

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 22, 2022 @ 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, Michigan at 5:30 p.m., Tuesday, March 22, 2022. Pastor Ryan Plantz, Evanston Avenue Baptist 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 Ken Johnson, Vice Mayor Willie German, Jr., Commissioners, Teresa Emory, Rachel Gorman, Rebecca St.Clair, Eric Hood, and Michael Ramsey, Deputy City Manager LeighAnn Mikesell, City Attorney John Schrier, and City Clerk Ann Meisch.

HONORS, AWARDS, AND PRESENTATIONS:

Pulaski Lodge Recognition

Director Lewis and Police-Community Coordinator, Ryan Cummins, recognized Pulaski Lodge for creating a \$225,000 fund at the Muskegon Community Foundation to perpetually support the annual Public Safety Youth Fishing Derby. Mayor Johnson presented Pulaski Lodge President, Mike Cameron, with a plaque and resolution recognizing and thanking them for this donation.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2022-26 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the February 22, 2022 Regular Meeting and the February 28, 2022 Special Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Beukema Park Pavilion Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to contract with Muskegon Quality Builders for the construction of a new pavilion at Beukema Park.

Staff worked with the Marquette Neighborhood to develop an RFP for the

construction of a new pavilion at Beukema Park. Staff then solicited bids for the construction of the specified pavilion one(1) bid was received for the project from Muskegon Quality Builders.

- Muskegon Quality Builders - \$69,000.00

Staff reviewed the bid packet and consulted with a landscape architect to confirm that the bid pricing was appropriate given that only one bid was received. Staff is comfortable that the bid is complete and appropriately priced for the work scheduled to be completed.

Construction would be scheduled for this spring/summer with a target completion date to allow for use of the pavilion during the National Night out in August.

AMOUNT REQUESTED: \$69,900.00 AMOUNT BUDGETED: \$700,000
Less Reese Playground = \$364,600
Less Beukema Playground = \$220,568.25
Remaining = \$114,831.75

FUND OR ACCOUNT: 101-92126-5346

STAFF RECOMMENDATION: Authorize staff to contract with Muskegon Quality Builders in the amount of \$69,900.00 for the construction of a new pavilion at Beukema Park.

C. Pavement Markings Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to contract with Michigan Pavement Markings, LLC for pavement marking services throughout the City during the 2022 construction season.

The Muskegon County Road Commission regularly bids the installation of pavement markings for many municipalities in the County, including the City, and has done so again in 2022. The County received two bids; Michigan Pavement Markings, LLC was the low bidder and the County has awarded them a contract.

Traditionally, the City has had linear pavement markings refreshed throughout the entire City each spring, and this year requests \$25,525.00 to do so again, as detailed on the pricing sheet.

This year, the Laketon corridor from Lakeshore to Creston, also needs to have the "special" markings refreshed (left turn arrows, crosswalks, stop bars, etc.) at a cost of \$13,020.00 as detailed.

The City regularly has reason to perform miscellaneous marking to change problem areas, to remark areas destroyed by construction work, and to refresh fading markings late in the season. Staff requests a 25% contingency on the

contract (\$9,636.25) to cover these costs.

AMOUNT REQUESTED: \$48,181.25 AMOUNT BUDGETED: \$48,181.25 (FY22-23)

FUND OR ACCOUNT: 202-60440-5346 FUND OR ACCOUNT: 202-60440-5346

STAFF RECOMMENDATION: Authorize staff to contract with Michigan Pavement Markings, LLC in the amount of \$48,181.25 for pavement marking services throughout the City during the 2022 construction season.

D. Street Sweeping Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to contract with Tri-US Services, Inc. for street sweeping services throughout the City during the 2022 season.

Tri-US Services has been performing street sweeping services for the City for the last 4 years based on a 2018 bid, with the 2021 year contracted under an optional extension to the original 3-year contract. For 2022, due to staff turnover and with the support of Tri-US Services, staff proposes a special purchase by extending the contract an additional year. Tri-US Services has agreed to extend their pricing from the 2018 bid, adding a 1.58% Fuel Surcharge, for a total of \$255,000 for the City's major and local streets.

MDOT contracts with the City for sweeping of the trunklines within the City via reimbursement, and the City has historically used the same bid contract for trunkline sweeping. Due to the proposed contract extension/special purchase, MDOT requested that staff seek quotes for the trunkline portion of the contract. Staff solicited quotes from Tri-US Services, Sanisweep of Grand Rapids, and Curbco of Flint, the same companies that requested bid packages in 2018. Tri-US Services and Sanisweep submitted pricing, with Tri-US Services price of \$18,315 being the same as their 2018 bid price, and the lowest received. Staff recommends the trunkline portion be awarded to TRI-US Services at \$18,315 and MDOT will again reimburse the City for the trunkline portions.

The total street sweeping contract request is \$273,315 for the 2022 season, plus a charge of \$150.00 per hour for special requests, used for things like events and construction sweeping.

AMOUNT REQUESTED: \$273,315.00 AMOUNT BUDGETED: \$2,037,262

FUND OR ACCOUNT: 101-60523-5300

STAFF RECOMMENDATION: Authorize staff to contract with Tri-US Services, Inc. in the amount of \$273,315.00 for street sweeping throughout the City, including state trunklines, for the 2022 season.

E. Aggregates, Highway Maintenance Materials, and Ready-Mixed Concrete Public Works

SUMMARY OF REQUEST: Award supply of aggregates, highway maintenance

materials and ready-mixed concrete for 2022 to selected bidders.

Bids were solicited for aggregates, highway maintenance materials and ready-mixed concrete for purchase in 2022. Purchases will be made from the recommended bidders listed in yellow on the provided bid tabs. Purchases are contingent on product availability, timely deliveries, and prices as quoted.

No bids were received for liquid chloride items, which are an important part of the City's operations for snow removal and gravel road maintenance. Staff will be working to find sources for these items.

AMOUNT REQUESTED: Varies by Fund AMOUNT BUDGETED: Varies by Fund
FUND OR ACCOUNT 101, 202, 203, 590, 291

STAFF RECOMMENDATION: Authorize staff to award bids for aggregates, highway maintenance materials and ready-mixed concrete for purchase during the 2022 construction season as presented.

F. Social District Permit Recommendation Economic Development

SUMMARY OF REQUEST: The City 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. You recommended the Mercy health Arena on January 26, 2021 on the arena's old license. With the new DDA license, the city needs to make a new social district permit application. City staff is seeking a Social District permit from the state and seeking City Commission recommended approval. There are new licensed establishments within the district that 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 permit in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.

Motion by Vice Mayor German, second by Commissioner Gorman, to accept the consent agenda as presented.

ROLL VOTE: Ayes: Emory, St.Clair, Johnson, Hood, Ramsey, German, and Gorman

Nays: None

MOTION PASSES

2022-27 PUBLIC HEARINGS:

A. Recommendation for Annual Renewal of Liquor Licenses

City Clerk

REMOVED – All liquor license establishments are in compliance or are working with the appropriate department to become compliant.

B. MDNR Grant Applications

Public Works

SUMMARY OF REQUEST: Staff is seeking public/commission input and commission support for a formal resolution of support to submit two (2) grant applications to the Michigan Department of Natural Resources for Park Capital Projects by the April 1, 2022 deadline.

Staff is proposing two projects for application in MDNR programs at the April 1, 2022 application deadline, as a requirement of the grant application we are soliciting feedback on the conceptual designs and commission support for the grant applications.

Michigan Natural Resources Trust Fund

Under the NRTF Program staff is proposing to apply for construction of a second restroom/concession facility at Pere Marquette park. The facility would be located in the same location as the existing kite shack building. The conceptual layout would call for four (4) unisex family style restrooms, a concession area and a storage area. The conceptual site plan also identifies potential future additions of a pavilion, though that is not included in the grant request. The maximum grant amount is \$300,000 and requires a minimum 50/50 match. The project estimate is \$667,500.00 of which we are requesting the maximum grant amount with a \$367,500 local match.

Land and Water Conservation Fund

Under the LWCF Program staff is proposing to apply for multiple improvements to the Grand Trunk Launch Ramp facility. The improvements would include paved parking, additional launch space and dockage, storm water improvements, accessible kayak launch, and trailhead improvements. The conceptual plan also includes construction of a restroom/fish cleaning station at the site at a future date, those features are not included in this grant proposal. The maximum grant amount through LWCF is \$500,000 and requires a minimum 50/50 match. The project estimate is \$1,000,000 of which we are requesting the maximum grant amount with a \$500,000 local match.

If the projects are selected for grant award construction could begin as early as 2024.

STAFF RECOMMENDATION: To accept public comment and approve the resolution of support for the Natural Resources Trust Fund application and the resolution of support for the Land and Water Conservation Fund application and authorize the Mayor and Clerk to sign.

PUBLIC HEARING COMMENCED: Dr. Mark Poletti, 3244 Thompson –

suggested having some accessible way to pull up to shore in Lakeside to enable visits to restaurants.

Motion by Commissioner Gorman, second by Commissioner St.Clair, to accept public comment and approve the resolution of support for the Natural Resources Trust Fund application and the resolution of support for the Land and Water Conservation Fund application and authorize the Mayor and Clerk to sign.

ROLL VOTE: Ayes: St.Clair, Johnson, Hood, Ramsey, German, Gorman, and Emory

Nays: None

MOTION PASSES

C. Commercial Rehabilitation District – 2725 Olthoff Drive – Northern Biomedical Research Planning

SUMMARY OF REQUEST: Pursuant to Public Act 210 of 2005, as amended, staff has requested the establishment of a Commercial Rehabilitation District. The creation of the district will allow the future property owner to apply for a Commercial Rehabilitation Certificate, which will freeze the taxable value of the building and exempt the new real property investment from local taxes. The school operating tax and the State Education Tax (SET) are still levied on the new investment. Land and personal property cannot be abated under this act.

Northern Biomedical Research will be applying for a Commercial Rehabilitation Certificate after the district is passed. Another 10 acres will remain for development within this commercial rehabilitation district.

STAFF RECOMMENDATION: To close the public hearing and approve the request to establish a Commercial Rehabilitation District at 2725 Olthoff Drive.

PUBLIC HEARING COMMENCED:

Tim Updyke – 6005 Henry Street, Norton Shores – Opposed

Patricia Gomez – 1480 Benjamin, Laketon Twp – Opposed

Tracy Powers – 2073 Bourdon, Muskegon – Opposed

Brian McCarthy – 2089 Crozier, Muskegon – Opposed

Michael Hauelsen – 903 Turner Ave, Muskegon – Opposed

Hannah Hilborn – 3320 Peck Street, Muskegon Heights – Opposed

Dr. Mark Poletti – 3244 Thompson, Muskegon – Opposed

Motion by Vice Mayor German, second by Commissioner Hood, to close public comment and approve the request to establish a Commercial Rehabilitation District at 2725 Olthoff Drive.

ROLL VOTE: Ayes: Johnson, Hood, Ramsey, German, Gorman, Emory, and

St.Clair

Nays: None

MOTION PASSES

2022-28 UNFINISHED BUSINESS:

A. Summer Concert Series, Social Sandbox Economic Development

SUMMARY OF REQUEST: Mr. Terry Puffer, through his non-profit organization Lakeshore Legacy Project, is proposing a recurring concert series to take place downtown at the Downtown Muskegon Development Corporation owned lot known as the Social Sandbox. The organization is requesting the City agree to match their fundraising efforts to put on the concerts.

Mr. Puffer is proposing a concert series that is detailed in the letter provided. He cites the city's Downtown Development Authority in the document but is asking for any eligible city funds to assist as match dollars. Staff is proposing that the commission determine willingness and limitation, if any, to assisting with this event.

STAFF RECOMMENDATION: To partner with the Lakeshore Legacy Project by matching fundraising for a summer concert series at the Social Sandbox, not to exceed _____.

Motion by Commissioner Ramsey, second by Commissioner Hood, to table this item indefinitely.

ROLL VOTE: Ayes: Hood, Ramsey, German, Gorman, Emory, St.Clair, and Johnson

Nays: None

MOTION PASSES

B. Rezoning 653 Yuba Street Planning – 2nd Reading

SUMMARY OF REQUEST: Staff initiated request to rezone a portion of the property at 653 Yuba Street from R-1, Low Density Single Family Residential to B-4, General Business.

The Planning Commission recommended approval of the rezoning by a 6-0 vote.

STAFF RECOMMENDATION: To approve the request to rezone a portion of the property at 653 Yuba Street from R-1, Low Density Single Family Residential to B-4, General Business.

Motion by Commissioner Emory, second by Commissioner Ramsey, to approve the request to rezone a portion of the property at 653 Yuba Street from R-1, Low Density Single Family Residential to B-4, General Business

ROLL VOTE: Ayes: Ramsey, Gorman, Emory, St.Clair, Johnson, and Hood

Nays: German

MOTION PASSES

C. Amendment to the Marihuana Facilities Overlay District – Temporary Marihuana Events at 1800 Peck Street

Planning – 2nd Reading

SUMMARY OF REQUEST: Staff initiated request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 1800 Peck Street.

The Planning Commission made two separate motions on the case. The first was to make a recommendation to the City Commission to approve the request at 470 W Western Ave, which passed by 6-1 vote. The second was to make a recommendation to the City Commission to approve the request at 1800 Peck Street, which passed by a 4-3 vote.

STAFF RECOMMENDATION: To approve the request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 1800 Peck Street.

Motion by Commissioner Ramsey, second by Commissioner St.Clair, to approve the request to amend Section 2331 of the zoning ordinance to allow temporary marihuana events at 1800 Peck Street.

ROLL VOTE: Ayes: German, St.Clair, Johnson, and Ramsey

Nays: Gorman, Emory, and Hood

MOTION PASSES

ANY OTHER BUSINESS: Mayor Johnson raised the question of how to proceed on the hiring process for the Public Safety Director and the permanent City Manager. Due to the vacancy in the position of both the Public Safety Director and the City Manager, should the new, permanent City Manager be the one to make the appointment of a Public Safety Director. Also, does the Commission wish to transition to having a Police Chief and Fire Chief rather than a Public Safety Director. Discussion took place. A special meeting will be held regarding an RFP for a permanent City Manager.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Public comments were received.

ADJOURNMENT: The City Commission adjourned at 7:45 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC - City Clerk