CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 14, 2020 @ 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 14, 2020, Pastor EJ Wood, All Shores Wesleyan Church, opened the meeting with a 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, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Teresa Emory, and Michael Ramsey, Acting City Manager Elizabeth Lewis, City Attorney John Schrier, and City Clerk Ann Meisch.

HONORS AND AWARDS:

A. <u>Recognition of Inclusive Leadership Academy</u>

Dwana Thompson, City of Muskegon's EEO & Employment Relations Director, gave an overview of the Inclusive Leadership Academy.

2020-04 CONSENT AGENDA:

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

SUMMARY OF REQUEST: To approve the minutes of the December 9, 2019 Worksession Meeting, the December 10, 2019 Regular Meeting, and the January 6, 2020 Organizational Meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. <u>Muskegon Fire Department Turnout Gear</u> Public Safety

SUMMARY OF REQUEST: Purchase ten (10) sets of turnout gear consisting of the Turnout coats and pants; Gemtor harness and Gemtor harness attachment system. Nine (9) are for the new firefighters and one (1) for Lt. Keith McMillian. McMillan's turnout gear has worn past its useful state. The total purchase price for one complete set of turnout gear is $2,437.26. Total purchase request is

$24,372.60.

STAFF RECOMMENDATION: Approve the purchase of turnout gear for the Muskegon Fire Department.

D. <u>Addendum Lease Agreement for HVAC/Dehumidification Upgrades at Mercy Health Arena</u> Finance

SUMMARY OF REQUEST: In May 2019 the Commission approved the lease agreement with Team Financial for the HVAC/Dehumidification Upgrades at the Mercy Health Arena. The work is complete, however some additional mechanical & plumbing work needed to be done and new return lines in the Locker Rooms and North West Concourse Restrooms were needed because the existing lines ruptured. The additional costs were $76,872.39 and staff is seeking authorization to sign an addendum to the lease agreement with Team Financial for $76,872.39.

After work began to upgrade the Dehumidification and HVAC systems the original supplier of the Dehumidification Unit backed out. A new supplier had to be secured creating a delay that put strain on our old system that required Hurst to do a lot of troubleshooting and repairs to keep the system going until the new one arrived. This also includes the work done to replace heating lines on an emergency basis after they ruptured. Please note on the backup that they did take the rebates they will get from DTE and Consumers Energy off of the additional amount we are being charged.

STAFF RECOMMENDATION: To authorize staff to sign an addendum to the Lease Agreement with Team Financial for $76, 872.39 for HVAC/Dehumidification upgrades at Mercy Health Arena.

E. <u>Metro Act Permit ACD Extension</u> Public Works

SUMMARY OF REQUEST: Approve the extension of an existing Metro Act permit from ACD.net to access and use the public right-of-way within the city.

KEPS Technologies, Inc dba ACD.net, currently holds a Metro Act permit with the City of Muskegon. That agreement is set to expire on 2/10/2020. ACD.net has requested a five year extension, to the date of 2/10/2025.

STAFF RECOMMENDATION: Approve the extension to the Metro Act permit for ACD.net.

F. <u>Metro Act Permit Charter Update</u> Public Works

SUMMARY OF REQUEST: Approve the modification to an existing Metro Act permit from Charter Communications LLC to access and use the public right-of-way within the city.

Charter applied for and was granted a Metro Act permit from the City of Muskegon in 2014 with a term of 15 years. The Metro Act permit was obtained to allow for Charter to provide data services to commercial customers. In keeping with section 2.1 of the Metro Act form, Charter is providing the attached map and description as an update.

STAFF RECOMMENDATION: Approve the update to the Metro Act permit for Charter Communication.

H. <u>Vehicle Charging Stations</u> Public Works

SUMMARY OF REQUEST: The Department of Public Works is requesting approval to purchase and install three (3) Vehicle Charging Stations.

The Department of Public Works is requesting to purchase three (3) Charge point car charging stations and have Windemuller install the stations for $28,460.00. Staff is recommending replacement of the existing station at Pere Marquette Park, replacement of the existing station at Western/1st and installation of a new station on Western Avenue near the Convention and Visitors Bureau (CVB). Staff is recommending we decline the 4th location (Morris/3rd) at this time.

Consumers Energy has awarded us $15,000 in grants ($5,000 per unit) and Community Foundation will contribute at least $8,140.00 to help fund the project. With those contributions the net cost to the city is $5,320.00.

STAFF RECOMMENDATION: Authorize staff to contract with Windemueller Electric for the purchase and installation of three (3) Chargepoint Electric Vehicle Charging Stations for a total cost of $28,460.00 and authorize the City to accept the funding from Consumers Energy and the Community Foundation to partially offset the cost of this project.

K. <u>Easement Agreement</u> Planning

SUMMARY OF REQUEST: Staff is seeking approval of the easement agreements. These easement agreements will allow for access to the development as well as access to the Hartshorn boat launch.

As part of the planned development, the access road that services the Hartshorn boat launch will be replaced with a non-motorized path and green space. A new access point for the boat launch will be installed as part of the development along the western edge of the Fricano Center property. The owners are granting the City a permanent easement to access the boat launch as well as a temporary easement to access the boat launch during Phase 1 construction. In return, the City is providing the developer a permanent easement to access the development along the north side of the railroad tracks. Once these easements are recorded, we should see construction within 60-90 days.

STAFF RECOMMENDATION: Approve the Agreement and authorize the Mayor to sign.

L. Termination of Restrictive Covenant Planning

SUMMARY OF REQUEST: Request to terminate the restrictive covenant that states that structures may not be placed within the vacated alleys adjacent to lots 3 & 4 of the Seaway Industrial Park.

In 2019, the City Commission approved a purchase agreement for the sale of lots 3 & 4 of Seaway Industrial Park. After performing title work, it was discovered that there is a restrictive covenant on the property relating to the alley vacations that were executed in 2003. The restrictive covenant states: "No structure shall be placed in the easement which, in the sole judgment of the City, will interfere wit the repair or maintenance of utilities in the easement, public or private." However, there are no active utilities within these vacated alleys. The buyer is requesting that the City sign the "Termination of Restrictive Covenant" document.

STAFF RECOMMENDATION: To approve the Termination of Restriction resolution and authorize staff to sign.

M. Termination of Interests Planning

SUMMARY OF REQUEST: Request for the City Commission to terminate and release all of its easements, rights and interests; which relates to vacated alleys on the property that Grand Rapids Catholic Diocese will be purchasing from the City (former Park St. Storage location).

STAFF RECOMMENDATION: To approve the Termination of Interests document and authorize staff to sign.

N. Third Amendment to Shared Use Agreement Finance

REMOVED PER STAFF REQUEST

O. CRC Resignation, Removal, Appointment and Re-Appointment Recommendations City Clerk

SUMMARY OF REQUEST: To accept resignations, removals, appointments, and re-appointments for various community relations committees, boards, authorities, and commissions.

To accept removals, appointments, and re-appointments for various community relations committees, boards, authorities, and commissions as follows:

- Removals of Carrie Johnson and Eleanor Canter of the Community Development Block Grant/Citizen's District Council.
- Appointments/Reappointments to the following boards:

Board of Review

Reappoint: Mary Jamieson (Citizen) and Clinton Todd (Citizen)
Appoint: Martha Bottomley (Citizen)

Citizen Police Review Board

Reappoint: David Bukala (Law Enforcement Official), Ruby Clark (Neighborhood Association Rep.), and Josie James (Member of Minority Based Org.)

CDBG/CDC

Appoint: James Chabot (Citizen Ward 1) and Marie Cisneros (Citizen at Large)

Construction Code Board of Appeals

Reappoint: Bion Boucher (Architect), Harold Callender (Plumbing), James Fox (Electrical), and Michael McPhall (Fire)

Downtown Development Authority

Reappoint: Paul Edbrooke (Citizen) and Michael Kleaveland (Interest in the District)

Election Commission

Reappoint: Casey Allard (Citizen)

Equal Opportunity Committee

Reappoint: Kimberly Williams (Ward 4)

Appoint: Jared Gazarek (Citizen Ward 2), Patsy Petty (Citizen Ward 1), and Ana Zuber (Citizen At Large)

Historic District Commission

Reappoint: Steven Radtke (Citizen) and Kimi George (Resides or Has Interest in Historic District)

Housing Code Board of Appeals

Reappoint: Kim Burr (Citizen) and Boyd Arthur (Citizen)

Housing Commission

Appoint: Jake Eckholm (Citizen)

Income Tax Board of Review

Appoint: Carrie Frees (Resident)

Local Development Finance Authority

Reappoint: Andy Wible (Citizen)

Appoint: Todd Halterman (Citizen)

Local Officers Compensation Commission

Reappoint: Dwayne Lang (Citizen)

Planning

Reappoint: Bryon Mazade (Citizen) and Jill Montgomery-Keast (Citizen)

Appoint: Larry Spataro (Citizen)

Zoning Board of Appeals

Reappoint: Ernest Fordham (Citizen) and Jonathan Witmer (Citizen)

Appoint: Terry Puffer (Citizen)

STAFF RECOMMENDATION: To concur with the recommendations of the Community Relations Committee.

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

to accept the consent agenda as presented, except items C, G, I, and J.

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

Nays: None

MOTION PASSES

2020-05 CONSENT AGENDA:

A. <u>Arena Digital Sign Replacement</u> Information Technology

SUMMARY OF REQUEST: Currently, the Arena's digital sign located on Shoreline drive is not functioning. The electronics, manufactured in 1997, are continually breaking down. We have spent months working with multiple vendors on quotes for a new 10mm LED message board with updates to the marquee for the Arena. Four offers were received ranging from $65,888 to $108,117; we are recommending the Vizidef proposal for $65, 888.

STAFF RECOMMENDATION: Approve the Vizidef quote for $65,888.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to approve the Vizidef quote for $65,888.

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

Nays: German

MOTION PASSES

G. <u>Janitorial Services</u> Public Works

SUMMARY OF REQUEST: Staff is requesting authorization to approve a janitorial contract with Goodwill Industries of West Michigan to provide services at City Hall and the Public Works building.

Staff solicited bids for new 3-year janitorial contact (with 4th year option) for City hall and Public Works buildings. There were three bidders for the contract. The three year bid total for the contract was as follows:

- Professional Building Services - $142,230.00
- Goodwill Industries of West Michigan - $145,668.32
- Reliant Professional Cleaning - $236,656.00

Staff is recommending the contract be awarded to the second low bidder; Goodwill Industries West Michigan. Goodwill Industries West Michigan bid total for the three (3) year contract is 2.4% ($3,438.32) higher than the low bidder. Goodwill is based within the City of Muskegon and eligible for local preference. In addition, Goodwill provides opportunities that encourage social equity in the community. Being locally based and providing additional social equity programs in the community resulted in staff recommending Goodwill be awarded the contract. Both to the two low bid firms had positive references and either deemed qualified to complete the work as described.

STAFF RECOMMENDATION: Authorize staff to award the City Hall and Public Service Building janitorial contract to Goodwill Industries West Michigan for three years in the amount of $145,668.32 with an optional 4th Year at $49,000.00.

Motion by Commissioner German, second by Commissioner Rinsema-Sybenga, to authorize staff to award the City hall and Public Service Building janitorial contract to Goodwill Industries West Michigan for three years in the amount of $145,668.32 with an optional 4th Year at $49,000.

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

Nays: None

MOTION PASSES

I. <u>Urban Deer Management</u> Public Works

SUMMARY OF REQUEST: Staff is bringing forward a Cooperative Services Agreement and Work Initiation Document with the United States Department of Agriculture (USDA) and a Damage and Nuisance Control Permit with the Michigan Department of Natural Resources (MDNR) for Urban Deer Management within the City of Muskegon.

STAFF RECOMMENDATION: Authorize staff to sign the Cooperative Services Agreement and Work Initiation Document with the United States Department of Agriculture (USDA) and a Damage and Nuisance Control Permit with the Michigan Department of Natural Resources (MDNR).

The USDA Agreement is the culmination of the research and efforts that have been put into this program. If approved the USDA will work with the City and private land owners to set up baiting stations. The USDA will make one trip to set up the bait station which will then in the interim be manned by the city as needed, after the bait stations are active the USDA will provide sharpshooters for 4-5 nights to cull deer at the bait stations. The number of deer to be culled is still pending receipt of the final nuisance permit from MDNR but is anticipated to be in the range of 20-40 with early indications being towards the higher end of that range.

The MDNR agreement is still a draft thought we expect very little changes going forward. It still requires review from the statewide whitetail deer supervisors before issuance. The permit outlines the maximum allowable harvest to be set at 30 animals and spells out additional conditions including the allowable timeframes.

During the nights of the cull DPW and PD will have staff on hand to ensure public safety and assist with the handling and transporting of any culled animals.

USDA will collect samples from the animals for disease testing, and the city will be informed of any tests that are determined positive for disease. The remainder of the animal will be transported to Public Works for temporary storage before being transferred onto a processor. The city will work with the non-profit group Sportsmen Against Hunger to have the animals processed with all meat to be donated to local charity groups.

The USDA portion of this work is defined as $12,906.57 for one (1) setup visit and four-five (4-5) trips to cull animals. USDA will cull as many animals as possible up to the maximum allowable under our MDNR nuisance permit. City DPW and PD staff will have additional costs involved with staffing these events and transporting animals. Processing costs are covered by Sportsmen Against Hunger. Total estimated costs for the cull is estimated in the range of $20,000.

Motion by Commissioner German, second by Vice Mayor Hood, to authorize staff to sign the Cooperative Services Agreement and Work Initiation Document with the United States Department of Agriculture (USDA) and a Damage and Nuisance Control Permit with the Michigan Department of Natural Resources (MDNR).

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

Nays: None

MOTION PASSES

J. <u>Rezoning of 190 Wood Street</u> Public Works

SUMMARY OF REQUEST: Request to rezone the property at 190 Wood St from RM-1, Low Density Multi Family Residential to B-4, General Business District, by SYP Leasing, LLC.

The Planning Commission unanimously recommended approval of the rezoning at their December meeting.

STAFF RECOMMENDATON: To approve the rezoning of 190 Wood St from RM-1, Low Density Multi-Family Residential to B-4, General Business.

Motion by Commissioner German, second by Commissioner Johnson, to approve the rezoning of 190 Wood Street from RM-1, Low Density Multi-Family Residential to B-4, General Business.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Gawron mentioned the Expungement Clinic being conducted on Thursday, January 16, 2020 at the Michigan Works Building at 316 Morris Avenue from 2:00 until 8:00. Those interested are encouraged to pre-register.

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

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk