

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 23, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Moratorium on Fees for 2011 Vacant Buildings. PLANNING & ECONOMIC DEVELOPMENT
 - C. United States Bicycle Route 35 (USBR35). WATER FILTRATION
 - D. Budgeted Vehicle Replacement – Five Ford Rangers. PUBLIC WORKS
 - E. Request to Rescind Previous Commission Authorization and Authorize Purchase of Four Service Bodies and One Plow. PUBLIC WORKS
 - F. Amendment to the Zoning Ordinance – Regulations on Fencing. PLANNING & ECONOMIC DEVELOPMENT
 - G. Special Events Policy – Revisions. PLANNING & ECONOMIC DEVELOPMENT
 - H. Budgeted Equipment Purchase – Combination Sewer and Catch Basin Cleaner. PUBLIC WORKS
 - I. Approval of Realtor for NSP Properties. COMMUNITY & NEIGHBORHOOD SERVICES
 - J. Reclassification of Water Filtration Plant Supervisor Position. PUBLIC WORKS
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

A. SECOND READING: Rezoning Request for the Property Located at 1823 Commerce Street. PLANNING & ECONOMIC DEVELOPMENT

❑ NEW BUSINESS:

A. Youth Basketball League and Open Gym & Swim Proposal – Muskegon Public Schools. PLANNING & ECONOMIC DEVELOPMENT

B. 2011 Salary Schedule for Part-Time and Limited Term Employees and the 2011 Salary Schedule and Fringe Benefits for Non-Represented Employees. CITY MANAGER

C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 753 Oak Avenue. PUBLIC SAFETY

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Fill out a request to speak form attached to the agenda or located in the back of the room.
- Submit the form to the City Clerk.
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ CLOSED SESSION:

❑ ADJOURNMENT:

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: November 23, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the November 8th Commission Worksession Meeting and the November 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
November 8, 2010
City Commission Chambers
5:30 PM

MINUTES

2010-91

Present: Commissioners Warmington, Vice Mayor Gawron, Spataro, Wierengo, Shepherd, and Wisneski.

Absent: Commissioner Carter.

Blueways and Greenways.

Erin Kuhn and Kathy Evans presented the Blueways and Greenways plan. The Plan was funded in part by the Michigan Coastal Management Program, Michigan Department of Natural Resources and Environment through a grant from the NOAA, and leveraged with a lake Michigan Watershed Academy grant from the Chicago Metropolitan Agency for Planning and the U.S. EPA.

Definitions: A **Greenway** is an undeveloped land usually in cities, set aside or used for recreation or conservation. A **Blueway** is a body of water that features public access, recreational opportunities, and promotes interaction with the water. A **Green Infrastructure** is an interconnected network of open spaces and natural areas, such as greenways, blueways, wetlands, parks, and forests that contribute to the health and quality of life for communities and people.

Comprehensive Annual Financial Report.

Eric VanDop and Tim Arter of Brickley Delong were in attendance to present the shortened June 30, 2010 six month Comprehensive Annual Financial Report.

Wastewater Management Contract.

Robert Kuhn, former DPW Director, provided a history of the current Wastewater Contract and what the new Wastewater Management Contract will offer the City.

Dave Wendtland, former City Manager and resident at 1399 Nelson, agreed with the comments made by Robert Kuhn. The contract being offered is better than the current contract as is.

Scott Huebler, City Manager for the City of Whitehall, believes the agreement will serve everyone well.

This item will be taken up at a future Commission meeting.

City Investment Overview.

Tim Paul, Finance Director, gave a detailed explanation and short history of the City's investments. The City's priority is to make sure the funds are safe, the funds are accessible, and what the yield will be.

Special Events.

Tony Kleibecker, Public Safety Director, presented a draft Special Events Policy submitted by staff.

The Commission will review the policy and discuss it at a future meeting.

Any Other Business.

Comments were received from Commissioners and audience members.

Closed Session: Attorney/Client Privileged Communication.

Motion by Vice Mayor Gawron, seconded by Commissioner Shepherd to go into closed session for attorney/client privileged communication.

ROLL CALL VOTE:

Ayes: Wierengo, Wisneski, Gawron, Shepherd, Spataro, and Warmington.

Nays: None.

MOTION PASSES

Motion by Commissioner Wierengo, seconded by Commissioner Shepherd to come out of closed session.

MOTION PASSES.

Adjournment.

Motion by Vice Mayor Gawron, seconded by Commissioner Shepherd to adjourn at 7:45 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 9, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

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, November 9, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2010-92 HONORS AND AWARDS:

A. 2010 Employee Service Awards. CIVIL SERVICE

David Wendtland, Civil Service Commissioner, introduced the City employees. The Mayor and Commissioners thanked them for their years of service.

2010-93 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Meeting that was held on Tuesday, October 26, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Contractual Agreement - Michigan Department of State. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan Department of State whereby the Department of State will provide driver, vehicle, and related information to the City. The purpose for entering into this agreement is to assist code enforcers with

obtaining accurate information to meet district court requirements when completing civil infraction citations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

C. Liquor License Request – Ingalls Business Acquisition, Inc., 555 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Ingalls Business Acquisition, Inc., 555 W. Western (Mikes Inn) for a New Entertainment Permit to be held in conjunction with 2010 Class C Licensed Business.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

E. Fireworks Display Permit. CITY CLERK

SUMMARY OF REQUEST: Lisa Lohman, Performers of the U.S., is requesting approval of a fireworks display permit for November 17th at the Muskegon Lumberjacks game. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

F. Transmittal of 6/30/10 Comprehensive Annual Financial Report.
FINANCE

SUMMARY OF REQUEST: The City's *6/30/10 Comprehensive Annual Financial Report* (CAFR) has previously been distributed to City Commissioners. This audit covers the six month transition period that was needed for the City to change its fiscal year. At this time the CAFR is being formally transmitted to the Commission in accordance with state law. The CAFR has been prepared in accordance with GASB accounting standards. The CAFR also includes the single-audit of federal grants received by the City.

FINANCIAL IMPACT: None. The CAFR report summarizes the City's financial activities for the six-month transition period and includes the independent auditor's unqualified opinion on the City's financial statements.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Acceptance of the CAFR for the period ended 6/30/10.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Consent Agenda as read minus item D.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2010-94 ITEM REMOVED FROM THE CONSENT AGENDA:

D. Liquor License Request – Carlie & Tracy’s Saugatuck Breeze, LLC, 151 Shoreline Drive. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Carlie & Tracy’s Saugatuck Breeze, LLC for a New Resort Class C License to be issued under MCL 436.1531(3) with Entertainment Permit, Outdoor Service (1 Area), New Dance Permit, Official Food, and Three Additional Bar Permits (Total of 4) to be located at 151 Shoreline Drive.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license request for Carlie & Tracy’s Saugatuck Breeze, LLC, 151 Shoreline Drive.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2010-95 PUBLIC HEARING:

A. Request for an Industrial Facilities Exemption Certificate – Fleet Engineers. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Fleet Engineers, 1800 E. Keating Ave., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The company plans on making investments of \$1,145,863 in personal property improvements and \$517,157 in real property improvements. Under the City’s IFT policy, they are eligible for a twelve-year abatement on real property and a six-year abatement on personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve years on real property and six years on personal property.

The Public Hearing opened to hear and consider any comments from the public. Wes Eklund, 481 Seminole, President of Fleet Engineers answered questions from the Commission. No public comments were made.

Motion by Commissioner Spataro, second by Commissioner Wierengo to close the Public Hearing and approve the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve years on real property and six years on personal property for Fleet Engineers.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd

Nays: None

MOTION PASSES

2010-96 UNFINISHED BUSINESS:

A. SECOND READING: Amendments to the Zoning Ordinance – Modify Parking Restrictions. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2326 (Off-Street Parking and Loading) of Article XXIII (General Provisions) to modify parking restrictions in the downtown parking overlay district. The amendment would loosen the parking restrictions for small businesses that locate in to a previously existing building.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the amendments to the Zoning Ordinance to modify parking restrictions.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

2010-97 NEW BUSINESS:

A. Approval of Sale of City-Owned Home at 940 Wood. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community & Neighborhood Services Department to complete the sales transaction between Mr. Kenneth Baird for the totally rehabilitated home at 940 Wood, which is part of the City's Neighborhood Stabilization Program through the Michigan State Housing Development Authority Office of Community Development. Mr. Kenneth Baird's purchase price is \$48,500 with a subsidy of not more than \$15,000.

Our beautiful four bedroom, two and one-half bath home was previously blighted and visibly an eye-sore for the neighbors. As a part of the City's continuous neighborhood redevelopment efforts, the house was purchased by the CNS office from the Land Bank with NSP funds and completely rehabilitated with a newly constructed garage all funded with NSP dollars.

FINANCIAL IMPACT: The proceeds from the sale will be used to cover any extra costs associated with this rehab and to sustain our current investments under NSP program activities. Program income funds will be posted in MSHDA's OPAL reporting system for the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the sale of the City-owned home at 940 Wood Street and direct the CNS staff to complete the sale.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

B. Rezoning Request for the Property Located at 1823 Commerce Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 1823 Commerce from B-4, General Business District to B-5, Governmental Service District, by West Michigan Therapy. The applicant would like to run a Transitional Living Center at this location.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their October 14th meeting.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the rezoning request for the property located at 1823 Commerce Street.

ROLL VOTE: Ayes: Shepherd, Warmington, Wierengo, Wisneski, and Carter

Nays: Spataro and Gawron

MOTION PASSES – REQUIRES SECOND READING

C. Master Contract for the Muskegon County Wastewater System. CITY MANAGER

SUMMARY OF REQUEST: To consider approving the proposed Master Contract for the Muskegon County Wastewater System. This contract would replace the 1970 Access Rights Agreement and the 1998 Amended Service Agreement.

FINANCIAL IMPACT: The contract will be the basis for determining the wastewater rates charged to the City for the next 20(+) years.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to adopt the resolution as presented.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

D. Muskegon Summer Celebration Request. CITY MANAGER

SUMMARY OF REQUEST: Muskegon Summer Celebration is requesting to pay for City services rendered in 2010, over the next three years (2011-2013) in equal installments.

FINANCIAL IMPACT: \$70,621.50 is owed.

BUDGET ACTION REQUIRED: The 2010-2011 Budget would need to be amended to reflect this change.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Muskegon Summer Celebration request.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:53 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: November 23, 2010

Date: November 8, 2010
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Moratorium on fees for 2011 Vacant Buildings

SUMMARY OF REQUEST: Request to approve a moratorium on fees charged to owners of vacant buildings that are entering their third year billing cycle in 2011. Eligibility requirements for the moratorium of fees charged are proposed to remain the same as approved for the 2010 calendar year, but intended to apply only to buildings in their third year billing cycle. Waivers would be determined based on the criteria included on the attached staff memo.

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of a fee moratorium for vacant building invoices meeting the approved criteria.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commission
Cc: Bryon Mazade, City Manager
 From: Mike Cameron
 Date: November 8, 2010
 Re: Vacant Building Registration Conditional Fee Moratorium

In November of 2009, after meeting with the city commission, staff proposed a conditional moratorium of fees for building owners that were about to receive their second invoices in the program for the year 2010. The purpose of the conditional moratorium was to ease the burden of our vacant building registration program fees upon property owners that had highly maintained properties in excellent condition and that simply could not market their properties, but had placed the property for sale, rent or lease using professionals to market their building for them. After further discussion with the commission, it was also felt that the properties should meet certain other criteria, as listed below, to be eligible in 2010.

A property has already been invoiced at the first level and meets the criteria below to qualify for a moratorium of fee:

1. All taxes & fees, such as property taxes, mowing charges, past vacant building registration fees, landlord registrations, business registrations and any other applicable fees, must be fully paid and current.
2. All city supplied utilities for the property must be fully paid.
3. There were no environmental letters sent to the address or work performed at the address in the vacancy years in question.
4. The building owner can demonstrate that they have made recent investments in the vacant building during the vacancy period or in the case of a building in good condition, they have continued to provide the necessary financial support for the building to be in usable and move-in condition.
5. The property has been listed for sale, rent or lease with a professional realty firm during the past vacancy period and is currently listed for sale, rent or lease with a professional realty firm.

The impact of the conditional moratorium of fee program was not overwhelming for staff to administer, with relatively few properties qualifying for the waiver. While the actual number of approved moratorium requests was small at 13 buildings, staff feels the program was a worthy safety valve for those attempting to do everything right, yet were facing a second invoice and had a building in move-in condition, but were just victims of the market conditions. With the market conditions still poor, there could be many buildings that have been unable to be sold or occupied in 2010, even if validly marketed.

Staff believes a moratorium of fee, with the same conditions and intent as used in 2010, could be initiated for the year of 2011. The only difference from last year would be that this moratorium of fee would be intended to impact only the structures that are being invoiced a third time, at the third year vacant rate, in 2011.

Date: November 23, 2010
To: Honorable Mayor and City Commission
From: R. Veneklasen
RE: United States Bicycle Route 35 (USBR35)

SUMMARY OF REQUEST:

To make resolution supporting the development of United States Bicycle Route 35 through the City of Muskegon.

FINANCIAL IMPACT:

None. This is a mapped route with optional signage.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends the Mayor and City Commission make the resolution in support for the development of US Bicycle Route 35 through the City of Muskegon.

MEMORANDUM

11/11/10

TO: M. AL-SHATEL, DPW DIRECTOR
FROM: R. VENEKLASEN, WATER FILTRATION
RE: US BICYCLE ROUTE 35

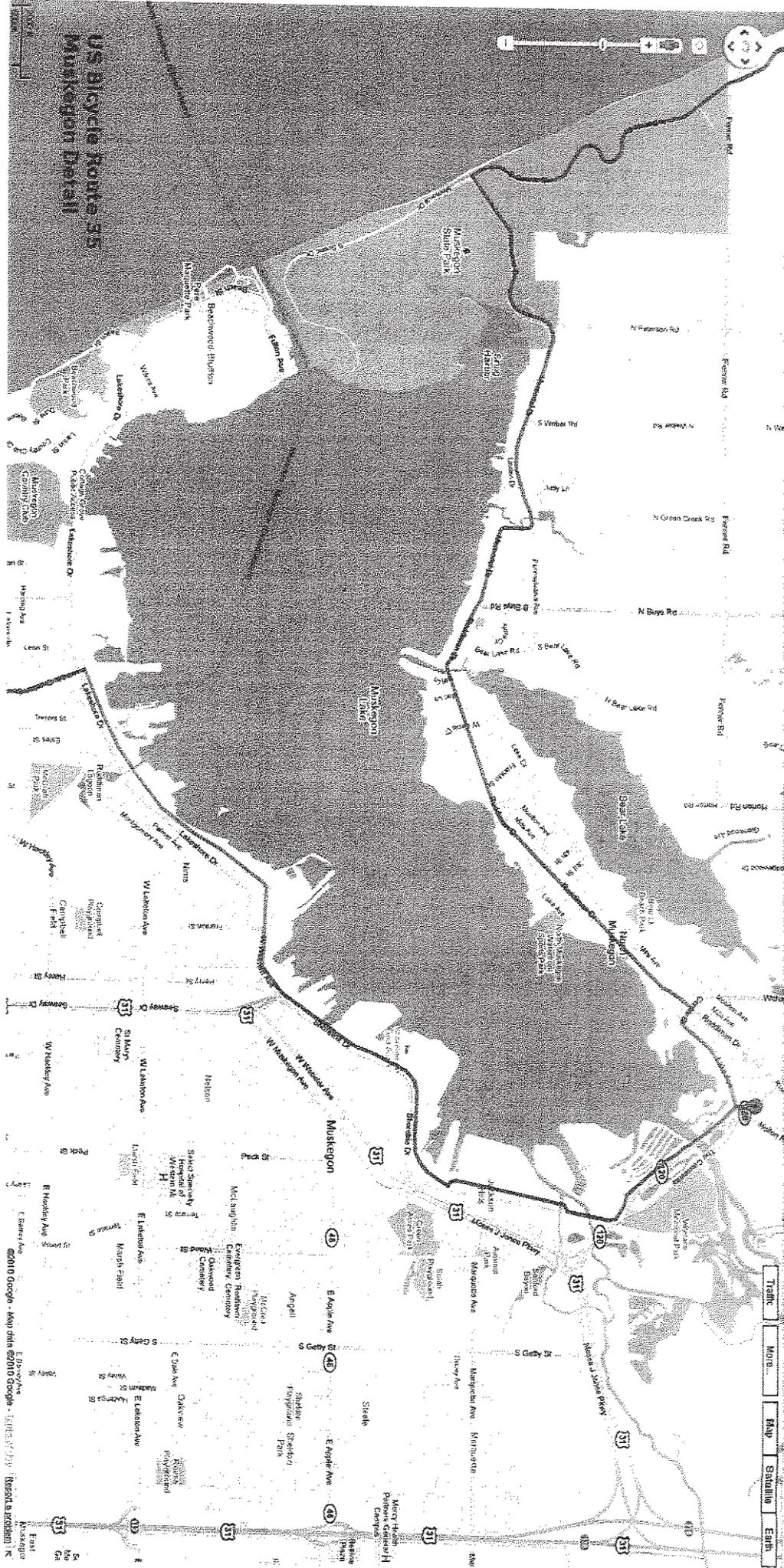
The United States Bicycle Route 35 (USBR 35) is a mapped bicycle route planned to facilitate non-motorized travel in the State of Michigan from New Buffalo in the south to Sault Ste. Marie in the north. The route in Michigan is the most northerly portion of the route between Baton Rouge, Louisiana and Sault Ste. Marie, Michigan. This route is one of many routes being planned and eventually designated across the United States.

USBR 35 is planned to pass through the City of Muskegon largely by use of the Shoreline Trail. From the south the route begins at the intersection of McCracken Street and Sherman Avenue. It proceeds north to the Shoreline Trail trailhead adjacent to the Grand Trunk boat launch site. The route follows the Shoreline Trail to its northern terminus at the Muskegon River border with North Muskegon.

A public hearing for USBR 35, coordinated by the West Michigan Regional Shoreline Development Commission, was recently held to obtain public comment and input on the proposed route. There was no input or comment suggesting a change in the proposed route through the City.

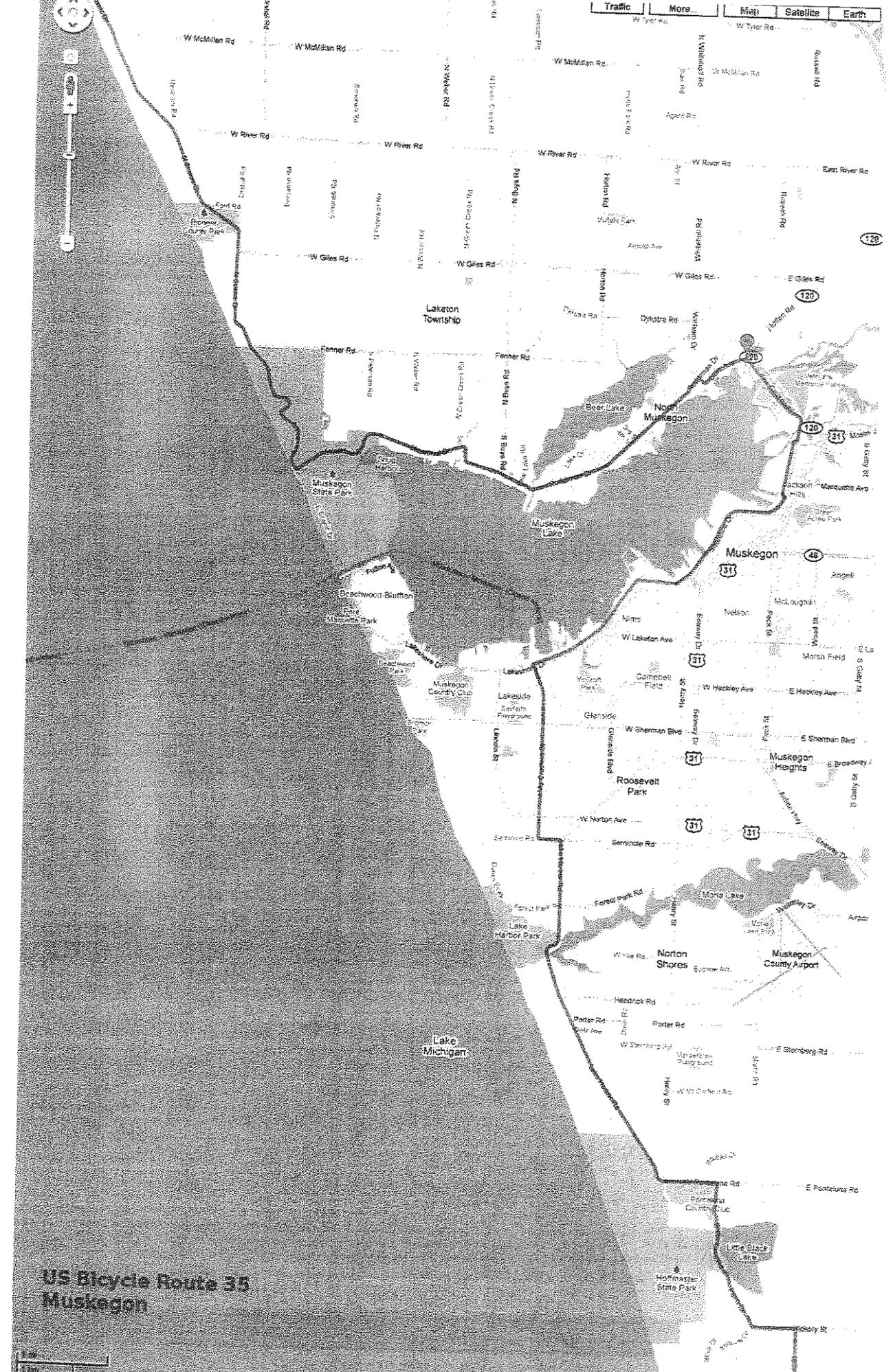
Upon obtaining resolutions of support from the local governing agencies, through which the route passes, the proposed route is sent to the Michigan Department of Transportation for approval at the State level. Once approved the proposed route is sent to the American Association of State Highway and Transportation Officials (AASHTO) for final approval and designation.

It is my recommendation the Mayor and City Commission pass a resolution in support of USBR 35 as proposed to facilitate bicycle travel and tourism in the City of Muskegon.



**US Bicycle Route 35
Muskogean Detail**

Traffic More... Map Satellite Earth

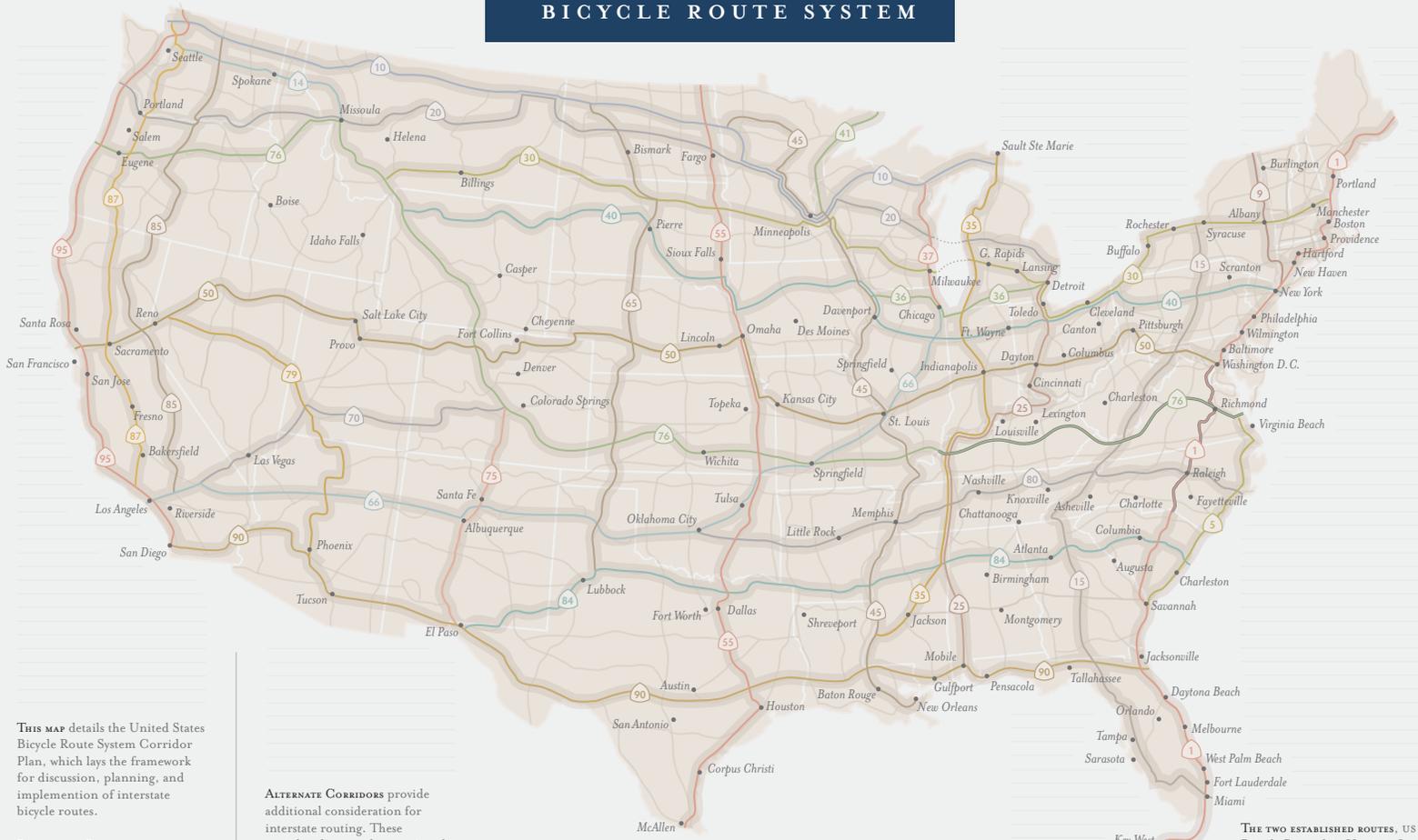


US Bicycle Route 35
Muskegon

CORRIDOR PLAN
APRIL 2010

THE GOAL OF THE UNITED STATES BICYCLE ROUTE SYSTEM IS TO CONNECT AMERICA THROUGH A NETWORK OF NUMBERED INTERSTATE BICYCLE ROUTES.

THE UNITED STATES
BICYCLE ROUTE SYSTEM



THIS MAP details the United States Bicycle Route System Corridor Plan, which lays the framework for discussion, planning, and implementation of interstate bicycle routes.

PRIORITIZED CORRIDORS ARE NOT routes, but 50-mile wide areas where a route may be developed. These corridors have been assigned route numbers.

ALTERNATE CORRIDORS provide additional consideration for interstate routing. These corridors have not been assigned route numbers but may be prioritized. Corridors may be added or existing corridors shifted as needed.

THE TWO ESTABLISHED ROUTES, US Bicycle Route 1 in Virginia & North Carolina and US Bicycle Route 76 in Virginia, Kentucky & Illinois were designated through AASHTO in the 1980's.

[Thick Orange Line] **PRIORITIZED CORRIDOR**

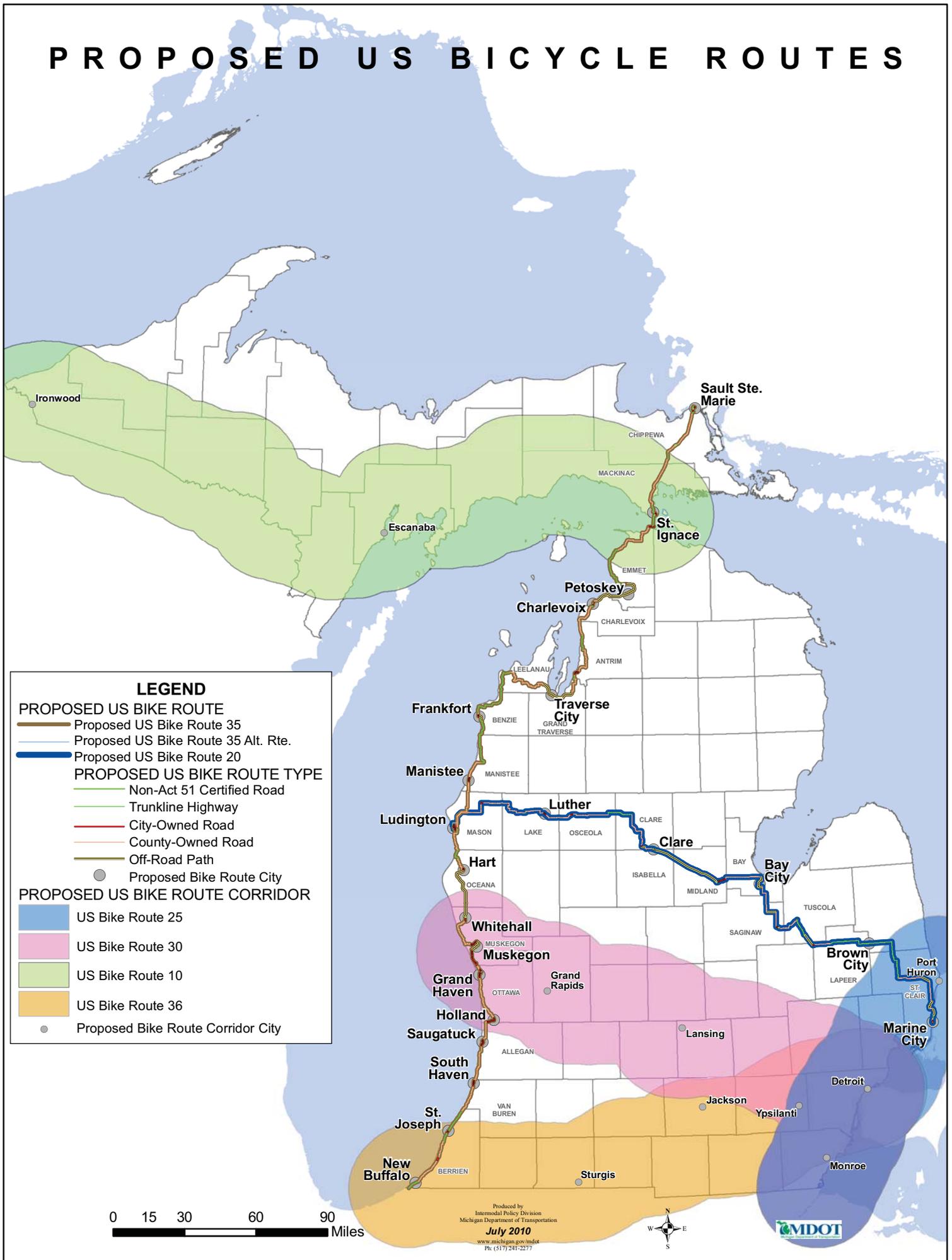
[Thin Grey Line] **ALTERNATE CORRIDOR**

Connecting People, Communities, and the Nation

[Dashed Line] **PRIVATE OR PUBLIC FERRY**

[Solid Green Line] **UNITED STATES BICYCLE ROUTE**

PROPOSED US BICYCLE ROUTES



0 15 30 60 90 Miles

Produced by
Intermodal Policy Division
Michigan Department of Transportation
July 2010
www.michigan.gov/mdot
Ph: (517) 241-2277



Resolution No. ____

City of Muskegon
Resolution in Support of
U. S. Bike Route 35 in a Community

Whereas, bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

Whereas, the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor along the western shore of the Lower peninsula of Michigan connecting to Sault Ste. Marie to be developed as United States Bicycle Route 35 (USBR 35), and

Whereas, a coalition of planning organizations, the League of Michigan Bicyclists, the Michigan Trails and Greenways Alliance, and the Adventure Cycling Association, with the cooperation of the Michigan Department of Transportation (MDOT) and other stakeholders, have proposed a specific route to be designated as USBR 35, a map of which is herein incorporated into this resolution by reference, and

Whereas, the proposed route for USBR 35 comes through Muskegon and can therefore provide a benefit to our residents and businesses, and

Whereas, we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area;

Now Therefore Be It Resolved that the City of Muskegon hereby expresses its approval and support for the development of USBR 35, and requests that the appropriate officials see to it that the route is officially designated by AASHTO as soon as this can be achieved, and authorizes the posting of signs within the Muskegon right-of-way identifying the route through the community once the official designation has been made.

Adopted this 23rd day of November 2010.

Stephen J. Warmington, Mayor

Ann Marie Becker, MMC, City Clerk

Date: 11/23/10
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Authorize DPW staff to purchase five Ford Rangers from Great Lakes Ford.

FINANCIAL IMPACT: Total Cost \$67,885.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the purchase.



Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 11/23/10

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of five small pickup trucks for this year. These vehicles will be used by the Inspections Department to police neighborhoods for code violations and to do plumbing, mechanical, and electrical inspections.

We have requested prices from area dealers as well as the statewide purchasing contracts. Attached is a summary of the bids.

In accordance with established purchasing policy, we are requesting permission to purchase five Ford Ranger trucks from Great Lakes Ford.

Equipment Purchase 2010-2011

	<u>State Bid</u>	<u>Great Lakes Ford</u>	<u>Fremont Ford</u>
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>7148 W 48th</u>
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Muskegon Mi 49442</u>	<u>Fremont ,Michigan</u>
2011 Ford Ranger	\$13,774.00	\$13,577.00	\$13,916.55
Price for 5	\$ 68,870.00	\$ 67,885.00	\$ 69,582.75

Date: 11/23/10
To: Honorable Mayor and City Commission
From: DPW
RE: Request to Rescind Previous Commission
Authorization and Authorize Purchase of Four
Service Bodies and One Plow

SUMMARY OF REQUEST:

Rescind commission agenda item #2010-87G, that occurred on October 12, 2010 authorizing staff to purchase 5 service bodies from Arista Truck Systems and 1 plow from Hoekstra Equipment due to improper bid tabulation.

Furthermore, it is respectfully requested that DPW staff be authorized to purchase four (4) service bodies from Arista Truck Systems instead of the previously approved five (5) and one (1) plow from Muskegon Brake who was the lowest bidder.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Rescind commission agenda item # 2010-87G from October 12th, 2010 meeting and authorize staff to purchase four service bodies and one plow.

Commission Meeting Date: November 23, 2010

Date: November 16, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CEC*
RE: Amendment to the Zoning Ordinance

SUMMARY OF REQUEST:

Staff initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions) to provide regulations on fencing as part of erosion control measurements.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/10 meeting.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 10, 2010

Hearing, Case 2010-40: Staff initiated request to amend Section 2324 (Temporary Buildings, Structures and Uses) of Article XXIII (General Provisions) to provide regulations on fencing as part of erosion control measurements.

BACKGROUND

1. There are many home owners, especially on Sherman Ave and Beach St, which use temporary fencing to prevent sand from piling up in their yard. This has generally been an accepted method of prevention by the City. However, it is not specifically allowed in the Zoning Ordinance.
2. Staff has received several complaints regarding some home owners who have tried to use these temporary fences to prevent leaves and/or snow from piling on their yard. This has generally not been an accepted method of prevention by the City. However, there is nothing in the Zoning Ordinance that allows these fences for sand, but against fences for leaves and snow.



NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

Amendment to Section 2324 of Article XXIII

c. Erosion Control: Temporary fencing used for erosion control, silt screening and other conventional types of temporary erosion structures may only be used for the purpose of temporarily controlling the unwanted movement of top soil or sand on a parcel of land. These temporary structures must be removed within 15 days after conditions causing the soil erosion, or unwanted movement, are eliminated or have subsided. Bonafide public works projects may use temporary fencing and other control methods as required to accomplish the task at hand.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2324 of Article XXIII to provide regulations on fencing as part of erosion control measurements.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

Amendment to Section 2324 c:

c. Erosion Control: Temporary fencing used for erosion control, silt screening and other conventional types of temporary erosion structures may only be used for the purpose of temporarily controlling the unwanted movement of top soil or sand on a parcel of land. These temporary structures must be removed within 15 days after conditions causing the soil erosion, or unwanted movement, are eliminated or have subsided. Bonafide public works projects may use temporary fencing and other control methods as required to accomplish the task at hand.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 9th day of November, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

Commission Meeting Date: November 23, 2010

Date: November 16, 2010
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Special Events Policy- Revisions

SUMMARY OF REQUEST: City staff is recommending several modifications to the Special Events Policy. Some of these revisions include fee changes, earlier submission deadlines and costs for City equipment and labor. In addition, for any events with approved street closures, the closures must not occur until 12:01 a.m. the day of the event and the streets must be open to traffic by 6:00 a.m. the day after the event.

FINANCIAL IMPACT: The application fee has increased to a minimum of \$100 for events held between April 15 and September 30. Also, all City staff time will be charged to the event, as well as equipment rental (with the exception of recognized Neighborhood Associations and Veteran Groups).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the revised City of Muskegon Special Event Policy.

COMMITTEE RECOMMENDATION: The City Commission Work Session reviewed the revised Policy at their November 8 meeting and recommended that it be presented to the Commission for approval on November 23, 2010.

CITY OF MUSKEGON SPECIAL EVENT POLICY

Revised November 2010



INTRODUCTION

The City of Muskegon receives many requests from organizations to supply various services for special events. While there are several City departments involved in the special event process, this policy centralizes the administration of special events with the City's Planning Department, and provides rules and regulations to govern both the granting of the special event request and the on-site administration of the event. A Special Event Application is required for any public events held on City property. Events held on private property that do not utilize any City services may not require a Special Event Application.

For events with alcohol, applicants must submit a liquor license application to the Muskegon Police Department, in addition to completing the Special Event Application, if required. Liquor license approval is a separate process from the Special Event Application, with separate fees and regulations. The final authority for signing special liquor licenses is with the Public Safety Director. Requests to serve liquor at an event will also require City Commission approval. For liquor license regulations and information, please visit the State of Michigan's website at www.michigan.gov/dleg.

SPECIAL EVENT APPLICATION PROCEDURE

I. Special Event Application ("Application") Submission & Fee Schedule

All Applications shall be filed with the Planning Department at least sixty (60) days prior to the event, along with the required proof of insurance for the event naming the City as additional insured [see Schedule B for insurance requirements].

The non-refundable administration fee for Special Event Applications is as follows:

Events occurring during peak event season April 15 – September 30	Events occurring outside of peak season January 1 – April 14 & October 1 – December 31
<i>Applications submitted prior to April 15 will receive a 50% discount off the regular fee.</i>	
\$100 fee for applications submitted 60 days or more prior to the event date (if application is submitted by April 15, this fee is reduced to \$50)	\$50 fee for applications submitted 60 days or more prior to the event date
\$250 fee for applications submitted 59-45 days prior to the event date	\$200 fee for applications submitted 59-45 days prior to the event date
\$400.00 fee for applications submitted 44-30 days prior to the event	\$300.00 fee for applications submitted 44-30 days prior to the event
Applications submitted less than 30 days prior to the event date will not be accepted.	\$500 fee for applications submitted less than 30 days prior to the event

Failure to submit an Application within 60 days of the event may result in denial of the application.

Special Event permit application fees will be waived for Veteran Groups, per the City Commission. In addition, the City's recognized Neighborhood Associations are entitled to one application fee waiver per year, in addition to National Night Out festivities, provided that the application is submitted to the Planning Department at least 30 days in advance of the event date. Rental fees may be waived for City equipment transported by neighborhood association representatives.

The Special Event Application shall be in writing and must be submitted on the appropriate form. The *City of Muskegon Request for Special Event* form can be found on the City's website at www.muskegon-mi.gov, or you may call 231.724.6702 to have one mailed to you, or you may visit the Planning Department on the 2nd floor of City Hall. If your event will require City services (e.g. picnic tables, barricades, police services), you must also complete Part II, Schedule A of the Special Event Application, indicating which items you are requesting. *Please keep in mind that there may be additional costs for these items and/or services.* See

Schedule A (pg. 4) for fee estimates. You are welcome to provide your own equipment (tables, trash cans, etc.) instead of renting City equipment.

Block Parties & Similar Events. The City is not inclined to approve applications for these types of events where the closure of City street(s) is requested. We encourage the use of City parks for these gatherings.

Labor Day Weekend – No applications will be accepted for events over the Labor Day weekend (Friday, Saturday, Sunday, and Monday), with the exception of the traditional Labor Day Parade.

II. Event Requirements

All special event permittees agree to the following:

(a) **Police Officers.** While a Police Officer's presence may not be required at all special events, it shall be the discretion of the Public Safety Director as to whether or not, and how many, city police officers will be required at any event. The Special Event Applicant Organization will be responsible for payment of officer(s) service based on the time-and-one-half or triple time established rate plus benefits and overhead costs. See Schedule A for fee estimates. If the event is cancelled with less than 72 hours notice, the Applicant is still responsible for paying two hours' pay per officer, per contract requirements.

(b) **Insurance.** Where the event is being held in the City of Muskegon, the applicant must provide an amount of insurance as set by the City for general liability insurance, naming the City as an additional insured. The language shall read as follows:

The City of Muskegon, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are listed as additional insured under the general liability and auto liability policies. The City of Muskegon is held harmless with regard to the General Liability Policy.

You may use an insurance agent of your choice. An acceptable certificate of insurance must be submitted prior to event approval. See Page 4, Schedule B for the amount of insurance required.

(c) **Restroom Facilities.** All outdoor events shall provide adequate restroom facilities (*i.e.* portable toilets) including handicapped-accessible facilities per ADA requirements.

(d) **Digging & Staking.** Digging or staking into paved areas, including roadways, sidewalks, and public parking areas, is not permitted. Digging or staking into non-paved ground shall be cleared through Miss Dig in order to avoid damage to underground utilities. The Applicant Organization is responsible for contacting Miss Dig (1-800-482-7171, or dial 811) a minimum of 5 *working days* prior to event set-up. The applicant will also be responsible for paying an electrician to locate underground City electrical lines, if required. The Applicant Organization will be responsible for the cost of any damages to underground utilities caused by digging or staking.

(e) **Electrical and Water Hook-up** The applicant must adapt to electrical power available on-site, or provide their own generator. There may be additional labor charges if City staff time is required for water hook-up. It is the responsibility of the applicant to provide acceptable hoses for potable water usage, which meet Health Department requirements.

(f) **Inspections.** The event location is subject to all building, plumbing, mechanical, electrical, and fire codes. The permittee will schedule an inspection by any and all required inspectors and pay the inspection fee(s) as set by the City Commission in the adopted fee schedule. It may be possible that a fire watch will be required by the Fire Marshal. The permittee is responsible for all costs associated with providing this service, including but not limited to current wage rate plus benefits and all overhead costs.

(g) **Event Set-up and Tear-down.** For events utilizing any public roadway, no tents, booths, vendors, or equipment shall be set up in the roadway prior to 12:01 a.m. the day of the event. All signs, tents, booths, vendors, and equipment must be removed from the roadway prior to 6:00 a.m. the day after the event.

(h) **Site Clean-up.** Where an event is held on City-owned or -controlled property, the Applicant shall be responsible for clean-up of City facilities after the event, and for providing a dumpster. If the event is on private property, clean-up shall be the responsibility of the property owner. The City shall have the right to enforce cleanup measures, including but not limited to, entry and cleaning of property by City personnel, and charging and liening the cost to the owner, occupant, applicant or all of those. In the case of repeat problems with clean-up for any particular event, the City may require a cleaning deposit prior to event approval.

(i) **Merchandise Sales.** Sales of all items for Special Events must be out of the public right-of-way, unless prior authorization is received. Exempted items are listed in paragraph (j) below.

(j) **Street Sales.** Street sales of newspapers, poppies, etc. shall not be allowed except for those events that have existed before September 1, 1996, which will be allowed as long as they exist. These events include: The Old Newsies, Muskegon High School Band Tag Sale, The Veteran's Poppy sale, and the Kiwanis.

(k) **Compliance with all regulations.** Special Event applicants are responsible to ensure that all applicable laws and ordinances are followed. Failure to comply with all city ordinances, rules and regulations may result in the denial of future special event requests.

III. Special Event Application Processing

(a) **Application Intake.** Planning Department staff shall be responsible for intake of Special Event Applications and dissemination to appropriate City staff for review and approval.

(b) **Application Denial.** Where City staff reviews an Application and denies same, it shall state in writing the reasons for the denial. An appeal of that decision may be made to the City Commission, whose decision shall be final.

(c) **Unpaid Invoices.** Any past due fees/invoices owed to the City may result in the denial of the Application and/or future Special Event requests.

(d) **Street Closures/Barricading.** Requests that include road closings/barricading shall require approval of the Public Safety Director and the DPW Superintendent. Planning staff will forward these requests to the appropriate personnel once the Special Event Application and fee are submitted. The applicant will be responsible for all associated costs, which may include barricades and police services. City Commission approval may be required in some cases. If a street closure is approved for an event, the Applicant must provide written notification to all businesses and residences located on the street(s) to be closed at least *10 days* prior to the event date. Streets shall not be closed prior to 12:01 a.m. the date of the event, and must be open by 6:00 a.m. the day following the conclusion of the event. Street closures will not be approved for block party-type events.

(e) **Runs/Walks.** For races, runs, walks, or parades, the Applicant must provide a map with the Application, showing the proposed route. In addition, if any streets will be closed or partially closed, the Applicant must provide written notification to all residences and businesses on those streets at least *10 days* prior to the event date. Event organizers shall meet with City staff to discuss the race route at least *15 business days* prior to the event.

(f) **Site Plan.** The City may require submittal of a site plan showing the event grounds and the location of tents, vendors, portable toilets, and other structures.

(g) **Meetings.** City staff may require a meeting with event sponsors, where staff needs clarification of service(s) requested. Failure to attend the meeting may result in denial of the application.

IV. Use of City Equipment & Labor

(a) The City has some items available for rent for special events. See Schedule A for available items & estimated rental fees. You are not required to rent City equipment; you may provide your own.

(b) The Applicant may be responsible for City employee labor costs to move City equipment to and from the event location. See Schedule A for fee estimates. You may be able to eliminate or reduce this cost by transporting equipment yourself. Arrangements must be made with the City’s DPW Superintendent or Parks Maintenance Supervisor.

(c) There is a stage in Hackley Park available for events held in the Park. The stage is up from approximately the beginning of June until mid-August. There is no additional fee for use of the stage, as long as your event is held in the Park. The stage is not to be removed from Hackley Park.

#####

SCHEDULE A – CITY EQUIPMENT AVAILABLE FOR RENT

Item:
55-gallon metal trash cans
Plastic trash bags (by the case)
Snow fence (wood)
Fence posts
Picnic tables

Only the items listed above are available from the City for event use. Labor charges may be added to equipment rental fees if delivery and/or pick-up of equipment is required.

Current equipment rental and labor rates can be found on the City of Muskegon Fee Schedule on the City’s website at www.muskegon-mi.gov.

SCHEDULE B – LIABILITY INSURANCE REQUIREMENTS

<ul style="list-style-type: none"> <p>LOW RISK (L) - Requires \$300,000 liability insurance coverage. No physical activity by participants and no severe exposure to spectators. Examples of low-risk events include such things as indoor or outdoor meetings, small theatrical performances, auctions, and social gatherings (with no alcoholic beverages).</p>
<ul style="list-style-type: none"> <p>MEDIUM RISK (M) - Requires \$500,000 liability insurance coverage. Limited physical activity by participants and minimal exposure to spectators. Examples of medium-risk events include dances, animal shows, political rallies, flea markets, picnics, parades with no floats, and family type concerts. Also included is any event with a crowd size of 500 to 10,000.</p>
<ul style="list-style-type: none"> <p>HIGH RISK (H) - Requires \$1,000,000 liability insurance coverage. Major participation by participants and/or moderate to severe exposure to spectators. Events in this category include team or individual sporting events (non-professional), circuses and carnivals with rides, parades with floats, and marathons or similar races. Also included is any event with a crowd size of over 10,000 but under 25,000. Examples of events requiring high risk insurance coverage are: Parties in the Park, Summer Celebration, Bike Time, Chronicle Seaway Run, Winterfest, and most events with alcohol licenses.</p>
<p>Language on the insurance certificate shall read: <i>”The City of Muskegon, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are listed as additional insured under the general liability and auto liability policies. The City of Muskegon is held harmless with regard to the General Liability Policy.”</i></p>

Date: 11/23/10
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Equipment Purchase

SUMMARY OF REQUEST: Authorize staff to purchase 1 combination sewer and catch basin cleaner from Jack Dohney Supplies.

FINANCIAL IMPACT: \$322,165.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff.

Memorandum

To: Honorable Mayor and Commissioners

From: Brett Kraley

Date: 11/23/10

Re: Budgeted Equipment Purchase

The Equipment Division solicited bids for a combination sewer and catch basin cleaner to replace the 1994 machine that we sold in 2009. This unit is used to clean both sanitary and storm sewers and to clean catch basins and cut roots to keep the sewers flowing.

Two companies submitted bids: Jack Doheny Supplies out of Northville, Michigan and Southeastern Equipment out of Holt, Michigan. Southeastern was not able to supply a machine that uses a fan compressor which is very important to the catch cleaning aspect. Therefore we are recommending the unit from Jack Doheny Supplies.

In accordance with established purchasing policy, we are requesting permission to purchase 1 combination sewer and catch basin cleaner from Jack Doheny Supplies.

Commission Meeting Date: November 23, 2010

Date: November 16, 2010

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Realtor for NSP Properties

SUMMARY OF REQUEST: To approve Exit Lakeshore Realty to be used by the City of Muskegon on NSP properties.

FINANCIAL IMPACT: The funding for any projects the realtor would be used for would come out of the funds the house was originally established under: CDBG, HOME or NSP1.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Exit Lakeshore Realty for Community and Neighborhood Services office.

COMMITTEE RECOMMENDATION: None required.

PROCUREMENT REALTOR BID RESULTS 10/12/2010

Approved by City Commission on

Name & Address	Proposal
Century 21 Lumbertown 2440 Glade, Muskegon 49444 Bernie Tassin 231-737-2121 x103	7% brokerage fee \$2,500 min brok fee \$190 admin fee fees can be negotiated based on volume of listings
Exit Lakeshore Realty 975 W. Broadway, Muskegon 49441 Diana C. Cain 231-830-3948	7% commission of sales price to be split between cooperating broker participating in sale of property
Ciggzree's Inc 3355 Merriam St, Muskegon Heights 49444 Ciggzree S. Morris 231-737-8033	5% of buyer's sale price to be shared with cooperative offices assisting in selling of property

Date: November 23, 2010

To: Honorable Mayor and City Commissioners

From: DPW

RE: Reclassification of Water Filtration Plant Supervisor Position

SUMMARY OF REQUEST:

Change the classification of the Filtration Plant Supervisor Position from Range V to Range IIIB. This proposal will result in a net annual saving to the City of over \$2,000 in addition to enhancing the City's ability to attract more qualified candidates to fill the vacant position resulting from Bob Veneklasen's retirement. The savings are in the form of modifying the position to a salary based position without any additional on-call and/or overtime compensation which we currently pay.

FINANCIAL IMPACT:

None at this time

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve the reclassification of the Filtration Plant Supervisor Position from Range V to Range IIIB.

COMMITTEE RECOMMENDATION:

Date: November 1, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Rezoning request for the property located at 1823
Commerce St.**

SUMMARY OF REQUEST:

Request to rezone the property at 1823 Commerce from B-4, General Business District to B-5, Governmental Service District, by West Michigan Therapy. The applicant would like to run a Transitional Living Center at this location.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 10/14 meeting.

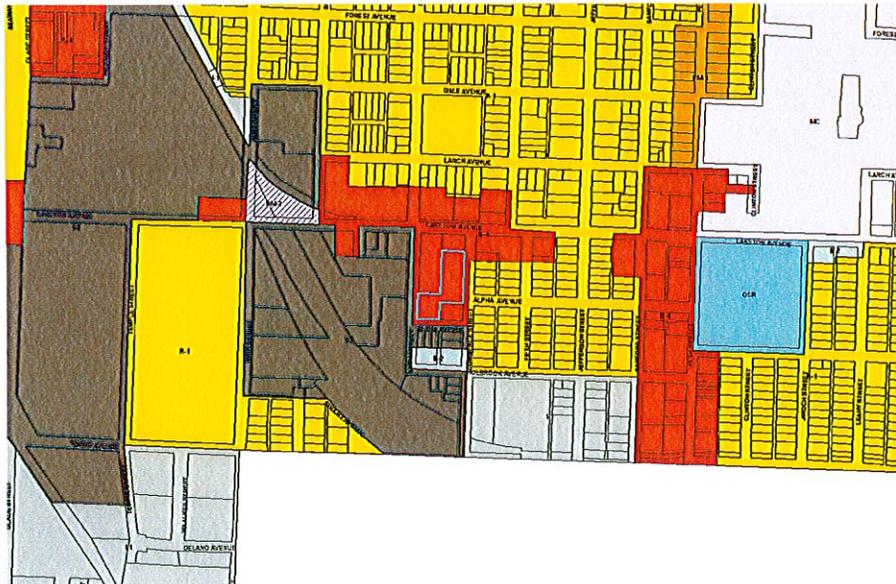
1823 Commerce



Aerial



Zoning Map



Zoning Ordinance Excerpts:

Transitional Living Center: A facility that provides temporary housing and services to the homeless.

Section 1306 of Article XIV (Special Uses Permitted in a B-5)

3) Transitional Living Centers provided:

- a) The center must be associated with a governmental agency or bona fide charitable association, such as a 501 (c) organization.
- b) The residents must be provided with information on supplemental services, such as re-housing assistance and substance abuse treatment.
- c) Staff must be located on site twenty-four hours a day, seven days a week for programs that provide on site overnight sleeping accommodations.
- d) Residents may not be housed for more than six (6) consecutive months.
- e) The center does not conflict with any of the prohibited uses stated in Section 1305.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for a property from B-4, General Business District to B-5, Governmental Service District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for the following described property from B-4, General Business District to B-5 Governmental Service District:

CITY OF MUSKEGON DENNIS SMITH & COS SECOND ADD LOTS 8-10 & LOTS 13-18 BLK 3
TOGETHER WITH VAC ALLEY AJD

.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 1823 Commerce St from B-4 to B-5)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 9th day of November, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 9, 2010, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for the property from to B-4 "General Business District" to B-5 "Governmental Service District":

CITY OF MUSKEGON DENNIS SMITH & COS SECOND ADD LOTS 8-10 & LOTS 13-18 BLK 3
TOGETHER WITH VAC ALLEY AJD

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2010

CITY OF MUSKEGON

By _____

Ann Marie Becker, MMC
City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE.

Account No. 101-80400-5354

Commission Meeting Date: November 23, 2010

Date: November 15, 2010
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Youth Basketball League and Open Gym & Swim
Proposal- Muskegon Public Schools

SUMMARY OF REQUEST: Staff has been working with the Muskegon Public Schools (“Schools”) in an effort to transition the Youth Basketball League and Open Gym & Swim (formerly supervised by the City Leisure Services Department) to the Schools. This is a logical transition, as the public school buildings were used for the programs and the majority of those attending have been students of Muskegon Public Schools. Although it is too late to start the program this fall, the Schools have submitted a proposal that would include both boys and girls basketball in the winter/spring. Open Gym & Swim would be held during this time, as well. The Commission is requested to approve the attached proposal and authorize staff to enter into a formal agreement with the Schools for oversight of these two programs.

FINANCIAL IMPACT: In 2009, the City spent approximately \$14,500 for the basketball program (while receiving approximately \$4,100 in revenue). The City spent approximately \$11,000 for the Open Gym & Swim program. These amounts do not reflect administrative costs. The Schools are offering to conduct the programs for \$18,500. They may require a lesser amount if the City provides equipment, etc.

BUDGET ACTION REQUIRED: Funds are available through the Leisure Services budget.

STAFF RECOMMENDATION: To approve the “Youth Basketball League and Open Gym & Swim Proposal” and authorize staff to enter into a formal agreement with the Schools.



November 2, 2010

Youth Basketball League and Open Gym and Swim Proposal

From: Muskegon Public Schools

To: The City of Muskegon

Muskegon Community Education is continually looking for new ways to “reach out and change lives” in our community. Collaborating with the City of Muskegon to offer safe, positive after school recreational opportunities for our students offers that opportunity. The proposal detailed below describes what a short-term partnership between the City and MPS could “look” like. Please note: this proposal is not intended to reflect previous conversations regarding year-round partnership.

Proposal:

- 1) The MPS Youth Support Services Office located @ MCEC, Room 214 would administer the following programs: Open Gym and Swim, and the Youth Basketball League. These programs would run between January 2011 and May 2011.
- 2) Muskegon Public Schools will handle all publicity and recruiting for both programs. We will place radio ads, send information home with students, post information in school buildings, and post on our website.
- 3) The City of Muskegon would contribute \$18,500 towards this partnership. The money would be used for the following: program administration and supervision, custodial services, supplies/materials and support personnel (i.e. lifeguards, referees). We would also request that the City of Muskegon post pertinent information regarding these programs on their website as well.
 - a. The amount of \$18,500 assumes that Muskegon Public Schools would have to purchase all new equipment and supplies. That amount could decrease if the City of Muskegon has supplies and/or equipment to reduce that expenditure.

Program Descriptions:

Youth Basketball League

- 1) Boy’s and girl’s basketball seasons would run concurrently for a six-week regular game schedule and a two-week tournament schedule to conclude the

season. It is our intention to serve 300 students that reside in the City of Muskegon during the course of this league.

- 2) Student registration fee would remain at \$25 per student to include: game t-shirt, participant medals and trophies tournament champion team. (Shorts can be purchased for an additional \$7.)
- 3) Muskegon Community Education will accept responsibility for all administrative and supervisory obligations for the Youth Basketball League program.

Open Gym and Swim

- 1) Open Gym and Swim will be offered for three hours every Saturday and Sunday for an eight-week period of time. It is our intention to serve at least 1000 residents of the City of Muskegon during the course of this program.
- 2) Muskegon Community Education will accept responsibility for all administrative and supervisory obligations for the Open Gym and Swim program.

Muskegon Public Schools looks forward to further conversation regarding this proposal. It is in the interest of both agencies that we offer quality programming to our community without duplicating services.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING November 23, 2010

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: November 16, 2010

RE: 2011 Salary Schedule for Part-Time and Limited-Term Employees and the
2011 Salary Schedule and Fringe Benefits for Non-Represented Employees

SUMMARY OF REQUEST:

- 1) To establish the 2011 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed salary ranges and salary schedules for the non-represented administrative, technical, professional, and supervisory employees for 2011 (1.0% increase);
- 3) Increase the employee health insurance bi-weekly premium co-pay from \$20.00 to \$30.00.

FINANCIAL IMPACT:

- 1) None. No changes are proposed;
- 2) The salary increases will cost approximately \$23,000, plus approximately \$6,000 in added fringe benefit costs;
- 3) City cost savings of approximately \$10,000.

BUDGET ACTION REQUIRED:

To authorize the necessary 2011 budgetary amendments and transfer of money from the affected City funds (Contingency Account for General Fund) to the appropriate salary and fringe benefit accounts to accommodate the salary increases and fringe benefit adjustments.

STAFF RECOMMENDATION:

- 1) To approve the 2011 salary ranges for part-time and limited-term employees;
- 2) To approve and adopt the proposed 2011 salary ranges, salary schedules, and fringe benefit changes for non-represented employees.

COMMITTEE RECOMMENDATION:

None.

CITY OF MUSKEGON
2011 WAGE MATRIX FOR NON-UNION PART-TIME AND LIMITED-TERM EMPLOYEES

No change

<u>JOB TITLE</u>	<u>GRADE 1</u>	<u>GRADE 2</u>	<u>GRADE 3</u>	<u>GRADE 4</u>	<u>GRADE 5</u>	<u>GRADE 6</u>	<u>GRADE 7</u>
STEP 1 PARKING RAMP ATTENDANT RECREATION AIDE	7.40	7.50	7.75	8.00	8.25	8.50	8.75
STEP 2 BUILDING FACILITY CARETAKER	7.65	7.90	8.15	8.40	8.65	8.90	9.15
STEP 3 INTERN, EXCLUDING PARK INTERN	8.00	8.50	9.00	9.50	10.00		
	<i>Note: these are suggested intern rates; actual figures are grant and/or budget-dependent</i>						
STEP 4 GYMNASIUM SUPERVISOR MARINA AIDE PARK RANGER PLAYGROUND LEADER PROGRAM LEADER	8.25	8.50	8.75	9.00	9.25	9.50	10.00
STEP 5 ASSISTANT PARK RANGER CAPTAIN ASSISTANT PLAYGROUND SUPERVISOR FACILITY SUPERVISOR I LIFEGUARD SCHOOL CROSSING GUARD SENIOR TRANSIT DRIVER	9.25	9.65	10.05	10.45	11.05	11.55	12.25
STEP 6 FACILITY SUPERVISOR II LIFEGUARD CAPTAIN PARK RANGER CAPTAIN PLAYGROUND SUPERVISOR SOFTBALL SUPERVISOR	9.80	10.55	11.30	12.05	12.80	13.55	14.30
STEP 7 AQUATICS DIRECTOR FARMER'S MARKET MASTER PARK INTERN	10.40	11.15	11.90	12.65	13.40	14.15	14.90
STEP 7 A HARBOR MASTER	11.00	11.75	12.50	13.25	14.00	14.75	15.50
STEP 8 BOARD OF CANVASSERS BOARD OF REVIEW RECEIVING BOARD ELECTION WORKERS (INSPECTORS) ELECTION WORKER CHAIRPERSON ELECTION WORKER CO-CHAIRPERSON	\$65.00 per day \$75.00 per day \$50.00 per day \$8.00 per hour \$10.50 per hour \$9.50 per hour						

ADMINISTRATIVE/TECHNICAL/PROFESSIONAL/SUPERVISORY
FULL TIME NON-REPRESENTED EMPLOYEES

SALARY RANGES
JANUARY 1, 2011

1.0 % increase

	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
<u>RANGE I - A</u>	76,927	102,569
Finance Director Public Safety Director Public Works Director (and City Engineer)		
<u>RANGE I - B</u>	70,495	93,997
City Engineer/ Deputy Director of Public Works (vacant) Community/Economic Development Director		
<u>RANGE II - A</u>	65,103	86,803
<u>RANGE II - B</u>	62,370	83,082
City Treasurer Income Tax Administrator/Deputy Treasurer Information Systems Director		
<u>RANGE III - A</u>	59,637	79,356
Civil Service/Personnel Director Deputy Director of Public Safety - Fire Services (vacant)		
<u>RANGE III - B</u>	55,444	73,925
Assistant Finance Director City Clerk Community & Neighborhood Services Director		
<u>RANGE IV</u>	51,373	68,494
<u>RANGE V</u>	49,169	65,562
Affirmative Action/Risk Management Director Water Filtration Plant Supervisor		
<u>RANGE VI</u>	46,082	61,441
Superintendent of Public Utilities Superintendent of Public Works		

	<u>MINIMUM SALARY</u>	<u>MAXIMUM SALARY</u>
<u>RANGE VII - A</u>	\$42,650	\$56,870
Database Administrator		
Equipment Supervisor		
Highway/Forestry Supervisor		
Cemetery/Resource Recovery Supervisor		
Network Technician		
Parks Supervisor		
Planner III/Zoning Administrator		
Public Utilities Supervisor		
Recreation/Marina Supervisor (vacant)		
Special Operations Supervisor (vacant)		
<u>RANGE VII - B</u>	\$40,026	\$53,373
<u>RANGE VIII</u>	\$37,762	\$50,353
Administrative Services Supervisor - DPW		
Code Coordinator		
Deputy City Clerk		
Income Tax Auditor		
Police Community Coordinator		
Police Records Supervisor		
Management Assistant - Finance		
Planner II (vacant)		
<u>RANGE IX</u>	\$33,275	\$44,366
Secretary to City Manager		
Building Maintenance Supervisor (vacant)		
Planner I (vacant)		
<u>RANGE X</u>	\$30,859	\$41,147
Administrative Secretary - Administration		
Administrative Secretary - Planning		
Administrative Secretary - Public Safety		
Finance Clerk - CNS		
City Hall Building Maintenance Worker		
Administrative Secretary - Civil Service (vacant)		
Finance Clerk - Finance (vacant)		
<u>RANGE XI</u>	\$28,100	\$37,469

DATE: 10/14/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN100099

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **753 OAK AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN100099 - 753 OAK AVE

Location and ownership: This structure is located on Oak Ave. between Getty and Scott Streets and is owned by LEELABOO DEVELOPMENT LLC.

Staff Correspondence: A dangerous building inspection was conducted on 06/10/10. The Notice and Order to Repair was issued on 06/25/10. On 08/05/10 the HBA declared the structure substandard and dangerous.

Owner Contact: The Inspection Department had some phone contact with daughter of deceased owner who indicated the home was in foreclosure. The plumbing inspector responded to complaint of raw sewage dumped out of rear window on 07/22/09. Robin Wolcott- representing Deutsche Bank was present at the HBA meeting dated 08/05/10 where she indicated Safeguard Properties tried to enter home to re-key was met by a gentleman with gun. Home was boarded up by City of Muskegon. The bank contacted Inspections to schedule interior inspection stating home had been cleaned. Inspectors could not enter to complete inspection dated 09/10/10 because of human feces still present throughout the home. Inspections Department received letter from LPS Asset Management stating property had been sold to new buyer. The new buyer Scott McDonald contacted Inspections stating he was unaware of dangerous building status when purchased from bank and wants to investigate options.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ (15,300) Entire property

Estimated cost to repair: \$5,000 (Exterior only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

SUMMARY FOR: 753 OAK AVE

This is a wood frame, single family dwelling. The garage has been converted to living space without a permit or any inspections. The list of exterior items is short and the major repairs on the outside of the dwelling consist of a new roof, repairing windows and some broken steps. However the major cost to renovate this building is the inside. This building has human waste through out the house that permeates the entire building. It is unlikely that this house can be rehabilitated without removing all the wall and floor surfaces. The cost of interior repairs would most likely exceed the value of the structure. This building, in it's current state, is not habitable and if left renovated will become a blighting influence on the neighborhood.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Thursday, June 10, 2010

Enforcement # EN100099 **Property Address** 753 OAK AVE
Parcel #24-205-050-0002-00 **Owner** JOHNSON WILSON

Inspector: Henry Faltinowski

Date completed: 06/10/2010

DEFICIENCIES:

1. Broken front steps.
2. Roof covering needs replaced.
3. Broken out windows.
4. Open soffit.
5. No permits for work on garage conversion.
6. Human waste throughout home.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

753 Oak 6/10/2010 D.B.



753 Oak





753 Dah





753 Oak

