CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 12, 2022 @ 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, Michigan at 5:30 p.m., Tuesday, July 12, 2022, Vice Mayor, Willie German, Jr., opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

Present: Mayor Ken Johnson, Vice Mayor Willie German, Jr., Commissioners, Teresa Emory, Rachel Gorman, Rebecca St.Clair, and Michael Ramsey, Interim City Manager LeighAnn Mikesell, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Eric Hood

PUBLIC COMMENT ON AGENDA ITEMS: Public comments received.

2022-67 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the May 20, 2022 Special Meeting, May 25, 2022 Special Meeting, June 13, 2022 Worksession, and June 14, 2022 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Lift Station Pump Replacements DPW/Water & Sewer

SUMMARY OF REQUEST: Authorize Staff to purchase a replacement pump for Apple Lift Station for $41,645 and a replacement for Beach Lift Station for $37,874 from Kennedy Industries (sole supplier).

The Apple Lift Station was upgraded in 1999 and has two pumps with one being replaced in 2009 and the original pump is 23 years old. Apple Lift Station is one of our busiest stations and we recommend replacing the original pump with a new Flygt pump from Kennedy Industries. This will increase the efficiency and reliability of this station and the old pump will be cleaned up and stored for use as a back up in emergency situations.

Beach Lift Station has had both pumps replaced with the first replacement in 2009 and the second replacement in 2013. This station has limited storage and high hourly usage throughout the year. The new Flygt pump from Kennedy Industries would serve as a back up to improve reliability in emergency situations.

AMOUNT REQUESTED: $79,519 AMOUNT BUDGETED: $150,000

FUND OR ACCOUNT: Sewer CIP Fund – 590-91828

STAFF RECOMMENDATION: To authorize staff to move forward with the purchase.

C. __DPW Roofing – 2B & 2C__ Public Works

SUMMARY OF REQUEST: Staff is seeking approval of a contract with Ostrander Roofing (Contracting) and Garland (Materials) in the amount of $185,614 to repair sections 2B and 2C of the roofing at DPW.

Staff solicited bids for roofing work at DPW and included funds in the 22/23 budget for this item of work.

Included in the bids were sections 2B and 2C of the roofing at DPW. Section 1 was completed in 2019 and section 2A has been approved but was delayed starting so the work could coordinate with 2B and 2C to minimize impact on the building. Section 3 (last section) will not require any work for a few years.

Staff is recommending that we accept the low bid from Ostrander Roofing and Garland Materials.

AMOUNT REQUESTED: $185,614 AMOUNT BUDGETED: $185,000

FUND OR ACCOUNT: 642-60442-5790

STAFF RECOMMENDATION: Authorize staff to contract with Ostrander Roofing and Garland in the amount of $185,614 for the roofing repairs at DPW.

E. __Musketawa Trail Project – Change Order #004__ Engineering

SUMMARY OF REQUEST: Staff is requesting approval of Change Order #004 on the Musketawa Trail Connector project as the overall project has exceeded staff approval levels for change orders.

The majority of Changer Order #004 represents the quantity balance of all pay items and the addition of one pay item to bring the project to final completion.

Change Order #004 requests a net increase to the project of $18,862.64 above the previously approved requests.

This change order will result in the following final values for the project:

As-Bid Cost = $518,602.35

Current Cost = $580,736.90

Net Change = $62,134.55 (111.98% Increase)

Even with the approval of Change Order #004 the project is expected to finalize below the budgeted amount and not require any adjustments save for a potential to shift any unspent 21/22 funds to 22/23 due to delays in the MDOT billing and payment process.

AMOUNT REQUESTED: $18,862.64 AMOUNT BUDGETED: $650,000

FUND OR ACCOUNT: 202-99118

STAFF RECOMMENDATION: Authorize staff to approve Change Order #004 to Project 99118 in the amount of $18,862.64 for the additional work as noted.

F. <u>DPW Vehicle Change Order</u> DPW – Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to amend the price of the previously approved DPW Vehicle Replacement purchase.

At the 8/24/2021 Commission Meeting the Commission approved the purchase of 15 (fifteen) replacement vehicles in the amount of $476,131 for various DPW vehicles as follows:

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

We are just starting to receive the bulk of these vehicles and finding that the approved price will require adjustment for two reasons:

- First, there is a staff error in that the original approval amount of $476,131 was based on the estimated vehicle cost and did not include the anticipated build costs which are in addition to the base vehicle costs. Had that been corrected at the time of the 8/25/21 action the staff request would have been for $571,000.
- Second, is the inflationary pressure on build pricing and the fact that several of these vehicles will be rolled from one model year to the next before they can be fulfilled carrying a price increase. Also included in this revision is a change in need wherein one of the F-350 vehicles is being changed from a Construction Truck to a Lift Station truck which is a substantially more expensive build cost to equip the vehicle with a crane. This is due to the condition of our existing lift station truck moving up in priority.

A summary of the originally budgeted amounts and the revised amounts per vehicle is attached to summarize the change.

There are sufficient funds in the equipment budget tyo support this revision and it will be addressed via a future reforecast if needed, further delays in delivery may negate the need for a reforecast. If necessary a reforecast would likely be addressed at the 2nd or 3rd quarter of 22/23

AMOUNT REQUESTED: $173,033 AMOUNT BUDGETED: $94,869

($694,164 Final Price - $476,131 Approved) ($571,000 Budget 0 $476,131 Approval)

FUND OR ACCOUNT: 661-60932-5730

STAFF RECOMMENDATION: Authorize a change in the overall purchase price for the 15 DPW replacement vehicles from $476,131 to $649,164.

G. <u>Sale – 213 Myrtle</u> Planning

SUMMARY OF REQUEST: City staff is seeking authorization to sell the City owned vacant lot to Franchelle Crowley.

Franchelle Crowley will be constructing a single-family home on the lot owned by the City of Muskegon. The property is zoned R-3 (single Family Residential). The parcel will be sold for 75% of the True Cash Value (TCV) per policy. The selling price will be $2,025. The property is in the Brownfield Development area. The home will be constructed within eighteen (18) months.

STAFF RECOMMENDATION: Authorize the Code Coordinator to work with the developer and complete the sale of the City owned buildable lot as described and to have the Mayor and Clerk sign the purchase agreement and deed.

I. <u>Arena Seats</u> Arena

SUMMARY OF REQUEST: The arena has added seating with the expansion of Suite 6 and Party Deck 3. We are looking to add seating to these areas as well as replacing lost, stolen, and or damaged seats.

Trinity Health Arena is requesting the approval to purchase new seating to fill the newly expanded areas. The arena is operating the Suites, Lodges and Party Decks with the original seating purchased during the initial remodel. Arena management would like to consolidate all current seating to one area and purchase new seating more friendly to the budget. The goal would be to cycle out the old and transition everything to the new over a period of time to ensure that the city will not be responsible to replace everything all at once.

AMOUNT REQUESTED: $10,000 AMOUNT BUDGETED: $10,000

FUND OR ACCOUNT: 254-5700

STAFF RECOMMENDATION: To approve the expense.

J. <u>Arena Floors (Lower Level)</u> Arena

SUMMARY OF REQUEST: The arena is in desperate need of new rubber flooring. We are requesting that the lower level (tunnel, locker rooms) be fitted for arena grace vulcanized rubber with a 20-year life span.

Trinity Health Arena is requesting the approval of new vulcanized rubber flooring throughout the lower level. We have roughly 10,000 square feet of hallway and locker-room space that needs a complete overhaul. The deterioration of the current rubber floor is full of bacteria and MRSA. It is becoming more difficult to clean, maintain, and keep sanitary. The vulcanized rubber floor we wish to install has many benefits to in including: Non-porous, easy to clean, Green Guard Gold certified, 100% recyclable, Fire resistant, Fungal, bacterial, and microbial resistance throughout. The cost is $150,000 and we would look to install the new flooring while the ice is out during the month of July. This completed project will but the arena in good standing for 20+ years and continue to ad value to the recruitment of top programs, teams, and players from around the country.

AMOUNT REQUESTED: $123,580 AMOUNT BUDGETED: $150,000

FUND OR ACCOUNT: 254-9000

STAFF RECOMMENDATION: To approve the expense.

K. <u>Lawrence Baker Lot Sale Amendment</u> Planning/Economic Development

SUMMARY OF REQUEST: Staff is seeking approval of the amendment to the lot sale agreement.

Mr. Baker has requested to purchase a lot at 1341 Ducey instead of 1328 James Street as originally approved by the Commission. The number of constructed homes and the lot purchase amount remains unchanged.

STAFF RECOMMENDATION: To approve the amendment to the Lot Sale Agreement as presented, and authorize the Mayor and Clerk to sign.

Motion by Commissioner Gorman, second by Commissioner Ramsey, to accept the consent agenda as presented, minus item D, H, and L.

ROLL VOTE: Ayes: Johnson, Ramsey, German, Gorman, Emory, and St.Clair

Nays: None

MOTION PASSES

2022-68 REMOVED FROM CONSENT AGENDA:

D. <u>Special Event Fee Waiver – Rebel Road</u> Public Works

SUMMARY OF REQUEST: Child Abuse Council submitted a Special Event Fee Waiver Application for Rebel Road on July 13-17, 2022.

Rebel Road is returning to Western Avenue for 2022. The estimated fee total for this event is $28,000.

- $25,000 Police Services (There are additional costs in police services that the City incurs and are not billed to the event. And example would be the staffing on Western Avenue from 11 pm when the event ends until 2:30 am when the crowd dissipates.)

- $2,300 DPW Services to move picnic tables and close streets
- $200 Picnic table rental
- $500 Fire hydrant setup and use

Based on the point system on the last page of the fee waiver application, Rebel Road would qualify for a 25% waiver, equivalent to approximately $7,000 if approved.

STAFF RECOMMENDATION: To waive up to $7,000 in special event fees for Rebel Road 2022.

Motion by Commissioner Ramsey, second by Commissioner St. Clair, to waive up to 50% of special event fees for Rebel Road 2022.

ROLL VOTE: Ayes: German, Gorman, Emory, St.Clair, Johnson, and Ramsey

Nays: None

MOTION PASSES

H. <u>Amendment to the Zoning Ordinance – Critical Dunes</u> Planning

SUMMARY OF REQUEST: Staff-initiated request to revoke Section 2310 (Critical Dunes) of the zoning ordinance.

The Planning Commission unanimously recommended in favor of revoking the ordinance.

STAFF RECOMMENDATION: To approve the request to revoke Section 2310 of the zoning ordinance.

Motion by Commissioner St.Clair, second by Vice Mayor German to approve the request to revoke Section 2310 of the zoning ordinance.

ROLL VOTE: Ayes: Ramsey, German, Gorman, Emory, St.Clair, and Johnson

Nays: None

MOTION PASSES

SECOND READING REQUIRED

I. <u>Polling Location Change – Precinct 13</u> City Clerk

SUMMARY OF REQUEST: We just recently learned that Bunker School will not be available for Elections through a minimum of August 2023 due to construction. Lakeside Baptist Church is willing to accommodate a polling place.

Lakeside Baptist Church, 2250 Denmark, has a large gym in their basement with an elevator able to accommodate those who are unable to use stairs. We anticipate a nominal fee for the use for the building but the building more than meets our needs as a polling location for the foreseeable future while Bunker is being remodeled.

STAFF RECOMMENDATION: To approve the request to move the polling location of Precinct 13 to Lakeside Baptist Church.

Motion by Commissioner Ramsey, second by Commissioner Gorman to approve the request to move the polling location of Precinct 13 to Lakeside Baptist Church.

ROLL VOTE: Ayes: Gorman, Emory, St.Clair, Johnson, Ramsey, and German

Nays: None

MOTION PASSES

2022-69 NEW BUSINESS:

A. <u>Final PUD Approval at 2801 Lakeshore Drive</u> Planning

SUMMARY OF REQUEST: Request for Final Planned Unity Development approval for a housing development at 2801 Lakeshore Drive, by Muskegon Club Property, LLC.

The preliminary PUD includes the development of up to 39 single-family houses at the southwest corner of the property and the development of up to 25 rental cottage units on the northern edge of the property. The Planning Commission unanimously approved the preliminary PUD.

The applicant is only seeking final PUD approval for the 39 single-family houses and will apply for final PUD approval for the 25 rental cottage units at a later time. The Planning Commission unanimously voted in favor of recommending approval of the Final Planned Unit Development for the 39 single-family homes and two new private streets with the condition that a sidewalk be added to the Beach Street side of the development.

STAFF RECOMMENDATION: To approve the Final Planned Unit Development for the 39 single-family homes and two new private streets with the condition that a sidewalk be added to the Beach Street side of the development and an updated site plan is approved by staff.

Motion by Commissioner St.Clair, second by Commissioner Emory, to approve the Final Planned Unit Development at 2801 Lakeshore Drive for the 39 single-family homes and two new private streets with the condition that a sidewalk be added to the Beach Street side of the development, roads are publicly accessible, garage door allotment to be up to 60% of the building front façade, and an updated site plan is approve by staff.

ROLL VOTE: Ayes: Emory, St.Clair, Johnson, Ramsey, German, and Gorman

Nays: None

MOTION PASSES

B. **<u>Amendment to the PUD at 1148 & 1204 W Western Ave (Adelaide Point)</u>**
Planning

SUMMARY OF REQUEST: Request to amend the final Planned Unit Development at 1148 & 1204 W Western Avenue (Adelaide Point).

The proposed amended plan includes the addition of a new street (Adelaide Avenue) and proposes to turn Adelaide Circle into a one-way street with angled parking. The proposed amended plan also removes building R5 (condominium) and splits buildings B1 and B3 (east side of development) into two separate building s instead of one (identified as B2 on original plan). The buildings between Adelaide Avenue and W. Western Avenue continue to change as the developer researches storage needs, but this area will remain warehousing/boat storage.

The Planning Commission unanimously recommended in favor of approving the amended PUD with the conditions that Adelaide Boulevard is moved to the east and will be a shared drive with Hartshorn Village (exact location to be determined) and an updated plan is approved by staff.

STAFF RECOMMENDATION: To approve the request to amend the final Planned Unit Development at 1148 & 1204 W. Western Avenue.

Motion by Commissioner Ramsey, second by Commissioner St.Clair, to approve the request to amend the final Planned Unit Development at 1148 & 1204 W Western contingent upon the roads being publicly accessible, final configuration of bike path subject to staff approval, and Adelaide Boulevard being moved to the east to join Hartshorn Development.

ROLL VOTE: Ayes: Ramsey, German, Gorman, Emory, St.Clair, and Johnson

Nays: None

MOTION PASSES

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

ADJOURNMENT: The City Commission meeting adjourned at 6:55 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC - City Clerk