

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 22, 2019 @ 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, January 22, 2019. Pastor Tim Cross, Living Word 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 Stephen J. Gawron, Commissioners Ken Johnson (arrived at 5:35 p.m.), Byron Turnquist, Debra Warren, Willie German, Jr., and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney Brian Lieberman, and City Clerk Ann Meisch.

Absent: Vice Mayor Eric Hood

HONORS AND AWARDS:

Public Safety Director, Jeff Lewis, presented Pastor Time Cross with a plaque to show appreciation for the support that Pastor Cross and Living Word Church has shown to the Muskegon Police Department.

2019-05 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the January 7, 2019 Worksession and January 8, 2019 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Adopt a Resolution Approving the Liquor License Application for Rake Beer Project, LLC City Clerk

SUMMARY OF REQUEST: To adopt a resolution approving the request for a

Liquor License for Rake Beer Project, LLC to be issued a Micro Brewer's License and Small Wine Maker's License.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt a resolution approving the request.

C. Citizen's Police Review Board By-laws Amendment City Clerk

SUMMARY OF REQUEST: To amend the Citizen Police Review Board bylaws and have the Minority Based organizations state:

The following organizations shall qualify as Minority Based Organizations pursuant to Section II A (1) of the Citizen's Police Review Board Policy:

1. Muskegon Urban League (inactive/no longer exists)
2. NAACP – Muskegon Chapter
3. Latinos Working for the Future (inactive/no longer exists)
4. Hispanic Community Services Coalition
5. Nation of Islam
6. Ad Hoc Committee for Equality and Justice (inactive/no longer exists)

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To amend the Citizen Police Review Board bylaws as stated.

D. 2019 Dozer Rental for Beach Leveling Department of Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into a rental agreement with Contractors Rental Corporation out of Grand Rapids, Michigan for a John Deere 850K WLT Dozer for leveling sand at Pere Marquette Beach.

FINANCIAL IMPACT: Estimated cost of the 2019 Dozer rental is \$9,800 (which includes \$550 for delivery and pickup).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

E. Administrative Vehicle Replacement Department of Public Works/Equipment

SUMMARY OF REQUEST: Authorize staff to purchase two (2) Chevy Impalas from Berger Chevrolet off of the Oakland County Contract. This will replace the two oldest administrative vehicles currently being used. Cost to the City will be \$23,078.00 per vehicle.

FINANCIAL IMPACT: \$23,078.00 x 2, for a total price of \$46,156.00.

BUDGET ACTION REQUIRED: None. This is the amount budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase two (2) Chevy Impala's from Berger Chevrolet.

F. SP 91820 Pere Marquette Park Recreational Improvements Department of Public Works

SUMMARY OF REQUEST: To award contract (SP 91820) for park recreational improvements of the Pere Marquette Park bath house and playground area, along with alternates 1, 3, and 4.

Six contractors submitted bids for this as follows:

Tridonn Construction Co.	\$466,026.00
Patron Construction Inc	\$487,808.77
Muskegon Quality Builders, Inc	\$498,363.00
JKB Construction Inc	\$548,725.00
Griffith Builders Inc	\$558,337.00
TJM Services	\$640,073.20

FINANCIAL IMPACT: \$466,026.00

BUDGET ACTION REQUIRED: None. Initially budgeted for \$385,000.00 from the CIP but will be adjusted in the next budget reforecast.

STAFF RECOMMENDATION: Award the project to the low bidder, Tridonn Construction, Inc.

G. LC Walker Arena – HVAC Upgrades City Manager

SUMMARY OF REQUEST: City staff is requesting approval of the proposal to undertake significant upgrades to the HVAC system at the LC Walker Arena. The Arena's current steam boiler system is original to the building and is both inefficient and unreliable. The upgrade will result in significant utility savings annually. This improvement will be combined with recently approved improvements to the roof and dehumidification system and staff will be presenting Commissioners with financing options at the February Work Session. The DDA has indicated initial support of \$215,000 annually to assisting with the annual debt payment associated with these improvements.

FINANCIAL IMPACT: \$697,894

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To authorize the City Manager to accept the proposal from Hurst Mechanical.

Motion by Commissioner Turnquist, second by Commissioner German, to

approve the consent agenda as presented, except item G.

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

Nays: None

MOTION PASSES

2019-06 ITEMS REMOVED FROM CONSENT:

H. Management Agreement Between City of Muskegon and Parkland Acquisition Two, LLC City Manager

SUMMARY OF REQUEST: City staff is requesting approval of the management agreement with Parkland Acquisitions Two. Parkland will be operating the convention center on behalf of the City of Muskegon.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign.

Parkland Acquisition Two, LLC owner, Jon Rooks, addressed the City Commission regarding this item.

Motion by Commissioner Warren, second by Commissioner Rinsema-Sybenga, to approve the agreement and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

2019-07 PUBLIC HEARINGS:

A. Request to Establish an Obsolete Property District – 285 West Western Avenue Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Parkland Muskegon, Inc, has requested the establishment of an Obsolete Property District for their property at 285 W Western Avenue. The establishment of the Obsolete Property District would allow them to apply for an Obsolete Property Rehabilitation Exemption Certificate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the creation of the district.

PUBLIC HEARING COMMENCED:

John Rooks, 285 W. Western property owner explained the Obsolete Property District.

Michael Haueisen, 903 Turner, encouraged commissioners to approve the District and Certificate.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga, to close the public hearing and approve the creation of the district.

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

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate – Parkland Muskegon, Inc – 285 West Western Avenue Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Parkland Muskegon, Inc. has requested the issuance of an Obsolete Property Certificate for their property located at 285 W Western Avenue. Total capital investment for this project is estimated to be \$508,450 and tenants will include a market and a credit union. The investment amount qualifies the applicant for a 12-year abatement.

FINANCIAL IMPACT: If an Obsolete Property Certificate were issued, the property taxes would be frozen at the pre-rehabilitated rate for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the Obsolete Property Rehabilitation Exemption Certificate.

PUBLIC HEARING COMMENCED:

No public comments were received.

Motion by Commissioner Warren, second by Commissioner German, to close the public hearing and approve the Obsolete Property Rehabilitation Exemption Certificate for 285 W. Western.

Motion by Commissioner Johnson, second by Commissioner Warren, to amend the motion to have the certificate be for a duration of six years rather than twelve years.

ROLL VOTE: Ayes: Johnson

Nays: German, Rinsema-Sybenga, Turnquist, Gawron, and Warren

MOTION FAILS

ROLL VOTE ON ORIGINAL MOTION: **Ayes: Warren, German, Rinsema-Sybenga, Turnquist, Gawron**

Nays: Johnson

MOTION PASSES

2019-08 NEW BUSINESS:

A. Convention Center Construction Management Services – Preconstruction Agreement City Manager

SUMMARY OF REQUEST: City staff is requesting approval of the agreement with Clark Construction Company to assist in the preconstruction phase of the convention center development. It is important to bring the preferred construction manager onto the project during the final design phases to help ensure a quality project that can be completed on time and on budget. Staff anticipates returning to the Commission in the coming weeks with the contract to award the Construction Management Services contract to the same contractor.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement and authorize the Mayor and Clerk to sign.

Jeff Salowitz, Clark Construction Company, explained the process and their role.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to approve the agreement and authorize the Mayor and Clerk to sign.

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

Nays: None

MOTION PASSES

B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish Public Safety

157 Allen Avenue

1934 Hudson Street

1505 Sixth Street

1853 Sanford Street

2555 Morton Avenue

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 thirty (30) days or infraction tickets may be issued. 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 contracts 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:

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Turnquist, second by Commissioner Johnson, to concur with the Housing Board of Appeals decision to demolish 157 Allen, 1934 Hudson, 2555 Morton, and 1853 Sanford.

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

Nays: None

MOTION PASSES

Motion by Commissioner German, second by Commissioner Warren, to concur with the Housing Board of Appeals decision to demolish 1505 6th Street.

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

Nays: Warren

MOTION PASSES

C. Amendment to the Medical Marihuana Facilities Licensing Overlay District
Planning & Economic Development

SUMMARY OF REQUEST: The property owner at 185 W. Laketon Avenue is requesting to amend the Medical Marihuana Licensing Facilities Act (MMFLA) Overlay District to include their property within the district.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff does not recommend approval of the amendment.

COMMITTEE RECOMMENDATION: At the January 10 Planning Commission meeting, a motion was made to approve the amendment as presented. The Planning Commission voted 6-2 against the motion.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson,

to include the property at 185 W. Laketon Avenue into the Medical Marihuana overlay district.

ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, and Warren

Nays: Turnquist, Gawron, and German

MOTION FAILS (NO ACTION)

ANY OTHER BUSINESS:

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk