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. <u>Amendment to the Temporary Uses Ordinance – 2nd Reading</u> 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. <u>Mobile Food Vending Ordinance Updates-2nd Reading</u> 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. <u>Additional Costs-HVAC System at Mercy Health Arena</u> 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. <u>Second Floor Furniture</u> 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 REQEUST: 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 that 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. <u>Muskegon Central Dispatch Tower Site Lease Agreement</u> Public Safety – No action requested at this time – REMOVED

2020-53 NEW BUSINESS:

A. **<u>Designation of Voting Delegates for the Michigan Municipal League Annual Meeting</u> 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. **<u>Small Retailer Assistance Program</u> 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. <u>Purchase Agreement 1188 4th Street</u> 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 con 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 offed $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. <u>Groundwater Ordinance Amendment</u> 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. <u>City of the Dead Event</u> Planning – REMOVED PER APPLICANT REQUEST

F. <u>Swan Alpha Development Agreement</u> 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 even 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. <u>4th Amendment to Lease – Lumberjacks</u> 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 previous 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. <u>Beach Noise and Signage</u> 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 1861Hoyt. 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