

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 22, 2021 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440
REMOTE MEETING**

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, June 22, 2021.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron (Muskegon, MI), Vice Mayor Eric Hood (Muskegon, MI), Commissioners Ken Johnson (Muskegon, MI), Dan Rinsema-Sybenga (Muskegon, MI), Willie German, Jr. (Muskegon, MI), and Teresa Emory (Muskegon, MI) City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Michael Ramsey

HONORS/AWARDS/PRESENTATIONS: Mayor Gawron announced that Muskegon Lakeshore Trail - the 12-mile bike and pedestrian pathway from the Muskegon River to Pere Marquette Beach – is fully reopening since high-water damage closed a portion of it early 2020. The trail between Hartshorn Marina and Lakeside received extensive damage from high water and battering storms.

PUBLIC COMMENT ON AN AGENDA ITEM: No public comments were received.

2021-59 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the June 7, 2021 Worksession and the June 8, 2021 Regular Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Irish Flag at Hackley Park City Clerk

SUMMARY OF REQUEST: Michigan Irish is seeking permission to fly the Irish Flag under the U.S. Flag on September 18, 2021 at Hackley Park when they hold their event, "Hackley Hooley".

STAFF RECOMMENDATION: To approve the request to fly the Irish Flag at Hackley Park on September 18, 2021.

C. Community Relations Committee Recommendations City Clerk

SUMMARY OF REQUEST: To accept the resignation of Karen Panozzo from the Historic District Commission, term expiring 1/31/2022.

STAFF RECOMMENDATION: To concur with the recommendation of the Community Relations Committee and accept the resignation of Karen Panozzo from the Historic District Commission.

D. Sale – 243 Monroe Avenue Planning

SUMMARY OF REQUEST: City staff is seeking authorization to sell the City-owned home at 243 Monroe Avenue to Phillip McPherson & Richard Vanderputte-McPherson. The city constructed this house as part of the phase two of our infill housing program. Staff is recommending that the purchase agreement be approved and 243 Monroe Avenue be sold to Phillip McPherson & Richard Vanderputte-McPherson at a cost of \$182,900.

STAFF RECOMMENDATION: Authorize the Code Coordinator to complete the sale of 243 Monroe Avenue as described in the purchase agreement and to have the Mayor and Clerk sign the deed.

E. MDOT Agreement for Musketawa Trail Connector Public Works

SUMMARY OF REQUEST: Staff is requesting approval of the contract with MDOT for the construction of the Musketawa Trail Connector and approval of the resolution authorizing the Mayor and Clerk to sign the contract. This is the standard contract governing projects that are constructed using federal funds through MDOT. The estimated cost for the project construction is \$518,602.35 with \$181,024.00 of that being federal surface transportation funding, \$315,000.00 being MDNR Recreational Trails Funding and the remainder being funded through the City's Major Street Budget in the 21/22 Budget year. Work on this trail is expected to commence in August and take approximately 8 weeks to complete.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the mayor and clerk to sign both.

G. Traffic Control Order – Isabella & Oak Grove Traffic/Engineering

SUMMARY OF REQUEST: Approval of Traffic Control Order #69-(2021) for the installation of "Yield Signs" on the Northwest and Southeast corners of Isabella Avenue at Oak Grove Street.

STAFF RECOMMENDATION: Approve the installation of "Yield Signs" at the Northwest and Southeast corners of Isabella Avenue at Oak Grove Street, per the submitted Traffic Control Order #69-(2021).

H. Traffic Control Order – 2-Hour Parking

Traffic/Engineering

SUMMARY OF REQUEST: Rescind Traffic Control Order #15-(2014) which established the boundaries of the downtown area that can be designated for 2-Hour Parking. To approve the submitted Traffic Control Order, #70-(2021) which establishes new boundaries for the downtown area that can be designated for 2-Hour Parking. The revision moves the NE boundary from Terrace Street to Pine Street allowing for 2-Hour Parking to be installed along Pine Street in the business areas.

STAFF RECOMMENDATION: To rescind Traffic Control Order #15-(2014) and approve Traffic Control Order #70-(2021).

I. Michigan & Franklin Change Order #002

Public Works

SUMMARY OF REQUEST: Staff is seeking approval of Change Order #002 to the Michigan & Franklin Construction Project (202-92003) with Wadel Stabilization.

The majority of work on this change order is a staff recommendation to replace the southern curb and gutter and mill and resurface Webster Avenue between 8th and 9th Streets. This area of Webster was an excellent condition roadway that required multiple pavement patches be installed to accommodate the new housing development on this block. Ordinarily the work for a water/sewer service would only be replaced with a square patch, however given the excellent condition of Webster Avenue prior to this work and the extent of the patching necessary staff desires to mill and resurface the entire block as well as replace the curb line to preserve the excellent condition of this roadway.

Wadel Stabilization through their existing contract for work on Michigan and Franklin has the equipment and the subcontractors necessary to complete this work in the most economical and expedient fashion and as such staff approached them to provide pricing for this work under the change order provisions of the purchasing policy.

Webster Avenue is also classified as a major street meaning that the funds drawn for this work would come from the same account as the funds drawn for Michigan/Franklin.

This change order exceeds the limits for approval at the staff level and requires commission consideration. In addition, the Michigan and Franklin project will require one additional change order in the near future to final balance all quantities and items of work completed on the project which will also be brought before the Commission.

Change Order #001 for this project was approved at the staff level for approximately \$13K to replace several water valves that were found to be

FUND OR ACCOUNT: Equipment Fund – 661-60932-5720

STAFF RECOMMENDATION: Authorize staff to move forward with the purchase.

L. Fire Barn Museum Exhibit Public Safety

SUMMARY OF REQUEST: Renewal of yearly long-term load for the Fire Barn Museum Exhibit holding the 1923 LaFrance Fire Engine and attached equipment. Renewal due June 30, 2021, expiring on June 30, 2022. Lakeshore Museum Center agrees to provide insurance coverage.

STAFF RECOMMENDATION: Approval of renewing the load of the 1923 LaFrance Fire Engine and attached equipment for the upcoming year, expiring June 30, 2022 with the Lakeshore Museum Center agreeing to provide insurance coverage.

M. Request for Approvals – AgeWell Services CNS

SUMMARY OF REQUEST: This request/proposal is from AgeWell Services of West Michigan (AgeWell Services) to offer Food Assistance for our citizens in need of resources as a response to the Covid-19 Pandemic. Families in need who are low-income households who have a potential shortage this summer. This would provide \$50,000 financial assistance to AgeWell Services for three points of activities to share food resources.

AMOUNT REQUESTED: \$50,000 **AMOUNT BUDGETED:** \$50,000

FUND OR ACCOUNT: CDBG-CV 2020

STAFF RECOMMENDATION: To approve the agreement with AgeWell Services.

N. Assessing Contract – Muskegon County City Manager

SUMMARY OF REQUEST: Requesting approval of the Assessing Services Contract with Muskegon County. Muskegon County has been providing assessing services to the city for a number of years. The current contract expired last month. The new contract does carry a cost increase, but the costs are in line with what other communities are spending on this service. The budget approved earlier this month estimated the cost for this service at \$353,308. The new cost of \$413,348 represents a \$60,040 increase (17%).

AMOUNT REQUESTED: \$413,348 **AMOUNT BUDGETED:** \$353,308

STAFF RECOMMENDATION: Amend FY 2021-22 GL Number 101-30209-5300 to \$413,348 to cover the updated assessing costs, and approve the Assessing Services Agreement with Muskegon County and authorize the Mayor and City Clerk to sign.

O. 4th Quarter Budget Reforecast Finance

SUMMARY OF REQUEST: At this time staff is asking for approval of the 4th Quarter Budget Reforecast for the FY 2020-21 budget year. Staff has prepared the 4th Quarter Budget Reforecast. A memo outlining some of the highlights is attached.

STAFF RECOMMENDATION: To approve the 4th Quarter FY2020-21 Budget Reforecast as presented.

construction of the Musketawa Trail Connector.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the consent agenda as presented, minus item F and P.

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

Nays: None

MOTION PASSES

2021-60 REMOVED FROM CONSENT AGENDA:

**F. City of Muskegon/Muskegon Public Schools Cost Sharing Agreement
Public Works**

SUMMARY OF REQUEST: Staff is requesting approval of a cost sharing agreement with Muskegon Public Schools related to completion of several utility relocations required to facilitate construction of the MPS High School and MPS Middle School capital projects.

Staff has worked with Muskegon Public Schools to identify several city-owned utility lines that required relocation to allow for capital projects to take place at the Muskegon High School Campus as well as the proposed Muskegon Middle School Campus.

At the High School campus there are existing active sanitary sewer line and an existing active storm sewer line located in the vacated Jefferson Street ROW north of Southern Avenue that require removal and rerouting to allow for work at the high school site.

At the proposed Middle School campus there is an existing active storm sewer line located in the vacated Clinton Avenue ROW south of Dale Avenue that requires rerouting to allow for planned work at the middle school site.

Staff worked with MPS and our Engineers (Prein & Newhof) to develop a solution that could be constructed in conjunction work on Peck Street to eliminate the utility conflicts and allow for the MPS projects to continue without interruption. The total cost for this work is estimated at \$571,627.01 (\$505,127.01 Construction Contract + \$66,500 Engineering). Of that total Muskegon Public Schools is responsible for \$468,980.36 and the City of Muskegon would be responsible for \$102,646.65 due to staff recommending an alternative routing at the High School site that better fits in with the long-term management of the utility system.

MPS has also reviewed this document and is agreeable to the terms.

A change order to incorporate this work into the Peck Street project will be prepared at a later date and brought for consideration by this board as it relates to adding this work into the ongoing project via a change order.

FUND OR ACCOUNT: 590/591-92010

STAFF RECOMMENDATION: Approve the attached letter of understanding and exhibits outlining the cost sharing agreement and authorize the Mayor and Clerk to sign.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the letter of understanding and exhibits outlining the cost sharing agreement and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

P. 1747 7th Street Rezoning Planning

SUMMARY OF REQUEST: Request to rezone property at 1747 7th Street from I-2, General Industrial to B-4, General Business, by Muskegon Rescue Mission.

STAFF RECOMMENDATION: To approve the request to rezone the property at 1747 7th Street.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to rezone the property at 1747 7th Street.

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

Nays: None

MOTION PASSES

SECOND READING REQUIRED

2021-61 PUBLIC HEARINGS:

A. Drinking Water Project Plan Public Works

SUMMARY OF REQUEST: To host a public hearing relative to the updated City of Muskegon Project Plan for Drinking Water upgrades. The plan highlights the next few years of improvement projects.

Staff contracted with Prien & Newhof to complete a required update to our previous project plan which is required to maintain eligibility for Drinking Water Revolving Fund (SRF) financing and grants. These programs are used to finance a relatively large portion of our water and sewer work in recent years including

projects on Peck Street and Amity Avenue that are currently underway.

This plan represents an update to the previously published 2019 plan which includes a continuation of many of the projects identified in that plan, as well as a shift in future focus to include substantial investments towards lead service line replacements within the City.

The project plan is currently available on the City website for review. Prein & Newhof will offer a short presentation of the project plan and public comment on the plan is encouraged.

STAFF RECOMMENDATION: Close the public hearing, approve the drinking water system project plan, and authorize the Mayor and Clerk to sign a resolution in support of the plan.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to close the public hearing, approve the drinking water system project plan, and authorize the Mayor and clerk to sign a resolution in support of the plan.

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

Nays: None

MOTION PASSES

B. Harbor 31 Viridian Shores Housing Development Neighborhood Enterprise Zone Hearing on Resolution Economic Development

SUMMARY OF REQUEST: The development team at Harbor 31 has requested that the City of Muskegon create a Neighborhood Enterprise Zone around certain parcels at the Harbor 31 development site intended for owner-occupied housing units.

The developers have planned a multi-phase, multi-use buildout for the Harbor 31 site which includes single family detached residential as well as owner-occupied townhomes. In order to make these homes marketable due to the large amount of environmental mitigation required, the developer has requested that an NEZ district be created so that future buyers can request Neighborhood Enterprise Zone certificates for their respective home builds. The process laid out in the resolution will comply with Public Act 147 of 1992 (NEZ Act) so that the City properly notices taxing jurisdictions and holds the required public hearing in the time frames as stipulated. The hearing has been properly noticed and taxing jurisdictions duly informed. The hearing tonight and subsequent resolution, if passed, will create a district wherein owners of lots may request NEZ certificates as incentive for new residential construction.

STAFF RECOMMENDATION: To approve the resolution creating a Neighborhood Enterprise Zone for the Viridian Shores Development at Harbor 31

as presented.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing and approve the resolution creating the Neighborhood Enterprise Zone for the Viridian Shores Development at Harbor 31 as presented.

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

Nays: None

MOTION PASSES

2021-62 NEW BUSINESS:

A. Alley Vacation – Holbrook/Huizenga Planning

SUMMARY OF REQUEST: Request to vacate the alley north of Holbrook Avenue and east of Huizenga Street, by Newkirk Electric Associates. The Planning Commission unanimously recommended vacation of the alley as requested with the condition that the applicant screen the existing storage areas with a wooden privacy fence and remove all barbed wire.

STAFF RECOMMENDATION: To (approve/deny) the request to vacate the alley north of Holbrook Avenue and east of Huizenga Street.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the request to vacate the alley north of Holbrook Avenue and east of Huizenga Street with the condition that the applicant screen the existing storage area with a wooden privacy fence and remove all barbed wire.

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

Nays: None

MOTION PASSES

B. 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.

STAFF RECOMMENDATION: 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 Rinsema-Sybenga, second by Commissioner Emory, to approve 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.

2nd Motion

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to table this item until the next regular City Commission meeting on July 13, 2021.

ROLL VOTE: Ayes: Hood, German, and Rinsema-Sybenga

Nays: Emory, Johnson, and Gawron

MOTION FAILS

3RD Motion

Motion by Commissioner Emory, second by Commissioner Johnson, to refer the matter of the amendment of the Harbour Towne PUD back to the Planning Commission for further consideration in consultation with residents and property owner.

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

Nays: Gawron

MOTION PASSES

C. YEP Partnership Public Works

SUMMARY OF REQUEST: Staff is seeking authorization to enter into an agreement with Community Encompass through their YEP (Youth Empowerment Program) to provide seasonal staffing services within the City.

Staff has struggled to hire an adequate number of seasonal staff to provide the expected level of services throughout the city. Staff anticipated a need to hire approximately 30-35 seasonal workers within DPW to provide services primarily within the Parks and Cemetery Departments throughout the peak tourist seasons in 2021. To date we have been able to fill approximately 15 of those vacancies through our current contractual relationship with GoodTemps.

As such, staff reached out to Community EnCompass to see if there would be a possibility through the YEP program for Community EnCompass to provide crew(s) of workers that could be utilized to perform seasonal duties that would normally be provided through GoodTemps staff.

Community EnCompass was able to meet that commitment as outlined in the attached agreement which would see approximately 10-12 kids employed through Community EnCompass working for the City of Muskegon in a seasonal capacity. Workers in this program are generally high school aged students that do not meet the age requirements to be employed for the city through GoodTemps.

The employees in these positions would be assigned to light duties including mowing, weed whipping, trash collection within the social district, bathroom

cleaning, and other low-risk duties that would not involve the use of heavy equipment or the operations of City vehicles. YEP Crews would consist of 3-4 workers and a crew supervisor. The crew supervisor would be responsible to work in partnership with City DPW staff to identify and prioritize tasks throughout the work week.

Community EnCompass would invoice the city for the labor expenses + markup in the same manner that is done by GoodTemps.

Community EnCompass will provide supervision and transportation for the workers. City will provide equipment and supplies for use by the crews.

The cost of this program is already contained within the Contractual Services line items of multiple city budgets and would not represent a cost increase to the city rather the cost would be deferred away from expenses related to employing staff through GoodTemps. If fully utilized staff estimates the value of this contract at approximately \$100,000.

City staff supports this partnership as a way to help us achieve our proper staffing levels for the summer season and maintain the expected level of service within the City. This program can also serve as an introduction for students in the YEP program to learn about potential career paths within the City and help us address the longer-term systemic issues we have obtaining qualified applicants for many of our positions.

AMOUNT REQUESTED: \$100,000 AMOUNT BUDGETED: \$100,000

FUND OR ACCOUNT: 101-70276/70751-5346 (Cemeteries & Parks)

STAFF RECOMMENDATION: Authorize staff to enter into the agreement with Community EnCompass to provide seasonal workers through their YEP program.

Motion by Commissioner Vice Mayor Hood, second by Commissioner German, authorize staff to enter into the agreement with Community EnCompass to provide seasonal workers through their YEP program.

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

Nays: None

MOTION PASSES

D. Special Event Fee Waiver – Rebel Road Public Works

SUMMARY OF REQUEST: Child Abuse Council is seeking a Special Event Fee Waiver for Rebel Road on July 16-18, 2021. Rebel Road is moving to Hackley Park this year. They are asking their City fees be waived for 2021. Gathering an estimated cost for their event is difficult as it has multiple variables and their special event application has “possibly” written next to some equipment requests. The minimum estimated cost of their event is \$9,770 (\$1,500 Hackley

Park use fee for 3 days, \$7,200 in Police Staff time (4 officers, \$60/hour, total of 30 hours), and at least \$1,000 in DPW fees (estimated costs for barricades and hydrant use; would be different if picnic tables are used.))

Due to Rebel Road not being on Western this year and the likelihood of motorcycles still parking on Western Avenue, City staff will still need to: close Western Avenue from Jefferson to 7th, provide police staff, extra Social District security personnel, portable restrooms, picnic tables, extra trash cans, staff to empty trash cans, rent a dumpster, etc. The estimated cost of the closing and maintenance of Western Avenue is \$27,590 (\$16,200 in Police Staff time (9 officers, \$60/hour, 30 hours), \$1,140 in extra security personnel (2 staff members, \$19/hour, 30 hours), \$2,500 for portable restrooms, \$7,000 in DPW fees (barricading streets, moving picnic tables, 2 staff members during the event to handle trash), and \$750 for dumpster rental and emptying during the event. Staff has increasing the social district sticker cost for this event and charging food trucks to be able to park on Western Avenue to help the restaurants with the volume. This being the first year with the social district, we are unable to determine an estimated revenue at this time.

STAFF RECOMMENDATION: To approve the request in part from the Child Abuse Council and waive up to \$5,000 in Special Event Fees for Rebel Road.

Motion by Commissioner Johnson, second by Commissioner Emory, to approve the request from the Child Abuse Council and waive up to \$10,000 in Special Event Fees for Rebel Road.

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

Nays: None

MOTION PASSES

E. Special Event Fee Waiver – Health West Public Works

SUMMARY OF REQUEST: Health West is seeking a Special Event Fee Waiver for their free community health and wellness resource fair on August 19, 2021.

Health West is holding a free community health and wellness resource fair that includes a pre-packed lunch, exhibitor booths, live music, kids activities, and giveaways. They are asking their City fees be waived for 2021. Base on the needs of their event, the estimated cost of their event is \$600 (\$500 Hackley Park user fee and \$100 application fee.)

STAFF RECOMMENDATION: Approve/approve in part/deny the request from Health West to waive \$600 in special event fees for their health and wellness resource fair.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German, to approve the request from Health West to waive \$600 in special event fees for

their health and wellness resource fair.

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

Nays: None

MOTION PASSES

F. Muskegon Social Equity Program Grants Planning

SUMMARY OF REQUEST: Request to approve the proposed grants/loans as part of the Muskegon Social Equity Program.

STAFF RECOMMENDATION: To approve the proposed grants/loans as part of the Muskegon Social Equity Program.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the proposed grants/loans as part of the Muskegon Social Equity Program.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Emory raised the question about returning to in-person meetings. All Commissioners are not comfortable with returning to in-person just yet. Discussion took place regarding an attempt at a hybrid meeting where participation could take place in person or electronically. The Clerk's office will work with the production company to set this up and commissioners will be invited to test the system.

PUBLIC COMMENT: No public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk