

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**FEBRUARY 23, 2016**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
  - Certificate of Appreciation to MHS Student
- **INTRODUCTIONS/PRESENTATION:**
  - A. Recently Promoted Employees**
    - Samantha Ferguson – Community Development Specialist
      - Planning and Community & Neighborhood Services
    - Carrie Kotchka – Housing Rehab Counselor
      - Community & Neighborhood Services
  - B. Sister Cities Presentation**
- **CITY MANAGER'S REPORT:**
- **CONSENT AGENDA:**
  - A. Approval of Minutes** City Clerk
  - B. Tobacco Products Ordinance Amendments** Public Safety
  - C. Local Parking Ordinance Amendments** Public Safety
  - D. 2016 Dozer Rental for Beach Leveling** Department of Public Works
  - E. Approval of Building Contract for 2324 Park Drive** Community & Neighborhood Services Department
  - F. Gaming License Request from Muskegon Harbor Hospice** City Clerk
  - G. 285 West Western – Amendment to Purchase Agreement**  
City Manager REMOVED PER STAFF REQUEST
- **PUBLIC HEARINGS:**

**COMMUNICATIONS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**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 MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

# Memorandum

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To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: January 23, 2016

Here is a quick outline of the items on next week's agenda:

1. We will be introducing two employees that have promoted into new positions in CNS – Samantha Ferguson and Carrie Kotchka. We will also have a short presentation from the Sister Cities Committee.
2. Under the consent agenda, we are asking the Commission for approval of the following:
  - a. Last meeting's minutes.
  - b. An amendment to the tobacco products ordinance that will address e-cigarettes.
  - c. An amendment to the parking ordinance to finalize the clean-up of a number of areas of the ordinance. This is expected to fix the issues un-covered last year when we implemented the winter parking rules.
  - d. Approval of a contract to rehab the home at 2324 Park Drive. This is a CNS project that is expected to have a great positive impact in the community. The contractor we are recommending will be undertaking its first CNS project in Muskegon.
  - e. Approval of a gaming license for Harbor Hospice. They are planning a raffle as a fundraiser.
  - f. Approval of an amendment to the Assignment Agreement that was included in the Highpoint Flats purchase last year. The assignment agreement was designed to give us time to arrange for the assignment of tax credits, grants, loans, etc. that were previously due to Parkland Properties, with the ability that we could return the property to Parkland's ownership should one or more of the assignments be non-assignable to the City. This has been a difficult and complex process. We are still working on the assignment of the MBT Credit and the CRP grant/loan. Accordingly, we are asking for additional time to secure the assignments before our ability to revert the property to Parkland's ownership expires.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Date: February 16, 2016  
To: Honorable Mayor and City Commissioners  
From: Ann Marie Meisch, City Clerk  
RE: Approval of Minutes

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**SUMMARY OF REQUEST:** To approve minutes of the February 8, 2016 Work Session Meeting and the February 9, 2016 Regular City Commission Meeting.

**FINANCIAL IMPACT:** None.

**BUDGET ACTION REQUIRED:** None.

**STAFF RECOMMENDATION:** Approval of the minutes.

City of Muskegon  
City Commission Worksession  
February 8, 2016  
City Commission Chambers  
5:30 PM

## MINUTES

2016-11

Present: Commissioners German, Rinsema-Sybenga, Hood, and Johnson.

Absent: Mayor Gawron, Commissioners Turnquist and Warren.

### **Second Quarter Budget Reforecast.**

Staff will be transmitting the Second Quarter 2015-16 Budget Reforecast that outlines proposed changes to the budget that have come about as a result of changes in revenue projections, policy priorities, labor contracts, updated economic conditions, or other factors.

City Commissioners and staff discussed proposed changes to the budget.

This item has been placed on the February 9, 2016 Commission Meeting for consideration by the Commission.

### **Playground at Pere Marquette Park.**

Staff will apply for grant money for playground equipment at Pere Marquette Park.

### **No Reason Absentee Voting – Resolution in Support.**

Commissioners discussed a proposed resolution in support of no reason absentee ballot voting.

This item has been placed on the February 9, 2016 Commission Meeting for consideration by the Commission.

### **PA 269 of 2015 – Resolution in Opposition.**

Commissioner Johnson presented a resolution in opposition of PA 269 of 2015. Commissioners discussed the resolution and recommended changes.

This item has been placed on the February 9, 2016 Commission Meeting for consideration by the Commission.

### **Adjournment.**

**Motion by Commissioner Rinsema-Sybenga, seconded by Commissioner Johnson to adjourn at 6:35 p.m.**

***MOTION PASSES***

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**Ann Marie Meisch, MMC  
City Clerk**

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**FEBRUARY 9, 2016**

**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, February 9, 2016.

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 Gawron, Vice-Mayor Hood, Commissioners Byron Turnquist, Ken Johnson, Debra Warren, Willie German, Jr., and Dan Rinsema-Sybenga, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

#### **INTRODUCTIONS/PRESENTATION:**

Carrie Kotchka – Housing Rehab Counselor -  
Community & Neighborhood Services

Samantha Ferguson – Community Development Specialist  
Planning and Community & Neighborhood Services

The introduction of these employees was postponed to the next regular meeting, February 23, 2016.

#### **2016-12 CONSENT AGENDA:**

##### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve the minutes of the January 26, 2016 Goalsetting Meeting and the January 26, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. Assessing Agreement – Letter of Understanding** City Manager

SUMMARY OF REQUEST: Staff would like to continue utilizing Muskegon County Equalization as our Assessor. The current agreement expires March 31, 2016 and the new agreement begins July 1, 2016. This Letter of Understanding will extend the current agreement to include the period of April 1, 2016 through June 30, 2016.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To authorize the Mayor and Clerk to sign the Letter of Understanding.

**C. Extension of Temporary Employment Services Agreement** Affirmative  
Action & Risk Management

SUMMARY OF REQUEST: To approve a one-year contract extension with Elwood Staffing Services, Inc. for temporary and seasonal employment services. The current agreement expired on December 31, 2015 and has an option for a one-year extension. A verbal agreement took place on December 4, 2015, and the company has continued recruitment efforts since the expiration.

FINANCIAL IMPACT: Costs for services are budgeted by individual departments.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the agreement with Elwood Staffing Services, Inc. and authorize the City Manager and City Clerk to sign the agreement extension.

**D. Purchase and Installation of a Replacement Drive for Recirculation Pump** Water Filtration Plant

SUMMARY OF REQUEST: To accept a quote from the Eaton Corporation – Electrical Services & Systems Division to purchase and install a replacement drive on Recycle Pump #1 at the Water Filtration Plant in the amount of \$14,408.

FINANCIAL IMPACT: \$14,408.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to accept quote.

**E. Demolition Bids for City Owned Dangerous Buildings** Planning and  
Economic Development

SUMMARY OF REQUEST: Due to the City's active efforts to fight blight through the demolition program, the City accepted properties that did not sell at the tax foreclosure auction and were deemed dangerous buildings.

It is requested that administration be directed to obtain bids for the demolition of the structures and the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution.

**F. 2016 Pavement Marking Program** Department of Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into 1-year contractual agreement with Michigan Pavement Marking (MPM) of Wyoming, MI for Centerline Painting and Advanced Pavement Marking (APM) of West Olive, MI for Special Pavement Markings. This contract bid was awarded by the Muskegon County Road Commission (MCRC) and for local agencies in the Muskegon County Pavement Marking Group to enter into with MPM and APM with each member billed separately by MPM and APM for painting services requested.

FINANCIAL IMPACT: Estimated costs for 2016 are projected to be \$25,000 for both Centerline Painting and Specialty Markings. Approximately \$16,688 in 2015 was spent for Centerline Painting, through the previous bids/contracts with MCRC and MPM/APM.

BUDGET ACTION REQUIRED: None, contractual work has been budgeted for in the Highway Majors budget.

STAFF RECOMMENDATION: Approve request to enter into a 1-year contract with Michigan Pavement Markings for Centerline Painting and Advanced Pavement Markings for Special Pavement Markings.

**H. Adoption of No-Reason Absentee Resolution** City Clerk

SUMMARY OF REQUEST: To adopt a resolution supporting No-Reason Absentee voting being allowed in the State of Michigan.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the Resolution.

**Motion by Commissioner Johnson, second by Commissioner German, to approve the consent agenda with the exception of items G and I.**

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

**Nays: None**

**MOTION PASSES**

**2016-13 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**G. Second Quarter 2015-16 Budget Reforecast** Finance

SUMMARY OF REQUEST: At this time staff is transmitting the *Second Quarter 2015-16 Budget Reforecast* which outlines proposed changes to the budget that have come about as a result of changes in revenue projections, policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: Significant second quarter proposed adjustments to the budget are as follows:

- General Fund revenues are reforecast to be \$164,000 higher than

the original budget. This increase is primarily due to a \$445,000 increase in our estimate for income tax revenue, a net projected increase of \$19,000 in licenses and permit revenue, \$75,000 anticipated from a USDA grant for marketing the Farmers' Market, and a projected \$45,000 grant for LED conversion of City owned street lights. The projected increases in General Fund revenues are partially offset by the elimination of \$350,000 from the budget due to the failed street lighting special assessment, an net reduction of \$16,000 from projected fines and fees as well as a decrease of \$84,100 in other revenue, most notably from demos and board-ups.

- General Fund expenditures are estimated to be \$601,429 higher than the original budget. This increase is largely due to the addition of proposed capital projects including; the conversion of City owned street lights to LED (\$115,000), the conversion of street lights owned by Consumers Energy to LED (\$270,000), installation of an LED sign at the Farmers' Market (\$30,000), repairs to the boardwalk at Kruse Park (\$30,000), and improvements at Marsh Field (\$23,256). The \$75,000 anticipated USDA grant for the Farmers' Market is projected to be spent by the end of the fiscal year.
- Major Streets Fund means of financing has been increased by \$1,506,277, primarily from the carryover of the remainder of the 3.3 million dollar grant from the state to reconstruct Muskegon and Webster Avenues.
- A new fund was created for the operation of the L C Walker Arena. The L C Walker Arena Fund has \$503,500 in projected means of financing and \$540,000 in projected operating expenditures.
- Arena Improvement Fund revenues and expenditures are reforecast higher than the original budget due to the City assuming operations of the arena after the original budget was adopted.
- State Grants Fund revenues are reforecast \$250,000 higher due to the MSHDA grant that was awarded. Correspondingly, expenditures in the fund are reforecast \$250,000 higher.
- Marina Fund revenues are projected down by \$360,000 in large part due to not receiving a grant of \$375,000 that would have been used for docks and building improvements. Marina Fund expenditures are reforecast down by \$484,000, primarily due to the removal of the previously proposed docks and building improvements capital project.

**BUDGET ACTION REQUIRED:** City commission approval of this reforecast will formally amend the City's 2015-16 budget.

**STAFF RECOMMENDATION:** Approval.

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner German,**

to approve the Second Quarter 2015-16 Budget Reforecast.

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

**Nays: None**

**MOTION PASSES**

**I. Adoption of Resolution in Opposition of Public Act 269 of 2015**

City Clerk

SUMMARY OF REQUEST: To adopt a resolution in opposition of Public Act 269 of 2015.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt the Resolution.

**Motion by Commissioner German, second by Commissioner Johnson, to adopt the Resolution in opposition of Public Act 269 if 2015.**

**Motion by Commissioner Johnson, second by Commissioner Rinsema-Sybenga, to amend the Resolution to remove the Now, Therefore be it resolved paragraph referencing a double standard and Section 54, subsection (3), regarding payroll deductions.**

**(Motion to Amend)**

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

**Nays: None**

**MOTION PASSES**

**(Original Motion)**

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

**Nays: None**

**MOTION PASSES**

**2016-14 NEW BUSINESS:**

**A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: Public Safety**

**1302 Sanford Street**

**340 W. Southern**

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 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 a contract 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.

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

**Motion by Commissioner Rinsema-Sybenga, Second by Vice Mayor Hood, to concur with the Housing Board of Appeals decision to demolish 340 W. Southern.**

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

**Nays: None**

*MOTION PASSES*

**Motion by Commissioner German, Second by Commissioner Rinsema-Sybenga, to concur with the Housing Board of Appeals decision to demolish 1302 Sanford.**

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

**Nays: None**

*MOTION PASSES*

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission adjourned at 6:14 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

**COMMISSION MEETING DATE: February 23<sup>rd</sup>, 2016**

Date: February 12<sup>th</sup>, 2016  
To: Honorable Mayor and City Commissioners  
From: Director of Public Safety Jeffrey Lewis  
RE: Tobacco Products Ordinance Amendments

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**SUMMARY OF REQUEST:** In order to have the City's enforcement ordinances align with other neighboring communities, our ordinance involving the use or possession of tobacco products was amended. The amended ordinance reflects a county-wide effort to standardize the enforcement as it relates to tobacco use and sales. At the same time address the use of vapor products and the use of electronic devices, which dispense nicotine solution or other forms intended for human consumption.

As such, Section 54-242, Article VII, of the City of Muskegon ordinance is being repealed and replaced. In addition to the use of e-cigarettes and vapor products, the ordinance decriminalizes the use of tobacco and associated products; those citizens will receive a civil infraction violation. Those that illegally supply tobacco and related products will receive a misdemeanor violation as described by ordinance.

See revised ordinance Chp 54, Article VII, Section 242 for details.

**FINANCIAL IMPACT:** None.

**BUDGET ACTION REQUIRED:** None.

**STAFF RECOMMENDATION:** Adopted revised ordinance (54-242 Article VII) as presented.

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY MUSKEGON ORDAINS:

1. Chapter 54, Article VII, Section 242 "Use or possession of tobacco products by minors in public; penalty; special conditions of probation" of the Code of Ordinances of the City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 54-242. Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors.

(a) A person who is less than 18 years of age shall not: purchase or attempt to purchase a tobacco product, vapor product or alternative nicotine product; possess or attempt to possess a tobacco product, vapor product or alternative nicotine product; use a tobacco product, vapor product or alternative nicotine product; or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purchase of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, vapor product or alternative nicotine product. An individual who violates this Section is responsible for a civil infraction punishable by a fine of not more than \$50.00 for the first violation. For a second violation, an individual is responsible for a civil infraction punishable by a fine of not more than \$100.00. For a third or subsequent violation, an individual is guilty of a misdemeanor punishable by a fine of not more than \$300.00.

(b) No person shall: offer to sell, give, or furnish a tobacco product, vapor product or alternative nicotine product to a person who is less than 18 years of age, including, but not limited to, through a vending machine. Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product or alternative nicotine product to an individual, a person shall verify that the individual is at least 18 years of age by examining a government issued photographic identification that establishes that the individual is at least 18 years of age. This verification requirement does not apply to those persons that visually appear to be older than 25 years of age. A person who violates this Section is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for the first violation. For a second violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$150.00. For a third or subsequent violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment.

(c) Definitions: "Alternative Nicotine Product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means; "Tobacco Product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars; "Vapor Products" means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Marie Meisch, MMC City Clerk

**CITY OF MUSKEGON  
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on \_\_\_\_\_, 2016, the City Commission of the City of Muskegon adopted an amendment to Article VII, Section 242, Use or possession of tobacco products by minors in public; penalty; special conditions of probation, of the of the City of Muskegon Ordinance, whereby the section was replaced in its entirety with the following:

Section 242 was renamed "Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors"

1. Subsection (a) prohibits minors from purchasing, consuming or possessing tobacco products.
2. Subsection (b) prohibits any person from furnishing tobacco products to minors.
3. Subsection (c) defines the terms used in the ordinance.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: \_\_\_\_\_, 2016

By: \_\_\_\_\_  
Ann Cummings, MMC, Its Clerk

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PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

**COMMISSION MEETING DATE: February 23<sup>rd</sup>, 2016**

**Date: February 12<sup>th</sup> 2016**

**To: Honorable Mayor and City Commissioners**

**From: Director of Public Safety Jeffrey Lewis**

**RE: Local Parking Ordinance Amendments**

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SUMMARY OF REQUEST: During the City's last codification, several sections of the parking ordinance were amended. In order to have the City's enforcement ordinances align with State law, some ordinances were moved to different sections of the code. Some noted sections of the ordinance were inadvertently removed during codification while rewriting the municipal code. Staff has worked with the codification personnel, as well as our City Attorney to draft the needed changes. Also this action is to rescind the first reading approved by City Commission on December 8<sup>th</sup>, 2015 with recommended revisions.

As such, Sections 58-3, 92-33, 92-71, 92-73, and 46-204 of the Muskegon City of Muskegon ordinances have been rewritten to reflect the previously adopted ordinances and updated modifications because of changes to the Uniform Traffic Code and to include the fee schedule for parking, civil violations, boat launch permits, and local parking restrictions.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the amended ordinance(s), fee schedule as presented.

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 58, Section 58-3, "Public boat launch permit; violation as a municipal civil infraction.," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 58-3. Public boat launch permit; violation as a municipal civil infraction.

No person shall launch a boat at city launch ramp facilities without a permit from the city from March 1 through November 30. Violation of this section shall be a municipal civil infraction.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

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Ann Marie Meisch, MMC

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 92, Section 92-33, "Changes in Uniform Traffic Code," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

**Sec. 92-33. Changes in Uniform Traffic Code.**

The following rules of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional rules are added as indicated. Subsequent rule numbers used in this section shall refer to the like-numbered rules of the Uniform Traffic Code for Cities, Townships and Villages.

Rule 1 (1) (k.1) is added to read as follows:

Rule 1 (1) (k.1). "Parkway" means that part of a street lying between the property lines and that portion of the street ordinarily used for vehicular travel.

Rule 106 is added to read as follows:

Rule 106. Impounding or immobilizing vehicles.

(1) The city may impound vehicles on public or private property and remove them or cause them to be removed to a storage facility, or immobilize vehicles, or do both under the circumstances set forth and described in this section and MCL 257.252a et seq., including, without limitation, when such impounding or immobilization is ordered or authorized by a court.

(2) The city may immobilize vehicles by the use of devices such as the boot, the club, or other device which prevents the movement of a vehicle, which devices shall be in the control and possession of the police department of the city.

The city commission determines that the conditions and circumstances described in this section constitute situations requiring impoundment or immobilization of vehicles to safeguard the public safety, health and welfare, aid in traffic safety enforcement, minimize congestion and accomplish reasonable law enforcement objectives.

Rule 107 is added to read as follows:

Rule 107. Impounding of vehicles; failure to answer parking notices or citations.

(1) The police department or a police agency enforcing the city ordinances may immediately impound a vehicle found on public property or on a public street whose owner has failed to answer six or more parking violation notices or citations resulting from violations of provisions of this traffic code or any other ordinance of the city under which parking violations or citations have been issued, including but not limited to illegal parking at boat ramps, in parks, in spaces for parking for disabled persons, or at other locations in the city. The impoundment may take place whenever the police agency or department identifies the vehicle, whether during a parking violation after the sixth failure to answer or at any other time.

(2) The police agency or department which impounds a vehicle under this section shall follow the procedures set forth in rules 105 and 106 except that impoundment may take place immediately without notice. In addition:

- (a) Accrued charges to be paid by the owner shall include any previously incurred impounding fees, fines, costs, forfeitures or penalties arising out of the ownership or operation of such vehicle, or any other vehicle owned or operated by such person. Accrued charges shall also include previously unpaid and current reasonable charges for impound and storage of the vehicle. The owner shall also pay an impound fee as determined by city commission resolution.
- (b) If the owner or operator disputes liability as to any impoundment fees or any previously incurred impoundment fees, fines, costs, forfeitures or penalties, such owner or operator may have the vehicle released from impoundment by posting a cash deposit equal to the impound fee, the tickets, fines and the cost of towing and storage not to exceed \$500.00, to the clerk of the district court or the city's police department,

pending final adjudication of the disputed liability. Upon the posting of the required cash deposit, the police department shall execute a release of the vehicle from impoundment and, upon delivery of such release to the operator of the impound lot, the owner or operator of the vehicle shall thereupon be restored to possession thereof. If the district court determines that the owner or operator of the vehicle did not fail to answer six or more parking violation notices or citations regarding illegal parking the city shall refund the entire deposit and shall assume and pay all towing and storage fees. If the owner or operator is determined to have failed to answer said notices or citations legally hereunder which resulted in the vehicle impound, the city shall apply the cash deposit to the fees, fines and costs assessed by the district court, and refund the balance, if any, to the person who made the cash deposit.

- (3) "Unanswered" means failure to pay, have dismissed or appear in person at the city hall to respond to the citation.

Rule 108 is added to read as follows:

Rule 108. Immobilization of vehicles.

(1) A vehicle found on public property or on a public street and, in circumstances limited and defined under this section, a vehicle on private property, may be immobilized by the city using a device referred to in rule 106(2) under the following circumstances, deemed by the city to be necessary for the public health, safety and welfare, including traffic safety enforcement, minimizing of traffic congestion and accomplishing reasonable law enforcement objectives:

- (a) The conditions set forth in MCL 257.252a, 257.252b, 257.252d and rule 107.
- (b) The vehicle is subject to an impounding order of a court. Such immobilization may also be used on private property.
- (c) The vehicle is subject to an impounding procedure of this or any other jurisdiction and has been wrongfully removed from a storage facility or impounding company.

(2) Procedure for immobilization; impoundment. The city, by its police department, shall do the following with a vehicle subject to immobilization:

- (a) Affix a sticker to the windshield or driver's side window containing information pertaining to the reason for immobilization, time limits and circumstances for impoundment,

and information regarding fee, payment of tickets or citations and redemption. The notice shall, if applicable, state if the vehicle is subject to a court-ordered impoundment and, therefore, not redeemable except by the terms of the court order. The notice shall provide the following additional information:

- (1) Date and time the notice is affixed;
  - (2) Police department address;
  - (3) The name and badge number of the officer affixing the notice; and
  - (4) The year, make and vehicle identification number of the vehicle, if available.
- (b) Cause the immobilization device to be attached to the vehicle by trained personnel.
- (c) If a responsible person or the owner has not appeared at the police department to redeem the vehicle by paying outstanding tickets or citations, or accomplished other remedial actions and paying fees within 48 hours of the notice, the vehicle shall be impounded and the procedure under MCL 257.252d shall apply.
- (3) Redemption from immobilization. A responsible person may redeem a vehicle from immobilization as follows:
- (a) Paying all outstanding parking tickets or citations, default judgments and costs involving the vehicle, or posting a bond for the entire amount thereof; and
  - (b) Paying the immobilization fees.
  - (4) Removal of device. No immobilization device may be removed from a vehicle unless the vehicle is properly redeemed or the police department has impounded the vehicle. Unauthorized removal by any person shall constitute a misdemeanor.

Rule 109 is added to read as follows:

Rule 109. Court-ordered immobilized or impounded vehicle.

Any vehicle immobilized or impounded under a court impounding order shall not be redeemed or released except in accordance with the court order.

Rule 110 is added to read as follows:

Rule 110. Fees.

Fees shall be charged for immobilizations and impoundment to defray the cost of these enforcement procedures. The city commission shall determine the fees to be paid by resolution.

Rule 159 is added to read as follows:

Rule 159. Appointment of traffic engineer.

The city manager is hereby appointed to fill the office of traffic engineer established pursuant to rule 125.

Rule 416c is hereby amended to read as follows:

Rule 416c. Consumption of alcoholic liquor on a highway, public place, or area generally accessible to motor vehicles, including area designated for parking of vehicles; violation punishable by a misdemeanor.

(1) A person shall not consume alcoholic liquor upon a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designed for the parking of vehicles in the city.

(2) A person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00, or both.

Rule 434 is amended to read as follows:

Rule 434. Obedience to no-turn signs; violation is civil infraction.

(1) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such signs.

(2) A driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street, unless such movement can be made in safety and without interfering with other traffic. However, no such turn shall be made where a sign prohibiting such turn has been erected or at any intersection controlled by a traffic signal.

(3) A person who violates this section is responsible for a civil infraction.

Rule 453 is amended to read as follows:

Rule 453. Avoidance of traffic control devices prohibited; violation is civil infraction.

(1) No person shall drive or operate a motor vehicle through any gasoline filling station or service station driveway, unless for the purpose of obtaining service at such station, and no person shall drive or operate a motor vehicle through or upon any public parking lot, unless for the purpose of parking such motor vehicle in such parking lot.

(2) A driver of a vehicle shall not attempt to avoid obedience to any traffic control device by driving on or through any private property.

(3) A person who violates this section is responsible for a civil infraction.

Rule 500 is added to read as follows:

Rule 500. Trees and plants not to interfere with view of traffic at intersections.

(1) All trees, shrubbery or growing plants located on the parkway at or near the corners of any street intersection shall be kept trimmed or so maintained as not to obscure, obstruct or in any manner interfere with the view of pedestrians or drivers or operators of vehicles approaching or entering such intersections, and should the owner or person responsible therefor fail to so trim or maintain such trees, shrubbery or growing plants, it shall be the duty of the department of public works to trim or remove the same without notice.

(2) A person who violates this section is responsible for a civil infraction.

Rule 501 is added to read as follows:

Rule 501. Vehicles to be operated only in areas designated for vehicular travel.

(1) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadway or other such areas so designated for vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway, except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park, beach or other public area,

except in those areas designated for vehicular travel therein.

(2) In all cases of violations under this section either the registered owner or the operator of such vehicle may be proceeded against in the district court, and the registered owner of the vehicle at the time of the violation shall be presumed to be the violator as well as the actual operator thereof.

(3) Any person who violates this section is guilty of a misdemeanor, and, upon conviction, shall be assessed a fine of not less than \$100.00 or sentenced to not less than ten days in the county jail, or both.

(4) Any person convicted of a second violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$200.00 or sentenced to not less than 20 days in the county jail, or both.

(5) Any person convicted of a third or subsequent violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$300.00 or sentenced to not less than 30 days in the county jail, or both.

Rule 628 is added to read as follows:

Rule 628. Registration.

(1) No bicycle shall be propelled or operated upon any of the public streets, sidewalks, avenues, lanes, alleys, parks, bridges or public places within the city, unless such bicycle is registered with the police department. Application for such registration shall be filed with the police department, stating the owner's name, residence address, the make and model of the bicycle, the serial number of the bicycle and such other information relative to the bicycle as the chief of police or his designated representative shall require. Such application shall be made upon blank forms furnished by the police department.

(2) The chief of police or his designated representative shall file all applications for registration of bicycles in the police department and keep a complete and accurate record of the facts appearing therein together with a numerical list of the license plate numbers assigned to each bicycle.

(3) The fee for the registration of a bicycle under this section shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. All money derived from the registration of bicycles shall be paid by the police department into the general fund of the city.

(4) In the event of transfer of ownership of a bicycle registered

under this section, the new owner shall, within ten days from such transfer, make application on a similar form for the transfer of registration to the new owner, and shall accompany such application with a transfer fee as currently established or as hereafter adopted by resolution of the city commission from time to time.

(5) A person who violates this section is responsible for a civil infraction.

Rule 629 is added to read as follows:

Rule 629. License number and plate generally.

(1) Upon receipt of the fee prescribed by rule 628 and a satisfactory application pursuant to such section, the chief of police or his designated representative shall assign a number to each bicycle so registered and delivery to the applicant a license plate bearing the number so assigned. Such license plate shall be firmly attached to the rear of the bicycle and shall be valid for that bicycle only and shall not be transferred from one bicycle to another. Upon assigning such number and issuance of such plate, the number of such bicycle shall be stamped upon the framework of the bicycle so registered.

(2) All bicycle license plates shall remain the property of the city, and the chief of police or any of the policemen of the city are hereby authorized to confiscate and take possession and custody of any such plate attached to any such bicycle for which it was not issued, or when the person to whom the plate was issued has made or is making unlawful use thereof.

(3) In the event of the loss of a plate issued under this section, a duplicate plate may be obtained by paying the cost thereof to the city.

(4) A person who violates this section is responsible for a civil infraction.

Rule 630 is added to read as follows:

Rule 630. Removal, alteration, etc., of license or frame number, license plate, seal, etc.

(1) It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame registered pursuant to the article. It shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Nothing in this section shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which such number is illegible or

insufficient for identification purposes.

(2) The police department is herewith empowered and authorized to impound any unlicensed bicycle or any bicycle found with the license or frame number removed, destroyed, mutilated or altered until such time as the person in possession, or the owner of the bicycle, can prove ownership. In the event proper ownership is not proven within 60 days after the date of impoundment, the bicycle can be sold at public auction.

(3) A person who violates this section is responsible for a civil infraction.

Rule 631 is added to read as follows:

Rule 631. Riding prohibited on limited access or multilane roadway.

(1) No person shall ride any bicycle on Seaway Drive, or any other limited access roadway within the city, where parking has been prohibited. Any person operating along these routes shall be required to use the pedestrian walkway adjacent thereto.

(2) A person who violates this section is responsible for a civil infraction.

Rule 632 is added to read as follows:

Rule 632. Operation in dangerous districts.

(1) If the safety of the operator of a bicycle, the condition of the sidewalk or highway, the foot or vehicular traffic, including the safety of pedestrians, is such in any district as to require the operator of the bicycle to dismount and push the vehicle or to avoid such district in the exercise of ordinary caution and prudence, it shall be the duty of such operator of any bicycle to dismount and push the same through such dangerous district or to avoid the district entirely while it is unsafe for the operation of such bicycle.

(2) A person who violates this section is responsible for a civil infraction.

Rule 633 is added to read as follows:

Rule 633. Pedal bicycle with helper motor not to be ridden on sidewalks.

(1) No person shall ride a pedal bicycle with helper motor on city sidewalks.

(2) A person who violates this section is responsible for a civil infraction.

Rule 634 is added to read as follows:

Rule 634. Racing and trick riding.

(1) It shall be unlawful for any person riding a bicycle to race with any other person riding a bicycle, to ride without using both hands on handlebars, or to indulge in other trick riding upon any streets, sidewalks, avenues, lanes, alleys, parks, bridges or other public places within the city.

(2) A person who violates this section is responsible for a civil infraction.

Rule 635 is added to read as follows:

Rule 635. Riding abreast, curving to and fro.

(1) It shall be unlawful to ride abreast on bicycles upon any highway or public street, or to ride curving to and fro thereon. It shall be unlawful for bicycles to be ridden abreast on the sidewalks of the city, except when passing.

(2) A person who violates this section is responsible for a civil infraction.

Rule 636 is added to read as follows:

Rule 636. Riding on private property.

(1) No person riding a bicycle shall ride the same upon or across the private property of another person without the permission of the owner of such property or the person in rightful possession thereof.

(2) A person who violates this section is responsible for a civil infraction.

Rule 717 is added to read as follows:

Rule 717. Standing in street or alley so as to interfere with vehicular traffic.

(1) No pedestrian shall stand or otherwise remain in any street or alley so as to obstruct the free movement of vehicular traffic.

(2) A person who violates this section is responsible for a civil infraction.

Rule 718 is added to read as follows:

Rule 718. Pedestrians: remaining in street or road.

(1) Where sidewalks are provided or where public beaches, parkland or other accessible public property is adjacent to a street or public right-of-way, it is unlawful for pedestrians to remain in the street or road, including traveled portions and parking areas in said street or road.

(2) A person who violates this section shall be responsible for a civil infraction.

Rule 825 is added to read as follows:

Rule 825. Vehicles parked in restricted area deemed stationary if not moved more than 50 feet.

Vehicles parked in the restricted parking area, which are not moved, more than 50 feet during the limited parking period, shall be deemed to have remained stationary.

Rule 826 is added to read as follows:

Rule 826. Impounding of vehicles for failure to answer parking violation notices or citations.

In addition to the infractions and penalties set forth in this traffic code for parking violations, vehicles may be impounded in the circumstances set forth in Rule 107.

Rule 829 is added to read as follows:

Rule 829. Moving of parked vehicle at request of police officer or owner or occupant of abutting property.

(1) The operator of a vehicle which is parked shall move the same at any time at the request of a police officer, or at the request of the owner or occupant of the abutting property, if the vehicle has been parked over three hours, or if it is a commercial vehicle, after it has been parked over one hour.

(2) A person who violates this section is responsible for a civil infraction.

Rule 830 is added to read as follows:

Rule 830. Interference with enforcement.

(1) No person shall knowingly and willfully obstruct or interfere with the enforcement of any of the provisions of this traffic code regulating the standing or parking of motor vehicles nor shall any person knowingly or willfully obstruct or interfere with any police officer or other city employee while such police officer or other city employee is engaged in the enforcement of any of the provisions of this chapter regulating the standing or parking of motor vehicles.

(2) A person who violates this section is responsible for a civil infraction.

Rule 831 is added to read as follows:

Rule 831. Unlawful conduct at scene of accident.

(1) No person shall proceed to the scene of an accident or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency, or for the purpose of advertising or offering any service for hire, nor shall any person thereat solicit gainful employment of any nature.

(2) A person who violates this section is responsible for a civil infraction.

Rule 903 is amended to read as follows:

Rule 903. Penalties; civil infraction and misdemeanor.

(1) *Civil infraction.* Any violation of the uniform traffic code adopted or amended by the city which is designated as a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense. Civil infraction fines shall be in any amount, if not specifically set forth, up to \$500.00, or set forth in a schedule adopted by the district court pursuant to statute. The fines shall be exclusive of costs, expenses or fees.

(2) *Misdemeanor.* Unless another penalty is expressly provided by the ordinances of the city, every person who is convicted of a misdemeanor violation of any provision of the uniform traffic code shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both.

Rule 1000 is added to read as follows:

Rule 1000. Adoption of state snowmobile statutes.

There is hereby adopted by reference the provisions of Part 821, Public Act No. 451 of 1994 (MCL 324.82101 et seq.), as if fully set out herein.

Rule 1001 is added to read as follows:

Rule 1001. Operation of snowmobile between 10:00 p.m. and 7:00 a.m.

A person shall not operate a snowmobile within the city during the hours from 10:00 p.m. until 7:00 a.m.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

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Ann Marie Meisch, MMC  
City Clerk

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 92, Section 92-71, "Parking restrictions," and Section 92-73, "Parking violations bureau; minimum parking fines," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 92-71. Parking restrictions.

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
  - (a) On a sidewalk;
  - (b) In front of a public or private driveway;
  - (c) Within an intersection;
  - (d) Within 15 feet of a fire hydrant;
  - (e) On a crosswalk;
  - (f) Within 20 feet of a crosswalk, or if there is not a crosswalk then, within 15 feet of the intersection of property lines at an intersection of highways.
  - (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a highway;
  - (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking;
  - (i) Within 50 feet of the nearest rail of a railroad crossing;
  - (j) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance if properly marked by an official sign.
  - (k) Alongside or opposite any street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic;
  - (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
  - (m) Upon a bridge or other elevated highway structure or within a highway tunnel.
  - (n) At a place where an official sign prohibits stopping or parking.
  - (o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.
  - (p) In front of a theater

- (q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- (r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- (s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:
  - (i) A certificate of identification or windshield placard issued under section 675 to a disabled person.
  - (ii) A special registration plate issued under section 803d to a disabled person.
  - (iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.
  - (iv) A similar special registration plate issued by another state to a disabled person.
  - (v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.
- (t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- (u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- (v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- (w) In violation of an official sign restricting the period of time for a manner of parking.
- (x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8).
- (y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.
- (z) In a place or in a manner that blocks the use of an alley.
- (aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- (LO1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings. The front

of the vehicle must be nearest the curb or edge of roadway and the rear of the vehicle nearest the travel portion of the roadway or parking area (no backing in);

- (LO2) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except otherwise provided in this part;
- (LO3) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxi cab in a taxi cab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxi cab waiting to enter or about to enter the zone.
- (LO4) On unimproved side or front yards of residential lots.
- (LO5) Within 50 feet of a public boat launch
- (LO6) Other than between painted lines in designated parking areas
- (LO7) Along or on any unpaved parkway, except where the same is used for a driveway to enter private or public property. Parking on the terrace (i.e., the area between the property line and the street) is permitted during the winter season from December 15 through the last day of February.
- (LO8) In any public park, beach or other public area between the hours of 11:00pm and 5:00am.
- (LO9) On any street between 2:00am and 6:00am during the winter season from December 15 through the last day of February.
- (LO10) Commercial Vehicle defined: "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and /or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn,
  1. No commercial vehicle shall be parked upon any street or alley for a period longer than two (2) hours.
  2. No commercial vehicle shall be parked at any angle to the line of the street or alley while loading or unloading for a period longer than one (1) hour.
  3. No commercial vehicle shall be parked at any angle to the line of the street or alley where such vehicle would prohibit the free flow of traffic.
  4. No commercial vehicle shall be parked in residential areas.
- (LO11) Special provisions relating to trailers and semitrailers:
  1. No unattached trailer or semitrailer shall be parked on any street or alley at any time except when it is necessary to temporarily disconnect such trailer or semitrailer for convenience in loading or unloading.
  2. Streets in a business district may be designated on which no trailer shall be stopped, parked or allowed to stand between the hours of 10:00am and 6:00pm.
  3. A person who violates this section is responsible for a civil infraction.

- (LO12) No vehicle shall display a ‘for sale’ sign while parked on any public street or property.
- (LO13) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadways or other such areas so designated for the vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park beach or other public area, except in those areas designated for vehicular travel therein.

- (2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.
- (3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1) (n) if the place is posted by and appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.
- (4) A person who violated this section is responsible for a civil infraction.

Sec. 92-73. Parking violations bureau; minimum parking fines.

- (1) Pursuant to the provisions of state law MCL 600.8395, there is hereby established within the city a parking violations bureau to accept pleas of responsible in motor vehicle parking violation cases and to collect and retain fines and costs as prescribed by ordinance.
- (2) Upon pleading responsible or being found responsible by a court, the fines for parking violations shall be as follows:

(2.1) *Level 1 parking violations.*

Code 92-71(1)	Offense
LO1	Violation of angle parking/backed into space signs
LO2	Too far from curb
LO2	Parking facing traffic
LO3	Loading zone, Passenger zone (bus/taxi cab zone)
w	Parking overtime
x	Meter Parking

The penalties for level 1 parking violations are as follows:

If paid within 7 days	If paid after 7 days but before 14 days	If paid after 14 days but before 30 days	If paid after 30 days
\$10.00	\$20.00	\$30.00	\$60.00

(2.2) *Level 2 parking violations.*

Code § 92-71(1)	Offense
a	Parking on sidewalk
b	Blocking driveways
c	Within an intersection
e	In a crosswalk
f	Within 20 feet of a crosswalk or within 15 feet of property lines at intersection
g	Too close to a flashing beacon, stop sign, yield sign, traffic control signal, or other traffic sign
h	In a safety zone
i	Too close to railroad
j	Too close to fire station entrance
k	Parking: obstruct traffic
m	Parking on a bridge or in a tunnel
n	Posted prohibited parking; parking violation of any posted signs
o	Parking within 500 feet of an accident
p	Parking in front of a theater
q	Blocking emergency exits
r	Blocking fire escape
v	Within 500 feet of a fire or fire apparatus (except volunteers and vehicles legally parked before the fire)
y	Obstruct mail delivery
z	Alley parking
LO4	Front and side yard parking
LO7	Parking on terrace or parkway
LO9	2a—6a parking prohibited
LO10	Commercial vehicles
LO11	Unattached trailers and semitrailers
LO12	No vehicle shall display a “for sale” sign while parked on any public street or property
	Other violations

The penalties for level 2 parking violations are as follows:

If paid within 7 days	If paid after 7 days but before 14 days	If paid after 14 days but before 30 days	If paid after 30 days
\$15.00	\$30.00	\$45.00	\$70.00

(2.3) *Level 3 parking violations.*

Code §92-71(1)	Offense
d	Too close to a fire hydrant
l	Double parking
LO6	Parking outside the lines
LO8	Parking in a public park after 11:00 p.m. and before 5:00 a.m.
LO13	Prohibited off-road vehicular traffic
	Other violations in any city parks

The penalties for level 3 parking violations are as follows:

If paid within 7 days	If paid after 7 days but before 14 days	If paid after 14 days but before 30 days	If paid after 30 days
\$20.00	\$40.00	\$60.00	\$80.00

(2.4) *Level 4 parking violations.*

Code §92-71(1)	Offense
LO5	Parking within 50 feet of a public boat launch

The penalties for level 4 parking violations are as follows:

If paid within 7 days	If paid after 7 days but before 14 days	If paid after 14 days but before 30 days	If paid after 30 days
\$55.00	\$65.00	\$75.00	\$85.00

(2.5) Any other violation of the parking provisions which are not listed in the above schedules shall be considered level 2 parking violations and shall carry the penalties set forth above for level 2 violations, except that:

- a) Code § 92-71(1)(s)(t)(u). Spaces for disabled persons. Unlawful parking in a space reserved for persons with disabilities as defined in applicable state law shall carry a minimum of \$105.00, which shall increase to \$210.00 after the first seven days after the violation, and \$315.00 after 14 days; and
- b) Code § 92-71(1)(aa). Fire lane. Unlawful parking in a fire lane shall carry a minimum of \$30.00, which shall increase to \$60.00 after the first seven days after the violation and \$90.00 after 14 days and \$120.00 after 30 days.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Marie Meisch, MMC  
City Clerk

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 46, Section 46-204, “Schedule of civil fines established,” of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 46-204. Schedule of civil fines established.

(a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established by this article. The schedule shall be as follows:

Section	Subject	First Offense	First Repeat*	Second Repeat**
6-2	Animals	\$100.00	\$200.00	\$500.00
10-31	Construction codes	100.00	250.00	500.00
10-63, 10-102	Dangerous buildings	100.00	250.00	500.00
10-131	Demolition of buildings	100.00	250.00	500.00
10-22	Moving of buildings	100.00	250.00	500.00
10-282	Property maintenance code	100.00	250.00	500.00
14-32	Cemeteries	100.00	250.00	500.00
22-35	Defective alarm systems	100.00	250.00	500.00
26-32	Noise	100.00	250.00	500.00
26-213	Point-source groundwater discharges	100.00	250.00	500.00
30-194	Fire codes	100.00	250.00	500.00
30-222	Recreational fires	100.00	250.00	500.00
34-35	Smoking	25.00	50.00	100.00
34-64	Water supplies	100.00	250.00	500.00
34-113	Medical marihuana	100.00	250.00	500.00
38-120	Historic districts	100.00	250.00	500.00
42-32	Fair housing	200.00	300.00	500.00
50-2	Business license	100.00	250.00	500.00
50-72	Dances and dance halls	100.00	250.00	500.00
50-203	Electronic filing requirement—pawn shops	100.00	250.00	500.00
54-4	Spitting in public	100.00	250.00	500.00
54-31	Theft of cable television services	100.00	250.00	500.00
54-32	Damaging, removing or defacing property	100.00	250.00	500.00
54-214	False impersonation of police officer	100.00	250.00	500.00
54-241	Curfew for underage persons	50.00	100.00	200.00
54-283	Parental responsibility	100.00	250.00	500.00

30-308	Fireworks	100.00	250.00	500.00
58-1	Alcoholic liquors in parks or playgrounds	50.00	100.00	200.00
58-2	Obedience to signs or instructions in parks	50.00	100.00	200.00
58-3	Public boat launch permit	50.00	100.00	200.00
58-34	Use of recreational facilities	50.00	100.00	200.00
70-3	Solid waste	100.00	250.00	500.00
74-1	Streets, sidewalks and public property	50.00	100.00	200.00
74-116	Street numbers for buildings	25.00	50.00	100.00
78-34	Subdivisions	100.00	250.00	500.00
90-30	Metropolitan extension telecommunications rights-of-way oversight	100.00	250.00	500.00
92-56	Junk vehicles	100.00	250.00	500.00
94-1	Utilities	100.00	250.00	500.00
98-1	Vegetation	25.00	50.00	100.00
98-38	Noxious weeds	100.00	250.00	500.00
	Zoning	100.00	250.00	500.00

\*First repeat means a repeat of the offense by the same person in concert within 24 months of the first offense.

\*\*Second repeat means a repeat of the offense by the same person in concert within 24 months of the first repeat offense.

(b) A copy of the schedule, as amended from time to time by ordinance, shall be posted at the bureau.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

---

Ann Marie Meisch, MMC  
City Clerk

AGENDA ITEM NO. \_\_\_\_\_

CITY COMMISSION MEETING \_\_\_\_\_

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: February 23, 2016

SUBJECT: 2016 Dozer Rental for Beach Leveling

**SUMMARY OF REQUEST:**

Staff is requesting permission to enter into a rental agreement with Contractors Rental Corporation, out of Grand Rapids, MI for a John Deere Cab Dozer for leveling sand at Pere Marquette Beach.

**FINANCIAL IMPACT:**

Estimated cost for the 2016 Dozer rental is \$8,850 (which includes \$550 for delivery and pickup).

**BUDGET ACTION REQUIRED:**

None.

**STAFF RECOMMENDATION:**

Approve request.

**COMMITTEE RECOMMENDATION:**

# Memo

**To:** Mohammed Al-Shatel  
**From:** Doug Sayles  
**Date:** 2/10/16  
**Re:** Dozer Rental for Annual Beach Leveling at PM Park

---

Attached are 3 bids for the dozer rental for the Highway Departments' beach leveling project for 2016.

**Michigan CAT** submitted a bid proposal of \$7,710 per month plus \$900 for delivery and pickup for a total of \$8,610.

**Southeastern Equipment Co., Inc.** submitted a proposal of \$7,500 per month plus \$1,000 for delivery and pickup, for a total of \$8,500.

**Contractors Rental Corporation** submitted a proposal of \$8,300 per month plus \$550 for delivery and pickup, for a total of \$8,850.

Based on the tabulated bids above, it would appear that **Southeastern Equipment Co., Inc. and then Michigan Cat** would be the lowest bidders.

However, based upon the size of the equipment utilized (the dozer quoted by **Michigan Cat** is a smaller machine) and its ability to get the project completed within the allotted rental time and the availability of the dozer quoted by **Southeastern Equipment Co.**, (as they cannot guarantee the dozer will be available) we have decided to go with the dozer quoted by **Contractors Rental Corporation** for \$8,850. Furthermore, we also previously utilized the quoted equipment from **Contractors Rental Corporation** in 2014 and 2015 which is available and the correct size machine to complete the task in the allotted rental time.

It is therefore that staff is requesting permission to rent the John Deere dozer for leveling the beach from **Contractors Rental Corporation** for 2016.

# RENTAL QUOTATION



**Contractors Rental Corp.**  
600 AIS Drive  
Grand Rapids, MI 49548

**Phone:** 616-538-2400  
**Fax:** 616-538-0617  
**Mobile:** 616-250-9867

---

**To:** Vern @ City of Muskegon

**From:** Alex VanKampen

**E-Mail:**

**Date:** 2 / 10 / 16

**Phone:**

I appreciate you giving me the opportunity to quote you the following rates for the equipment you have requested. The following rates are based on 10 hours run time per day, 50 hours per week, and 200 hours per month. Additional charges apply if exceeded. Your rates are as follows:

**Job Site:** Muskegon

	<u>Month</u>	<u>Round Trip Trucking</u>	
<b>John Deere 850K WLT Dozer</b>	<b>\$8,300</b>	<b>\$550</b>	- \$8850.00

Please let me know about confirmation ASAP so we can get things scheduled.

Please let me know if you have any further questions. The following rates do not include sales tax (6%). Customer is required to provide proof of insurance for rented and leased equipment coverage listing Contractors Rental Corp as additional insured and loss payee. Thank you for the opportunity to quote you on this project. I look forward to earning your business.

Sincerely,

Alex VanKampen  
Rental Coordinator

**Vern Berndt**

**From:** Mike Zalewski [mzalewski@southeasternequip.com]  
**Sent:** Wednesday, February 10, 2016 8:43 AM  
**To:** Vern Berndt  
**Cc:** Dave Curtis  
**Subject:** RE: Dozer Rental  
**Attachments:** Crawler-Dozers-2050M-Specs.pdf

Good morning Vern,

Sorry for the delayed response. Joel is no longer here so I'm glad you followed up with me. Dave Curtis is your new sales rep and I have copied him on this email. His cell phone is 517-282-9326.

The Case 2050M would be the machine equivalent to the Cat D6T. Here is the quote:

Case 2050M monthly rental	\$ 7,500.00	
Round trip trucking	\$ 1,000.00	<i>\$ 8500.00</i>

There are machines available today. Being this is 60 + days out I'll say this is **subject to availability**. I've attached a spec sheet on the machine for your reference.

Please let us know your thoughts. Thank you for the opportunity.

Mike Zalewski  
Regional Manager  
Southeastern Equipment Co., Inc.

248.497.2975 cell

Novi Branch  
48545 Grand River Ave.  
Novi, MI 48374  
248.349.9922 office  
248.349.9191 fax

Holt Branch  
1776 Cedar St.  
Holt, MI 48842  
517.694.0471 office  
517.694.0514 fax



*Southeastern*  
EQUIPMENT CO., INC.



Account Number: 15387  
 CUSTOMER QUOTE

RENTAL OPERATIONS  
 7700 CATERPILLAR DR SW  
 GRAND RAPIDS MI 49548

Web www.michigancat.com  
 Ph 616-827-8000  
 Email rental@michigancat.com

**SOLD TO**  
 ACCOUNTS PAYABLE  
 CITY OF MUSKEGON PURCHASING DEPT  
 CITY OF MUSKEGON  
 1350 E KEATING AVE  
 MUSKEGON MI 49442

**SHIP TO**  
 MUSKEGON MI

INVOICE NUMBER	INVOICE DATE	ORDER NUMBER	TERMS	CUSTOMER PO NUMBER	PAGE
		GR-RNT-6063956	Credit		1/1
QTY	ITEM	DESCRIPTION	UNIT PRICE	EXTENSION	

CUSTOMER CONTACT: Vern Berndt - 231-724-6992 (Phone)  
 Billing frequency: Monthly based on 4-week periods

SEG 1 / - RENTAL START DATE: 02/08/2016 12:00 AM

**EQUIPMENT**

1 CATERPILLAR D6NX CAG *- SMALLER DOZER* Unit rates: 1,012.00/day, 2,713.00/week, 7,699.00/month

**MISCELLANEOUS**

1	Environmental Fee		11.00	11.00
1	Equipment Delivery		450.00	450.00
1	Equipment Pick Up		450.00	450.00

*Handwritten calculation:*  
 7699  
 11  
 900  
 -----  
 85800.00

RENTAL REPRESENTATIVE: Rick Kerber  
 Phone: ext 2740/1251  
 Cell: 616-262-1155  
 Fax: 866-451-0961  
 Email: Rick.kerber@michigancat.com

All Michigan CAT quotes are good for 30 days.  
 All rental billings are done in arrears - 28 day cycle - Allowing 10 hours a day, 50 hours a week & 180 hours a month.  
 All units are shipped with full fuel. Fuel used and not returned is charged at \$7.00 per gallon.  
 Michigan CAT offers Fire, Theft and Vandalism protection for only 14% more per month. Please note that a \$5000.00 deductible applies. Please let me know if you would like more details on our FTV Program.  
 We also offer trucking to your jobsite. Rates vary based on equipment size and delivery location.  
 If you have any questions please feel free to contact me.  
 Thank you for the opportunity to quote Caterpillar Equipment.

\*\*Tax is not included  
 \*\*Subject to availability



D3K2	PRODUCT DETAILS
Net Power — ISO 9249	80 hp
Net Power — SAE J1349	80 hp
Operating Weight	17,544 lb
Blade Capacities	1.96 yd <sup>3</sup> – 2.17 yd <sup>3</sup>



D4K2	PRODUCT DETAILS
Net Power — ISO 9249	92 hp
Net Power — SAE J1349	92 hp
Operating Weight	18,080 lb
Blade Capacities	1.96 yd <sup>3</sup> – 2.59 yd <sup>3</sup>



D5K2	PRODUCT DETAILS
Net Power — ISO 9249	104 hp
Net Power — SAE J1349	104 hp
Operating Weight	20,534 lb
Blade Capacities	2.73 yd <sup>3</sup> – 3.06 yd <sup>3</sup>



D6K2	PRODUCT DETAILS
Net Power — ISO 9249	130 hp
Net Power — SAE J1349	128 hp
Operating Weight	29,346 – 30,750 lb
Blade Capacities	4.01 – 4.38 yd <sup>3</sup>



D6N	PRODUCT DETAILS
Net Power — ISO 9249	168 hp
Net Power — SAE J1349	166 hp
Operating Weight	36,943 lb
Blade Capacities	4.3 – 5.6 yd <sup>3</sup>

AVAILABLE



D6T	PRODUCT DETAILS
Net Power — ISO 9249	201 hp
Net Power — SAE J1349	235 hp
Operating Weight	46,791 – 53,651 lb
Blade Capacities	5.15 – 7.2 yd <sup>3</sup>

NGED



D7E	PRODUCT DETAILS
Net Power — ISO 9249	238 hp
Net Power — SAE J1349	241 hp
Operating Weight	57,441 – 62,886 lb
Blade Capacities	4.83 – 6.94 yd <sup>3</sup>



D8T	PRODUCT DETAILS
Net Power — ISO 9249	312 – 335 hp
Net Power — SAE J1349	312 – 335 hp
Operating Weight	82,496 – 86,900 lb
Blade Capacities	6.8 – 15.4 yd <sup>3</sup>

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G-1 0 1

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Commission Meeting Date: February 23, 2016

Date: February 16, 2015

To : Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE : Approval of Building Contract for 2324 Park Drive

---

**SUMMARY OF REQUEST:** To award the Building Contract for the rehabilitation of 2324 Park Drive to Nassau Construction for the City of Muskegon's Homebuyers Program through CNS.

CNS received 5 bids as listed on the attached sheet; the cost estimate from our spec writer was \$44,300.

**FINANCIAL IMPACT:** The funding for this project has been secured through HOME Program Income.

**BUDGET ACTION REQUIRED:** None

**STAFF RECOMMENDATION:** To award Nassau Construction the rehabilitation contract for 2324 Parke Drive, in the amount of \$ 45,855, for the Community and Neighborhood Services office.

**COMMITTEE RECOMMENDATION:** None required.

# 2324 PARK DR - BID RESULTS

Line Item		Cost Estimate	CONTRACTOR					LINE ITEM INFO		
			Nassau	JR Walker	RJ Remodeling	Midwest	4-Star	MIN	MAX	AVG
1	Lead Abatement	N/A	N/A	N/A	N/A	N/A	N/A			
2	Blower Door Test	\$500.00	\$0.00	\$1,200.00	\$500.00	\$800.00	\$300.00	\$0.00	\$1,200.00	\$560.00
3	Roof	\$3,500.00	\$5,900.00	\$5,925.00	\$6,150.00	\$9,200.00	\$4,700.00	\$4,700.00	\$9,200.00	\$6,375.00
4	Siding	\$3,000.00	\$6,800.00	\$9,480.00	\$4,500.00	\$9,000.00	\$6,950.00	\$4,500.00	\$9,480.00	\$7,346.00
5	HVAC	\$1,250.00	\$3,975.00	\$1,400.00	\$600.00	\$2,000.00	\$2,700.00	\$600.00	\$3,975.00	\$2,135.00
6	Plumbing	\$4,900.00	\$2,200.00	\$6,400.00	\$6,825.00	\$7,900.00	\$14,980.00	\$2,200.00	\$14,980.00	\$7,661.00
7	Electrical	\$1,800.00	\$1,030.00	\$1,975.00	\$1,780.00	\$3,500.00	\$4,600.00	\$1,030.00	\$4,600.00	\$2,577.00
8	Insulation	\$1,200.00	\$2,200.00	\$3,100.00	\$1,800.00	\$3,000.00	\$4,960.00	\$1,800.00	\$4,960.00	\$3,012.00
9	Windows	\$3,500.00	\$4,000.00	\$4,000.00	\$4,850.00	\$4,800.00	\$3,680.00	\$3,680.00	\$4,850.00	\$4,266.00
10	Drywall	\$1,500.00	\$500.00	\$550.00	\$1,000.00	\$2,000.00	\$2,200.00	\$500.00	\$2,200.00	\$1,250.00
11	Painting	\$2,800.00	\$1,800.00	\$1,900.00	\$4,800.00	\$5,000.00	\$3,870.00	\$1,800.00	\$5,000.00	\$3,474.00
12	Floor Coverings	\$3,500.00	\$2,650.00	\$3,790.00	\$4,340.00	\$6,900.00	\$4,700.00	\$2,650.00	\$6,900.00	\$4,476.00
13	Kitchen	\$6,000.00	\$7,500.00	\$7,300.00	\$6,400.00	\$6,600.00	\$7,640.00	\$6,400.00	\$7,640.00	\$7,088.00
14	Doors	\$4,000.00	\$5,000.00	\$5,380.00	\$5,950.00	\$6,200.00	\$5,350.00	\$5,000.00	\$6,200.00	\$5,576.00
15	Framing	\$400.00	\$500.00	\$900.00	\$650.00	\$700.00	\$280.00	\$280.00	\$900.00	\$606.00
16	General	\$750.00	\$300.00	\$980.00	\$850.00	\$1,100.00	\$1,650.00	\$300.00	\$1,650.00	\$976.00
17	Appliances	\$2,500.00	\$1,500.00	\$2,400.00	\$1,300.00	\$2,300.00	\$3,000.00	\$1,300.00	\$3,000.00	\$2,100.00
	Demolition/Dumster	\$1,200.00								
	Bonding/Permits (3%)	\$2,000.00								
	Alternative Bid/HVAC	\$0.00	3,975.00	6,500.00	15,000.00	9,100.00	4,900.00	\$3,975.00	\$15,000.00	\$7,895.00
	<b>Total</b>	\$44,300.00	\$45,855.00	\$56,680.00	\$52,295.00	\$71,000.00	\$71,560.00	\$45,855.00	\$71,560.00	\$59,478.00

Date: February 23, 2016  
To: Honorable Mayor and City Commissioners  
From: Ann Marie Meisch, City Clerk  
RE: Gaming License Request from Muskegon Harbor  
Hospice

---

**SUMMARY OF REQUEST:** Muskegon Harbor Hospice is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

**FINANCIAL IMPACT:** None

**BUDGET ACTION REQUIRED:** None

**STAFF RECOMMENDATION:** Approval



Your Journey. Your Terms. Our Expertise.

February 17, 2016

Mayor & Commissioners  
City of Muskegon  
933 Terrace Street  
Muskegon, MI 49440

Dear Mayor & Commissioners,

We would like submit this letter for a resolution to apply for a charitable gaming license through the State of Michigan. Our organization has graciously received a donation to raffle off a 2016 Chevy Cruze at our 9<sup>th</sup> annual Harbor Hospice Regatta and The Event of Events on August 5<sup>th</sup> and 6<sup>th</sup>. The raffle tickets will be sold once we are able to apply and finalize our application for a raffle license. The drawing will be held on the evening of Friday, August 5<sup>th</sup> at The Event Center at Fricano Place Muskegon.

Thank you for your consideration regarding our resolution as an approved and recognized nonprofit organization in our community.

On behalf of all the patients and families served by Harbor Hospice, thank you.

Regards,

A handwritten signature in cursive script that reads "Mary Anne Gorman".

Mary Anne Gorman  
Executive Director  
Harbor Hospice



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL 432.103(k)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_,  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for : \_\_\_\_\_  
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the \_\_\_\_\_ at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)

AGENDA ITEM NO. \_\_\_\_\_  
CITY COMMISSION MEETING \_\_\_\_\_

**TO:** Honorable Mayor and City Commissioners  
**FROM:** Frank Peterson, City Manager  
**DATE:** February 23, 2016  
**RE:** 285 West Western – Amendment to Purchase Agreement

**SUMMARY OF REQUEST:**

As part of the potential redevelopment of 285 West Western Ave, an assignment agreement with Parkland Properties included a number of provisions related to state development incentives and allowed for the property to revert back to Parkland Properties' ownership if there were problems transferring those incentives to the City. The deadline for that reversion to take place is currently February 26, 2016. This amendment will extend that date to March 10, 2016 to allow city staff and Parkland Properties to work through a number of items that need further clarification and/or approval.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

To authorize the City Manager to sign the amendment.

**COMMITTEE**

**RECOMMENDATION:** None.

**FIRST AMENDMENT TO ASSIGNMENT OF ENTITLEMENTS, TAX CREDITS,  
LOAN COMMITMENTS, PERMITS AND ARCHITECTURAL DRAWINGS**

THIS FIRST AMENDMENT TO ASSIGNMENT OF ENTITLEMENTS, TAX CREDITS, LOAN COMMITMENTS, PERMITS AND ARCHITECTURAL DRAWINGS (“Amendment”) is made February \_\_, 2016, between **PARKLAND MUSKEGON, INC.**, a Michigan corporation of 75 W. Walton, Muskegon, MI 49440 (“Assignor”), and the **CITY OF MUSKEGON**, a Michigan municipality of 933 Terrace Street Muskegon, MI 49440 (“Assignee”) (collectively referred to as the “Parties”), with respect to the following:

- A. On December 23, 2016, the Parties executed an *Assignment of Entitlements, Tax Credits, Loan Commitments, Permits and Architectural Drawings* (the “Assignment”), whereby Assignee was assigned the construction and loan documents for 241, 255 and 285 W. Western Avenue, Muskegon (the “Western Properties”), and to pay the Assignor \$1.373 million for the MBT Tax Credit by June 30, 2018.
- B. The Assignment was contingent upon the Assignee obtaining approval from the State of Michigan and the Michigan Strategic Fund for the applicable assignments, and the Assignee transferring Western Properties to the Muskegon Downtown Development Authority by February 26, 2016.
- C. Assignor and Assignee have been advised that the Michigan Community Revitalization Program Loan (“CRP”) cannot be assigned and the Michigan Strategic Fund has notified Parkland that a Notice of Default has occurred. Parkland has been given until March 11, 2016 to cure the Default.
- D. Michigan Strategic Fund has notified Parkland that it has asked the Michigan Department of Treasury as to whether the City and/or Muskegon Downtown Development Authority (“DDA”) can be a qualified taxpayer for purposes assigning the Brownfield Michigan Business Tax Credit (“MBT”). It is unclear whether the MBT credits are available if Assignor does not re-take the Western Properties and Assignee, or another private entity, develop the site.
- E. In accordance with the terms of this Amendment, the Parties desire to amend the Assignment as follows:

NOW THEREFORE, IT IS AGREED:

- 1. In accordance with the terms of this Amendment, the Parties desire to amend the Assignment to waive Assignee’s obligations as to the CRP Loan, the Community Foundation Loan and the MBT tax credits, except as described in Paragraph 2 and 3 of this Amendment.

2. If the MBT credit is not terminated on or before March 6, 2016 by the Michigan Strategic Fund, Assignee or DDA shall spend \$7.0 million in eligible expenses by June 30, 2017 to renovate the Western Avenue Properties and qualify for the MBT Tax Credit disbursement from the Michigan Strategic Fund (the “Disbursement”). Assignee shall forward all proceeds from the Disbursement, up to \$1.373 million, to the Assignor on or before June 30, 2018. Assignee may keep any disbursements proceeds above the \$1.373 million that is to be paid to Assignor. In the event the proceeds from the Disbursement ~~is~~ are less than \$1.373 million due to reasons outside of the control of the Assignee, or due to the market value for reselling MBT tax credits dropping, Assignor shall accept a lower amount, but not less than ~~\$1.1 million~~ 75% of the face value of the actual MBT Credit awarded by the State of Michigan; ~~otherwise, In the event the resale value of the MBT tax credit falls below \$1.373 million as a direct result of action or inaction of the Assignee,~~ Assignee shall pay to Assignor the difference between the Disbursement proceeds and \$1.373 million by June 30, 2018.

3. Paragraph 14 of the Assignment is amended to read as follows:

“14. On March 7, 2016, Assignee shall have the option to re-convey title to the Western Avenue Properties to Assignor by Covenant deed, free and clear of all liens and encumbrances and Assignor shall have the option to re-convey title to the Western Avenue Properties from Assignee. Such option may be elected by either party by Covenant Deed, free and clear of all liens, giving written notice to the other of the intent to exercise such option. If such option is elected, the Western Avenue Properties will be conveyed by Covenant Deed, free and clear of all liens and encumbrances, and the closing shall occur at Transnation Title on or before 12:00 pm on March 10, 2016, with the deed to be recorded on the same date. Assignor shall pay Assignee one dollar (\$1.00) at the time the deed is delivered. If the MBT credit is terminated by the Michigan Strategic Fund on or before March 6, 2016 and Assignee does not elect to re-convey the Western Properties to Assignor by 12:00 pm on March 10, 2016, Assignee shall pay Assignor \$1.373 million for the Western Properties on or before June 30, 2018.

4. All other terms and conditions of the Assignment are hereby ratified and confirmed.

Executed on the date identified above:

ASSIGNOR:

ASSIGNEE:

**PARKLAND MUSKEGON, INC.,**  
A Michigan corporation

**THE CITY OF MUSKEGON,**  
a Michigan municipality

By: \_\_\_\_\_  
Jonathan L. Rooks  
Its: Manager

By: \_\_\_\_\_  
Its: \_\_\_\_\_