

City of Muskegon
City Commission Meeting
Minutes

January 24, 2023, 5:30 pm
Muskegon City Hall
933 Terrace Street, Muskegon, MI 49440

Present: Mayor Ken Johnson
Commissioner Rachel Gorman
Commissioner Rebecca St.Clair
Commissioner Eric Hood
Vice Mayor Willie German, Jr.
Commissioner Michael Ramsey
Commissioner Teresa Emory

Staff Present: City Manager Jonathan Seyferth
City Attorney John Schrier
City Clerk Ann Meisch

1. Call To Order

Mayor Johnson called the meeting to order at 5:30 p.m.

2. Prayer

Pastor Tara Foreman from Bethany Christian Reformed Church opened the meeting with prayer.

3. Pledge of Allegiance

The Commission and public recited the Pledge of Allegiance to the Flag.

4. Roll Call

As recorded above.

5. Honors, Awards, and Presentations

5.a Resolution Honoring Connie Navarro

The City of Muskegon recognizes and honors the late Erenia "Connie" Navarro as a community leader, a Latino champion, civil rights giant, small business owner, social agency worker, volunteer, wife, mother and friend of countless Muskegon Citizens. A resolution recognizing years of service was read in English and in Spanish in front of family, friends, and community members.

Action No. 2023-14

Motion by: Vice Mayor German

Second by: Commissioner Ramsey

To designate Walton Avenue from Terrace to Pine Streets as Connie Navarro Way.

MOTION PASSES

5.b Mental Health Crisis Team- Introduction/Presentation

Public Safety Director Tim Kozal introduced Heather Wiegand, HealthWest Supervisor. Heather Wiegand introduced Office Andy McKee and Michelle Pouch, a Master Clinician Social Worker. Michelle will be our Master Clinician Social Worker and is embedded with the Muskegon Police Department to go on calls with officers for mental crises.

6. Public Comment on Agenda Items

Public comments were received.

7. Consent Agenda

Action No. 2023-15

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To accept the consent agenda as presented, minus items B, D, H, I, and J.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

7.a Approval of Minutes - City Clerk

To approve the minutes of the December 28, 2022 Special Meeting.

STAFF RECOMMENDATION: To approve the minutes.

7.c Signing Purchase Agreements - City Manager

Staff is requesting approval of a resolution which specifies who can sign purchase agreements on behalf of the city.

The resolution names Jonathan Seyferth and LeighAnn Mikesell as city employees who are authorized to sign purchase agreements on behalf of the city.

STAFF RECOMMENDATION: To approve the resolution authorizing specific city staff to sign purchase agreements on behalf of the city.

7.e Sale of 1334 Pine Street - City Manager

Staff is requesting approval of a purchase agreement for 1334 Pine Street. 1334 Pine Street was constructed through the agreement with Dave Dusendang to construct infill housing with ARPA funding. The offer is for the full listing price and is contingent on the sale of the buyer's current home. The realtor will allow 14 days for the buyer to sell their current home, then continue to accept offers.

STAFF RECOMMENDATION: To approve the purchase agreement for 1334 Pine Street.

7.f Sale of 373 Catawba Avenue - City Manager

Staff is requesting approval of a purchase agreement for 373 Catawba Avenue. 373 Catawba Avenue was constructed through the agreement with Dave Dusendang to construct infill housing with ARPA funding. The offer is for the full listing price with no seller concessions.

STAFF RECOMMENDATION: To approve the purchase agreement for 373 Catawba Avenue.

7.g Special Events - DPW

Staff is seeking approval of a proposed change to the Special Event Policy. The revised Special Event Policy with the proposed addition of not closing Western Ave for a walk or run is provided. This was discussed at the October 10, 2022 Worksession meeting but staff neglected to include the change in the policy.

STAFF RECOMMENDATION: To approve the change to the Special Event Policy.

7.k Sale of 548 E. Dale - Community and Neighborhood Services

Seeking authorization to sell 548 E Dale to a qualified buyer. The CNS Department utilized HOME Investment Partnership Program funds to rehabilitate a home at 548 E Dale to sell through our Homebuyer Program. Renovations are completed, and a qualified buyer, Lindsey Sweezer, has put in an offer of \$145,000 with a \$14,000 subsidy, which CNS has accepted. Income from this sale will be reinvested in our programming.

STAFF RECOMMENDATION: Adopt the resolution for the sale of 548 E Dale to Lindsey Sweezer and authorize the City Clerk to sign it.

7.b Community Relations Commission Recommendations - City Clerk

To concur with the CRC recommendations to remove member from the Farmers Market Advisory Board and make the appointments detailed below.

The CRC recommends:

- Removing Woody Van Blargan – Seasonal Food Vendor – Term Expiring 1/31/2024 from the Farmers Market Advisory Board.
- Making the following appointments:
- **Board of Review** - Reappoint Pamela Smith; Appoint Clinton Todd & Don Hammond (Citizens)
- **Citizen's Police Review Board** – Reappoint William Muhammad & Rozelia Patino (Members of a Minority-Based Organization), Robert Roundtree (Citizen At-Large), Ron Hayward & Ann Craig (Neighborhood Association Representatives); Appoint Eric Hood (Law Enforcement Professional)
- **Civil Service Commission** – Reappoint Johnny Brown (Citizen)
- **Construction Code Board of Appeals** – Reappoint Lane Bensten (Electrical), Joshua Ohst (Public Health) and Wade VandenBosch (Construction Manager)
- **Downtown Development Authority** – Reappoint Jay Wallace (Member with interest in the property in the district), Brad Hastings & Martha Bottomley (Citizens) & Doug Pollock (Resident of the

district); Appoint Kiel Reid & Bob Tarrant (Members with interest in the property in the district)

- **Election Commission** – Reappoint Casey Allard (Citizen)
- **Equal Opportunity Committee** – Reappoint Jared Gazarek (Citizen representing Ward 2)
- **Farmers Market Advisory Board** – Reappoint Jon Visser (Seasonal Farmer), Kathi Upman (Seasonal Crafter/Artisan), & Cindy Larsen (Citizen)
- **Historic District Commission** – Reappoint Kimi George (Person with occupational or financial interest in one or more of the historical districts) & David Gregersen (Citizen)
- **Housing Code Board of Appeals** – Reappoint Kim Burr (Citizen); Appoint Steven Frantz (Citizen)
- **Housing Commission** – Reappoint Ken Grant (Citizen)
- **Income Tax Board of Review** – Appoint Bethanny Cody (Resident)
- **Lakeside Business Improvement District** – Reappoint Louise Hopson & Kathy Fearnley (Assessed property owners or their representatives)
- **Local Officer's Compensation Commission** – Reappoint Marty Ferriby (Citizen)
- **Planning Commission** – Reappoint Bryon Mazade, Larry Spataro & Jill Montgomery-Keast (Citizens)
- **Zoning Board of Appeals** – Reappoint Virginia Taylor, Jill Montgomery-Keast, & Jonathan Witmer (Residents); Appoint Mike Gallavin (Resident)

STAFF RECOMMENDATION: To concur with the recommendation of the CRC to make the above removal and appointments.

Action No. 2023-16

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To concur with the recommendation of the Community Relations Committee to make the above removal and appointments.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

7.d Sale of 1330 Pine Street - City Manager

Staff is requesting approval of a purchase agreement for 1330 Pine Street. 1330 Pine Street was constructed through the agreement with Dave Dusendang to construct infill housing with ARPA funding. Once seller concessions are included, the offer is for the full listing price.

STAFF RECOMMENDATION: To approve the purchase agreement for 1330 Pine Street. The buyer requested a refrigerator, stove, and air conditioning, the sales price was increased to cover the additional costs.

Action No. 2023-17

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To approve the purchase agreement for 1330 Pine Street.

Ayes: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, and Commissioner Ramsey

Absent (1): Commissioner Emory

MOTION PASSES (6 to 0)

7.h 2023 User Fee Update - Finance

City Departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution that is provided for your consideration.

STAFF RECOMMENDATION: To approve the 2023 Master Fee Resolution.

Action No. 2023-18

Motion by: Commissioner Ramsey

Second by: Commissioner Hood

To approve the 2023 Master Fee Resolution

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

7.i Deficit Elimination Plan - Marina - Finance

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

At June 30, 2022 the Marina Fund had a \$395,374.00 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 Sewer Fund are attached.

AMOUNT REQUESTED: \$450,000

FUND OR ACCOUNT: General Fund to Marina Fund

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

Action No. 2023-19

Motion by: Commissioner Ramsey

Second by: Commissioner Emory

To approve the deficit elimination resolution for the Marina Fund.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

7.j Deficit Elimination Plan- Brownfield Redevelopment Authority (combined) - Finance

To approve the Deficit Elimination plan and resolution for the Brownfield Redevelopment Authority (combined) and direct staff to submit plan to the State of Michigan.

At June 30, 2022 the Brownfield Redevelopment Authority (combined) had a \$64,211.00 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 Brown Field Redevelopment are attached.

STAFF RECOMMENDATION: To approve the deficit elimination resolution for the Brownfield Redevelopment.

Motion by: Vice Mayor German

Second by: Commissioner Hood

To approve the deficit elimination resolution for the Brownfield Redevelopment.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

8. Public Hearings

9. Unfinished Business

10. New Business

10.a Housing Board of Appeals, Demolition - 835 W. Forest, 1043 Washington, and 1642 Dyson - Public Safety

To concur with the Housing Board of Appeals decision to demolish and authorize administration to obtain bids for the demolition and that the Mayor and Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Housing Board of Appeals has deemed 835 W Forest, 1043 Washington and 1642 Dyson to be in property maintenance violation. Property has been a long-standing area of blight and public nuisance/hazard.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish and authorize administration to obtain bids

for the demolition and that the Mayor and Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Action No. 2023-21

Motion by: Commissioner Ramsey

Second by: Commissioner Emory

To concur with the Housing Board of Appeals decision to demolish and authorize administration to obtain bids for the demolition and that the Mayor and Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder for the property at 1642 Dyson Street.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

Action No. 2023-21

Motion by: Commissioner Ramsey

Second by: Commissioner Emory

To concur with the Housing Board of Appeals decision to demolish and authorize administration to obtain bids for the demolition and that the Mayor and Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder for the property at 1043 Washington Avenue.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

Action No. 2023-21

Motion by: Vice Mayor German

Second by: Commissioner Hood

To table the decision regarding demolition of 835 W. Forest until the February 28, 2023 City Commission meeting.

Ayes: (7): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION PASSES (7 to 0)

10.b First Amendment to Parkland Marina, LLC Development Agreement - City Manager

The objective of this amendment is to memorialize the public access commitments within the 350 Shoreline Drive Development Agreement with Parkland Marina, LLC. Public access under the former dedication is temporarily restored until construction commences and new public access is guaranteed within project as a condition to issuing building permits. The amendment also extends certain deadlines and provides a payment to the City from Parkland Marina, LLC in the amount of \$25,000.00.

This first amendment to the development agreement between the City and Parkland Marina, LLC grants the public a temporary license which returns public access to its status prior to the sale of the development property to Parkland Marina, LLC until construction commences. Additionally, the City and Parkland Marina, LLC must approve a new public access instrument prior to the issuance of any building permits. The amendment also increases the purchase price for the development property from \$1.00 to \$25,000.00, extends certain deadlines, and requires the City to vacate the “driveway” within the former dedication pursuant to City ordinance.

City staff identified certain public access commitments discussed with the developer that needed to be included or clarified in the written Development Agreement signed March 25, 2021. City staff and the developer met in the Summer of 2022 to discuss putting those commitments in writing. The amendment was delayed due to a lawsuit filed against the City by a neighboring property owner related to the Development Agreement on August 24, 2022. The purchase price increase, deadline extensions, and the requirement for the City to “vacate” the former dedication are included to address issues raised in that lawsuit. In discussion with legal counsel, the new obligations and increased purchase price can potentially resolve the lawsuit which concerns the value received by the City for the sale of the development property. The City receives a commitment by the developer to restore public access now and at the completion of the project, receives an additional \$25,000.00, and the only concession is to extend the developer’s deadline due to

delays caused by the lawsuit. This is fair consideration for the development property taking into account that the development property was burdened by a permanent easement for parking lot purposes which could never terminate without the developer's agreement, the environmental concerns with the development property, and the fact that public access is guaranteed before and after construction of the project. A public hearing would be held to vacate the former dedication's "driveway."

STAFF RECOMMENDATION: To approve the First Amendment to the Development Agreement between the City of Muskegon and Parkland Marina, LLC

Action No. 2023-22

Motion by: Commissioner Hood

Second by: Commissioner Ramsey

To approve the First Amendment to the Development Agreement between the City of Muskegon and Parkland Marina, LLC.

Ayes: (1): Mayor Johnson

Nays: (6): Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, Commissioner Ramsey, and Commissioner Emory

MOTION FAILS (1 to 6)

11. Any Other Business

Debra Santiago-Sweet, Community Engagement Manager for the City of Muskegon, invited participation in two upcoming public events.

12. Public Comment on Non-Agenda items

Public comments were received.

13. Closed Session

14. Adjournment

Motion by: Commissioner Ramsey

Second by: Commissioner St.Clair

To adjourn the City Commission Meeting at 9:35 p.m.

MOTION PASSES

Respectfully Submitted,
Ann Marie Meisch, MMC – City Clerk