# CITY OF MUSKEGON

## CITY COMMISSION MEETING

### MARCH 27, 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, March 27, 2018. Pastor Matt Sharpe, Evanston Avenue Baptist, 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., and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Debra Warren

**PRESENTATION:** Representatives from Williams & Works and from Nederveld presented the City Commission the Imagine Muskegon Lake Final Plan Review. The representatives covered the guiding principles and reviewed the plan to sustain, advance, connect, and convene the City of Muskegon, focusing on the waterfront districts.

**2018-19 CONSENT AGENDA:**

**A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve minutes of the March 12, 2018 Worksession Meeting and the March 13, 2018 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

**B. Special Event Liquor License – Cole's Anniversary Party** City Clerk

SUMMARY OF REQUEST: The Muskegon City Clerk's office has partnered with Cole's Bakery to hold a community party on May 26, 2018, celebrating their 75th Anniversary this year and is seeking City Commission approval to apply for a license for Beer and Wine sales.

FINANCIAL IMPACT: $50 permit from the State for every date requested and $75 bond.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

**C. <u>Special Event Liquor License – Taste of Muskegon</u>** City Clerk

SUMMARY OF REQUEST: The Muskegon City Clerk's office is spearheading the Taste of Muskegon on Friday, June 15 and Saturday, June 16 this year and is seeking City Commission approval to apply for a license for Beer, Wine, and Spirit sales during the two-day event.

FINANCIAL IMPACT: $50 permit from the State for every date requested and $75 bond.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

**D. <u>Fireworks Display Permit for Heritage Landing</u>** City Clerk

SUMMARY OF REQUEST: Night Magic is requesting approval of a fireworks display permit for July 4, 2018, at Heritage Landing. The fire Marshall will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

**E. <u>Fireworks Display Permit for Muskegon Country Club</u>** City Clerk

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 3, 2018, at the Muskegon Country Club, 2801 Lakeshore Drive. The fire Marshall will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

**F. <u>123 Net Unilateral METRO Act Permit</u>** Engineering

SUMMARY OF REQUEST: Approve the request for a permit from 123 Net and authorize the Mayor to sign the permit.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the permit and sign the documents.

**Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the consent agenda as presented, except items G & H.**

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

**Nays: None**

***MOTION PASSES***

**2018-20 ITEMS REMOVED FROM CONSENT AGENDA:**

**G. <u>Aggregates, Highway Maintenance Materials and Concrete</u>** Department of Public Works

SUMMARY OF REQUEST: Award supply of Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride

Award bid to supply bituminous products (Base and Top) to Asphalt Paving, Inc.

Award bid to supply Sylvax patching material to Unique Paving Materials

Award bid to supply AE-90 Asphalt Emulsions to Michigan Paving Materials

Award bid for crack sealant to Sherwin Industries.

Award bid to supply H1/32FA limestone chip blend to Verplank Trucking Co

Award bid to supply road slag to Yellow Rose Transport

Award bid to supply road gravel to Yellow Rose Transport

Award bid to supply 2NS sand to Yellow Rose Transport

Award bid to supply screened top soil to Accurate Excavators

Award bid to supply Fill Sand to Accurate Excavators

Award bid to supply 7-sack mix concrete to Port City Redi-Mix

FINANCIAL IMPACT: $472,397.00

BUDGET ACTION REQUIRED: None, funds appropriated in several budgets.

STAFF RECOMMENDATION: Recommend approval of bids as outlined in Summary of Request.

**Motion by Commissioner Johnson, second by Commissioner German, to approve the bids as outlined in the summary of request.**

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

**Nays: None**

***MOTION PASSES***

**H. <u>Lakeshore Drive Preliminary and Construction Engineering</u>** Department of Public Works

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Prein & Newhof for preliminary and construction engineering services related to the reconstruction and street-scaping of Lakeshore Drive from McCracken to Laketon.

A request for proposals was advertised on February 16, 2018, with evaluation criteria as follows: understanding of the project and challenges, method of approach to the project, applicable experience, time and effort, and accessibility of the firm to City staff. Our intent is to select a consultant based on qualifications and negotiate the cost for work. Six proposals were received and reviewed independently by an engineering staff member and the director. Both reviewers selected Prein & Newhof as the top ranked firm.

FINANCIAL IMPACT: $390,000 for engineering services to be covered by the major street fund.

BUDGET ACTION REQUIRED: Adjust engineering costs in third quarter reforecast.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Prein & Newhof for engineering services related to the reconstruction and street-scaping of Lakeshore Drive from McCracken to Laketon.

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to authorize staff to enter into an agreement with Prein & Newhof for engineering services related to the reconstruction and street-scaping of Lakeshore Drive from McCracken to Laketon.**

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

**Nays: None**

***MOTION PASSES***

**2018-21 NEW BUSINESS:**

**A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following:</u>** Public Safety

**425 Octavius Street**

**609 Mulder Street**

**955 Turner Avenue**

**1317 7th Street**

**1768 Wood Street**

**1814 Dyson**

**1699 Pine 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: General Funds and some Fire Escrow funds.

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 decision to demolish.**

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

**Nays: None**

***MOTION PASSES***

**B. <u>Request to Amend the Planned Unit Development (PUD) at 1161 W. Southern Avenue</u>** Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the PUD at 1161 W Southern Ave to demo the former gymnasium and to expand the parking lot, by Avasure Properties, LLC. The project also includes moving the playground at the corner of Davis/Southern to south of the building, next to the new urban farm to be located on site.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the PUD amendment with the condition that all future parking expansions be approved by staff, with up to 93 spaces allowed on site.

COMMITTEE RECOMMENDATION: The Planning Commission approved a motion to amend the PUD, with the condition that all future parking expansions be approved by staff, with up to 93 spaces allowed on site. The motion was

approved 8-0, with one member absent.

**Motion by Commissioner Johnson, second by Commissioner German, to approve the PUD amendment with the condition that all future parking expansions be approved by staff, with up to 93 spaces allowed on site.**

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

**Nays: None**

***MOTION PASSES***

**C. Request to Amend the Planned Unit Development (PUD) at 1670 E. Sherman Boulevard** Planning & Economic Development

SUMMARY OF REQUEST: Request to amend the Planned Unit Development at 1670 E Sherman Blvd to utilize the building as a medical office that provides urgent care, occupational medicine and radiology, by Mercy Health Partners.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the PUD with the condition that a stop sign and bar be installed at the end of the Panera Bread drive thru.

COMMITTEE RECOMMENDATION: The Planning Commission approved a motion to amend the PUD as proposed, with the condition that a stop sign and bar be installed at the end of the Panera Bread drive thru. The motion was approved 8-0, with one member absent.

**Motion by Vice Mayor Hood, second by Commissioner Johnson, to approve the PUD with the condition that a stop sign and bar be installed at the end of the Panera Bread drive thru.**

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

**Nays: None**

***MOTION PASSES***

**D. Rezoning Several Properties** Planning & Economic Development

SUMMARY OF REQUEST: Staff-initiated request to rezone 1814 Dyson St, 1824 Dyson St, 1831 Dyson St and 1828 Jarman St from B-2, Convenience and Comparison Business District to R-2, Medium Density Single Family Residential District. Also to rezone 1813 Dyson St from R-1, Low Density Single Family Residential District to R-2, Medium Density Residential District. Also to rezone 1808 McIlwrath St, 1814 McIlwrath St, and 1825 Jarman St from B-4, General Business District to R-2, Medium Density Single Family Residential District.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezonings.

COMMITTEE RECOMMENDATION: The Planning Commission voted 8-0 in favor of recommending approval of the rezonings.

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the rezonings.**

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

**Nays: None**

***MOTION PASSES***

**E. <u>Amendment to the Zoning Ordinance – Wireless Communication Service Facilities</u>** Planning & Economic Development

SUMMARY OF REQUEST: Staff-initiated request to amend Section 2321 of the zoning ordinance to expand the overlay district to allow Wireless Communication Service Facilities at 1800 Peck St (Marsh Field) and 2375 Beach Street (Water Filtration Plant). Staff has prepared two options for the Water Filtration Plant location and is requesting that the Commission select one of them.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment, with option one for the Water Filtration Plant Location.

COMMITTEE RECOMMENDATION: The Planning Commission tabled the request at their December 14, 2017 meeting over concerns about the Water Filtration Plant location. At their March 15, 2018 meeting, they approved a motion 8-0 to recommend approval of the request to expand the overlay district, with option one for the Water Filtration Plant site.

**Motion by Vice Mayor Hood, second by Commissioner Johnson, to approve the the zoning ordinance amendment, with option one for the Water Filtration Plant.**

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

**Nays: None**

***MOTION PASSES***

**F. <u>Purchase of Property for Industrial Park Expansion</u>** Planning & Economic Development

SUMMARY OF REQUEST: The City of Muskegon is in need of industrial development but lacks readily available land to meet the needs of today's industrial end users. Muskegon has been working very hard to attract new industrial end users to our community, however, because we are an older land-locked city, we lack in cohesive developable land beyond 2-3 acre sites. City staff have finalized terms to purchase approximately 22.7 acres of land adjacent to the Port City Industrial Park and are requesting authorization to purchase the land for economic development purposes (expansion of the industrial park).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to execute purchase agreement for 2420 Remembrance Drive (PPN 24-134-300-0001-00) consisting of approximately 22 acres.

**Motion by Commissioner Johnson, second by Vice Mayor Hood, to authorize staff to execute a purchase agreement for 2420 Remembrance Dvie, consisting of approximately 22 acres.**

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

**Nays: None**

***MOTION PASSES***

**ANY OTHER BUSINESS:** Commissioner German would like to have a report from the Water Filtration Plant for the next meeting.

**PUBLIC PARTICIPATION:** Comments were received from the public.

**2018-22 CLOSED SESSION:**

**A. <u>Collective Bargaining</u>**

**Motion by Commissioner Johnson, second by Vice Mayor Hood, to go into closed session for the purpose of discussion of collective bargaining.**

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

**Nays: None**

***MOTION PASSES***

**ADJOURNMENT:** The City Commission meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Ann Marie Meisch, City Clerk