# CITY OF MUSKEGON

## CITY COMMISSION MEETING

### APRIL 9, 2019 @ 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 9, 2019, Reverend Michael Fedewa, St. Paul's Episcopal 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, Debra Warren, and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney Will Meier, and City Clerk Ann Meisch.

Absent: Commissioner Willie German, Jr.

**INTRODUCTIONS/PRESENTATION:**

**A. 9-1-1 Muskegon Central Dispatch Surcharge** Shawn Grabinski

Shawn Grabinski from Muskegon Central Dispatch presented information to the City Commission and the audience about the 9-1-1 Surcharge question that is on the May 7, 2019 ballot.

**2019-29 CONSENT AGENDA:**

**A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve the minutes of the March 26, 2019 regular meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

**B. Request to Rezone 971 & 975 Washington Avenue – SECOND READING**
Planning & Economic Development

SUMMARY OF REQUEST: Request to rezone the properties at 971 & 975 Washington Avenue from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge, by Brett Gilbert.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezonings.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously (8-0) recommended approval of the rezonings at their March 14 meeting.

**C. <u>Amendment to the Form Based Code Section of the Zoning Ordinance – SECOND READING</u>** Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend the zoning ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request 8-0, as long a staff recommends a definition for "research and development" that excludes animal testing, noise and odor.

**D. <u>Amendment to the Single-Family Residential Section of the Zoning Ordinance – SECOND READING</u>** Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend the Single Family Residential section of the zoning ordinance to clarify that short and long term rentals are not prohibited uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request 8-0 at their March 14 meeting.

**F. <u>Resolution to Revoke the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association</u>** Treasurer

SUMMARY OF REQUEST: Adopt the resolution to revoke the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association and terminate the Payment in Lieu of Taxes (PILOT) status on Trinity Village I and Trinity Village II. The City Treasurer has received formal notice from the Michigan State Housing Development Authority that they have foreclosed upon and take possession of the two properties governed by this agreement.

The State has indicated that they intend to pay the outstanding PILOT assessments for the 2018 tax year. Beginning in 2019, these properties will be completely tax exempt as a result of being owned by the State of Michigan.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution to terminate the Contract for Housing Exemptions with Trinity Village Limited Dividend Housing Association.

**H. <u>Establish Policy and Application for Sports Leagues and Tournaments</u>**
Planning Department

SUMMARY OF REQUEST: Approve the establishment of a policy and application for sports leagues and tournaments using city parks and facilities. The policy is similar to the special event policy, provides consistency for users of city facilities, and informs applicants of rules and regulations that must be followed.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the policy and application.

**I. <u>Set Sports Leagues and Tournaments Fees</u>** Planning Department

SUMMARY OF REQUEST: Set the fees for sports leagues and tournaments using city parks and facilities as follows:

- Application fee to be paid by each separate league - $100 to be submitted 30 days or more prior to the start of the season.
- Tournament fee - $40 fee for each tournament
- Park Use Fee - $40 per league/club/school
- Cleaning Deposit Fee - $100

Application fees *may* be waived for Veterans groups or school groups for schools located within the city limits. Groups are directed to note their requests for waived fees on their applications, and city staff will review.

FINANCIAL IMPACT: Revenue generated by fees.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the fees for sports leagues and tournaments.

**K. <u>714 Jackson – Demolition of Accessory Structure</u>** City Manager

SUMMARY OF REQUEST: The City currently owns the Froebel School property as a result of tax foreclosure. Sometime this winter, significant damage was done to an accessory structure. The structure previously housed the school's boiler. The damage has left the structure dangerous. Staff ordered an emergency demolition from Melching, Inc.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To accept the bid of $10,000 from Melching, Inc. to secure the structure, conduct asbestos testing and abatement, and complete the demolition at 714 Jackson.

**L. <u>Smart Zone Delinquent Tax Resolution</u>** REMOVED PER STAFF REQUEST

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the consent agenda as presented, except items E, G, and J.**

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

**Nays: None**

***MOTION PASSES***

**2019-30 ITEMS REMOVED FROM CONSENT:**

**E. <u>Waiver of Interest and Penalty Associated with Failure to File Property Transfer Affidavits (PTA), Form 2766</u>** Treasurer

SUMMARY OF REQUEST: Adopt the resolution to waive interest and penalty associated with failure to file form 2766, Property Transfer Affidavit (PTA). Per MCL 211.27b, a municipal unit is required to charge interest and penalties to an owner of a property that does not file a PTA within 45 days of the transfer of ownership. We currently do not charge the penalties or interest to a taxpayer that has not filed the PTA within the 45 day requirement. State statute requires the governing body to pass a resolution in order to waive the penalties and interest.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the resolution to waive penalties and interest associated with untimely filing of Property Transfer Affidavits.

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to approve adopt the resolution to waive penalties and interest associated with untimely filing of Property Transfer Affidavits.**

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

**Nays: None**

***MOTION PASSES***

**G. <u>Invest Funds with Cantella &Co.</u>** Finance

SUMMARY OF REQUEST: The Finance department wants authorization to use Cantella & Co. as an investor to diversify our financial portfolio. All investments

with this institution will follow all City of Muskegon Financial and Investments policies and guidelines.

FINANCIAL IMPACT: Potential increase of interest revenue.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval to authorize Cantella & Co. as an investment tool for the City of Muskegon.

***Commissioner Johnson recused himself for conflict of interest.***

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to approve authorization of Cantella & Co. as an investment tool for the City of Muskegon.**

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

**Nays: None**

***MOTION PASSES***

**J. <u>Request for Skate Park Funds</u>** Planning Department

SUMMARY OF REQUEST: Authorize the mayor and clerk to sign the resolution requesting distribution of funds from the City of Muskegon Parks Fund at the Community Foundation for Muskegon County. The Planning Department is requesting $2,000 to cover costs for surveying the property where we propose to locate a future skate park. These funds were originally targeted for the development of a new skate park within the city.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize the mayor and clerk to sign the resolution.

**Motion by Commissioner Warren, second by Commissioner Johnson, to authorize the Mayor and Clerk to sign the resolution.**

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

**Nays: None**

***MOTION PASSES***

**2019-31 NEW BUSINESS:**

**A. <u>LC Walker Arena Restaurant Proposals</u>** REMOVED PER STAFF REQUEST

**ANY OTHER BUSINESS:** The Commission received an update on disc golf at McGraft Park. There was discussion of the feasibility of white box space at the convention center.

**PUBLIC PARTICIPATION:** Public Comments were received.

**ADJOURNMENT:** The City Commission meeting adjourned at 6:30 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk