CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 25, 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, January 25, 2022. Reverend Eileen B. Stoffan, 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 Ken Johnson, Vice Mayor Willie German, Jr., Commissioners Eric Hood, Teresa Emory, Rachel Gorman, and Rebecca St.Clair, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Meisch.

Absent: Commissioner Michael Ramsey

PUBLIC COMMENT ON AGENDA ITEMS: No comments were received.

2022-06 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the December 13, 2021 Worksession Meeting and the January 4, 2022 Organizational Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. Non-Profit Recognition for Breakthrough Believers Recovery and Healing Center City Clerk

SUMMARY OF REQUEST: Breakthrough Believers Recovery and Healing Center is requesting recognition as a non-profit in the City of Muskegon for the purpose of obtaining charitable gaming licenses for raffles to raise money for various underserved community needs.

STAFF RECOMMENDATION: To approve the request from Breakthrough Believers Recovery and Healing Center to be recognized as a non-profit operating in the City for the purpose of obtaining a charitable gaming license.

C. Chamber of Commerce Proposal City Manager's Office

SUMMARY OF REQUEST: Staff is requesting approval of a partnership and funding agreement with the Muskegon Lakeshore Chamber of Commerce.

The Chamber continues to partner with the city to promote our community and support our local businesses. They have been instrumental in attracting cruise ships, improving our public image, administering the Silent Observer program, and bolstering our business community. The proposal includes funding allocation and benefits to the city in the areas of event and program sponsorship, membership, Silent Observer promotion, and community promotion activities.

The city currently pays $16,000 annually for various Chamber services, membership, and events, and those funds come from various budgets. The amount requested will require adjustments in the 2nd quarter reforecast.

AMOUNT REQUESTED: $20,000 AMOUNT BUDGETED: $16,000

FUND OR ACCOUNT: 80400, 10101

STAFF RECOMMENDATION: To approve the partnership and funding agreement with the Muskegon Lakeshore Chamber of Commerce.

D. MDOC Utility Easements Public Works

SUMMARY OF REQUEST: Staff is seeking approval to purchase utility easements from the State of Michigan Department of Corrections.

Staff is pursuing several utility easements from the state of Michigan to provide utility service to the former prison site. The utilities easements cross through a 100 FT strip of property that was retained by the State of Michigan during the land transaction. The city is requesting and the state has issued preliminary approval for five (5) utility easements across this 100 FT strip of property.

The cost of the easements is determined by the state to be $1,750.00 which would be paid from the remaining funds in the State Grant Fund dedicated to this project.

AMOUNT REQUESTED: $1,750.00 AMOUNT BUDGETED: $1,750.00

FUND OR ACCOUNT: 482-91908-5700

STAFF RECOMMENDATION: Authorize staff to issue payment in the amount noted and sign the agreement, inclusive of any immaterial revisions that are noted during the final state reviews.

E. Mini-Excavator Purchase Public Works

SUMMARY OF REQUEST: The Equipment Division is requesting permission to purchase one Mini-Excavator from Michigan CAT, the Mi-Deal State contract holder. The cost for the Mini-Excavator will be $84,975.00 coming from the Equipment Fund.

This equipment is expected to compliment a smaller mini-excavator that already exist within the equipment fleet. This particular piece of equipment is larger than our existing mini-excavator, yet still substantially smaller than other equipment that could be used for similar functions (tractor backhoe) and will provide much needed versatility to the fleet.

AMOUNT REQUESTED: $84,975.00 AMOUNT BUDGETED: $85,000

FUND OR ACCOUNT: 661-60932-5700

STAFF RECOMMENDATION: Authorize staff to move forward with the purchase of a Mini-Excavator through the Mi-Deal State Contract.

F. <u>Traffic Control Order</u> Public Works

SUMMARY OF REQUEST: Staff is requesting approval of Traffic control order 2022-001, to add a stop sign on Clay at Pine, converting the intersection to an all-way Stop. Traffic Control Order #2022-001 includes addition of stop signs on Clay at Pine Street converting this intersection into an all-way stop. The site was reviewed for sight distance for NW bound Pine Street obstructions.

STAFF RECOMMENDATION: To approve traffic control orders #2022-001 and authorize staff to make the necessary signing changes.

G. <u>Engine 24 Repairs</u> Public Safety

SUMMARY OF REQUEST: Final repair estimate to rebuild the motor in Engine 24 (2015). This is a front-line Engine (24) and has already been down for weeks while they diagnosed, etc. The concern is running our only Reserve truck (21) weeks on end, and running the new 41 in the dead of winter.

AMOUNT REQUESTED: $39,493.73 AMOUNT BUDGETED: $0

STAFF RECOMMENDATION: Approval of the amount for repair to Engine 24.

H. <u>Deficit Elimination Plan – Sewer</u> Finance

SUMMARY OF REQUEST: To approve the Deficit Elimination plan and resolution for the Sewer Fund and direct staff to submit plan to the State of Michigan.

On June 30, 2021 the Sewer Fund had a $1,222,053 deficit unrestricted net position. Act 275 of Public Acts of 1980 requires the City to formulate a deficit elimination plan and submit it to the Michigan Department of Treasury. The deficit elimination plan and resolution for the Sewer Fund are provided.

STAFF RECOMMENDATION: To approve the deficit elimination resolution for the Sewer Fund.

I. <u>Deficit Elimination Plan – Public Improvement</u> Finance

SUMMARY OF REQUEST: To approve the Deficit Elimination plan and resolution for the Public Improvement Fund and direct staff to submit plan to the State of Michigan.

On June 30, 2021 the Public Improvement fund had a $1,026,966 deficit. Act 275 of Public Acts of 1980 requires the City to formulate a deficit elimination plan and submit it to the Michigan Department of Treasury. The deficit elimination plan and resolution for the Public Improvement Fund are provided.

STAFF RECOMMENDATION: To approve the deficit elimination resolution for the Public Improvement Fund.

J. <u>Deficit Elimination Plan – Marina</u> Finance

SUMMARY OF REQUEST: To approve the Deficit Elimination plan and resolution for the Marina Fund and direct staff to submit plan to the State of Michigan.

On June 30, 2021 the Marina Fund had a $146,718 deficit. Act 275 of Public Act of 1980 requires the City to formulate a deficit elimination plan and submit it to the Michigan Department of Treasury. The deficit elimination plan and resolution for the Marina are provided.

STAFF RECOMMENDATION: To approve the deficit elimination resolution for the Marina Fund.

L. <u>Community Relations Committee Recommendations</u> City Clerk

SUMMARY OF REQUEST: To concur with the CRC Recommendations to accept resignations, make appointments, and amend the composition of the DDA.

The CRC recommends:

- Accepting the resignation of and Randy Mackie – Housing Code Board of Appeals – Term Expires 1/31/2024.

- Appointing the following citizens to each of the stated boards:

    - **Board of Review –** Reappoint David Mendendorp & Martha Bottomley (Citizens)

    - **Business Improvement District –** Reappoint Dan Castle & John Riegler; Appoint Kiel Reid (Assessed property owners or their representatives)

    - **Citizen's Police Review Board –** Reappoint Josie James (Member of a minority-based organization) & Ruby Clark (Neighborhood association representative)

    - **Citizen's District Council –** Appoint Bre'Onna Sanders (Citizen At-Large)

    - **Construction Code Board of Appeals –** Reappoint Brion Boucher

(Architect) & Michael McPhall (Fire)

- **Downtown Development Authority –** Reappoint Heidi Sytsema (Member with interest in the property in the district), Jeanette Moore (Citizen) & John Rielger (Resident of the district)

- **Election Commission –** Reappoint Wanda Matsey (Citizen)

- **Equal Opportunity Committee –** Reappoint Charlotte Johnson, Tonya Pell & Ana Zuber (At-Large Citizens)

- **Farmers Market Advisory Board –** Appoint Jeanine Platt (Citizen At-Large)

- **Historic District Commission –** Reappoint Emilio Trejo (Member who resides or has occupational or financial interest in one or more of the historic districts); appoint Jacquelyn Huss (Member of a local preservation society)

- **Housing Code Board of Appeals –** Appoint Jordan Potter and Corey Bickford (Citizens)

- **Housing Commission –** Reappoint Jonathon Wilson (Citizens)

- **Income Tax Board of Review –** Reappoint Michael Haueisen (Resident)

- **Lakeside Business Improvement District –** Appoint Andrea Chambers (Assessed property owner or their representative)

- **Local Development Finance Authority –** Reappoint Jeffrey Burr; Appoint Patsy Petty (Citizens)

- **Local Officer's Compensation Commission –** Reappoint Paul Edbrooke (Citizen)

- **Zoning Board of Appeals –** Appoint Roberta King (Resident)

- Amending the composition of the Downtown Development Authority as follows:

A 6 Members must have an interest in the property in the district
B 4 Citizens

C 2 Resident of the district
D 1 City Manager

STAFF RECOMMENDATION: To approve the resignations, appointments and reappointments, and amendments to the composition of the DDA.

M. <u>DDA/BRA Resignation</u> City Clerk

SUMMARY OF REQUEST: To accept the resignation of Don Kalisz from the Downtown Development Authority/Brownfield Redevelopment Board, effective immediately. Term expires 1/31/2025

STAFF RECOMMENDATION: To approve the resignation.

Motion by Commissioner Gorman, second by Commissioner Emory, to accept the consent agenda as presented, minus item K.

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

Nays: None

MOTION PASSES

2022-07 REMOVED FROM CONSENT AGENDA:

K. <u>Deficit Elimination Plan – Convention Center</u> Finance

SUMMARY OF REQUEST: To approve the Deficit Elimination plan and resolution for the Convention Center Fund and direct staff to submit plan to the State of Michigan.

On June 30, 2021 the Convention Center Fund had a $1,892,438 deficit. Act 275 of Public Acts of 1980 requires the City to formulate a deficit elimination plan and submit it to the Michigan Department of Treasury. The deficit elimination plan and resolution for the Convention Center Fund are provided. The City has received a $1,000,000 Grant to help with the negative impact of Covid-19. The City will transfer $2,668,933.07 from the General Fund to eliminate the deficit.

STAFF RECOMMENDATION: To approve the deficit elimination resolution for the Convention Center Fund.

Motion by Vice Mayor German, second by Commissioner Gorman, to approve the deficit elimination resolution for the Convention Center Fund.

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

Nays: None

MOTION PASSES

2022-08 PUBLIC HEARINGS:

A. <u>Parks and Recreation 5-Year Plan</u> Public Works

SUMMARY OF REQUEST: To host a public hearing and adopt a resolution of adoption relative to the updated City of Muskegon Park and Recreation 5-year plan.

Staff along with assistance from MCSA, Inc. have prepared an update to the city's Parks and Recreation 5-Year Plan. The previous plan from 2016 has expired and an update was required. The draft update is available for review online at the link below, and can be viewed in person during normal business hours at the City of Muskegon DPW Offices (1350 East Keating Avenue, 49442).

https://www.muskegon-mi.gov/community-parks-recreation-plan/

In order to be eligible for state grant funding through the MDNR (and other sources) a current 5-year plan must be filed with the MDNR no later than February 1, 2022.

Through hosting of this public hearing, adoption of the enclosed resolution, and a final update of the plan to reflect any comments received through the public hearing the City will be in a position to submit the updated plan by the required deadline.

STAFF RECOMMENDATION: To close the public hearing, approve the 5-year Parks and Recreation Plan, and authorize the Mayor and Clerk to sign a resolution in support of the plan.

PUBLIC HEARING COMMENCED: The following comments were received:

Wenda Hannah – 2293 Moon Street – did not see any reference to Charter Park Ordinance and feels that it should be included and Charter Parks identified.

Tom Weatherby – 1747 Edgewater – concerns about walkway width proposed for Pere Marquette Park and feels 16 feet is excessive and suggested a study be done. He also has concerns about striping of the walkway.

Darlene DeHudy – 4356 Lake Harbor Road – concurs with Mr. Weatherby – recommends following National Standards for determining width of walkway. Designate in plan which are charter parks and add Critical Dunes Ordinance. Would like to see a use study which usually precludes an engineering plan or construction.

Mark Poletti - 3244 Thompson – we don't know the map of the trail system. Would like to contribute to planning the pathway. Is concerned about the amount of traffic and safety issues.

Motion by Commissioner St.Clair, second by Commissioner Hood, to close the public hearing and approve the 5-year Parks and Recreation Plan and authorize the Mayor and Clerk to sign a resolution in support of the plan.

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

Nays: None

MOTION PASSES

2022-09 NEW BUSINESS:

A. Amendment to the Form Based Code Planning

SUMMARY OF REQUEST: Staff initiated request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six feet to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet. The Planning Commission recommended in favor of the request by a 6-1 vote.

STAFF RECOMMENDATION: To approve the request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet.

Motion by Commissioner Gorman, second by Commissioner Hood, to approve the request to amend the Form Based Code, Urban Residential and Lakeside Residential context areas of the zoning ordinance to reduce the minimum side setback (at non-street locations) requirement from six to five feet and reduce the side build-to-zone (at side street) from 10-25 feet to 5-25 feet.

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

Nays: German and Emory

MOTION PASSES – 2nd READING REQUIRED

B. Mercy Health Arena Floor Scrubber Mercy Health Arena

SUMMARY OF REQUEST: Mercy Health Arena is seeking funding for a new floor scrubber for Arena concourse, lower level, and locker rooms.

Mercy Health Arena is in desperate need of a new floor scrubber. We have been using an old one left behind by our previous cleaning contract, but we are spending time, energy and finances to keep it going as efficiently as we need. The Arena concourse gets a considerable amount of traffic, as well as the lower level and locker rooms. With limited resources and labor costs, we believe the proposed scrubber is necessary as we continue to keep the Arena in its best condition. Our cleaning regiment has increased substantially because of COVID, and a new modern machine is required. We are recommending to purchase the equipment from Pacific Floor Care, as they are located in the city limits. The machines will be manufactured in the City, and available to us within just a few days of ordering. We will be seeking partial reimbursement from FEMA, as their programming provides for reimbursement of COID-19 related cleaning/sanitizing equipment.

AMOUNT REQUESTED: $21,774.69

FUND OR ACCOUNT: State and Federal Grants

STAFF RECOMMENDATION: To approve the purchase of a floor scrubber from Pacific Floor Care at a cost not to exceed $21,774.69.

Motion by Commissioner Gorman, second by Commissioner Hood, to approve the purchase of a floor scrubber from Pacific Floor Care at a cost not to exceed $21,774.69.

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

Nays: None

MOTION PASSES

C. <u>Sales Agreement 2725 Olthoff</u> City Manager

SUMMARY OF REQUEST: Staff is seeking approval to sell approximately 20 acres of property at 2725 Olthoff Drive.

The site was originally procured from the Michigan State Land Bank, and previously housed the West Shoreline Correctional Facility. The property has a total of 64 acres, and approximately 34 are in the City of Muskegon. Staff seeks to sell approximately 20 acres of the property within the city limits for the purpose of redevelopment.

STAFF RECOMMENDATION: Approve the sales agreement and authorize the Mayor and Clerk to sign.

PUBLIC COMMENTS WERE RECEIVED ON THIS ITEM.

Motion by Commissioner Hood, second by Commissioner Gorman, to approve the sales agreement and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

D. <u>Watch Muskegon Marketing</u> City Clerk

SUMMARY OF REQUEST: The Watch Muskegon Committee put out a Request for Qualifications to put a campaign together to continue with the Watch Muskegon brand. After reviewing all proposals, the committee determined that Kindred closely matched the needs of the campaign at this stage.

The City received proposals from Kindred, CMF Marketing, Fine Line, RCP Productions, and Revel. After reviewing all proposals, the committee felt that Kindred most closely matched the needs of the campaign at this time.

AMOUNT REQUESTED: Up to $60,000 – The Watch Campaign account will contribute $20,000, the Public Relations Committee will contribute $20,000. The rest will be obtained from private donors.

FUND OR ACCOUNT: Public Relations - $20,000

STAFF RECOMMENDATION: To authorize the City Clerk to enter into an agreement with Kindred for an amount not to exceed $60,000.

Motion by Commissioner Gorman, second by Commissioner Emory, to authorize the City Clerk to enter into an agreement with Kindred for an amount not to exceed $60,000.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Johnson discussed the idea of requesting alternate bids for different width pathways and the Commission agreed that it would be a good idea to receive alternate options and information before making a final decision. Director Evans should seek alternates bids for a 12 ft, 14 ft, and 16 ft width for the proposed pathway at Pere Marquette.

Senator Bumstead was in attendance and updated the Commission on several different bills that could have a significant impact on the community. The proposed bills include funding in several areas.

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

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

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk