CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 13, 2019 @ 5:30 P.M.

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

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 13, 2019, Commissioner Willie German, Jr. opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Byron Turnquist, Ken Johnson, and Willie German, Jr., City Manager Frank Peterson, City Attorney John Schrier, and Deputy City Clerk Kimberly Young.

Absent: Commissioners Debra Warren and Dan Rinsema-Sybenga

HONORS AND AWARDS:

A. Presentation of 2019 Beautification Awards

Recipients of the Residential and Business 2019 Neighborhood Beautification Awards were recognized for their effort in making the city a beautiful place. Those present were presented with a Certificate of Recognition.

2019-62 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 23, 2019 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Designation of Voting Delegates for the Michigan Municipal League Annual Business 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 one other official to serve as an alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. <u>Adopt a Resolution Approving the Reclassification of a Tavern License to a Class C License for Port City Cruise Lines, LLC</u> City Clerk

SUMMARY OF REQUEST: To adopt a resolution approving the reclassification of a Tavern License to a Class C License for Port City Cruise Lines, LLC at 560 Mart Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQURIED: None.

STAFF RECOMMENDATION: Adopt the resolution approving the license reclassification.

D. <u>Adopt a Resolution Approving the Off-Premises Tasting Room License for Wonderland Distilling Co.</u> City Clerk

SUMMARY OF REQUEST: To adopt a resolution approving an Off-Premises Tasting Room License & Permit Application for Wonderland Distilling Co., 1989 Lakeshore Drive.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the resolution approving the license.

E. <u>Memorandum of Understanding – Justice Assistance Grant</u> Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the FY 2019 Justice Assistance Grant. It is further requested that the Mayor be authorized to sign the Memorandum of Understanding. Note that time is of the essence as this grant requires a governing body review period and the grant submission and the grant deadline is August 23rd.

Although the Bureau of Justice Assistance has designated us as being in a disparate funding situation due to the County providing more than 50% of the jail facilities, our proposal is to keep the allocations exactly as they initially came down from the BJA which is as follows: County of Muskegon $0; City of

Muskegon $20,463 and City of Muskegon Heights $14,732. Not that BJA uses crime data versus population in making these allocation decisions.

The City of Muskegon portion is planned to be used in continuation of the manner in which the previous year's JAG funding was used which is for the prosecution of city ordinance cases dealing primarily with neighborhood issues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of this request.

F. <u>2019 Verizon/Central Dispatch License Agreement</u> Public Safety

SUMMARY OF REQUEST: The Public Safety Department is requesting approval for Comcast to construct, replace, maintain, repair, operate, inspect, augment and remove communication system from the Central Fire Station Building.

Central Dispatch and Comcast require this agreement to begin the upgrade to the Central Dispatch 9-1-1 phone communication system. The agreement includes all facilities necessary or useful for distributing upgraded communication services.

Peninsula Fiber Network has subcontracted Comcast to complete the fiber optic utility work. The License Agreement has an initial term of ten (10) years, beginning on the effective date and will automatically renew for two (2) successive periods of five (5) years each.

FINANCIAL IMPACT: $0.00 Cost covered by Peninsula Fiber Network.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the license agreement.

G. <u>LC Walker Arena – Ironmen Lease</u> City Manager

SUMMARY OF REQUEST: City staff is requesting approval of the lease to allow the West Michigan Ironmen to play indoor football at the LC Walker Arena for five seasons, beginning in 2020.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize the Clerk and Mayor to sign the lease with Muskegon Football.

H. <u>Water Main Easement</u> Department of Public Works

SUMMARY OF REQUEST: Authorize the DPW Director and City Clerk to sign the private water main easement with 2420 Remembrance Drive LC.

The easement allows for installation of a privately-owned water main across a section of city owned property that fronts on Black Creek Road. The water main is being installed to provide fire protection via a hydrant on the site that is being developed by KL Industries for warehouse and storage and serves no other public purpose.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize the DPW Director and City Clerk to sign the easement.

I. <u>DPW Roofing</u> Department of Public Works

SUMMARY OF REQUEST: Award the contract for roofing of Section #1 at the DPW Building to the low bidder Ostrander Roofing in the amount of $141,494.00.

This will repair the front section of roofing at DPW primarily over the office areas of the building, which has suffered from several leaks over the last year.

FINANCIAL IMPACT: $141,494.00

BUDGET ACTION REQUIRED: None. This project was included in the 19-20 Budget.

STAFF RECOMMENDATION: Award the contract to Ostrander Roofing.

J. <u>Industrial Park Lift Station Pump</u> Department of Public Works

SUMMARY OF REQUEST: Authorize staff to purchase a replacement pump for the Industrial Park sewer lift station at a cost of $16,333 from Kennedy Industries (sole supplier).

Due to wear and tear the pump motor died and needs to be replaced. The pump is 20 years old and was nearing the end of its life expectancy.

FINANCIAL IMPACT: $16,333

BUDGET ACTION REQUIRED: None. This project was included in the 19-20 budget (Lift Station Repairs).

STAFF RECOMMENDATION: Approve the purchase of a replacement pump from Kennedy Industries.

L. <u>Opportunity Zone Incentive Program</u> Economic Development

REMOVED PER STAFF REQUEST

O. <u>Acceptance of Property from Muskegon County</u> Planning & Economic Development

SUMMARY OF REQUEST: Accept the quit claim deed from Muskegon County for property at 1390 Henry Street commonly referred to as the Carpenter Brothers site.

DPW and Planning staff have been working with the West Michigan Shoreline

Regional Development Commission and the County to design a green infrastructure project on the parcel. The project will treat a portion of the City's stormwater prior to the outlet at Rotary Park, and City staff will be responsible for maintenance since it serves our stormwater system.

The parcel also includes the downtown Bark Park and the DDA has taken responsibility for maintenance of that facility.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Accept the quit claim deed.

P. Lease of Yuba Street Property to the Community Foundation from Muskegon County Planning & Economic Development

REMOVED PER STAFF REQUEST

Q. Sale of the Buildable Lot at 1245 5th Street Planning & Economic Development

SUMMARY OF REQUEST: Staff is seeking approval to sell the vacant, buildable lot at 1245 5th Street to Bethany Housing Ministries, Inc., dba Community EnCompass for $1 with the understanding that they will sell us their vacant buildable lot at 174 Mason Avenue for $1. The deal would be contingent upon the City receiving verification of a clean title commitment and any backup documents.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the sale and for the Mayor and Clerk to sign the resolution and deed.

R. Community Relations Committee Establishment of Farmers Market Advisory Board City Clerk

SUMMARY OF REQUEST: To establish the Farmers Market Advisory Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the recommendation of the Community Relations Committee and establish the Farmers Market Advisory Board.

S. Community Relations Committee Appointment Recommendations City Clerk

SUMMARY OF REQUEST: To accept appointments as follows:

Accept the appointments of:

Ron Hayward to the Neighborhood Association Representative position on the Citizen Police Review Board.

Karen Evans to the Mayor/City Commission Appoint Position on the District Library Board.

Kimberly Williams to the Citizen Representative from Ward 4 position on the Equal Opportunity Committee.

Larry Boersma, Dianne Snow, Jon Visser, and John Zandstra to the Seasonal Farmers positions on the Farmers Market Advisory Board.

Kristin Johnson and Kathi Upman to the Seasonal Crafters/Artisans positions on the Farmers Market Advisory Board.

Woody Van Blargan to the Seasonal Food Vendor position on the Farmers Market Advisory Board.

Melanie Lyonnais and Cindy Larsen to the Citizens At Large positions on the Farmers Market Advisory Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Johnson, second by Commissioner German, to approve the consent agenda as presented, except item K, M, and N.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, and German

Nays: None

MOTION PASSES

2019-63 ITEMS REMOVED FROM CONSENT AGENDA:

K. <u>Public Meeting Training</u> Development Services

SUMMARY OF REQUEST: Approve funding for training on managing civil, productive public meetings. Beth Buelow and a co-facilitator will lead a four-session training targeting department and division heads as well as the mayor and commissioners with the objective of preparing us to present information and manage interactions in a proactive, positive, and productive manner. Additional workshops will be offered to neighborhood associations with the objective to provide them tools to communicate and collaborate with city leaders. Training is expected to be scheduled fall of 2019.

FINANCIAL IMPACT: $10,000

BUDGET ACTION REQUIRED: Will be included in the next quarterly forecast.

STAFF RECOMMENDATION: Approve funding for public meeting training.

Motion by Commissioner German, second by Commissioner Johnson, to approve funding for public meeting training.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, and German

Nays: None

MOTION PASSES

M. <u>Lakeside Business Improvement District (BID) Initial Resolution</u> Planning & Economic Development

SUMMARY OF REQUEST: We are requesting the resolution be adopted establishing a Business Improvement District for the Lakeside commercial district along Lakeshore Drive from 1595 Lakeshore (Wasserman's Flowers) to 2801 Lakeshore (Muskegon Country Club). The boundaries are outlined in the attached map as the district are those commercial properties with frontage on Lakeshore Drive. It is also requested that the commission establish an initial Lakeside BID Board with the following recommended individuals as offered by the Lakeside District Association:

Troy Wasserman – Wasserman's Flowers, 1595 Lakeshore

Richard Ghezzi – Ghezzi's Market, 2017 Lakeshore

Mark Flermoen – VF Ventures, 1845 Lakeshore

Michael Kordecki – Marine Tap Room, 1983 Lakeshore

Ann Funk – Auto Body Clinic, 2054 Lakeshore

Blake Evans – Water's Edge Fitness, 2465 Lakeshore

City Manager (by statute) – City of Muskegon

FINANCIAL IMPACT: The city can anticipate receiving approximately 15 percent of the proceeds that would be an administrative fee for staff support if the BID is established and the BID board concurs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the resolution as presented.

Motion by Commissioner Johnson, second by Commissioner German, to adopt the resolution establishing a Business Improvement District for the Lakeside Commercial District along Lakeshore Drive inclusive of the recommended individuals offered by the Lakeside District Association.

<u>Amendment</u>

Motion by Commissioner Johnson, second by Commissioner German, to amend the district by removing 2275, 2311, 2363, 2371, 2400, 2425, 2441, and 2801 Lakeshore Drive from the District.

ROLL VOTE: Ayes: Hood, German, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

ON ORIGINAL MOTION (AS AMENDED)

ROLL VOTE: Ayes: Johnson, Gawron, Hood, German, and Turnquist

Nays: None

MOTION PASSES

N. Sale of Lots 3 & 4 of Seaway Industrial Park Planning & Economic Development

SUMMARY OF REQUEST: To approve the sales of lots 3 & 4 of Seaway Industrial Park to Adam McCausland for $292,000. The lots total 3.4 acres and are zoned I-1, Light Industrial and are also located in the Medical Marihuana Overlay District.

FINANCIAL IMPACT: The sale of this lot will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and purchase agreement and to authorize both the Mayor and Clerk to sign the deed.

Motion by Commissioner German, second by Commissioner Johnson, to approve the resolution and purchase agreement and to authorize both the Mayor and Clerk to sign the deed.

ROLL VOTE: Ayes: Gawron, Hood, German, Turnquist, Johnson

Nays: None

MOTION PASSES

2019-64 NEW BUSINESS:

A. Convention Center – Site and Utilities Bid Pack City Manager

SUMMARY OF REQUEST: City staff is requesting acceptance of the letter of recommendation from Clark Construction awarding Concrete, Electrical Hotel Power, and Earthwork to Cascade Cement Contracting, Newkirk Electric, and Accurate Excavators, respectively at a total cost of $2,386,258. Approving these three bids will allow Clark to move toward the anticipated August 22 commencement of work, while finalizing the remaining bid packages in anticipation of awarding the remainder of the contract at the August 27 City Commission Meeting.

FINANCIAL IMPACT: $2,386,285 to be funded with bond proceeds.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To authorize the City Manager to accept the recommendation and award the contracts as described.

Motion by Commissioner Johnson, second by Commissioner German, to authorize the City Manager to accept the recommendation and award the contracts as described.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, and German

Nays: None

MOTION PASSES

ANY OTHER BUSINESS:

A. **Appoint LeighAnn Mikesell as alternate to Wastewater Advisory Board**
City Manager

City Manager, Frank Peterson, requested that the Commission appoint LeighAnn Mikesell as voting alternate to the Wastewater Advisory Board. Currently Leo Evans is the City's Representative and Frank Peterson is the alternate. A meeting is coming up to vote on the budget and neither will be able to attend.

Motion by Vice Mayor Hood, second by Commissioner Johnson, to appoint LeighAnn Mikesell as alternate to the Wastewater Advisory Board.

ROLL VOTE: Ayes: German, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

Commissioner Comments were received.

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 7:04 p.m.

Respectfully Submitted,

Kimberly Young, Deputy City Clerk