

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 27, 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, July 27, 2021, Commissioner Willie German, Jr., 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, Deputy City Manager LeighAnn Mikesell, City Attorney John Schrier, and City Clerk Ann Meisch.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2021-69 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 12, 2021 Worksession and July 13, 2021 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. 2021 Justice Assistance Grant (JAG) Public Safety

SUMMARY OF REQUEST: Public Safety is seeking approval to enter into a Memorandum of Understanding with the County of Muskegon and Muskegon Heights and to apply for the allocated 2021 JAG grant funds.

Public Safety is seeking approval to enter into an MOU with the County of Muskegon and Muskegon Heights and to apply for the allocated 2021 JAG grant funds. This year's local JAG allocations to disparate jurisdictions in our county totals \$40,467. The City of Muskegon will continue to act as the fiduciary and receive \$21,901, the City of Muskegon Heights would be a subawardee and receive \$18,566 and the County of Muskegon would not receive funding. The County has approved the agreement. There is no match requirement for this

grant. Similar to past years, the City of Muskegon's portion of this grant will be used for this prosecution of city ordinance cases dealing primarily with neighborhood issues.

STAFF RECOMMENDATION: Approve the Memorandum of Understanding (MOU) and apply for the 2021 JAG grant funds.

D. Concession Agreement – So Ridiculously Delicious Public Works

SUMMARY OF REQUEST: Staff is asking permission to enter into a contractual agreement with Alisa Jordan of "So Ridiculously Delicious" at Reese Park.

Staff is asking permission to enter into a Concession Agreement for 2021 with Alisa Jordan of "So Ridiculously Delicious", at Reese Park. Commission from said Concession would be \$100.00 plus 5% of Gross Receipts.

STAFF RECOMMENDATION: Authorize staff to enter into a Concession Agreement with Alisa Jordan of "So Ridiculously Delicious" at Reese Park.

E. Public Works & Water Filtration Plant Roofing Public Works

SUMMARY OF REQUEST: Staff is seeking approval of a contract with Ostrander Roofing (Contracting) and Garland (Materials) in the amount of \$250,486.00 to repair one section of roofing at the Department of Public Works building and four sections of roofing at the Water Filtration Plant.

Staff solicited bids for roofing work at DPW and the Water Filtration Plant.

Included in the bids for DPW were a base bid of one (1) section (2A) and an alternate of two (2) sections (2A and 2B). Staff is recommending that we accept the base bid only at DPW due to the alternate being over our budget allotment. Staff will pursue the remaining needs at DPW in the next budget cycle. Amount requested for approval includes Base Bid for Section 2A, materials, freight, and replacement of wet insulation and edge metal.

Included in the bids for Water Filtration were a base bid for two (2) sections (#13 & #14) along with an alternate of four (4) sections (#1, #2, #13, & #14). Staff is recommending acceptance of the alternate bid as it proves the preferred option and within the allotted budget. Amount requested for approval includes Alternate Bid for Sections #1, #2, #13 and #14; materials, freight, and a miscellaneous dollar amount of \$15,000 to cover any of the identified line item work uncovered during the project.

AMOUNT REQUESTED: \$115,630.00 (642-60442-5700)
\$134,856.00 (591-92034-5700)

AMOUNT BUDGETED: \$120,000.00 (642-60442-5700)
\$150,000.00 (591-92034-5700)

FUND OR ACCOUNT: 642/591 As Noted.

STAFF RECOMMENDATION: Authorize staff to contract with Ostrander Roofing and Garland in the amount of \$250,486.00 for the roofing repairs at Water Filtration and DPW.

G. Michigrown – Consumption Event City Clerk

SUMMARY OF REQUEST: Michigrown is planning a first anniversary grand opening with music and entertainment at 331 W. Laketon from noon until 11 pm. The City Clerk's signature is required on the attestation for the event permit filed with the State of Michigan.

A detailed outline of the event is provided. This is an on-site cannabis consumption event. They do plan to provide live music at the event.

STAFF RECOMMENDATION: To authorize the Clerk to sign the attestation and approve live music at the event contingent upon a meeting and approve with the special event staff.

H. Assigning Delegates for MERS Conference Assistant Finance Director

SUMMARY OF REQUEST: The MERS plan document provides that "the governing body for each municipality shall certify the names of two 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 Maria Deephouse from the Clerical Unit.

AMOUNT REQUESTED: \$410 plus travel expenses

FUND OR ACCOUNT: 30202

STAFF RECOMMENDATION: To approve Jessica Rabe (Assistant Finance Director) as designated delegate to MERS Conference.

I. 1192 & 1194 Pine Lease Development City Manager

SUMMARY OF REQUEST: Staff is requesting approval to maintain ownership of the homes at 1194 Pine Street and develop lease agreements with new Muskegon Public School teachers seeking rental housing in the fall of 2021.

The city is in the midst of a renovation project on two houses 1192 and 1194 Pine Street which include one building with two three-bedroom units and one building with a single two-bedroom unit. Muskegon Public Schools has as many as 50 new teachers arriving this fall including 4 Spanish immersion teachers arriving from Spain. The expectation is that many of the new teachers will be looking for good rental options.

Staff prefer these new teachers live in the community where they are teaching. The city benefits by bringing young professionals into a core neighborhood, and the school district benefits by employing staff that understand the community where their students live.

The lead paint program could also use one or more of the units to house families while lead is abated in their homes. These families are currently placed in hotel rooms for weeks at a time with no access to a kitchen, laundry facilities, or places for their children to play.

Staff expects to earn \$3,750 in monthly rent from the three units. Staff intends to find a buyer for the property that will continue the established leases once we have proven the rental units are profitable.

STAFF RECOMMENDATION: Direct staff to develop lease agreements for the city owned property located at 1192 and 1194 Pine Street with new Muskegon Public Schools teachers in need of rental housing.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to accept the consent agenda as presented, except items E and F.

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

Nays: None

MOTION PASSES

2021-70 REMOVED FROM CONSENT AGENDA:

C. Special Event Fee Waiver – Increase the Peace Public Works

SUMMARY OF REQUEST: Kingdom Citizenz is seeking a Special Event Fee Waiver for their Increase the Peace event on August 15th, 2021.

Kingdom Citizenz and 103.7 The Beat are holding an event at Smith Ryerson Park to promote unity amongst the recent gun violence. They are asking their City fees be waived for their 2021 event. The estimated cost of their event is \$400. (\$225 Smith Ryerson Community Building Rental, \$75 Smith Ryerson Pavilion Rental, and \$100 Application Fee.)

STAFF RECOMMENDATION: Approve the request from the Kingdom Citizenz to waive up to \$400 in special event fees for the Increase the Peace Event.

Motion by Commissioner German, second by Commissioner Johnson, to approve the request from the Kingdom Citizenz to waive up to \$400 in special event fees for the Increase the Peace Event.

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

Nays: None

MOTION PASSES

F. New Standard Park Place – Consumption Event City Clerk

SUMMARY OF REQUEST: New Standard Park Place is proposing a New Standard's Halloweed Party event at 1922 Park Street, Muskegon, MI 49441 on October 30, 2021 from 7 pm to 12 am. The City Clerk's signature is required on the attestation for the event permit filed with the State of Michigan.

A detailed outline of the event is provided. This is an on-site cannabis consumption event. They are planning to sell up to 350 tickets and will provide live music.

STAFF RECOMMENDATION: To authorize the Clerk to sign the attestation and approve the event and live music contingent upon a meeting and approval with the special event staff.

Motion by Commissioner Emory, second by Commissioner Johnson, to authorize the clerk to sign the attestation and approve the event and live music contingent upon a meeting and approval with the special event staff.

Amendment: Motion by Commissioner Emory, second by Commissioner Johnson, to allow music until 11:00 p.m. rather than midnight as requested.

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

Nays: None

MOTION PASSES

ROLL VOTE ON ORIGINAL MOTION:

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

Nays: None

MOTION PASSES

2021-71 UNFINISHED BUSINESS:

A. Amendment to Harbour Towne PUD Planning

SUMMARY OF REQUEST: Request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 3505 Marina View Point (Dockers).

A motion to recommend denial of the request was passed by the Planning Commission by a 5-2 vote at their June meeting. The City Commission then requested that the case go back to the Planning Commission after the owner works closer with the Harbour Towne Association. At the July 15 meeting, Barb Vukits, President of Harbour Towne Condominium Association, said that Harbour Towne wants Dockers to be successful, but they also want the area to be

maintained and look nice, not only for residents of Harbour Towne, but for all of Muskegon. They would also appreciate that unused equipment be stored appropriately and not left out in and around the restaurant. And they as that the structure that gets put there be architecturally consistent, not necessarily match Harbour Towne Condos, but something that would blend in to the surrounding architecture.

The Planning Commission unanimously (8-0, 1 absent) voted to send the issue back to the City Commission with the original recommendation (against the proposal).

STAFF RECOMMENDATION: To approve or deny the request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 3505 Marina View Point.

Motion by Commissioner Johnson, second by Commissioner Emory, to deny the request for an amendment to the Harbour Towne Planned Unit Development to allow for a storage container to be placed at 3505 Marina View Point.

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

Nays: None

MOTION PASSES

2021-72 NEW BUSINESS:

A. Rezoning of 1128 Roberts Street 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. Please see the comments received before the Planning Commission meeting was held. These were all in favor of the proposal, however, none of them came from neighbors that were noticed by mail. There were a few neighbors at the meeting that were not in favor of the request.

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 Vice Mayor Hood, to approve the request to rezone the property at 1128 Roberts Street from R-1 single-Family Residential Low Density to MC Medical Care. (No vote)

Motion by Commissioner Johnson, second by Commissioner German to table

this item.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Ramsey talked about the Community Survey that was conducted and there was some discussion on how to get more participation.

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

ADJOURNMENT: The City Commission meeting adjourned at 7:17 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk