

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 8, 2018 @ 5:30 P.M.

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

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
 - Pollinator Plan Presentation LeighAnn Mikesell - DPW
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes City Clerk
 - B. Request to Fly the Norwegian Flag City Clerk
 - C. Approval of Building Contract for 1015 E. Forest Avenue Community & Neighborhood Services
 - D. Toro Groundsmaster Mower DPW/Equipment
 - E. 2018-19 Healthcare and Wellness Program Finance Director
 - F. Set Public Hearing for Amendment to Brownfield Plan – Pigeon Hill Planning & Economic Development
 - G. Remembrance Road Preliminary and Construction Engineering Department of Public Works
 - H. LC Walker Arena Improvements City Manager
 - I. Amity Bridge – Resolution of Support for Bridge Funding Application and Commitment for Matching Funds Department of Public Works
 - J. Medical Marijuana Facilities Licensing Act Application Planning & Economic Development
- ☐ **PUBLIC HEARINGS:**

- ❑ **COMMUNICATIONS:**
- ❑ **UNFINISHED BUSINESS:**
- ❑ **NEW BUSINESS:**
 - A. **DDA On-Premise Liquor License for Nipotes** Planning & Economic Development
 - B. **Medical Marihuana Facilities Licensing Act** Planning & Economic Development **SECOND READING**
 - C. **Amendment to the Zoning Ordinance – Medical Marihuana Facilities Licensing Act Overlay District** Planning & Economic Development
 - D. **Demolition of 1713 and 1747 7th Street AKA Park Street Storage** Public Safety
- ❑ **ANY OTHER BUSINESS:**
- ❑ **PUBLIC PARTICIPATION:**
 - ▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**
 - ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
 - ▶ Submit the form to the City Clerk.
 - ▶ Be recognized by the Chair.
 - ▶ Step forward to the microphone.
 - ▶ State name and address.
 - ▶ Limit of 3 minutes to address the Commission.
 - ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)
- ❑ **CLOSED SESSION:**
- ❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: May 3, 2018

Here is a quick outline of the items on our agenda(s):

WORK SESSION

At the work session, we will discuss a number of ongoing projects:

1. We will be discussing a staff request to enter into an agreement with an engineering firm to provide design and construction engineering services related to upgrades to Remembrance Road. The project will include public roadway improvements to support a large industrial project planned for the property, which the City is acquiring from the current property owner. The development will be in front of the Planning Commission seeking site plan approval in the coming weeks.
2. We would like to continue our discussion on the MMFLA application document. Staff would like to have that document finalized in the coming days to best prepare our planning staff for the processing of applications.
3. We would like to finish our discussion on the MMFLA Overlay District. If you recall, staff is recommending that the two districts be approved as one district with the same zoning requirements.
4. We would like to discuss some time-sensitive improvements/repairs to the LC Walker Arena. Each year, we have a short period to make major changes to the facility (while there are not any scheduled events). The improvements/repairs that we are requesting are as follows:
 - a. ADA seating improvements. This work is expected to cost approximately \$20,000 and will be completed by the Department of Public Works.
 - b. Demolition of upper-level seating to make additional space for more popular seating/viewing options. Over the past 3+ years, we have experienced a shift in seating preferences. The fans at the arena (especially at the sporting events) desire areas where they can stand/mingle while watching the game. We would like to provide that. The Party Deck, Fan Cave, and the Beer Garden, as well as the corporate suites are our most popular seating options. This move will allow us to

expand that seating/viewing option and create some more unique/desirable viewing areas – likely improving ticket sales. We expect this to be not more than a \$30,000 cost.

- c. Removal of non-functioning HVAC units to improve arena aesthetics. These large units are visible along the ceiling throughout the arena. The system was abandoned as part of the Quality of Life upgrades a number of years ago, but the equipment was never removed – likely because of cost. Paint is peeling and it's really time to get them out of the arena. We expect this to be not more than a \$30,000 cost.
- d. We need to complete the painting in the arena. We have tried to piecemeal the painting this season by doing small portions at a time. The costs are adding up, and in my opinion, we should seek approval for the entire area. Interior and exterior painting has not happened in decades. Our goal is to replace all of the green areas with a grey/black. Additionally, we intend to paint the white rafters with a black paint, and paint all interior cinderblock surfaces with washable paint in various shades of grey and black. We expect the ceiling paint to be approximately \$50,000 and exterior trim paint to cost approximately \$21,000. We expect the remaining cinderblock walls to cost no more than \$50,000.
- e. We need to replace the reflective ceiling insulation. This a heating/cooling issue, as the reflective insulation helps efficiently keep the ice cold/frozen. There are cheaper options, but we want the higher R value that comes with this material. We expect this to be not more than a \$60,000 cost.

We are expecting the total cost to reach \$230,000. In the grand scheme of things, the arena has millions in deferred maintenance needs. We are going to try and take a few bites at that each year. In the meantime, we do intend to make a request from the DDA to fund an additional round of improvements that could happen simultaneously with these improvements: glass, ice controls, restrooms, concessions, suites, and more activation of Western Ave would be the focus of the DDA request. Other improvements likely needed in the next few years include the roof(s) and HVAC.

REGULAR MEETING

1. Under presentation, we will present the pollinator plan from last month.
2. Under the Consent Agenda, we are asking the Commission to consider the following:
 - a. Approval of meeting minutes from the most-recent City Commission meeting.
 - b. Approval to fly the Norwegian Flag (annual approval for Sons of Norway).
 - c. Approval of a building contract for 1015 E Forest. This is a CNS housing rehabilitation project.

- d. Approval to purchase of a Toro Groundsmaster. This multi-use equipment will function as a lawn mower and a sidewalk snow removal device.
 - e. Approval of the 2018-19 Healthcare and Wellness Program. This is essentially our employee health insurance program. We made some changes to better-conform with state law (including increases to employee cost-sharing). The net cost increase to the city is minimal.
 - f. Set a public hearing to consider the brownfield redevelopment plan for the Pigeon Hill Brewing expansion.
 - g. Approval of the remembrance road engineering agreement. This is a carryover from the work session.
 - h. Authorization of the expenditures at the LC Walker Arena. This is a carryover from the work session.
 - i. Approval of a resolution that will authorize staff to seek grants to remove the Amity Street Bridge and build a new roadway on fill. Local cost share is estimated at \$90,000 plus engineering costs. Funding is available starting in 2021.
3. Under the New Business, we are asking the Commission to consider the following:
- a. Approval of an on premise liquor license for a new restaurant under construction on Clay Avenue.
 - b. Second reading of the medical marihuana opt-in ordinance.
 - c. First reading of the Medical Marihuana Overlay District ordinance.
 - d. Approval of the demolition of Park Street Storage.

Let me know if you have any questions/comments/concerns

Date: May 2, 2018
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the April 24, 2018 Regular Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 24, 2018 @ 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, April 24, 2018. Pastor Darrin Longmire, Forest Park Covenant Church, 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 Ken Johnson, Byron Turnquist, Willie German, Jr., Debra Warren, and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

2018-26 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the April 9, 2018 Worksession Meeting and the April 10, 2018 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Amendment to the Zoning Ordinance Planning & Economic Development

SUMMARY OF REQUEST: Staff-initiated request to amend Section 2005.10 (Urban Residential Context Area) of the Form Based Code to allow non-profit supportive housing as a special use permitted in certain building types and to allow home-based businesses as a principal use permitted in certain building types.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

C. Procurement of Turbidimeters DPW/WFP

SUMMARY OF REQUEST: Authorize staff to procure new turbidimeters from Hach to replace old and obsolete turbidimeters at the Water Filtration Plant.

FINANCIAL IMPACT: Existing turbidimeters are old, obsolete, failing and replacement parts are not available. These turbidimeters in bulk would be more economical to procure them with controllers as kits. Currently, there are three newer Hach controllers in stock and procuring the new Hach turbidimeters kits will allow the existing controllers to be utilized. This is a more economical approach for replacement of all turbidimeters at the cost of \$57,118.88 (including shipping).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff be authorized to procure turbidimeters from Hach at the Water Filtration Plant at a cost of \$57,118.88.

D. Ottawa Bridge – Resolution of Support for Bridge Funding Application and Commitment for Matching Funds DPW

SUMMARY OF REQUEST: The Engineering Department would like to apply for critical bridge funding through the Michigan Department of Transportation. These funds would be used to replace the Ottawa Bridge which was constructed in 1929 and is currently in very poor condition.

Construction is estimated at \$1,374,000, and the city would be required to provide matching funds of approximately \$300,000 plus engineering costs. Funding is available starting in 2021.

The MDOT application requires a resolution of support and commitment for the matching funds.

FINANCIAL IMPACT: \$600,000 split over fiscal year 20/21 and 21/22.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the resolution of support for the critical bridge fund applications and commit to funding the required match and engineering costs.

Motion by Commissioner Warren, second by Commissioner German, to approve the consent agenda as presented.

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

Nays: None

MOTION PASSES

2018-27 PUBLIC HEARINGS:

A. Public Hearing for the 2018 Action Plan Services

Community & Neighborhood

SUMMARY OF REQUEST: To conduct a public hearing on April 24, 2018 to receive comments from the public concerning the 2018 Action Plan developed by the Community and Neighborhood Services Department.

After the public hearing, all comments received during the 30 day comment period (April 15-May 14) will be documented and included in the plan as required.

FINANCIAL IMPACT: The City is required to submit the Annual Action Plan to receive 2018 allocations of CDBG and HOME Investment Partnership Programs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the 2018 Action Plan to HUD after the public comment period.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Vice Mayor Hood, second by Commissioner Johnson, to close the public hearing and direct staff to gather comments from the public and submit the 2018 Action Plan to HUD after the public comment period.

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

Nays: None

MOTION PASSES

2018-28 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: Public Safety

577 Amity Avenue

1330 5th Street

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: Fire Escrow Funds of \$9,918.75 and \$30,739.08 have

been received.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner German, second by Commissioner Johnson, to concur with the Housing Board of Appeals notice and order to demolish 577 Amity Avenue and 1330 5th Street.

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

Nays: None

MOTION PASSES

2018-29 ANY OTHER BUSINESS:

A. Medical Marihuana Facilities Licensing Act – Opt In/Out Discussion – No Action Requested Planning & Economic Development

Frank Peterson, City Manager, presented information to the City Commission regarding consideration of opting in or opting out of the Michigan Medical Marihuana Facilities Licensing Act. Mike Franzak, Planning Manager, presented information regarding amending the general code of ordinances if the commission chooses to opt in. Mike also gave information regarding proposed zoning changes and an application for a MMFLA license.

Discussion took place amongst the commission.

Motion by Commissioner Johnson, second by Commissioner Warren, to adopt an amendment to the code of ordinances, Chapter 34, Article IV, Sections 201-208.

ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, Gawron, and Warren

Nays: German, Turnquist, and Hood

MOTION PASSES

INTRODUCTIONS/PRESENTATION:

Proclamation – Women’s Veteran’s Day Mayor Stephen J. Gawron, presented a Resolution proclaiming April 26, 2018 as Women’s Veterans Day in Muskegon and encourages all City of Muskegon citizens to recognize the courage and contributions of generations of American servicewomen and their families who have proudly served our great state and nation, doing their part to protect our land, people, freedoms and legacy.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 7:16 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

Date: May 2, 2018
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Request to Fly the Norwegian Flag

SUMMARY OF REQUEST: Sons of Norway are requesting permission to fly the Norwegian Flag at City Hall on Thursday, May 17th in honor of Norway's Constitution Day (Independence Day).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.



Sons of Norway

Sognefjord Lodge No. 523



P. O. Box 5147, North Muskegon, MI 49445

April 10, 2018

Muskegon City Council,

I am requesting permission to have the Norwegian flag flown at city hall for Norway's Constitution Day (Independence Day) which is Thursday, May 17th. The flag can be raised early on May 17th. The flag can be taken down the morning of Friday, May 18th.

The Sons of Norway will provide the flag on Wednesday May 16th. We will pick the flag up on Friday May 18th.

If there are any questions you can contact me at 744-9101. If for some reason you can't reach me please contact Jan Mjovig at 557-3151. Thank you very much.

Merle Hanson,
Sons of Norway
Sognefjord Lodge President.

Commission Meeting Date: May 8, 2018

Date: April 30, 2018

To : Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE : Approval of Building Contract for 1015 E Forest Ave

SUMMARY OF REQUEST: To award the Building Contract for the rehabilitation of 1015 E Forest Ave to Holden Construction, for the City of Muskegon's Homebuyers Program through CNS.

CNS received 3 bids as listed on the attached sheet; the cost estimate from our spec writer was \$98,100.

FINANCIAL IMPACT: The funding for this project has been secured with 2017 HOME Funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To award Holden Construction the rehabilitation contract for 1015 E Forest; in the amount of \$ 73,250.00 for the Community and Neighborhood Services Office.

COMMITTEE RECOMMENDATION: None required.

MEMO

Community and Neighborhood Services

City of Muskegon
933 Terrace
Second Floor
Muskegon, MI 49442
Ph: 231-724-6717
Fax: 231-726-2501

Date: April 27, 2018

To: Bidders regarding 1015 E Forest Ave

From: Oneata Bailey, Director
Community and Neighborhood Services
City of Muskegon

Re: Bid Results

Community and Neighborhood Services received the following bid proposals:

<u>CONTRACTOR</u>	<u>Total Bid Price</u>
Holden Construction	\$73,250
Nassau Construction LLC	\$94,497
TK Construction	\$101,097

The City of Muskegon reserves the right to accept or reject any and all bids. The City of Muskegon is also not restricted to accept the lowest bid.

We appreciate everyone's interest in being a part of the City of Muskegon's neighborhood revitalization efforts. The selected bidder will be contacted in the next few days.

OB

Date: 5/8/2018

To: Honorable Mayor and City Commissioners

From: DPW/Equipment

RE: Toro Groundsmaster Mower

SUMMARY OF REQUEST:

The Equipment Division is requesting permission to purchase one (1) Toro Groundsmaster Mower coming from Spartan Distributors the lowest qualified bidder. Cost for this Mower is \$31,737.32 coming from the Equipment Division fund.

FINANCIAL IMPACT:

\$31,737.32

BUDGET ACTION REQUIRED:

None. Amount is what was budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase one (1) Toro Groundsmaster Mower from Spartan Distributors the lowest qualified bidder.



December 14, 2017

Muskegon / Equipment

ATTN: Andy

1350 Keating

Muskegon, MI 49442

487 W. Division Street
PO Box 246
Spartan, MI 49345
616.887.7301
Fax: 616.887.6288

Dear Andy,

1050 Opdyke Road
Auburn Hills, MI 48026
248.373.8800
Fax: 248.373.8890

We are pleased to provide a quote on the following equipment:

- | | |
|---|---------------------|
| (1) Toro Groundsmaster 3280-D 4WD (#30345) | \$ 31,747.32 |
| <ul style="list-style-type: none">■ Kubota Diesel■ Air Ride Seat Suspension (#30313)■ Milsco Seat (#30398)■ Armrest Kit (#30707)■ Armrest Adapter Kit (#109-9687)■ Rear Weight Kit (#24-5790-01)■ Cab with Heat (#30298)■ Cab Road Light Kit (#30701)■ Auxiliary Valve Kit (#120-6640)■ Erskine Snow Thrower■ Beacon Kit (#31509) | |

Pricing is firm for 30 days.

DELIVERY: As requested

TERMS: Net 30 days

Thank you for your interest in our line of equipment. If you have any questions please feel free to call me at 800-822-2216.

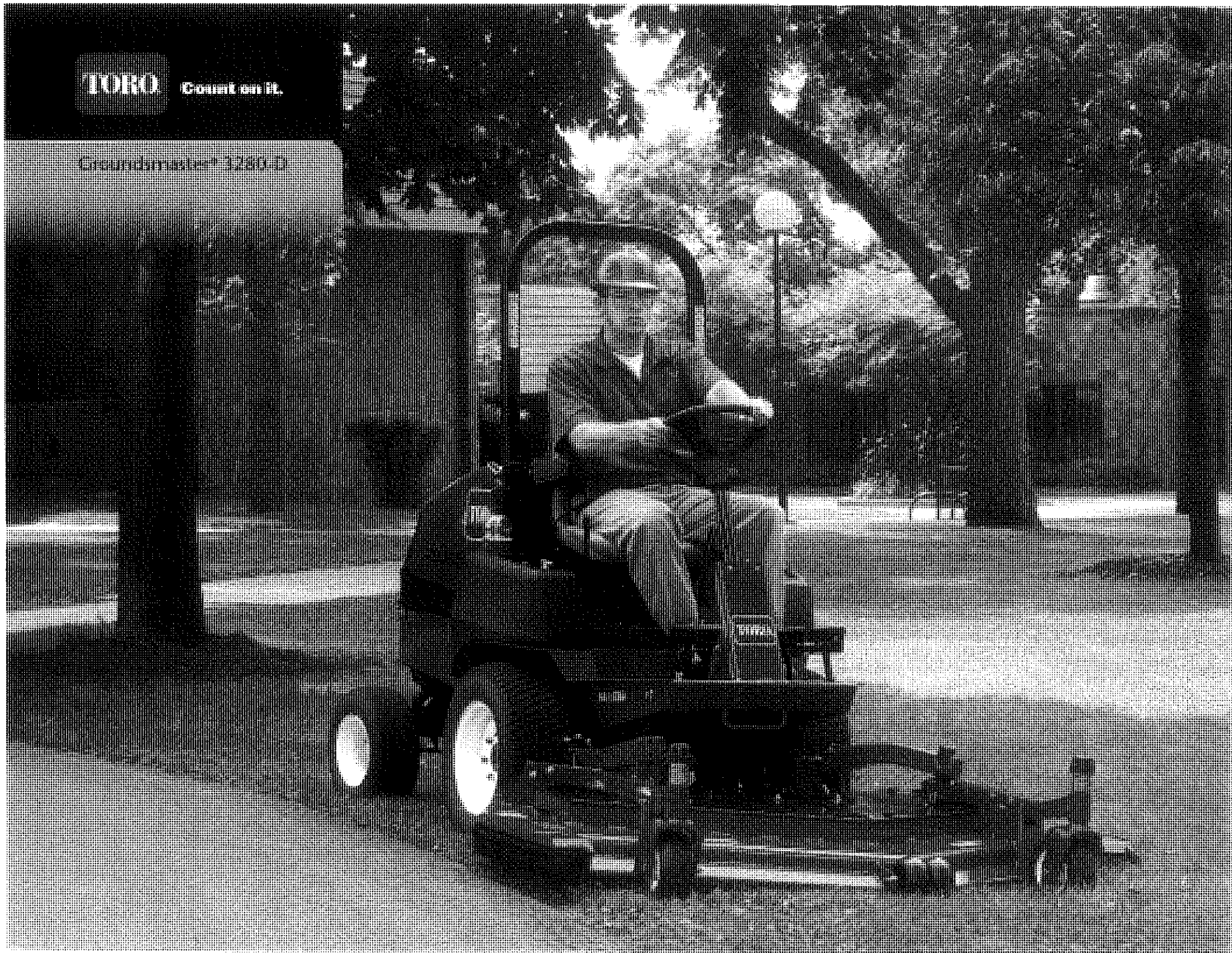
Sincerely,

A.J. Rings
Commercial Division

TORO

Count on it.

Groundmaster® 1280 D





QUOTATION

Date 12/11/17

For: Muskegon/Equipment
1350 Keating

From: Cleveland Office located at:
2266 E Aurora Road
Twinsburg, OH 44087
800-346-0066

Muskegon MI 49442

Attn: Mr. Kevin Santos

SalesRep:

Qty	Model#	Description	Sell Price	Extension
	GM3280			
1	30345	Groundsmaster 3280-D 4WD (Kubota® liquid-cooled, diesel, 3-cylinder, 24.8 hp)	33,969.66	33,969.66
1	24-5790-01	Rear Weight (1-35 lb. weight)		
1	30313	Air Ride Seat Suspension		
1	30398	Milsco Seat		
1	30707	Armrests		
1	108-9687	Armrest Adaptor Kit		
1	30298	Cab-GM3280, Heat Only		
1	30701	Universal Sunshade (Red)		
1	31509	Beacon Kit (F15 and newer models) (Available May 2015)		
1	120-6640	Auxiliary Valve Kit		
1	900450	T1600 X 52"Front Mounted Snow Blower for Toro		
		Sub-Total:		

(No Trades Quoted)

Terms: Net 15 Days (Upon Credit Approval)

Merchandise Total	33,969.66
Trade-In Credit	0.00
Destination Charge	509.54
6.00% * Sales Tax	2,068.75
	36,547.96

This Quote Is Good for 30 Days

** Sales Tax is subject to change based on the current rules and regulations in effect at the time of delivery*

Accepted By: _____

Date: _____

True Lease Financing	Base = \$36,547.96	Rate Factor	Payment	Residual%
Conditional Sale Financing	Base = \$36,547.96	Rate Factor	Payment	



Toro Protection Plus Options and Price Quote
12/11/2017

For: Muskegon/Equipment
 1350 Keating
 Muskegon MI 49442

From: Cleveland Office located at:
 2266 E Aurora Road
 Twinsburg, OH 44087
 800-346-0066

Attn: Mr. Kevin Santos

SalesRep:

Comprehensive Coverage		Plus 1 Year				Plus 2 Years		Plus 3 Years	
Model	Description	1000 Total Hours	1800 Total Hours	2700 Total Hours	3600 Total Hours	2400 Total Hours	3600 Total Hours	3500 Total Hours	5000 Total Hours
30345	Groundsmaster 3280-D 4WD (Kubota® liquid-cooled, diesel, 3	646.00	768.00	768.00	1,229.00	1,048.00	1,366.00	1,536.00	1,792.00
Comprehensive Package Totals:		\$ 646.00	\$ 768.00	\$ 768.00	\$ 1,229.00	\$ 1,048.00	\$ 1,366.00	\$ 1,536.00	\$ 1,792.00

Drive Train Only Coverage		Plus 1 Year				Plus 2 Years		Plus 3 Years	
Model	Description	1000 Total Hours	1800 Total Hours	2700 Total Hours	3600 Total Hours	2400 Total Hours	3600 Total Hours	3500 Total Hours	5000 Total Hours
30345	Groundsmaster 3280-D 4WD (Kubota® liquid-cooled, diesel, 3	430.00	512.00	640.00	819.00	768.00	1,024.00	1,195.00	1,433.00
Drive Train Only Package Totals:		\$ 430.00	\$ 512.00	\$ 640.00	\$ 819.00	\$ 768.00	\$ 1,024.00	\$ 1,195.00	\$ 1,433.00



Steve Stewart, SCPS
 Operation Manager
 911 Tower Road
 Mundelein, IL 60060
 Cell (630) 284-8496
 Fax (847) 678-5511
sstewart@reinders.com

Acct #:

Muskegon/Equipment
1350 Keating
Muskegon, MI 49442

<u>Quote ID</u> 2261747	Quotes Good for 30 Days
<u>Quote Date</u> 12/11/17	Tax Not Included In Quote

Attn: Kevin Santos

PRICE QUOTATION

<i>Qty</i>	<i>Model #</i>	<i>Description</i>	<i>Total</i>
1	30345	GM 3280-D 4WD	\$35,759.89
1	30313	Air Ride Seat Suspension	
1	30398	Milsco Seat	
1	30707	Armrests	
1	108-9687	Armrest Adaptor Kit	
7	24-5790-01	Rear Weight 35 lb.	
14	325-8	Screw	
14	3253-7	Washer Lock	
1	30298	Cab-GM3280, Winter, Heat Only	
1	30701	Cab Road Light Kit (Mounts to GM360 model 31202	
1	120-6640	Auxiliary Valve Kit	
1	31509	Rotating Beacon	
1	117-0800	RH Life Arm ASM	
1	117-0806	LH Lift Arm ASM	
1	ES1600-GM328	Erskine 53" Snowthrower 328-D	
Total			\$35,759.89

Proposal Summary and Agreement

I am pleased to submit the attached proposal for your consideration

This is a proposal on the goods named, subject to the following conditions: The prices and terms on this proposal are not subject to verbal changes or other agreements unless approved in writing by the seller. All proposals and agreements are contingent on availability of product from the manufacturer. Typographical errors are subject to correction.

All prices quoted include delivery to your facility unless otherwise stated. The preceding pricing is valid for 30 days unless otherwise stated. Prices include assembly where applicable and accessibility to parts and service manuals. Timing at delivery may vary and is subject to manufacturer's availability. Purchaser is responsible for applicable taxes. All financed items will require lease documentation be returned to the finance company and approved for shipment by the lessor before delivery can be completed.

ORDER ACCEPTANCE AGREEMENT

By signing below, I am authorizing Reinders, Inc. to proceed with fulfilling the product order based on the quote I.D.# noted and that I have reviewed the quote in its entirety. Unless otherwise indicated I agree to accept delivery on the earliest date that this product can be shipped to our location(s). Any and all trades associated with this order will be ready for pick up at time of delivery of this order. A 2.5% service fee will apply for all credit card transactions.

Quote I.D. # _____ Accepted Equipment Delivery Date _____

Authorized Signature: _____

Print Name: _____

Date: _____

Steve Stewart, SCPS
Operation Manager
Reinders, Inc.



Count on it.

Commission Meeting Date: May 8, 2018

Date: May 2, 2018
To: Honorable Mayor and City Commissioners
From: Finance Director
RE: 2018-19 Healthcare and Wellness Program

SUMMARY OF REQUEST: The City's healthcare coverage renews effective June 1st, for the period 6/1/18 -5/31/19. This year's Priority Health renewal premium came in at a 7.64% increase over the previous year. Last year's increase was 3.96% after several benefit changes were made. For several years the City has made numerous benefit changes including increasing deductibles and copays along with changes to the drug copays to keep our increases as low as possible. This year to help offset the cost we are proposing to increase the employee's premium copay from 10% to 14%. This will keep our employer contribution below the 'hard cap limits' set by PA 152.

Per State guidelines we must remain below the "hard cap limit" or employees must contribute 20% towards their premium. To stay below the "hard cap limit" would require significant benefit changes each year so we are opting to gradually increase the employee premium copay until it reaches the 20% we feel this option will have less negative impact on the majority of employees.

For 2018-19 the City will continue to pay the HRA deductible if the employee and spouse complete the wellness requirements by March 31st. Non-participants in the wellness program will be required to pay the \$1,000 for single coverage or \$2,000 per double or family coverage of the deductible.

FINANCIAL IMPACT: Following is an estimate of gross premium costs for the Priority Health HMO program compared with the current healthcare plan year:

	2018-19			2017-18		
Monthly Premium	\$ 561.76	\$ 1,263.95	\$ 1,516.75	\$ 515.13	\$ 1,159.04	\$ 1,390.85
Rate Change	7.64%	7.64%	7.64%	3.96%	3.96%	3.96%
Annual Premium	6,741.12	15,167.40	18,201.00	6,181.56	13,908.48	16,690.20
Current # Employees	44	40	110	36	47	113
Total Annual Premium	296,609.28	606,696.00	2,002,110.00	222,536.16	653,698.56	1,885,992.6
		2,905,415.28			2,762,227.32	
Add: HRA Deductibles Paid by City		300,000.00			300,000.00	
Less: employee premium copays		(406,758.14)			(276,222.73)	
Equals: Employer Cost		\$ 2,798,657.14			\$ 2,786,004.59	
	2018 PA Hard Cap Limits			2017 PA 152 Hard Cap Limits		
	\$ 6,560.52	\$ 13,720.07	\$ 17,892.36	\$ 6,344.80	\$ 13,268.93	\$ 17,304.02
	288,662.80	548,802.80	1,968,159.60	228,412.80	623,639.71	1,955,354.26
		\$ 2,805,625.20			\$ 2,807,406.77	

BUDGET ACTION REQUIRED: Employee and retiree healthcare costs will be included in the forthcoming 2018-19 budget.

STAFF RECOMMENDATION: Authorize staff to execute documents with Priority Health to renew employee healthcare coverage for the coming year.



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

NICK A. KHOURI
STATE TREASURER

September 15, 2017

**PUBLIC EMPLOYER CONTRIBUTIONS TO MEDICAL BENEFIT PLANS
ANNUAL COST LIMITATIONS – CALENDAR YEAR 2018**

For a medical benefit plan coverage year beginning on or after January 1, 2012, MCL 15.563, as amended by 2013 Public Act 270, sets a limit on the amount that a public employer may contribute to a medical benefit plan.

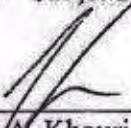
For medical benefit plan coverage years beginning on or after January 1, 2013, MCL 15.563 provides that the dollar amounts that are multiplied by the number of employees with each coverage type be adjusted annually. Specifically, the dollar amounts shall be adjusted, by October 1 of each year, by the change in the medical care component of the United States consumer price index for the most recent 12-month period for which data are available. For calendar year 2017, the limit on the amount that a public employer may contribute to a medical benefit plan was set to the sum of the following:

- \$ 6,344.80 times the number of employees and elected public officials with single-person coverage
- \$13,268.93 times the number of employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage
- \$17,304.02 times the number of employees and elected public officials with family coverage.

The limits for 2018 equal the 2017 limits increased by **3.4 percent**. The 3.4 percent is the percentage change in the medical care component from the period September 2015-August 2016 to the period September 2016-August 2017.

Thus, for medical benefit plan coverage years beginning on or after January 1, 2018, the limit on the amount that a public employer may contribute to a medical benefit plan equals the sum of the following:

- \$ 6,560.52 times the number of employees and elected public officials with single-person coverage
- \$13,720.07 times the number of employees and elected public officials with individual-and-spouse coverage or individual-plus-1-nonspouse-dependent coverage
- \$17,892.36 times the number of employees and elected public officials with family coverage.


Nick A. Khouri
State Treasurer

September 15, 2017

Beth Lewis

From: Frank Peterson
Sent: Monday, April 16, 2018 12:07 PM
To: _All Email Users
Subject: Health Insurance Costs

All,

It is that time of the year again where we are reviewing our health insurance policy renewal. Priority Health presented us with an increase of approximately 7.5%. This will have an impact on employee cost sharing, as it actually moved us significantly above the state's "hard cap." As many of you likely know, state law dictates that we must split the insurance premiums with employees by either (1) charging employees 20% of the premium cost or (2) keeping the city's costs below the state "hard cap." We have historically used the "hard cap" figure because it allowed us to keep the employee rates lower. The "hard cap" limits set by the state refer to the maximum annual amount that the city can contribute to an employee's health insurance costs. For 2018, the "hard caps" are as follows:

Single Plans: \$6,560.52
Double Plans: \$13,720.07
Family Plans: \$17,892.36

Our 2018 annual full health insurance costs are estimated as follows:

Single Plans: \$7,567.44
Double Plans: \$17,026.80
Family Plans: \$20,432.04

We have done some things internally without passing those costs directly on to our employees reduce overall costs (like raising deductibles and co-insurance). The effect of those changes are as follows:

Single Plans: \$6,741.12 + \$531.91 (deductible and co-insurance) = \$7,273.03
Double Plans: \$15,157.40 + 1,063.83 (deductible and co-insurance) = \$16,221.23
Family Plans: \$18,201.10 + \$2,127.66 (deductible and co-insurance) = \$20,328.66

In both cases, we are both above the hard cap and below the 80/20 split. There are two ways to reduce our costs to meet the state's requirements – (1) increase the employee cost-share or (2) lower the benefit.

Although we are interested in a long-term conversation about adjusting benefits, we really do not have the time to methodically move through that process in time for open-enrollment to begin next month. This leaves us with only one option on the HMO Plan: increase employee contributions.

I really think that the state treasury will have us back doing this again annually until we ultimately get to 80/20 cost share (or significantly reduce the benefits). With that said, I also think it would be a burden on our employees to try and get there in one year . . . so we will not try and do that this year. Instead, we will propose employee rates that *mostly* comply with the hard cap requirements this year and work toward 80/20 over the next 2-3 years.

Employee contributions will increase to the following bi-weekly levels beginning June 2018:

Single: from \$29.92 to **\$39.16**
Double: from \$65.76 to **\$87.35**

Family: from \$78.56 to **\$109.46**

Please let me know if you have any questions/comments/concerns.

Franklin Peterson, City Manager
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443
231-724-6724
www.shorelinecity.com
www.watchmuskegon.com

Commission Meeting Date: May 8, 2018

Date: May 2, 2018
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Set Public Hearing for Amendment to Brownfield
Plan- Pigeon Hill

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Pigeon Hill Brewing Company, LLC, located at 895 4th Street, in the Brownfield Plan.

FINANCIAL IMPACT: Brownfield Tax increment Financing will be used to reimburse the developer for "eligible expenses" incurred in association with development of the Pigeon Hill project, which is approximately \$434,507.28. Pigeon Hill Brewing Company, LLC cost for the development of the property is approximately \$1,313,187 in private investment, resulting in a substantial increase in the local and school taxes generated by the property.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on May 8, 2018 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission.

**RESOLUTION NOTIFYING TAXING UNITS,
MICHIGAN STRATEGIC FUND;
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 8th day of May, 2018 at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include the Pigeon Hill 4th Street Expansion Project, and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendments to the City Commission requesting its approval of the Brownfield Plan Amendments and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject

to capture and the Michigan Strategic Fund (MSF) to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send notice of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City and the MSF notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below]; and that a copy of the Plan is available for public inspection at the Muskegon City Clerk's Office.

2. A public hearing is hereby called on the 22nd of May, 2018 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall notice said public hearing. The notice shall be not less than 10 days before the date set for the public hearing

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON AN AMENDMENT TO THE MUSKEGON BROWNFIELD PLAN, AS

APPROVED BY THE CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on May 22, 2018, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

Pigeon Hill 4th Street Expansion Project
895 4th Street
Muskegon, Michigan 49440

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

Ann Marie Meisch, City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

Ann Marie Meisch, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on May 22, 2018, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

City Clerk

Date: 5/8/2018

To: Honorable Mayor and City Commissioners

From: Department of Public Works

RE: Remembrance Road Preliminary and Construction Engineering

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Moore & Bruggink for preliminary and construction engineering services related to the reconstruction and widening of Remembrance Road from Keating south to new project site in the Port City Industrial Park.

The requested consultant is currently working on the site development, has familiarity with the needs for the project site and has submitted a reasonable cost estimate for the work.

FINANCIAL IMPACT:

\$107,000 for engineering services to be covered by the Major Street fund

BUDGET ACTION REQUIRED:

Adjust Major Street fund in third quarter reforecast

STAFF RECOMMENDATION:

Authorize staff to enter into an agreement with Moore & Bruggink for engineering services related to the reconstruction and widening of Remembrance Road.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Frank Peterson, City Manager

DATE: May 8, 2018

RE: LC Walker Arena Improvements

SUMMARY OF REQUEST:

Staff is seeking approval to make a number of investments at the LC Walker Arena during the 2018 off-season. The improvements include updated ADA seating, demolition and removal of old/unused HVAC equipment, painting, and ceiling repairs. In addition to these improvements, staff will be requesting funds from the Downtown Development Authority to replace the glass around the playing surface, replace ice controllers, upgrade restrooms, reconfigure a portion of the arena's seating, and improve food and beverage offerings. Collectively, these items are expected to help improve the fan/visitor experience and move the arena closer to self-sustainability.

ADA Improvements: \$20,000

Paint: \$120,000

Selective Demolition: \$30,000

Ceiling Repairs: \$60,000

FINANCIAL IMPACT:

\$20,000 was previously budgeted in the General Fund for ADA Compliance. The remaining funds will be expensed from the Public Improvement Fund.

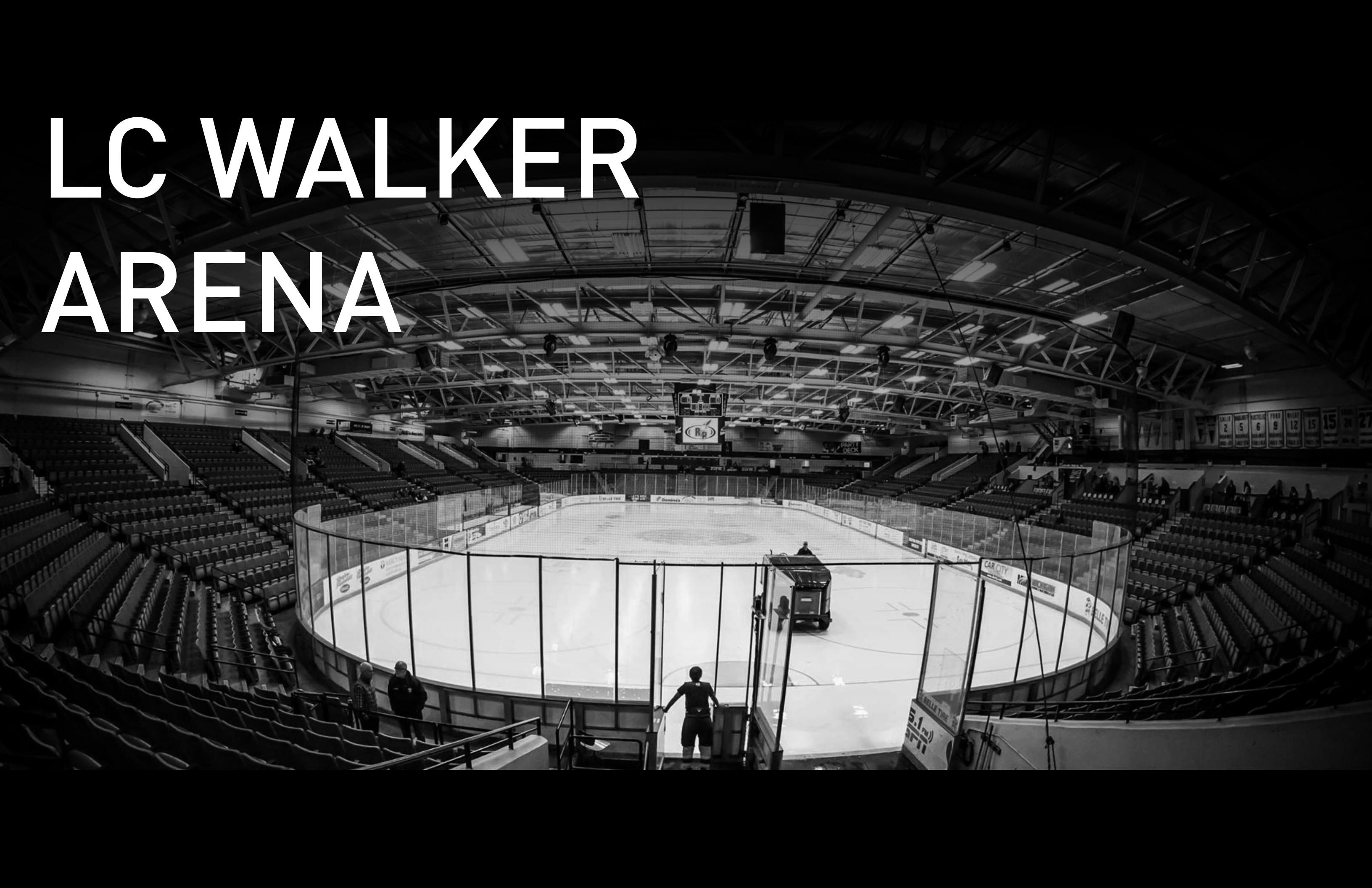
BUDGET ACTION REQUIRED:

This will be accounted for in the 3rd Quarter Reforecast.

STAFF RECOMMENDATION:

To authorize the city manager to expend up to \$230,000 for ADA seating upgrades, miscellaneous demolition, painting, and ceiling repairs at the LC Walker Arena.

COMMITTEE RECOMMENDATION:



LC WALKER ARENA



WHAT IS THE LONG TERM VISION FOR THE PROJECT?

“LC WALKER SHOULD BECOME AN ASSET TO WESTERN AVENUE. THE ARENA COULD BRING MORE PEOPLE TO GAMES ALMOST BY ACCIDENT; IT WILL BE A DOWNTOWN “HUB”, JUST AS BUSY WHETHER AN EVENT IS HAPPENING OR NOT; OUR EVENT CENTER IS FULL ALL THE TIME AND COULD CONTAIN AMENITIES FOR HOCKEY FAMILIES.”

FRANK PETERSON
MUSKEGON CITY MANAGER

“LC WALKER SHOULD BE AN ARENA FOR A MIX OF DIFFERENT EVENTS; AN ASSET TO ALL STREETS; PROVIDE MORE OPPORTUNITIES FOR BUSINESSES AND EVENTS; BECOME A SHOW PLACE FOR INVESTORS AND SPONSORSHIP.”

BOB LUKENS
COMMUNITY DEVELOPMENT DIRECTOR
MUSKEGON COUNTY

“MAXIMIZE ICE UTILIZATION FOR THE ARENA, PROVIDE GUARANTEED REVENUE; MAKE IT MORE THAN A HOCKEY ARENA, IT SHOULD BE A STAPLE OF DOWNTOWN FAN EXPERIENCE FOR EVERY EVENT; A TRUE MULTIUSE FACILITY.”

TIM TAYLOR
CEO LC WALKER ARENA

“HAVE THE ARENA BE THE #1 PLACE IN DOWNTOWN AREA; RESTAURANT; A PLACE WHERE GUESTS GET TREATED WELL; SHOWCASE HOSPITALITY.”

NEIL HAWRYLIW
MANAGER LC WALKER ARENA

“LC WALKER TO BECOME BEST IN CLASS GUEST EXPERIENCE INSIDE THE ARENA; PERCEIVE BUILDING FULL WITH USE OF PAID PARKING, CURRENTLY PERCEIVED AS EMPTY.”

ROBERT WILLI
LC WALKER CONCESSIONS MANAGER

“THE ARENA SHOULD BE A SUSTAINABLE MODEL, NOT RELYING ON ICE TIME ALONE; ANCILLARY REVENUE, RESTAURANTS, PARKING, FOOD; EXPERIENCED / TRAINED STAFF; BRAND GOES HAND IN HAND WITH ARCHITECTURAL FACE LIFT.”

CAITLIN WARD
SPORTS AND NICHE MARKET
EXECUTIVE MUSKEGON COUNTY

**HUB
ACTIVATE
EXPERIENCE
ASSET
SUSTAINABLE**



WHAT IS THE MOST IMPORTANT ASPECT OF THE ADDITION?

- EXPERIENCE
- OPENESS / MODERNIZATION (FRESH)
- CONVENIENCE, FRONT/BACK OF HOUSE
- INTERMINGLING, INSIDE/OUT
- CUSTOMER SERVICE
- VARIETY

**HUB
ACTIVATE
EXPERIENCE
ASSET
SUSTAINABLE**



IN WHAT WAYS CAN THE ARENA BECOME FULLY INTEGRATED INTO MUSKEGON'S DOWNTOWN?

ACTIVATE STREET FRONT

BECOME A LEADER OF CHANGE, EXPAND FOOTPRINT OF IDENTITY, PUBLIC FOR MUSKEGON HALL OF FAME, BURGER BAR, ALCOHOLIC MILKSHAKES

PHYSICAL CONNECTION BETWEEN DOWNTOWN DESTINATIONS

OUTSIDE RENOVATION, BRING BUILDING UP TO DATE

TIE IN TO EVENT PROGRAMMING FOR THE CITY, DRINK AT THE RINK

SHUT DOWN FOURTH STREET, EXPAND PROGRAMMING, TIE IT ALL TOGETHER

**HUB
ACTIVATE
EXPERIENCE
ASSET
SUSTAINABLE**



PURPOSE:

- 1. FULLY INTEGRATE ARENA WITH THE CITY OF MUSKEGON
- 2. CREATE NEW OPPORTUNITIES FOR TENANTS PROVIDING ADDITIONAL REVENUE
- 3. IMPROVE FAN EXPERIENCE RELEVANT TO COMMUNITY AS A WHOLE

PASSION:

LC WALKER ARENA WILL BE THE NEW MODEL FOR HOW A SMALL ARENA CAN BECOME AN URBAN HUB. OVERLAPPING USES AND FLEXIBILITY BETWEEN PUBLIC AND TICKETED CUSTOMERS WILL IGNITE THE STREETScape WITH ACTIVITY THROUGH TRANSPARENCY AND OUTDOOR PROGRAMMING. FAN EXPERIENCE WILL BE IMPROVED BY RIGHT SIZING THE SEATING CAPACITY AND UPGRADING AMENITIES TO MEET GUESTS EXPECTATIONS FOR A MODERN ARENA.

**HUB
ACTIVATE
EXPERIENCE
ASSET
SUSTAINABLE**

LC WALKER UPGRADES

- 1. **RETAIL WITH STOREFRONT GLASS**
ADDITIONAL OR RENOVATED BUILDING AREA FOR LEASABLE RETAIL SPACES THAT FIT COHESIVELY WITH THE DOWNTOWN AND THE ARENA. USE OF GLASS ALLOWING ACTIVATION OF SIDEWALK
- 2. **RESTAURANT WITH STOREFRONT GLASS**
ADDITIONAL OR RENOVATED BUILDING AREA FOR LEASABLE RETAIL SPACES THAT FIT COHESIVELY WITH THE DOWNTOWN AND THE ARENA. USE OF GLASS AND OR OPERABLE DOORS ALLOWING ACTIVATION OF SIDEWALK. RESTAURANTS WITH ACCESS TO ARENA CONCOURSE TO PROVIDE ADDITIONAL AMENITY TO FANS
- 3. **RETAIL/ RESTAURANT ON CORNER**
ADDITIONAL OR RENOVATED BUILDING AREA FOR LEASABLE RETAIL SPACES THAT FIT COHESIVELY WITH THE DOWNTOWN AND THE ARENA. USE OF GLASS AND OR OPERABLE DOORS ALLOWING ACTIVATION OF SIDEWALK. RESTAURANTS WITH ACCESS TO ARENA CONCOURSE TO PROVIDE ADDITIONAL AMENITY TO FANS
- 4. **TICKETING RELOCATION**
RELOCATION OF EXISTING TICKETING OFFICE AND WINDOWS TO ALLEVIATE CONGESTION AT NORTH ENTRY. CONSIDER MOVING TO GROUND FLOOR IN SEPARATE LOBBY.
- 5. **LOBBY/ENTRY RENOVATION**
RENOVATION TO EXISTING ENTRY TO ALLOW FOR SENSE OF ARRIVAL AND ENGAGEMENT WITH CITY CONSIDER MORE GLASS AND LIGHTING
- 6. **LOBBY/ENTRY ADDITION**
CREATE MORE INVITING ENTRY FACING SHORELINE DR. INCLUDE EXTERIOR PLAZA AND RELOCATED TICKETING AND STAIRS
- 7. **CONCESSION RENOVATION**
RENOVATE EXISTING CONCESSION STAND WITH NEW FINISHES, EQUIPMENT, SIGNAGE, ETC.
- 8. **CONCESSION RELOCATION**
RELOCATE CONCESSION STANDS AND ADD COOKING WHERE POSSIBLE. CONSIDER QUEUE AREA AT FRONT COUNTER. MINIMUM OF 4 POINTS OF SALE

- 9. **CONCESSION WITH EXTERIOR POINT OF SALE**
RELOCATION OF CONCESSION STAND TO ALLOW FOR AN EXTERIOR WINDOW ALLOWING FOR WALK UP SALES FROM STREET.
- 10. **CONCESSION SEATING/STANDING AREA**
AREA OUTSIDE OF CONCESSION STAND THAT ALLOWS GUESTS TO EITHER SIT OR STAND AT OPEN TABLES. CONSIDER VIEWS TO ICE AND VIEWS TO OUTSIDE
- 11. **TOILET RENOVATION**
CONSIDER REPLACING FINISHES, FIXTURES, AND LIGHTING TO IMPROVE QUALITY OF FAN EXPERIENCE.
- 12. **TOILET RELOCATION**
IN ORDER TO MAKE WAY FOR MORE RETAIL AND RESTAURANT SPACE ON WESTERN AVENUE, CODE REQUIRED NUMBER OF TOILETS MUST BE RELOCATED. CONSIDER EVEN DISPERSEMENT AROUND CONCOURSE
- 13. **EGRESS RELOCATION**
RELOCATED EGRESS DOORS AND STAIRS TO ALLOW ALTERNATIVE USE OF SPACE AROUND CONCOURSE
- 14. **ADA ACCESSIBLE SEATING**
PROVIDE REQUIRED AMOUNT OF ADA ACCESSIBLE SEATING DISPERSED APPROPRIATELY AROUND ARENA. CONSIDER REQUIREMENT TO SEE OVER STANDING PATRONS TWO ROWS IN FRONT OF PLATFORMS
- 15. **EXISTING SUITE RENOVATION**
UPDATE FINISHES AND FURNITURE TO PROVIDE FANS WITH MORE PREMIUM EXPERIENCE
- 16. **LOGE SEATING**
PROVIDE SMALL GROUPINGS OF 4-6 MOVEABLE SEATS, COUNTERS, BACK COUNTERS FOR FOOD AND CONSIDER IN SEAT SERVICE
- 17. **BEER GARDEN**
CREATE DEDICATED BAR AREA WITH STAND UP TABLES AND PREMIUM RESERVED TABLES WITH TICKETED VIEWS

- 18. **TEAM MERCHANDISE**
CONSIDER SMALL COUNTER FOR TEAM STORE OR INCLUSION OF TEAM STORE WITHIN A SKATE SHOP
- 19. **FRONT ROW TABLES**
UNIQUE PREMIUM SEATING OPTION AT GLASS CONSISTING OF HALF ROUND TABLES AND MOVEABLE SEATS
- 20. **HIGH TOP TABLES**
TICKETED ROUND OR HALF ROUND TABLES THAT ALLOW GREAT VIEWS TO ICE WHILE ALLOWING A MORE SOCIAL EXPERIENCE AT CONCOURSE LEVEL FOR 3-4 PEOPLE
- 21. **ADDITIONAL AUXILIARY LOCKER ROOMS**
ROUND OR HALF ROUND TABLES THAT ALLOW GREAT VIEWS TO ICE WHILE ALLOWING A MORE SOCIAL EXPERIENCE AT CONCOURSE LEVEL
- 22. **ARENA STORAGE/BOH**
REALLOCATED EVENT LEVEL SPACE DEDICATED TO STORAGE TO ASSIST IN OPERATION OF ARENA FOR HOCKEY, SOCCER, FOOTBALL, CONCERTS
- 23. **LUMBER JACK OFFICE ADDITION**
BUILD OUT SPACE ABOVE LOW ROOF ON NORTH SIDE OF CONCOURSE ALLOWING FOR HOCKEY OFFICES. CONSIDER MAXIMIZING USE OF GLASS AND ILLUMINATION AT NIGHT TO CREATE “MARQUEE-LIKE” PRESENCE ON SHORELINE DRIVE EXTENDING FOOTPRINT TO THE NORTH

LC WALKER
UPGRADES

SCOPE	REQUIRED	OPERATIONS	FAN EXPERIENCE	ADDITIONAL REVENUE	CITY INTEGRATION	RATING
1. RETAIL WITH STOREFRONT				●	●	●●
2. RESTAURANT WITH STOREFRONT			●	●	●	●●●
3. RETAIL/ RESTAURANT ON CORNER			●	●	●	●●●
4. TICKETING RELOCATION			●		●	●●
5. LOBBY/ENTRY RENOVATION			●		●	●●
6. LOBBY/ENTRY ADDITION			●		●	●●
7. CONCESSION RENOVATION		●	●			●●
8. CONCESSION RELOCATION		●	●			●●
9. CONCESSION EXTERIOR POS		●	●	●	●	●●●●
10. CONCESSION SEATING AREA			●		●	●●
11. TOILET RENOVATION			●			●
12. TOILET RELOCATION	●		●			●●
13. EGRESS RELOCATION	●					●
14. ADA ACCESSIBLE SEATING	●					●
15. EXISTING SUITE RENOVATION			●			●
16. LOGE SEATING			●	●		●●
17. BEER GARDEN RELOCATION			●			●
18. TEAM MERCHANDISE			●			●
19. FRONT ROW TABLES			●	●		●●
20. HIGH TOP TABLES		●	●	●		●●●
21. ADDITIONAL AUXILIARY LOCKERS		●				●
22. ARENA STORAGE		●				●
23. LUMBERJACK OFFICES		●			●	●●

ARENA

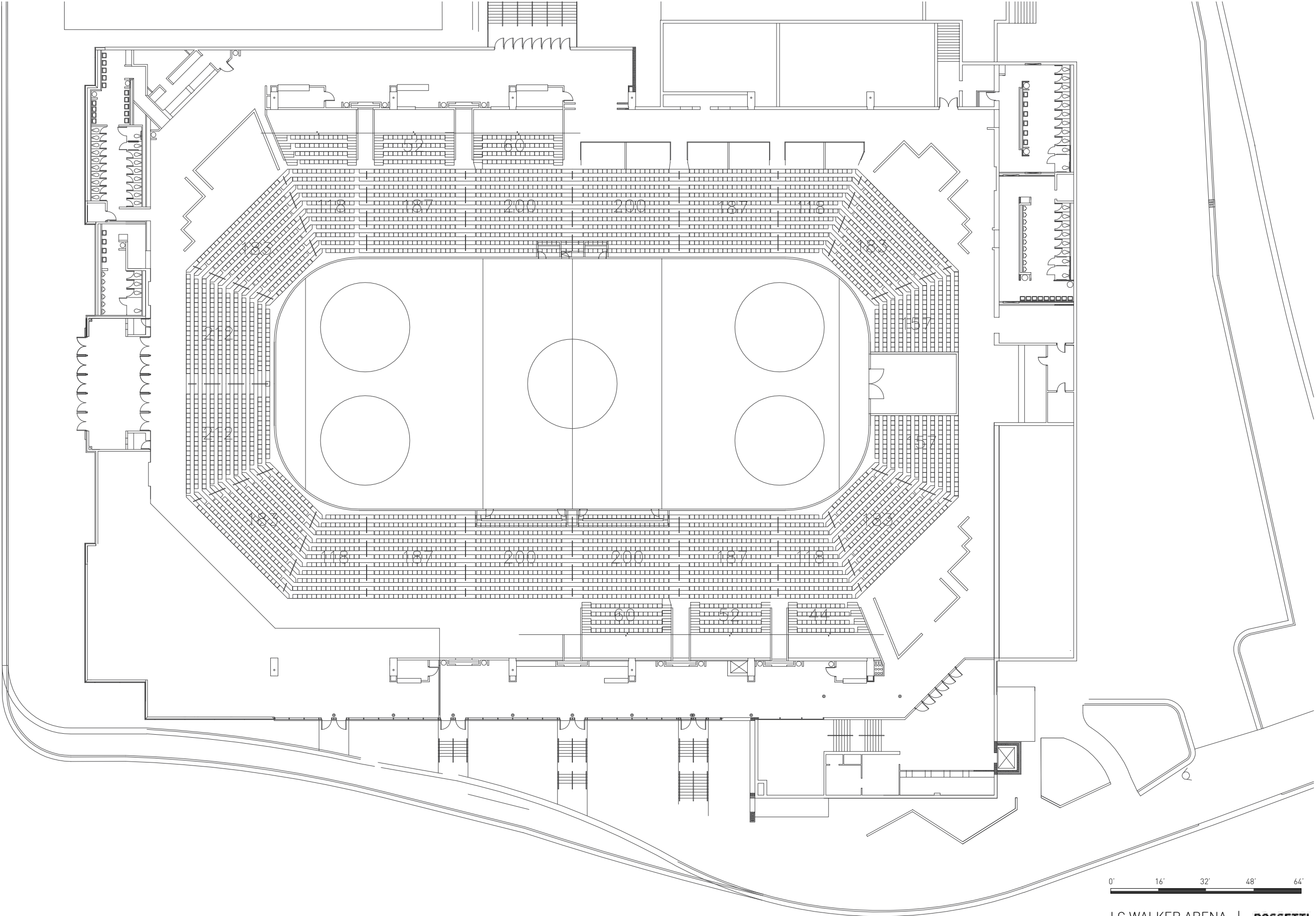
CONCOURSE REQUIREMENTS



4,000 SEATS
*ASSUMED

CODE REQUIRED TOILETS	CONCESSION @ 1 POINT OF SALE PER 200 SEATS	CONCOURSE AREA @2.5 SF PER SEAT	EGRESS DOORS
Mens: 24 Womens: 46 womens @ 70 SF / fixture 3200 - 3500 SF mens @ 65 SF / fixture 1500 - 1800 SF	4,000 seats / 200 = 20 P.O.S.	4,000 x 2.5 S.F. =10,000 S.F. *Currently 12,000 S.F.	4,000 seats x 0.15 = 600" 17 doors for egress

CONCOURSE LEVEL
EXISTING

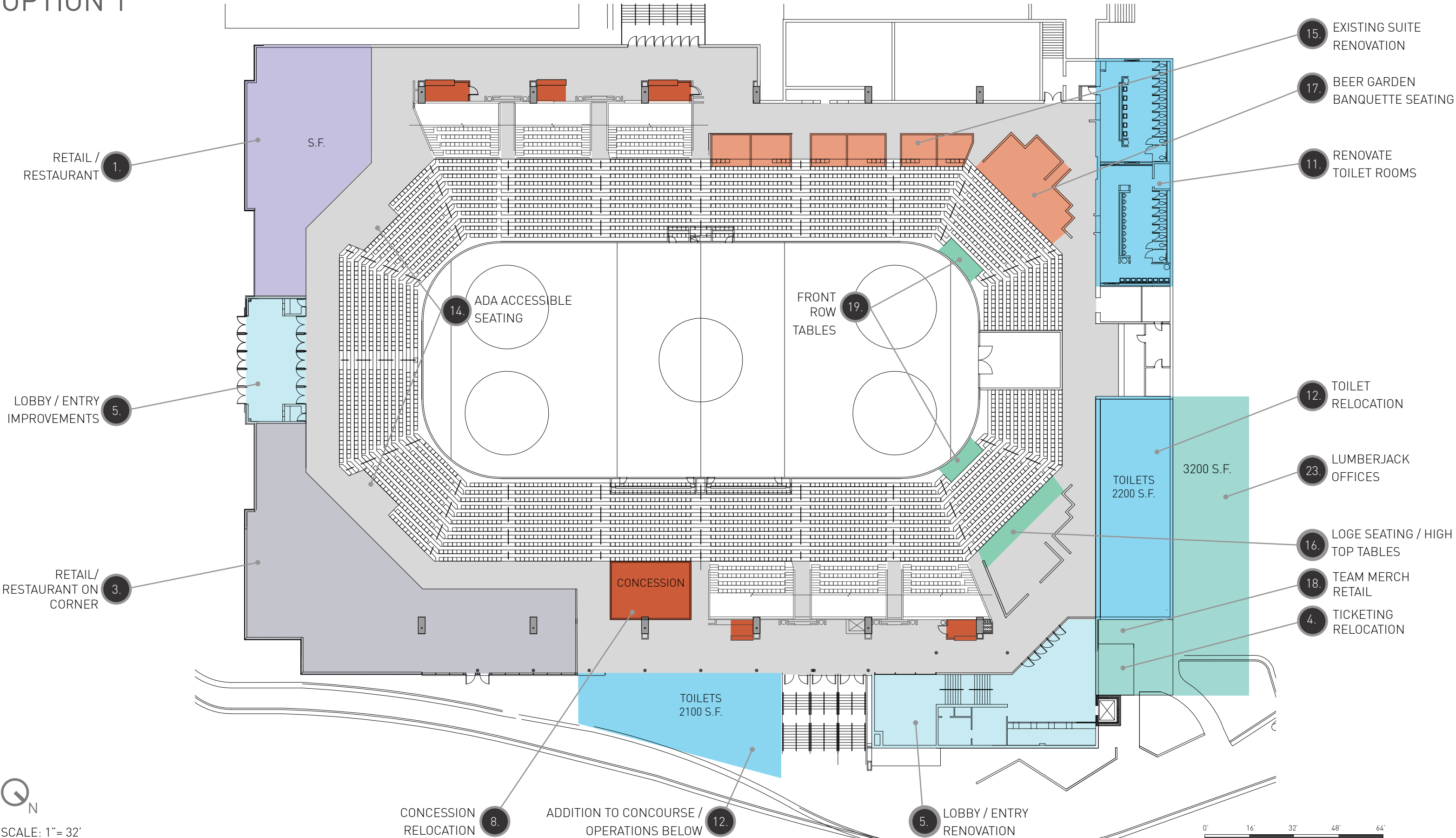


SCALE: 1"= 32'

01/16/17

0' 16' 32' 48' 64'

CONCOURSE LEVEL OPTION 1

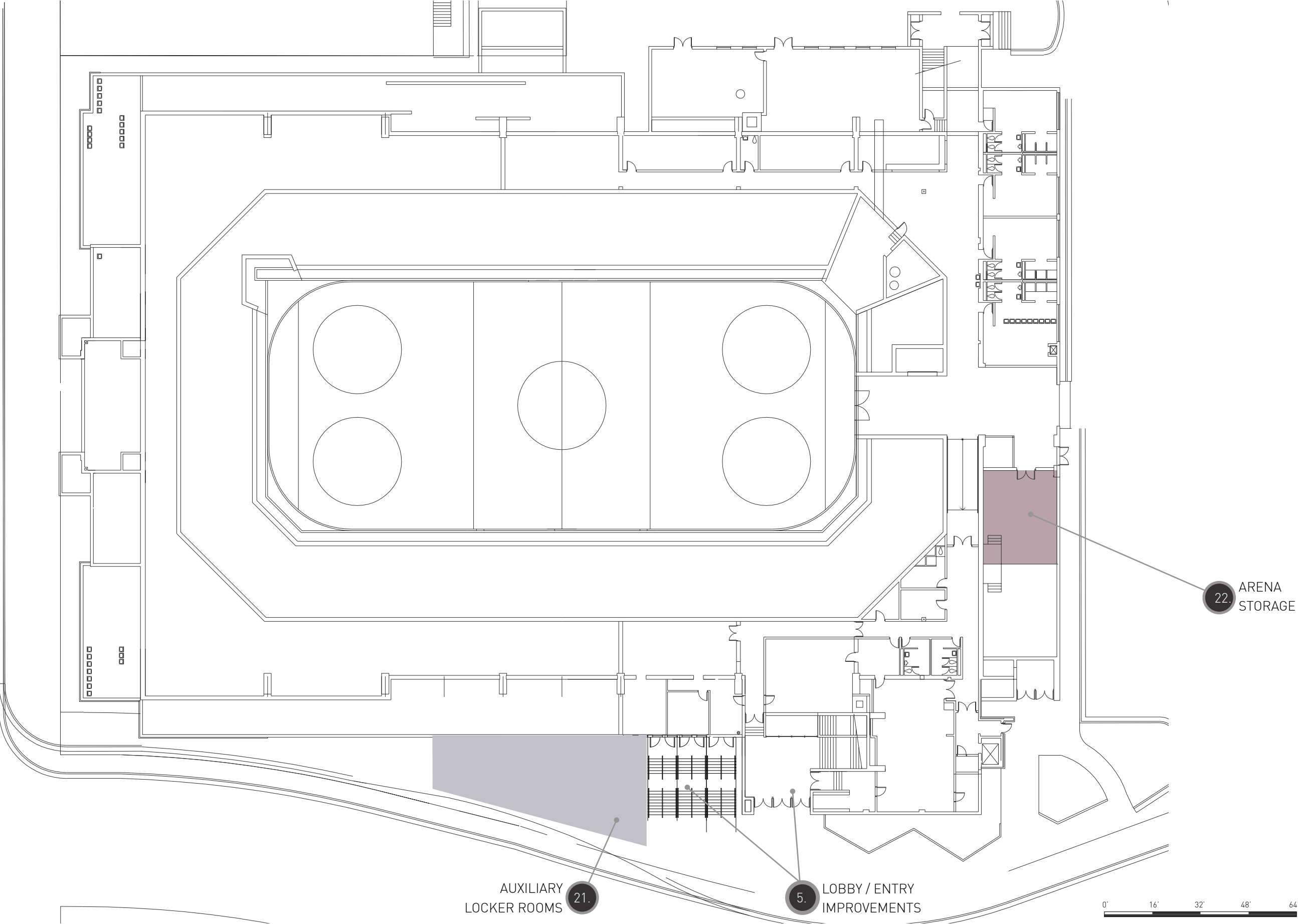


SCALE: 1"= 32'

01/16/17

0' 16' 32' 48' 64'

ARENA LEVEL
OPTION 1



SCALE: 1"= 32'

01/16/17

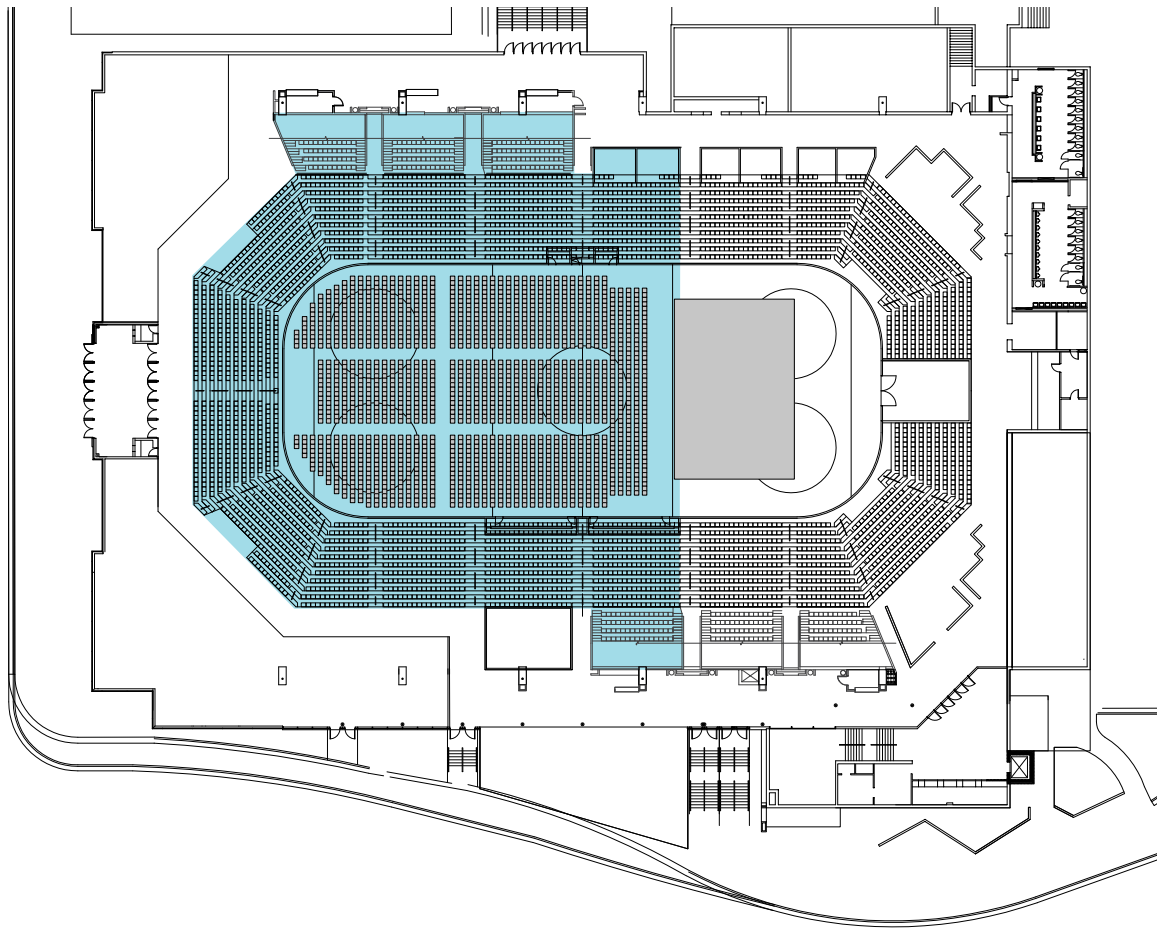
0' 16' 32' 48' 64'

CONCOURSE LEVEL

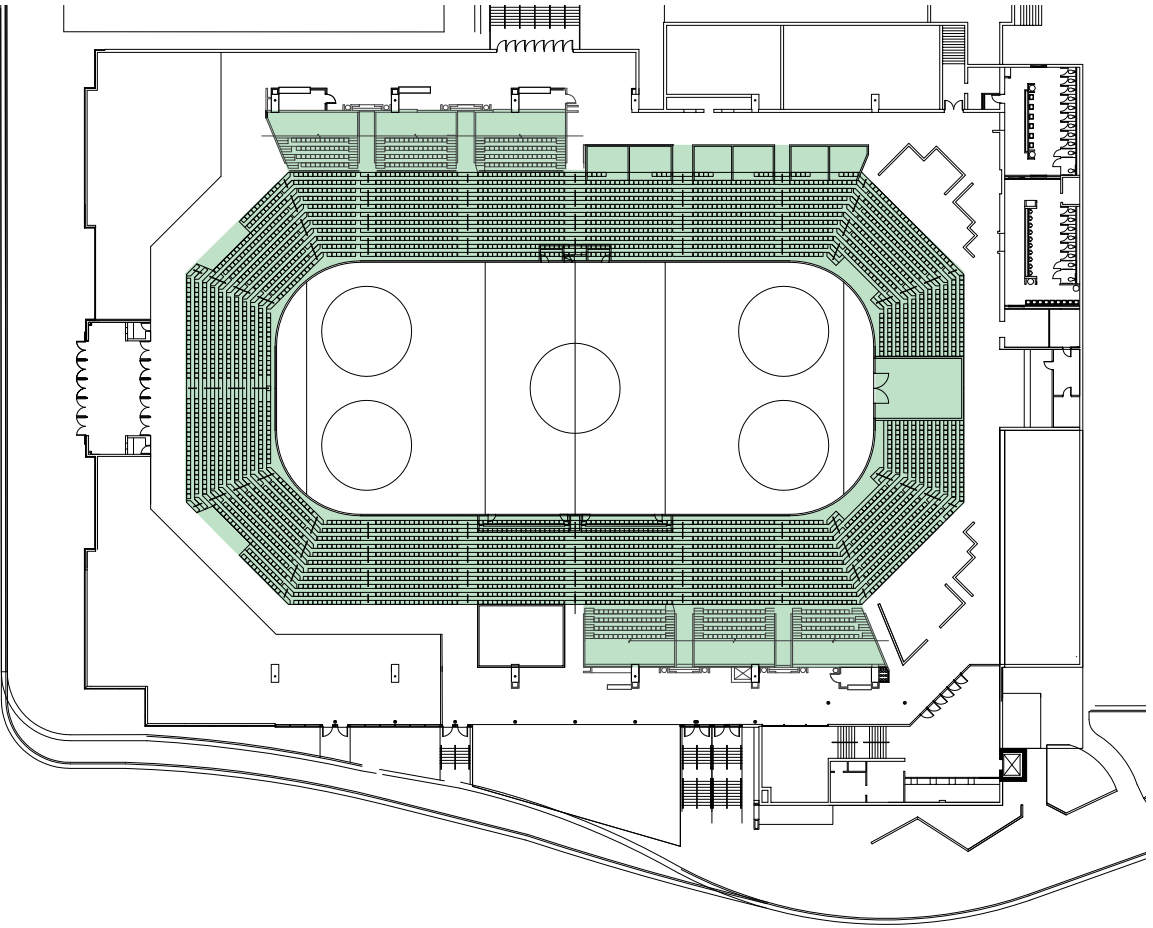
SEATING LAYOUT - OPTION 1

CONCERT LAYOUT: 4160 SEATS

2255 BOWL SEATS
1800 FLOOR SEATS



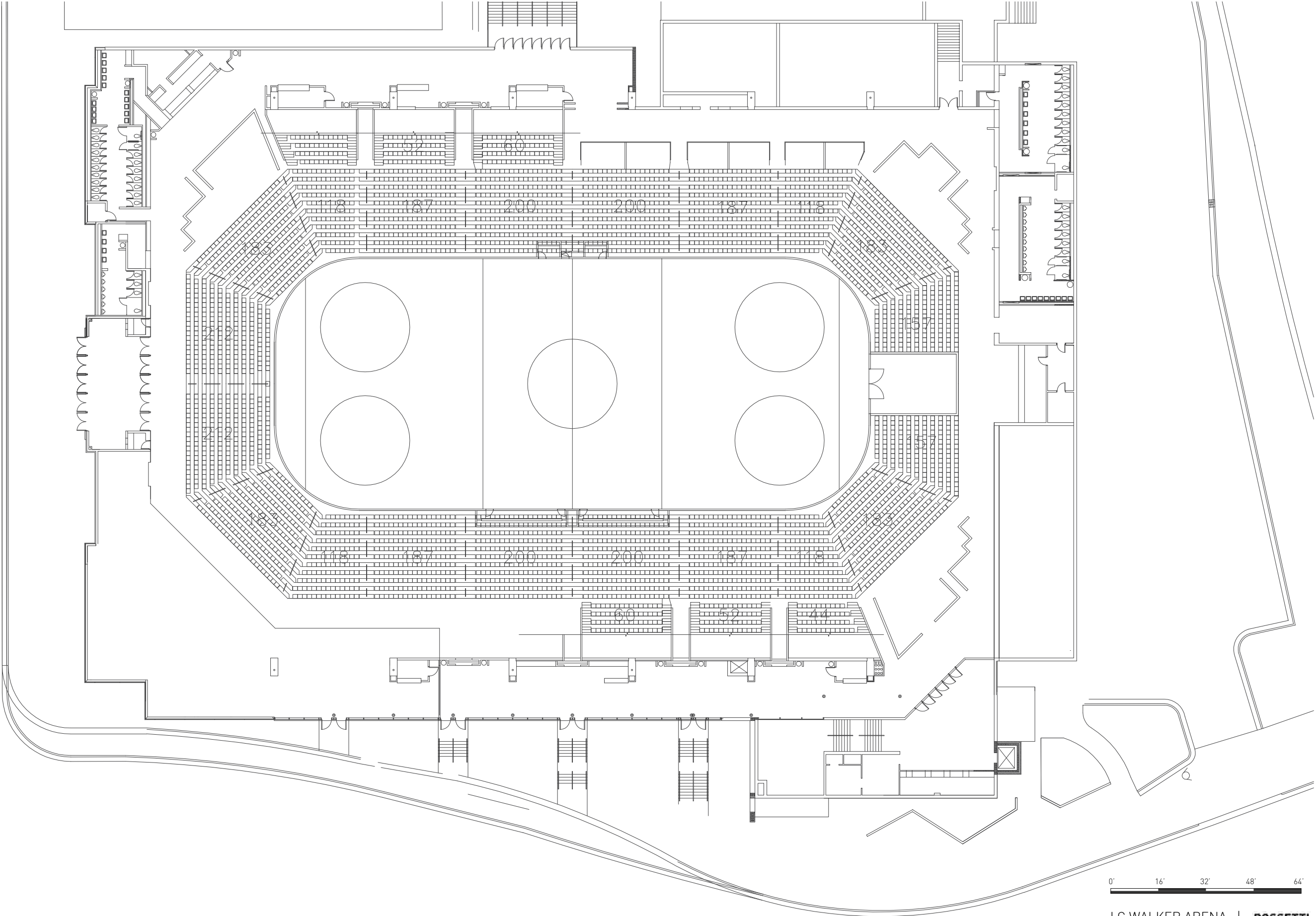
HOCKEY LAYOUT: 3738 SEATS



SCALE: 1"= 64'

01/16/17

CONCOURSE LEVEL
EXISTING

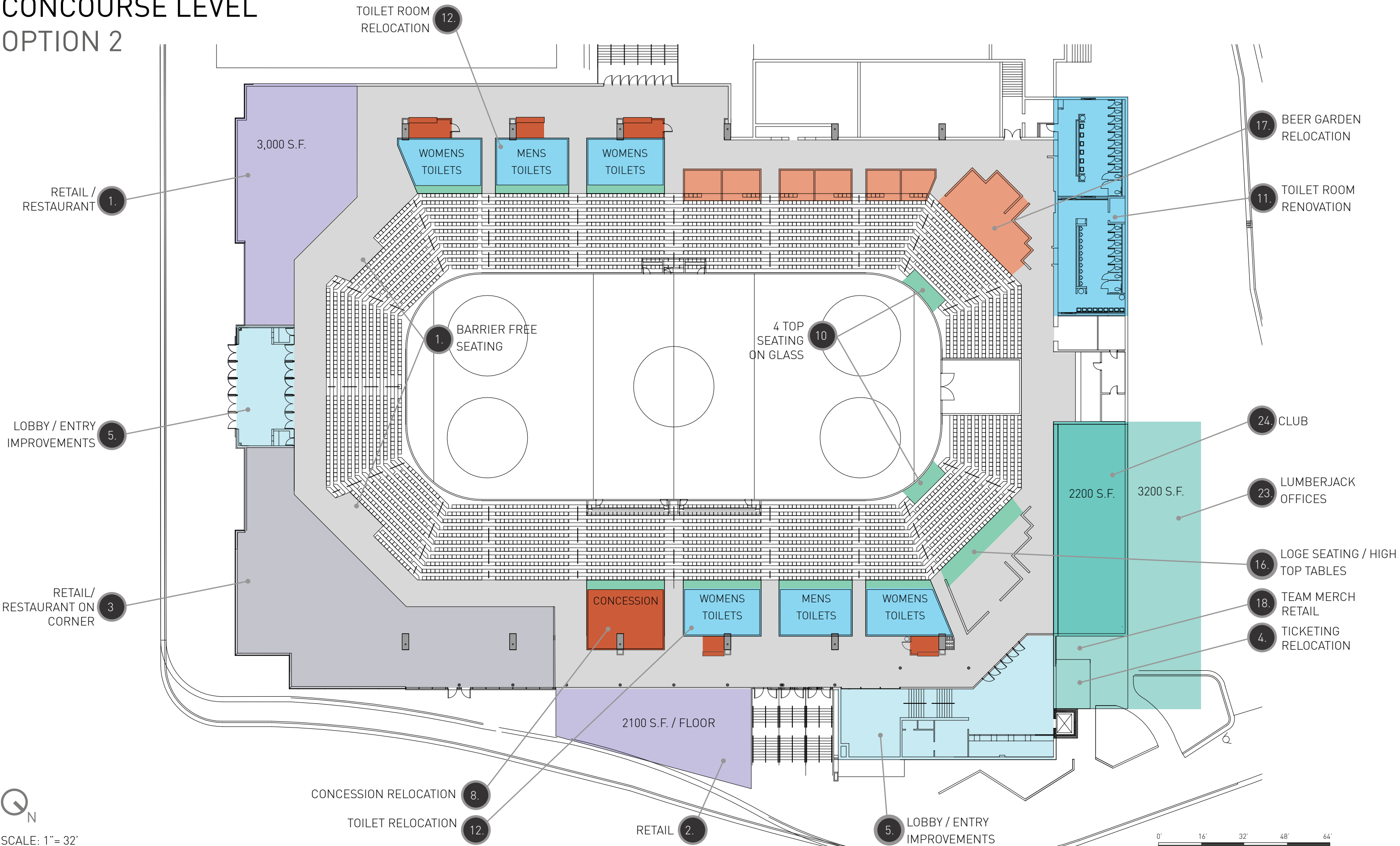


SCALE: 1"= 32'

01/16/17

0' 16' 32' 48' 64'

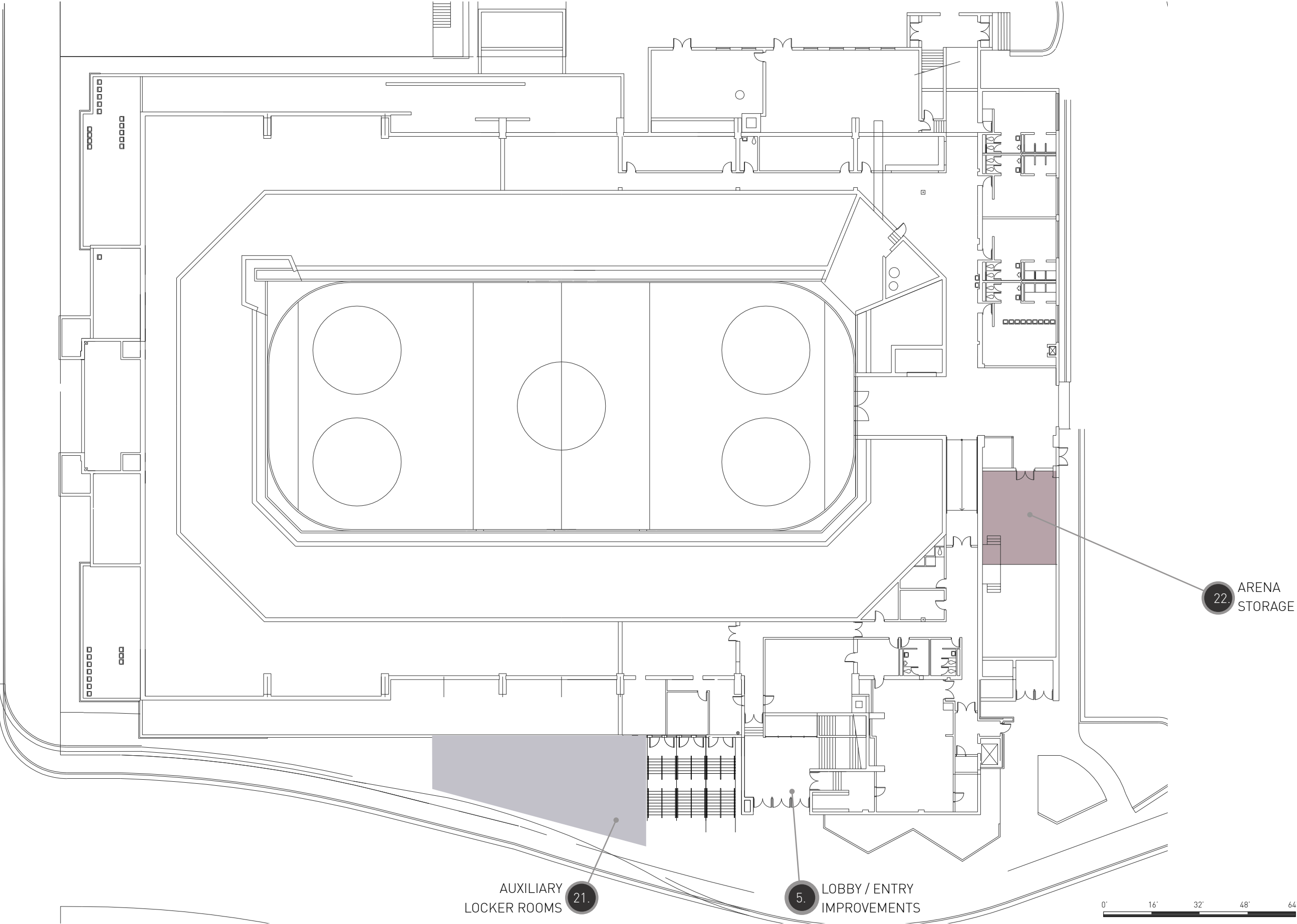
CONCOURSE LEVEL OPTION 2



N
SCALE: 1"= 32'
01/16/17

0' 16' 32' 48' 64'

ARENA LEVEL
OPTION 2



SCALE: 1"= 32'

01/16/17

0' 16' 32' 48' 64'

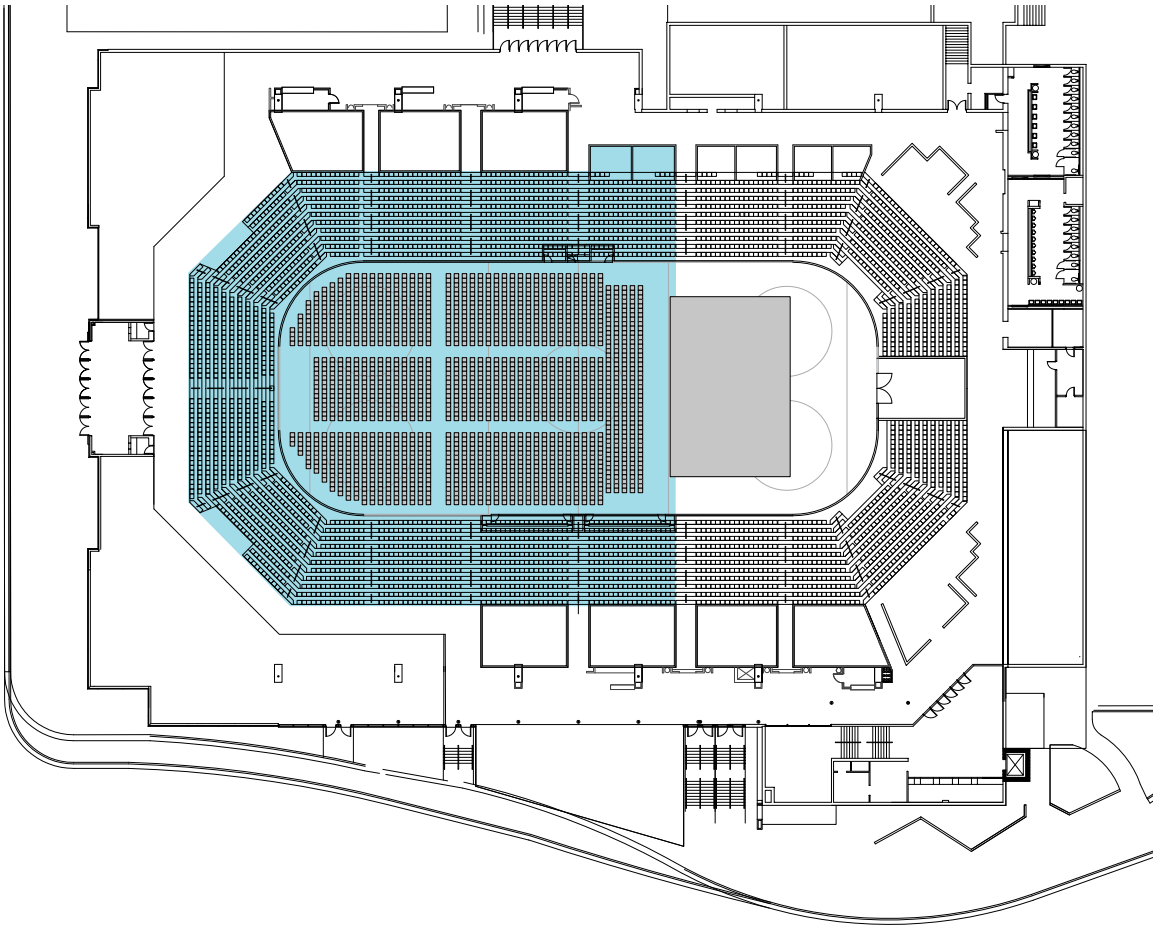
LC WALKER ARENA | ROSSETTI

CONCOURSE LEVEL

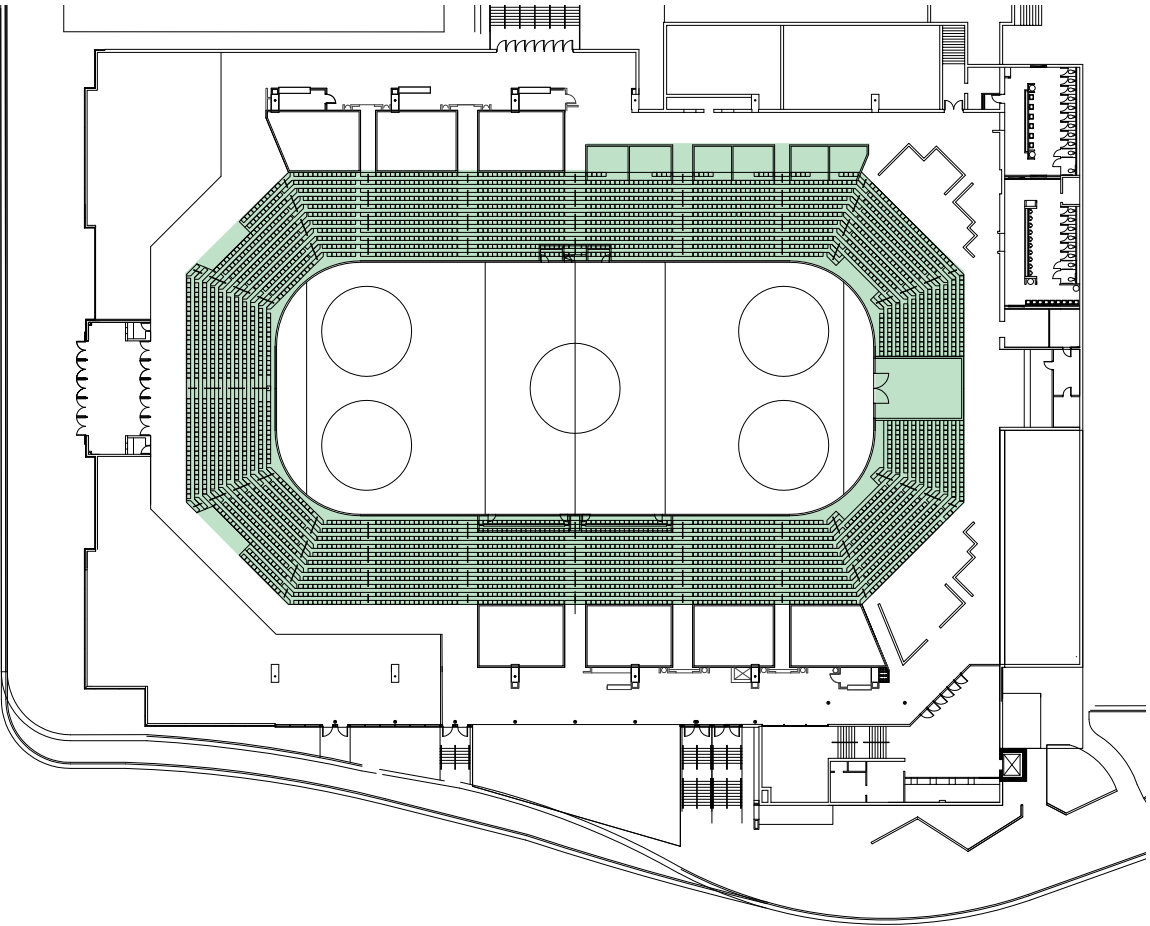
SEATING LAYOUT - OPTION 2

CONCERT LAYOUT: 3818 SEATS

2018 BOWL SEATS
1800 FLOOR SEATS



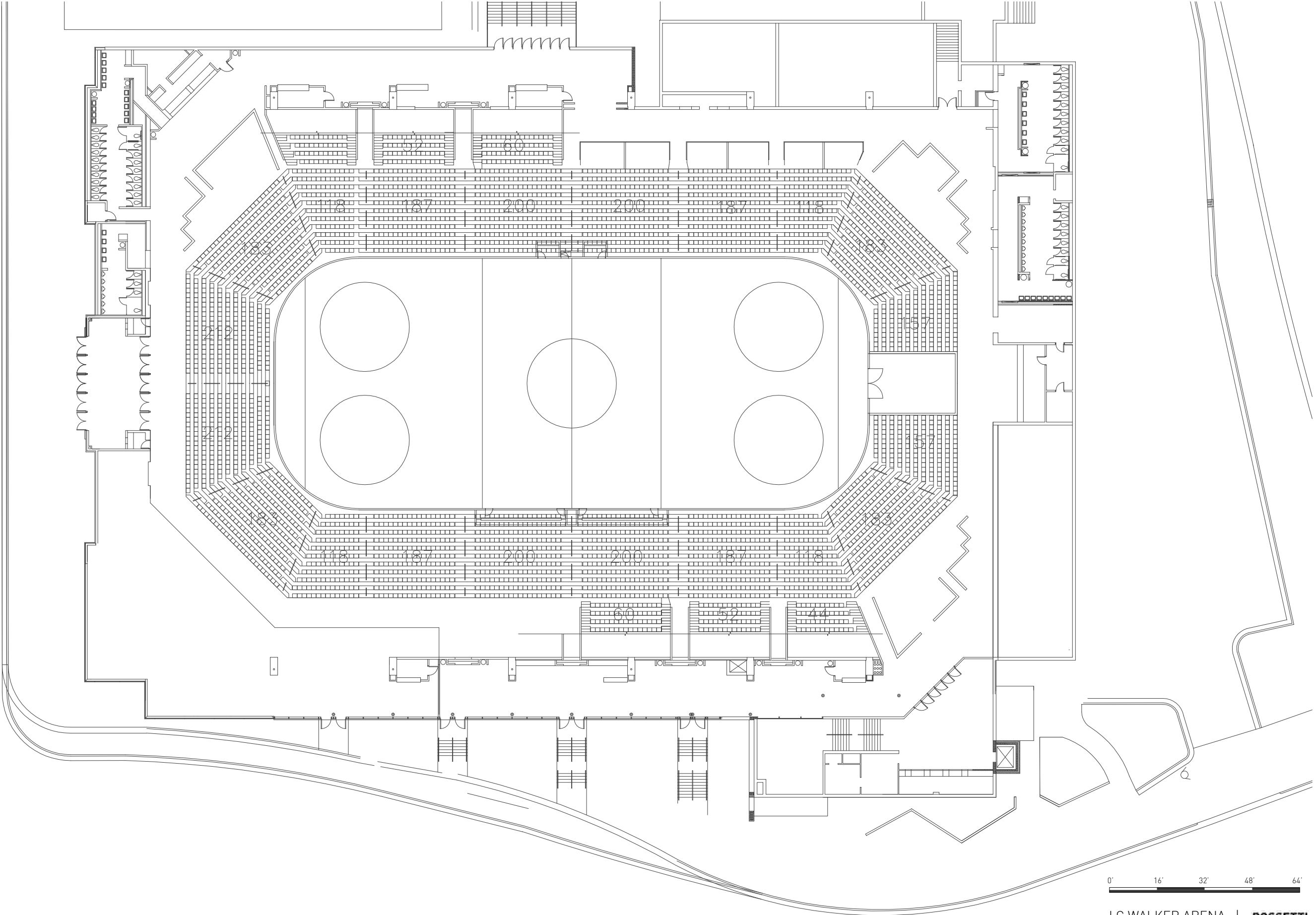
HOCKEY LAYOUT: 3264 SEATS



SCALE: 1"= 64'

01/16/17

CONCOURSE LEVEL
EXISTING

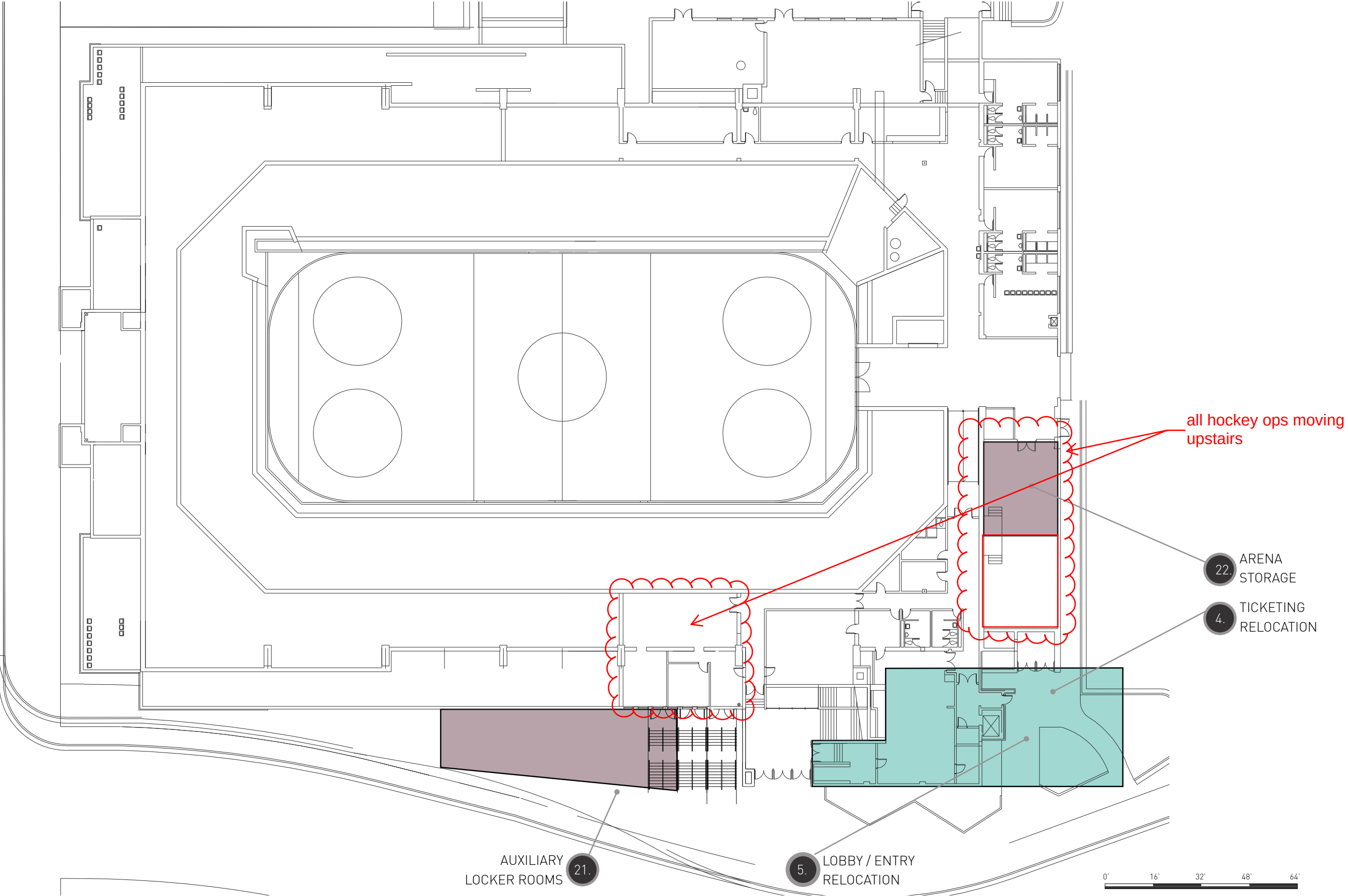


SCALE: 1"= 32'

01/16/17

0' 16' 32' 48' 64'

ARENA LEVEL
OPTION 3 - *RECOMMENDED*

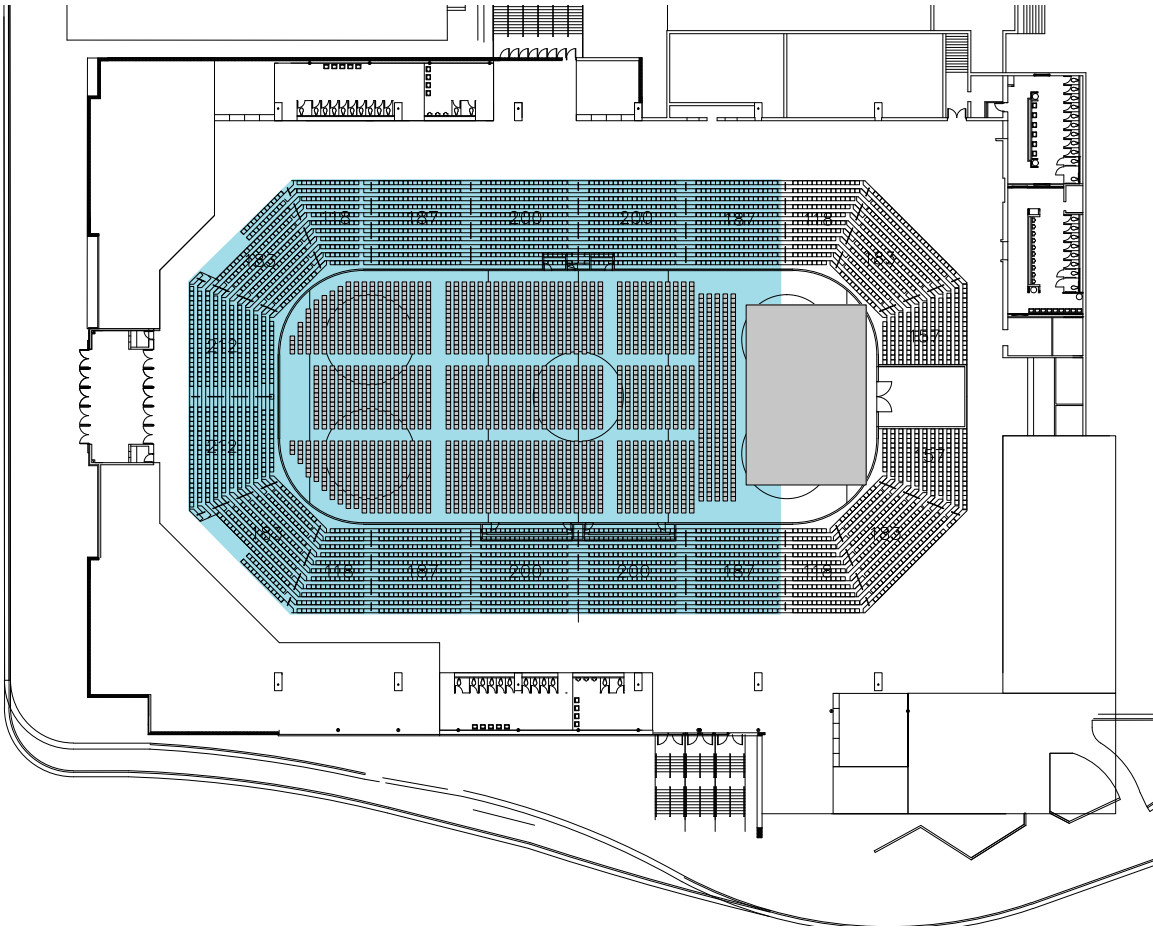


SCALE: 1"= 32'

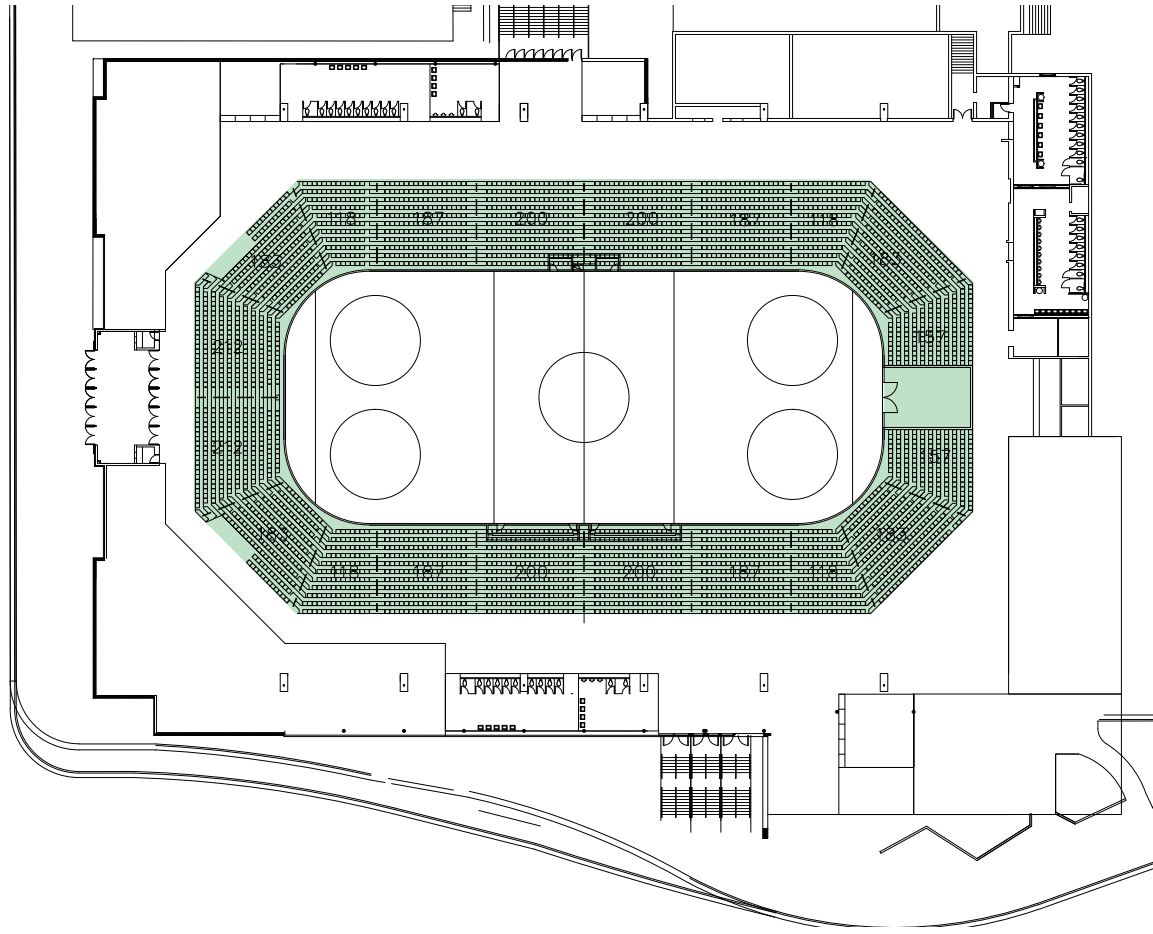
01/16/17

CONCERT LAYOUT: 4278 SEATS

2018 BOWL SEATS
2260 FLOOR SEATS



HOCKEY LAYOUT: 3176 SEATS



SCALE: 1"= 64'

01/16/17

EXTERIOR SKETCH 1

WESTERN STREETFRONT



© | ROSSETTI 2016

EXTERIOR SKETCH 2
SHORLINE STREETFRONT



© | ROSSETTI 2016

Date: 5/8/2018

To: Honorable Mayor and City Commissioners

From: Department of Public Works

RE: Amity Bridge – Resolution of Support for Bridge Funding
Application and Commitment for Matching Funds

SUMMARY OF REQUEST:

The Engineering Department would like to apply for bridge preservation funding through the Michigan Department of Transportation. These funds would be used to remove the Amity bridge and build a new roadway on fill. The bridge was originally constructed to cross a railroad line that no longer exists.

Construction is estimated at \$415,000, and the city would be required to provide matching funds of approximately \$90,000 plus engineering costs. Funding is available starting in 2021.

The MDOT application requires a resolution of support and commitment for the matching funds.

FINANCIAL IMPACT:

\$200,000 split over fiscal year 20/21 and 21/22

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approve the resolution of support for the bridge preservation fund application and commit to funding the required match and engineering costs.

City of Muskegon

RESOLUTION

SUPPORT OF APPLICATION FOR BRIDGE PRESERVATION FUNDS

WHEREAS, Muskegon City Commissioners desire to promote safety and fiscal responsibility for the residents and visitors of our great city; and

WHEREAS, Muskegon City Commissioners acknowledge there is no longer a need for the bridge carrying Amity Street over the abandoned railroad; and

WHEREAS, Muskegon City Commissioners agree that removing the Amity bridge and rebuilding the roadway on fill reduces the future costs of maintenance; and

NOW, THEREFORE LET IT BE RESOLVED, that Muskegon City Commissioners support the application for federal and state bridge preservation funds and commit to funding required match dollars for removal of the bridge.

Dated this _____ of _____ 20__.

Stephen J. Gawron
Mayor

Ann Marie Meisch
City Clerk

Commission Meeting Date: May 8, 2018

Date: May 8, 2018
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Medical Marihuana Facilities Licensing Act Application

SUMMARY OF REQUEST:

Request to approve the proposed local MMFLA application.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To pass the resolution approving the application.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING THE LOCAL MEDICAL MARIHUANA FACILITIES LICENSING ACT
APPLICATION**

WHEREAS, the City Commission has worked with City staff to create a local application for the Medical Marihuana Facilities Licensing Act;

WHEREAS, the application sets forth the requirements to obtain local approval for a license allowed by the Medical Marihuana Facilities Licensing Act ; and

WHEREAS, the application must be approved by City staff before a license may be granted by the State of Michigan;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon, Michigan that the local application for the Medical Marihuana Facilities Licensing Act license be approved as presented.

Adopted this 8th Day of May, 2018.

Ayes:

Nays:

Absent:

BY: _____
Stephen J Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 8, 2018.

Ann Meisch
Clerk

Application for Medical Marihuana Facilities Licenses in the City of Muskegon



Application for License Type(s):

- | | |
|---|---|
| ☐ Grower Class A | ☐ Provisioning Center |
| ☐ Grower Class B | ☐ Secured Transporter |
| ☐ Grower Class C | ☐ Safety Compliance Facility |
| ☐ Processor | |

Address of proposed licensed facility: _____

Application fee: \$5,000 per license (licenses may be stacked).

Payment method used: _____

Applicant Information
Applicant Name:
Home Address:
Phone Number:
Have you received preliminary approval from the State of Michigan for an MMFLA License?
Planned Opening Date:

Property Owner Information
Owner Name:
Home Address:
Phone Number:
Does the applicant have legal possession of the premises from the date this license will be issued by virtue of ownership, lease or other arrangement? ☐ Ownership ☐ Lease ☐ Other (explain)

Step 1: Background Check

The applicant must pass the background check to move on to Step 2.

Has the applicant been indicted for, charged with, arrested for, convicted of, pled guilty or no contest to, or forfeited bail under the laws of any jurisdiction (state, federal, or foreign) concerning any felony criminal offense or a misdemeanor involving a controlled substance?

☐ No ☐ Yes

Has the applicant been found responsible for violating a local ordinance in any state involving a controlled substance that substantially corresponds to a felony in that state, whether the offense has been reversed on appeal, reduced, expunged, set aside, pardoned or otherwise?

☐ No ☐ Yes

Please provide the following information for all arrests, charges, indictments, and convictions related to felonies regarding controlled substances.

Offense Arrest/Charge/Indictment/Conviction	Date	Court Name/Location	Case Number	Disposition

Does the applicant have any outstanding taxes, fees, assessments (including any separate business entities the applicant has ownership in) due to the City of Muskegon? All outstanding fees due to the City of Muskegon must be paid before advancing to Step 2.

☐ No ☐ Yes

Step 2: Proof of Business Responsibility

The applicant must provide the following before advancing to Step 3:

- Copy of deed or lease agreement.
- Proof that the applicant has reasonably demonstrated it possess sufficient financial resources to fund the project.
- Acknowledgement and consent to investigations, statute and rule compliance (notarized).
- Copy of insurance policy, bond, or securities for facilities if building has already been purchased or leased. This may be submitted after approval if building has not been purchased or leased yet.

Step 3: Plans

The following plans must be approved before a license is granted:

☐ Security Plan – The applicant must explain how they will maintain a safe environment for neighbors and customers. Security cameras or guards are required and their locations must be shown on the plan.

☐ Outreach Plan – Provisioning Centers must explain how they will meet with neighborhood organizations, business association, crime watch and other neighborhood organizations to provide contact information for questions and concerns.

☐ Site Plan – See Appendix 1 for site plan requirements.

☐ Building Façade Improvement Plan – See Appendix 2 for building façade requirements.

☐ ADA Plan – Building plans showing that the building will be brought into full compliance of Americans with Disabilities Act standards.

☐ Waste Disposal Plan – Explanation of how waste, chemicals and unused plant material will be disposed.

☐ Odor Elimination Plan – Documentation of carbon filtration system to be used along with other odor eliminating procedures.

☐ Blight Elimination Plan – The plan must address how the business will eliminate existing blight on premises. The plan must address the following:

- Buildings and light poles shall be painted with no chipping or fading.
- Windows must be in good condition with no cracks.
- Parking lot must be in good condition with no potholes. All asphalt cracks must be sealed.
- All fences must be in good condition without any visible wear.
- All dumpsters must be screened with privacy fencing.

☐ Customer Plan – The plan must address the following:

- How will the customer enter the building and view the product?
- Will locks/buzzers be used to enter display rooms?
- How many customers may enter at one time?
- Will there be security checking people at the door?
- What packaging will be used to keep product from being identified outside?

☐ Employment Plan – Plan must explain the following:

- Hiring procedures
- Equal Employment Opportunity Plan (see the City's EEO & Employee Relations Director if you need assistance)
- Anticipated employment levels
- Hours of operation and number of shifts – employees per shift

☐ Charitable Causes – The applicant is encouraged to provide a statement on the businesses intended charitable contributions.

☐ Secure Transporters only: Provide proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle as applicable for any transporting vehicles used to transport marihuana product.

Appendix 1

A site plan showing the following requirements, in addition to the standard requirements listed in Section 514 of the zoning ordinance, must be submitted:

Landscaping – Decorative landscaping shall be provided with irrigation, even on sites that do not currently meet the minimum landscaping requirements. Grass is required in all terraces. All new construction projects shall require underground sprinkling. All sites must contain the following (see figure 1 for example):

- An average minimum greenbelt of 10 feet shall be maintained along all street frontages. Greenbelt buffers shall be landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material.
- All required front setbacks shall be landscaped with a minimum of one (1) canopy or shade tree, two (2) understory or evergreen trees and (2) shrubs, for each thirty (30) lineal feet (or major portion thereof) of frontage abutting the right-of-way. Deciduous canopy trees shall be a minimum of twelve (12) feet in height and a minimum caliper of 2 inches at four and one-half (4 ½) feet above the ground. Evergreen and understory trees shall be a minimum of six (6) feet high at planting.
- Parking lots exceeding 5,000 square feet (including all parking spaces, lanes, drives and other areas devoted to vehicular use) shall be landscaped with at least one (1) landscape island. For each additional 5,000 square feet (or each additional 20 spaces, whichever is greater) an additional landscape island shall be required. Landscape islands shall be at least 180 square feet in size, with a minimum width of three (3) feet. Landscape islands shall be landscaped with one (1) shade canopy tree and three (3) shrubs for every eight (8) parking spaces. Canopy trees shall be a minimum of twelve (12) feet in height with a minimum caliper of 2 inches at four and one-half (4 ½) feet above the ground.

Traffic control – Applicant must demonstrate how traffic will enter/exit property. Actions may be required to limit traffic near residential/commercial uses, this may include eliminating curb cuts and installing new curbs or other measures. See figure 2 for an example.

figure 1.

Existing Site Conditions



Required Landscaping Improvements

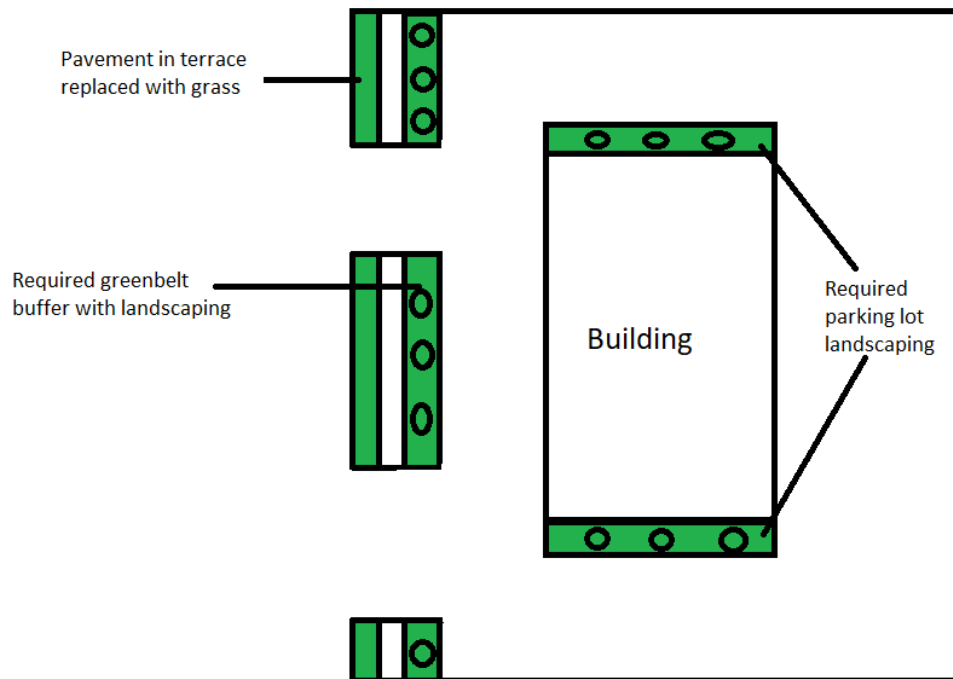
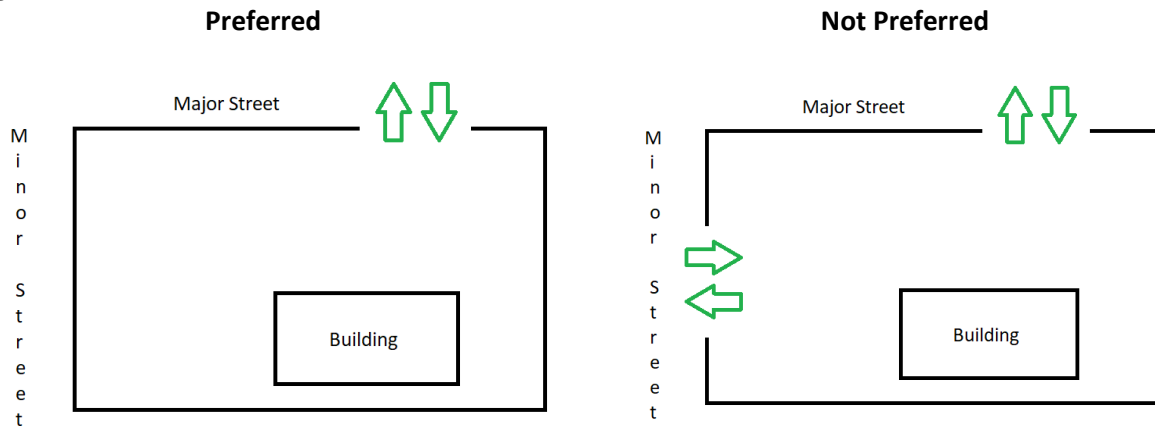


figure 2.



Appendix 2

An elevation drawing depicting the following building facade requirements shall be submitted:

- Bay Doors. See figure 3 for example.
- Security bars/gates are prohibited. However, security shutters may be used but are not required. See figure 4 for example.
- Canopy over main entrance. See figure 5 for example.
- Ornamental lighting fixtures near all ingress/egress doors. See figure 6 for example.
- Signage. Businesses shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.

figure 3.



figure 4.



figure 5.



figure 6.



Commission Meeting Date: May 8, 2018

Date: April 30, 2018

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department

RE: DDA On-Premise Liquor License for Nipotes

SUMMARY OF REQUEST: To approve the Resolution for a Downtown Development Authority On-Premise Liquor License for Nipotes. The Liquor Control Commission allows for additional liquor licenses within Downtown Development Authority Districts under certain conditions.

FINANCIAL IMPACT: Approving the Liquor License will allow for a new restaurant in the downtown area which should result in increased revenue for the City.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution.

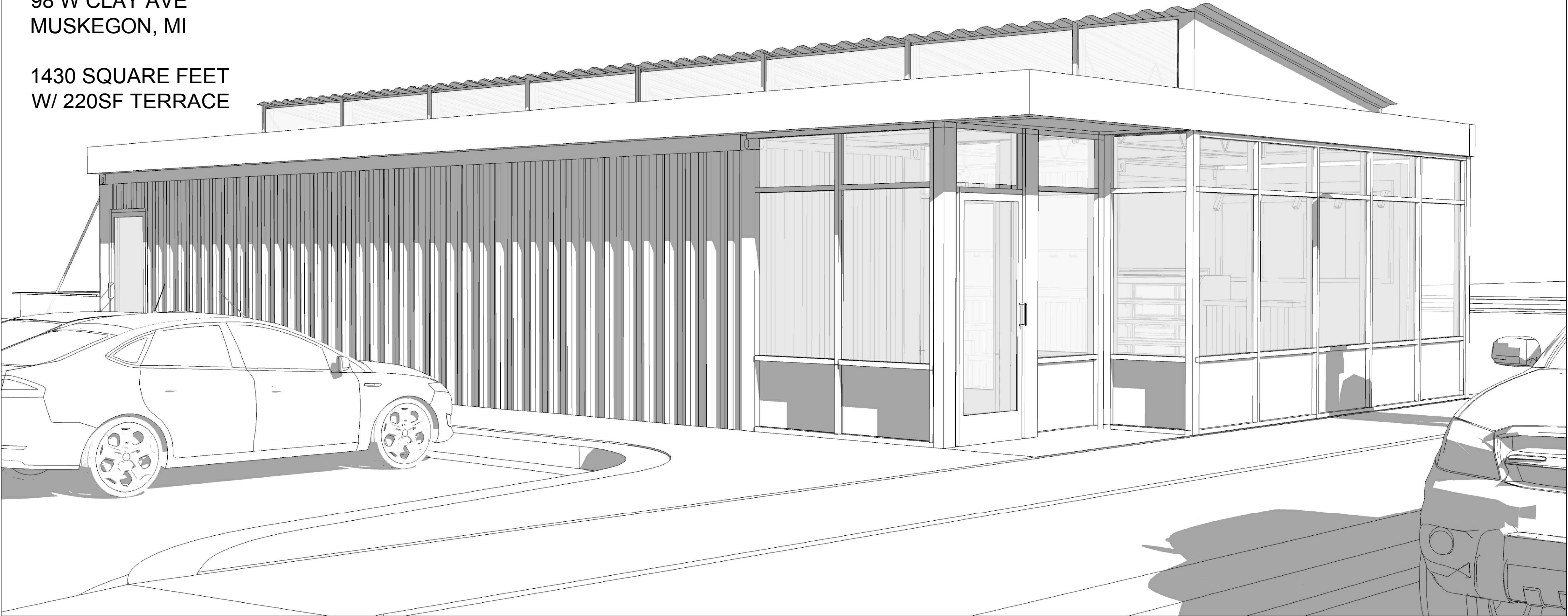
COMMITTEE RECOMMENDATION: None.

NIPOTE'S

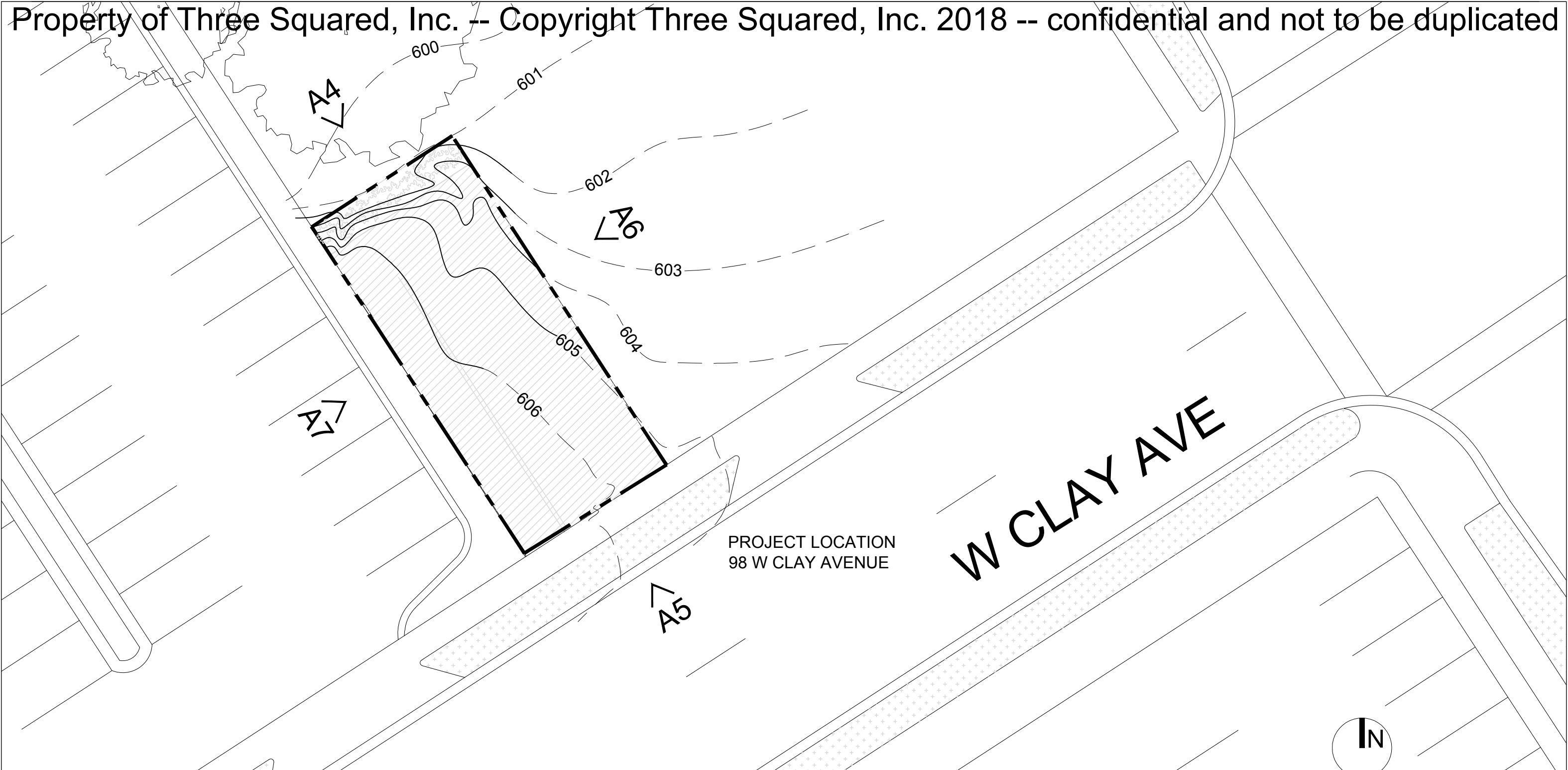
RESTAURANT

98 W CLAY AVE
MUSKEGON, MI

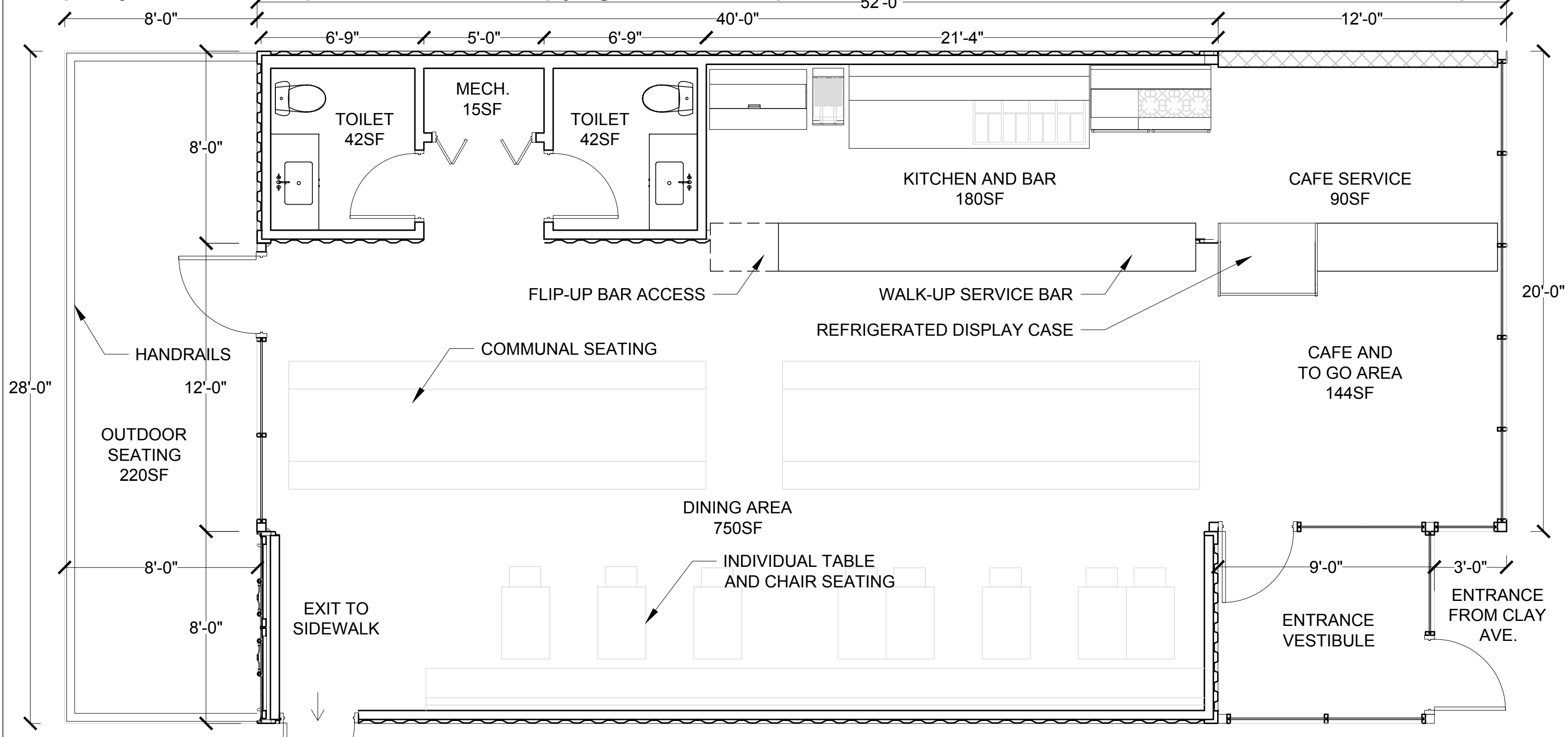
1430 SQUARE FEET
W/ 220SF TERRACE



ThreeSquared™	CUSTOMER APPROVAL	PROJECT: NIPOTE'S	TITLE: TITLE SHEET		SHEET: A1
	DATE:	LOCATION: 98 W CLAY AVE, MUSKEGON	DATE:	04/24/2018	
	SIGNATURE:	DRAWN BY: BC	SCALE:	NOT TO SCALE	
				REVISIONS: 04/24/2018 04/17/2018 03/18/2018	



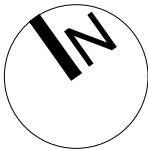
	CUSTOMER APPROVAL	PROJECT: NIPOTE'S	TITLE: SITE PLAN		SHEET: A2
	DATE:	LOCATION: 98 W CLAY AVE, MUSKEGON	DATE: 04/24/2018	REVISIONS:	
	SIGNATURE:	DRAWN BY: BC	SCALE: 1/16" = 1'-0"	04/24/2018	
				04/17/2018	
				03/18/2018	



CUSTOMER APPROVAL

DATE:

SIGNATURE:



PROJECT: NIPOTE'S

LOCATION: 98 W CLAY AVE, MUSKEGON

DRAWN BY: BC

TITLE: FIRST FLOOR PLAN

DATE: 04/24/2018

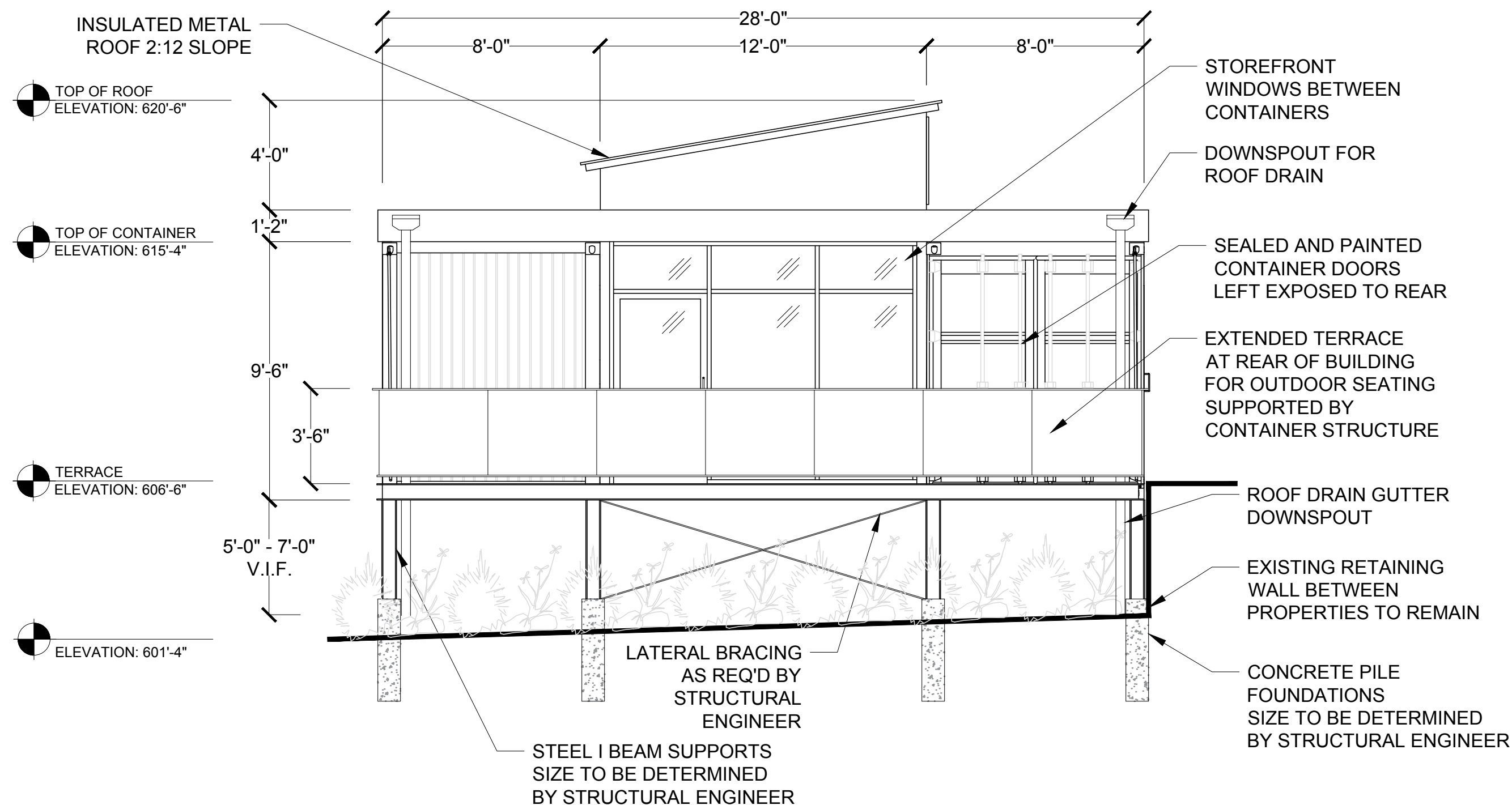
SCALE: 1/4" = 1'-0"

REVISIONS:

04/24/2018
04/17/2018
03/18/2018

SHEET:

A3



CUSTOMER APPROVAL

DATE:

SIGNATURE:

PROJECT: NIPOTE'S

LOCATION: 98 W CLAY AVE, MUSKEGON

DRAWN BY: BC

TITLE: NORTHWEST (REAR) ELEVATION

DATE: 04/24/2018

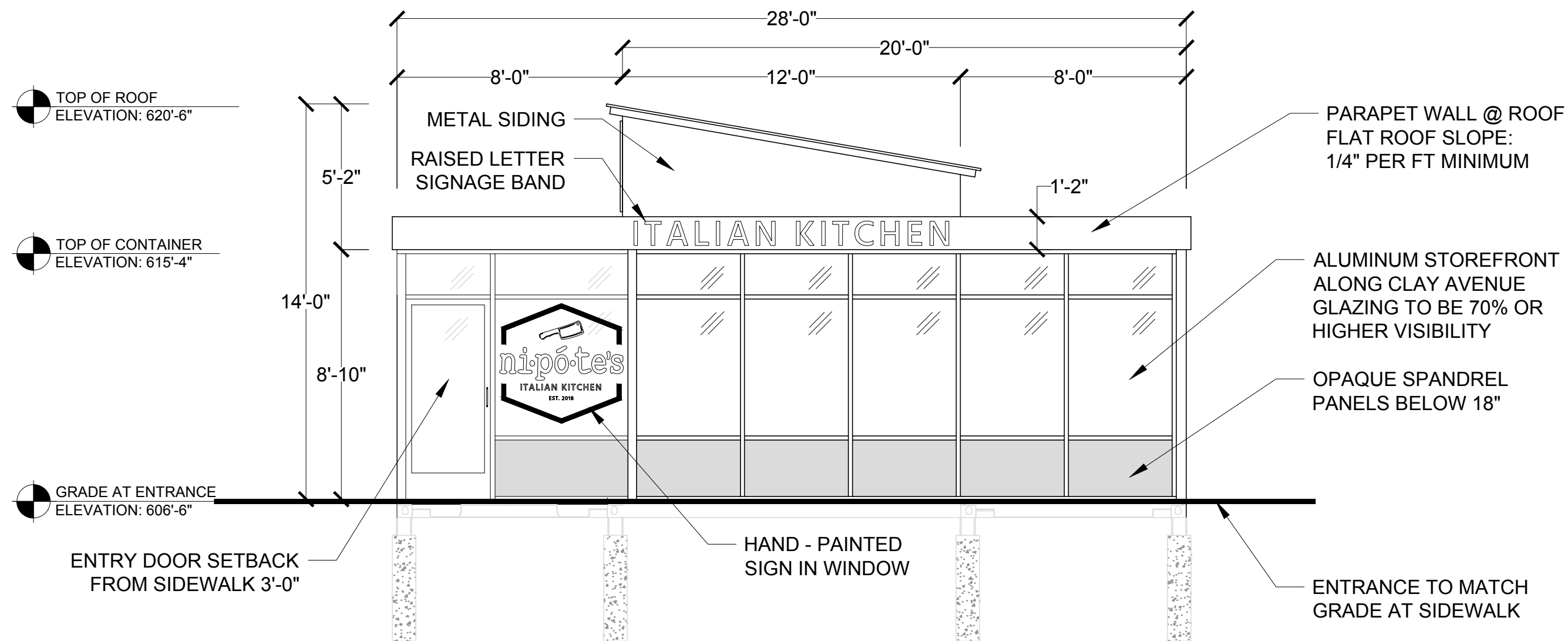
SCALE: 1/4" = 1'-0"

REVISIONS:

04/24/2018
04/17/2018
03/18/2018

SHEET:

A4



CUSTOMER APPROVAL

DATE:

SIGNATURE:

PROJECT: NIPOTE'S

LOCATION: 98 W CLAY AVE, MUSKEGON

DRAWN BY: BC

TITLE: SOUTHEAST (FRONT) ELEVATION

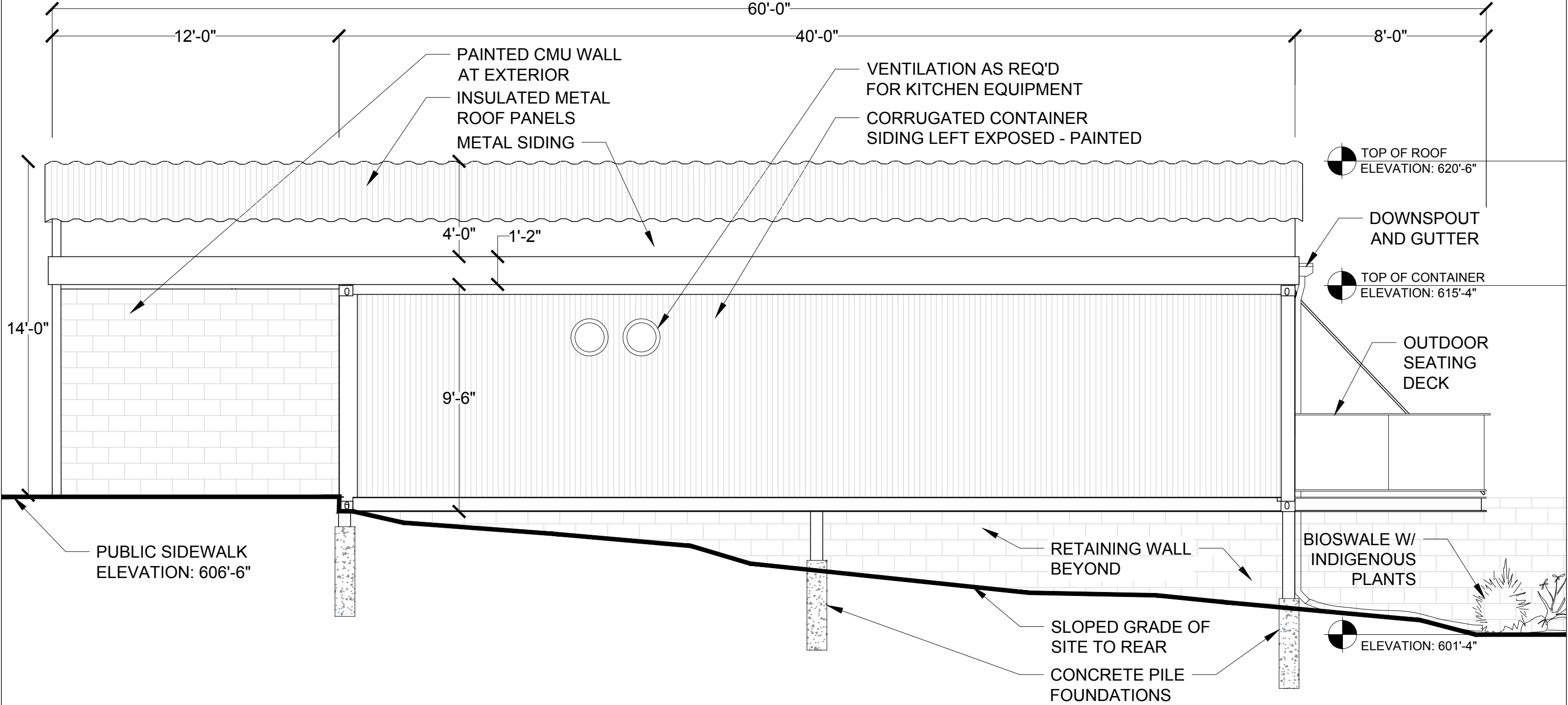
DATE: 04/24/2018

SCALE: 1/4" = 1'-0"

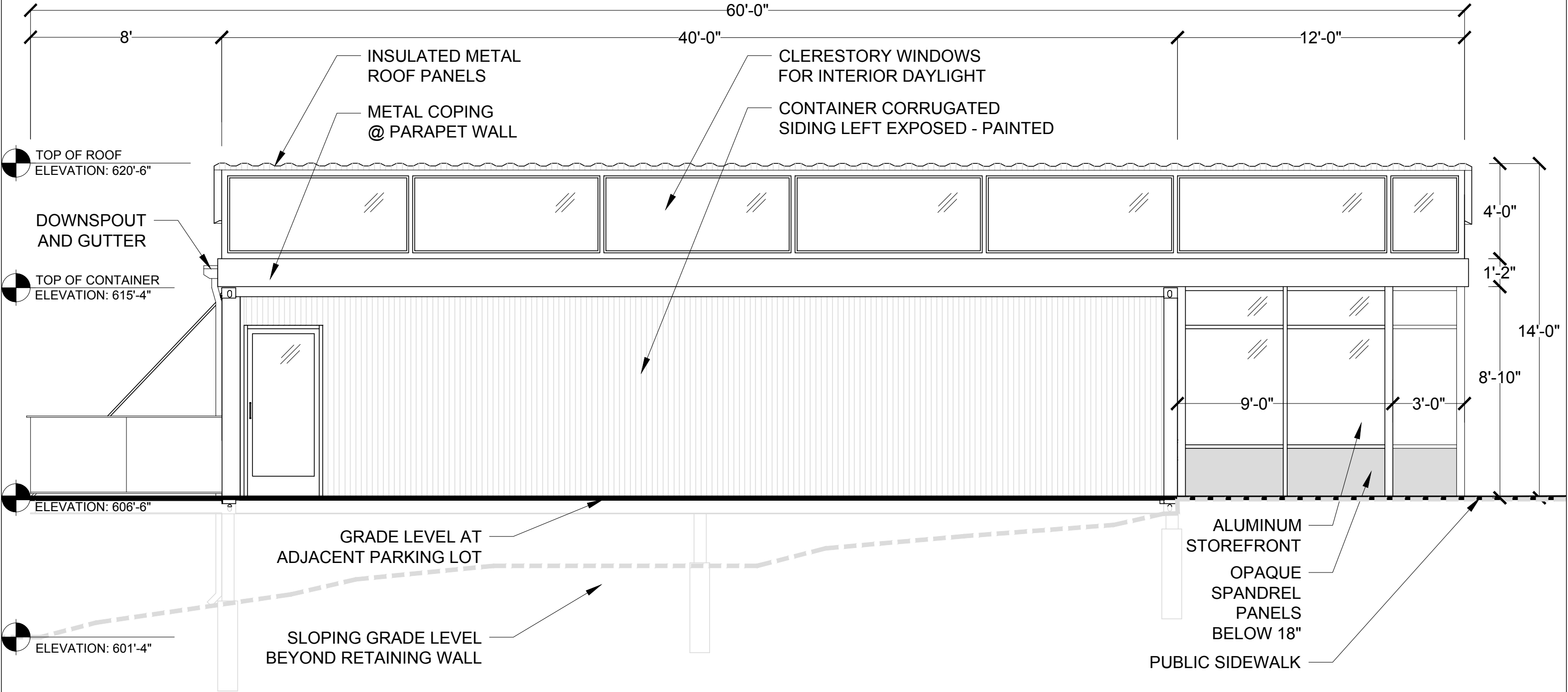
REVISIONS:
04/24/2018
04/17/2018
03/18/2018

SHEET:

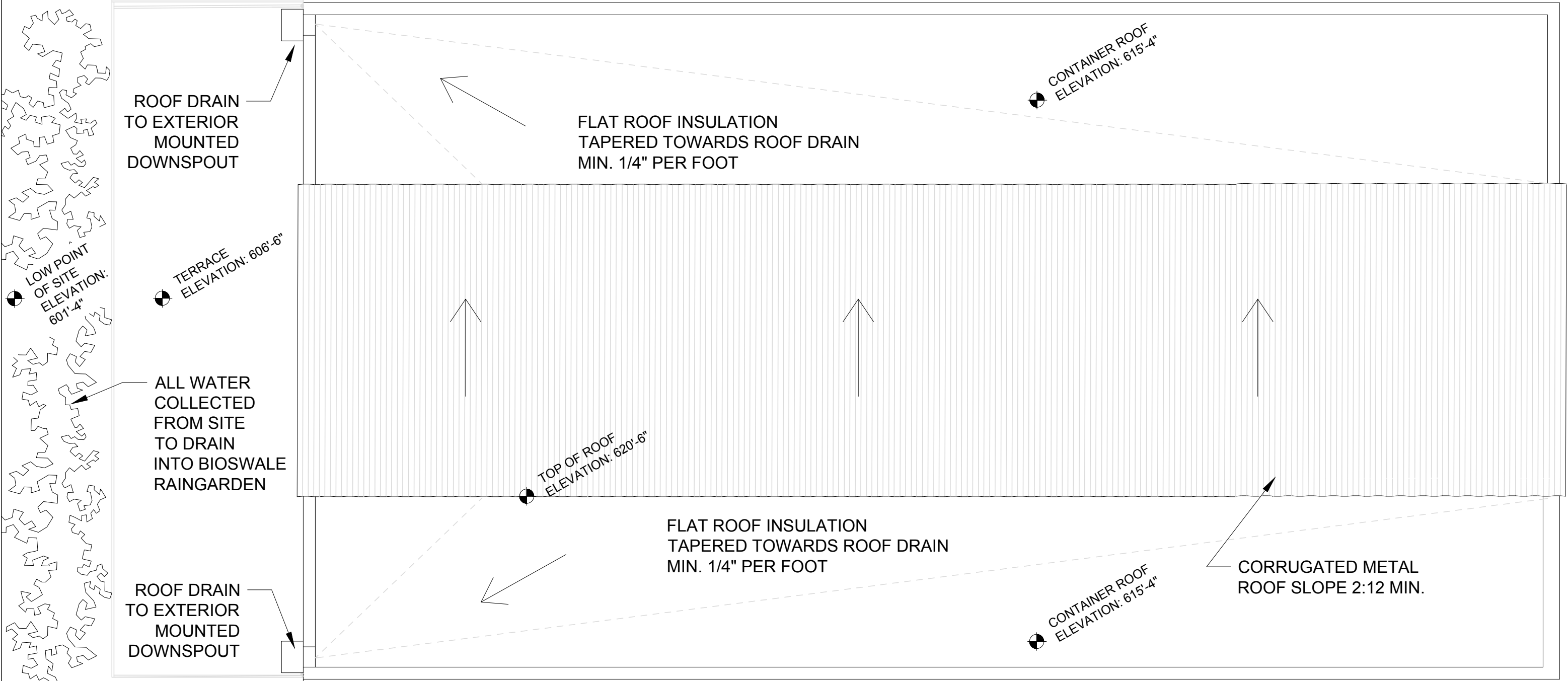
A5

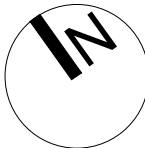


ThreeSquared™	CUSTOMER APPROVAL	PROJECT: NIPOTE'S	TITLE: NORTHEAST ELEVATION		SHEET: A6
	DATE:	LOCATION: 98 W CLAY AVE, MUSKEGON	DATE: 04/24/2018	REVISIONS:	
	SIGNATURE:	DRAWN BY: BC	SCALE: 1/4" = 1'-0"	04/24/2018	
				04/17/2018	
				03/18/2018	



	CUSTOMER APPROVAL	PROJECT: NIPOTE'S	TITLE: SOUTHWEST ELEVATION		SHEET: A7
	DATE:	LOCATION: 98 W CLAY AVE, MUSKEGON	DATE: 04/24/2018	REVISIONS:	
	SIGNATURE:	DRAWN BY: BC	SCALE: 1/4" = 1'-0"	04/24/2018	
				04/17/2018	
				03/18/2018	



	CUSTOMER APPROVAL	PROJECT: NIPOTE'S	TITLE: ROOF PLAN		SHEET: A8
	DATE:	LOCATION: 98 W CLAY AVE, MUSKEGON	DATE: 04/24/2018	REVISIONS:	
	SIGNATURE:	DRAWN BY: BC	SCALE: 1/4" = 1'-0"	04/24/2018	
				04/17/2018	
				03/18/2018	

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. _____

A resolution concerning the issuance of a Downtown Development Authority District On-Premises Liquor License pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. Nipotes, LLC. has applied for a Downtown Development Authority District On-Premises Liquor License for the premises at 98 W Clay Ave, which is located within an area established by the City Commission as a redevelopment project area pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.
2. It is required that the City Commission approve a specific applicant, at a specific location "ABOVE ALL OTHERS".
3. This resolution was approved at the regular meeting of the City Commission on May 8, 2018.

City Commission Findings

The City Commission is satisfied that:

1. That the applicant has sufficiently demonstrated a commitment for a capital investment of not less than \$75,000 for the build-out and improvements of the building that will house the licensed premises, which amounts shall be expended before the issuance of the license.
2. That the licensed business shall be engaged in dining, entertainment or recreation, that is open to the general public, with a seating capacity of not less than 50 persons.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission deems it to be in the best interest of the City of Muskegon to approve the application of Nipotes, LLC, for a Downtown Development Authority District On-Premises Liquor License for the premises at 98 W Clay Ave, pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws, and recommends to the Michigan Liquor Control Commission the issuance of said requested license "ABOVE ALL OTHERS".

Adopted this 8th day of May, 2018.

AYES: _____

NAYES: _____

ABSENT: _____

By: _____
Stephen J. Gawron
Its Mayor

By: _____
Ann Meisch, MMC
Its Clerk

Square Foot Cost Estimate Report

Date:

4/23/2018

Estimate Name:	Nipotes 4/23/2018		
Building Type:	Restaurant with Modified Containers		
Location:	MUSKEGON, MI	Costs are derived from a building model with basic components. Scope differences and market conditions can cause costs to vary significantly. ** Area, Perimeter entered is outside the range recommended by RSMeans.	
Story Count:	1		
Story Height (L.F.):	10		
Floor Area (S.F.):	1430		
Labor Type:	OPN		
Basement Included:	No		
Data Release:	Year 2018		
Cost Per Square Foot:	\$161.09		
Building Cost:	\$247,444		
Complete CPSF:	\$232.39		
Complete Building Cost	\$332,324		

		% of Total	Cost Per S.F.		Cost	
A Substructure		10.69%	18.50		26,453.30	
A1010	Standard Foundations		14.82		21,196.00	X
	Foundation estimate			21,196.00		
A1030	Slab on Grade		3.26		4,654.88	X
	Slab on grade, 4" thick, non industrial, reinforced			4,654.88		
A2010	Excavation		0.42		602.42	X
	Excavate and fill, 4000 SF, 4' deep, sand, gravel, or common earth, on site storage			602.42		
B Shell		29.18%	49.94		72,198.14	
B1020	Roof Construction		5.45		7,793.56	X
	Insulated metal sandwich Panel on roof trusses			5,885.07		
	Roof, steel joists, beams etc			1,908.49		
B2010	Exterior Walls		28.12		40,208.00	
	Containers- modified & installed			33,833.00		X
	Additional Build outs all w/ ga x 6" studs 16" O.C.,10' high, insulated walls			6,375.00		X
B2020	Exterior Windows		4.69		6,850.00	X
	All storefront windows (allowance)			6,850.00		
B2030	Exterior Doors		4.37		6,243.14	X
	Door, aluminum & glass, without transom, full vision, double door, hardware, 6'-0"			3,510.35		

	Door, aluminum & glass, with transom, non-standard, double door, hardware, 6'-0"		2,032.08		
	Door, steel 18 gauge, hollow metal, 1 door with frame, no label, 3'-0" x 7'-0"		700.71		
B3010	Roof Coverings	6.37		9,106.83	
	Roofing, single ply membrane, EPDM, 60 mils, loosely laid, stone ballast		2,100.74		X
	Insulation, rigid, root deck, extruded polystyrene, 40 PSI compressive strength, 4" thick, R20		3,668.95		X
	Roof edges, aluminum, duranodic, .050" thick, 6" face		2,697.65		X
	Gutters, box, aluminum, .027" thick, 5", enameled finish		536.68	639.49	X
	Downspout, aluminum, rectangular, 2" x 3", embossed mill finish, .020" thick		102.81		
B3020	Roof Openings	0.95		1,357.12	X
	Roof hatch, with curb, 1" fiberglass insulation, 2'-6" x 3'-0", galvanized steel, 165 lbs		612.66		
	Smoke hatch, unlabeled, galvanized, 2'-6" x 3', not incl hand winch operator		744.46		
C Interiors		9.39%	15.34		23,241.22
C1010	Partitions	2.25		3,220.26	X
	Metal partition, 5/8" fire rated gypsum board face, no base, 3'-5/8" @ 24" OC		1,493.33		
	Metal partition, 5/8" water resistant gypsum board face, no base layer, 3'-5/8" @		389.74		
	Gypsum board, 1 face only, exterior sheathing, fire resistant, 5/8"		840.45		
	Add for the following: taping and finishing		496.74		
C1020	Interior Doors	2.09		2,982.58	X
C1021	Door, single leaf, wood frame, 3'-0" x 7'-0" x 1-3/8", birch, hollow core		2,982.58		
C1030	Fittings	0.74		1,065.23	X
	Toilet partitions, cubicles, ceiling hung, plastic laminate		1,065.23		
C3010	Wall Finishes	1.86		2,666.09	
	Painting, interior on plaster and drywall, walls & ceilings, roller work, primer & 2		591.02	1298.59	X
	Painting, interior on plaster and drywall, walls & ceilings, roller work, primer & 2		707.57		
	Ceramic tile, thin set, 4-1/4" x 4-1/4"		1,367.50		X
C3020	Floor Finishes	5.43		7,770.22	X
	Polished Concrete		4,488.64		
	Tile, quarry tile, mud set, maximum		3,281.58		
C3030	Ceiling Finishes	2.96		4,238.25	X
	Gypsum board ceilings, 5/8" fire rated gypsum board, painted and textured finish, 1-5/8" metal stud furring, 24" OC support		4,238.25		
D Services		29.30%	50.71		72,513.30
D2010	Plumbing Fixtures	7.61		10,887.21	X
	Water closet, vitreous china, bowl only with flush valve, wall hung		3,555.14		
	Urinal, vitreous china, wall hung		690.01		
	Lavatory w/trim, vanity top, PE on CI, 20" x 18"		1,640.41		

	Kitchen sink w/trim, countertop, stainless steel, 44" x 22" triple bowl		3,310.36	
	Service sink w/trim, PE on CI, wall hung w/rim guard, 24" x 20"		1,012.96	
	Water cooler, electric, wall hung, dual height, 14.3 GPH		678.33	
D2020	Domestic Water Distribution	5.47		7,821.88 X
	Gas fired water heater, commercial, 100< F rise, 500 MBH input, 480 GPH		7,821.88	
D2040	Rain Water Drainage	1.38		1,968.76 X
	Roof drain, CI, soil, single hub, 3" diam, 10' high		1,839.31	
	Roof drain, CI, soil, single hub, 3" diam, for each additional foot add		129.45	
D3050	Mitsubishi Mini Splits	12.68		18,127.86
D3051	Rooftop, multizone, air conditioner, restaurants, 3,000 SF, 15.00 ton		12,253.17	X
D3052	Commercial kitchen exhaust/make-up air system, rooftop, gas, 2000 CFM		5,874.69	X
D4010	Sprinklers	3.52		5,027.80
	Wet pipe sprinkler systems, steel, light hazard, 1 floor, 2000 SF		3,854.04	X
	Wet pipe sprinkler systems, steel, ordinary hazard, 1 floor, 1000 SF		1,173.76	X
D4020	Standpipes	2.04		2,913.55 X
	Wet standpipe risers, class III, steel, black, sch 40, 4" diam pipe, 1 floor		2,913.55	
D5010	Electrical Service/Distribution	11.32		16,188.05 X
	Overhead service installation, includes breakers, metering, 20' conduit & wire, 3		4,456.55	
	Feeder installation 600 V, including RGS conduit and XHHW wire, 400 A		4,449.90	
	Switchgear installation, incl switchboard, panels & circuit breaker, 120/208 V, 3		7,281.60	
D5020	Lighting and Branch Wiring	6.70		9,578.19 X
	Receptacles incl plate, box, conduit, wire, 10 per 1000 SF, 1.2 watts per SF		3,216.16	
	Miscellaneous power, 1.8 watts		503.5	
	Central air conditioning power, 6 watts		925.77	
	Fluorescent fixtures recess mounted in ceiling, 1.6 watt per SF, 40 FC, 10 fixtures		4,932.76	
E Equipment & Furnishings		15.37%	26.60	38,038.24
E1090	Other Equipment		26.60	38,038.24 X
	28.00-Restaurant furniture, bar, built-in, front bars (allowance)		25,000.00	
	15.00-Window and Clerestory Addition		12,000.00	
	4.00-Emergency lighting units, lead battery operated, twin sealed beam light, 25 W,		1,038.24	
F Special Construction		6.06%	0	15,000.00
	Patio Allowance		10.49	15,000.00 X
	220SF Patio/Railing Allowance		15,000.00	
G Building Sitework		0.00%	0	0

SubTotal	100%	\$161.09	\$247,444.20
Contractor Fees (General Conditions,Overhead,Profit)		\$17.48	\$25,000.00
Permits & Inspection fees		\$3.15	\$4,500.00 X
Contingency	10.00%	\$17.30	\$24,744.42
Architectural & Engineering Fees			\$30,635.00
TSI Construction Management & OH			included
Total Building Cost			\$332,323.62

**** Excludes kitchen equipment, site alterations custom fixtures

For estimation ONLY-- not to be used for BID purposes

8,467.34

Commission Meeting Date: May 8, 2018

Date: May 3, 2018
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Medical Marihuana Facilities Licensing Act

SUMMARY OF REQUEST:

Request to approve the ordinance for the Medical Marihuana Facilities Licensing Act.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the ordinance.

COMMITTEE RECOMMENDATION:

None

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. ____**

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Chapter 34, Article IV of the Code of Ordinances of the City of Muskegon, Michigan, Sections 34-201 through 34-208 are adopted as follows:

Sec. 34-201 Purpose and Intent.

It is the intent of this ordinance to give effect to the intent of the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101, et seq, (the MMFLA), and not to determine and establish an altered policy with regard to medical marihuana. It is the intent of Muskegon City Code Sections 34-101 through 34-116 to give effect to the intent of the Michigan Medical Marihuana Act, Initiated Act 1 of 2008, MCL 333.26421, et seq., (the MMMA) as approved by the electors, The purpose of this ordinance is to serve and protect the health, safety and welfare of the general public and establish a set of rules and regulations which are fair and equitable for those interested in establishing a Marihuana Facility pursuant to the MMFLA.

Section 34-202 Definitions.

Applicant means a person who applies for a license under this section. If an entity applies for a license, the term includes an officer, director, managerial employee or has a direct or indirect ownership interest in the applicant.

Grower means an MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, cures or packages marihuana for sale to a Processor or Provisioning Center.

Marihuana Facility means a location at which a license holder is licensed to operate under the MMFLA.

Marihuana-infused product means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

MMFLA means the Medical Marihuana Facilities Licensing Act, PA 281 of 2016, MCL 333.27101, et seq.

MMMA means the Michigan Medical Marihuana Act, Initiated act 1 of 2008, MCL 333.26421, et seq.

MMMA Caregiver Facility means any building(s) or structure(s) located on non-residential property that is utilized by one or more than one primary caregiver engaged in the medical use of marihuana pursuant to the MMMA.

Permit means a permit issued by the City under this section.

Primary caregiver or caregiver means a person as defined by the MMMA.

Processor means an MMFLA licensee that is a commercial entity located in this state that purchases marihuana from a Grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a Provisioning Center.

Provisioning Center means an MMFLA licensee that is a commercial entity located in this state that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualify patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA is not a Provisioning Center for purposes of the MMFLA or this section.

Qualifying patient or patient means a person defined by the MMMA.

Registry Identification Card means the document as defined by the MMMA.

Safety Compliance Facility means an MMFLA licensee that is a commercial entity that receives marihuana from a Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the Marihuana Facility.

Secure Transporter means an MMFLA licensee that is a commercial entity located in this state that transports marihuana, with or without storage, between Marihuana Facilities for a fee.

State operating license means a license that is issued under the MMFLA that allows the licensee to operate as a Marihuana Facility.

All other terms used in this section have the same definitions ascribed to them in the MMFLA or MMMA.

Sec. 34-203 MMFLA Opt-In Provision

Pursuant to Section 205(1) of the MMFLA, the City will authorize Permits for the following types of Marihuana Facilities: Growers; Processors; Provisioning Centers; Safety Compliance Facilities; and Secure Transporters.

Sec. 34-204 Permit Required for MMFLA Activity.

(1) Any person or entity that wishes to operate as a Marihuana Facility in the City shall obtain a Permit and must obtain a State Operating License prior to opening or operating.

(2) The application and inspection fee for the Permit required by this section shall be as set from time to time by the City by resolution.

(3) In addition to an annual reapplication and inspection fee, the City may assess an annual fee of no more to \$5,000.00 to help defray the administrative and enforcement costs associated with the operation of the Marihuana Facilities operating in the City.

(4) No permit issued under this section shall be transferable.

(5) All Permits issued under this section shall be renewed annually and subject to annual inspection and renewal fees as set from time to time by the City by resolution.

(6) The City may limit the number of Permits issued under this section, and may revise this limit from time to time.

(7) A person or entity that receives a Permit under this section shall display its Permit and, when issued, its State Medical Marihuana Facility License in plain view clearly visible to City officials and State Medical Marihuana Licensing Board authorized agents.

(8) No person or entity that opened or operated a facility doing business or purporting to do business as a Marihuana Facility prior to the adoption of this ordinance shall be considered a lawful use.

Sec. 34-205 MMFLA Location Requirements.

(1) Growers, Processors, Provisioning Centers, Safety Compliance Facilities, and Secure Transporters are permitted in those zones and subject to requirements provided for in the City's Zoning Ordinance.

(2) The Marihuana Facility shall meet all applicable written and duly promulgated standards of the City and, prior to opening, Applicants shall demonstrate

to the City that the location meets the rules and regulations promulgated by the State Medical Marihuana Facilities Licensing Board.

Sec. 34-206 Application Procedure.

(1) All Applicants for Permits required by this section shall file an application with the Clerk. This application shall be signed by the Applicant if an individual, or by all partners if a partnership, by a managing member if a limited liability company, or by the president of a corporation.

(2) The Applicant may be requested to provide any information required by the MMFLA and any other information deemed by the City to be required for the consideration of a Permit.

(3) The Permit shall be approved if the Applicant meets all City requirements unless a due diligence investigation discloses tangible evidence that the conduct of the Applicant's business would pose a substantial threat to the public health, safety, or general welfare.

Sec. 34-207 Permit Revocation and Review.

(1) A Permit granted under this section may be revoked or not renewed for any of the following reasons:

- (a) Any fraud or misrepresentations contained in the Permit application;
- (b) Any knowing violation of this ordinance;
- (c) Loss of the Applicant's State Medical Marihuana Facility License;
- (d) Failure of the Applicant to obtain a State Medical Marihuana Facility License within a reasonable time after obtaining a Permit under this section; or
- (e) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.
- (f) The violation of any of the conditions of issuance or continuation of a certificate of registration.
- (g) Fraud, misrepresentation or any false statement made in the operation of the business.
- (h) Failure to pay personal property taxes, or timely file documentation or returns required for such taxes.

- (i) Failure to pay city income taxes, failure to withhold city income tax from employees, failure to remit to the City withheld city income taxes, or timely file documentation or returns required for such taxes.
- (j) Failure to pay any outstanding amounts owed the city (such as fees for inspections or property services, water or sewer bills, municipal civil infraction fines applicable to the business or its premises, current special assessment, installments, etc.).
- (k) Failure to pay registration fees imposed pursuant to this chapter and resolution of the city commission.
- (l) Failure or inability of an applicant to meet and satisfy any of the requirements and provisions of this chapter.
- (m) Failure to allow inspection of the business premises or hazardous material storage records at a reasonable time..

2. This Ordinance is to become effective ten (10) days after adoption.

Ayes:

Nays:

First Reading:

Second Reading:

CERTIFICATE

The undersigned, being the duly qualified Clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the ____ day of _____, 2017, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: _____, 2017

Ann Marie Meisch, MMC

City Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2017, the City Commission of the City of Muskegon amended Chapter _____, Article _____ of the Muskegon City Code, summarized as follows:

1. Section _____ is amended to provide _____.
2. Section _____ is amended to add _____.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: _____, 2017

CITY OF MUSKEGON

By _____
Ann Marie Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: May 8, 2018

Date: May 3, 2018
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance - Medical Marihuana Facilities
Licensing Act Overlay District

SUMMARY OF REQUEST:

Staff-initiated request to amend the zoning ordinance to include a new section for the Medical Marihuana Facilities Overlay District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission voted in favor (4-2) of recommending to the City Commission to approve the zoning ordinance amendment for the MMFLA overlay district at their February 15 meeting. Michalski, Larson, Gawron and Doyle voted in support. Mazade and Montgomery-Keast voted in opposition. Peterson and Hovey-Wright were absent. The version they approved for recommendation is slightly different than from what staff is presenting tonight, as this version allows all types of licenses within one overlay zone, rather than restricting licenses between two separate overlay districts.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2320 of the zoning ordinance to create a Medical Marihuana Facilities Licensing Act Overlay District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

SECTION 2330: MEDICAL MARIHUANA FACILITIES OVERLAY DISTRICTS

A Medical Marihuana Facilities Overlay Districts is hereby created as outlined in Figure 23-2. Within said overlay district only, Medical Marihuana Facilities to the extent licensed pursuant to City Code Sections 34-201 through 34-208 are permitted.

A. Overlay District:

1. Location: Please see Figure 23-2 for the location of the overlay district. Within the overlay district, licenses for Provisioning Centers, Growers, Processors, Secure Transporters and Safety Compliance Facilities are permitted.

B. Growers and Processors Requirements:

1. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building.
2. Building and Site Amenities. All Grower and Processor facilities must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors.
 - d. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
 - e. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
3. Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.
4. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

C. Provisioning Center Requirements:

1. Hours. Provisioning Centers may operate between the hours 8 am and 8 pm.
2. Signage. Signage shall be limited to one sign, no larger than 25 square feet and shall not use the word marihuana/marijuana, cannabis or any other word or phrase which would depict marihuana/marijuana; nor may pictures of a leaf or leaves, green cross or any other rendering which would depict marihuana/marijuana be displayed on a sign or any part of the building. Windows shall remain free and clear of all advertising.
3. Building and Site Amenities. All Provisioning Centers must meet the following amenity requirements:
 - a. Bay doors. Buildings must have bay doors in which a secure transport vehicle can enter for delivery.
 - b. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - c. Security shutters. The interior of all windows shall require security shutters that give the appearance of shutters or window shades. Metal bars and gates are prohibited.
 - d. Lighting. There shall be ornamental lighting on the exterior of the building at all ingress and egress doors.
 - e. Landscaping plan. Decorative landscaping shall be provided with irrigation. All new construction projects shall require underground sprinkling.
 - f. Carbon filtration system. The building shall be equipped with an activated carbon filtration system for odor control and be maintained in working order.
4. Indoor Activities. All activities of a provisioning center shall be conducted within the structure and out of public view. Walk-up and drive thru windows are not permitted.
5. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

D. Safety Compliance Facility Requirements:

1. Indoor Activities. All activities of a marihuana safety compliance facility shall be conducted within the structure and out of public view.
2. Building and Site Amenities. All Safety Compliance Facilities must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - a. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors.
 - b. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.
4. Chemical waste and plant disposal plan. A list of all chemicals used in testing and how they will be disposed of must be provided. The plan must also show how marihuana plants and products will be disposed.

E. Secure Transporter Requirements:

1. Storage. Marihuana and supplies, materials or money shall not be kept in any secure transport vehicle overnight. Outdoor storage, excluding transport vehicles is prohibited.
2. Building and Site Amenities. All Secure Transporter buildings must meet the following amenity requirements:
 - a. Canopy. Buildings must have a canopy or decorative awning over the main entrance to the building.
 - b. Lighting. Ornamental lighting is required on the exterior of the building at all ingress and egress doors.
 - c. Landscaping Plan. Decorative landscaping shall be provided and all landscaping shall be irrigated. All new construction projects shall require underground sprinkling.
3. Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 8th day of May, 2018, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2018.

Ann Meisch, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on May 8, 2018, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2320 of the zoning ordinance create a Medical Marihuana Faculties Overlay Distract.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2018.

CITY OF MUSKEGON

By

Ann Meisch, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

February 15, 2018

Vice Chairman B. Larson called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, J. Montgomery-Keast, M. Hovey-Wright

MEMBERS ABSENT: E. Hood, excused

STAFF PRESENT: M. Franzak, H. Mitchell

OTHERS PRESENT: J. Rooks, 75 W. Walton; D. Kamps, 1885 N. Buys Rd.; L. Spataro, 1567 6th; B. Krick, 1762 Jefferson; Dr. R. Hilt, 1627 Jefferson; F. Farmer; 1668 Jefferson; Q. Tiffany, 1694 Jefferson; L. & R. Doctor, 1706 Sanford; D. Manley, 4290 Eastlake Dr; B. Lowry, 4080 Oak Hollow Ct; A. Cirner, 1729 Huizenga; E. Seifert, 297 W Clay; D. Foster, 135 Ottawa; J. Slack, 1472 Marquette; G. Adams, 2112 Sampson; S. Orey, 3060 Sherwood; R. King, 3393 Fulton; K. Johnson, 1281 Montgomery.

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of December 14, 2017 was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2018-01: Request for a departure from Section 2003.07 of the form based code section of the zoning ordinance to forego the rooftop mechanical equipment screening requirements at 285 W Western Ave, by Parkland Muskegon, Inc. The property is zoned Form Based Code, Neighborhood Context Area (FBC-NC). Section 2003.07 of the code states “All rooftop mechanical, communication and similar devices shall be screened from view of adjacent properties and streets. Screening shall be so designed as to be an integral part of the building. The screening shall match the buildings material and color or be another material or color that is compatible with the building exterior.” There is mechanical equipment on the tallest roof on the building, above the 8th floor. However, this equipment is not required to be screened because it is not visible from the street. There is another roof on the building, above a portion of the 3rd floor, and this area has air conditioning units on it that are visible from Western Ave and Jefferson St. The applicant is seeking a departure to forego these screening requirements so that the tenants in the two apartments near this equipment will have a better view out of the building. It is possible that the future development of the adjacent property to the east will create somewhat of a screen to this equipment from the road; however, a parking lot is planned for the southern portion of this

property. Most of the equipment would still be visible from Jefferson St. Notice was sent to all property owners/tenants within 300 feet of this property and no comments were received. Staff recommends small individual white screens in front of each unit, or some type of painting or white casing over each unit that will blend them in with the building; something that would still allow views from the apartments but also provide a partial screening of the equipment.

J. Rooks stated that the pictures that were included in the members' meeting packet were the views from inside the units which was his primary concern due to the blocking of the view from inside of the units. There were discussions of individual screening of the air conditioning units. He discussed the permits and any changes would be a life safety issue from what he had originally submitted. He went over the different views and how the screening would be minimal in blocking the different views from the adjacent properties. He shared pictures of different view of adjacent properties as well as pictures of a metal mesh that could be attached to each air conditioner on one side and would look like the screening and the holes wouldn't be seen as well as they would be white. He also provided pictures of the air conditioners and asking that they be left as is. J. Montgomery-Keast asked for clarification of the photo in regards to the vacant lot and the area of Jefferson St. J. Rooks explained how he and another adjacent property owner were using this section for parking and the City owns a strip that 60 feet deep along Western and he believed the an offer had been made on it for development. F. Peterson explained the lot is 60 feet deep and the full length of Western Ave. but an offer had not been made for this City owned portion yet. M. Hovey-Wright asked if Mr. Rooks considered using the same type of screening on the Jefferson St. side as the units weren't attractive to look at. Mr. Rooks stated that he would not as it isn't as noticeable on that side of the building.

A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

There was discussion on the screening of the units in regards to the pictures that were provided at the meeting. Mr. Rooks stated that they would need to be about an inch away from the units. M. Franzak stated that the ordinance states that the units have to be screened with the same color so it would blend in. The units already have a screen over them and if they were painted to match; it would look better. Mr. Rooks agreed and was willing to paint the screens to match.

A motion that the request for a departure from Section 2003.07 of the form based code section of the zoning ordinance to forego the rooftop mechanical equipment screening requirements at 285 W Western Ave be approved with the painting of the screens to be white, was made by M. Hovey-Wright, supported by J. Montgomery-Keast and unanimously approved with F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, M. Hovey-Wright, and J. Montgomery-Keast voting aye.

Hearing, Case 2018-02: Request to rezone the property at 1698 Sanford St from R-2, Medium-Density Single-Family Residential district to RM-1, Low-Density Multiple-Family Residential district, by Step Up.

Hearing, Case 2018-03: Request to allow a non-profit organization that focuses on assisting young adults that have recently aged out of the foster care system transition to independent living in an RM-1, Low Density Multiple Family Residential district at 1698 Sanford St, contingent upon the successful rezoning of the property, by Step Up. The applicant is requesting to utilize the home as a non-profit agency that provides housing and mentoring to young adults that have aged out of

foster care. It would house up to six male participants along with a live-in mentor. Please see the enclosed letter provided by Step Up. Last year this organization was approved for the woman's version of this program at 1319 Peck St, in an RM-1, Low Density Multiple Family district. This request requires a rezoning to multi-family and a special use permit. The property is zoned R-2, Medium Density Single Family Residential. The properties to the east, along Peck St, are zoned RM-1, Low Density Multiple Family. The house measure 3,146 sf and has seven bedrooms and three bathrooms. It was formerly used as a state-licensed adult foster care home. The adjacent property to the north at 1690 Sanford was previously as well. The Rescue Mission's Woman's Shelter is located behind this property to the east. All twelve properties on this block are conforming as single-family homes. Eleven of the twelve homes on this block are single-family owner-occupied, which depicts strong neighborhood characteristics, investment and involvement among the community. Notice was sent to all property owners/tenants within 300 feet of this property. Staff had received two calls that were against the request. Lawrence and Robyn Doctor, the next-door neighbors, at 1706 Sanford St and Ray and Jackie Hilt at 1627 Jefferson St are all opposed to the specific use and the intrusion of multi-family to the neighborhood. The Master Plan calls for action to keep single-family owner-occupied neighborhoods intact. While the property is adjacent to a multi-family district, which is often used as support of a rezoning, it is clear that this area has been kept intact over the years as a singly family neighborhood and was able to avoid the conversion to multi-family that was prevalent in many areas downtown in previous generations. While Step Up provides great services and has shown to be an asset to the area at their Peck St. location (no police reports since opening), the rezoning to multi-family would permanently designate this home for multi-family use, regardless of the owner. Staff recommends denial of the rezoning.

D. Kamps described what the program does as well as what the requirements are that the residents must commit to. He described the home on Peck St. This location opened September 2016. They purchased this location for woman. He discussed the upgrades that were performed to the structure and how they have kept to the historic nature of the home by painting it. Since their upgrades to this structure there have been upgrades to the two houses to the south of this home.

T. Michalski arrived at 4:18 p.m.

D. Kamps did make a correction that the proposed amount of people would be four men with one house manager for 1698 Sanford if this were approved. M. Hovey-Wright asked if there had been any incidents at the home for women. D. Kamps stated that there hadn't been. M. Franzak confirmed that he had checked to see if there were any police reports for the Peck St. location in the past year and there hadn't been any. J. Montgomery-Keast had asked why the applicant felt this home would meet their needs and if they had considered other homes in other areas as well. D. Kamps stated that this location was near other facilities, bus lines, and the City of Muskegon's central location and with the size and layout of the structure along with the price; met their needs. T. Michalski admitted that this is a tough decision for him. The program is a valuable program. The program is not catered for juveniles that are caught up in the system and need help. His concerns are for maintaining the History of the Jefferson neighborhood and this type of use seemed to be in the center of Muskegon. He suggested that there may be other areas/communities that could support this use as there are the same amenities as well as the bus system located within them. He is not opposed to the program as the program is a good program and there is a need for this type of program.

L. Spataro, Nelson Neighborhood Improvement Association, stated that they have no issues with

the Step Up program and that the house on Peck St. was zoned for this type of use. He shared the history of a Victorian mansion that had been located in this area and was deeded to senior citizens. As the times changed; the structure ended up being demolished as it was no longer needed to house the senior citizens. He went over the history of zoning and the changes that were made over the years. This particular home is a single-family home and has concerns with the values of the other homes in the surrounding areas if this were changed when it is compared with other single-family homes. He suggested trying to find a way to allow this use in the current zoning as opposed to changing the zoning. Should the zoning change and this use end up leaving this structure; anything that would be allowed in the zoning district would be allowed. He suggested looking at allowing a special use permit for this zoning district to allow the use as more stipulations may be placed and should the use discontinue; it may be removed. He also suggested looking at a possible overlay district. He would rather have the request tabled so other avenues may be reviewed. B. Larson asked M. Franzak to explain the details for this request as opposed to leaving the zoning and having this as a special use permit instead. M. Franzak stated that the criteria for a special use permit would have to be met. When considering a special use permit for this type of use in a single-family zoning district may not be the best for all the single-family zoning districts. By allowing a special use permit for this type of use; it would then be allowed in all the single-family zoning districts throughout the City and some areas may not be the best place for this type of use.

B. Krick stated he could see this structure from the east window of his home. He does understand the necessity of the program, but he believes there is a better location than the location proposed. Dr. R. Hilt also had some concerns with the location. He is fond of Mr. Kamps and the organization. His biggest concern is the change of zoning because it becomes something that is there forever. This could be detrimental to the neighborhood. This neighborhood has been having many houses being rehabbed. He doesn't feel this use would be good for this neighborhood and not necessarily in the Nelson Neighborhood. F. Farmer added that he has lived in his homes on Jefferson for 45 years and has seen the changes. He is concerned with the domino effect this may have on the neighborhood and adjacent properties. He has concerns when larger homes end up being broken up into multiple units. He would like the commission to vote against the rezoning. Q. Tiffany has his home currently up for sale and his realtor did inform him that this type of use could affect his property. He has had offers on his home from people wanting to put an office in the home. He turned the offers down. He would like to see the commission vote against the rezoning. L. & R. Doctor stated that they have lived in their home for 30 years and has seen the slow changes. The lady's rescue Mission is adjacent to their property and they listen to the foul language that the women use while their children are outside playing at the Mission. They have had some women from the Mission approach them for cash or to use their phone. In the past there had been adult foster care at the location which was governed by the State, so the City couldn't do anything about it. He is thankful that this type of endeavor does fall under the City's purview and would like to see it voted down. B. Lowry described what a family is and how the Step Up's program helps create family for those that really don't have it. He understands the issues that were discussed when it came to the zoning. He was also pleased that no one had said anything bad about the program itself. L. Spataro stated that they were not against helping children in need because the need is real. The solution is not to change the zoning for this property because no one knows what will happen in the future. He didn't want to see any damage caused in this area of single-family housing. He felt that there should be something that would be more creative than a rezoning.

A motion to close the public hearing was made by T. Michalski, supported by J. Montgomery-

Keast and unanimously approved.

T. Michalski would like to see this request for rezoning be tabled until March so staff may have time to see if there is a more creative way for this use to be located here as opposed to having the property rezoned due to what may happen to the property in the future.

A motion that the request to rezone the property at 1698 Sanford St from R-2, Medium-Density Single-Family Residential district to RM-1, Low-Density Multiple-Family Residential district, be tabled until March so staff may look at a different way that this use may work within the zoning without having to rezone the property such as an overlay district, was made by T. Michalski, supported by M. Hovey-Wright and failed with T. Michalski and M. Hovey-Wright voting aye and F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, and J. Montgomery Keast voting nay.

Discussion continued with B. Mazade stating that a compromised solution would make sense and that rezoning this property would have a lifetime effect and would allow for more principle uses that could impact the neighborhood later. M. Hovey-Wright added that there is a need for this use as the Webster House had closed years ago and she knows the good that programs like this can do but there are other locations that would be better than the property on Sanford with public amenities that are available.

A motion that the request to rezone the property at 1698 Sanford St from R-2, Medium-Density Single-Family Residential district to RM-1, Low-Density Multiple-Family Residential district, be recommended to the City Commission for denial was made by B. Mazade, supported by F. Peterson and unanimously approved with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, J. Montgomery-Keast, and M. Hovey Wright voting aye.

B. Mazade felt that the commission should take action on the special use permit because the City Commission could decide to approve the rezoning request. Commission and staff discussed whether or not the denial of the rezoning request for this property would be required to continue to the City Commission for final approval or denial. It was unclear if the Zoning Enabling act would require a denial recommendation of a rezoning request by the Planning Commission would be required to go before the City Commission. Planning Commissioners and staff concurred that the special use permit should still be considered. B. Mazade added that if the Special Use request was denied; it would make the rezoning request moot.

Hearing, Case 2018-03: Request to allow a non-profit organization that focuses on assisting young adults that have recently aged out of the foster care system transition to independent living in an RM-1, Low Density Multiple Family Residential district at 1698 Sanford St, contingent upon the successful rezoning of the property, by Step Up. This is for the discussion and motion. Staff report is listed with the rezoning request above.

D. Manley, Realtor, felt that granting a special use permit under the current zoning for this property wouldn't affect any appraisals for this area. He brought up Terrace Point's appraisals were coming in lower than expected. He didn't understand why the neighbors would have an issue with this use as the program is a good program. He could understand the property not being rezoned; but there should be allowances for uses such as this. He suggested allowing the use for a year to see how

this program works in this neighborhood. B. Larson had brought up that the special use permit would be contingent upon the successful rezoning of the property. B. Mazade added that the City Commission could approve the rezoning even if the Planning Commission recommended denial of it and B. Larson concurred that a motion on the special use permit should be made.

A motion to close the public hearing was made by B. Mazade, supported by J. Doyle and unanimously approved.

A motion that the request to allow a non-profit organization that focuses on assisting young adults that have recently aged out of the foster care system transition to independent living in an RM-1, Low Density Multiple Family Residential district at 1698 Sanford St, be denied was made by B. Mazade, supported by S. Gawron and unanimously approved with T. Michalski, F. Peterson, B. Larson, B. Mazade, J. Doyle, S. Gawron, J. Montgomery-Keast and M. Hovey-Wright voting aye.

Hearing, Case 2018-05: Staff-initiated request to amend Section 2330 of the zoning ordinance to create a Medical Marijuana Facilities Overlay District. Staff has prepared the proposed amendments to the zoning ordinance for the Medical Marijuana Facilities Licensing Act (proposed as Section 2330 of the zoning ordinance). The proposed amendments only relate to the zoning designations related to the Medical Marijuana Facilities Licensing Act (MMFLA) Ordinance that will eventually be proposed to the City Commission for approval into the City Code of Ordinances at a later date. Please note that the MMFLA Ordinance will have to be approved before the zoning designations are approved. This review by the Planning Commission is intended to provide the City Commission with a recommendation as to where these facilities should be allowed, should the new MMFLA Ordinance be adopted by the City Commission as part of the City Code of Ordinances. Please see the enclosed proposed MMFLA Ordinance that references amending Chapter 34, Article IV of the Code of Ordinances of the City of Muskegon. Please also see enclosed the proposed amendment to the zoning ordinance: Section 2330 – Medical Marijuana Facilities Overlay District.

1. Definitions for the types of MMFLA facilities are as follows:

Grower means an MMFLA licensee that is a commercial entity located in this state that cultivates, dries, trims, cures or packages marihuana for sale to a Processor or Provisioning Center.

Processor means an MMFLA licensee that is a commercial entity located in this state that purchases marihuana from a Grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a Provisioning Center.

Provisioning Center means an MMFLA licensee that is a commercial entity located in this state that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualify patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration

process in accordance with the MMMA is not a Provisioning Center for purposes of the MMFLA or this section.

Secure Transporter means an MMFLA licensee that is a commercial entity located in this state that transports marihuana, with or without storage, between Marihuana Facilities for a fee.

Safety Compliance Facility means an MMFLA licensee that is a commercial entity that receives marihuana from a Marihuana Facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the Marihuana Facility.

Staff recommends approval of the ordinance amendment.

T. Michalski stated that there had been a lengthy conversation at a prior Commission meeting regarding this and what the role of the Planning Commission was. His understanding was that the City was going to determine whether or not they would have dispensaries and then determine where they would go. Now the Planning Commissioners are looking at this in reverse and looking at where they should go before determining if the City was going to allow for dispensaries or if the State was going to even issue more licenses. He had concerns about possibly wasting their time looking at this now. M. Franzak stated that the City Commission wasn't comfortable with voting on whether to allow it until it was determined where they would go. F. Peterson added that staff had asked for more time to see what other cities were also doing. This was then going to be brought back to the City Commission in March or early April. Staff felt this would be a necessary step to bring this before the Planning Commission with a strong understanding of where this would be acceptable to the City Commission. The City Commission didn't want to approve it if there was a chance it could be anywhere but wanted to see it in more of a defined district. This would need to be approved at the Planning Commission, City Commission and then the State levels. By starting with the Planning Commission; this will allow for a stronger understanding of a defined district. M. Hovey-Wright stated that she tried looking for the areas and wasn't sure of the locations based on the map that was supplied in their packets. The places she looked had structures that looked like they should be removed. She stated it made sense to consolidate the areas. B. Mazade asked about the proposed District 2 having two locations that are not contiguous. M. Franzak confirmed that there were two due to the residential neighborhood in the middle. J. Montgomery-Keast asked if there were any churches in the proposed areas. M. Franzak stated that to his knowledge there wasn't but churches do come and go in different commercial sites.

A. Cirner stated that he was a Planning Commissioner in Palm Springs, CA and had worked on this issue there. He had moved here almost a year ago and would like to offer his services to help the City when it comes to this type of planning and ordinance language as he had been through it already and he is familiar with mistakes that other municipalities have made and would like to help make sure no mistakes are made. He does feel that this planning should be brought together at this juncture. B. Larson stated that this is about the districts at this time. A. Cirner stated that churches, schools, etc. should be researched before looking at locations. He would like to help out with work sessions regarding this and to reach out to the other communities that have gone through this already. E. Seifert is passionate about this. He described his personal experience regarding his wife and himself and their need for this. His wife had passed away two years ago. Medical Marihuana

has helped his wife get off some of her medications. He had obtained a Medical Marijuana license for his health issues and it helped him better than any other medications that he had been on. There are many buildings that are not feasible for this type of use; but other areas may need to be looked at and it shouldn't be restricted. He is also willing to help with this to ensure it is done accurately. D. Foster stated that she had spoken on this about eight years ago. This is about the patients and getting them comfortable and some of the locations aren't feasible. The places need to be easily accessible and making patients comfortable. She felt the districts could be in nicer areas. She felt that the proposed areas aren't aesthetically pleasing or inviting. It took her two and a half months to find her facility and when she was looking; she looked at accessibility, what the structure looked like and handicap accessibility. J. Slack stated that he is a young entrepreneur and was born and raised in Muskegon. He stated that 50% of the taxes go back to the local municipality for the schools, etc. He would like to get into this industry. G. Adams stated that the overlay districts are a good start and is necessary. He wanted to locate his business here. He had sold one of his facilities that he had in Lansing. There are a lot of people that would want to invest in this. He would like to have a facility here and not just be a caregiver. He had brought up how he has worked with Muskegon Heights for having properties zoned correctly and are hashing out the language now. S. Orley had done research into cancer and Parkinson while in college. He would like to bring his services to Muskegon as well. He owns an old building on E. Apple that is located next to Dominoes. He has patients that he has to deliver to. He spoke with Ann Meisch regarding the number of growers located in Muskegon and he doesn't believe there have been any issues with any of them. R. King is happy to see that the City is looking at having dispensaries in Muskegon. This is medicine and she isn't sure that segregating dispensaries in the industrial areas is a good choice. Marijuana businesses are highly regulated, so this type of business isn't something that just anyone can get into and it is expensive to get started. She stated that Ann Arbor has 18 dispensaries with four dispensaries in the prime downtown business district.

M. Hovey-Wright left at 5:40 p.m.

M. Franzak added that he received over 100 inquiries and given input and offered help with writing the ordinance. He brought up how the City started out with caregivers who grow out of their homes and there had been no issues. Now there are commercial and industrial areas where growers are located. K. Johnson shared a spreadsheet from when medical marijuana was approved by the voters in 2008 which was the highest voter turnout. Every precinct was in favor of this. He shared other positive information regarding the need and how helpful it is medically. This is a continuing positive when it comes to zoning and this is the next best step. He is also a caregiver. This is widely supported. The State is saying that local municipalities can opt in and choose where it will go within their municipalities. He did have concerns with the proposed locations. He felt the ordinance could be crafted in a way that it could be in other areas. He has been to the different neighborhood association meetings to discuss this and he has had feedback from Beachwood/Bluffton to Marquette neighborhoods and they feel these shouldn't be segregated in a small area; but should be more spread out to accommodate more. The proposed area is on the bus route so it is accessible to people where it is proposed. He feels they should be allowed to be near pharmacies or other medical areas. There have been studies that show that deaths from opioids have declined since the approval of medical marijuana. He believes that staff's proposal is a good start but would like to see it spread to other areas as well.

F. Peterson left at 5:50 p.m.

A motion to close the public hearing was made by B. Mazade, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to amend Section 2330 of the zoning ordinance, to allow for a Medical Marihuana Facilities Overlay District, be recommended to the City Commission for approval, was made by T. Michalski, supported by S. Gawron and was approved with T. Michalski, B. Larson, J. Doyle, S. Gawron voting aye and B. Mazade and J. Montgomery-Keast voting nay.

Hearing, Case 2018-04: Staff-initiated request to vacate Market St between Western Avenue and Terrace St. The Farmers Market currently hosts many events that utilize a temporary liquor license. The City has to apply for a temporary liquor license with the State of Michigan every time an event is held. A permanent license is available, but it cannot be utilized across a public street. Vacating the street would solve the problem and the liquor license could be used in the designated area, which would include the building and the street and a small area across of the street near the stage. Please see the map below that depicts the approximate area that the liquor license could be used. The City would still maintain the street as a public street but vacating it would allow for more flexibility for closure during special events. There are no plans to close the street other than temporarily for events, as it currently happens. Staff sent notices to all property owners adjacent to Market St and had not received any comments at the time of this writing. Staff recommends approval of the street vacation.

A motion to close the public hearing was made by T. Michalski, supported by S. Gawron and unanimously approved.

A motion that the request to vacate Market St, between Western Avenue and Terrace St, be recommended to the City Commission for approval was made by J. Doyle, supported by S. Gawron and unanimously approved, with T. Michalski, B. Larson, B. Mazade, J. Doyle, S. Gawron, and J. Montgomery-Keast voting aye.

NEW BUSINESS

None

OLD BUSINESS

None.

OTHER

B. Mazade asked for an update on the cell tower issue. M. Franzak stated that the proposal is ready for the March meeting.

B. Mazade asked for an update on the former Nims School building. M. Franzak stated that it would be coming back as they would like to demolish the gym for additional parking. They will

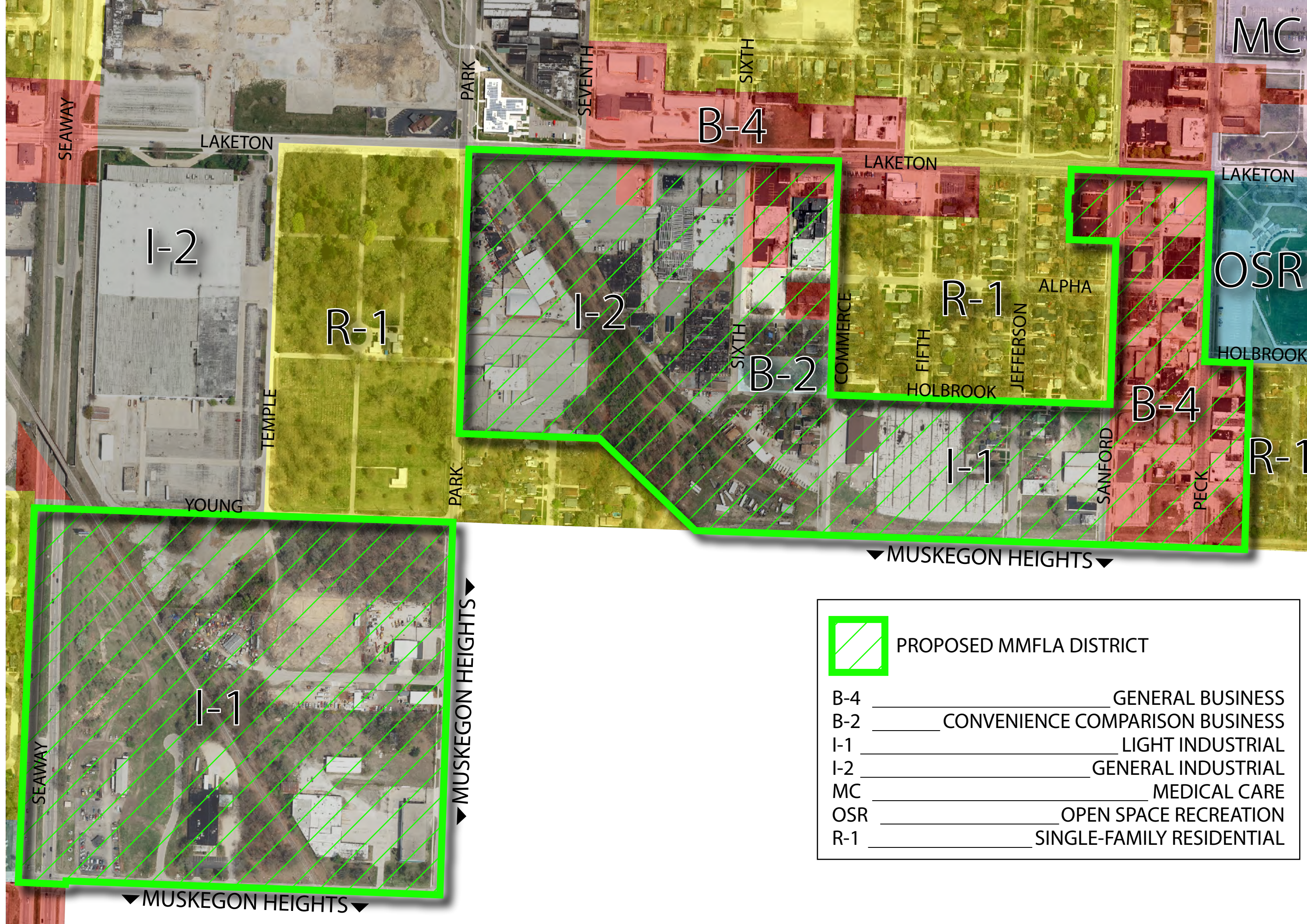
also be adding an urban farm in the back, but it won't need approval and they want to move the pocket park to another location on the property and then the City can sell the property to them.

B. Mazade asked for an update on the planning process with Pure Muskegon. M. Franzak stated that he would try to get the schematics, but he wasn't sure if they wanted it made public yet. B. Mazade was also interested in when they would be back before the planning commission.

J. Doyle asked for an update in regard to Melching and the storing of aggregate at their new location. M. Franzak stated that Melching needs the Drain Commissioner's approval first but he hasn't applied yet. Staff also put them in contact with another chemical company so there is a chance that the buildings could be saved.

There being no further business, the meeting was adjourned at 6:00 p.m.

HM




 PROPOSED MMFLA DISTRICT

B-4	GENERAL BUSINESS
B-2	CONVENIENCE COMPARISON BUSINESS
I-1	LIGHT INDUSTRIAL
I-2	GENERAL INDUSTRIAL
MC	MEDICAL CARE
OSR	OPEN SPACE RECREATION
R-1	SINGLE-FAMILY RESIDENTIAL

COMMISSION MEETING DATE; May 8, 2018

Date: May 2, 2018

To: Honorable Mayor and City Commissioners

From: Jeffrey Lewis, Director of Public Safety

RE: Demolition of 1713 and 1747 7th Street
AKA Park Street Storage

SUMMARY OF REQUEST:

The Director of Public Safety requests that the Commission authorize the amount of **\$220,000.00** for the demolition, removal of debris and hard surface foundations, parking lots, etc. that remain at the location listed above, commonly known as "Park Street Storage". The building and adjacent lot is dangerous and abandoned and is a source of public safety issues. The building has no functional use and is in disrepair. Please review the attachment(s) for specifics and details regarding the history of the structure.

FINANCIAL IMPACT:

Negative impact on the Public Improvement Fund, note \$150,000.00 was budgeted (17/18)

BUDGET ACTION REQUIRED:

No action at this time *(to be reviewed in the fourth quarter forecast to make adjustments for the additional \$70,000.00 needed to complete the project).*

STAFF RECOMMENDATION:

Staff recommends approval of the demolition of 1713 and 1747 7th Street.



April 12, 2018

To: Jay Paulson CFI CBO
Building Safety Department
City of Muskegon
933 Terrace Street., Ste 201
Muskegon, MI 49440
231-724-6766
jpaulson@safebuilt.com

RE: PROPOSAL TO CITY OF MUSKEGON FOR THE "DEMOLITION"
Old Warehouse at 1713 and 1747 7th Street, Muskegon Michigan

Dear Mr. Paulson:

Thanks for meeting us yesterday at the former Park Street Storage Facility. As I mentioned this facility has been of interest to me for a number of years and in fact the (previous) owner had wished to remedy his issues there for some time. As I understand the City now owns the facility and would like to see this Property Demolished and Cleaned up of environmental and structural hazards hopefully by July first of this Year. The following proposal I am providing shall largely accomplish this and also, I believe within the "Budgetary Limits" available.

SOME IMMEDIATE CONCERNS:

The condition of the structures as they now exist create a dangerous and unsafe liability for the general public and the City of Muskegon including Asbestos debris and numerous other structural Hazards. Having reviewed this building complex over the last 3+ years I see considerable additional decay involving the roof area of 1747 Park Street. In addition to previous known hazardous conditions, As I witnessed yesterday a roof window wall section approximately 50 feet in length at the second story skylight central area has completely collapsed falling to the floor along steel and glass frames with some structural timbers. Less than a hundred feet away a person was found sleeping on a makeshift bed oblivious to his dangerous situation. We removed him from that location and he was ushered out.

BUDGETARY DEMOLITION PROPOSAL SPECIFICS

I wish to propose demolition and remediation work at a budget that will work for the City and Largely alleviate these continuing and worsening conditions.



AGENDA:

1. Firstly – We will undertake at our expense an asbestos survey to confirm the presence and locations of asbestos and propose a work plan to remove such materials per regulatory guidelines.
2. Secondly - If approved by City, we will obtain all required City and State Permits and undertake the immediate securing of the site and stop public intrusion, undertake DEQ and MIOSHA regulatory actions to abate the hazardous asbestos conditions and building hazards.
3. Perform Demolition of all building structures, roofs, walls and foundations on surface of slabs on grade on the entire site. Legally dispose of all related waste to licensed landfill and or recycling facilities as appropriate.

SPECIAL NOTE:

Due to current budgetary restraints the Slab on grade shall be left in place but clean of all wastes, obstructions, wall protrusions and pits if any shall be filled with clean sand.

TIME OF WORK:

Assuming we start Project on or about the First of May 2018, we intend to complete the work in 8 weeks from demolition start date. Assumes additional abatement concerns do not impede our progress.

Total Demolition and Asbestos Abatement Proposal Cost based on this Work Plan:

Asbestos Portion of Work-----	\$38,000.
Demolition of Above grade buildings to Slab surface-----	\$112,000.
 Total Project Cost-----	 \$150,000.

Future Potential:

Pending some investigation of environmental conditions, Melching will consider further clean-up/removal of foundations in exchange for possible ownership of property or working with others to achieve final disposition of such.

Respectfully submitted: Doug Melching



April 30, 2018

To: Jay Paulson CFI CBO
Building Safety Department
City of Muskegon
933 Terrace Street., Ste 201
Muskegon, MI 49440
231-724-6766
231-724-3900
jpaulson@safebuilt.com

RE: PARK STREET WAREHOUSE EXPEDITED DEMOLITION & ECONOMIC CONSIDERATIONS

Dear Mr. Paulson:

As we expressed several weeks back we proposed an expedited "Demolition Process" to maximize the economic utilization of the current scrap markets' upswing and its impact on added value to demolish the existing facility.

CURRENT WORK PLAN ACTIVITIES

INITIALLY: PROMPT WORK PLAN CONSIDERATIONS

An Asbestos and Demolition Engineering Survey has been conducted by Melching for the facility. The results of the survey indicate significant asbestos in various areas through out the facility.

To save time, we proceeded with the surveys as a result of our meeting with you and our sincere efforts to comply with City needs. Having done this survey already gives us a significant time advantage on starting the project. With a survey in hand we can put in our notification to begin asbestos abatement and demolition within 10 business days. We have the immediate resources and capability to significantly decrease the overall duration of the project over another contractor and can meet the schedule deadline of the funding.

In the event the project was to go out to bid, you would have to bid out an asbestos survey, perform the survey, bid out the demolition and have them put in a 10 day notification all prior to having someone on site. This process would at a minimum be around 6 weeks and put you at a late June start. This would put the project well over any possible deadline for completion for your funding.



ECONOMIC CONSIDERATIONS:

The demolition cost of a facility of this size typically range from \$3. To \$5. Per square foot depending the wastes quantities and environmental considerations. This facility has approximately 100,000 square feet of standing building with Asbestos and significant quantities of debris and trash throughout. A realistic value with Asbestos abatement would range in the \$300,000 + . We are crediting approximately \$100,000 against the demolition cost for the existing scrap in the facility.

Our current estimate (including Parking lot) of \$220,000 is approximately half the price of the typical cost of a comparable facility with similar considerations.. We can do this due to the estimated \$100,000 in scrap value when processed for sale. The May Scrap drop of \$20. Per ton represent a loss of \$8,000. We believe that we can absorb this loss but any continued drop in market will change our pricing for the demolition.

SCHEDULE:

We have scheduled the Month of May and June and now part of July,(pending start date) for the initiation and performance of the project. At this time we have adequate resources to perform a project of this size in an effective, expeditious and safe work plan. Our Schedule is nearly fully booked for the entire Summer and early Fall. We would honor moving promptly forward with the project if awarded shortly.

SPECIAL Note:

We are relying heavily on the Scrap Market for our profit. Further devaluation in the Scrap Market will likely change our current Proposal Estimate if not awarded promptly. In the event other actions are considered by the City we will still be happy to provide the best services possible to provide a complete demolition and cleanup at a future date.

Thanks very much for your considerations.

Respectfully submitted,

A handwritten signature in black ink that reads "Douglas Melching". The signature is written in a cursive, flowing style.

Doug Melching / President Melching Demo

Jeff Lewis

From: Jeff Lewis
Sent: Friday, April 13, 2018 1:53 PM
To: Beth Lewis
Cc: Frank Peterson; Jeff Lewis
Subject: Commercial Demo @ Park St Storage
Attachments: 20180413132949046.pdf

Attached is the quote to demo at Park St. Storage ----- it's 150,000.00 for the building (minus ALL the hard surface).

Should this go to City Commission (consent agenda) due to the cost for phase (1), we'll be addressing phase (2) in 2018/19 budget (unless Frank agrees to leaving the hard surface/concrete foundation).

Please advise as I have more information coming about the cost of the hard surface removal.....

Jeffrey Lewis
Director of Public Safety
City of Muskegon

Image/Sketch for Parcel: 24-205-450-0001-50



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1747 7th St



1713 7th St