

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 11, 2012

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. Marsh Field Management Agreement. PUBLIC WORKS
 - C. Truck Mounted Jet Rodder (Jet Truck). PUBLIC WORKS
 - D. Request to Deny & Accept Properties that did not Sell During the Tax Sale for 2012. PLANNING & ECONOMIC DEVELOPMENT
 - E. Approval of Purchase of 1282 Fleming and Sign a Memorandum of Understanding with Trinity Housing Non-Profit Corporation for the Transfer. COMMUNITY & NEIGHBORHOOD SERVICES
 - F. Approval of the Bid Proposal of Blackberry Window and Door Systems at 1500 Leahy. COMMUNITY & NEIGHBORHOOD SERVICES
 - G. Fleet Vehicle Replacement. PUBLIC WORKS
 - H. Fireworks Delegation of Authority Authorization. PUBLIC SAFETY
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
 - A. Rezoning Request for the Property Located at 137 E. Laketon Avenue – SECOND READING. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

- A. Approval of Sale of City-Owned Home at 451 E. Isabella. COMMUNITY & NEIGHBORHOOD SERVICES
- B. Approval of Sale of City-Owned Home at 605 Jackson. COMMUNITY & NEIGHBORHOOD SERVICES
- C. Approval of Sale of City-Owned Home at 1733 Manz. COMMUNITY & NEIGHBORHOOD SERVICES
- D. Appointment to County of Muskegon Port Advisory Committee. MANAGER
- E. Wheel Loader. PUBLIC WORKS
- F. User Fees. FINANCE

❑ **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 CUMMINGS, 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.

Date: December 11, 2012
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the November 27th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 27, 2012

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 27, 2012.

Mayor Gawron opened the meeting with a prayer from Reverend Bill Freeman from the Harbor Unitarian Universalist Congregation 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 Lawrence Spataro, Commissioners: Byron Turnquist, Lea Markowski, and Eric Hood: City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Cummings. Excused: Commissioners Sue Wierengo and Willie German

2012-86 HONORS AND AWARDS:

A. Recognition JAAR Partnerships Participation in the "GOOD BUDDY BUCKS" Program. PUBLIC SAFETY

Chief Jeffrey Lewis presented a Resolution for Recognition of JAAR Partnerships participation in the "Good Buddy Bucks" Program

B. Recognition of Fall 2012 Citizen's Academy Graduates. PUBLIC SAFETY

Chief Jeffrey Lewis presented a Resolution for Recognition of fall 2012 Citizen's Academy Graduates.

2012-87 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the November 13th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. State of Michigan Resource Management Fees. PUBLIC WORKS/WATER FILTRATION

SUMMARY OF REQUEST: Staff is requesting Commission to authorize payment to Michigan Department of Environmental Quality \$9,994.43 for State of Michigan

Resource Management Fees.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize payment to the State of Michigan for \$9,994.43 used to cover the Michigan Public Water Supply fee.

C. Moratorium on Fees for 2013 Vacant Buildings. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to approve a moratorium on fees charged to owners of vacant buildings that are entering their fifth year billing cycle in 2013. Eligibility requirements for the moratorium of fees charged are proposed to remain the same as the 2012. Moratoriums would be determined based on the criteria included on the Vacant Building Registration Moratorium (this remains unchanged from last year).

FINANCIAL IMPACT: Exact amount unknown but should be minimal.

BUDGET ACTION REQUIRED: None.

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

D. Extension of Vinyl Siding Supplier and Installer Contract for Fiscal Year 2012. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To authorize the Community and Neighborhood Services Department to extend the contract through June 30, 2013 to Keene Lumber, located at 346 W. Laketon Avenue, Muskegon, MI, for the balance of 2012 fiscal year.

To authorize Community and Neighborhood Services to extend the contract through June 30, 2013 to Mark N. Tucker, LLC, 9121 Holton Road, Holton, MI, to install vinyl siding for the balance of 2012 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2012 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: FY 2012 Balance remaining \$45, 749.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2011-2012 allocation period, which would end November 2012; our request is to extend this agreement until June 30, 2013.

E. To Impose a Ten-Year Limit on Applying for Priority Housing Repairs and Approve Clerical Changes to Citizen Participation Plan. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To authorize Community and Neighborhood Services to impose a ten-year limit on applying for a Priority Housing Repair project and Vinyl Siding being a one-time activity. In addition, approve the clerical changes to the Citizen Participation Plan per CDC approval.

FINANCIAL IMPACT: This will stretch our CDBG Funding for the Priority Housing Repair program to include families with housing needs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The proposal has already been approved by the Citizen's District Council at their November 8, 2012 meeting.

F. Rezoning Request for the Property Located at 137 E. Laketon Avenue.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property at 137 E. Laketon Avenue from B-2, Convenience and Comparison Business District to B-4, General Business District, by Jack Kennedy.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request at their November 15th meeting.

Motion by Commissioner Turnquist, second by Vice Mayor Spataro to accept the Consent Agenda as presented.

ROLL VOTE: Ayes: Hood, Gawron, Spataro, Turnquist, and Markowski

Nays: None

Excused: German and Wierengo

MOTION PASSES

2012-88 NEW BUSINESS:

A. Temporary Employment Services Provider RFP. AFFIRMATIVE ACTION

SUMMARY OF REQUEST: Approval to allow staff to negotiate the 2013-2015 temporary employment services provider contract with the lowest responsible bidder, Elwood Staffing Services, contingent upon working out agreement terms acceptable to the City Manager and City Attorney.

RFP solicitation resulted in four proposals, due on October 30, 2012 at 2:00 p.m. Proposals were received from:

P.I.E. Management, LLC; 120 N. Washington Square, Suite 805, Lansing, MI 48933
Elwood Staffing Services, 230 North River, Suite B, Holland, MI 49424
Phoenix Personnel, 1910 E. Apple Avenue, Muskegon, MI 49442
Trillium Staffing Solutions, 1478 E. Ellis Road, Norton Shores, MI 49444

A committee consisting of managers and users reviewed proposals, listened to presentations, and interviewed the following two lowest bids:

P.I.E. Management, LLC. While the low bidder, P.I.E. Management, LLC has no presence in West Michigan, and lacks the experience filling many of the needed positions listed in the RFP. The company did not provide adequate verification that their insurance company would not deny any of the positions at the rates he quoted, and did not follow up with staff regarding said questions.

Elwood Staffing Services (formerly Beacon Staffing) has been the City's temporary services provider for the past four years. The company has established an excellent working relationship with City staff and has provided exceptional service throughout their contract in terms of flexibility, responsiveness, hiring, orientation process, reporting, and commitment to equal employment opportunity. Elwood remains fully prepared to handle all of the City's temporary employment staffing needs except the optional position of part-time police officer.

FINANCIAL IMPACT: The 2013 projected temporary staffing services cost is approximately \$875,000.

BUDGET ACTION REQUIRED: The 2013 budget allowed for the financial resources.

STAFF RECOMMENDATION: Staff recommends and requests approval to negotiate the 2013-2015 temporary employment staffing services contract with the lowest responsible bidder, Elwood Staffing Services, contingent upon working out agreement terms acceptable to the City Manager and City Attorney.

COMMITTEE RECOMMENDATION: The committee unanimously recommends granting approval to negotiate the 2013-2015 temporary employment staffing services contract with Elwood Staffing Services.

Motion by Vice Mayor Spataro, second by Commissioner Hood to approve staff to negotiate the 2013-2015 temporary employment staffing services contract with Elwood Staffing Services, contingent upon working out agreement terms acceptable to the City Manager and City Attorney.

ROLL VOTE: Ayes: Spataro, Turnquist, Markowski, Gawron, and Hood

Nays: None

Excused: German and Wierengo

MOTION PASSES

B. Former Central Fire Station – Purchase Agreement Between the City of Muskegon and Parkland Muskegon. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Jon Rooks of Parkland Muskegon would like to purchase the former Central Fire Station at 75 W. Walton from the City of Muskegon. Mr. Rooks plans to make at least \$100,000 in improvements to the facility within the first 24 months of ownership. He agrees to move his corporate headquarters into the building by June 1, 2013. In addition, he will be leasing out commercial space for other users within the facility.

FINANCIAL IMPACT: Although the purchase price for the building is minimal, the building and its occupants will generate taxes for the City in the future.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Purchase Agreement between the City of Muskegon and Parkland Muskegon and authorize the Mayor and Clerk to sign all necessary documents, including closing documents at the time of sale.

Motion by Vice Mayor Spataro, second by Commissioner Turnquist to approve the Purchase Agreement between the City of Muskegon and Parkland Muskegon and authorize the Mayor and Clerk to sign all necessary documents, including closing documents ant the time of sale.

ROLL VOTE: Ayes: Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

Excused: German and Wierengo

MOTION PASSES

2012-89 ANY OTHER BUSINESS:

Motion by Commissioner Turnquist second by Commissioner Hood to continue Senior Transit through June 30, 2013.

Discussion ensued.

Motion by Vice Mayor Spataro, second by Commissioner Markowski to table discussion until the December 10, 2012 Worksession.

ROLL VOTE: Ayes: Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

Excused: German and Wierengo

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:17pm.

Respectfully submitted

Ann Marie Cummings, MMC
City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: December 11, 2012

SUBJECT: Marsh Field Management Agreement

SUMMARY OF REQUEST:

Authorize the Mayor and City Clerk to execute the attached "Marsh Field Baseball Facility Management Agreement" with Lakeshore Baseball Club.

FINANCIAL IMPACT:

Lakeshore Baseball Club will expand the operations of this facility and will invest in improvements to the facility.

BUDGET ACTION REQUIRED:

None. The contract will offer savings in maintenance costs for the City and create opportunities for capital improvements by LBC that the City is unable to accomplish at this time.

STAFF RECOMMENDATION:

Approve request.

COMMITTEE RECOMMENDATION:

To: Honorable Mayor and City Commission
From: DPW Staff
Date: 12/4/2012
Re: Marsh Field Management Agreement

The Department of Public Works Staff is requesting permission to enter into a three (3) year contractual agreement, with an annual one (1) year extension, thus creating a perpetual three (3) year contract, with Lakeshore Baseball Club, LLC, of Muskegon MI.

LBC has had a previous contract with the City since 2010 which has proven to be not only a cost savings to the City, through reduced maintenance and utility costs, but has also realized major improvements to the facility. Those improvements include but are not limited to field improvements, seating, gate and fencing upgrades, scoreboard replacement, flag pole replacement, PA system and backstop netting/padding installations.

Staff has met with LBC and has negotiated a proposed new contract for your review.

Changes to the proposed contract referenced in individual sections include:

- Under **Definition** the term “Stadium” is added to define an area within the park. This area includes the fenced area surrounding the baseball field inclusive of the perimeter fencing, outfield lighting, dugouts, and spectator seating areas, concession, maintenance/storage buildings and permanent restrooms.
- LBC and City responsibilities under **Maintenance** are redefined. LBC, in the previous contract, was maintaining the entire park during the “Season” with occasional help from the Parks Department.

LBC will, in the proposed contract, only be responsible for mowing of the grass and maintenance in the “Stadium” area. LBC also will now be providing trash bags, paper products and cleaning supplies for the “Stadium” area. LBC will also be controlling the usage of the permanent restrooms in the “Stadium” area, at the sole discretion of the “City”.

The "City" will be responsible for mowing of the grass and maintenance of the areas outside the "Stadium" area within the park. The "City" will also be providing a portable restroom from on or around April 1st to September 30th of each contract year. Also through the end of the 2015 "Season" unless terminated sooner, the "City" shall provide an electric or gas cart and access to a riding mower.

- LBC responsibility for permits is explained under **Improvements**. LBC shall apply for all necessary permits associated with such improvements through the City or its designated contractor.
- LBC responsibility under **Electrical Utilities** has been redefined. The City shall pay and LBC shall reimburse the City for the cost of electrical service for the "Stadium" area including but not limited to the concessions, outfield lights, maintenance/storage buildings and permanent restrooms within the MFBF facility during the "Season".
- LBC billing, for costs incurred, under **Muskegon Public Schools** is explained. LBC shall accommodate Muskegon Public Schools' schedule for games and practices, when practical, including preparation of the field on game days. The costs of scheduling practices, scheduling games and preparation of the field on game days will be billed to Muskegon Public Schools by/through LBC. All scheduling and game cancellations shall be handled directly between the Muskegon Public Schools System and LBC.

The City may act as a liaison between LBC and the Muskegon Public School System to resolve any conflicts or disagreement that may arise. LBC and the City may require proof of insurance related to Muskegon Public Schools' use of the field for practices and games in an amount to be determined by the City. The City and LBC shall be named as additional assureds.

- **Use of Other City Facilities**, by LBC, is redefined. The City shall assist LBC whenever practical to use additional City of Muskegon baseball/softball facilities such as Beukema, Reese, McCrea and Campbell Fields, at cost to LBC as specified in the City User Fee Schedule. The use of these facilities will be subject to scheduling and availability. The modification of these facilities to accommodate little league play will be at the expense of LBC.
- LBS responsibility under **Portable Restrooms** is redefined. LBC will provide additional portable restrooms at MFBF and at any other City facilities if needed.

City staff has contacted Muskegon Public Schools' Athletic Director, Keith Guy and explained the changes in the proposed contract. He was also given 2 copies of the contract for review. Staff had also met with the Muskegon Public Schools' AD earlier in the year and given him contact numbers for LBC staff for scheduling purposes.

After review by the DPW Director, City Manager and the City Attorney we are recommending to the Commission to approve the request to enter into the contractual agreement with Lakeshore Baseball Club, LLC.

MARSH FIELD BASEBALL FACILITY MANAGEMENT AGREEMENT

This Agreement is made this ____ day of _____ 20__ by and between the City of Muskegon, a Michigan municipal corporation, 933 Terrace Street, Muskegon, Michigan 49443-0536 ("the City") and Lakeshore Baseball Club, LLC, a Michigan limited liability company, of Muskegon, Michigan ("LBC").

Background

WHEREAS, Marsh Field Baseball Facility (MFBF) is a baseball field located in Marsh Field Park within the park system of the City and is located at 1800 Peck Street, Muskegon, Michigan, at the intersection of Peck Street and Laketon Avenue;

WHEREAS, Marsh Field consists of a baseball facility, a playground, picnic equipment, and surrounding walking trails;

WHEREAS, the City owns the MFBF and LBC wishes to operate and maintain the MFBF for eight months of the year;

In consideration of the mutual promises of the parties set forth in this Agreement and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:

Definitions. The "Season" shall be defined as the period beginning on March 1st of any given year and ending on October 31st of the same year.

The "Stadium" shall be defined as the fenced area surrounding the baseball field inclusive of the perimeter fencing, outfield lighting, dugouts, and spectator seating areas, concession, maintenance/storage buildings areas and permanent restrooms.

Term. This Agreement shall be for a period of three (3) years. At the end of each "Season" during the term of the agreement, the parties may agree to extend the life of the agreement by one (1) year, thus creating a perpetual three (3) year contract. Both parties must agree in writing to the extension of the term of the contract. In the event that the results of operations, for any year during the term, are insufficient to allow LBC to fulfill its obligations hereunder, LBC shall be permitted to terminate this Agreement upon ninety (90) days advance written notice. In the event that LBC fails to provide the services, as outlined on page 2, under "Maintenance", in the sole discretion of the City, the City shall be permitted to terminate this Agreement upon ninety (90) days advance written notice.

Maintenance. LBC shall operate and maintain the MFBF in an efficient and competent manner, reflecting the standards and expectations of the City as provided and outlined in the City of Muskegon's' Vision/Value/Mission Statement, throughout the "Season". During the off-Season period, from November 1 until March 1 of the following year, the LBC may use the MFBF only with prior approval and permission from the City, which approval and permission shall not be unreasonably withheld or delayed. During the "Season", LBC shall have the exclusive right to control the use of and have sole responsibility for maintaining the schedule for use of the MFBF.

LBC shall be responsible for the following during the "Season":

Repair or replace as needed all bases, home plate, pitching rubbers, chalk, diamond dry, stone dust, clay bricks, or any other baseball related items pertaining to the playing surface (i.e. outfield lighting).

Maintenance of the MFBF, including but not limited to, picking up trash/emptying garbage cans within the "Stadium" and the maintenance of the permanent restrooms. The usage/control of permanent restrooms is at the sole discretion of the City.

Performance of mowing of grass and maintenance within the baseball "Stadium" is to be done by LBC staff or designee.

Providing an adequate supply of trash bags, paper products, and cleaning supplies for the permanent restrooms and "Stadium" area.

Through the end of the 2015 "Season", unless terminated sooner, the City shall provide an Electric or gas cart and access to a Riding lawnmower.

The City shall be responsible for the following year-round, including during the "Season":

Provide dumpster service.

Maintain walking trail, playground equipment, and all trees and bushes.

Mowing and maintenance outside of the "Stadium" area and surrounding facility.

Provide a "current ADA standard" portable restroom, to be located at a mutually agreed upon location between the City and LBC, from on or around April 1st to September 30th of each contract year.

Concessions. LBC shall control all concessions directly or through its designated vendor or licensee and receive any profits from these concessions. LBC or its designated vendor or licensee will be responsible for all sales tax reports and remittance. LBC shall be responsible for maintenance and cleaning of concessions areas.

Improvements. LBC may upgrade the assets of the MFBF to make the facility more desirable for future tournaments and leagues, in a manner subject to review and approval of the City, which shall not be unreasonably withheld or delayed. All such improvements must comply with all current laws and ordinances, including but not limited to the Americans with Disabilities Act. LBC shall apply for all necessary permits associated with such improvements through the City or its designated contractor.

ADA Compliance. LBC shall insure that reasonable accommodations will be met as required by the Americans with Disabilities Act. To that end, the LBC shall unlock the elevator for use upon request and shall assist persons in wheelchairs with use of the entrance ramp.

Entrance and Parking Fees. LBC may charge a gate entrance fee or other use fee, for spectators attending events within the MFBF. All parking shall be free of charge to accommodate trail walkers and non-baseball related activities.

Historic Character and Marsh Field Name. LBC shall protect and promote the unique history, character and charm of the MFBF, including the "Marsh Field" name. The name of the facility shall not be changed, but LBC shall be permitted a license to use and promote the name in any of its advertising, promotions, fundraising and other activities as it may conduct from time to time at the MFBF.

Electrical Utilities. The City shall pay and LBC shall reimburse the City for the cost of electrical service for the "Stadium" area including but not limited to the concessions, outfield lights, maintenance/storage buildings and permanent restrooms within the MFBF facility during the "Season".

Water and Sewer. LBC shall reimburse the City for the cost of water and sewer service for the restrooms and concession stand during the operational period covered by this contract. Irrigation water is separately metered and the City shall pay for all sprinkling/irrigation.

Improvements. During the term of this contract, LBC may make the following improvements, subject to site and other environmental conditions:

- Infield upgrades (Immediately upon approval of this contract)
- Reseeding, fertilizing, weed control, as needed
- Re-netting of backstop
- Dugout upgrades
- Field lighting upgrades and improvement
- Grandstand and seating improvement
- Scoreboard improvement
- Landscaping improvements

LBC will retain possession of any “portable” improvements and the City shall retain possession of any “attached” improvements.

The City shall seek grants and donations to assist LBC in funding MFBF improvements and upgrades.

Promotions, advertising, fund-raising. LBC may operate and promote baseball leagues and tournaments and events to increase use of MFBF and provide activities for our residents and guests, for which it may charge a fee. LBC shall promote participation of local City of Muskegon youth in tournaments. The City shall assist LBC in recruiting City of Muskegon youth to participate in existing leagues or programs offered by or through baseball organizations using the MFBF. The City’s Events Committee shall assist LBC in the promotion of baseball leagues and tournaments.

LBC may advertise and obtain sponsors for a fee. Non-permanent banners may be displayed inside the MFBF on the fences for the duration of the “Season”, subject to the City’s right to approve or disapprove the material, size and content of banners. The City shall not unreasonably withhold approval.

LBC may charge team fees, entry fees, and tournament fees to provide funds for MFBF operating expenses and to provide funds for future upgrades of the MFBF facility.

Muskegon Public Schools. LBC shall accommodate Muskegon Public Schools’ schedule for games and practices, when practical, including preparation of the field on game days. The costs of scheduling practices, scheduling games and preparation of the field on game days will be billed to Muskegon Public Schools by/through LBC. All scheduling and game cancellations shall be handled directly between the Muskegon Public School System and LBC.

The City may act as liaison between the LBC and the Muskegon Public School System to resolve any conflicts or disagreements that may arise. LBC and the City may require proof of insurance related to Muskegon Public School’s use of the field for practices and games in an amount to be determined by the City. The City and LBC shall be named additional assureds.

Programs. LBC will continue to provide recreational baseball opportunities similar to those previously provided by the City of Muskegon, and to expand and promote additional opportunities whenever possible.

LBC will allow the opportunity of one all-star team from the East Little League and one all-star team from the West Little League to participate in tournaments free of entry fee. LBC will make such offer to each local Little League group far enough in advance that the league can put together a roster and respond in a timely manner.

LBC, either directly or through a third party, may at times conduct summer baseball/softball camps. LBC will waive registrations fees for City of Muskegon youth upon proof of residency. LBC shall coordinate with the City for the promotion of these events.

LBC will cooperate with the City for the scheduling of any special non-baseball event that may need to use the MFBF. The City shall pay all extraordinary expenses incurred for such non-baseball events and LBC shall have no liability with respect thereto.

Use of Other City Facilities. The City shall assist LBC whenever practical to use additional City of Muskegon baseball/softball facilities such as Beukema, Reese, McCrea and Campbell Fields, at cost to LBC as specified in the City User Fee Schedule. The use of these facilities will be subject to scheduling and availability. The modification of these additional facilities to accommodate little league play will be at the expense of LBC.

Reports. LBC shall provide an annual report of participation and demographics to the City. LBC shall provide an annual financial report showing revenues and expenses and the amounts invested in the facility to the City.

Portable Restrooms. LBC will provide additional portable restrooms at MFBF and at any other City facilities if needed.

Notice of Schedule. LBC will notify the City of any scheduled events as far in advance as possible so that the City can assist in answering questions and to assist in promotion both through its Events Committee and through its website.

Insurance. LBC shall obtain the following types of insurance with the minimum coverage amounts as follows:

Comprehensive General Liability Insurance. LBC shall obtain a comprehensive liability policy acceptable to the City carrying limits of at least \$1,000,000, single limit.

Automobile Liability. LBC shall obtain automobile liability insurance in an amount not less than minimum state requirements.

Workers Compensation insurance. LBC shall carry workers' compensation insurance in the amounts required by law for any of its employees.

The City shall be named as additional insured on the Comprehensive General Liability Insurance and Automobile Liability policies. Each policy shall carry the commitment by the company that no cancellation shall be effective against the City with less than thirty (30) days written notice to the City.

Liens. LBC shall be responsible for protecting the City from any and all liens, mortgages, and security interests or claims for any interest in any property owned by the City relating to LBC's use thereof.

This Agreement was entered into on the date set forth above.

BY:

City of Muskegon, a Michigan municipal
corporation

By: _____
Stephen Gawron, Mayor

By: _____
Ann Marie Cummings, MMC, Clerk

AND:

Lakeshore Baseball Club, a Michigan corporation

By: _____
Leonard Piasecki Its: President

Date: 12/11/12
To: Honorable Mayor and City Commission
From: DPW
RE: Truck Mounted Jet Rodder (Jet Truck)

SUMMARY OF REQUEST:

Authorize staff to purchase one truck mounted jet rodder, model 800HPR Series III ECO Sewer Equipment Company of America, from Jack Doheny Supplies, Inc. for \$201,500.00. Doheny was the lowest responsible bidder out of the two bids received for this piece of equipment with the other company being AIS Equipment company who submitted a bid on compatible piece of equipment for \$204,000.

This piece of equipment is used primarily for sewer main cleaning and will replace the 1999 model we currently have in service.

FINANCIAL IMPACT:

\$201,500.00

BUDGET ACTION REQUIRED:

None. This item was in our 2012/2013 Budget.

STAFF RECOMMENDATION:

Authorize staff to purchase truck mounted Jet rodder from Jack Doheny Supplies for \$201,500.00

Commission Meeting Date: December 11, 2012

Date: December 4, 2012
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Request to Deny & Accept Properties that did not
Sell During the Tax sale for 2012**

SUMMARY OF REQUEST:

The County of Muskegon held two delinquent tax auctions during 2012. There were nineteen properties left after the last auction. According to the State's new tax laws, the City must state that they are not interested in obtaining them, otherwise the City will automatically receive them. From the list that was provided, the properties are all vacant lots. Community & Neighborhood Services would like to obtain two of the vacant lots Planning would like to obtain four vacant lots with the remaining parcels being denied.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To deny thirteen parcels and accept six parcels and authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION:

None.

MUSKEGON CITY COMMISSION

RESOLUTION TO DENY ACCEPTANCE OF TAX REVERTED PROPERTY FROM THE COUNTY TREASURER.

WHEREAS, The City may not accept the properties available under the urban homestead act, 1999 PA 127, MCL 125.2701 to 125.2709, PA 123 of 1999, MCL 211.78M(6) or for any other lawful purpose, and;

WHEREAS, the City of Muskegon does not want to acquire thirteen parcels;

WHEREAS, the City of Muskegon will accept the remaining six parcels;

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall not accept thirteen parcels that were remaining from the tax sale but will accept the remaining six.

Legal Descriptions that will not be Accepted are as Follows:

CITY OF MUSKEGON REVISED PLAT OF 1903 PRT LOT 9 BLK 87 DESC AS FOL COM @ NW COR LOT 9 TH S 30D 24M 47S W ALG WLY LN LOT 9 47.95 FT TO POB TH S 21D 23M 38S W 43.28 FT TO POINT ON S LN LOT 9 TH N 57D 04M 27S W 6.84 FT TO SW COR LOT 9 TH N 30D 24M 47S E ALG WLY LN LOT 9 43.51 FT TO POB

Parcel # 24-205-087-0009-00
655.5 Evanston

CITY OF MUSKEGON REVISED PLAT 1903 W 1 FT OF S 50 FT LOT 4 BLK 480

Parcel # 24-205-480-0004-10
Washington

CITY OF MUSKEGON REVISED PLAT OF 1903 W ½ LOT 19 BLK 189

Parcel # 24-205-189-0019-00
60 E Walton

CITY OF MUSKEGON POMONA PARK ADD LOT 14 BLK 6

Parcel # 24-685-006-0014-00
1213 Francis Ave.

CITY OF MUSKEGON URBAN RENEWAL PLAT NO 2 E 25 FT LOT 340

Parcel # 24-611-000-0340-10
James Ave.

CITY OF MUSKEGON CASTENHOLZ SUB DIV OF BLKS 100 101 & 103 TO 120 INCL LOT 14 BLK 116

Parcel # 24-185-116-0014-00
1751 Elwood

CITY OF MUSKEGON SUB DIV OF PART OF LOT 1 BLK 1 R P EASTONS 2ND
SUB DIV PART OF SEC 32 T10N R16W LOT 20 BLK1
Parcel # 24-762-001-0020-00
1878 Smith

CITY OF MUSKEGON REVISED PLAT OF 1903 S 33 FT LOT 4 & N 33 FT OF W 66
FT LOT 5 BLK 53
Parcel # 24-205-053-0004-10
914 Scott

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 15 BLK 49
Parcel # 24-205-049-0015-00
553 Oak

CITY OF MUSKEGON REVISED PLAT OF 1903 W ½ LOT 9 BLK 367
Parcel # 24-205-367-0009-00
250 Monroe

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 13 BLK 393
Parcel # 24-205-393-0013-00
167 Mason

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 8 & LOT 7 EXC E 90 FT BLK
383
Parcel # 24-205-383-0007-00
1249 Peck

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 7 BLK 417
Parcel # 24-205-417-0007-00
450 W Southern

Legal Descriptions that will be Accepted are as Follows:

CITY OF MUSKEGON REVISED PLAT OF 1903 NELY ½ LOT 6 BLK 228
Parcel # 24-205-228-0006-00
28 Delaware (for CNS)

CITY OF MUSKEGON REVISED PLAT OF 1903 N ½ LOT 1 BLK 78
Parcel # 24-205-078-0001-00
1113 Williams (for CNS)

CITY OF MUSKEGON REVISED PLAT 1903 E 32 FT LOT 3 BLK 208
Parcel # 24-205-208-0003-10
163 Amity

CITY OF MUSKEGON CONTINENTAL ADD LOT 23 BLK 7
Parcel # 24-215-007-0023-00
1943 Continental

CITY OF MUSKEGON REVISED PLAT OF 1903 N 42 FT LOT 15 BLK 47
Parcel # 24-205-047-0015-00
881 Scott

CITY OF MUSKEGON REVISED PLAT OF 1903 E 86 FT LOT 10 BLK 258
Parcel # 24-205-258-0010-00
1325 Terrace

Adopted this 11th day of December, 2012

Ayes:

Nays:

Absent:

By: _____
Stephen Gawron, Mayor

Attest: _____
Ann Marie Cummings, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on December 11, 2012.

By: _____
Ann Marie Cummings, MMC
Clerk

Commission Meeting Date: December 11, 2012

Date: December 3, 2012
To: Honorable Mayor and City Commission
From: Community and Neighborhood Services Department
RE: Approval of Purchase of 1282 Fleming and Sign a Memorandum of Understanding with Trinity Village Non-Profit Housing Corporation for the Transfer

SUMMARY OF REQUEST: To authorize Community and Neighborhood Services office to purchase the HUD home at 1282 Fleming in the Oakview Neighborhood for our partner, Trinity Village Non-Profit Housing Corporation. A Memorandum of Understanding will be signed to transfer the home to Trinity after closing.

Trinity is the approved agent for the County's NSP3 HUD Grant Award. Oakview Neighborhood is the target neighborhood.

FINANCIAL IMPACT: The home will be rehabilitated with Muskegon County NSP3 funds through Trinity Village Non-Profit Housing Corporation. No financial obligation is required of the City of Muskegon.

STAFF RECOMMENDATION: To approve Community and Neighborhood Services 1282 Fleming purchase and enter into a Memorandum of Understanding with Trinity Village Non-Profit Housing Corporation for the transfer of property.

COMMITTEE RECOMMENDATION: None

Commission Meeting Date: December 11, 2012

Date: December 3, 2012

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of the Bid Proposal of Blackberry Window and Door Systems at 1500 Leahy

SUMMARY OF REQUEST: To accept the bid from Blackberry Window and Door Systems to restore the existing metal windows at 1500 Leahy Street, our last NSP 1 project. The proposed price for this is \$33,545.00

FINANCIAL IMPACT: Funding for the project has been approved in our NSP 1 allocation and will be supported with Program Income from the sales of other NSP projects.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to sign the contract to hire Blackberry Window and Door Systems as required by the State of Michigan Historic Preservation Office.

COMMITTEE RECOMMENDATION: None.



www.blackberrysystems.com

Corporate Office: 6477 West KL Avenue • Kalamazoo, MI 49009 • 269.353.8844 • 800.732.9400 • fax.269.353.8843

November 27, 2012

Community and Neighborhood Service
City of Muskegon
Attn: Liz Parker
933 Terrace, P.O. Box 536
Muskegon, MI 49443
Phone: 231-724-6717
Fax: 231-726-2501

Job Name: 1500 Leahy
Job Location: Muskegon, MI

COMMERCIAL SALES PROPOSAL:

Blackberry Systems Proposes to: Restore existing steel windows at 1500 Leahy, Muskegon, MI.

Steel Window Restoration: This includes the restoration of (10) openings with (19) window units. All windows will be removed, openings boarded up with 1/2" OSB, all material will be shop restored and returned to the site and installed. Our restoration includes deglazing of all glass, metal stripping, prime and two coat paint finish, new glass (1/8" clear annealed), exterior wet glazing and hardware refinishing. All windows will be reinstalled, adjusted, cleaned and perimeter caulked on both the interior and exterior surfaces.

Pricing does not include any masonry, steel lintel or plaster repair.

Total Price \$33,545.00

Allow 6 weeks for restoration.

Pricing includes all material, tax on material, labor (non-prevailing wage), employment costs, insurance, disposal and supervision.

Blackberry Systems propose hereby to furnish product in accordance with the above description for the sum of: See Above Pricing. Terms are net 30 days from date of delivery. Late payment 1.5% finance charge per month after 30 days. This contract may be withdrawn if not accepted within 30 business days.

ACCEPTANCE OF PROPOSAL: By signing, you hereby accept the above prices, quantities, specifications and conditions as satisfactory and authorize Blackberry Systems Inc. to provide as specified. You accept responsibility for checking and approving all quantities and specifications; and will provide payment in full as outlines. Work may not proceed nor may materials be ordered without signed contract and down payment (if required.)

Jeffrey T. Mann
Blackberry Systems, Inc.

Date

Accepted By

Date

Revised 11/27/12

Architectural • Historical • Commercial Window and Door Systems

Date: 12/11/2012
To: Honorable Mayor and City Commission
From: DPW
RE: Fleet Vehicle Replacement

SUMMARY OF REQUEST:

Authorize staff to purchase FOUR (4) full size Ford F-150 4X4 pick-up trucks for fleet replacement from Gorno Ford/Mi Deal (state's lowest bidder for Ford). These will replace fleet vehicles that will be handed down to various departments as seasonal vehicles.

FINANCIAL IMPACT:

\$ 93,983.00 Equipment Fund

BUDGET ACTION REQUIRED:

None: The price of this purchase is within the amount budgeted.

STAFF RECOMMENDATION:

Authorize staff to purchase FOUR (4) Ford F-150 4X4 pick-ups from **GORNO FORD/MIDEAL**.

Date: December 6th, 2012
To: Honorable Mayor and City Commissioners
From: Director of Public Safety Jeffrey Lewis
RE: Fireworks Delegation of Authority Authorization

SUMMARY OF REQUEST:

The Director of Public Safety requests that the City Commission review and authorize the "Fireworks Delegation of Authority Authorization Pursuant to PA 256".

The Bureau of Fire Services is seeking for departs that are interested in applying for inspection delegation for consumer fireworks sales facilities (CFRS) under Section 19 of 2011 PA 256. The delegation is for one (1) year. The fire department would be responsible to conduct inspections of the permanent & temporary CFRS location within its jurisdiction (City of Muskegon). Entities (MUFD) that elect to have delegation will receive 80 % of the application fee paid for the consumer fireworks certificate (\$800.00 for permanent & \$480.00 for temporary).

Currently MUFD has two (2) trained "certified fire inspectors" that are qualified to perform this job task. Application will be made upon the acceptance by City Commission.

FINANCIAL IMPACT:

Positive financial impact as fees are paid to conduct inspections

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends approval to perform delegation inspections.

CITY OF MUSKEGON RESOLUTION

WHEREAS, the City of Muskegon finds it necessary to conduct Fireworks delegation of Authority Authorization Pursuant to PA 256;
and

WHEREAS, the City of Muskegon will conduct fireworks inspections within its jurisdiction and/or perform said inspection(s) upon request(s) per mutual aid; and

WHEREAS, the inspections will generate fees to the City of Muskegon (\$800.00 permanent structure - \$480.00 temporary)

NOW THEREFORE BE IT RESOLVED that the City Commission authorizes the Muskegon Fire Department certified inspectors to perform Fireworks Delegation Inspections as stated.

Signed this 11th day of December 2012.

Stephen J. Garwon
Mayor

*Ind
Reading*

Commission Meeting Date: November 27, 2012

Date: November 20, 2012
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for the property located at 137 E. Laketon Ave.

SUMMARY OF REQUEST:

Request to rezone the property at 137 E Laketon Ave from B-2, Convenience and Comparison Business District to B-4, General Business District, by Jack Kennedy.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the request at their 11/15 meeting.

Planning Commission packet excerpt:

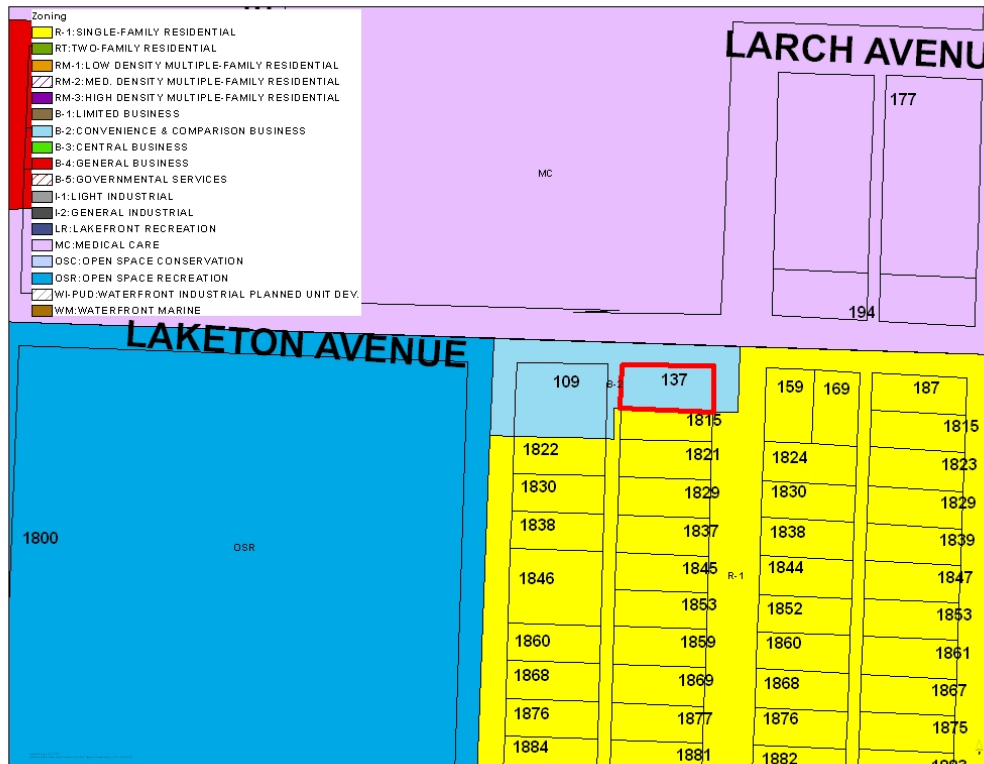
BACKGROUND

1. The applicant will be purchasing 109 and 137 E Laketon Ave. Both properties are zoned B-2, Convenience and Comparison Business District. He would like to rezone the property at 137 E Laketon Ave to B-4 General Business district so that it may be used for a funeral home. There currently any plans for the building at 109 E Laketon Ave.
2. The property at 137 E Laketon Ave was last used as a physical therapy office. Before that, it was used as a funeral home.
3. This case is only for the rezoning of the property to B-4, General Business District. If approved, the property would be allowed to all of the uses in that district, which includes funeral homes. However, because it will be a change of use from office to funeral home, it will require a minor site plan review from staff. Parking may become an issue during the review. Funeral homes require one parking space for every 25 sqft of usable floor area of chapels and assembly rooms. The building measures roughly 2,900 sqft. The applicant has stated that the two properties will share parking and will be able to have 32 parking spaces.
4. The hospital is located to the north of the property. Residential is to the east and south. Marsh field is located to the west of 1009 E Laketon Ave.
5. A notice letter was sent to all properties within 300 feet of this property. Staff has received one message in opposition of the rezoning from Maria Avila, owner of 1847 Hoyt. She would not like a funeral home that close to her house.

137 E Laketon Ave looking east



Zoning Map



Aerial Map



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-2, Convenience and Comparison Business District to B-4, General Business 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-2, Convenience and Comparison Business District to B-4, General Business District.

CITY OF MUSKEGON PLAT A MUSKEGON HTS LOT 1 & N 10 FT LOT 2 BLK 4

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Cummings, MMC
City Clerk

CERTIFICATE (Rezoning of 137 E Laketon Ave from B-2 to B-4)

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 27th day of November, 2012, 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: _____, 2012.

Ann Cummings, 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 27, 2012, 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 B-2, Convenience and Comparison Business District to B-4, General Business District:

CITY OF MUSKEGON PLAT A MUSKEGON HTS LOT 1 & N 10 FT LOT 2 BLK 4

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 _____, 2012

CITY OF MUSKEGON

By _____
Ann Cummings, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: December 11, 2012

Date: December 3, 2012

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned home at 451 E Isabella

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Mr. Joseph R Kieft, for the totally rehabilitated home at 451 E Isabella. Mr. Kieft will purchase it for \$37,500.

This is a property that was under the Lease with Option to Buy Program 5 years ago.

FINANCIAL IMPACT: The proceeds from the sale will be used against the HOME Program deficit.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.



MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY CITY-OWNED PROPERTY AT 451 E ISABELLA AVE.

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of 451 E Isabella Avenue to Mr. Joseph R Kieft. Mr. Kieft will purchase the house as an owner-occupied structure.

Adopted this 11th day of December, 2012.

Ayes:

Nays:

By _____
Stephen Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

Commission Meeting Date: December 11, 2012

Date: December 3, 2012

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned home at 605 Jackson

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Madra Bolden for the newly constructed home at 605 Jackson, which is part of the City's Neighborhood Stabilization Program (NSP) through the Michigan State Housing Development Authority Office of Community Development and Leverage funds with the HOME Program by HUD. Ms. Bolden is expected to receive a VA Loan for \$65,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to complete the rehabilitation of 1500 Leahy St., our final NSP 1 project.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.



MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY CITY-OWNED PROPERTY AT 605 JACKSON AVE.

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of 605 Jackson Avenue to Madra Bolden. Ms. Bolden will purchase the house as an owner-occupied structure.

Adopted this 11th day of December, 2012.

Ayes:

Nays:

By _____
Stephen Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

Commission Meeting Date: December 11, 2012

Date: December 3, 2012

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned home at 1733 Manz

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Eddie & Tanesha Blake for the newly rehabbed home at 1733 Manz Street, which is part of the City's Neighborhood Stabilization Program (NSP) through the Michigan State Housing Development Authority Office of Community Development. Mr. and Mrs. Blake's purchase price is \$37,500.

FINANCIAL IMPACT: The proceeds from the sale will be used to complete the remaining NSP project at 1500 Leahy St.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: None.



MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY CITY-OWNED PROPERTY AT 1733 MANZ STREET

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of 1733 Manz Street to Eddie and Tanesha Blake. Mr. and Mrs. Blake will purchase the house as an owner-occupied structure.

Adopted this 11th day of December, 2012.

Ayes:

Nays:

By _____
Stephen Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: November 30, 2012
RE: Appointment to County of Muskegon Port Advisory Committee

SUMMARY OF REQUEST:

The County of Muskegon has established the Port Advisory Committee. The bylaws of the Committee call for a member from the City of Muskegon. It is requested that the City Manager serve as the City's representative on this Committee.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To appoint the City Manager as the City's designee to the Muskegon County Port Advisory Committee.

COMMITTEE RECOMMENDATION:

None.

MUSKEGON COUNTY

M I C H I G A N

RECEIVED

NOV 20 2012

MUSKEGON
CITY MANAGER'S OFFICE

BOARD OF COMMISSIONERS

Kenneth Mahoney
Chair, District 1

J. John Snider, II
Vice-Chair, District 3

Lewis J. Collins
District 6

Benjamin Cross
District 10

James J. Derezinski
District 4

Marvin R. Engle
District 5

Alan W. Jager
District 2

Anthony T. Longmire
District 8

Scott Plummer
District 7

Robert Scolnik
District 11

Rillastine R. Wilkins
District 9

November 26, 2012

Mr. Bryon Mazade, Manager
City of Muskegon
PO Box 536
Muskegon, MI 49443

Dear Mr. Mazade:

On November 8, 2012, the Muskegon County Board of Commissioners approved the By-Laws of the Port Advisory Committee, a sub-committee of the Port/Rail/Transportation Strategic Planning Committee. The attached motion dated November 1, 2012, provides specific details regarding recommendations made to the Muskegon County Board of Commissioners. The By-Laws approved by the Board are also attached.

As you will note in the By-Laws, the membership, (Business & Industry Groups) or (Local Government) requires your participation. We request at this time that you submit the name of the individual you would like to be appointed to this Port Advisory Committee. Please provide the information to Ms. Judy Kell, Grants Coordinator, prior to December 13, 2012. Ms. Kell can be reached via telephone at 231-724-6808 or kellju@co.muskegon.mi.us.

Please contact Ms. Kell if further information is required.

Sincerely,


Marvin Engle, Commissioner
Public Works Board Chair
Muskegon County Board of Commissioners

/lec

Attachments

2012-506 APPROVE THE BY-LAWS OF THE PORT ADVISORY COMMITTEE, ADVERTISE THE POSITIONS ON THE COMMITTEE AND MAKE THE APPOINTMENTS PURSUANT TO THE BY-LAWS

WM12/11-142 The Ways and Means Committee recommends, moved by Collins, seconded by Engle, to approve the By-Laws of the Port Advisory Committee, advertise the positions on the Committee and make the appointments pursuant to the By-Laws.

Roll Call

Yes: Lewis Collins, James Derezinski, Marvin Engle, Alan Jager, Anthony Longmire, Scott Plummer, Robert Scolnik, I. John Snider, Rillastine Wilkins, Chairman Mahoney

No: None

Absent: Benjamin Cross

Motion Carried

2012-507 AUTHORIZE A \$700 LUMP SUM PAYMENT FOR FULL-TIME EMPLOYEES \$350 FOR PART-TIME AND \$250 FOR HOURLY EMPLOYEES IN THE NON-BARGAINING CLASS DESIGNATIONS OF BD, EE, ND, NF, NH, NT, NU, NV, NW, NX, XF, XH, XT, XU, XV, XW, AND XX (EXCLUDING COUNTY COMMISSIONERS) AND THE BROOKHAVEN AFSCME, CMH AIDE, DISTRICT COURT, GENERAL EMPLOYEES, MICHIGAN NURSES ASSOCIATION, SEIU BROOKHAVEN LPN, SHERIFF COMMAND BARGAINING AND SHERIFF DEPUTY UNITS EFFECTIVE OCTOBER 1, 2012

WM12/11-143 The Ways and Means Committee recommends, moved by Collins, seconded by Engle, to authorize a \$700 lump sum payment for full-time employees \$350 for part-time and \$250 for hourly employees in the non-bargaining class designations of BD, EE, ND, NF, NH, NT, NU, NV, NW, NX, XF, XH, XT, XU, XV, XW, and XX (excluding County Commissioners) and the Brookhaven AFSCME, CMH Aide, District Court, General Employees, Michigan Nurses Association, SEIU Brookhaven LPN, Sheriff Command Bargaining and Sheriff Deputy Units effective October 1, 2012.

Roll Call

Yes: Lewis Collins, James Derezinski, Marvin Engle, Anthony Longmire, Scott Plummer, Robert Scolnik, I. John Snider, Rillastine Wilkins, Chairman Mahoney

No: Alan Jager

Absent: Benjamin Cross

Motion Carried

**BY-LAWS
COUNTY OF MUSKEGON PORT/RAIL/TRANSPORTATION STEERING COMMITTEE**

ARTICLE I -- NAME, AUTHORITY, PURPOSES

Section 101. Name

The name of the Committee is the County of Muskegon Port/Rail/Transportation Steering Committee and is hereinafter referred to as the "Committee."

Section 102. Authority

The Committee is established as a standing Advisory Committee to the Public Works Board of the Muskegon County Board of Commissioners. The organization, structure and membership were approved by actions of the Muskegon County Board of Commissioners at its regular meetings of November 1, 2012 and November 8, 2012. As a standing Advisory Committee of the Public Works Board of the Muskegon County Board of Commissioners, the Advisory Committee shall make recommendations only to the Public Works Board and only on those issues properly before the Committee as provided herein.

Section 103. Purposes

The purposes of the Committee are: 1) to assess the impact of possible port developments on the Muskegon area communities; 2) to assist port operators and other interested parties in mutually beneficial port developments; and 3) to provide a public forum and to make recommendations to the Public Works Board to assist port operators and other interested parties in mutually beneficial port developments.

ARTICLE II -- MEMBERSHIP

Section 201. Voting Members

201.1 Business and Industry Groups

One member from each of the private port operators, a representative of the Michigan railroads, the Grand Valley State University, Consumers Energy and the West Michigan Economic Development Partnership.

201.2 Local Government

A City of Muskegon designee, the Chairman of the Muskegon County Board of Commissioners, the Chairman of the Public Works Board, a Muskegon County Road Commission designee, a County Commissioner representing the northern area of Muskegon Lake and a County Commissioner representing the southern area of Muskegon Lake.

201.3 Terms of Membership

The voting members shall serve two year terms and will be appointed by the Muskegon County Board of Commissioners.

201.4 Replacement of Voting Members

Individual voting members shall be subject to replacement by their respective organizations and appointing authorities should they have three un-excused absences from convened meetings of the Committee. Members may be replaced by the Muskegon County Board of Commissioners.

202. Outside Resources

On an ad-hoc basis, a majority of the voting members may request the Board of Commissioners to provide outside experts to assist the Committee in achieving its purposes. Experts in such fields as environmental sciences, engineering, urban planning, port development, port operations, law and others may be requested as appropriate to the matters before the Committee at any given time.

203. Ad Hoc Members

Individuals representing various regulatory and/or resource agencies may serve on the Committee on an ad hoc basis and shall serve as resources to the Committee.

ARTICLE III – OFFICERS, SUB-COMMITTEES

Section 301. Co-Chairs

The Committee shall be jointly chaired by two individuals. The first Co-Chair shall be the Chairman of the Public Works Board. Said Co-Chair shall present recommendations made by the Committee of the Public Works Board at that body's regular or special meetings. In the absence of the Co-Chair at a meeting, the Public Works Board may appoint another of its members to serve as the Committee's Co-Chair on a temporary basis.

The second Co-Chair shall initially be appointed by the Muskegon County Board of Commissioners for a six-month period. This individual shall be one of the voting members of the Committee. The voting member Co-Chair shall subsequently be elected by the membership for a term of eighteen months.

Section 302. Secretary

The Muskegon County Board of Commissioners will provide an individual from its or the administrative offices to perform the duties of the Secretary. Said duties shall generally include: preparing minutes of each meeting, making the opening statement, maintaining the current roster of membership in all categories, conducting roll call, preparing Committee correspondence for signature by the Co-Chairs and preparing and distributing notices.

Section 303. Parliamentarian

The Public Works Board Co-Chair shall appoint a voting member to serve as Parliamentarian for the first six month term. A voting member shall subsequently be elected to the office of Parliamentarian on an annual basis.

Section 304. Sub-Committee

The Director of the Wastewater Management System, Community Development Director and Grant Coordinator will be appointed as a standing sub-committee to provide staff support to the Committee. The Committee may, from time to time, establish issue or project-related sub-committees. The members of such sub-committees shall be appointed by the Co-Chairs from among the voting and/or ad hoc members, as appropriate. Chairs of such sub-committees shall be voting members of the Committee.

ARTICLE IV -- MEETINGS, AGENDAS, NOTIFICATIONS

Section 401. Regular Meetings

Regular quarterly meetings of the Committee shall be held from 3:00 to 5:00 pm on the fourth Wednesday of the month. Said meetings shall be held at a suitable meeting room in the County of Muskegon offices.

Regular monthly meetings of the Staff Sub-Committee shall be held from 10:00 am to 12:00 pm on the third Wednesday of the month. Said meetings shall be held at a suitable meeting room in the County of Muskegon offices.

Section 402. Special Meetings

Special meetings of the Committee may be called by the Public Works Board Co-Chair or by majority vote of the voting memberships. Times and places for such meetings shall be appropriate to the matters to be considered at such meetings.

Section 403. Agendas

A typical agenda at a regular or special meeting of the Committee shall include some or all of the following:

- A. Welcome and opening remarks by the Co-Chairs;
- B. Roll call by the Secretary, determination of a quorum;
- C. Review and approval of the minutes of the previous meeting(s);
- D. Scheduled briefing(s) on pertinent port background, legal, environmental, regulatory and other topics related to the Committee's purpose;
- E. Report on Muskegon County Board of Commissioner actions taken relative to the Committee recommendations;
- F. Sub-committee reports and/or recommendations for Committee consideration;
- G. Scheduled presentations and discussion of any port projects and related issues;

- H. Voting on Committee recommendations;
- I. Two opportunities for Public comments on non-agenda items;
- J. Establishment of agenda item(s) for next meeting(s); and
- K. Adjournment

Section 404. Meeting Procedures

Each voting member present may speak to and discuss each agenda item when that item is properly before the Committee. Each voting member shall represent their organization or appointing authority in these discussions. The co-Chairs may also ask the ex-officio members and ad-hoc members present to participate in these discussions as appropriate. As a result of these discussions, the Committee may vote on and prepare specific recommendations to the Muskegon County Board of Commissioners on matters consistent with the purposes addressed in Section 103. During the public comment portion of each meeting, members of the audience and voting members may speak as individuals on issues not on the agenda, provided they first fill out and turn in a speaker card to the Secretary. Following the 2nd public comment period, the Co-Chairs will propose a preliminary agenda for the next meeting.

Section 405. Notification

All meetings of the Committee, regular and special, shall be publicized in the regular fashion by the Muskegon County Board of Commissioners to interested citizens.

406. Open Meetings Act

All meetings of the Committee shall be held in compliance with the Open Meetings Act, Public Act 267 of 1976.

ARTICLE V – QUORUM, VOTING, PARLIAMENTARIAN AUTHORITY

Section 501. Quorum

A minimum of fifty percent (50%) of the current number of voting members of the Committee shall constitute a quorum for the purposes of conducting the business of the Committee at regular or special meetings.

Section 502. Voting

All Committee actions, unless otherwise stated in these by-laws, shall be a majority vote of the members present at a regular or special meeting at which a quorum is present. The Board Member Co-Chair shall not vote on any recommendations or actions taken by the Committee. Alternates shall not vote when their designated voting member is present at the meeting. No proxy votes shall be allowed. From time to time issues may be presented to the Committee for discussion or action by the Committee in which a voting member may have a conflict of interest as defined under State of Michigan or local law. Should a conflict arise, the affected member is prohibited by law from participating in the discussion or in any decision of the Committee on the issue. The Corporate Counsel will review conflict issues on a case by case basis and shall advise the affected member and Committee.

Section 503. Parliamentary Authority

The current edition of Roberts Rules of Order shall be the parliamentary authority at all meetings of the Committee. The Co-Chairs shall call upon the Parliamentarian for interpretation of such rules when and as necessary.

ARTICLE VI – AMENDMENTS

Amendments to these by-laws shall be made upon two-thirds (2/3) vote of the Committee members present at any properly convened meeting.

These By-Laws approved by the Muskegon County Board of Commissioners as
of _____.

Date: 12/11/12
To: Honorable Mayor and City Commission
From: DPW
RE: Wheel Loader

SUMMARY OF REQUEST:

Authorize staff to purchase one Cat 930K wheel loader from Michigan Cat for \$160,848.00 minus the trade in value of \$37,000 for our Case 521D for a net purchase price of \$123,848.00. This price is off of the state web site Mi Deal. This will replace the trade in machine which is a 2001.

FINANCIAL IMPACT:

\$123,848.00

BUDGET ACTION REQUIRED:

None. We budgeted \$150,000.00. This item was in our 2012/2013 Budget.

STAFF RECOMMENDATION:

Authorize staff to purchase Cat 930K Wheel Loader for \$123,848.00 after trade in.

Date: December 11, 2012

To: Honorable Mayor and City Commissioners

From: Finance

RE: 2013 User Fee Update

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution that is attached for your consideration.

The new fees and fee changes that are being proposed are highlighted on the attached spreadsheet and include the following:

- Eliminating the current "cleaning deposit" for picnic shelter rentals and replacing it with a cleaning fee to be imposed if facility is not left in clean condition;
- New fee for vacant building administrative appeals that are late;
- Reducing Hartshorn Marina slip rentals to hopefully increase the number of rentals;
- Increase catamaran storage fees that have not changed in several years;
- Increase storm water cross-connection fees reflecting higher wastewater treatment costs;
- Replacing current planned unit development (PUD) processing fee with separate fees for preliminary and final PUD processing.

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the Master Fee Resolution will help the City attain its budgeted revenue estimates.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

City of Muskegon

RESOLUTION

A resolution adopting fees for services in the City entitled "Master Fee Resolution".

The City of Muskegon hereby RESOLVES:

1. The City of Muskegon has in the past adopted resolutions from time to time which set fees for various services in the City.
2. That in addition to the specifically adopted resolution fees, there are fees which are charged pursuant to ordinances and codes as well the fees which are charged in the exercise of various other functions of the City which serve the public.
3. That the City Commission has reviewed all of the fees which are charged from time to time pursuant to resolution, ordinance and in the affording of services to and for the public, and has determined to adopt the resolution a comprehensive schedule of fees by this resolution which is hereby called the "Master Fee Resolution".
4. That the City Commission and its committees, with the advice of the staff of the City, have carefully investigated and examined the fees set forth in this Master Resolution and have determined that they are reasonably related to the actual cost of affording the services involved.

NOW, THEREFORE, THE CITY COMMISSION HEREBY RESOLVES:

1. That the schedule of fees attached to this resolution is hereby adopted and shall be charged for the services set forth in the schedule and under the conditions set forth therein.
2. That any fees listed which are also listed in specific resolutions, rules or regulations, shall be charged in accordance with those resolutions, rules and regulations, and with the practices of the City in affording the appropriate services.
3. That the adoption of this resolution does not amend or change previous specific resolutions for the charging of fees for services, and does not preclude the existence of previous or future resolutions setting forth fees which are not included herein.

This resolution adopted.

Ayes
Nays

CITY OF MUSKEGON

Ann Marie Becker, Clerk

CERTIFICATE

This Resolution was adopted at a meeting of the City Commission of the City of Muskegon, held on December 11, 2012. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Ann Marie Becker, City Clerk

