CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 27, 2021 @ 5:30 P.M.

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

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor, and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, April 27 2021.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

HONORS/AWARDS/PRESENTATIONS:

A. Home Rehab Good News Development Services/CNS

Staff is sharing good new of another completed home rehab by Community and Neighborhood Services. The home was acquired through tax foreclosure, we invested approximately $135,000, and the home is appraised at $125,000. An offer was received the same day the house was listed, and staff is working through the closing process.

PUBLIC COMMENT ON AN AGENDA ITEM: Public comments were received.

2021-38 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the April 12, 2021 Worksession meeting and the April 13, 2021 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Fireworks Display Permit for City of Muskegon City Clerk

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 3, 2021 in downtown Muskegon. The fire Marshall will inspect the fireworks on the day of the event.

STAFF RECOMMENDATION: To approve the fireworks permit contingent on inspection of the fireworks and approval of insurance.

C. Request to Fly the Norwegian Flag City Clerk

SUMMARY OF REQUEST: Sons of Norway are requesting permission to fly the Norwegian Flag at City Hall on Constitution Day (Independence Day) which is Monday, May 17, 2021.

STAFF RECOMMENDATION: To approve the request.

D. Temporary Extension of Service Area for Smash Wine Bar City Clerk

SUMMARY OF REQUEST: Staff is seeking approval from the Commission to write a letter to the Michigan Liquor Control Commission to allow for the temporary extension of the service area (approved in 2020) for Smash Wine Bar to be extended until November 30, 2021.

STAFF RECOMMENDATION: To approve the request to temporarily extend the outdoor service area for Smash Wine Bar.

E. Downtown Muskegon Social District Plan and Map Amendments Economic Development

SUMMARY OF REQUEST: Requesting approval of an updated Muskegon Downtown Social District plan and map, removing the CIO Hall, 490 W. Western Avenue from the district.

The Muskegon City Commission approved the Downtown Muskegon Social District in August. The social district law does not allow non-profit, special event beer licenses in the district if the district is operating. Staff and commission do not want to shut down the social district for special events. Port City CIO Building Association, a non-profit of union users of the building at 490 W. Western, has requested to be removed from the Muskegon Social District. The building does not have a permanent liquor license. The commission needs to approve an amended social district plan, a new social district map and an accompanying resolution.

STAFF RECOMMENDATION: I move to approve an amended Muskegon Downtown Social District plan and map in conjunction with a resolution removing 490 W. Western Avenue from the district.

F. Social District Permit Recommendation Economic Development

SUMMARY OF REQUEST: The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District. With the establishment of the Downtown Muskegon Social District, participating licensed establishments must first receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for approval from the City Commission before granting the permits. You handled the initial eight such requests at your August 25 and September 8 meetings and subsequently approved 17 establishments. The attached resolution is for a second location for Burl & Sprig (former Boar's Belly) which is also seeking a Social District permit from the state and seeking City Commission recommended approval. The Social District plan identifies 22 potential participating licensees within the district. Other licensed establishments may file a Social District permit application in the future.

STAFF RECOMMENDATION: To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.

G. Harbor 31 Viridian Shores Housing Development Neighborhood Enterprise Zone Resolution of Intent Economic Development

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

The developers have planned a multi-phase, multi-use buildout for the Harbor 31 site which includes single family detached residential as well as owner-occupied townhomes. In order to make these homes marketable due to the large amount of environmental mitigation required, the developer has requested that an NEZ district be created so that future buyers can request Neighborhood Enterprise Zone certificates for their respective home builds. The process laid out in the attached resolution will comply with Public Act 147 of 1992 (NEZ Act) so that the City properly notices taxing jurisdictions and holds the required public hearing in the time frames as stipulated. Keep in mind that simply creating the NEZ district does not provide any owners with a tax abatement, only the ability to request one from the city in the future, which will require commission approval.

STAFF RECOMMENDATION: To approve the Resolution of Intent to create a Neighborhood Enterprise Zone as presented.

H. Lakeshore Drive Settlement Fund Conveyance Economic Development

SUMMARY OF REQUEST: The Lakeside Business Improvement District has been working with the Department of Public Works through their staff liaison for some time to settle some issues with the Lakeshore Drive Improvement Project. The following details a proposed arrangement to satisfy all parties concerned.

The Lakeside Business District and several residents have voiced concerns about what they perceive to be substandard work by contractor Jackson-Merkey. This includes some small flatwork concrete issues, poor landscaping in public areas, and other punch list items. Recently, the Department of Public Works has received some settlement dollars from the contractor due to these and other deficiencies in the project. DPW and the Economic Development Department advocate conveying $35,000 of these funds to the Lakeside BID in a one-time payment to allow them to take the lead on repairing landscaping, streetscape features, and to defray future labor and material costs to DPW for things like snow removal on sidewalks and other maintenance. This would be in addition to the approximately $22,000 that the BID is set to collect from their first special assessment collection and would set them up well to do their stated work plan. It would also keep money in Lakeside that was recovered by the City for improperly completed work by one of our contractors. The city stewards the BID funds, making this in effect a fund transfer.

AMOUNT REQUESTED: $35,000 AMOUNT BUDGETED: N/A

FUND OR ACCOUT: Contract Settlement with Jackson-Merkey

STAFF RECOMMENDATION: To approve the conveyance of $35,000 to the Lakeside BID as presented.

I. <u>Consumers Energy Easement</u> Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to approve the easement requested by Consumers Energy at 1651 Beach Street.

Consumers Energy needs to replace a failing electric cable that provides electric service to The Deck along with the city owned charging station at Pere Marquette Park. In addition to this work Consumers Energy is proposing to relocate the electric transformer for The Deck that is currently nearing the end of it service life. All new cables will be underground with pad mounted transformers located above ground. The proposed easement is outlined in the attachment. The easement language has been reviewed and accepted by legal counsel.

STAFF RECOMMENDATION: Authorize staff to approve the easement to Consumers Energy for 1651 Beach Street.

J. <u>Water Filtration Plant & Harvey Pump Station Building Repairs</u> Public Works – Filtration

SUMMARY OF REQUEST: Staff is requesting authorization to contract with multiple contractors for building repairs and upgrades at the Water Filtration Plant and Harvey Pump Station.

Staff has been working since 2019 to create a plan to address a number of problems that have developed in the buildings at the Water Filtration Plant and the Harvey Pump Station.

Four major projects will occur at the Water Filtration Plant:

- The roofs on two buildings will be replaced. A 2018 assessment found these two roofs to have failed, and they currently leak during rain storms and snow melt.

- Over 100 windows will be replaced on five buildings. These windows have experienced seal failures. Lintels that have corroded and have become a major source of leaks will be replaced.
- Masonry repairs will occur on five buildings where brickwork is cracked, pulling away from the buildings, or in need of tuck pointing. New control joints will be created where necessary. Damaged limestone will be repaired.
- Excessive condensation will be addressed with ventilation upgrades in three buildings. The intake and exhaust of the dehumidification system will be modified to bring it to code.

Five major projects will occur at the Harvey Pump Station:

- The roof on the pump station building will be replaced. A 2018 assessment found this roof to have failed.
- The windows of the pump station building will be replaced. Some of the current windows can no longer be opened, creating ventilation issues in the summer. Others do not close completely, creating heating issues in the winter.
- The original plumbing for the floor drains has corroded away and will be replaced.
- The 5.0 million gallon in-ground reservoir will have a membrane placed over its cap. This will require sand and top soil to be removed from the top, roofing material to be installed, and the sand and topsoil to be put back in place with new grass. This project has been recommended by the state.
- New fencing will be installed around the perimeter of the pump station and reservoir property.

Staff is requesting the following bids be approved:

Contractor	**Project**	**Cost**
CS Erickson	Electrical	$67,720
DHE Mechanical	Mechanical & Plumping	$119,400
Ostrander	Roofing	$832,674
Ram Construction	Masonry & Restoration	$382,415
Grand Valley Glass	Glass & Aluminum	$208,575
Accurate Excavators	Earthwork	$183,500
Boerman Fence	Fencing	$48,345

Total Bids	**$1,842,629**

Staff is requesting a maximum of $530,178 for an owner's allowance to cover permits, general construction costs, owner-project specific allowances, owner/construction contingency, inspections & testings as well as consulting costs. This cost was estimated by Construction Simplified, the firm that is working as the owner's allowance Rep for this project. The construction management portion of the owner's allowance was not put out for bids. Construction Simplified has worked with the City on other projects and has added value to this project with their expertise in construction project management, in particular, overseeing the multiple contractors and the two locations that are a part of this project. The total cost of this project, which includes the owner's allowance and the bids listed above, will be $2,380,007.

The project will be funded by location, as the WMRWA will contribute the costs of the repairs at the plant, but not at the pumping station. The amount requested that was not budgeted will be addressed in the FY 21-22 budget. The project will start in FY20-21 and continue in FY 21-22. The breakdown is estimated as follows:

	FY 20-21	FY 21-22
Water Filtration Pump (92008)	$300,000	$1,272,804
Harvey Pump Station (92007)	$213,250	$593,953

AMOUNT REQUESTED:	$2,380,007	AMOUNT BUDGETED:	$2,000,000
FUND OR ACCOUNT: 591-92007	$807,203		$1,040,000
591-92008	$1,572,773		$960,000

STAFF RECOMMENDATION: Authorize staff to contract with CS Erickson. DHE Mechanical, Ostrander, Ram Construction, Grand Valley Glass, Accurate Excavators, and Boerman Fence for total amount of $1,842,629 with an included owner's allowance of $530,178 to perform building repairs and upgrades at the Water Filtration Plant and Harvey Pump Station.

K. <u>Marshall Street Water Tower Painting</u> Public Works – Filtration

SUMMARY OF REQUEST: Staff is requesting authorization to contract with Fedewa, Inc. for painting and modifying the Marshall Street water tower.

The Marshall Street water tower is located in the Jackson Hill neighborhood and highly visible from the Moses J. Jones Parkway. The tower's exterior and interior coatings are beyond their expected lifetimes, and a 2019 inspection found the coatings to be deteriorating and delaminating. The exterior tower coating continues to chalk, fade, and lose its gloss.

The project will involve a complete overcoat of the tower exterior and also includes repairs to the interior coating. Additionally, the cathodic protection system that prevents corrosion of the structure has failed and will be replaced. Other modifications will take place to bring the tower into compliance with current safety standards and drinking water regulations. The artwork on the tower will be changed to the Muskegon Public Schools symbol with the phrase *Big Red Nation*.

Staff continues to work alongside Dixon Engineering to oversee the design, bidding, construction, and post-construction phases of this project. Dixon has extensive knowledge of the city's water towers and has managed many of our past water tower projects and inspections. Nine proposals were received for painting and modifying the water tower. Dixon has evaluated the bids and recommends the lowest bid of $265,699.00 from Fedewa, Inc.

The project is budgeted as part of the FY 20-21 budget. The project is scheduled to begin in September, so funds will be carried over to the budget for FY 21-22.

AMOUNT REQUESTED:	$265,699.00	AMOUNT BUDGETED:	$325,000.00
FUND OR ACCOUNT:	591-92035	FUND OR ACCOUNT:	591-92035

STAFF RECOMMENDATION: Authorize staff to contract with Fedewa, Inc. in the amount of $265,699.00 to paint and modify the Marshall Street water tower.

L. <u>Hartshorn Marina Engineering Services</u> Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to hire Abonmarche to provide engineering services related to previously identified facility improvements needed at Hartshorn Marina.

Staff worked directly with Abonmarche to develop a proposed scope of work based upon the Engineering Study that was prepared by Abonmarche related to necessary facility improvements at Hartshorn Marina. Staff and the Commission have previously pursued MDNR grants to help fund the project but were unsuccessful and did not see a path forward utilizing MDNR (or other) grants for the project, as such staff is recommending that the project be pursued with ARPA funds or through a Bond Sale to expedite the necessary upgrades to the facility.

The project work will include needed repairs to the marina, and does not include any clubhouse or pool items that have been the point of previous discussions. Improvements will focus largely on dock replacement, electrical upgrades, and other associated items to serve the existing use of the site. The intention is to design the project over the summer and construct in the Fall of 2021/Spring of 2022 to have the upgrades in place before the 2022 Season.

The proposal as presented in the packet requires minor revisions.

Staff worked directly with Abonmarche to prepare this proposal rather than soliciting proposals based on their prior familiarity with the site obtained during the preparation of the Engineering Study. Their proposed costs were reviewed and appear reasonable based on an approximately $2.0M scope.

AMOUNT REQUESTED: $230,600 AMOUNT BUDGETED: $2,500,000

20/21 - $30,000

21/22 - $2,470,000

FUND OR ACCOUNT: 594-TBD-5346

STAFF RECOMMENDATION: Authorize staff to hire Abonmarche to provide Engineering Services related to facility improvements at Hartshorn Marina.

M. Hartshorn Marina – Fencing Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into a contract with Affordable Fence to install fencing at Hartshorn Marina.

The Department of Public Works is requesting permission to enter into a contract with Affordable Fence for fence purchase, installation and walkthrough gates, per their proposal. Cost for the purchase and installation of fence is $30,700.62, plus $3,738 for 3 walk-through gates.

Staff solicited bids for the work and Affordable Fence provides the overall low price when including the proposed cost of the gates.

AMOUNT REQUESTED: $34,438.62 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 594-70756 FUND OR ACCOUNT: 594-70756

STAFF RECOMMENDATION: Authorize staff to enter into a contract for fence/gate purchase and installation with Affordable Fence at Hartshorn Marina.

O. Roberts Street – TEDF Application Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to apply for State of Michigan FY2023 Transportation Economic Development Category F Grant for a project to resurface Roberts Street from Sherman Boulevard north to Laketon Avenue.

MDOT is requesting applications for FY2023 projects in the Transportation Economic Development Category F program. Staff reviewed the program requirements and feels that Roberts Street is a good fit for the targeted criteria.

The project is estimated to cost $900,000. Staff is proposing to request the maximum grant amount and provide matching funds or $525,000 towards the project. In addition, the City will be responsible to pay for Engineering on the project which is estimated to cost an additional $50,000. If selected these funds would be allocated from the Major Street budget in FY22-23.

A formal resolution of support is not required for TEDF – Category F applications.

AMOUNT REQUESTED: $575,000 AMOUNT BUDGETED: $575,000

FUND OR ACCOUT: 202-TBD-5346/5355

STAFF RECOMMENDATION: Authorize staff to apply for the Category F grant through the MDOT Transportation Economic Development program for Roberts Street between Sherman Boulevard and Laketon Avenue.

P. <u>Railroad Mural – Resolution of Support</u> Public Works

SUMMARY OF REQUEST: Staff is requesting Commission approval of the resolution for the application of the murals onto the railroad bridge over Seaway Drive.

MDOT and FHWA (Federal Highway Administration) are requiring that the governing bodies of Muskegon and Norton Shores adopt a formal resolution of support for the installation of the murals on the railroad overpasses.

The MDOT/FHWA Permit and the Railroad Permit are the last two items needed to finalize the proceeding of the work. Assuming approval of both items we are on track to be ready for the muralists to start on the City of Muskegon bridge in mid-May.

STAFF RECOMMENDATION: Approve the resolution of support and authorize the Mayor and Clerk to sign.

Q. <u>Railroad Mural – ROE (Right of Entry) Agreement</u> Public Works

SUMMARY OF REQUEST: Staff is requesting Commission approval and authorization for staff to execute the Right of Entry (ROE) agreement with the railroad to allow for painting of the murals on the railroad bridge over Seaway Drive between Hackley Avenue and Laketon Avenue.

Staff has worked to secure the railroad agreement which must be reviewed and accepted by the City prior to work commending. Counsel has reviewed the agreement and has no concerns. Finance has reviewed the agreement and MMRMA can provide the necessary coverage.

STAFF RECOMMENDATION: Authorize staff to sign off on the Right of Entry Agreement with the railroad for the installation of the murals.

Motion by Commissioner Ramsey, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as presented, minus item N, R, and S.

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

Nays: None

MOTION PASSES

2021-39 REMOVED FROM CONSENT:

N. <u>H92037 Monroe, Third to Fourth and H92046 Alley Improvements</u> Public Works

SUMMARY OF REQUEST: Authorize the award of the H92037 Monroe, Third to Fourth and H92046 Alley Improvements contract to the low bidder, Jackson Merkey Contracting along with approving the noted project contingency.

Staff solicited bids for reconstruction of Monroe Street, from Third to Fourth, and for Alley Improvements behind Frauenthal and MCC.

Bids received are as follows:

- $338,262.85 – Jackson Merkey
- $420,376.00 – Wadel Stabilization

The project would be constructed during the 2021-22 construction season.

Design Engineering work is already completed and funded within the 20-21 budget adjusted on upcoming 3rd Quarter Reforecast. The entirety of this request will be included in the 21-22 proposed budget along with an allowance for Engineering Services during construction.

Bids were opened prior to the adoption and approval of the updated purchasing policy so the old policy was use to that point. Going forward, in particular for any change orders, staff will be utilizing the new purchasing policy.

AMOUNT REQUESTED:	$369,000	AMOUNT BUDGETED:	$419,000
$338,262.85 – Construction Contract		20/21 - $30,000	
$30,737.15 – Contingency		21/22 - $389,000	

FUND OR ACCOUNT:		20-21 / 21-22
	203-92037	$15,000/$50,000
	591-92037	$5,000 / $120,000
	591-60555	$0 / $40,000
	203-92046	$10,000 / $150,000
	590-92046	$0 / $29,000
	Total: $419,000	

STAFF RECOMMENDATION: Approve the award of the H92037 Monroe, Third to Fourth and H92046 Alley Improvements contract to the low bidder, Jackson Merkey Contracting and approve the budgeted project contingency.

Motion by Commissioner German, second by Commissioner Johnson, to approve the award of the H92037 Monroe, Third to Fourth and H92046 Alley Improvements contract to the low bidder, Jackson Merkey Contracting and approve the budgeted project contingency.

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

Nays: None

MOTION PASSES

R. <u>Smith Ryerson eSports</u> Public Works

SUMMARY OF REQUEST: Staff is requesting permission to move forward with a proposal to construct and outfit an eSports gaming center in an unused room at Smith-Ryerson Park.

Staff is seeking approval to expend up to $20,000 to convert an unused room at the Smith-Ryerson Community Center into an eSports Gaming Center. The gaming center would be available for use on a TBD rental basis and will be offered to community partners that are interested in utilizing the site to host community-based programming.

Staff is proposing to fund the allocation from within the existing Parks budget, with no modification to the overall budget. Though no specific allocation was originally budgeted for this project a number of budget items have come up short allowing for this project to be completed without the requirement for additional allocations.

AMOUNT REQUESTED: $20,000 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 101-70751-5346

STAFF RECOMMENDATION: Authorize staff to proceed with the proposal to construct and outfit an eSports gaming center at Smith-Ryerson Park.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to authorize staff to proceed with a proposal to construct and outfit an eSports gaming center at Smith-Ryerson Park.

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

Nays: None

MOTION PASSES

S. <u>Sale of the Property Formerly Known as 1251 8th Street</u> Planning

SUMMARY OF REQUEST: Request to execute the purchase agreement to sell the property formerly known as 1251 8th (now 14 separate parcels) to West Urban Properties LLC for the development of 14 single-family homes.

The City Commission authorized the City Manager to negotiate a purchase agreement at the March 7, 2018 Commission meeting.

STAFF RECOMMENDATION: To approve the request to execute the purchase agreement for the sale of the property formerly known as 1251 8th Street.

Motion by Commissioner German, second by Commissioner Ramsey, to approve the request to execute the purchase agreement for the sale of the

property formerly known as 1251 8th Street.

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

Nays: None

MOTION PASSES

2021-40 PUBLIC HEARINGS:

A. <u>Exemption of New Personal Property-MH Solar LLC</u> Planning

SUMMARY OF REQUEST: Pursuant to Public Act 328 of 1998, as amended, MH Solar LLC, has requested an exemption of new personal property for the equipment to be installed as part of the solar project at the arena. The City will forgo 100% of the personal property taxes on the equipment installed at the arena for the length of the abatement. Staff recommends an abatement length of 25 years.

STAFF RECOMMENDATION: To approve the request for an exemption of new personal property pursuant to Public Act 328 of 1998.

PUBLIC HEARING COMMENCED: No public comments were received.

Motion by Commissioner Vice Mayor Hood, second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the request for an exemption of new personal property pursuant to Public Act 328 of 1998.

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

Nays: None

MOTION PASSES

2021-41 UNFINISHED BUSINESS:

A. <u>Lot Sales Hudson/Dowd</u> Tabled from 4/13/2021 Planning

SUMMARY OF REQUEST: Request to sell the properties at 2172 Dowd Street, 2182 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street to Urban Ventures of West Michigan, LLC for the construction of eight (8) duplexes.

The city-owned lot sale policy states that the buyer is to pay 75% of the true cash value of the lots ($22,950), but that it will be reimbursed upon issuance of certificate of occupancy for all eight units.

The policy also states that since they are building more than 3 units within 18 months, 100% of the water/sewer hook-up fees may be waived.

The water/sewer lines in this area need to be extended 230 feet to provide service to these lots. Staff estimates these costs to be around $10,000. Staff recommends charging the buyer half of this expense.

STAFF RECOMMENDATION: To approve the request to sell the properties at 2172 Dowd Street, 2182 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street to Urban Ventures of West Michigan, LLC.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to vacate first and second motions from the April 13, 2021 meeting and to approve the request to sell the properties at 2172 Dowd Street, 2182 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street to Urban Ventures of West Michigan, LLC.

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

Nays: Emory

Absent: Hood

MOTION PASSES

2021-42 NEW BUSINESS:

A. <u>Parking Revenue – Park Upgrades</u> Mayor's Office

SUMMARY OF REQUEST: Staff is seeking approval to redirect the beach parking revenue away from the proposal for expanded parking lot at Pere Marquette Park.

The City Commission previously approved $798,070.71 to improve parking and pedestrian access to Pere Marquette Park. Additionally, staff solicited a change order from the contractor to upgrade the proposed asphalt walking/biking path to concrete to address citizen concern about hot asphalt; that change order would have increased the project budget to approximately $1 Million.

After hearing significant community concern about the improvements and resulting complications in adding this work to the County Contract staff fees that the project would be a better fit in a subsequent funding cycle as a standalone city project. In the meantime, to ensure that the parking receipts are expended as originally intended, staff is recommending that the original planned investment of $1M be redirected and deployed during 2021 to other parks within the City.

In 2019, staff presented a citywide plan to invest in 15+ parks, including both Beukema Park and Reese Playfield. To that end, staff is requesting that the Commission authorize staff to develop a proposal for $900,000 worth of improvements to Reese and Beukema Parks during the 20-21 and 21-22 Fiscal Years utilizing the Beach Parking revenue proceeds.

Staff is also requesting that the Commission authorize staff to develop a proposal to expend approximately $100,000 to convert the original project scope at PM Park into a standalone project and proceed with obtaining the necessary permits. Also, to contract with Consumers Energy to complete utility relocations at the park for improved site lines, and to complete the previously identified tree plantings at PM Park to allow for the trees to become established and be more substantial by the time the project is pursued at a later date.

Staff can be prepared to present a preliminary proposal for Reese and Beukema at the May work session, an updated proposal for PM Park items would likely be ready for consideration at the June work session.

AMOUNT REQUESTED: $1,000,000 AMOUNT BUDGETED: $0

FUND OR ACCOUNT: 101-92106

STAFF RECOMMENDATION: Rescind the prior approval of Bulletin #3 pricing on the Beach Street project in partnership with Muskegon County and direct staff to develop a proposal for $900,000 of improvements at Beukema Park and Reese Playfield and to develop a proposal for advancement of the improvements at Pere Marquette Park as a standalone City project.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Ramsey, to rescind the prior approval of Bulletin #3 pricing on the Beach Street project in partnership with Muskegon County and direct staff to develop a proposal for $900,000 of improvements at Beukema Park and Reese Playfield and to develop a proposal for advancement of the improvements at Pere Marquette Park as a standalone City Project.

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

Nays: None

MOTION PASSES

B. <u>Special Event Fee Waiver – Americorps Senior Volunteers Recognition Event</u> City Clerk

SUMMARY OF REQUEST: Catholic Charities West Michigan/Americorp is seeking a Special Event Fee Waiver for their volunteer recognition event on June 4, 2021. Americorps wants to recognize their volunteers with a small event at Hackley Park. They wat to reserve Hackley Park and all of the picnic tables in the park for their event. They are asking their City fees be waived for 2021. Based on the needs of their event, their fees will total $600 ($500 Hackley Park use fee and $100 application fee).

STAFF RECOMMENDATION: To approve/approve in part/deny the request from Catholic Charities West Michigan/Americorp to waive the $600 in special event fees for the Senior Volunteers Recognition event in 2021.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to approve the request from Catholic Charities West Michigan/Americorp to waive the $600 in special event fees for the Senior Volunteers Recognition event in 2021.

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

Nays: None

Absent: German

MOTION PASSES

C. <u>Community EnCompass Development Agreement Amendment</u>
Economic Development

SUMMARY OF REQUEST: The lot at 1259 Sanford has been removed from the agreement, and an alternative city owned lot will take its place to be determined by city staff.

The Muskegon County Land Bank elected to not execute the purchase agreement for 1259 Sanford that was previously approved. The process for materials and the homes keeps increasing on the manufacturer side and we need to execute the development agreement soon, so staff is recommending that the agreement be amended with language to add a third city owned lot that will be determined during project implementation. The city has many lots still available in the McLaughlin and Jackson Hill neighborhoods that would suit the single-family housing design, but we have not cleared title on a specific one to add to this agreement as of yet. Approving the development agreement amendment and giving staff latitude will help ensure that we complete these affordable homes in this building season, deliver the most units possible within the budget, and also keep the project on track financially by allowing us to move forward with the unit purchases before we are exposed to further material price increases.

STAFF RECOMMENDATION: To approve the amended development agreement as presented.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the amendment to the development agreement as presented.

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

Nays: German

***Commissioner Ramsey disclosed a conflict of interest and did not vote on this item. The City Charter requires a unanimous vote of the remaining members to pass a motion where a conflict of interest is noted.**

MOTION FAILS

ANY OTHER BUSINESS: Comments were received by Mayor Gawron.

PUBLIC COMMENT: Public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 8:07 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk