CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 24, 2021 @ 5:30 P.M.

MUSKEGON CITY COMMISSION CHAMBERS

933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 24, 2021, Mr. George Munroe, Evanston Avenue Baptist Church, opened the meeting with a prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

HONORS, AWARDS, AND PRESENTATIONS:

A. <u>Introduction of New Farmers Market Manager</u> City Clerk

The new Farmers Market Manager, Sam Birkenkamp, was introduced to the Commission and he is excited to be part of the Farmers Market in Muskegon.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2021-78 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve the minutes of the August 9, 2021 Worksession and the August 10, 2021 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. <u>Sale – 248 Monroe Avenue</u> Planning

SUMMARY OF REQUEST: City staff is seeking authorization to sell the City-owned home at 248 Monroe Avenue to Victoria L. Harthorn and Kim M. Harthorn.

The City constructed this house as part of the phase two of our infill housing program. Our contract to construct the home was $164,470. We also anticipated $11,512 in sales commissions. The accepted purchase price is $177,900. The City will not contribute funds toward closing costs.

STAFF RECOMMENDATION: Authorize the Code Coordinator to complete the sale of 248 Monroe Avenue as described in the purchase agreement and to have the Mayor and Clerk sign the deed.

E. <u>Ottawa Street Bridge Removal</u> Public Works

SUMMARY OF REQUEST: Staff is seeking formal resolution confirming concurrence for removal of the Ottawa Street Bridge.

Staff is seeking funds from the Michigan Department of Transportation (MDOT) Bridge Bundle Program. MDOT piloted a Bridge Bundle program last year with the hopes of reducing the number of critical condition bridges by combining several bridges into one package. More information about the program and an online tracking tool can be found here:
https://www.michigan.gov/som/0,4669,7-192-47796-564509--,00.html

Two bridges within the City of Muskegon have been recommended for inclusion in the second year of the program, the Ottawa Street bridge and Amity Street bridge. Staff will continue to provide information to the Bridge Bundle program as needed. The statement below is from the program administrator, Roger Safford, via email:

> *Since these bridges were initially built to serve the public interest and need, local agencies desiring to close them permanently will need to take appropriate actions to document this consistent with local poly procedures. We will need a certified resolution from the governing body along with a formal resolution from any other applicable local agency (city, village or township) confirming concurrence for the bridge removal.*

The Ottawa Street bridge over the south branch of the Muskegon River is currently closed to traffic due to deteriorating conditions that have rendered it unusable. The bridge was previously investigated for reconstruction with an estimated cost of $2M+. Upon closure the City constructed a new entrance to Richards Park which has restored access to all properties and allowed for the bridge to be rendered unnecessary.

In addition to the bridge removal resolution a modification to our Act 51 map will be required to reflect the shortening of the street. The second resolution modified the end point of Ottawa Street and will be required during our next annual Act 51 Map update cycle in April.

Staff is recommending approval of both resolutions related to Ottawa Street.

STAFF RECOMMENDATION: Approve the Ottawa Street Bridge Removal Resolution and approve the Ottawa Street Decertification/Vacation Resolution and authorize the Clerk to sign both resolutions.

F. <u>H92102 Wood Street, Apple to Marquette – Milling and Resurfacing</u> Public Works

SUMMARY OF REQUEST: Authorize the award of the H92102 Wood Street, Apple to Marquette contract to the low bidder, McCormick Sand Inc.

Staff solicited bids for milling and resurfacing of Wood Street, from Apple to Marquette.

Bids received are as follows:

- $381,081.25 – McCormick Sand
- $387,554.73 – Wadel Stabilization

The project would be constructed during the 2021-22 construction season.

AMOUNT REQUESTED: $381,081.25 AMOUNT BUDGETED: $500,000

FUND OR ACCOUNT: 202-92102

STAFF RECOMMENDATION: Approve the award of H92102 Wood Street, Apple to Marquette contract to the low bidder, McCormick Sand Inc. in the amount of $381,081.25.

G. <u>MDEGLE Grant Assistance</u> Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to approve the Professional Services Agreement with Prein & Newhof to provide comprehensive engineering services for administration and execution of portions of a Drinking Water Asset Management Grant that was recently awarded to the City of Muskegon by the Michigan Department of Environment, Great Lakes, and Energy.

Prein & Newhof assisted the City in submittal of a successful grant application to the State of Michigan Department of Environment, Great Lakes and Energy through their Drinking Water Asset Management Program. The City of Muskegon has been awarded $898,840.00 through the program.

Work covered by the grant will include a large number of important items related to the City's Drinking Water System a few of the highlights are as follows:

- Updates to the GIS (Geographic Information System) mapping for the city's water system to include precise GPS locations for all hydrants and valves in the city.
- Completion of our Distribution System Materials Inventory, required by the state in 2025 to physically verify the status of our lead service lines.
- Inventory and inspection of major Water Filtration Plant Assests.
- Update to the City Water Asses Management Plan which helps guide our investments in the water system to the best possible uses.

- Purchase of updated equipment to provide remote access to the GIS mapping information via truck mounted laptops for several water department vehicles.
- An updated rate study for the city water rates.

City crews will also self-perform approximately $200K work of work under this grant in the form of in-kind work to complete the physical investigations.

The water fund budget will be updated in a future reforecast to show this expense and the anticipated grant revenue. The outcome of the grant was uncertain at the time of the original budget creation.

AMOUNT REQUESTED: $689,200.00 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 591

STAFF RECOMMENDATION: Authorize staff to sign the professional services agreement with Prein & Newhof to provide Engineering Services for the administration and execution of the Drinking Water Asset Management Grant that was awarded to the City by the State of Michigan Department of Environment, Great Lakes and Energy.

H. <u>Beukema Playground</u> Public Works

SUMMARY OF REQUEST: Staff is seeking approval to contract with American Athletix to construct a new playground at Beukema Park.

As a follow-up to the discussions at the May 10th, 2021 Commission Meeting staff solicited proposals for new playgrounds at Reese and Beukema Parks. Seven (7) proposals were received and staff reviewed each proposal and shortlisted three (3) options for each site. The top three proposals for each site were posted for public voting and feedback via Facebook and Bang the Table which was closed to voting on Friday, August 13th.

The result of the public voting for Beukema resulted in 92 total votes with 44% being cast for the American Athletix design (Option#3); with the other two options receiving 29% and 27% respectively.

In addition to public feedback staff solicited feedback from Disability Network West Michigan (DNWM) on all of the designs. For Beukema Park DNWM greatly preferred Option #1 due to the poured in place rubber surfacing and inclusion of ramped access to components of the playground. Options #2 and #3 met minimum ADA requirements, but did not provide rubber surfacing or ramped access.

A price proposal from American Athletix shows a cost of $122,639.00.

Given the disparity between the public selection and the recommendation of DNWM, Staff is recommending that we contract with American Athletix but that we request design modifications to incorporate a poured rubber or tile surfacing in lieu of engineering wood fiber and that we modify the play structure designs to incorporate ramp access.

These changes will result in an increased price above the provided quote. To that end, staff is requesting a contracting limit of $165,000 in total on the Beukema Park Playground. That amount shall be inclusive of the noted changes to improve the ADA access. If the changes cannot be accomplished within that budget staff will return the item for further Commission consideration.

American Athletix is the only vendor to submit a proposal located within the City of Muskegon.

A budget line item was not established in the original 21/22 budget for these projects, however, it was previously discussed at the May 10, 2021 Commission Meeting to target spending $900K between Reese and Beukema Parks. If approved, a budget line item will be added during the 1st Quarter Reforecast. Total requested between the two park designs is a maximum of $530,000.00 depending upon options.

AMOUNT REQUESTED: $165,000 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 101

STAFF RECOMMENDATION: Authorize staff to contract with American Athletix on a new playground for Buekema Park inclusive of the note ADA improvements in an amount not to exceed $165,000.

J. DPW Vehicle Replacement Public Works/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase fifteen (15) new fleet vehicles to replace existing vehicles.

We are requesting permission to purchase the following:

- F-350 Construction Trucks (3 EA – 1 Highway/1 Traffic/1 Water & Sewer)
- F-450 Dump Trucks (2EA – 1 Highway1 General Use)
- F-250 water/Sewer Dept. (4 EA – 4 Water & Sewer)
- F-250 Parks Dept. (3 EA – Parks)
- 2500 HD Fleet Vehicles (3 EA – DPW Supervisor Vehicles)

These purchases are for replacements to existing vehicles, no net increase in the number of vehicles maintained is proposed. The existing vehicles being replaced vary in age from 1994 thru 2011. Existing vehicles will be handed down to season use and/or placed on the auction site (Biddergy.com) for sale. These new vehicles will be purchased through Gorno Ford and Berger Chevrolet the Mi-Deal State contract holders.

This purchase will total $476,131.00 coming from the Equipment budget. 11 of these vehicles were budgeted within the 2021/22 Budget and 4 were budgeted within the 2020/21 Budget but were unable to be purchased at that time due to vehicle shortages. The 21/22 budget will be reforecast in the 1st quarter reforecast to reflect the carryover vehicles from the 2020/21 Budget.

AMOUNT REQUESTED: $476,131.00 AMOUNT BUDGETED: $476,131.00

FUND OR ACCOUNT: 661-60932-5730

STAFF RECOMMENDATION: Authorize staff to purchase fifteen (15) replacement vehicles for DPW.

K. <u>Water Filtration Plant Fencing</u> Public Works/Filtration

SUMMARY OF REQUEST: Staff is seeking approval of a contract with Fence Consultants for a total of $38,545.86 for the replacement of the fencing and the cantilever gate on the east side of the Water Filtration Plant property.

The fencing on the west and north sides of the Water Filtration Plant property was replaced in 2018. The fencing along the east side of the Water Filtration Plant property was not replaced as part of this project and it is corroding and showing its age. The existing cantilever gate is breaking frequently, and while repairs have prolonged its use, a long-term solution is required.

This proposal includes installation of new chain link fencing a new cantilever gate with modern safety features. The base bid for this proposal includes the removal of the existing fencing and the installation of aluminized chain link fencing and gates. An alternate bid was requested by staff for the additional cost of using black vinyl coated chain link materials in place of the aluminized chain link fencing.

Staff issued a public notice for formal competitive bids. Two fencing contractors attended the pre-bid meeting at the Water Filtration Plant. Fence Consultants was the only contractor to submit a bid. The requested amount of $38,545.86 includes the base bid of $34,504.95 for removal and installation of aluminized fencing materials plus an additional $4,040.91 to upgrade from aluminized chain link fencing to black vinyl coated chain link fencing. Two additive bids for the replacement of fencing along the south side of the Water Filtration Plant property will not be awarded at this time and will be included as part of future projects. This project was budgeted as part of the capital improvements at the Water Filtration Plant for FY 2021-22.

AMOUNT REQEUSTED: $38,545.86 AMOUNT BUDGETED: $40,000.00

FUND OR ACCOUNT: 591-92034-5346

STAFF RECOMMENDATION: Authorize staff to contract with Fence Consultants for a total of $38,545.86 for the replacement of the fencing and gate on the east side of the Water Filtration Plant property.

L. <u>Approval of Abatement and Building Contractors – 769 Catawba Avenue</u>
Community and Neighborhood Services

SUMMARY OF REQUEST: To award the Building Contracts for the lead abatement and rehabilitation of 769 Catawba Avenue. Badgerows Building and Remodeling – Randall Badgerow for lead; and the rehabilitation to Custom Exteriors, LLC – Mike Murphy for the City of Muskegon's Homebuyers Program.

The Lead Abatement Contract for 769 Catawba had two bidders - Randall Badgerow, Badgerow's Building and Remodeling, 607 S. Lafayette, Greenville, MI 48838 MDHHS Lead CHIP Abatement contractor since 2019.

The Rehabilitation Contractor for 769 Catawba Avenue had two bidders – Mike Murphy, Custom Exteriors, LLC, 1541 Brooks Road, Muskegon, MI 49442 – Local Building Contractor new construction/rehab since 2010

AMOUNT REQUESTED: $99,864.00 AMOUNT BUDGETED: $110,000

FUND OR ACCOUNT: HOME Program 2020

STAFF RECOMMENDATION: To award Badgerows Building and Remodeling the lead abatement contract for 769 Catawba in the amount of $10,600; and award Custom Exteriors LLC the rehabilitation contract in the amount of $89,264 for the Community and Neighborhood Services Office Homebuyers Program.

M. <u>Approval and Abatement and Building Contractors – 548 E Dale Avenue</u>
Community and Neighborhood Services

SUMMARY OF REQUEST: To award the Building Contracts for the lead abatement and rehabilitation of 548 E. Dale Avenue. Across the Board LLC – Marvin Van Oosten for lead and the rehabilitation to Custom Exteriors LLC – Mike Murphy for the City of Muskegon Homebuyers Program.

The Lead Abatement Contract for 548 E. Dale Avenue has two bidders. Marvin Van Oosten, Across the Board LLC, 921 VO's Place, Allegan, MI 49010 – Lead Abatement since 2010/Secion 3 Contractor/MDHHS Lead CHIP Program

Tehabilitation Contractor for 548 E. Dale Avenue had two bidders. Mjke Murphy, Custom Exteriors, LLC, 1541 Brooks Road, Muskegon, MI 49442 – Local Building Contractor new construction/rehab since 2010

AMOUNT REQUESTED: $97,258.00 AMOUNT BUDGETED: $120,000

FUND OR ACCOUNT: HOME Program 2020

STAFF RECOMMENDATION: To award Across the Board LLC the lead abatement contract for 548 E. Dale Avenue in the amount of $17,290 and award Mike Murphy the rehabilitation contract in the amount of $78,568 for the Community and Neighborhood Services Office.

Motion by Commissioner Johnson, second by Commissioner German, to accept the consent agenda as presented, except items C, D, I, and N.

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

Nays: None

MOTION PASSES

2021-79 REMOVED FROM CONSENT AGENDA:

C. <u>Solid Waste Ordinance Amendment</u> City Manager

SUMMARY OF REQUEST: Staff is seeking approval of an amendment to Chapter 70, Article II of the Code of Ordinances in coordination with the revised Sanitation Policy. The newly adopted Sanitation Policy includes revised times when refuse collection carts can be placed at the curb. Staff is seeking a change to the Solid Waste ordinance to match the new standards.

STAFF RECOMMENDATION: To amend and adopt Chapter 70, Article II, Section 31(a) of the Code of Ordinances for Solid Waste.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to amend and adopt Chapter 70, Article II, Section 31(a) of the Code of Ordinances for Solid Waste.

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

Nays: None

MOTION PASSES

D. <u>Amity Avenue Bridge Removal</u> Public Works

SUMMARY OF REQUEST: Staff is seeking formal resolution confirming concurrence for removal of the Amity Avenue Bridge.

Staff is seeking funds from the Michigan Department of Transportation (MDOT) Bridge Bundle Program. MDOT piloted a Bridge Bundle program last year with the hopes of reducing the number of critical condition bridges by combining several bridges into one package. More information about the program and an online tracking tool can be found here:
https://www.michigan.gov/som/0,4669,7-192-47796-564509--,00.html

Two bridges within the City of Muskegon have been recommended for inclusion in the second year of the program, the Ottawa Street bridge and Amity Street bridge. Staff will continue to provide information to the Bridge Bundle program as needed. The statement below is from the program adminstrator, Roger Safford, via email:

> *Since these bridges were initially built to serve the public interest and need, local agencies desiring to close them permanently will need to take appropriate actions to document this consistent with local policy procedures. We will need a certified resolution from the governing body along with a formal resolution from any other applicable local agency (city, village or township) confirming concurrence for the bridge removal.*

The Amity Avenue bridge was constructed to allow the railroad to pass underneath, the railroad is abandoned and has rendered the bridge unnecessary. As part of this program, MDOT will fully fund the bridge removal. The City will be responsible to provide a matching project to reconnect the road after the bridge removal. It is worth noting, the street will be closed for a period of time until the city can reconstruct the roads at grade.

Staff is recommending approval of the resolution to remove the Amity Avenue Bridge.

STAFF RECOMMENDATION: Approve the Amity Avenue Bridge Removal Resolution and authorize the Clerk to sign.

Motion by Commissioner German, second by Vice Mayor Hood, to approve the Amity Avenue Bridge Removal Resolution and authorize the Clerk to sign.

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

Nays: None

MOTION PASSES

I. Reese Playground Public Works

SUMMARY OF REQUEST: Staff is seeking approval to contract with Sinclair Recreation to construct a new playground at Reese Park.

As a follow-up to the discussion at the May 10, 2021 Commission Meeting staff solicited proposals for new playgrounds at Reese and Beukema Parks. Seven (7) proposals were received and staff reviewed each proposal and shortlisted three (3) options for each site. The top three proposals for each site were posted for public voting and feedback via Facebook and Bang The Table which was closed to voting on Friday, August 13th.

The result of the public voting for Reese resulted in 88 total votes with 52% being cast for the Sinclair Recreation design (Option#3) with the other two options receiving 30% and 18% respectively.

In addition to public feedback staff solicited feedback from Disability Network West Michigan (DNWM) on all of the designs. For Reese park DNWM greatly preferred Option #3 due to providing the highest percentage of ramp access. 26/28 features are accessible via ramps which well exceeds the minimum standards. The design also provides poured in place rubber surfacing which increases access to the 20 ground level features.

A price proposal from Sinclair recreation is included at a cost of $323,600.00

For this site the public voting and DNWM recommendations both selected the same design. Staff has worked with Sinclair Recreation in the past and is comfortable they can successfully deliver this project.

One point of not which is often discussed is that the selected design did not provide an option for swings. If swings are desired the design cold be modified to incorporate a swing set at an additional cost. Staff is supportive of either option and would request a budget of $365,000 to modify the design to incorporate a swingset.

A budget line item was not established in the original 21/22 Budget for these projects, however it was previously discussed at the May 10, 2021 Commission Meeting to target spending $900K between Reese and Beukema parks. If approved a budget line item will be added during the 1st Quarter Reforecast. Total requested between the two park designs is a maximum of $530,000 depending upon options.

AMOUNT REQUESTED: $323,600 (No Swings) AMOUNT BUDGETED: $0

$365,000 (With Swings)

FUND OR ACCOUNT: 101

STAFF RECOMMENDATION: Authorize staff to contract with Sinclair Recreation on a new playground for Reese Park in an amount not to exceed $365,000.

Motion by Commissioner Johnson, second by Commissioner Emory, to authorize staff to contract with Sinclair Recreation on a new playground for Reese Park in an amount not to exceed $365,000.

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

Nays: None

MOTION PASSES

N. <u>Revision to Municipal Senior Millage Funding Allocations</u> CNS

SUMMARY OF REQUEST: Request to approve the re-allocation of Municipal Senior Millage Funding for the City of Muskegon Programs. The Senior Power of Produce program at the Muskegon Farmers market was allocated $15,000 in April. The Program started July 13, 2021 and the funds have been depleted. Staff is requesting that the allocation for the Muskegon County Senior Millage Home Repair program be reduced by $20,000 and that those funds be re-allocated to the Senior Power of Produce program. Staff has reviewed the position of fund for Home Improvements and feel confident that this is in the best interest of Muskegon County senior citizens.

STAFF RECOMMENDATION: To revise the allocation of Municipal senior Millage funding to reduce the allocation to Muskegon County Senior Millage Home Repair by $20,000 and to re-allocate those funds to the Senior Power of Produce program at the Muskegon Farmers Market.

Motion by Commissioner Emory, second by Commissioner Rinsema-Sybenga, to revise the allocation of Municipal Senior Millage funding to reduce the allocation to Muskegon County Senior Millage Home Repair by $30,000 and to re-allocate those funds to the Senior Power of Produce program at the Muskegon Farmers Market.

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

Nays: None

MOTION PASSES

2021-80 PUBLIC HEARINGS:

A. Revocation of IFT – 441 W. Western Avenue Planning

SUMMARY OF REQUEST: Pigeon Hill Brewing Company has requested to revoke the Industrial Facilities Exemption Certificate at the 441 W. Western facility in order to convert the building into commercial use.

STAFF RECOMMENDATION: To approve the revocation of the Industrial Facilities Exemption Certificate No. 2015-272 at 441 W. Western Avenue

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Johnson, second by Vice Mayor Hood, to approve the revocation of the Industrial Facilities Exemption Certificate No. 2015-272 at 441 W. Western Avenue

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

Nays: None

MOTION PASSES

2021-81 UNFINISHED BUSINESS:

A. Pedicab Ordinance City Clerk – TABLED FROM 8/10/21 TO 8/24/21

SUMMARY OF REQUEST: City Commission is being asked ton consider an ordinance to allow and regulate Pedicabs. City Commission is also being asked to consider an amendment to allow consumption or possession of alcoholic liquors in parks and playgrounds while participating in a pedicab.

The City has been approached by a person wishing to operate a party bike. Staff has worked with the city attorney and is proposing the Pedicab ordinance presented as well as an amendment to Chapter 58 Article I to allow consumption or possession of alcoholic liquors in parks and playgrounds while participating in a pedicab.

STAFF RECOMMENDATION: To adopt a new ordinance allowing and regulating Pedicabs and to amend Chapter 58 Article I of the City Code of

Ordinances to allow consumption or possession of alcoholic liquors and playgrounds while participating in a pedicab.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to adopt a new ordinance allowing and regulating Pedicabs and to amend Chapter 58 Article I of the City Code of Ordinances to allow consumption or possession of alcoholic liquors and playgrounds while participating in a pedicab.

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

Nays: None

MOTION PASSES

B. <u>Request for Proposal Approval for YEP</u> Community and Neighborhood Services

SUMMARY OF REQUEST: Community and Neighborhood Services is requesting permission to grant funds of $20,000 to Community enCompass for their YEP Project which provides youth with work and educational experience.

STAFF RECOMMENDATION: To approve the agreements with Bethany Housing Ministries dba Community enCompass.

This item was brought before the City Commission on June 8, 2021. The Community and Neighborhood Services Department allowed organizations to request funds from their Community Development Block Grant for various eligible programs. Bethany Housing Ministries dba Community enCompass applied for funds for their *Youth Empowerment Project* (YEP) for work and educational experiences throughout the year. Commissioner Ramsey is employed by Community EnCompass and did disclose a Conflict of Interest, as required by HUD Guidelines. The Conflict Statement was posted on the city's website and the city's Facebook page and the conflict was stated in the minutes. However, HUD requires that the nature of the conflict also be disclosed on the agenda, in the minutes, and that there be discussion at the meeting regarding the conflict.

Because the Conflict of Interest was not disclosed to the HUD specified guidelines, this item is being brought back before the City Commission for consideration. For our August 24, 2021 meeting, the Conflict of Interest Statement from Commissioner Michael Ramsey was posted on the City's website and a link to the Conflict Statement was posted to the City's Facebook page on August 17, 2021. Commissioner Ramsey is employed by Community enCompass and has disclosed a conflict of interest which arises because Michael Ramsey is either in a decision-making position or in a position to gain inside information and the conflict must be disclosed when there is a financial benefit. Commissioner Ramsey will recuse himself from voting on this item due to the stated conflict. This item must receive six affirmative votes to pass.

AMOUNT REQUESTED: $20,000 AMOUNT BUDGETED: $20,000

FUND OR ACCOUNT: CDBG 2019

*****Commissioner Michael Ramsey has disclosed a Conflict of Interest on this item as he is employed by Community enCompass. A conflict of interest arises because Michael Ramsey is either in a decision-making position or in a position to gain inside information and the conflict must be disclosed when there is a financial benefit. Commissioner Ramsey will recuse himself from voting on this item due to the state conflict. This item must receive six affirmative votes to pass. The Conflict Statement was posted to the City of Muskegon's website (shorelinecity.com) and a link to the Conflict Statement was posted to the City of Muskegon Government Facebook page on August 17, 2021.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the agreements with Bethany Housing Ministries dba Community enCompass.

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

Nays: None

Recused: Stated Conflict of Interest as noted above: Ramsey

MOTION PASSES

C. <u>Motion to Remove Rezoning of 1128 Roberts Street from the Table</u> City Clerk

SUMMARY OF REQUEST: At the City Commission Meeting held July 27, 20921 this item was tabled indefinitely. This item is back on the agenda for tonight and needs to be removed from the table.

STAFF RECOMMENDATION: To remove the item of Rezoning of 1128 Roberts Street from the table for further consideration.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, remove the item of Rezoning of 1128 Roberts Street from the table for further consideration.

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

Nays: None

MOTION PASSES

D. <u>Rezoning of 1128 Roberts Street</u> Planning

SUMMARY OF REQUEST: Request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care, by Fresh Coast Alliance.

The Planning Commission unanimously (8-0, one absent) recommended approval of the rezoning and also unanimously approved the special use permit, contingent upon the rezoning approval by the City Commission.

The case was tabled at the July 27 City Commission meeting. The Commission requested to prepare a separate agreement that would limit intensive medical zoning uses at the location.

STAFF RECOMMENDATION: To approve/deny the request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to approve the request to rezone the property at 1128 Roberts Street from R-1 Single-Family Residential Low Density to MC Medical Care and to approve the Conditional Rezoning Agreement.

2nd Motion **Motion by Commissioner German, second by Commissioner Ramsey, to table this item until September 28, 2021 to allow more time for community dialogue and to flesh out misconceptions about the program.**

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

Nays: None

MOTION PASSES

2021-82 ANY OTHER BUSINESS:

A. Gift Card Committee Update Development Services

SUMMARY OF REQUEST: The Committee has not met in several months, but staff have been working on the strategy as agreed upon and have some updates to share. The committee last met before the most recent surge of Covid-19 and agreed that it was not the appropriate time to inquire about any restaurants refunding any gift card purchases, though this remains an option going forward. We have been working with several private sector partners that are supportive of the program in an effort to "sponsor" a percentage of the total gift card value, effectively buying them and not using them. This would allow the City to sell the remaining cards to the public at a reduced rate, passing on that sponsorship to people who would use the gift cards. We would release these sales in several phases over the coming months/years, so as not to flood the market with comped business for the restaurants. We also propose continuing to allow staff to use them as costs offsets for the city, such as buying meals for election worker training and other functions where the organization provides meals. At this time, we are working on getting signatures on a letter of intent from donors towards the sponsorship program.

Commissioner Johnson hasn't seen the ARPA Home Infill Program RFQ on the City website and suggested possibly extending the deadline. Director Eckholm showed him where to find it on the website where it was published. Commissioner Johnson would like to discuss the AMI Cap at a future Worksession meeting. Commissioner Johnson would also like to get an update on the sewer fund and the forecast to be able to roll back the 20% increase since infiltration has been reduced as water levels recede. Commissioner Johnson inquired about the status of the Lakeside Social District.

Commissioner German asked Director Evans about trees at Myrtle & Murphy.

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

ADJOURNMENT: The City Commission adjourned at 9:05 p.m.

Respectfully Submitted,

Ann Marie Meisch, City Clerk - MMC