

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 13, 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 13, 2021.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

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

2021-34 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the March 23, 2021 Regular Meeting and the April 1, 2021 Special Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Fireworks Display Permit for Muskegon Country Club City Clerk

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 2, 2021 at the Muskegon Country Club, 2801 Lakeshore Drive. 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. Muskegon Park Place Provisionary City Clerk

SUMMARY OF REQUEST: Park Place Provisionary is proposing an event, Smoke

on the Water, at 1922 Park Street on July 24, 2021 from noon to 8 pm that will include live music.

A detailed outline of the event is attached. This is an on-site cannabis consumption event. This is the first time this neighborhood has had live music so staff is asking for approval of the live bands as well as permission for the Clerk to sign the required attestation for the State. Staff met with the organizers to discuss logistics and is satisfied with the plan as outlined.

STAFF RECOMMENDATION: To authorize the Clerk to sign the attestation and approve live music at 1922 Park Street on July 24, 2021.

D. Lakeshore Creative Services Agreement Extension City Clerk

SUMMARY OF REQUEST: The agreement with Lakeshore Creative Services is set to expire in April. Because meetings have been held virtually for over a year, we have not been able to take full advantage of these services. Staff is recommending that we extend the agreement for one year and continue with Lakeshore Creative Services.

STAFF RECOMMENDATION: Approve the extension of the agreement with Lakeshore Creative Services for one year.

E. 2021 User Fee Update Finance

SUMMARY OF REQUEST: City Departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution that is attached for your consideration.

Key Updates: (See highlighted items on the spreadsheet for all of the changes)

- DPW Parks – Park Building Use (New Fees)
- DPW Parks – Highlighted Channel & Picnic fees have been lowered
- DPW Parks – Beach Parking Fees updated (previously approved by Commission)
- Farmers Market Corner Stall fees have been increased
- Special Events has added 5 new fees
- Ice Rescue Call increased to \$60.00
- Western Market Fees added to the schedule for the first time
- City Code Compliance – Vacant Building Fees have been reduced
- Public Safety – Added a new fee for Short Term Rental Inspections
- Zoning has increased 8 fees

STAFF RECOMMENDATION: Approval of the 2021 Master Fee Resolution.

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 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. The attached resolution is for PKT Twelve, Inc. dba Smash Wine Bar & Bistro 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. Muskegon Public Schools Recreation Grant Agreement CNS

SUMMARY OF REQUEST: To approve the Muskegon Public Schools Recreation Grant Agreement.

The Muskegon Public Schools Youth Grant provides core values and life skills to boys and girls through youth basketball leagues. The program runs 3-4 days a week with Saturday game days and open gym for families on Sunday afternoons.

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

STAFF RECOMMENDATION: Approve the Muskegon Public Schools Youth Recreation Grant Agreement.

H. Municipal Senior Millage Funding CNS

SUMMARY OF REQUEST: To approve the allocation of Municipal Senior Millage Funding for the City of Muskegon programs.

The Power of Produce for senior citizens on Tuesdays at the Farmer's Market on behalf of the Clerk's office. \$15,000

Department of Public Works to cover ½ of costs for senior citizens for water line replacements up to the cost. \$30,000

Muskegon County Senior Millage Home Repair for city residents who may not qualify for other programs. \$44,640

Muskegon Senior Housing Assistance is designed to offer rental deposits to four senior high-rise apartment locations: Bayview Towers, Berkshire, Hartford Terrace

and Jefferson Towers. \$5,000

AMOUNT REQUESTED: \$94,640 AMOUNT BUDGETED: \$94,640

STAFF RECOMMENDATION: To authorize the allocation of the Municipal Senior Millage Funds to four City programs: Department of Public Works, Muskegon County Senior Millage Home Repair, Muskegon Senior Housing Assistance and The Power of Produce.

I. Sale of 602 Ada Avenue CNS

SUMMARY OF REQUEST: To approve the sale of 602 Ada Avenue to Raysean Holman.

Community and Neighborhood Services has completed an affordable housing rehabilitation at 602 Ada Avenue and accepted an offer at the listed sales price of \$125,000 from a qualified buyer – Raysean M. Holman.

STAFF RECOMMENDATION: To approve the sale of 602 Ada Avenue to Raysean M. Holman.

J. Sale – 240 Monroe Avenue City Manager

SUMMARY OF REQUEST: City Staff is seeking authorization to sell the city-owned home at 240 Monroe to Daniel and Angela VanderKooi.

The city constructed this townhouse as part of the phase two of our infill housing program. Our contract to construct the home was \$164,470. We also anticipated \$11,512 in sales commissions. The accepted purchase price is \$182,500, and the incurred sales commissions are \$12,775. The City will contribute \$2,500 toward closing costs.

STAFF RECOMMENDATION: Authorize the City Manager to complete the sale of 240 Monroe Avenue, as described in the purchase agreement.

K. Sale – 250 Monroe Avenue City Manager

SUMMARY OF REQUEST: City Staff is seeking authorization to sell the city-owned home at 250 Monroe to Jeanne Smith.

The city constructed this townhouse as part of phase two of our infill housing program. Our contract to construct the home was \$164,470. We also anticipated \$11,512 in sales commissions. The accepted purchase price is \$179,900, and the incurred sales commissions are \$12,593. The City will not contribute funds toward closing costs.

STAFF RECOMMENDATION: Authorize the City Manager to complete the sale of 250 Monroe Avenue, as described in the purchase agreement.

M. 2021 Goal Adoption Development Services

SUMMARY OF REQUEST: Staff is seeking adoption of additional action items to the original goals set in 2016.

Staff and commissioners worked together over a 7-month time period to develop focus areas, gather input from stakeholder groups, and create additional action items to be added to the goals established in 2016. In August 2020, staff and commissioners started the goal development process by determining focus areas and identifying stakeholder groups within those focus areas. The next several months were spent gathering information from staff, stakeholder groups, and the general public. At the January 2021 meeting, staff and commissioners used the information gathered to develop priorities and define a vision of success. Action items for each of the focus areas were developed and shared at the March 2021 legislative Policy Committee meeting, and the final draft is submitted for adoption.

In 2016, the four goals set were Housing, Image, Quality of Life, and Revitalizing Revenues. Since Housing impacts all three of the other goals, it was included as a focus area along with Social Equity, and Youth/Education. Action items for each focus area and goal are outlined in the attachment.

STAFF RECOMMENDATION: To adopt the 2021 action items.

N. Placer.ai Software Subscription Economic Development

SUMMARY OF REQUEST: The Economic Development Department has been researching various data analysis platforms to help us answer some larger socioeconomic questions regarding our population and workforce. Placer.ai would allow the department to use anonymized GPS data from cell phones to determine critical information to better understand our local economy.

The software proposed will allow our department to conduct research related to economic development such as commuter trends, retail activity tracking, shopper demographics, and commercial/industrial attraction projects. It will also allow us to assist the city with other research, such as attendance information at city festivals, the Muskegon Farmers Market, and to track location data for our tourism industry. Another major benefit of this software will be oriented around equity. For instance, we will be able to source who is shopping where, and illustrate retail trends in all of our commercial corridors. This will allow us to see who is benefitting economically in the city from various businesses, and where we need to improve our programming and efforts. All of this data is anonymized, and as a part of the subscription agreement we receive unlimited technical support from Placer.ai staff. We have included some sample reports and presentations that illustrate the benefits of this program in your packet. This would be an unbudgeted expenditure that would be reflected in a reforecast or budget amendment.

AMOUNT REQUESTED: \$16,000 AMOUNT BUDGETED: 0

FUND OR ACCOUNT: Planning and Economic Development: Contracted Services (101-80400-5346)

STAFF RECOMMENDATION: A motion to approve the subscription agreement with Placer.ai for the term of one year as presented.

P. Liquid Sodium Hypochlorite Public Works – Filtration

SUMMARY OF REQUEST: Staff is requesting authorization to purchase liquid sodium hypochlorite from Alexander Chemical.

The Water Filtration Plant uses sodium hypochlorite in the production of drinking water. The application of sodium hypochlorite is one of several crucial processes used to inactivate or remove pathogens from the water. Since 1996, the Water Filtration Plant has solicited competitive bids for water treatment chemicals jointly with the cities of Grand Haven, Grand Rapids, Holland, Muskegon Heights, and Wyoming.

Bids were solicited for a one-year contract with the option to renew for two additional one-year terms. Alexander Chemical's bid has no price increases for the duration of the contract and is overall the cheapest bidder for the three years. Alexander Chemical has supplied the cooperative with liquid sodium hypochlorite for many of the past several years. Both their product and their service have been excellent, and staff recommends we continue with them as our supplier.

	<u>Year 1 (\$/ton)</u>	<u>Year 2 (\$/ton)</u>	<u>Year 3 (\$/ton)</u>
Alexander Chemical	156.67	156.67	156.67
JCI Jones Chemicals	151.89	159.44	167.40
Olin Chlor Alkali	158.69	158.69	<i>At renewal</i>

Products & Vinyls

The Water Filtration Plant has used an average of 456 tons of liquid sodium hypochlorite the previous two fiscal years. Under the new contract this amount would cost \$71,441.52 annually. Liquid sodium hypochlorite is included in the budget, but the actual amount spent will depend on water demand and source water quality.

AMOUNT REQUESTED: \$71,441.52 (estimate) AMOUNT BUDGETED: \$72,864.00

FUND OR ACCOUNT: 591-60558-5219

STAFF RECOMMENDATION: Authorize staff to participate in the treatment plant purchase cooperative and purchase liquid sodium hypochlorite from Alexander Chemical.

Q. Sodium Hypochlorite Feed System Public Works – Filtration

SUMMARY OF REQUEST: Staff is requesting authorization to contract with Pressures & Pipes for complete replacement of the Water Filtration Plant's sodium hypochlorite plumbing.

The Water Filtration Plant uses sodium hypochlorite in the production of drinking water. The application of sodium hypochlorite is one of several crucial processes used to inactivate or remove pathogens from the water.

The current sodium hypochlorite feed system was installed in 1997. Staff has spent many hours over the last few years keeping this system running by repairing leaks, replacing fittings, and clearing blockages. Most of the previous repairs performed by staff were on redundant sections that were easily isolated and repaired without affecting water production. Recently, leaks have developed at an increasing rate. Problems have begun to develop in pipelines that cannot be easily isolated and fixed. This feed system must be repaired for continued water supply reliability.

The scope of the project includes replacing all existing PVC pipelines and fittings used at the Water Filtration Plant for the application of sodium hypochlorite. Pipes will be replaced throughout six buildings. This includes all plumbing to the storage tanks, within the sodium hypochlorite room, and to five application points throughout the plant.

Proposals were solicited from four qualified mechanical contractors with experience in chemical pipelines. The proposal requires the selected contractor to purchase, install, and test all materials. Alternate Bid #001 will not be authorized for this project. Four proposals were received. Staff recommends this project be awarded to the lowest bidder, Pressures & Pipes.

Pressures & Pipes	\$134,500.00
Northern Boiler	\$149,750.00
Hurst Mechanical	\$186,306.00
Franklin Holwerda Co.	\$349,000.00

This project was budgeted as part of the planned WMRWA-eligible capital improvements at the Water Filtration Plant.

AMOUNT REQUESTED: \$134,500 AMOUNT BUDGETED: \$500,000

FUND OR ACCOUNT: 591-92034-5346

STAFF RECOMMENDATION: Authorize staff to contract with Pressures & Pipes to perform the replacement of the sodium hypochlorite chemical lines at the Water Filtration Plant.

R. Highway Aggregates, Materials, and Concrete Public Works

SUMMARY OF REQUEST: Award supply of aggregates, highway maintenance materials and concrete for 2021 to selected bidders.

Bids were solicited for aggregates, highway maintenance materials and concrete for purchase in 2021. Purchases will be made from recommended bidders listed in yellow on attached spreadsheets. Purchases are contingent

upon product availability, timely deliveries, and prices as quoted.

AMOUNT REQUESTED: Varies by fund

FUND OR ACCOUNT: 101, 202, 203, 590, and 591

STAFF RECOMMENDATION: Award bids for aggregates, highway maintenance materials and concrete purchases for 2021 as presented.

T. Prein & Newhof Amendment Public Works

SUMMARY OF REQUEST: Staff is requesting approval to finalize and approve amendments to the Engineering Services Agreements with Prein & Newhof related to the work completed on three (3) separate water and sewer construction projects in 2020.

Prein & Newhof is requesting an amendment to the Engineering Services Agreements from 2018 that covered the water/sewer projects completed during 2020. There were a couple of minor design revisions requested by Staff, however the bulk of the request is related to changes in the construction engineering and administration portion of their work.

The original estimate of the time, equipment, and cost required to provide construction oversight to the projects was completed at the time of the original proposal in October of 2018. Due to various factors beyond the control of Prein & Newhof the final cost to provide construction oversight for these projects in 2020 exceeded the original estimates completed in 2018.

The requested change falls within the 6% budgeted contingency for these projects and as such does not require any revision to the already approved budgetary amounts for the projects. All three projects are completed except for final payments and were done so on time and on budget.

As a heads up a similar request to amend the Engineering Service Agreements will likely be needed for the other two water/sewer projects (9th Street & Spring/Yuba) that were started last year. 9th Street work is completed pending final payment and was also completed on time and on budget. Spring Street work will be wrapping up in the next 2 months and is also tracking to complete on budget, though slightly later than originally anticipated.

Staff recommends approval of the amendment request as presented.

AMOUNT REQUESTED: \$100,500.00	AMOUNT BUDGETED: \$504,051.86
(Combined Request from all 3 projects)	(Combined Contingency from all 3 projects)
FUND OR ACCOUNT:	FUND OR ACCOUNT:
590/591-91854 (\$66,500)	590/591-91854 (\$349,653.33)
590/591-91855 (\$16,100)	590/591-91855 (\$74,276.22)
590/591-91856 (\$17,900)	590/591-91856 (\$80,122.31)

STAFF RECOMMENDATION: Authorize staff to finalize and approve Amendments to the Engineering Services Agreements with Prein & Newhof for the three (3) water/sewer projects outlined in the attached letter.

U. Pere Marquette Swing Bench Commission

SUMMARY OF REQUEST: Mayor Gawron is requesting Commission support to allocate Park Funds towards the purchase and installation of a Swing Bench and Plaque at Pere Marquette Park.

In following up with Landon on the swing set request for Pere Marquette Park, staff has determined the only available option for installation of a swing set is to install a swing set and an accessible safety surface. The cost for this work is estimated \$40K. As an immediate alternative, and while other options are explored, I am suggesting that we authorize the purchase and installation of a swing bench along with a plaque to be installed in one of the new bench pads along Pere Marquette Park.

AMOUNT REQUESTED: \$2,127.69 AMOUNT BUDGETED: 0

FUND OR ACCOUNT: 101-70751-5346

STAFF RECOMMENDATION: Authorize staff to purchase and install a Swing Bench and Plaque at Pere Marquette Park in honor of Landon de la Rosa.

V. Park Safety Surfacing Public Works

SUMMARY OF REQUEST: Staff is seeking authorization to approve the purchase of engineered wood fiber for playground safety surfacing at eight of our parks.

Many of our city parks currently utilize engineered wood fiber (EWF) to meet safety surfacing requirements. The U.S. Consumer Product Safety Commission's standards set minimum depth requirements for EWF based on the height of the structures in the park. City records indicate that our parks have not been resupplied with EWF since the fall of 2017 and a recent walk through conducted by city staff identified the need to refill the safety surfacing in many of our parks as some areas are nearly five inches below minimum requirements.

In an effort to replenish our EWF surfacing and comply with safety standards, the city is requesting permission to refill our playground safety surfacing for the following parks; Marsh, Smith/Ryerson, Joe Clifford, Beachwood, Kruse, St. Joseph, Reese, and Seyferth.

Staff proposes to engage with Superior Groundcover to refill the aforementioned park safety surfacing areas to meet industry standards. Superior Groundcover has supplied the city with EWF for years and is the preferred vendor for this product. The cost for this is \$18,917.50

AMOUNT REQUESTED: \$18,917.50 AMOUNT BUDGETED: \$20,000.00

FUND OR ACCOUNT: 101-70751-5215

STAFF RECOMMENDATION: Authorize staff to approve the quote from Superior Groundcover to provide EWF for our park playgrounds in the amount of \$18,917.50.

W. Traffic Control Order Traffic/Engineering

SUMMARY OF REQUEST: Approval of Traffic Control Order #66 for removal of existing Traffic Signals and installation of "Stop" signs on Wickham Drive at Sherman Boulevard.

To approve the submitted Traffic Control Order, #66-(2021) and authorize staff to remove the existing Traffic Signals at Wickham Drive at Sherman Boulevard and install "Stop" signs on the Northwest/Northeast and Southwest/Southeast corners of Wickham Drive.

This topic was previously discussed at the September 2019 Work Session meeting with support given towards removal of several unwarranted traffic signals throughout the city limits.

STAFF RECOMMENDATION: To approve removal/installation of various Traffic Control Devices as outlined in the submitted Traffic Control Order #66-(2021)

Motion by Commissioner Johnson, second by Commissioner Emory, to approve the consent agenda as presented, minus item L, O, S, and X.

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

Nays: None

MOTION PASSES

2021-35 REMOVED FROM CONSENT:

L. Lot Sales Hudson/Dowd 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 ft 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.

1st Motion: Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, 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

2nd Motion: Motion by Commissioner Johnson, second by Commissioner Ramsey, to adjust the purchase agreement to not waive water/sewer connection fees and to reimburse the builder for certain costs.

3rd Motion: Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to table this item until the April 27, 2021 regular meeting.

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

Nays: None

MOTION PASSES

O. Purchasing Policy Development Services

SUMMARY OF REQUEST: The Purchasing Policy Work Group is seeking approval of a revised purchasing policy.

At the request of the Mayor, the Purchasing Policy Work Group has reviewed the existing policy, talked with various departments throughout the city, and presents a revised policy. Changes of note include:

The purchasing authority has been increased based on review of recent purchases.

The process for correcting a bid was modified to limit liability.

The local preference has been modified.

Goals have been included for disadvantaged contractors.

Provisions to select vendors based on qualifications have been further outlined.

The use of prevailing wages has been modified.

Staff approval of change orders has been changed based on contingency included in the budget.

Provisions for handling violations of the policy have been added.

STAFF RECOMMENDATION: To approve the revised Purchasing Policy.

Motion by Commissioner Johnson, second by Commissioner Ramsey, to approve the revised Purchasing Policy

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

Nays: None

MOTION PASSES

S. G & L Chili Dogs Concession Agreement – Various City Parks Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into a 1-year Contractual Concession Agreement with William Silvey of G & L Chili Dogs at various city parks for the 2021 season.

The Department of Public Works is requesting permission to enter into a 1-year Contractual Concession Agreement, for 2021, with William Silvey of G & L Chili Dogs, for a Concession at various City Parks, as outlined in their proposal. The business will be operating a mobile food truck, per their proposal. Commission is \$1,000.00 and 5% of gross receipts annually.

STAFF RECOMMENDATION: Authorize staff to enter into a 1-year Contractual Concession Agreement with William Silvey of G & L Chili Dogs at various city parks for the 2021 season.

Motion by Commissioner Johnson, second by Commissioner Emory, to authorize staff to enter into a 1-year Contractual Concession Agreement with William Silvey of G & L Chili Dogs, at various City Parks for the 2021 season.

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

Nays: None

MOTION PASSES

X. 425 Agreement Business Park North Removal/Acquisition of 902 Pine Street Economic Development

SUMMARY OF REQUEST: The department has been working with Muskegon County for some time now as to their requested disposition of the 425 Shared Jurisdiction Agreement at Business Park North. We have come to terms that have been agreed upon by the County Commission and are for your consideration.

Effectively, the City of Muskegon would remove the existing 425 Agreement between the City, County, and Dalton Township. This would forego claims to future income tax revenues sourced from any jobs created at this site for the city, and so we determined that it was not in the best interest of the community to simply agree to dispense of the agreement. We requested that the County relinquish to us a roughly 1/3rd acre parcel at 902 Pine, which the county acquired in 2013 for a parking lot they never built. This site was the former location of a longstanding furniture store, then Pine Street Antiques which was demolished by Muskegon County when they took possession of the lot. City staff feel this lot would make a quality candidate for further workforce housing

options in the community, and potentially some mixed use commercial as well. The County would not trade the lot for free in exchange for removal of the 425, so agreed to sell it for half of its appraised value, \$24,000. The City countered by requesting that they invest some or all of that revenue from the sale into the paving of another gravel lot located across Pine Street from this lot which is currently used by the County Sheriff's Department for parking. The County Administrator agreed to these terms. This will increase the curb appeal and value for resale and development of the lot we wish to trade.

There are two excavation companies that have conditional purchase agreements on much of the site at Business Park North. Accurate Excavation and Ryerson Excavation have both requested to purchase acreage there in order to build storage facilities for vehicles and potentially to store excess materials and fill. As of now the County has informed us these are the only development prospects they have for the sites. Staff has included the relevant documents and records on the lot in your packet. Staff proposes to utilize the Economic Development Fund (493) to acquire this lot, file the necessary Baseline Environmental Assessments with EGLE, and the immediately outlay a Request for Proposals to see the lot redeveloped. The expectation is that we would achieve market value for the lot, which should be in the \$50,000 range in the event it is selected for a potential LIHTC development.

AMOUNT REQUESTED: \$24,000 AMOUNT BUDGETED: N/A (Capital Fund)

FUND OR ACCOUNT: Economic Development Fund 493 (Current Balance \$687,000)

STAFF RECOMMENDATION: To direct staff and legal counsel to prepare necessary documents to remove the City of Muskegon from the 425 Shared Jurisdiction Agreement at Business Park North, and to approve the purchase of 902 Pine Street as presented.

1st Motion: Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to direct staff and legal counsel to prepare necessary documents to remove the City of Muskegon from the 425 Shared Jurisdiction Agreement at Business Park North, and to approve the purchase of 902 Pine Street as presented.

2nd Motion (amendment): Motion by Commissioner Johnson, second by Commissioner Emory, to make an inter-fund loan from our General Fund to our Economic Development Revolving Loan Fund for \$24,000 for the purchase of 902 Pine Street to be paid back upon the resale of the property.

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

Nays: None

MOTION PASSES

Vote on 1st Motion:

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

Nays: None

MOTION PASSES

2021-36 UNFINISHED BUSINESS:

A. Motion to Reconsider Amendment to Zoning Ordinance for 885 E. Apple
Commissioner Emory

SUMMARY OF REQUEST: Commissioner Emory is requesting possible reconsideration of the motion to amend the zoning ordinance for 885 E. Apple.

At the March 23, 2021 meeting there was a “Motion by Commissioner Johnson, second by Commissioner Ramsey, to approve the request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to allow for retail and provisioning license types at 885 E. Apple.

The vote on March 23, 2021 was as follows:

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

Nays: Ramsey, German, Emory, and Hood

MOTION FAILS

1st Motion: Motion by Commissioner Emory, second by Commissioner Ramsey, to reconsider an amendment to the zoning ordinance for 885 E. Apple Avenue.

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

Nays: German

MOTION PASSES

2nd Motion: Motion by Commissioner Emory, second by Commissioner Johnson, to approve the request to amend section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to allow for retail and provisioning license types at 885 E. Apple Avenue.

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

Nays: None

MOTION PASSES

B. *Rezoning Request – Dowd/Hudson – 2nd Reading

SUMMARY OF REQUEST: Request to rezone 2172 Dowd Street, 2184 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street from R-1, Low Density Single Family

Residential to Form Based Code, Urban Residential by Stephen Benedict.

The Planning Commission made a recommendation to this request at their special meeting on Thursday, March 18, 2021.

STAFF RECOMMENDATION: To approve the request to rezone 2172 Dowd Street, 2184 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street from R-1, Low Density Single Family Residential to Form Based Code.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the request to rezone 2172 Dowd Street, 2184 Dowd Street, 2169 Hudson Street, and 2171 Hudson Street from R-1, Low Density Single Family Residential to Form Based Code.

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

Nays: Emory

MOTION PASSES

2021-37 NEW BUSINESS:

A. Special Event Fee Waiver – Cheers Community Crawl City Clerk

SUMMARY OF REQUEST: Every Woman's Place is seeking a Special Event Fee Waiver for their fundraising event on April 24, 2021.

Every Woman's Place holds an annual fundraiser that has been impacted by COVID. Their event has moved to the Olthoff Stage and is asking to utilize Third Street between Western and Clay. They are asking their City fees be waived for 2021. Based on the needs of their event, we do not foresee any further costs for their event. At this time, they have paid a \$250 application fee.

STAFF RECOMMENDATION: To approve, approve in part, or deny the request from Every Woman's Place to waive the \$250 in special event fees for the Cheers Community Crawl event in 2021.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the request from Every Woman's Place to waive the \$250 in special event fees for the Cheers Community Crawl event in 2021.

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

Nays: None

MOTION PASSES

B. Special Event Fee Waiver – Footlights Fun Camp City Clerk

SUMMARY OF REQUEST: Muskegon Civic Theatre is seeking a Special Event Fee Waiver for their theatre arts camps on July 19-23, July 26-30, and August 9-13, 2021.

Muskegon Civic Theatre is looking to hold their theatre arts camp outdoors this year due to COVID. This camp is a large revenue source for them and had to cancel in 2020. They are asking their City fees be waived for 2021. Based on the needs of their event, the estimated cost of their event is \$2,980 (\$750 Hackley Park stage use for 15 days, \$30 for two trash cans for three weeks, \$300 for ten picnic tables for three weeks, up to \$1,800 in DPW personnel labor costs for moving ten picnic tables six times and \$100 application fee.)

STAFF RECOMMENDATION: To approve, approve in part, or deny the request from Muskegon Civic Theatre to waive up to \$2980 in special event fees for the Footlights Fun Camp in 2021.

Motion by Vice Mayor Hood, second by Commissioner Rinsema-Sybenga, to approve the request from Muskegon Civic Theatre to waive up to \$2,980 in special event fees for the Footlights Fun Camp in 2021

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

Nays: None

MOTION PASSES

C. Special Event Fee Waiver – Senior Community Day

City Clerk

SUMMARY OF REQUEST: Senior Market Group of Muskegon is seeking a Special Event Fee Waiver for their free Senior Community Day on either August 5th or 6th, 2021.

The Senior Market Group of Muskegon holds a free community day for seniors every year. In recent years they have held their event at a local high school but due to COVID, they want to hold the event outdoors. They are asking their City fees be waived for 2021. Based on the needs of the event, the estimated cost of their event is \$800 (\$500 Hackley Park user fee, \$100 for 20 trash cans, \$100 for two cases of trash bags, and \$100 application fee.)

STAFF RECOMMENDATION: To approve, approve in part, or deny the request from Senior Marketing Group of Muskegon to waive \$800 in special event fees for the Senior Community event in 2021.

Motion by Commissioner Ramsey, second by Commissioner Rinsema-Sybenga, to approve the request from the Senior Marketing Group of Muskegon to waive up to \$800 in special event fees for the Senior Community event in 2021 and to approve the request from the American Cancer Society to waive up to \$150 in special event fees for the Relay for Life Luminaria Event.

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

Nays: None

MOTION PASSES

D. Special Event Fee Waiver – Relay for Life City Clerk

SUMMARY OF REQUEST: The American Cancer Society is seeking a Special Event Fee Waiver for their Relay for Life Luminaria Memorial Event on June 5th, 2021.

The American Cancer Society holds a luminaria event as a memorial to those who have lost their battle to cancer. Their revenue has been significantly decreased during the pandemic and reducing their costs would help with their mission. They are asking their City fees be waived for their 2021 event. Based on the needs of their event, the estimated cost of their event is \$150 (\$50 Hackley park Stage user fee and \$100 application fee.

STAFF RECOMMENDATION: Approve, approve in part, or deny the request from the American Cancer Society to waive up to \$150 in special event fees for the Relay for Life Luminaria Event. (approval handled with previous item)

ANY OTHER BUSINESS: City Manager, Frank Peterson, is seeking City Commission support in providing 250 beach parking passes to the City of Muskegon Heights and allowing our Community and Neighborhood Services Director, Oneata Bailey, to work with her counterpart in the City of Muskegon Heights to get those beach passes to low-moderate income families. The Commission is supportive of this idea and program. Commissioner Johnson would like to see this program available to all CDBG communities in Muskegon County.

Commissioner Johnson would like an update on the parking expansion at Pere Marquette Park and the new pathway. He asked where we are in the application process of special project permitting from MDEGLE. The City Manager advised that we will be working with Prism on this process. Commissioner Johnson asks that a public hearing be held as part of the planning commission as part of the project or plan review.

PUBLIC COMMENT: Public comments were received

ADJOURNMENT: The meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk