name: <u>Jeff Jacobson</u>	Phone: <u>231-343-0267</u>	Email: <u>jeff@unrulybrewing.com</u>

Part 2 - Required Documents & Fees

Local Governmental Unit Approval ☒ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

<u>Jeff Jacobson Member</u>	<u>[Signature]</u>	<u>8/19/20</u>
Print Name of Licensee & Title	Signature of Licensee	Date

Please return this completed form and fees 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 with Credit Card Authorization to: 517-284-8557



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: Pigeon Hill Brewing Company, LLC		
Address: 500 W. Western Ave, Suite 1		
City: Muskegon	State: MI	Zip Code: 49440
Contact Name: Michael A. Brower	Phone: 616.566.6664	Email: michael@pigeonhillbrew.com

Part 2 - Required Documents & Fees

☒ Local Governmental Unit Approval ☐ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Pigeon Hill Brewing Company, LLC by
Michael A. Brower

Print Name of Licensee & Title

Signature of Licensee

8/19/20

Date

Please return this completed form and fees 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
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Fax with Credit Card Authorization to: 517-284-8557



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 8-25-20	Title: EDA Public Works and Economic Adjustment Assistance Program Grant
Submitted By: Pete Wills	Department: Economic Development
Brief Summary: Staff is requesting authorization to apply for a grant through the Economic Development Administration (EDA) Public Works & Economic Adjustment Assistance Program, with a commitment of matching funds, to assist in making necessary infrastructure improvements at the former state-owned West Shoreline Correctional Facility, currently within the Port City Industrial Park, located at 2725 Olthoff Drive.	
Detailed Summary: Staff is seeking to apply for a \$3,500,000 grant through the EDA Public Works and Economic Adjustment Assistance Program and commit \$700,000 in match towards a total \$4.2M project. The City took ownership of the 61.96 acre project site on 6/25/19 through the assistance of a \$4 million state grant in 2018. Due care, demolition and site preparation activities have been completed and approximately \$700,000 of the original grant remains unspent. The EDA grant would result in infrastructure improvements, including water, sewer and transportation network upgrades to support future industrial and commercial redevelopment onsite as well as within the Industrial Park complex. Specific improvements include: up-sizing sanitary sewer capacity of the Olthoff & DeBaker Gravity Sanitary Sewer line & Sherman Boulevard Gravity Sanitary Sewer line; extending sanitary & water lateral stub outs from Olthoff into project site; as well as undergoing pavement reconstruction of a portion of Keating Avenue which is the last piece of original road in the Industrial Park. Total estimated project cost is \$4,214,000. Applicant match shared requirement is 20% and EDA expects to fund at least 80% of project amount. Matching funds derived from remaining balance of 2018 state grant; approximately \$700,000. Estimated engineering costs of \$451,500 is a grant-eligible expense. The City is well positioned to leverage this redevelopment opportunity as it will make our region more competitive in attracting new investment and job creation given the site's proximity to water/sewer infrastructure, access to a variety of transportation networks and available workforce.	
Amount Requested: \$700,000	Amount Budgeted: \$700,000
Fund(s) or Account(s): 482-91908, State Grants	Fund(s) or Account(s): 482-91908, State Grants
Recommended Motion: Approve the resolution of support and authorize the Mayor and Clerk to sign and commit to funding the required match if the project is selected.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only:	

Commission Action:

EDA Grant Application
Port City Industrial Park - Infrastructure Improvements

[illegible]



City of Muskegon

RESOLUTION

SUPPORT OF APPLICATION FOR PORT CITY INDUSTRIAL PARK INFRASTRUCTURE IMPROVEMENTS

WHEREAS, Muskegon City Commissioners continually seek to increase industrial and commercial development opportunities that will make our region more competitive in attracting new investment and job creation; and

WHEREAS, Muskegon City Commissioners support the positive economic impact and stability of the 30 current industrial and commercial establishments, and their employees, located within the Port City Industrial Park; and

WHEREAS, Muskegon City Commissioners supports the submission of an application titled, "Port City Industrial Park Infrastructure Improvements" to the Economic Development Administration (EDA) to assist in making necessary infrastructure improvements, including water, sewer, and transportation network upgrades to support future industrial and commercial redevelopment; and

WHEREAS, the City of Muskegon is hereby making a financial commitment to the project in the amount of \$700,000 as matching funds; and

NOW, THEREFORE LET IT BE RESOLVED, that Muskegon City Commissioners hereby authorizes submission of an EDA application, and further resolves to make available its financial obligation amount of \$700,000 of a total \$3,500,000 grant request during the 2020-2021 fiscal year.

Ayes:

Nays:

Absent:

Motion Approved.

Date this _____ of _____ 20__.

Stephen J. Gawron
Mayor

Ann Marie Meisch
City Clerk



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 8/25/20	Title: Amendment to the Zoning Ordinance – Marihuana Facilities Overlay District Expansion
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff-initiated request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to several other locations.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action	

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An ordinance to amend the Marihuana Facilities Overlay District to include several other properties.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The following properties will be added to the Marihuana Facilities Overlay District – 2034 Lakeshore Dr, 2054 Lakeshore Dr, 2080 Lakeshore Dr, parcel #24-233-000-0024-02, 880 1st St, 790 Terrace St, 623 W Clay, 639 W Clay, 920 Washington Ave, 796 E Apple Ave, 935 Getty St, 981 S Getty St, 863 E Laketon Ave, 885 E Laketon Ave, 935 S Getty St and portions of 120 E Laketon Ave and 1290 E Laketon Ave.

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 25th day of August 2020, 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 August 25, 2020, the City Commission of the City of Muskegon adopted an ordinance to amend the Form Based Code Section of the Zoning Ordinance to restrict small multiplexes in Urban Residential Context Areas to four units maximum.

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 _____, 2020.

CITY OF MUSKEGON

By _____

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354

Hearing, Case 2020-14: Staff-initiated request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to several other locations.

SUMMARY

1. The City currently allows MMFLA (medical) and the MRMTA (recreational) licenses in only one district.
2. Staff has received comments from citizens and City Commissioners about the need to expand these districts to provide access for citizens and to make the industry more equitable to property owners across the City.
3. Staff is proposing to amend the ordinance to allow five additional (smaller) districts.
4. Enclosed are copies of the current Marihuana Facilities Overlay District and the proposed amended Marihuana Facilities Overlay District. The amended ordinance proposes five additional overlay districts, with specific licensing restrictions to each, but requires the same site enhancements as the current ordinance.
5. The current Marihuana Facilities District has seen the transformation of several vacant/underutilized properties into remodeled, active buildings. Please see the before and after pictures below of several buildings within the district. Staff believes the newly proposed districts will also assist in the redevelopment of key properties.
6. Notice was sent to properties within 300 feet of the proposed districts. Email responses to the notices are enclosed.
7. Staff has removed 821 and 847 E Apple Ave from the request.

Before



After





Under Construction





Properties Located in Proposed Districts

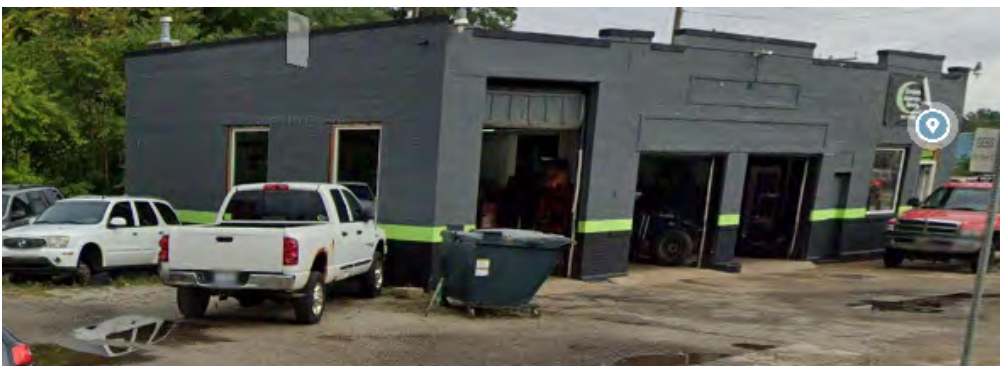
District 2



2080 Lakeshore Dr



2054 Lakeshore Dr



2034 Lakeshore Dr

District 3

Parcel #24-233-000-0024-02



880 1st St

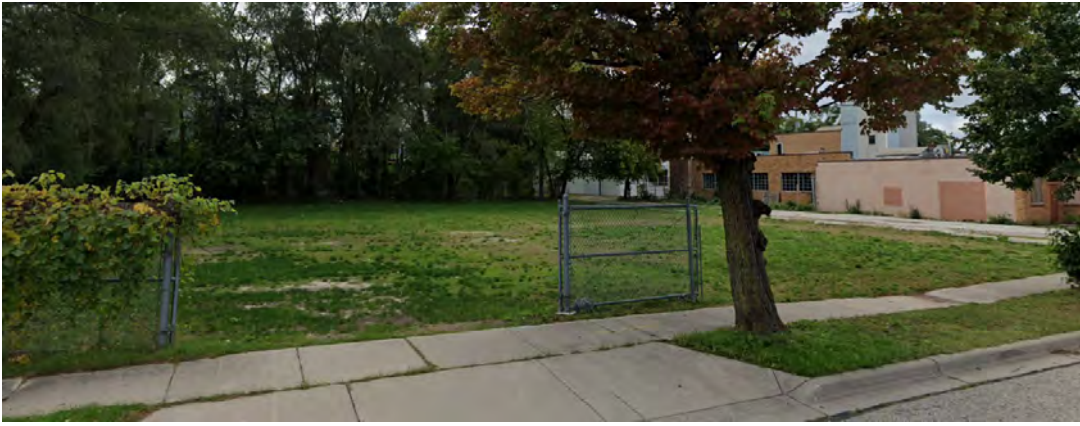


790 Terrace St

District 4



639 W Clay Ave

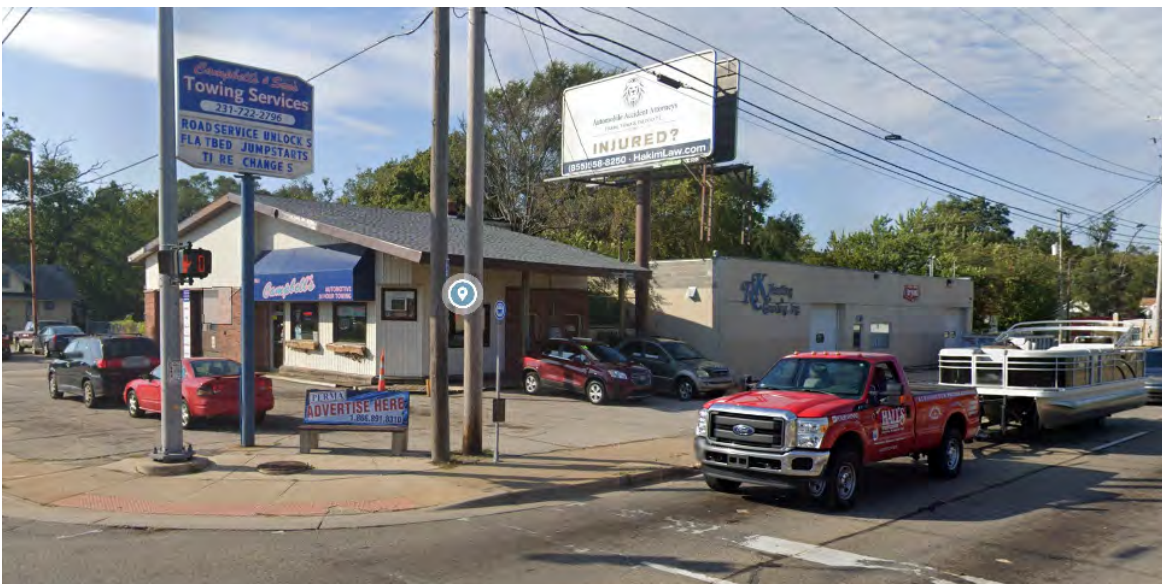


623 W Clay Ave



920 Washington Ave

District 5



796 E Apple Ave & 981 S Getty St



935 S Getty St



863 & 885 E Laketon Ave

District 6



Portions of 1230 & 1290 E Laketon Ave

PROPOSED ORDINANCE:

SECTION 2331: MARIHUANA FACILITIES OVERLAY DISTRICTS

A Marihuana Facilities Overlay District is hereby created as outlined in Figures 23-2 through 23-7. Within said overlay districts only, certain Medical Marihuana Facilities and Recreational Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 and (to be determined) are permitted.

A. Overlay District:

1. Location: There are six separate Marihuana Overlay Districts, please see Figures 23-2 through 23-7 for the location of the overlay districts.
 - i. District 1 (Figure 23-2): Within this overlay district, the following licenses are permitted: Provisioning Centers, Growers (Medical and Recreational), Processors (Medical and Recreational), Secure Transporters, Retailers, Microbusiness, Designated Consumption Establishments, Temporary Marihuana Events, and Safety Compliance Facilities.

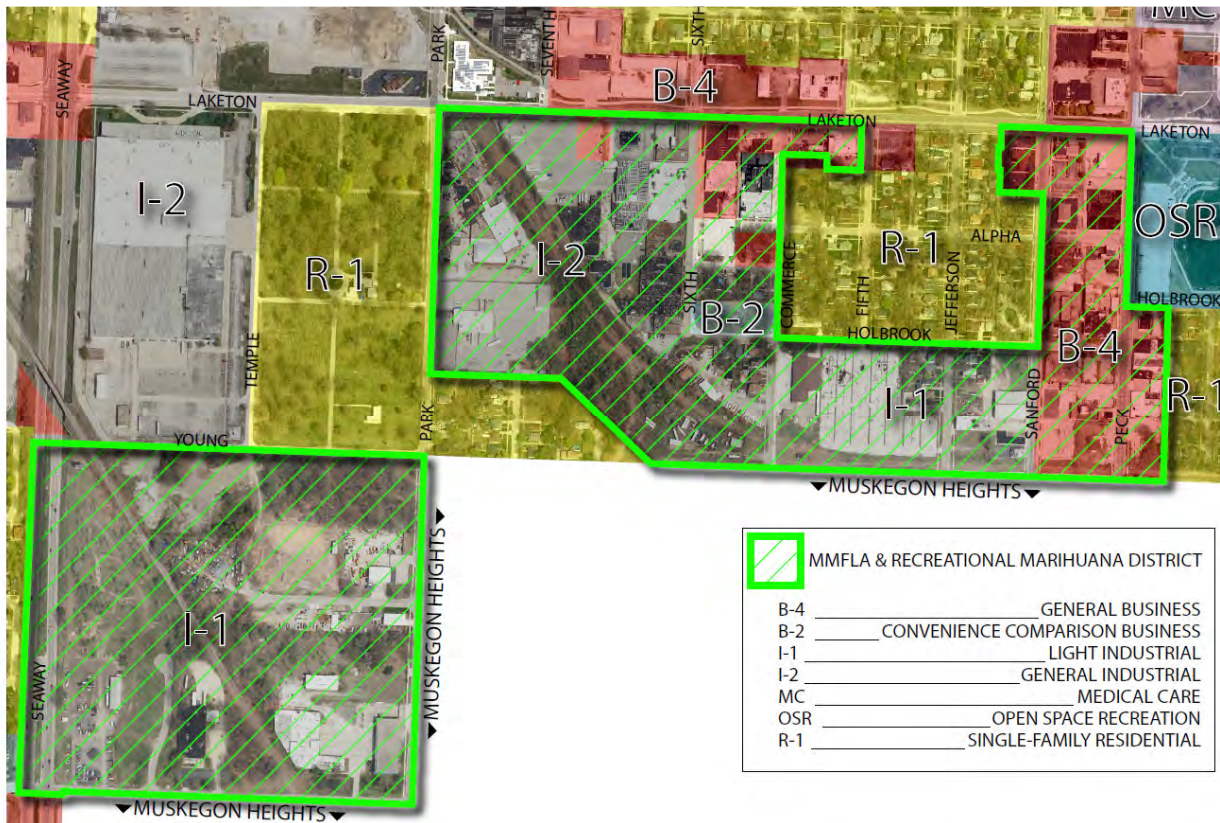


Figure 23-2

- ii. District 2 (Figure23-3): Within this overlay district, the following licenses are permitted as depicted, with the following conditions:
- Must be located in a multi-story building
 - May not occupy more than 50% of the first floor.



Figure 23-3

- iii. District 3 (Figure 23-4): Within this overlay district, the following licenses are permitted as depicted on the map below, with the following conditions:
- Provisioning Center and Retail licenses may not occupy more than 3,000 sf of the parcel.
 - Grow licenses are restricted to basements.



Figure 23-4

- iv. District 4 (Figure 23-5): Within this overlay district, the following licenses are permitted as depicted, with the following conditions:
- Provisioning Center and Retail licenses must be located on the top floor of a mixed-use building.
 - Microbusinesses may not occupy more than 70% of a building.

