CITY OF MUSKEGON

CITY COMMISSION MEETING

FEBRUARY 9, 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 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, February 9, 2021.

ROLL CALL FOR THE REGUAR 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 John Schrier, and City Clerk Ann Meisch.

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

2021-13 CONSENT AGENDA:

A. <u>Approval of Minutes</u> City Clerk

SUMMARY OF REQUEST: To approve the minutes of the January 26, 2021 Regular City Commission Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. <u>Election Grant Update</u> City Clerk

SUMMARY OF REQUEST: Earlier this year, the City Commission approved to spend the 2020 Election Grant in the amount of $433,580 along with an additional $30,000 from the HAVA grant for Election equipment. Several items have been purchased and acknowledged by the City Commission. We have spent a total of $401,137.31 to-date and have received permission for a 6-month extension to purchase a truck to pull the Muskegon Votes trailer with the remaining amount of $32,442.69. This amount includes permission to spend $22,735 to purchase a second verity central client software work station for absentee ballots.

To-date we spent: drop boxes $5,725,75; Drive Thru Voting $26,858.49; PPE

Equipment $11,803.75; Poll Worker Recruitment funds, hazard pay, and training expenses $69,130.14; temporary staffing $66,242.27; Vote by mail/absentee voting equipment $95,925.94; Election Administration Equipment $60,176.58; Non-Partisan Voter Education $65,274.41.

STAFF RECOMMENDATION: To acknowledge the expenditures in the amount of $401,137.31 as listed above and give permission to purchase a verity central client software work station for $22,735.

C. Informational Portal City Clerk

SUMMARY OF REQUEST: Bang the Table is an informational portal that will allow staff to put out surveys, create newsletters, and create individual project sites to assist staff in organizing notifications, seek feedback, and keep citizens updated and provide feedback.

Bang the Table offers a platform where all updates on a project are gathered in one location in an easy to read format. Citizens can provide feedback in a variety of ways including a mapping system, surveys, comments, etc. This will be a useful tool for departments for projects such as the master plan update, CDBG projects, NAM Programs, etc. The system offers more flexibility and tools to provide information in a quick format and allow us to better communicate with our citizens and gather information. The cost is $15,000 per year with a $1,900 onboarding cost. Staff did review other software including Accela Government Software, Granicus, and Bloomz. We found this software is geared towards government and offers many features not provided by other companies.

AMOUNT REQUESTED: $16,900 AMOUNT BUDGETED: Grant Fund

STAFF RECOMMENDATION: Authorize staff to sign an agreement with Bang the Table to utilize the informational portal to better communicate with our citizens.

D. Special Event Parking at Pere Marquette City Clerk
REMOVED PER STAFF REQUEST

E. Equipment Replacement DPW/Equipment

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one (1) cab and Chassis International Heavy Duty Plow Truck from West Michigan International off of the Sourcewell Contract. The build of this truck will be done by Truck and Trailer Specialties.

The cab and chassis of this truck will be coming from West Michigan International at a cost of $89,216.72, while the actual build of the box and underbody blade (scraper blade) will be done by Truck and Trailer Specialties of Dutton, MI for a price of $62,575.00 Total price $151,791.72.

AMOUNT REQUESTED: $151,791.72 AMOUNT BUDGETED: $165,000

FUND OR ACCOUNT: Equipment CIP Fund 661-60932-5730

STAFF RECOMMENDATION: **Authorize staff to move forward with purchase.**

F. Filtration Plant Communications Tower **Public Works**

SUMMARY OF REQUEST: **Authorize staff to award contracts for the procurement and installation of the communications tower at the water filtration plant.**

Staff worked with our project manager (Maralat Communications) to develop a proposed design for the communications tower and to procure bids where possible for the foundation construction and the tower installation.

At this time staff is requesting approval to purchase the tower materials from Valmont Industries and permission to award a contract for the foundation construction and tower installation to the low bidder, EarthCom. Two bids were received for the foundation and installation item of work and both are attached.

There will be additional expenses related to the attachment of the city communication equipment to the tower and transfer of the county 911 equipment from the existing tower as well as demolition of the existing tower. These will be pursued as a change order with EarthCom (should their contract be approved) and brought back to commission at a later date if needed.

It is expected that shipping and material prices will fluctuate slightly from the quoted amounts due to the timing between the bids and the award and as such staff is requesting flexibility in the prices of each up to 10% of the quoted amounts for a total request at this time of $159,970.80 ($66,891.00 Foundation & Installation + $93,079.80 Tower Materials).

Additionally, progress has been made towards securing a cellular lease for the site. Preliminary agreement has been reached on a lease that is expected to generate $1,800/month in revenue on a 10-year term, with a 3% escalator, and with the option for four renewals of 5-years each. The revenue will offset the cost of the tower within the lifetime of the renewals or sooner, and will hopefully spur additional interest as there will still be sufficient room for additional carriers.

AMOUNT REQUESTED: **$159,970.80** **AMOUNT BUDGETED:** **$300,000.00**

FUND OR ACCOUNT: **591-92034-5346**

STAFF RECOMMENDATION: **Authorize staff to approve the contract with Valmont Industries for the tower procurement in the amount of $84,618.00 +/- 10% and authorize staff to approve the contract with EarthCom for the foundation construction and tower erection in the amount of $60,810.00 +/- 10%.**

I. Public Hearing Process **Development Services**

SUMMARY OF REQUEST: **Staff is seeking approval to modify the process for holding public hearings at city commission meetings.**

Staff would like to be able to address comments received from the public so that commissioners have a full picture of the topic before voting. The proposal is to

modify the process as follows:

- Clerk reads brief summary of agenda item
- Staff presents details on the item
- Public hearing is opened, and comments are received from the public
- Staff addresses questions/comments received during the public hearing
- Commissioners close the public hearing and deliberate
- Commissioners vote on the agenda item

STAFF RECOMMENDATION: To approve the new process for holding public hearings at city commission meetings as proposed.

K. PILOT Ordinance Amendment Development Services

SUMMARY OF REQUEST: Staff are seeking approval of an amendment to Chapter 82, Article II of the Code of Ordinances in coordination with the revised Payment in Lieu of Taxes Policy.

The newly adopted PILOT Policy includes guidelines for determining the PILOT rate. These guidelines match the rate with specific city goals, and as those goals change over time, the policy can be amended to reflect current goals. Staff are seeking a change to the PILOT ordinance to remove the standards for determining the amount of the payment in lieu of taxes and allow the PILOT policy to set the standard.

STAFF RECOMMENDATION: To amend and adopt Chapter 82, Article II, Section 51 for Payment In Lieu of Taxes.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to approve the consent agenda as presented, minus items G, H, and J.

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

Nays: None

MOTION PASSES

2021-14 REMOVED FROM CONSENT AGENDA:

G. 2nd Quarter Budget Reforecast Finance

SUMMARY OF REQUEST: At this time staff is presenting the 2nd Quarter Budget Reforecast for FY2020-21.

STAFF RECOMMENDATION: To approve the 2nd Quarter FY2020-21 Budget Reforecast as presented.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the 2nd Quarter FY2020-21 Budget Reforecast as presented.

2nd Motion: Motion by Commissioner Johnson, second by Commissioner German, to table this item until the next regular City Commission meeting, February 23, 2021.

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

Nays: None

MOTION PASSES

H. <u>Amendment to the Zoning Ordinance – Marihuana</u> Planning

SUMMARY OF REQUEST: Staff-initiated request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class A Recreational Grows (up to 100 plants), Class B Recreational Grows (Up to 500 plants), Class A Medical Grows (Up to 500 plants) and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2 and B-4 zoning districts.

At the Legislative Policy meeting, Commission discussed how this marihuana ordinance should have the same type of conditions associated with businesses in the overlay district. For the proposed motion, staff has created new conditions based on the existing overlay district. Staff has also removed Class B Recreational Grows and Class A Medical Grows due to odor concerns.

STAFF RECOMMNEDATION: To approve the request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class B Recreational Grows, and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2 and B-4 zoning districts with the following conditions.

1. **Microbusinesses and Designated Consumption Establishments may only be open between the hours of 8 am – 12 am.**
2. **Waste Disposal Plan. A plan must be approved for the disposal of waste, chemicals and unused plant material.**
3. **Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.**

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the request to amend the zoning ordinance to allow for Microbusinesses, Designated Consumption Establishments, Class B Recreational Grows, and temporary marihuana events as a special use permitted in I-1, I-2, MC, B-2 and B-4 zoning districts with the following conditions.

1. **Microbusinesses and Designated Consumption Establishments may only be open between the hours of 8 am – 12 am.**
2. **Waste Disposal Plan. A plan must be approved for the disposal of waste,**

chemicals and unused plant material.

3. **Security. There must be a security presence in place on the property at all times, either by licensed security guard(s) and/or security cameras. A floor plan with security details is required.**

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

Nays: None

MOTION PASSES

J. **<u>PILOT Policy</u> Development Services**

SUMMARY OF REQUEST: Staff are seeking approval of a revised policy to standardize tax incentives for Pilot In Lieu Of Taxes (PILOT) developments within the city.

At the request of the City Manager, the Tax Incentive Committee has continued to review and make recommendations for standardizing our tax incentive policies in the City of Muskegon. Our most recent effort is specifically dedicated to PILOT developments. As with the previous revisions shared with the commission, the attached document outlines a more standardized method for determining payments with lower rates given to developments that meet more of the city's goals. Also, in line with the previous revision, the proposal is for these developments to be reviewed by the tax incentive committee with a recommendation provided to the City Commission.

STAFF RECOMMENDATION: To approve the revise Payment in Lieu of Taxes Policy.

Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to approve the revised Payment in Lieu of Taxes Policy.

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

Nays: None

MOTION PASSES

2021-15 UNFINISHED BUSINESS:

A. **<u>Amendment to the Marihuana Facilities Overlay District – 885 E Apple Avenue</u> Planning (TABLED FROM 1/26/2021 TO 2/9/2021)**

SUMMARY OF REQUEST: Request to amend section 2331 of the zoning ordinance to include 885 E Apple Avenue in the marihuana facilities overlay district, by Khi Guy.

A motion was made to request to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to allow for Retail license

types at 885 E Apple Avenue be recommended to the City Commission for approval. The motion passed by a 5-1 vote.

STAFF RECOMMENDATION: 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.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Emory, to table this item until the March 23, 2021 Regular City Commission meeting.

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

Nays: None

MOTION PASSES

2021-16 ANY OTHER BUSINESS: Commissioner Emory requested to be added to the ad hoc Imagine Muskegon Lake Plan Committee and Commissioner Johnson offered his spot. The Mayor and Commissioners accepted the change.

PUBLIC COMMENT: No public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 6:45 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk