

City of Muskegon
City Commission Meeting
Minutes

August 22, 2023, 5:30 pm
Muskegon City Hall
933 Terrace Street, Muskegon, MI 49440

Present: Mayor Ken Johnson
Commissioner Rachel Gorman
Commissioner Rebecca St.Clair
Vice Mayor Willie German, Jr.
Commissioner Michael Ramsey
Commissioner Teresa Emory

Absent: Commissioner Eric Hood

Staff Present: City Manager Jonathan Seyferth
City Clerk Ann Meisch
City Attorney John Schrier
Deputy City Clerk Kimberly Young

1. Call To Order

Mayor Ken Johnson called the City Commission meeting to order at 5:33 p.m.

2. Prayer

Pastor Adam Dollar, Evanston Avenue Baptist Church, opened the meeting with prayer.

3. Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited by the Commission and the public.

4. Roll Call

As recorded above

5. Honors, Awards, and Presentations

5.a Resident Honored for Life Saving Measures

Jenny Hart-Locke was awarded the Citizen CPR Life Saving Award in recognition of exceptional lifesaving efforts rendered to a citizen in distress on July 19, 2023 at The Deck, 1601 Beach Street, in the City of Muskegon. Jenny's act of heroism was a critical link in the patient's chain of survival and her dedication to the preservation of life is to be commended.

5.b Muskegon Fire Departments 150th

Deborah Santiago-Sweet spoke about the City of Muskegon's Fire Departments 150th Celebration which includes a blood drive, parade, luncheon, community specials, and merchandise sales. A detailed schedule of celebration events can be found at mkgcity.com/mfd150

6. Public Comment on Agenda Items

Public comments were received.

7. Consent Agenda

Action No. 2023-89

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To accept the consent agenda as presented, minus item 7e, 7f, 7h, 7o, and 7p.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

7.a Approval of Minutes - City Clerk

To approve the minutes of the August 2, 2023 Special Worksession Meeting and the August 7, 2023 Worksession/General Session Meeting.

STAFF RECOMMENDATION: To approve the minutes.

7.b Certification of MERS Representatives - Finance

Assigning Delegates for MERS Conference -

The MERS plan document provides that "the governing body for each municipality shall certify the names of (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality

appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality.”

The City’s employee units previously agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the official employee representative attending the MERS conference will be Dave Baker from Non-Union Unit.

The Officer Delegate will be Kenneth D. Grant, Finance Director this year.

AMOUNT REQUESTED: \$510 plus travel

FUND OR ACCOUNT: 677-272-861

STAFF RECOMMENDATION: To approve Kenneth Grant (Finance Director) as designated delegate to MERS Conference and to make Dave Baker employee representative.

7.c Munetrix Contract - Finance

Renewal of the Munetrix Contract for three years. Munetrix is software program that is used by the city to fulfill the State of Michigan’s guideline for transparency and City Village Township Revenue Sharing reporting requirements. It is also a performance analytical tool that is used by our citizens and others communities for comparative information.

AMOUNT REQUESTED: \$6,626 per year for three years. Total costs \$19,878.00

STAFF RECOMMENDATION: To allow the City Finance Director to renew the contract with Munetrix for three years.

7.d Purchase of Salesforce - Economic Development

City staff is requesting the purchase of Salesforce in order to be more sufficient in collecting data for retention visits and projects, creating reports by using analytics for industries, commercial corridors and much more.

Salesforce is a cloud-based system, customer relationship management platform that enables businesses to manage customer data, sales operations, and marketing campaigns. Salesforce Database generates data for leads, tasks, opportunities, accounts, and notes. It also has the ability to customize the type and the amount of information the user

wishes to store. Salesforce can also use analytics to create reports and graphics that highlight trends seen in different industries.

As the Economic Development team continues to grow, this tool will be very helpful for staff to have an idea of the progression of a business throughout the years, issues and challenges they've experienced at previous visits, and understanding the differences and similarities between businesses in different industries.

City staff and our city attorney has reviewed the master service agreements provided by both Sales Force and Summit Technologies and are comfortable with moving forward.

The total costs for Salesforce are \$8,400. This price includes the following fees:

- \$2,400 (annually) Sales & Service Cloud- Professional Edition
- \$6,000 (one-time fee) for back end programming by Summit Technologies (3rd party)

AMOUNT REQUESTED: \$8,400

FUND OR ACCOUNT: Contracted Services, Planning

STAFF RECOMMENDATION: To approve the purchase of Salesforce and authorize the Director of Development Services to sign the purchase documents.

7.g Rezoning of 1225 E Laketon Avenue - Planning

Request to rezone the property at 1225 E Laketon Ave from I-2, General Industrial to B-4, General Business, by Tread Monkey, LLC. The Planning Commission unanimously recommended approval of the rezoning at their August 10 meeting.

STAFF RECOMMENDATION: To approve the request to rezone the property at 1225 E Laketon Ave from I-2, General Industrial to B-4, General Business.

SECOND READING REQUIRED

7.i Amendment to the Zoning Ordinance - Fencing - 2nd Reading - Planning

This is a staff-initiated request to amend the fencing ordinance to clarify the types of fences allowed. This is an effort to improve the quality of

fences erected throughout the City. The Planning Commission unanimously recommended approval of the amendment.

STAFF RECOMMENDATION: To approve the request to amend the fencing ordinance as proposed.

7.j Amendment to the Zoning Ordinance - Residential Design Criteria - 2nd Reading - Planning

This is a staff-initiated request to amend the residential design criteria section of the zoning ordinance. Many of the changes are small and for clarification reasons. Some requirements were removed because they are requirements already listed in the building codes. The removal of storage requirements and house widths on small lots are the biggest proposed changes. The Planning Commission unanimously recommended approval of the amendment.

STAFF RECOMMENDATION: To approve the request to amend the residential design criteria ordinance as proposed.

7.k 30" Water Main Meter - DPW - Filtration

An amendment to the Cost Sharing Agreement between the City of Muskegon and Muskegon County to permit the City to install a water meter on the 30" water main near the Water Filtration Plant.

A 30" water main was recently constructed from the Water Filtration Plant to the Muskegon Channel. While the primary purpose of this water main was to provide a second connection to the Muskegon County Northside water system, it also serves the City of Muskegon's water system. An existing water meter near the channel measures all water flow into the County water system, but it does not capture any water flow into the City. Installing a water meter near the Water Filtration Plant will measure all the water flowing through this main, including the currently unmetered water flowing into the City. Metering this water as it leaves the Water Filtration Plant is critical to overseeing water plant operations, managing the water fund, and ensuring regulatory compliance. The construction phase of this project is expected to begin this fall, and staff will return to the Commission at a later date for approval of the construction contract.

An amendment to the original agreement between the City and the County is required to permit the City to install, operate, and maintain the water meter on the county-owned water main. Upon approval from the City

Commission, the amendment will be presented to the Muskegon County Board of Public Works for approval.

STAFF RECOMMENDATION: Authorize the Mayor and Clerk to sign the First Amendment to Cost Sharing Agreement.

7.l DWRF ARPA Grant Agreement - DPW

Authorize DPW Director to sign American Rescue Plan Grant Agreement for the Drinking Water projects (Morton, Wilcox, Thompson, and Lead Service Lines) awarded at the July 11, 2023 Commission meeting.

Authorize DPW Director to sign American Rescue Plan Grant Agreement for the Morton, Wilcox, Thompson, and Lead Service Lines projects.

Estimated Total Project Costs:

- DWSRF Eligible Project Cost Subtotal: \$8,865,000
- DWSRF Loan No. 7467-01 Amount: (\$5,628,495)
- Total Grant Amount: \$3,236,505

STAFF RECOMMENDATION: To authorize the DPW Director to sign ARP Grant Agreement for Project #7467-01.

7.m Vehicle Purchases - DPW

Staff requests approval to purchase three vehicles using budgeted funds from the General and Equipment funds.

The Equipment Division is seeking approval to purchase three (3) administration vehicles from Lunghammer Ford using the Mi-Deal state bid-based pricing. One of these vehicles will be purchased by the Recreation Department for internal use while the other two will be assigned out by the Equipment department.

AMOUNT REQUESTED: \$82,005

FUND OR ACCOUNT: 101-775(\$27,335) Rec - 642-563 (\$54,670) Equip

STAFF RECOMMENDATION: To approve the purchase of three vehicles from Lunghammer Ford for a total of \$82,005 from the General and Equipment funds.

7.n Vehicle Purchase - Skid Steer - DPW

Staff requests approval to purchase a skid steer using budgeted Equipment funds. The Equipment Division is seeking approval to purchase

(1) Skid Steer Loader from Michigan Caterpillar from the Sourcewell pricing contract. This piece of equipment will be used at the beach for sand removal/maintenance, DPW building for ground maintenance and vehicle loading as well as snow removal downtown and surrounding areas.

AMOUNT REQUESTED: \$73,222.73

FUND OR ACCOUNT: Equipment Fund - 661-563

STAFF RECOMMENDATION: To approve the purchase of (1) one Skid Steer Loader from Michigan Caterpillar.

7.e MDNR Spark Grant Agreement - Parks & Recreation

Staff is requesting approval to execute the agreement for the MDNR Spark Grant for the construction of a new splash pad at Howmet Aerospace (Alcoa) Celebration Square.

The City of Muskegon has been granted a \$250,000 Spark Grant from the MDNR with a City match amount of \$24,000. The City of Muskegon is required to execute the included agreement by the end of the month to meet funding requirements. The Howmet Aerospace Foundation is also contributing \$50,000 to the project for improvements to the surrounding plaza.

AMOUNT REQUESTED: \$24,000

FUND OR ACCOUNT: 101-771

STAFF RECOMMENDATION: To approve the MDNR Spark Grant agreement including the approving resolution, and authorize the DPW Director to sign.

Action No. 2023-90(e)

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To approve the MDNR Spark Grant agreement including the approving resolution, and authorize the DPW Director to sign.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

7.f Rezoning of 417 Jackson Avenue - Planning Department

Staff-initiated request to rezone the property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core. The Planning Commission unanimously recommended approval of the rezoning at their August 10 meeting.

STAFF RECOMMENDATION: To approve the request to rezone property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core.

SECOND READING REQUIRED

Action No. 2023-90(f)

Motion by: Vice Mayor German

Second by: Commissioner Ramsey

To approve the request to rezone property at 417 Jackson Ave from R-1, Low Density Single-Family Residential to Form Based Code, Neighborhood Core.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

7.h Rezoning of Several Properties on Myrtle Ave, Allen Ave, and Jay St. in the Angell Neighborhood - Planning

Request to rezone the following parcels from R-3, High Density Single Family Residential to Form Based Code, Neighborhood Core: 139 Myrtle Ave; 140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave; and 923 Jay St, by Spire Development. The Planning Commission unanimously recommended approval of the rezoning at their August 10 meeting.

STAFF RECOMMENDATION: To approve the request to rezone 139 Myrtle Ave; 140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave;

and 923 Jay St from R-3, High Density Single Family Residential to Form Based Code, Neighborhood Core.

SECOND READING REQUIRED

Action No. 2023-90(h)

Motion by: Vice Mayor German

Second by: Commissioner St.Clair

To approve the request to rezone 139 Myrtle Ave;
140/148/158/168/174/186 Allen Ave, 159/169/185 Amity Ave; and 923 Jay
St from R-3, High Density Single Family Residential to Form Based Code,
Neighborhood Core.

Ayes: (5): Mayor Johnson, Commissioner Gorman, Commissioner
St.Clair, Commissioner Ramsey, and Commissioner Emory

Nays: (1): Vice Mayor German

Absent (1): Commissioner Hood

MOTION PASSES (5 to 1)

**7.o SHPO (State Historic Preservation Office) CLG (Certified Local
Government) Grant Agreement**

Staff is requesting approval to enter into the attached Certified Local
Government (CLG) Grant Agreement in order to obtain \$55,000 from the
State Historic Preservation Office (SHPO) with the Michigan Strategic
Fund (MSF) for monument conservation work at Hackley Park.

At the January 10th, 2023 meeting, Commission approved the submittal of
a grant application to the State Historic Preservation Office (SHPO) for
monument conservation work at Hackley Park. The City was selected for
a \$55,000 award, and will need to pay \$22,440 in matching funds as a
part of the grant agreement. Due to an electronic signature requirement,
the DPW Director will need to sign.

The grant will allow us to complete recommended conservation work at
the 5 sculptures within Hackley Park. The plan is to also completed work
on the McKinley Statue and the Kearny Statue as they are of similar age
and condition. These two structures are ineligible for grant funding
(McKinley is privately owned, and Kearny is outside the designated
historic district boundary). The owners of the McKinley statue are aware

of this and have agreed to participate in the cost for that piece, the cost for the work at Kearny will be a city responsibility but is ineligible to count towards the match.

The conservator's report, included at the end of the agreement, estimates the work on all 7 monuments at \$81,520. With articulated or boom lifts and estimated cost increases over the past year the total project is estimated at \$105,000. The City portion, including match, is \$50,000.

AMOUNT REQUESTED: \$50,000

FUND OR ACCOUNT: 101 (Capital Plan Budget)

STAFF RECOMMENDATION: To approve the Certified Local Government Grant Agreement as presented including authorizing the DPW Director to sign.

Action No. 2023-90(o)

Motion by: Commissioner Ramsey

Second by: Commissioner Gorman

To approve the Certified Local Government Grant Agreement as presented including authorizing the DPW Director to sign.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

7.p Contract Award - Nelson House Move - Development Services

Staff is requesting authorization to enter into a contract with Deitz House Moving Engineers, Inc., in the amount of \$237,500 to move the historic Nelson House from 1292 Jefferson Street to the City-owned vacant lot at 382 W. Muskegon Avenue. The Nelson House is currently owned by Muskegon Public Schools and slated for demolition. Since the presentation at the March 13, 2023 Commission Worksession, staff has met with a number of house moving contractors and released a Request for Proposals for bids to move the house as well as complete excavation work and construct a new basement at 382 W. Muskegon. \$200,000 was budgeted in the Public Improvement Fund for the work. If moved, the

house will be listed for sale in as-is condition and ultimately rehabilitated by a private owner.

AMOUNT REQUESTED: \$237,500

FUND OR ACCOUNT: Public Improvement

STAFF RECOMMENDATION: To authorize staff to enter into a contract with Deitz House Moving Engineers, Inc. in the amount of \$237,500 to move the Nelson House to 382 W. Muskegon Avenue.

Action No. 2023-90(p)

Motion by: Commissioner St.Clair

Second by: Commissioner Emory

To authorize staff to enter into a contract with Deitz House Moving Engineers, Inc. in the amount of \$237,500 to move the Nelson House to 382 W. Muskegon Avenue.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

8. Public Hearings

8.a Public Hearing - Approval of the Lakeside Business Improvement District Special Assessment - Economic Development

The Lakeside Business Improvement District is requesting a special assessment for three more years starting in January of 2024.

Funds from the Lakeside BID assessment in 2021-2023 has allowed for the BID to cover items that keep the integrity of the business district. Funds have been used to cover snow removal, Christmas decorations, landscaping and maintenance, Lakeside events, and advertisements in the Visitors Guide.

In order to continue these services, the Lakeside BID has requested a final three-year assessment at a 20% reduction for 2024-2026, continuing with the current district boundaries. Class A properties will have a per parcel rate of \$0.04 per square foot of lot size for a Commercial Property,

not to exceed \$1,600, and \$0.02 per square foot of lot size for an Industrial, Automotive or Utility Property, not to exceed \$1,600. The special assessments will be in the winter tax bills. After the additional three years is complete, the BID will transition into the CIA.

City staff has provided a Special Assessment Packet that outlines the overview of the request, a letter from the City of Muskegon Assessor, the budget recommendation and explanation, and the properties included in the assessment. City staff has introduced the special assessment at the City Commission meeting on August 7th, 2023. If the district is created, a second public hearing will be held on September 26 to confirm the special assessment roll.

STAFF RECOMMENDATION: To approve the creation of a special assessment district in the Lakeside Business Improvement District for 2024-2026.

Action No. 2023-91

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To close the public hearing and approve the creation of a special assessment district in the Lakeside Business Improvement District for 2024-2026.

PUBLIC HEARING COMMENCED:

Paul Korndorfer, 1883 Lakeshore Drive - supports the Special Assessment - wants to know if the Air B & B's are also paying? Currently not on assessment list - Roll has not been set so properties can still be added.

Mayor Johnson asked Mark Flermoen Lakeside BID Chairperson, to share his plans for the Lakeside Fall Festival. The Lakeside Fall Festival will include Street Performers, Bounce Houses, Hayrides, District Businesses will participate as well as Tiki Boys and Lake Bluff Grill. There will be a scare crow contest w/ business owners, and some business owners will participate in Lakeside Give (owners give back) with donations to the lighthouse, the Clipper, and Heaven Can Wait - all to take place in the Lakeside Social District. Event is Saturday, October 7, 2023.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

9. Unfinished Business

10. New Business

10.a Amendment to Zoning Ordinance, Residential Setback Requirements

Staff-initiated request to amend Section 404 of the zoning ordinance to modify rear setback requirements and to create a front build-to zone in lieu of front setbacks in single-family residential zones. The Planning Commission recommended approval of the amendment by a 4-1 vote at their August 10 meeting.

STAFF RECOMMENDATION: To approve the request to amend Section 404 of the zoning ordinance as presented.

Action No. 2023-92(a)

Motion by: Commissioner St.Clair

Second by: Commissioner Ramsey

To approve the request to amend Section 404 of the zoning ordinance as presented.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

10.b City ARPA Community Grant - Pioneer Resources, Inc. - Manager's Office - REMOVED PER STAFF REQUEST

*A Conflict of Interest Letter was signed by Commissioner Rachel Gorman related to this item. The Conflict of Interest statement was posted to the City's website and City's Facebook page on August 10, 2023.

10.c Assistance to Firefighters Grant - Public Safety

The fire department received notification on August 11, 2023 they received a FEMA grant to replace their aging and often out of service, breathing air compressor and fill system.

In January 2023, the Fire Department applied for a grant from FEMA through the AFG (Assistance to Firefighters Grant) program. The equipment applied for was a new breathing air system to fill our air cylinders. Our current breathing air compressor system was purchased in 1997. The three quotes we received for replacement were from West Shore Fire, Municipal Emergency Services (MES) and Breathing Air Systems (BAS).

West Shore Fire: Did not provide a shipping cost. Would not entertain a trade-in quote. \$ 62,260.97

MES: A newer system on the market. There were no reviews available. Would not entertain a trade-in quote. \$ 74,789.00

BAS: Bauer is the current manufacture we have been using for 26 years. It's has been proven to be good unit for us. Service times are usually within 48 hours. Breathing Air Systems will take our unit in on trade for \$5k. They will remove the old system and take it with him when they deliver the new system. \$78,593.80, less the trade in of \$5,000 for a total of \$73,593.80.

At the time of submitting the grant, BAS quoted for a complete breathing air cascade system with shipping and installation for \$77,250.00. The quote was only valid for 30 days. After the award we received an updated quote of \$78,593.80, less the trade in of \$5,000 for a total of \$73,593.80.

On August 11, 2023, the fire department received notification from FEMA our grant application was approved. The grant requires a 10% match of the requested funds.

The fire department is requesting \$7,359.38 for the purchase of the \$73,593.80 breathing air compressor and cascade filling station with assistance from FEMA grant funding.

AMOUNT REQUESTED: \$7,359.38

FUND OR ACCOUNT: General Fund 101-336

STAFF RECOMMENDATION: To approve the funding to purchase the breathing air compressor and cascade filling station from Breathing Air Systems.

Action No. 2023-92(c)

Motion by: Commissioner Ramsey

Second by: Vice Mayor German

To approve the funding to purchase the breathing air compressor and cascade filling station from Breathing Air Systems.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

11. Any Other Business

11.a Resolution of Support - Open Gates of Grace Ministries - Manager's Office

To approve the resolution of support for the Open Gates of Grace submission of an application titled "Open Gates Project" to the MI Community Center grant program for Grace Space Programs at 1428 Terrace Street Muskegon, Michigan.

Action No. 2023-93(a)

Motion by: Commissioner Ramsey

Second by: Vice Mayor German

To approve the resolution of support for the application of Open Gates of Grace for a project at their facility.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

Absent (1): Commissioner Hood

MOTION PASSES (6 to 0)

12. Public Comment on Non-Agenda items

Public comments were received.

13. Closed Session

14. Adjournment

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

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To adjourn at 7:45 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC - City Clerk