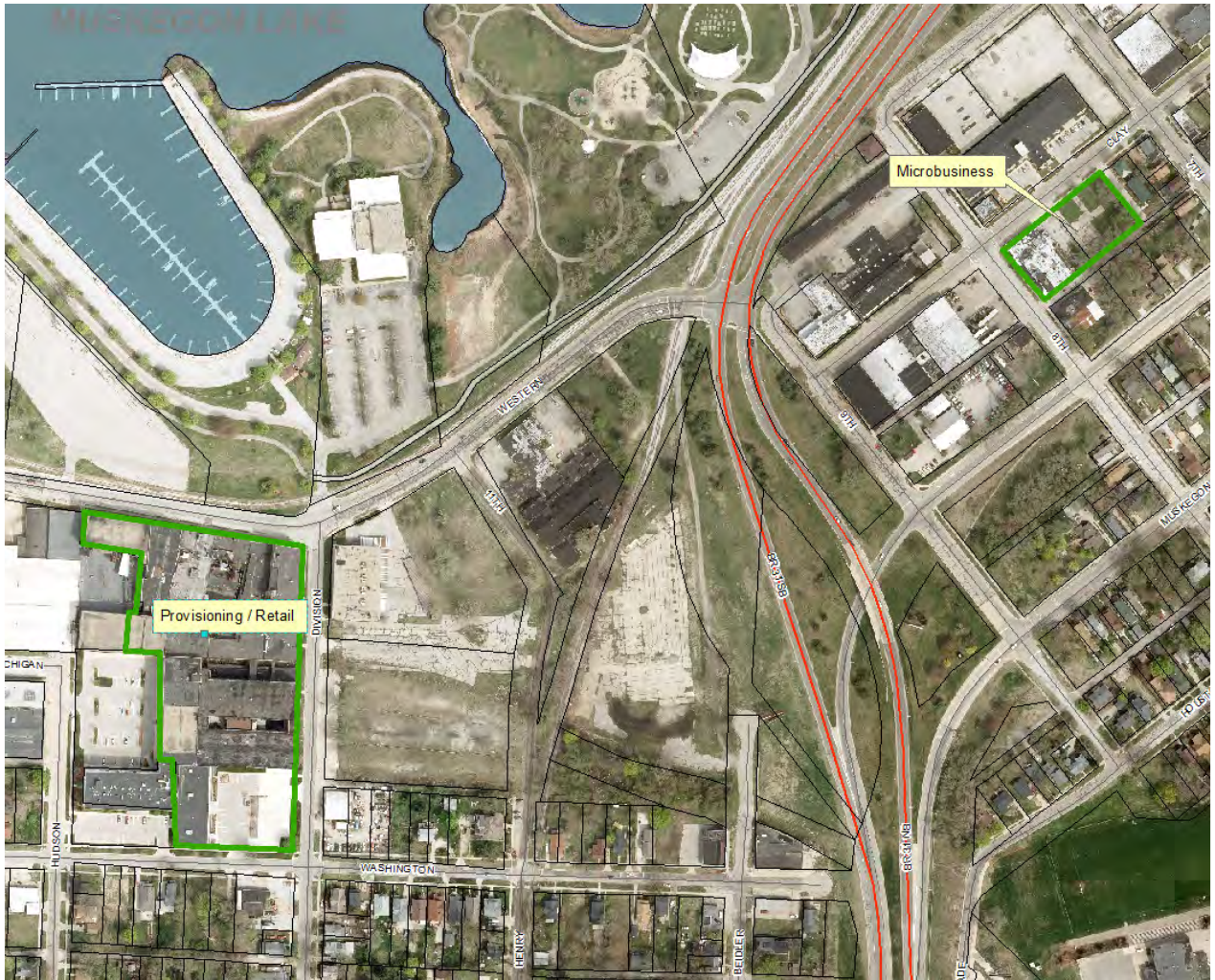


Figure 23-5

- v. District 5 (Figure 23-6): Within this overlay district, the following licenses are permitted as depicted:



Figure 23-6

- vi. District 6 (Figure 23-7): Within this overlay district, the following licenses are permitted as depicted:



Figure 23-7

B. Grower, Excess Grower, and Processor Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of linear road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
 - f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center, Retailer, Microbusiness and Designated Consumption Establishment Requirements:

1. Hours.

Provisioning Centers, Retailers and Microbusinesses and Designated Consumption Establishments may operate between the hours 8 am and 12 am.

2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.

3. Building and Site Amenities. All Provisioning Centers, Retailers, Microbusinesses and Designated Consummation Establishments must meet the following amenity requirements:

- a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
- b. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
- c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
- d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
- e. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.

4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.

5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.

2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:

- a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
- b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.

- c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.
- 3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
- 4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

- 1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.
- 2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors. There shall also be at least one decorative street lamp with banner brackets every 30 feet of lineal road frontage. The Zoning Administrator may require these lamps to be located off-site within the overlay district to create a cohesive look for the district.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling. Please see Part G, Landscaping Requirements.
 - d. Street furniture/amenities. There shall be at least one bench, bike rack, trash can or bus shelter located on site. The Zoning Administrator may require any of these over another to keep a diversified look throughout the district. Properties that cannot meet these requirements because of site conditions may allow the Zoning Administrator to locate these amenities anywhere within the district or within 500 feet of its boundaries.

3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

F. Temporary Marihuana Event Requirements:

1. Temporary Marihuana Events may be held within the allowed area for Recreational Marihuana Facilities, including parking lots and the public right-of-way, with the issuance of all necessary local and state permits.

G. Landscaping Requirements:

1. All required front setbacks shall be landscaped with a minimum of two canopy or shade trees, four understory or evergreen trees and four shrubs, for each 30 lineal feet of road frontage. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
2. All terraces (area between street and sidewalk) shall be landscaped with a minimum of one canopy tree for each 20 lineal feet of road frontage.
3. Properties that cannot meet these landscaping requirements because of site conditions may allow the Zoning Administrator to locate the required landscaping anywhere within the overlay district or within 500 feet of its boundaries. Required understory trees, evergreen trees and shrubs may be replaced with canopy trees within the terrace at a 1:1 ratio.