CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 9, 2004

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. SECOND READING: Adoption of Alternative Provision of City Income Tax Act (Act 284 of 1964). INCOME TAX

  C. Request for Encroachment Agreement by Muskegon Area Intermediate School District. ENGINEERING

  D. City – MDOT Agreement for: Bridge Work Over the South Branch of the Muskegon River. ENGINEERING

  E. Appointment and Resignation to Various Boards and Committees. CITY CLERK

- PUBLIC HEARINGS:
- COMMUNICATIONS:
- CITY MANAGER'S REPORT:
- UNFINISHED BUSINESS:
- NEW BUSINESS:

  A. Request to Vacate Public Utility Rights and Abandon In Place Existing Utilities in Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT

  B. Notice of Intent and Reimbursement Resolution – Possible Capital

Improvement Bond Issue. FINANCE

C. **Amendment to Cross-Lake Ferry Agreement.** CITY MANAGER

D. **Salary Ranges for Planning & Economic Development Division.** CITY MANAGER

- **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.)

- **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 GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: **November 9, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 26, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 9, 2004

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, Michigan at 5:30 p.m., Tuesday, November 9, 2004.

Vice Mayor Larson opened the meeting with a prayer from Pastor Sarah Johnson of the Word of Truth Outreach after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice Mayor Bill Larson, Commissioner Lawrence Spataro, Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

Absent: Mayor Stephen Warmington (excused).

2004-98 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 26, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Adoption of Alternative Provision of City Income Tax Act (Act 284 of 1964). INCOME TAX

SUMMARY OF REQUEST: The adoption of the alternative provision of the City Income Tax Act, (Act 284 of 1964), Chapter 3, Section 141.760 which will require employers over the one hundred dollar monthly withholding threshold to pay to the City the full amount of tax withheld on or before the last day of the month following the close of each calendar month. Effective January 1, 2005.

FINANCIAL IMPACT: The adoption of this provision will allow the City to collect revenue faster. Also, it will enhance our ability to forecast economic trends from a quarterly to a monthly basis.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval recommended.

C. **Request for Encroachment Agreement by Muskegon Area Intermediate School District.** ENGINEERING

SUMMARY OF REQUEST: MAISD has submitted an encroachment agreement form requesting your permission to install an underground conduit to carry a fiber optic between their facilities on Harvey Street. The proposed route will be the west side of Harvey between Oak & Stebbins.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the encroachment agreement with the supplemental conditions.

D. **City – MDOT Agreement for: Bridge Work Over the South Branch of the Muskegon River.** ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the Bridge work on US-31 BR over the southern branch of the Muskegon River and to approve the resolution authorizing the Mayor and City Clerk to sign the contract. The proposed work consists of structure replacement and bridge approaches.

FINANCIAL IMPACT: While this is an MDOT project the City's participation is required under ACT-51 since the project falls within the City limits. The City's share is estimated at $28,300 but not more than 11.25% of eligible cost. The total cost of the project is estimated at $1,386,100.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the 2005 Major Street Fund as was budgeted.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

E. **Appointment and Resignation to Various Boards and Committees.** CITY CLERK

SUMMARY OF REQUEST: To appoint Shontea Jenkins to the Civil Service Commission, and Manda Weller to the Citizen's District Council. Accept resignations from Daniel Chambers from the Historic District Commission, Trudy Borset from the Citizens District Council, and Ben Bifoss from the Downtown Development Authority/Brownfield Redevelopment Authority Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointments and resignations.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

2004-99 NEW BUSINESS:

A. **Request to Vacate Public Utility Rights and Abandon In Place Existing Utilities in Seaway Industrial Park.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City has vacated the public alleys located within the Seaway Industrial Park. This was done in October 2003 as part of the assembly of land acquired by the City to establish new parcels for industrial development. As is policy in the City, we retained easement rights in these alleys at the time they were vacated. It is now necessary for construction on the effected parcels to take place, to vacate these utility rights and abandon all in-place existing utilities in these vacated alleys.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: For the Mayor and Clerk to sign the resolution approving the vacation of the public utility rights and abandoning the in-place existing utilities.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the vacation of the public utility rights and abandoning the in-place existing utilities.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

B. **Notice of Intent and Reimbursement Resolution – Possible Capital Improvement Bond Issue.** FINANCE

SUMMARY OF REQUEST: The City is faced with a number of important capital project needs that likely will require debt financing: 1) new central fire station, 2) matching funds for $1 million marina improvements grant, 3) funds to complete the lakeshore trail project, 4) possible second ice sheet to replace Arena Annex and help reduce Arena's operating deficit, 5) funds for Fisherman's Landing facilities. The two resolutions represent the first step in the bonding process and

MANAGER

SUMMARY OF REQUEST: To approve salary ranges for the following positions in the reorganized Planning & Economic Development Division:

1) Planner III – Range VII-A ($38,061-$50,751)
2) Planner II – Range VIII ($33,698- $44,933)
3) Code Coordinator – Range VIII ($33,698-$44,933)
4) Planner I – Range IX ($29,694-$39,592)

FINANCIAL IMPACT: Reorganization changes cost an additional $46,340.

BUDGET ACTION REQUIRED: None. These changes are accommodated for in the 2005 budget.

STAFF RECOMMENDATION: To approve the proposed salary ranges.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the salary ranges.

ROLL VOTE: Ayes: Larson, Shepherd, Spataro, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

The City Commission Meeting adjourned at 5:55 p.m.

Respectfully submitted,

Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

AGENDA ITEM NO.______________
CITY COMMISSION MEETING____________________

2nd Reading

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Income Tax Administrator

DATE: October 11, 2004

RE: **Adoption of alternative provision of City Income Tax Act (Act 284 of 1964)**

SUMMARY OF REQUEST:
The adoption of the alternative provision of the City Income Tax Act, (Act 284 of 1964), Chapter 3, Section 141.760 which will require employers over the one hundred dollar monthly withholding threshold to pay to the city the full amount of tax withheld on or before the last day of the month following the close of each calendar month. Effective January 1, 2005.

FINANCIAL IMPACT:
The adoption of this provision will allow the city to collect revenue faster. Also, it will enhance our ability to forecast economic trends from a quarterly to a monthly basis.

BUDGET ACTION REQUIRED:
NONE

STAFF RECOMMENDATION:
APPROVAL RECOMMENDED

COMMITTEE RECOMMENDATION:

MUSKEGON

West Michigan's Shoreline City

www.shorelinecity.com

October 11, 2004

Dear City Commissioners,

The Income Tax Department requests that the City Commission adopt the alternative provision of the City Income Tax Act, (Act 284 of 1964), Chapter 3, and Section 141.760 of the State of Michigan effective January 1, 2005. This provision will require employers over the one hundred dollar monthly threshold to pay the city the full amount of tax withheld on or before the last day of the month following the close of each calendar month. Currently, our ordinance requires all employers to pay withholding taxes in full on or before the last day of a calendar quarter.

By changing from a quarterly to a monthly withholding payment requirement will benefit the City in several areas. The City will increase its cash flow if the monthly withholding requirement is approved. Our department will receive monthly payments from our larger employees instead of every ninety days. The next benefit of going to monthly withholding payment requirement is it allows the City to do a better job at forecasting revenue. Income tax collections are volatile due to current economic conditions. By going to a monthly withholding requirement our office will not have to wait three months to see if one of our top businesses' taxes have increased or decreased. The final benefit of the monthly withholding requirement is compliance. Despite the increased workload our office will be better able to monitor employers because we will not have to wait 90 days to see if they are paying their withholding taxes on time.

City management met with the Muskegon Area of Chamber of Commerce to get their input on monthly withholding requirement for businesses. The Chamber's Governmental Affairs Committee understood the City's reasoning behind the change and was supportive of the new provision.

Thanks for your cooperation,

Kenneth D. Grant
Income Tax Administrator

PARMENTER O'TOOLE
Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

RECEIVED
OCT 06 2004
CITY OF MUSKEGON
INCOME TAX DEPARTMENT

October 6, 2004

Ken Grant
Income Tax Administrator
P.O. Box 29
Muskegon MI 49443

Re: Proposed adoption of alternative provision of City Income Tax Act

Dear Mr. Grant:

You have asked for our opinion regarding the City of Muskegon's adoption of the alternative provisions of the State of Michigan's City Income Tax Act. These alternative provisions would allow for the City's collection of income on a monthly, rather than quarterly, basis for those employers who pay more than $100 per month in city income tax.

It is our opinion that the City Income Tax Act does allow for the adoption of this alternative provision, and the proper procedure for the City to adopt this alternative provision is through an amendment of the City's current income tax ordinance.

Municipal corporations like the City of Muskegon have no inherent power of taxation. The only power of taxation available to municipal corporations is that which the Michigan constitution and legislature have expressly granted to them. Because the City's power to tax must be based on express statutory authority, the City's current income tax ordinance, located at Section 82-81, simply incorporates in its entirety the provisions of the City Income Tax Act, located in the Michigan statutes at M.C.L. 141.601, et. seq.

I have enclosed a draft of an ordinance amendment which would incorporate the alternative statutory provisions allowing for the collection of the City's income tax from employers on a monthly basis.

If you have any other questions, please feel free to contact me.

Very truly yours,

John C. Schrier

John C. Schrier
Direct: 231.722.5401
Fax: 231.728.2206
E-Mail Address: jcs@parmenterlaw.com

Enclosure

G:\EDSI\FILES\00100\085014\OPIN_LTR\BS6720.DOC

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2141

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 82-81 of the Code of Ordinances of the City of Muskegon concerning Taxation is amended to state as follows:

(a) The city hereby levies and provides for the assessment and collection of an excise tax on income as authorized by law.

(b) The provisions of chapter 2 of Public Act No. 284 of 1964 (MCL 141.601), known as the "Uniform City Income Tax Act," is hereby incorporated, *with the exception of sections 60, 61, and 87*, in its entirety in this division. The rate of tax authorized by section 11 of such chapter 2 (MCL 141.611), being an annual tax of one percent on corporations and resident individuals and one-half percent on nonresident individuals for general revenue purposes is hereby imposed in accordance with such section.

(c) The provisions of chapter 3 of Public Act No. 284 of 1964, added by Public Act No. 42 of 1969 (MCL 141.701), is hereby incorporated in its entirety in this division. The collection of tax authorized by section 60 of such chapter 3 (MCL 141.760) shall be on a monthly basis for those employers where the amount withheld in a calendar month exceeds $100.

(d) The effective date for the levying, assessing and collecting of the tax shall be July 1, 1993. (Code 1965, Sec. 2-6.2(a))

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro
Nays: None

Adoption Date: November 9, 2004
Effective Date: January 1, 2005
First Reading: October 26, 2004
Second Reading: November 9, 2004

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

<u>CERTIFICATE</u>

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 9th day of November, 2004, 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 Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 9, 2004

Gail A. Kundinger

Gail A. Kundinger, 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

TO: ALL PERSONS INTERESTED

Please take notice that on November 9, 2004, the City Commission of the City of Muskegon adopted an amendment to Section 82-81, income tax under the uniform taxation ordinance of the City of Muskegon, summarized as follows:

> (c) The provisions of chapter 3 of Public Act No. 284 of 1964, added by Public Act No. 42 of 1969 (MCL 141.701), is hereby incorporated in its entirety in this division. The collection of tax authorized by section 60 of such chapter 3 (MCL 141.760) shall be on a monthly basis for those employers where the amount withheld in a calendar month exceeds $100.

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 January 1, 2005 ~~ten (10) days from the date of this publication~~.

CITY OF MUSKEGON

Published: November 15, 2004

By____________________________
Gail A. Kundinger, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Printer-Friendly Versions (pdf & html) of this Section - all combined into one document

CITY INCOME TAX ACT (EXCERPT)

Act 284 of 1964

141.701 Alternative provisions; adoption.

Sec. 1.

The governing body of a city may adopt sections 60, 61 and 87 of this chapter in lieu of sections 60, 61 and 87 of chapter 2.

History: Add. 1969, Act 42, Imd. Eff. July 17, 1969 .

Printer-Friendly Versions (pdf & html) of this Section - all combined into one document

CITY INCOME TAX ACT (EXCERPT)

Act 284 of 1964

141.760 Tax withheld; return; payment; electronic funds transfer.

Sec. 60.

(1) Except as provided in subsection (2), an employer shall file a return, furnished by or obtainable on request from the city, and pay to the city the full amount of the tax withheld on or before the last day of the month following the close of each calendar quarter, except that if during any calendar month other than the last month of a calendar quarter the amount withheld exceeds $100.00, the employer shall deposit the amount withheld with the city treasurer before the end of the next calendar month.

(2) For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, an employer shall file a return and pay the tax withheld for each calendar month on or before the fifteenth day of the month to the department following the close of each calendar month by means of an electronic funds transfer method approved by the state commissioner of revenue.

History: Add. 1969, Act 42, Imd. Eff. July 17, 1969 ;--Am. 1996, Act 478, Eff. Jan. 1, 1997 .

Michigan Legislature

Michigan Compiled Laws Complete Through PA 158 of 2004

Printer-Friendly Versions (pdf & html) of this Section - all combined into one document

CITY INCOME TAX ACT (EXCERPT)

Act 284 of 1964

141.660 Tax withheld; payment by employer; return; electronic funds transfer.

Sec. 60.

(1) Except as provided in subsection (2), an employer shall file a return, furnished by or obtainable on request from the city, and pay to the city the full amount of the tax withheld on or before the last day of the month following the close of each calendar quarter.

(2) For tax years after the 1996 tax year and for which a city has entered into an agreement pursuant to section 9 of chapter 1, an employer shall file a return and pay the tax withheld for each calendar month on or before the fifteenth day of the month following the close of each calendar month to the department by means of an electronic funds transfer method approved by the state commissioner of revenue.

History: 1964, Act 284, Imd. Eff. June 12, 1964 ;--Am. 1996, Act 478, Eff. Jan. 1, 1997 .

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CITY INCOME TAX ACT (EXCERPT)

Act 284 of 1964

CHAPTER 3

ALTERNATIVE PROVISIONS

Date: November 9, 2004

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Request for Encroachment Agreement By Muskegon Area Intermediate School District

---

SUMMARY OF REQUEST:

1. MAISD has submitted the attached encroachment agreement form requesting your permission to install an underground conduit to carry a fiber optic between their facilities on Harvey Street. The proposed route will be the west side of Harvey between Oak & Stebbins.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement with the supplemental conditions.

COMMITTEE RECOMMENDATION:

2004-98 (c)
11-9-04

CITY OF MUSKEGON

ENCROACHMENT AGREEMENT AND PERMIT

THIS AGREEMENT is made and entered into this 29th day of October 2004, by and between the CITY OF MUSKEGON, a municipal corporation (hereinafter called CITY), and Muskegon Area Intermediate School District (hereinafter called LICENSEE).

RECITALS

1. LICENSEE proposes to install, repair or maintain improvements or facilities ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace or other property controlled or owned by the City of Muskegon, the encroachment being described as

12 strand single-mode fiber optic cable in 1 ¼" HDPE conduit with 2' X 2' handholes every 500'.

2. The City-owned or controlled property (herein "property") subject to the encroachment is described as:

[please insert a general description, and if required by the city, an accurate legal description]

See attached drawing.

3. The City is willing to grant such privilege upon the terms and conditions herein. This agreement shall constitute a permit under section 18-19 of the Code of Ordinances, but shall apply to any encroachment on public ways or property.

THEREFORE,

1. City does hereby grant unto LICENSEE the privilege of ___constructing, _______ installing, ____maintaining, _______ repairing ____performing all necessary functions relating to the encroachment, and for that purpose to enter the property, for the term hereing stated. This

RECEIVED
CITY OF MUSKEGON
NOV 01 2004
ENGINEERING DEPARTMENT

privilege shall be effective upon the issuance of an encroachment permit, which shall be issued only after approval of this agreement by the City Commission and delivery to the City of the required evidence of insurance coverages.

This grant is subject to the following special conditions: ______________________

Per attached list.

____

2. That LICENSEE shall pay to the City for the privilege hereby granted the sum of \$100 app. fee plus \$5.00/unit/year for 41 units (\$305.00), such payment to be made upon the signing of this agreement to be dated as of the 27th day of October 2004, to the City Treasurer of the City of Muskegon, and the privilege hereby granted shall continue for a period to terminate the first day of May, 2010 unless sooner terminated as hereinafter provided.

3. INDEMNIFICATION. The LICENSEE shall indemnify and save harmless said GRANTOR of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the city by any person, firm or corporation on account of or arising from the privilege hereby granted to LICENSEE or the activities of the LICENSEE related to the encroachment or this privilege. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any material constituting a prohibited or regulated substance under governmental law, rule, statute or regulation in force at any time, including future times.

4. INSURANCE. LICENSEE shall at all times carry liability insurance in such amounts as are satisfactory to City, and issued by companies acceptable to the City, licensed in the State of Michigan, naming City as an additional insured on any such policy. LICENSEE will file with

City certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the City shall be given thirty days written notice before a cancellation or change in coverage may occur. The types of coverage and coverage limits to be required shall be as follows:

the city of Muskegon be named additional insured on a general liability of No less than One million Per occurance

5. BONDING. Before this agreement/permit becomes valid, LICENSEE shall file with the city a bond conforming with the requirements of any ordinance, and shall keep same in force during the entire term of this agreement.

6. The privilege hereby granted may be canceled and revoked by the CITY at any time upon giving said LICENSEE _days of written notice of such cancellation and revocation.

7. LICENSEE may surrender up the privilege hereby granted at any time upon giving notice in writing to the city 30 days prior to such surrender; provided, however, that upon the voluntary relinquishment or abandonment of this privilege, or upon cancellation or revocation thereof by the City, the LICENSEE shall remove any structure(s) erected upon, within or overhanging the area of encroachment and restore the property at LICENSEE'S expense and in a manner satisfactory to City and in default thereof shall be liable to City for any cost, damage or expense the City may sustain in such restoration.

8. That should said LICENSEE fail or refuse to conform to any of the conditions on its part to be performed hereunder, the privilege hereby granted shall immediately terminate and become null and void.

9. This agreement shal be binding upon the respective heirs, representatives, successors and assigns of the parties hereto.

Witnesses:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By

Stephen J. Warmington, Mayor

And Gail A. Kundinger

Gail A. Kundinger, Clerk

LICENSEE:

Michael H. Bozym

Superintendent

SUPPLEMENTAL CONDITIONS

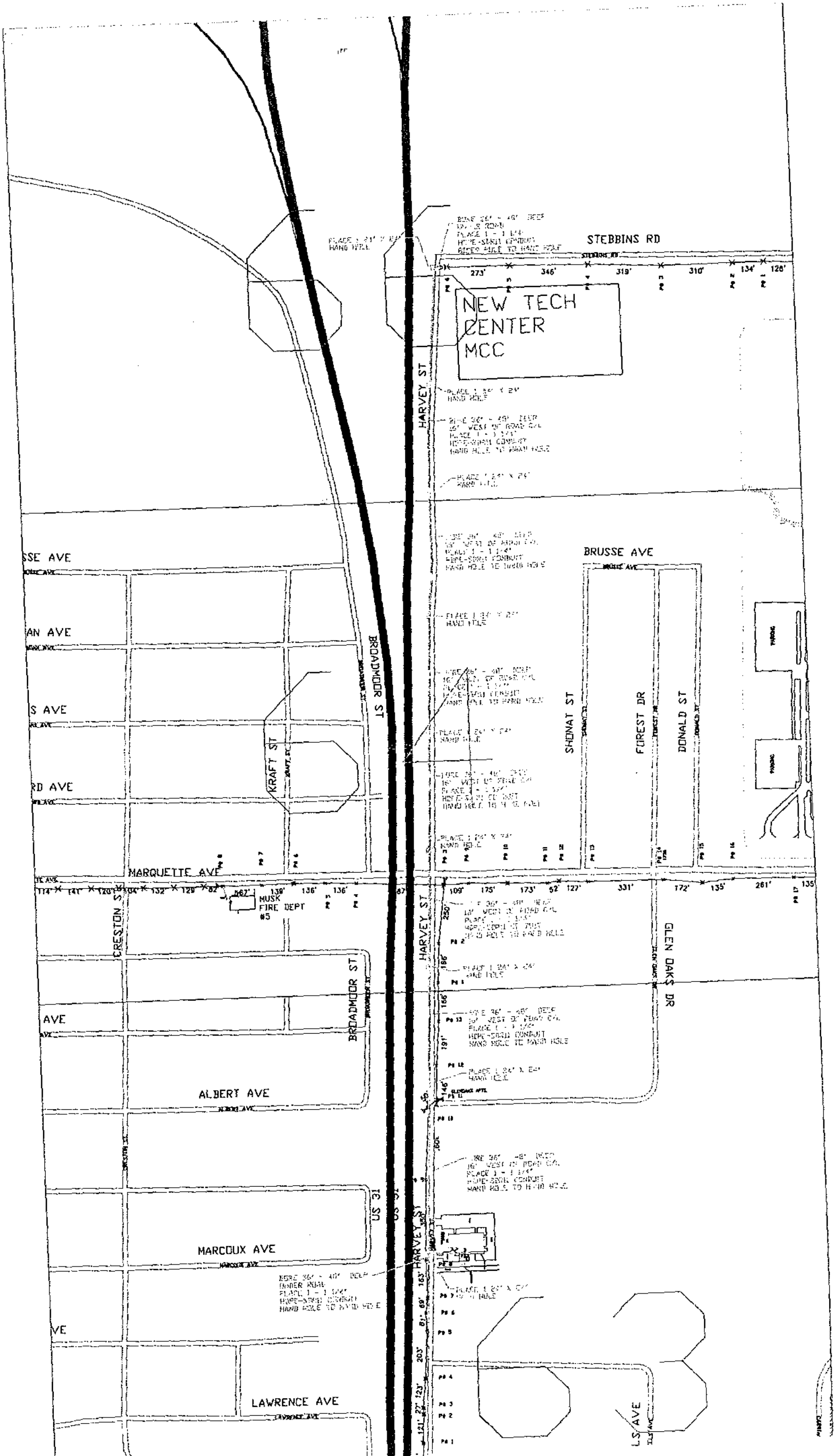
1- The grantee shall be fully responsible for the maintenance of the cables/conduits and any removal or relocation that becomes necessary to facilitate other public improvements projects within said right of way (s).

2- Grantee will maintain, for the duration of this agreement, a valid insurance coverage satisfactory to the City.

3- If approved (by City Commission), a permit to work in the right of way must be obtained from the Engineering Department before any work begins.

4- It shall be the responsibility of the owner to ensure that these facilities are a part of the miss dig system at all times.

5- The city and/or it's agent are not responsible for any damage to the facilities.


STEBBINS RD
NEW TECH CENTER MCC
HARVEY ST
BROADMOOR ST
BRUSSE AVE
SHONAT ST
FOREST DR
DONALD ST
KRAFT ST
MARQUETTE AVE
CRESTON ST
MUSK FIRE DEPT #5
GLEN OAKS DR
ALBERT AVE
MARCOUX AVE
LAWRENCE AVE
US 31

MAISD
Muskegon Area Intermediate School District

630 Harvey Street ◆ Muskegon, Michigan 49442-2398 ◆ *Phone* 231-777-2637 ◆ *Fax* 231.773.1028 ◆ www.muskegon-isd.k12.mi.us

To: City of Muskegon
ATTN: Mohammed Alshetal

From: Marios Demetriou Marios Demetriou
Assistant Superintendent for Business & Operations

Date: November 17, 2004

RE: Permit Payment

Please consider this memo as assurance that payment will be forthcoming to the City of Muskegon in the amount of $1,545.00. This payment will cover the balance due for a five year (November 2004 – November , 2009) encroachment agreement for Muskegon Area Career Tech Center's use of right-of-way to run fiber lines from 200 Harvey Street to 630 Harvey Street.

Please contact Tim Brown at 231-767-7237 or myself at 231-767-7207 should you have any questions.

Payment will be completed by 11/24/05

643-60447-4200 $850.00

CITY OF MUSKEGON

PERMIT NO. 04-063

DEPARTMENT OF ENGINEERING

APPLICATION AND PERMIT TO WORK WITHIN THE CITY RIGHT-OF-WAY

APPLICANT MAISD PHONE 777-2637

CONTRACTOR Am Comm PHONE (248) 698-8868

DATE: 11/17/04

DESCRIPTION OF WORK (Attach drawing)

Bury 4000' underground cable for the above applicant - see attached layout

PROJECT NO.

LOCATION:

See attached sketch

EXPECTED START DATE: 11/17/04

EXPECTED FINISH DATE: 11/30/04

FEE $850.00

BOND 04-018

[signature] 11/17/04

APPLICANT SIGNATURE DATE REVIEWED BY DATE ISSUED BY DATE

E. Hoffman 11/17/04

PERMIT CONDITIONS

1. Min bury of 36" below lowest pt.
2. Traffic control according to MUTCD
3. Payment rec'd. $305.00 11/17/04 - bal due 11/24/04

(NOTE: contractor and/or applicant must read and comply with all specifications on back of form)

FINAL INSPECTION REPORT

Call 724-6707 for inspection

Inspector's Signature

Date

1095

MUSKEGON AREA INTERMEDIATE SCHOOL DISTRICT
GENERAL ACCOUNT
630 HARVEY ST.
MUSKEGON, MI 49442

#02209

DATE 11.17.04

9-91/720 749
628978688

PAY TO THE ORDER OF City of Muskegon $ 305.00

Three hundred five & 00/100 DOLLARS

National City.
www.nationalcity.com
National City Bank of Michigan/Illinois
Kalamazoo, Michigan

FOR

⑈00001095⑈ ⑆072000915⑆ 628978688⑈

THIS DOCUMENT HAS A VOID PANTOGRAPH, INVISIBLE FLUORESCENT FIBERS AND A WATERMARK ON THE BACK

MUSKEGON AREA INTERMEDIATE SCHOOL DISTRICT
630 HARVEY STREET - MUSKEGON, MICHIGAN

9-91/720

NATIONAL CITY BANK
of MICHIGAN/ILLINOIS

019285

GENERAL FUND

DATE
12/02/2004

PAY ONLY 1545 00 CTS

ONE THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS AND ZERO CENTS ***************

AMOUNT
$1,545.00

Void after 90 days

PAY TO THE ORDER OF:

CITY OF MUSKEGON
CITY TREASURER'S OFFICE
P.O. BOX 536
MUSKEGON MI 49443-0536

⑈019285⑈ ⑆072000915⑆ 628978688⑈

Date: **November 9, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Engineering**

RE: **City – MDOT Agreement for:**
Bridge work over the south Branch of the Muskegon River

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the Bridge work on US-31BR over the southern branch of the Muskegon River and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract. The proposed work consists of structure replacement and bridges approaches.

FINANCIAL IMPACT:

While this is an MDOT project the city's participation is required under ACT-51since the project falls within the City limits. The City's share is estimated at $28,300 but not more than 11.25% of eligible cost. The total cost of the project is estimated @ $1,386,100.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the 05 Major as was budgeted.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION #2004-98(d)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE SUPERSTRUCTURE WORK ON STRUCTURE B01 OF 61153 ON 31-BR TOGETHER WITH THE NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Carter, and supported by Commissioner Spataro that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **04-5354** between the Michigan Department of Transportation and the City of Muskegon for the **BRIDGE REPLACEMNT ON US-31 OVER THE SOUTH BRANCH OF THE MUSKEGON RIVER** within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **04-5354** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 9th day of November, 2004.

BY ____________________
Stephen J. Warmington, Mayor

ATTEST Gail A. Kundinger
Gail A. Kundinger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on November 9, 2004. 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.

CITY OF MUSKEGON

By Gail A. Kundinger
Gail A. Kundinger, Clerk

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

December 9, 2004

RECEIVED
DEC 14 2004
City Clerks Office

Ms. Gail Kundinger
Clerk
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Kundinger:

RE: MDOT Contract Number: 04-5354
Control Section: NH 61151
Job Number: 55610

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Jackie Burch

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

Cc: P. Grotenhuis, Design Division
Project Accounting, Financial Operations Division
Grand Region Engineer

cc: Engineering

FEDERAL AID PROGRESS PAYMENT

DAB	
Control Section	NH 61153
Job Number	55610
Federal Project	NH 0461 (383)
Federal Item	HH 4076
Contract	04-5354

THIS CONTRACT is made and entered into this date of DEC 0 9 2004, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them and contributions by agencies of the Federal Government or other sources will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

> Superstructure replacement work on Structure B01 of 61153 which carries westbound Highway US-31BR over the South Branch of the Muskegon River; including approach work; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: $1,386,100

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering, plans and specifications; acquisition costs of the property for rights of way, including interest on awards, attorney fees and court costs; physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and engineering, legal, appraisal, financing, and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required thereof, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

DEPARTMENT -	88.75%
CITY -	11.25%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

TOTAL ESTIMATED COST	FED AID	BALANCE AFTER FEDERAL AID	DEPT'S SHARE	CITY'S SHARE
$1,386,100	$1,134,500	$251,600	$223,300	$28,300

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made thereof and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a biweekly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No biweekly billings of a lesser amount than $1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _________", or "Final Billing". Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. The CITY shall be billed for their share of the preliminary engineering costs upon award of the PROJECT. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

8. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its required payments as specified herein.

9. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such moneys thereafter allocated by law to the CITY from the Michigan transportation Fund sufficient moneys to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

10. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

11. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

12. All of the PROJECT work shall be done by the DEPARTMENT.

13. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

14. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

By ______________________
Title: Stephen J. Warmington
Mayor

By Gail A. Kundinger
Title: Gail A. Kundinger
City Clerk

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By ______________________
Department Director MDOT

APPROVED
10/5/04
ASSISTANT
ATTORNEY
GENERAL

REVIEWED
9-23-04

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.

6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.

7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.

9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

(Rev. 03/92)

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

   (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

   (b) Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

> **The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).**

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

> **The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.**

Date: **November 9, 2004**

To: **Honorable Mayor and City Commissioners**

From: **City Clerk, Gail Kundinger**

RE: **Appointment and Resignation to Various Boards and Committees**

SUMMARY OF REQUEST: To appoint Shontea Jenkins to the Civil Service Commission, and Manda Weller to the Citizen's District Council. Accept resignations from Daniel Chambers from the Historic District Commission, Trudy Borset from the Citizens District Council, and Ben Bifoss from the Downtown Development Authority/Brownfield Redevelopment Authority Board.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the appointments and resignations.

Commission Meeting Date: November 9, 2004

Date: **October 29, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Request to Vacate Public Utility Rights and Abandon In Place Existing Utilities in Seaway Industrial Park**

SUMMARY OF REQUEST:

The City has vacated the public alleys located within the Seaway Industrial Park (see attached map). This was done in October 2003 as part of the assembly of land acquired by the City to establish new parcels for industial development. As is policy in the City, we retained easement rights in these alleys at the time they were vacated. It is now necessary for construction on the effected parcels to take place, to vacate these utility rights and abandon all in-place existing utilities in these vacated alleys.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

For the Mayor and Clerk to sign the attached resolution approving the vacation of the public utility rights and abandoning the in-place existing utilities.

COMMITTEE RECOMMENDATION:

RESOLUTION #2004 -99(a)

RESOLUTION TO VACATE PUBLIC UTILITY RIGHTS
AND ABANDON IN PLACE EXISTING UTILITIES

WHEREAS, a petition has been received to vacate all existing alleys, vacate all public utilities and abandon in place all existing public utilities in the alleys vacated by City Commission action on October 28, 2003 in Blocks 1 through 4 of the Young & Williams Addition, City of Muskegon; and,

WHEREAS, on October 28, 2003 the City Commission vacated all existing alleys in Block 1 through 4, subject to retaining utility rights heretofore acquired by the City; and

WHEREAS, the City will abandon in place existing utilities and utility rights in the alleys previously vacated, excluding all public utility rights provided by a Declaration of Easement dated June 8, 2004 and recorded at Liber 3624 Page 768;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the City utility rights in the previously vacated alleys, previously legally described as:

> All existing alleys in Blocks 1 through 4 of the Young & Williams Addition, of the City of Muskegon, County of Muskegon, State of Michigan.

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said utility rights in the previously vacated alleys are terminated and abandons in place existing utilities operating in, over and upon said portion of alley hereby vacated.

BE IT FURTHER RESOLVED that this City Commission does not affect a Declaration of Easement dated June 8, 2004 and recorded at Liber 3624 Page 768.

Adopted this 9th day of November, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

Absent: Warmington

By: [signature]
Stephen J. Warmington, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City Clerk

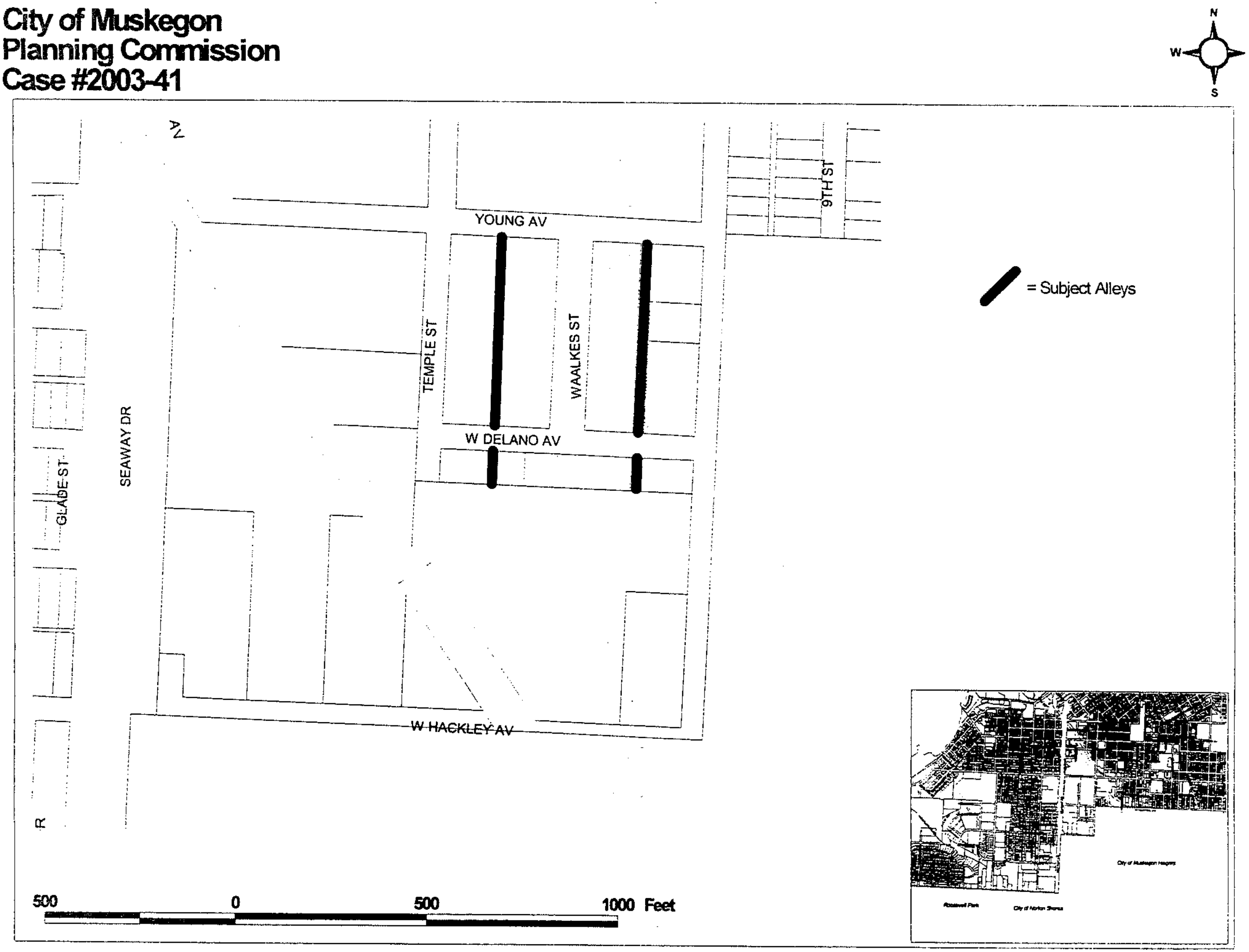
CERTIFICATION (Alleys in Seaway Industrial Park)

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 November 9, 2004.

Gail A. Kundinger

Gail A. Kundinger, MMC
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case #2003-41



RESOLUTION #2004 -99(a)

RESOLUTION TO VACATE PUBLIC UTILITY RIGHTS
AND ABANDON IN PLACE EXISTING UTILITIES

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WHEREAS, on October 28, 2003 the City Commission vacated all existing alleys in Block 1 through 4, subject to retaining utility rights heretofore acquired by the City; and

WHEREAS, the City will abandon in place existing utilities and utility rights in the alleys previously vacated, excluding all public utility rights provided by a Declaration of Easement dated June 8, 2004 and recorded at Liber 3624 Page 768;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the City utility rights in the previously vacated alleys, previously legally described as:

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BE IT FURTHER RESOLVED that the City Commission does hereby declare the said utility rights in the previously vacated alleys are terminated and abandons in place existing utilities operating in, over and upon said portion of alley hereby vacated.

BE IT FURTHER RESOLVED that this City Commission does not affect a Declaration of Easement dated June 8, 2004 and recorded at Liber 3624 Page 768.

Adopted this 9th day of November, 2004.

Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

Absent: Warmington

By: [signature]
Stephen J. Warmington, Mayor

Attest: Gail A. Kundinger
Gail A. Kundinger, MMC, City 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 November 9, 2004.

PREPARED BY AND RETURN TO:
City of Muskegon
933 Terrace
Muskegon, MI 49440

Gail A. Kundinger
Gail A. Kundinger, MMC
Clerk, City of Muskegon

Date: November 9, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Notice of Intent and Reimbursement Resolution – Possible Capital Improvement Bond Issue

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SUMMARY OF REQUEST: The City is faced with a number of important capital project needs that likely will require debt financing: 1) new central fire station, 2) matching funds for $1 million marina improvements grant, 3) funds to complete the lakeshore trail project, 4) possible second ice sheet to replace Arena Annex and help reduce Arena's operating deficit, 5) funds for Fisherman's Landing facilities. The two attached resolutions represent the first step in the bonding process and serve two purposes: 1) the "notice of intent resolution" provides the necessary legal notice to the public of the possible bond issue and, 2) the "reimbursement resolution" provides a legal basis for the city to be reimbursed from bond proceeds for project costs incurred prior to bond issuance.

FINANCIAL IMPACT: The only immediate cost associated with this action is the cost of publication in the *Chronicle.* If bonds are issued, the projected amount will be $7 million to be repaid over 20 years. Annual debt service is estimated to be $530,000 per year. The size of the bond issue may be reduced by possible grant funding and/or land sale proceeds. Annual debt service will be covered by a combination of sources including marina revenues (pending state approval of our request for more seasonal slips); DDA tax increment revenues for eligible projects located in the DDA area (i.e. annex, portion of trail), and general fund resources anticipated to be made available by reducing/eliminating the LC Walker operating deficit.

BUDGET ACTION REQUIRED: None at this time. The cost of the newspaper publication can be covered within the current budget. Once bonds are sold, debt service will be budgeted over the life of the bonds (20 years).

STAFF RECOMMENDATION: Approval of the attached resolution.

COMMITTEE RECOMMENDATION: There is no committee recommendation for this item.

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy
New York, NY
Pensacola, FL
Washington, DC
CANADA: Windsor, ON
POLAND: Gdynia
Katowice • Warsaw

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

October 28, 2004

Mr. Timothy J. Paul
Finance Director
City of Muskegon
City Hall
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Via Email

Dear Tim:

I am sending you herewith attached and by regular mail a suggested form of reimbursement resolution and notice of intent resolution for the City's proposed bond project. The reimbursement resolution will protect the City up to $7,000,000 in previously incurred expenditures and I have assumed that you will want to place this on the agenda at the November 9th Commission meeting. If my assumption is incorrect, please advise and I will supply you with a resolution with a different date.

Although it is possible to issue Building Authority bonds to pay for the projects that you have in mind, I think the most expeditious and cost effective means of financing would be the issuance of capital improvement bonds pursuant to Act 34 of the Public Acts of 2001, as amended.

As you will recall, the procedure begins with the adoption of a notice of intent resolution with the consequent 45-day referendum period.

I have taken the liberty of drafting a resolution which speaks to the issuance of not to exceed $7,500,000 in bonds. I know this is more than you presently intend on borrowing. However, by using a higher amount, we reserve the option should the City's plans change.

I have also drafted a notice of intent for the November 9th meeting. Again, if you wish to change the date, please advise and I will supply with you with a new resolution.

As you will recall, the notice of intent, which is found in the body of the resolution, must be published once in your local paper taking up no less than one-quarter of the page upon which it appears. Act 34 is quite specific in that the notice must take up no less than one-quarter of the page upon which it appears.

After adoption of the several resolutions, I would ask that you return a certified copy of same to me along with three affidavits of publication of the notice of intent.

I will send out our customary form of engagement letter under separate cover.

Should you have any questions concerning this, of if I may be of other assistance to you, please do not hesitate to contact me.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: ______________________________
Joel L. Piell

Enclosures

cc: Mr. Warren M. Creamer, III (w/enclosures) *Via Email*

NOTICE OF INTENT RESOLUTION
GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS

City of Muskegon
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan (the "City") held on the 9th day of November, 2004, at 5:30 o'clock p.m. Eastern Standard Time.

PRESENT: Members Spataro, Carter, Davis, Gawron, Larson, and Shepherd.

ABSENT: Members Warmington.

The following preamble and resolution were offered by Member Spataro and supported by Member Carter:

WHEREAS, the City intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Seven Million Five Hundred Thousand Dollars ($7,500,000) for the purpose of paying part of the cost of acquiring and constructing certain capital improvement items consisting of a new fire station and recreational improvements together with necessary related appurtenances and attachments (the "Projects"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517 of Act 34, Public Acts of Michigan, 2001, as amended.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Muskegon Chronicle, a newspaper of general circulation in the City.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

NOTICE TO ELECTORS
OF THE CITY OF MUSKEGON
OF INTENT TO ISSUE BONDS SECURED BY THE TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon, Muskegon County, Michigan, intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not to exceed Seven Million Five Hundred Thousand Dollars ($7,500,000) for the purpose of paying the costs of acquiring and constructing a new fire station and recreational improvements together with necessary and related appurtenances and attachments.

Said bonds will mature in annual installments not to exceed thirty (30) in number, with interest rates to be determined at sale but in no event to exceed seven percent (7%) per annum on the unpaid balance from time to time remaining outstanding on said bonds. The bonds may be issued in one or more series as shall be determined by the City Commission.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable charter, statutory and constitutional limitations.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Gail Kundinger
Clerk, City of Muskegon

3. The City Commission does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the City's taxpayers and electors of this Commission's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Member Davis, Gawron, Larson, Shepherd, Spataro, and Carter.

NAYS: Member None.

RESOLUTION DECLARED ADOPTED.

Gail A. Kundinger

City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on November 9, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Gail A. Kundinger

City Clerk

DELIB:2563548.1\000000-00000

REIMBURSEMENT RESOLUTION
City of Muskegon
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan held on the 9th day of November, 2004, at 5:30 o'clock p.m. Eastern Standard Time.

PRESENT: Members Spataro, Carter, Davis, Gawron, Larson, and Shepherd.

ABSENT: Members Warmington.

The following preamble and resolution were offered by Member Spataro and supported by Member Carter:

WHEREAS, the City of Muskegon, County of Muskegon, State of Michigan (the "City") intends to cause to be issued and sold bonds or other obligations, in one or more series, in amounts not to exceed Seven Million Dollars ($7,000,000) for the purpose of paying the cost of acquiring and constructing certain capital improvements consisting of a new fire station and recreational improvements (the "Projects"); and

WHEREAS, the City intends, at this time to state its intentions to be reimbursed from proceeds of the bonds or other obligations for any expenditures undertaken by the City for the Projects prior to issuance of the bonds or other obligations.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) As of the date hereof, the City reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the City or on behalf of the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring the Projects together with appurtenances and attachments thereto to serve the City which were or will be paid subsequent to six months prior to the date hereof.

(c) The maximum principal amount of debt expected to be issued for the Projects, including issuance costs, is $7,000,000.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Projects are placed in service, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Projects to reimburse the City for a capital expenditure made pursuant to this Resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(b) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Projects to be reimbursed for the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Projects, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

2. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same herby are rescinded.

AYES: Members Davis, Gawron, Larson, Shepherd, Spataro, and Carter.

NAYS: Members None.

RESOLUTION DECLARED ADOPTED.

Gail A. Kundinger
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on November 9, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Gail A. Kundinger
City Clerk

DELIB:2563541.1\000000-00000

MUSKEGON

West Michigan's Shoreline City

City of Muskegon
City Clerk's Office
Gail A. Kundinger, MMC
P.O. Box 536
933 Terrace Street
Muskegon, Michigan 49443
Phone: (231) 724-6705
Fax: (231) 724-4178

FAX COVER SHEET

To: Ann McMillen From: Linda Potter

Fax: Pages (including cover) 2

Phone: Date: 11-10-04

RE: CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Hi Ann,

Please publish 11-15-04 as a one-quarter page display ad. I will also need 3 additional affidavits of publication.

Thanks,
Linda

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Department
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Deptartment
(231)724-6750
FAX: (231)722-5140

Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON

West Michigan's Shoreline City

December 2, 2004

Mr. Joel L. Piell
Miller, Canfield, Paddock
& Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, MI 48226

Dear Mr. Piell:

Enclosed are three certified copies of the notice of intent resolution, reimbursement resolution, and three affidavits of publication.

If you have any questions, please call me at (231) 724-6705.

Thank you,

Linda Potter

Linda Potter, CMC
Deputy City Clerk

Enc.

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
www.shorelinecity.com

AGENDA ITEM NO. ________________

CITY COMMISSION MEETING November 9, 2004

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: November 2, 2004

RE: Amendment to Cross-Lake Ferry Agreement

SUMMARY OF REQUEST:

To approve an amendment of Exhibit A (property description) of the Cross-Lake Ferry lease agreement. The actual property being used for the ferry operation changed during construction of the improvements from the property identified in the original lease.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached amendment.

COMMITTEE RECOMMENDATION:

None

AMENDMENT TO LEASE AGREEMENT
2004-99(c)

This Agreement, made effective November 9, 2004, by and between **Lake Express, L.L.C.**, a Wisconsin limited liability company ("Lake Express"), **Great Lakes Marina & Storage, LLC**, a Michigan limited liability company ("Great Lakes") and the **City of Muskegon**, a Michigan municipal corporation ("City").

RECITALS

A. Lake Express, Great Lakes and City, executed a Lease Agreement dated October 28, 2003, relating to the establishment of a cross lake ferry.

B. Pursuant to that Lease Agreement, Great Lakes committed to construct certain facilities for the cross lake ferry on a site described in Exhibit A.

C. Construction occurred, with the consent of all parties, at a location different than that specified in Exhibit A of the Lease Agreement.

AGREEMENT

Lake Express, Great Lakes and City agree as follows:

1) Attached amended Exhibit A shall reflect the real property, with the improvements of a dock, terminal, and maintenance facilities, which is the subject of the lease between Great Lakes, as Landlord, and Lake Express and City in lieu of Exhibit A to the Lease Agreement.

2) In all other respects, the Lease Agreement, as previously amended, is unaffected by this Amendment.

IN WITNESS WHEREOF, the parties hereto have by their duly authorized officers executed this Amendment to Lease Agreement as of the day and year first above written.

LAKE EXPRESS, L.L.C.

By: ______________________________
David J. Lubar, President
Lubar & Co., Manager of Lake Express, L.L.C.

GREAT LAKES MARINA & STORAGE, LLC

By: ______________________________
John Bultema II, Member

CITY OF MUSKGON

By: ______________________________
Stephen J. Warmington, Mayor

And: ______________________________
Gail A. Kundinger, City Clerk

PREPARED BY:
John C. Schrier (P36702)
Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786
Phone: (231) 722-1621

AGENDA ITEM NO. ________________

CITY COMMISSION MEETING November 9, 2004

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: November 2, 2004

RE: Salary Ranges for Planning & Economic Development Division

SUMMARY OF REQUEST:

To approve salary ranges for the following positions in the reorganized Planning & Economic Development Division:

1) Planner III – Range VII-A ($38,061-$50,751)
2) Planner II – Range VIII ($33,698-$44,933)
3) Code Coordinator – Range VIII ($33,698-$44,933)
4) Planner I – Range IX ($29,694-$39,592)

FINANCIAL IMPACT:

Reorganization changes cost an additional $46,340.

BUDGET ACTION REQUIRED:

None. These changes are accommodated for in the 2005 budget.

STAFF RECOMMENDATION:

To approve the proposed salary ranges.

COMMITTEE RECOMMENDATION:

None