

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 14, 2008

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. Information Use Agreements. PUBLIC SAFETY
 - C. Film & Music Policy – City of Muskegon. PLANNING & ECONOMIC DEVELOPMENT
 - D. SECOND READING: Rezoning Request for Property Located at 1338 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT
 - E. SECOND READING: Amendment to the Zoning Ordinance – Outdoor Seating. PLANNING & ECONOMIC DEVELOPMENT
 - F. West Michigan Metropolitan Transportation Plan (WestPlan) Dues, FY2009. CITY MANAGER
 - G. Request to Purchase Humidification Equipment for Central Fire Station. PUBLIC SAFETY
 - H. Budgeted Vehicle Replacement. PUBLIC WORKS
 - I. Uniform and Rugs Cleaning Contract. PUBLIC WORKS
 - J. City/County Agreement regarding Justice Assistance Grant (JAG). CITY MANAGER
 - K. Contract Extension – Independent Audit Services. FINANCE
- ❑ PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Johnson Technology. PLANNING & ECONOMIC DEVELOPMENT

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Sewer Rate Adjustment. FINANCE

B. Sale of City Dockominium Boat Slips. PLANNING & ECONOMIC DEVELOPMENT

C. Assignment & Assumption of Arena Management Contract. CITY MANAGER

D. Muskegon Firefighters Local 370 Contract. CITY MANAGER

E. Congress of Cities Voting Delegates. CITY CLERK

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

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

Date: October 14, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, September 23rd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 23, 2008

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, September 23, 2008.

Mayor Warmington opened the meeting with a prayer from George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Vice Mayor Gawron and Commissioner Shepherd (both excused).

2008-83 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the September 8th Commission Worksession, and the September 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Election Receiving Board. CITY CLERK

SUMMARY OF REQUEST: An Election Receiving Board is allowed to check paperwork for accuracy on election night. Michigan State Election Law requires that each municipality adopt a resolution if they utilize a Receiving Board for elections.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the resolution.

C. Office Supplies Vendor. FINANCE

SUMMARY OF REQUEST: Since 2000, the City has used Staples as its sole-source vendor for office supplies. Oakland County has made available its *America Saves* office supplies program with OfficeMax which staff believes offers better value for the City:

- Contract competitively bid by Oakland County saving our staff time. City purchasing power pooled and leveraged – i.e. *America Saves* has 300+ government participants spending \$27 million on office supplies yearly.
- Preferred pricing arrangement for copy paper which it is estimated will lower paper costs by 7-10% and free up staff time spent on soliciting bids and handling inventory.
- City may discontinue participation any time.
- Program offers other valuable services such as obsolete technology recycling and initiatives to make office supply consumption as "green" as possible.
- City pricing extended to employees – a valuable no-cost employee benefit we can provide.
- Opportunity to support business located within City.

FINANCIAL IMPACT: The City spends approximately \$40,000 on office supplies (including copy paper) annually. Communities participating in *America Saves* report an average 12% savings (\$4,800). The City will also save in other ways such as moving away from maintaining large inventories of copy paper.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for the City to participate in the *America Saves* purchasing contract through Oakland County and approval of the preferred paper pricing program agreement letter with OfficeMax.

D. Harvey Booster Station Door Replacement. WATER FILTRATION

SUMMARY OF REQUEST: Authorize staff to enter into an agreement with Muskegon Construction Company for replacement of two personnel doors and one loading dock double-door at the Harvey Street Booster Station at a cost of \$12,267.

FINANCIAL IMPACT: Replacement cost of \$12,267.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission approve the door replacement by Muskegon Construction Company at a cost of \$12,267.

E. Rezoning Request for Property Located at 1338 S. Getty Street.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 1338 S. Getty Street, from B-4, General Business District to R, One Family Residential District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 11th meeting. The vote was unanimous with T. Michalski, B. Larson and J. Aslakson absent.

F. Amendment to the Zoning Ordinance – Outdoor Seating. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2308, #2 (Outdoor Seating) of Article XXIII (General Provisions) to require a minimum of 6 feet of paved area for pedestrian circulation.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to require a minimum of 6 feet of paved area for pedestrian circulation.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 11th meeting. The vote was unanimous with T. Michalski, B. Larson, and J. Aslakson absent.

H. Acceptance of an Easement from Downtown Muskegon Development Corporation on First Street between Alley (Block 310) and Clay. ENGINEERING

SUMMARY OF REQUEST: Authorize the Mayor and City Clerk to sign the easement documents which include an Assignment of All Interests and Assumption of Obligations of the First Street Reciprocal Easement document. This action will bring the City one step closer to reclaiming First Street for reinstatement as a public road.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Accept easement and direct staff to record.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Consent Agenda as read minus item G.

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

Nays: None

MOTION PASSES

2008-84 ITEM REMOVED FROM THE CONSENT AGENDA:

G. Grant an Easement to Downtown Muskegon Center No. 2 over Market Street. ENGINEERING

SUMMARY OF REQUEST: Authorize the Mayor and City Clerk to sign the easement documents granting DMDC No. 2 an easement over that part of Market Street that had not been vacated in the past for the purpose of creating a public park facility.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Grant an easement to DMDC No. 2 as outlined in the easement document.

Motion by Commissioner Spataro, second by Commissioner Wisneski to grant the easement to DMDC No. 2 as outlined in the easement document.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 5:38 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

City Commission Meeting
Tuesday October 14, 2008

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
DATE: September 29, 2008
SUBJECT: Information Use Agreements

Summary of Request:

The Director of Public Safety is requesting the Commission's approval to enter into Information Use Agreements with a variety of state Department of Motor Vehicle agencies from around the country. These agreements will allow the police department to access information needed for parking and abandoned vehicle enforcement. We currently have one agreement pending with the Commonwealth of Virginia and expect more agreements in the near future.

Financial Impact:

None

Budget Action Required:

None

Staff Recommendation:

Approval of the agreement.



RECEIVED

SEP 23 2008

MUSKEGON POLICE DEPT.
CHIEF OF POLICE

COMMONWEALTH of VIRGINIA

Department of Motor Vehicles

2300 West Broad Street

D. B. Smit
Commissioner

Post Office Box 27412
Richmond, VA 23269-0001
866-DMV-LINE or
800-435-5137

September 18, 2008

Mr. Athony L. Kleibecker, Director
City of Muskegon, Police Department
980 Jefferson Street
Muskegon, MI 49440

Dear Mr. Kleibecker:

We have received and reviewed your application for an Information Use Agreement. Your application for access to our files for obtaining name and address information for recipients of parking ticket citations has been approved.

In order to establish access to our records so that we can provide you the computer tapes you requested, you will need to complete and return the enclosed Information Use Agreement and Addendum. This form should be signed by an individual having authority to bind your agency and its representatives or agents to administrative agreements. Please note that the Use Agreement contains clauses related to term of the agreement, termination of the agreement, and renewal of the agreement. The Department's intention to renew will be given approximately sixty days prior to the expiration of each contract period.

When we receive your signed agreement, we will take the steps needed to finalize your access to our records. If you have any questions, please feel free to call me at (804) 497-7191.

Sincerely,

Janet Williams
Office Manager
User Services

Enclosures

Commission Meeting Date: October 14, 2008

Date: October 7, 2008

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBC

RE: Film & Music Policy- City of Muskegon

SUMMARY OF REQUEST: The State of Michigan is offering a lucrative tax incentive package to companies filming within the State. This has been fortunate for the City of Muskegon, as some of these film companies are asking to film in Muskegon. In addition, there are plans for a major film studio to locate in the City. The Muskegon Events Committee is working on this issue, including developing the best ways to meet the needs of the film companies. In addition, City staff has determined that a City of Muskegon Film & Music Policy is needed to assist in streamlining the process for film and music companies, while considering the needs and demands on City services. Therefore, a Film & Music Events Policy is being presented to the City Commission for consideration and approval.

FINANCIAL IMPACT: The Policy will allow for collection of fees for various City services, while leaving the exact amounts flexible, depending on the needs of the specific film and/or music company and the demands on City services.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Policy.

COMMITTEE RECOMMENDATION: The City Commission will review and discuss the Policy at the 10/13/08 Work Session.

City of Muskegon

Film & Music Events Policy

"We welcome you to the City of Muskegon for your filming and recording event needs!"

Muskegon is a city of natural beauty and urban vitality. Filming opportunities are virtually limitless. From the miles of public beaches to the revitalized downtown, to urban- and suburban-type neighborhoods and extensive parks and public lands, Muskegon offers you the locations you need to make your film or recording event a success.

The Film, Music and Special Events Liaison is the Leisure Services Department of the City of Muskegon. We are committed to providing you with information and resources to help you with your filming and recording needs. The permitting process is the best way to achieve this. Permits are required for all film, music and event activities.* Here are the ways we can assist:

- Film Permit cost is \$50.00**
- Use of City property, including parks, City facilities, and grounds as part of the permit fee (providing no additional services, such as street closures, are requested)
- Police assistance during filming (providing no additional services, such as actual security, use of police vehicles, etc, are requested)
- Streamlined permit process and costs

Please call the Leisure Services Department of the City of Muskegon as soon as you determine you will be working in Muskegon. The more lead time given, the better we can serve you. The permit application needs to be completed no later than 10 days before your first day of work.

* Exemptions from permits exist for the following production activities: 1) The filming, videotaping or other production of current news which includes reporters, photographers and camera persons employed by a newspaper, news service, cable or broadcasting station or similar entity engaged in news events, and 2) The filming, videotaping or other productions solely for one's private, family use.

** Exemptions from permit fee requirements (still required to complete a permit application) are available: 1) When filming, videotaping or other types of productions for a charitable purpose or from which no profit is derived either directly or indirectly; 2) When filming, videotaping or other types of productions for a current class assignment. Students must provide written documentation by

school or professor, as well as a current student identification to qualify for the exemption.

FILM & MUSIC EVENTS CONTACTS

Film, Music and Special Events Liaison:

Leisure Services: 231-724-6704

Leisure Services Supervisor: 231-724-6776

REQUIREMENTS FOR FILMING

INSURANCE COVERAGE

In order to obtain a City permit, you must provide proof of liability insurance including the following coverage and language:

- The **City of Muskegon** shall be named as an “Additional Insured” under policy with respect to permits issued by the City. The Address is City of Muskegon, 933 Terrace St., P.O. Box 536, Muskegon, MI 49443-0536.
- General Liability: \$1 million Bodily Injury and Property Damage combined.
- Automobile Liability: \$1 million Bodily Injury and Property Damage combined.
- Use of explosives: \$2 million Bodily Injury and Property Damage combined.

The City of Muskegon shall be given 20 days notice of any change, cancellation, expiration or renewal of the policy. Only one certificate of insurance is required by the City for your filming operation. It will cover all City Departments. Please notify us at 231-724-6704.

SAMPLE CERTIFICATE OF LIABILITY INSURANCE

COMMUNITY NOTIFICATION

- The City welcomes you and your film crew in Muskegon. We also want our residents to feel the same way. It is important to properly notify any residents and/or businesses that may be affected by the filming. When filming on private property, an applicant shall obtain the property owner’s signature prior to the granting of a permit. Additionally, the applicant may be required to provide advance notice and/or gain approvals from all appropriate residents and homeowners associations located near the proposed film permit activity as determined by the Leisure Services Supervisor.

MASTER FILM PERMIT FEES

Most Productions:

- \$50.00 Film Permit Fee

THE PERMIT FEES INCLUDE:

- The use of City property, including parks, exterior spaces, and other City facilities.
- Street Closure Permits (not barricade costs)
- All City of Muskegon costs associated with issuing and overseeing the Master Film Permit and it's components
-

FILMING IN MUSKEGON

ADVANCE NOTICE

Most permits can be issued very quickly. Film permits that involve coordination with several different agencies or jurisdictions take more time. Your filming needs may vary from the very simple to the very complex. We need 10 days notice of your intent to film in Muskegon to begin the process. The more complex the project, the more lead time is necessary. * **The City of Muskegon reserves the right to make the final determination on the approval of the permit, based on the specific requests and filming content.**

MASTER FILM PERMIT

Before your initial meeting and/or conversation with the Leisure Services Supervisor, you may want to go to our website, www.shorelinecity.com and find the Master Film Permit Application. This form, after approval, will become your Film Permit. A copy of the Film Permit must be kept at the film site at all times. Another copy must be given to the lead police officer upon arrival at the site.

SEASONAL RESTRICTIONS

There will be no shooting allowed downtown during certain summer events (contact Leisure Services Department for details) unless special arrangements are made and agreed to by the City.

PARKING, STREET CLOSURES, BARRICADES, ETC.

Details regarding specific needs for the film or music crew must be included on the permit. The individual departments dealing with these issues will work with you, after notification by the Leisure Services Department. If you find additional needs after the filming has started, work through the Leisure Services Department, and they will contact other relevant departments to work with you.

HOURS OF FILMING

Filming is limited to the hours of 7 a.m. to 10 p.m. weekdays and 9 a.m. to 10 p.m. on weekends. This applies to the arrival and departure of cast, crew and equipment, as well as actual filming. In some instances, if advance written approval is obtained from the majority (80%) of the residents affected, the Leisure Services Department may grant an extension.

MUSKEGON PUBLIC SAFETY

In Muskegon, public safety services encompass the police, fire and inspections departments. The Director of Public Safety (or his/her designee) will be contacted by the Leisure Services Department regarding any film permit application. The Director of Public Safety shall determine if any public safety services are necessary, including whether or not police officers or fire inspectors should be assigned to be on site during filming or production activities, as well as any fees to be charged. All fees associated with public safety services have been per-determined by the City Commission and have taken into account collective bargaining agreements. These fees are in addition to any other fees assessed by the City.

Director of Public Safety
Muskegon Police Department
PHONE 231-724-6750

SPECIAL EFFECTS

Special effects, including gunfire, explosions, cars or people repelling (off dunes, buildings, etc.), helicopter flying, etc. are generally not permitted by the City. However, on rare occasions the City may grant permission with specific restrictions, pending approval by selected residents and/or homeowners associations. Special effects will require an additional permit.

LEISURE SERVICES AND PARKS DEPARTMENTS

ADVANCE NOTICE

User should call the Leisure Services Department as far in advance as possible. The Leisure Services Department will coordinate with the Parks Department to schedule your shoot.

If you are using any of the parks and/or beaches (particularly if you need an area sectioned off where the public is not allowed during filming), there may be a need for park rangers to assist. Park rangers will ensure that your filming takes place undisturbed, as well assist with public relations to help the public understand why they cannot enter a

certain area during filming. The cost for park rangers is not included in the permit fee. Park rangers are only available during the summer months.

Depending upon the extent of activities and time of year, formal approval and issuance of the permit may take from two days to two weeks. Please plan accordingly. Proof of liability insurance will be required prior to issuance of final permit.

FEES

Use of the buildings and property is included in the Master Film Permit fees; however, it does not include charges for utilities, water hook-up or staff costs.

OTHER RESTRICTIONS

- **WEAPONS.** The use of weapons (real or simulated) in a public place, or in view of the public, will require the presences of at least one Muskegon Police Officer on site.
- There are other times during the year that filming and parking restrictions may apply in various parts of the City. Restrictions may apply during summer festivals and other various events; around certain construction projects, or during large conventions or sporting events. The Muskegon Leisure Services Department will inform you of any potential restrictions during your planned filming period.
- If there is substantial disruption (particularly parking), the neighborhood and/or business district needs to be informed at least one week in advance.

Commission Meeting Date: September 23, 2008

Date: October 9, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for property located at 1338 S. Getty Street

SUMMARY OF REQUEST:

Request to rezone the property located at 1338 S. Getty Street, from B-4. General Business District to R, One Family Residential District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/11 meeting. The vote was unanimous, with T. Michalski, B. Larson and J. Aslakson absent.

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 certain property from B-4 “General Business” district to R, One Family Residential 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 of the following described property from B-4 “General Business” district to R, “One Family Residential” district:

CITY OF MUSKEGON REV PLAT OF HOLBROOK ADDITION LOT 6 BLK 2

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of 1338 S. Getty from B-4 to R-1)

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 14th day of October, 2008, 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 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: _____, 2008.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on October 14, 2008, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from B-4 "General Business" district to R, "One Family Residential" district:

CITY OF MUSKEGON REV PLAT OF HOLBROOK ADDITION LOT 6 BLK 2

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 _____, 2008

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

September 11, 2008

Hearing; Case 2008-22: Request to rezone the property located at 1338 S. Getty Street from B-4, General Business District to R, One Family Residential District, by Connie Johnson, 4028 Briarwood Lane.

Applicant: Connie Johnson

Property Address/Location: 1338 S. Getty Street

Rezone from B-4, General Business to R, One Family Residential

Present Land Use: Residential

Zoning: B-4, General Business

STAFF OBSERVATIONS

1. The property contains the long time family home of Connie Johnson and her late husband, who has occupied the home since 1979. Her son would now like to purchase the home from his mother, but has been unable to secure financing because of the business zoning.
2. The applicant is requesting a rezoning from a B-4 General Business zone to a R, One Family Residential zone.
3. The property itself contains only 6,200 square feet, with 50 feet of street frontage. While this meets the minimum requirement for a residential lot, it falls short of the 10,890 square feet and 100 feet of frontage required for a lot in the B-4 zoning district.
4. The properties to the north, west and south are zoned B-4, and to the East on Kingsley Street, the zoning is R-1.
5. In this block of Getty Street between Evanston and Catawba there are 7 homes that are presently used as single family residences, 5 are owner occupied. There are also 4 businesses occupying commercial structures in that block.
6. The Getty Street Corridor Study, done in 2001, suggests that in this area of Getty we should “encourage land assembly and re-use of single-family residential areas to higher intensity uses”. At this time there are no plans that Staff is aware of for any redevelopment to commercial uses.
7. Staff has had no comments regarding this request.



Subject home located at 1338 S. Getty Street.



Hair salon located to the north of subject.



Home located to the south of subject.

R-1 = Single-Family Residential
B-1 = Limited Business
B-2 = Convenience & Comparison Business
B-4 = General Business



Staff recommends approval of the request to rezone the subject property from B-4, General Business district to R, One Family Residential district, because the request conforms to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

Criteria-based questions typically asked during a rezoning include:

- 7

3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a “**Spot Zone**”?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the front portion of the property located at 1338 S. Getty Street from B-4, General Business district, to R, One Family Residential district as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use and zoning district intent.

Commission Meeting Date: September 23, 2008

Date: October 9, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Zoning Ordinance – Outdoor Seating

SUMMARY OF REQUEST:

Request to amend Section 2308, #2 (Outdoor Seating) of Article XXIII (General Provisions) to require a minimum of 6 feet of paved area for pedestrian circulation.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to require a minimum of 6 feet of paved area for pedestrian circulation.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/11 meeting. The vote was unanimous with T. Michalski, B. Larson, and J. Aslakson absent.

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

September 11, 2008

Hearing; Case 2008-25: Staff initiated request to amend Section 2308, #2 (Outdoor Seating) of Article XIII, to require a minimum of 7 feet of paved area for pedestrian circulation.

BACKGROUND

In February 2007 the Outdoor Seating language was adopted and became part of the Zoning Ordinance. Recently a request for a staff approved site plan for outdoor seating was submitted for the former National City building on Western Avenue. Upon discussion with other City staff and the new restaurant developer, it was brought to my attention that the 3 feet allowance for sidewalk along the curb was not sufficient for ADA standards.

On the advice of the City Engineer and the Affirmative Action Director, who is also the City's liaison for ADA issues, we believe that even though 5 feet would be adequate width to accommodate signage, light poles, along with pedestrians, that 7 feet would be a better buffer for accessibility. This would allow adequate space for people and wheelchairs, walkers, etc. to pass one another.

NEW LANGUAGE

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

Amendment to Article XXIII, Section 2308, #2: Outdoor Seating

2. Pedestrian circulation and access to the building entrance shall not be impaired. A minimum of ~~three (3)~~ **seven (7)** feet of ~~sidewalk~~ paved area along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances.

DELIBERATION

I move that the amendment to Section 2308, #2, of Article XXIII, Outdoor Seating, of the City of Muskegon Zoning Ordinance to require a minimum of 7 feet of paved area for pedestrian circulation along the curb, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2308, #2 (Outdoor Seating) of Article XXIII (General Provisions), to require a minimum of 6 feet of paved area for pedestrian circulation.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Article XXIII, Section 2308, #2: Outdoor Seating

NEW LANGUAGE

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

2. Pedestrian circulation and access to the building entrance shall not be impaired. A minimum of ~~three (3)~~ **six (6)** feet of ~~sidewalk~~ **paved area** along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 14th day of October, 2008, 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: _____, 2008.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on October 14, 2008, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2308, #2 (Outdoor Seating) of Article XXIII (General Provisions) amending language to require a minimum of 6 feet of paved area for pedestrian circulation.

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 _____, 2008.

CITY OF MUSKEGON

By _____

Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 1, 2008

RE: West Michigan Metropolitan Transportation Plan (WestPlan) Dues, FY2009

SUMMARY OF REQUEST:

To approve the City of Muskegon's portion of the WestPlan dues for Fiscal Year 2009, payable to West Michigan Shoreline Regional Development Commission. This agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT:

\$16,040.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None.

CITY COMMISSION MEETING
Tuesday, October 14, 2008

TO: Honorable Mayor and City Commissioners

FROM: Mark Kincaid
Deputy Director of Public Safety

DATE: October 7, 2008

SUBJECT: Request to Purchase Humidification Equipment for Central Fire Station

SUMMARY OF REQUEST:

Fire Department staff is requesting approval by the Commission to allow for the procurement and installation of humidification equipment for the Central Fire Station. The low bid, which meets all stated specifications, was submitted by Northside Heating, Cooling, & Refrigeration, 2175 Riegler Rd. Muskegon, MI 49445 for \$22,710.00. The only other bid received was from Rite-Way Plumbing & Heating, 2083 Walker Ct. NW Grand Rapids MI 49544 for \$22,795.00.

FINANCIAL IMPACT:

Funds for this purchase are provided for in the building fund for the new Central Fire Station.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of bid from Northside Heating, Cooling, & Refrigeration

RITE-WAY

PLUMBING & HEATING, INC.

2083 WALKER COURT, N.W. • GRAND RAPIDS, MICHIGAN 49544
PHONE 616-791-0959 • FAX 616-791-4600

September 26, 2008

City of Muskegon
Office of the City Clerk
933 Terrace St.
Muskegon, MI 49440

ATTN:

PROJECT: Fire Station Humidification Bid

We propose to furnish labor, material and services necessary to install three (3) DriSteam Humidifiers w/ dispersion tubes in the supply ductwork from Blower Coil Units 1, 2 & 3 (BCU-1, 2, 3) servicing the area mentioned above.

TOTAL BASE BID:\$22,795.00
Deduct to Change BCU-2 & 3 to VT model: \$(1,094.00)

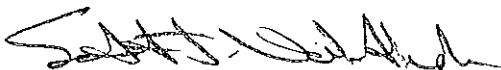
Clarifications - The following items are **Included**:

- Electrical
- (1) Dri-Steam VM-4 Tagged for BCU-1
- (2) Dri-Steam VM-2 Tagged for BCU-2 & 3
- Temperature Controls
 - Change existing sensors to space/humidity sensor
 - Add humidifier to Graphics
- Insulation of Steam Piping

Clarifications -

- Base on installing units in the Mechanical Room in close proximity of the BCU they serve unless the Inspectors have an issue do to the room being extremely tight.
- Price could be reduced if separate RH sensors are used in lieu of using Trane Controls if requested. The units can not use a return air sensor due to a common return.

Respectfully Submitted,



Scott J. Vander Hyde
Project Manager

Northside Heating, Cooling &
Refrigeration, Inc.

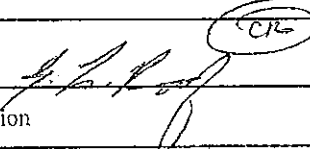
2175 Riegler Road
Muskegon, MI 49445-1637
(231) 744-0911 (231) 744-8806 Fax

Estimate

Date	9/19/2008
Estimate #	442
This quote is good for 30 days.	

Proposal Submitted To:
City of Muskegon Office of the City Clerk 933 Terrace Muskegon, MI 49440

Work To Be Performed At:
Central Fire Station

Description	Total
Permit, labor and material to install Armstrong electric to steam humidifiers on units BCU-1, BCU-2 and BCU-3 for a total of three (3) steam humidifiers sized to maintain a 30-35% relative humidity. Electrical is also included. Full payment upon completion.	22,710.00
Respectfully submitted by: Jerry Roof 	Total \$22,710.00
Payment to be made as follows: Upon Completion	
Acceptance of proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.	
Signature _____	Date _____

Date: 10/14/08

To: Honorable Mayor and City Commission

From: DPW

RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approve purchase of two Dodge Durangos.

FINANCIAL IMPACT: \$41,373.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase using The Michigan State Purchasing Contract.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 10/14/08

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of two vehicles to replace the 2001 Dodge Durangos currently in service. We looked at several different options and decided that the Durango is the best fit for the department. These vehicles are used to carry the fire prevention and fire investigation equipment for the department. They are also used to carry supplies and equipment from vendors to the three Fire Stations throughout the City.

We have requested prices from area dealers as well as the statewide purchasing contract. The State Purchasing Contract is the lowest bid. Attached is a summary of the bids.

In accordance with established purchasing policy, we are requesting permission to purchase two Dodge Durangos using the State Purchasing Contract.

[illegible]

Date: October 7, 2008
To: Honorable Mayor and City Commissioners
From: DPW
RE: Uniform & Rugs Cleaning Contract

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement with Arrow Uniform Company for a four year contract of cleaning uniforms and rug rental at the DPW building and the Filtration plant. Attached is the bid summary from the three companies.

FINANCIAL IMPACT:

The cost of \$ 11,500.00 per year split up among seven departments.

BUDGET ACTION REQUIRED:

None at this time. The cost was anticipated and budgeted for.

STAFF RECOMMENDATION:

Authorize staff to enter into a contract with Arrow Uniform

COMMITTEE RECOMMENDATION:

ARAMARK			MODEL			ARROW	
<u>NINE SETS</u>	\$ 5.17		<u>NINE SETS</u>	\$ 5.00		\$ 4.49	
38 ACCOUNTS		\$ 196.46			\$ 190.00		\$ 170.62
<u>ELEVEN SETS</u>	\$ 3.91		<u>ELEVEN SETS</u>	\$ 5.00		\$ 4.65	
4 ACCOUNTS		\$ 15.64			\$ 20.00		\$ 18.60
<u>TOWELS</u>	\$ 0.04		<u>TOWELS</u>	\$ 0.08		\$ 0.06	\$ 3.00
50		\$ 2.00			\$ 4.00		
<u>RUGS</u>			<u>RUGS</u>				
10X3	\$ 2.70	\$ 16.20	10X3	\$ 5.00	\$ 30.00	\$ 3.51	\$ 21.06
4X6	\$ 2.16	\$ 6.48	4X6	\$ 2.80	\$ 8.40	\$ 2.81	\$ 8.43
COST PER WEEK		\$ 236.78			\$ 252.40		\$ 221.71

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 7, 2008

RE: City/County Agreement regarding Justice Assistance Grant (JAG)

SUMMARY OF REQUEST:

To approve an inter-local agreement between the City and the County of Muskegon for the City to acknowledge the County's receipt and use of a 2008 Edward Byrne Memorial Justice Assistance Grant (JAG).

FINANCIAL IMPACT:

\$16,776.00 to the County.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

None.

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF MUSKEGON AND
THE COUNTY OF MUSKEGON**

2008 BYRE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into on the _____ day of _____, 2008, by and between the County of Muskegon, acting by and through its governing body, the Board of County Commissioners, hereinafter referred to as "County", located at 990 Terrace Street, Muskegon, Michigan 49442, and the City of Muskegon, acting by and through its governing body, the City Commission, hereinafter referred to a "City", and located at 933 Terrace Street, Muskegon, Michigan 49443-0536, both of Muskegon County, State of Michigan, witnesseth:

RECITALS

WHEREAS, this Agreement is made under the authority of MCL 124.504, the "Urban Cooperations Act"; and

WHEREAS, the County has been awarded funding under the FY08 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, this grant had been in previous years awarded to the City of Muskegon; and

WHEREAS, the City acknowledges the grant to the County in the amount of Sixteen Thousand Seven Hundred and Seventy-Six (\$16,776.00) Dollars which represents the net FY08 award; and

WHEREAS, the City and County believe that this is in their best interest for the County to receive these funds; and

WHEREAS, the grant award requires, as one of its special conditions, that there be a signed Memorandum of Understanding between the disparate jurisdictions eligible to receive these funds.

NOW THEREFORE, the County and City agree as follows:

AGREEMENT

1. City agrees to the acceptance by County of a total of Sixteen Thousand Seven Hundred Seventy-Six (\$16,776.00) Dollars from JAG Funds.
2. County agrees to use Sixteen Thousand Seven Hundred Seventy-Six (\$16,776.00) Dollars for the purchase of tasers, which will be used by the Muskegon County Sheriff's Department for law enforcement activities.
3. Nothing in the performance of this Agreement shall impose any liability for claims against the City passing from this program or from the County's expenditure of the JAG Funds.
4. County will be responsible for its actions in the use of the tasers purchased under this Agreement and City shall not be liable for any civil liability that may arise from the purchase or use of this equipment.
5. By entering into this Agreement, the parties do not intend to create any obligations, express or implied, other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

COUNTY OF MUSKEGON

Dated: _____, 2008

By: _____
James J. Derezinski, Chairman
County Board of Commissioners

CITY OF MUSKEGON

Dated: _____, 2008

By: _____
Steve Warmington, Mayor

Date: October 14, 2008

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Contract Extension – Independent Audit Services

SUMMARY OF REQUEST: You may recall that in 2004 our prior audit firm (Hoffman, Steensma, & Plamondon) exited the governmental audit business. Brickley DeLong assumed responsibility for the 2004 audit and, subsequently, the city entered into a three-year contract for services with them. This request is to extend the contract with Brickley DeLong for an additional three years. Staff believes this is in the city's best interest for the following reasons:

1. Brickley has presented a proposed extension that includes a cost decrease for the next year and a very modest total cost increase (2%) for the entire three year period;
2. Brickley's staff is very familiar with the City's financial operations. This reduces staff time and costs. There would be significant upfront costs involved in bring a new audit firm in;
3. Brickley is a major tenant in downtown Muskegon and is the only in-city firm qualified to perform our audit;

FINANCIAL IMPACT: The average annual cost of the proposed audit contract extension is about 2% higher than the average cost for the prior three year period:

2005	2006	2007	Average 2005-07	2008	2009	2010	Average 2008-10
\$34,675	\$35,375	\$36,075	\$35,375	\$34,250	\$36,075	\$37,875	\$36,067

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of a three-year contract extension for audit services with Brickley DeLong.

COMMITTEE RECOMMENDATION: None.

City of Muskegon

PROPOSAL FOR AUDIT SERVICES

September 9, 2008

Proposing Firm:

Brickley DeLong, PLC
316 Morris Ave., P.O. Box 999
Muskegon, Michigan 49443-0999
Phone: (231) 726-5820
Contact: Timothy D. Arter, C.P.A.
Partner

BRICKLEY DELONG

CERTIFIED PUBLIC ACCOUNTANTS

September 2, 2008

Mr. Timothy J. Paul
Director of Finance
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536

Thank you for requesting Brickley DeLong, PLC to submit a proposal for audit services to the City of Muskegon.

We believe that Brickley DeLong, PLC would be an excellent choice as auditors for City of Muskegon because Brickley DeLong, PLC:

1. Has made a long-term commitment to the City of Muskegon. We have been located downtown in the City for over thirty years and have twenty-four employees working out of this office. Our employee Muskegon income tax withholdings for 2007 were \$16,257. We intend to continue operating out of downtown Muskegon for many years to come.
2. Has been the auditor of the City of Muskegon for four years and understands the City and its programs. In addition, the manager assigned to the engagement has been associated with the City's audit for over ten years. This experience gives us unique insights on the City of Muskegon and its operations.
3. Has extensive experience in servicing local governmental units, school districts, and nonprofit organizations in Western Michigan.
4. Has extensive experience in performing audits of federal programs for governmental units, local school districts, and nonprofit organizations.
5. Commits significant time in the training of professional staff members in the unique aspects of Michigan municipal accounting, financial reporting, and auditing.
6. Has a partner in the firm that maintains a member position on the State of Michigan Committee on Governmental Accounting and Auditing.
7. Is a member of CPAmerica International, an alliance of independent CPA firms that gives us access to the knowledge and resources of a global network.
8. Encourages year around communications with client staff members to address technical issues and emerging issues.
9. Requires professional staff to have entrance conferences with appropriate client officials prior to the commencement of audit field work to discuss the audit scope, time tables, and significant matters.
10. Requires partners and professional staff members to have exit conferences with client officials to review and discuss draft financial statements and letters of recommendations prior to issuance so as to enable client to better understand the financial statements, disclosures, trends, and recommendations.

BRICKLEY DELONG

City of Muskegon
September 2, 2008
Page 2

11. Seeks the opportunity to meet with Boards and associated committees to discuss the scope of audit engagements and to present financial statements and letters of recommendations.

Our proposal is for the audit of the City of Muskegon's financial statements for the years ending December 31, 2008, 2009 and 2010. Our fee for such services will not exceed the following:

<u>SERVICE DESCRIPTION</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Financial Audit and Single Audit and Single Audit	\$ <u>34,250</u>	\$ <u>36,075</u>	\$ <u>37,875</u>

If actual time and expenses are less than these amounts, we will reduce our fee accordingly.

Our fee was determined on the assumption that we will receive cooperation and assistance from the City to facilitate completion of the engagement, that the City's records will be in an auditable condition, and that there will not be significant increases in the City's operations over the period of the proposal. For instance, should the City add significant new grants or activities, we request that the audit fees be adjusted at mutually-agreeable rates accordingly. Should the City need additional services outside the scope of the audit, such as assistance with account analysis or GASB 34, we would be happy to discuss them with you and would be available to perform such services at our standard rates.

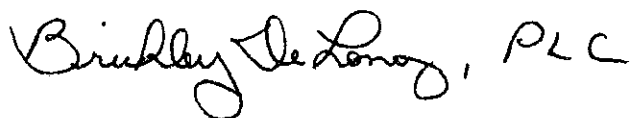
Our audits will be made in accordance with generally accepted auditing standards adopted by the American Institute of Certified Public Accountants. In addition, we will perform a single audit in accordance with *Government Audit Standards* and the provisions of the federal Single Audit Act.

We would welcome the opportunity to participate in an interview with the Commission of the City of Muskegon, a committee thereof, or designee to discuss our qualifications, audit plan, firm policies and procedures, or other matters.

We are confident that Brickley DeLong, PLC can meet your needs, and we would welcome the opportunity to continue to serve the City of Muskegon.

We look forward to hearing from you. If you desire any additional information, please call. Thank you for your time and consideration.

Sincerely,



BRICKLEY DELONG, PLC

Commission Meeting Date: October 14, 2008

Date: October 9, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – Johnson Technology

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Johnson Technology, 2034 Latimer Dr, has requested the issuance of an Industrial Facilities Exemption Certificate. The total capital investment of the project is \$2,000,000 in personal property. The company has requested an abatement length of twelve (12) years. However, under the current City IFT policy, they are eligible for a seven (7) year abatement.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of seven (7) years for personal property.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE**

Johnson Technology

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing, this Commission by resolution established an Industrial Development District; and

WHEREAS, Johnson Technology has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on October 14, 2008, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Johnson Technology, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER NO 2 LOT 30

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of seven (7) years on personal property.

Adopted this 14th Day of October 2008.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Warmington
Mayor

ATTEST: _____
Ann Marie Becker, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 14, 2008.

Ann Marie Becker, MMC
Clerk



City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Project Summary:

Johnson Technology, a manufacturing company located at 2034 Latimer Dr, is installing new machinery and equipment to expand its present operation. The company is eligible for a (7) year exemption on personal property because they will be creating six (6) additional jobs from the improvements.

Employment Information:

Racial Characteristics:	
White	246
Minority	20
Total	266
Gender Characteristics:	
Male	186
Female	80
Total	266

Total No. of Anticipated New Jobs: 6

Investment Information:

Real Property:	\$-0-
Personal Property	\$ 2,000,000
Total:	\$ 2,000,000

Property Tax Information (Annual)	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$ 33,166	\$ 11,073
Value of Abatement	\$ 16,583	\$ 5,537
Total New Taxes Collected	\$ 16,583	\$ 5,537

Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$1,498

Company Requirements:

Adopted Affirmative Action Policy	☐ Yes	☐ No
Meeting w/ City Affirmative Action Director	☐ Yes	☐ No
Signed Tax Abatement Contract	☐ Yes	☐ No
Taxes Paid In Full	☐ Yes	☐ No
Zoning Conflicts	☐ Yes	☐ No

Mike Franzak
Planner II

Dwana Thompson
Affirmative Action Director

CITY OF MUSKEGON**CONTRACT FOR TAX ABATEMENT**
Act 198 Public Acts of 1974**RECEIVED**

SEP 22 2008

CITY OF MUSKEGON
PLANNING DEPARTMENT

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Johnson Technology ("Company") of 2034 Latimer Dr, Muskegon, Michigan 49442.

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.

C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation, **stabilization** or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

E. This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

- 1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**
- 1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**
- 1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$2,000,000 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**
- 1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.
- 1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to **whether** to create the district and **whether** to receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/or approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, **unless the company can show that there has been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.**

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 **Immediate Revocation.** The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 **Failure to Expend the Funds Represented.** In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less then expected).**

4.4 **Job Creation and Retention.** In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, **unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).**

4.5 **Affirmative Action Goals.** In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statue, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company an Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By _____
Stephen J. Warmington, Mayor

and _____
Ann Marie Becker, Clerk

JOHNSON TECHNOLOGY

By David M. Yacovone
Its PRESIDENT

and Richard Santora
Its Director of Finance

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of Public Act 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk	► Date received by Local Unit 9-19-2008
STC Use Only	
► Application Number	► Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

► 1a. Company Name (Applicant must be the occupant/operator of the facility) Johnson Technology, Inc.		► 1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (4 or 6 Digit Code) 3724													
► 1c. Facility Address (City, State, ZIP Code) (real and/or personal property location) 2034 Latimer Drive, Muskegon, MI 49442		► 1d. City/Township/Village (indicate which) City of Muskegon	► 1e. County Muskegon												
► 2. Type of Approval Requested ☒ New (Sec. 2(4)) ☐ Transfer (1 copy only) ☐ Speculative Building (Sec. 3(8)) ☐ Rehabilitation (Sec. 3(1)) ☐ Research and Development (Sec. 2(9))		► 3a. School District where facility is located Orchard View	► 3b. School Code 61190												
		4. Amount of years requested for exemption (1-12 Years) 12													
5. Per section 5, the application shall contain or be accompanied by a general description of the facility and a general description of the proposed use of the facility, the general nature and extent of the restoration, replacement, or construction to be undertaken, a descriptive list of the equipment that will be part of the facility. Attach additional page(s) if more room is needed. Purchase new equipment to establish production flow lines for additional work on the GENx aircraft engine part requirements.															
6a. Cost of land and building improvements (excluding cost of land) * Attach list of improvements and associated costs. * Also attach a copy of building permit if project has already begun.		► Real Property Costs \$2,000,000.00													
6b. Cost of machinery, equipment, furniture and fixtures * Attach itemized listing with month, day and year of beginning of installation, plus total		► Personal Property Costs \$2,000,000.00													
6c. Total Project Costs * Round Costs to Nearest Dollar		► Total of Real & Personal Costs													
7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC. <table border="0"><thead><tr><th></th><th>Begin Date (M/D/Y)</th><th>End Date (M/D/Y)</th><th></th></tr></thead><tbody><tr><td>Real Property Improvements</td><td>►</td><td>►</td><td>► ☐ Owned ☐ Leased</td></tr><tr><td>Personal Property Improvements</td><td>► 10/31/08</td><td>► 10/31/10</td><td>► ☒ Owned ☐ Leased</td></tr></tbody></table>					Begin Date (M/D/Y)	End Date (M/D/Y)		Real Property Improvements	►	►	► ☐ Owned ☐ Leased	Personal Property Improvements	► 10/31/08	► 10/31/10	► ☒ Owned ☐ Leased
	Begin Date (M/D/Y)	End Date (M/D/Y)													
Real Property Improvements	►	►	► ☐ Owned ☐ Leased												
Personal Property Improvements	► 10/31/08	► 10/31/10	► ☒ Owned ☐ Leased												
► 8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No															
► 9. No. of existing jobs at this facility that will be retained as a result of this project. 268		► 10. No. of new jobs at this facility expected to create within 2 years of completion. 6													
11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of SEV for the entire plant rehabilitation district and obsolescence statement for property. The Taxable Value (TV) data below must be as of December 31 of the year prior to the rehabilitation. a. TV of Real Property (excluding land) b. TV of Personal Property (excluding inventory) c. Total TV															
► 12a. Check the type of District the facility is located in: ☒ Industrial Development District ☐ Plant Rehabilitation District															
► 12b. Date district was established by local government unit (contact local unit) 7/26/83		► 12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No													

APPLICANT CERTIFICATION - complete all boxes.

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Michelle Messer	13b. Telephone Number (231) 777-7181	13c. Fax Number (231) 777-7175	13d. E-mail Address michelle.messer@ge.com
14a. Name of Contact Person Richard Saukas	14b. Telephone Number (231) 777-7118	14c. Fax Number (231) 767-7455	14d. E-mail Address richard.saukas@ge.com
▶ 15a. Name of Company Officer (No Authorized Agents) David Yacavone			
15b. Signature of Company Officer (No Authorized Agents) 		15c. Fax Number (231) 773-1397	15d. Date 9/16/08
▶ 15e. Mailing Address (Street, City, State, ZIP Code) 2034 Latimer Drive, Muskegon, MI 49442		15f. Telephone Number (231) 777-7100	15g. E-mail Address david.yacavone@ge.com

LOCAL GOVERNMENT ACTION & CERTIFICATION - complete all boxes.

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

▶ 16. Action taken by local government unit ☐ Abatement Approved for _____ Yrs Real (1-12), _____ Yrs Pers (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)		16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: Check or Indicate N/A if Not Applicable ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)	
16a. Documents Required to be on file with the Local Unit Check or Indicate N/A if Not Applicable ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.		16d. School Code	
16c. LUCI Code		▶ 18. Date of Resolution Approving/Denying this Application	
17. Name of Local Government Body			

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
19d. Clerk's Mailing Address (Street, City, State, ZIP Code)		
19e. Telephone Number	19f. Fax Number	

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

(For guaranteed receipt by the STC, it is recommended that applications are sent by certified mail.)

STC USE ONLY				
▶ LUCI Code	▶ Begin Date Real	▶ Begin Date Personal	▶ End Date Real	▶ End Date Personal

Johnson Technology, Inc.
Muskegon Plant Genx Farm In
September 2008 IFT Application

<u>Description</u>	<u>Qty</u>	<u>Type</u>	<u>Identification *</u>	<u>Estimated Install Date</u>	<u>Cost Each</u>	<u>Total Cost</u>
<u>Personal Property</u>						
Speed Drillers	10	M&E	TBD	10/31/08 - 10/31/10	\$ 185,000	\$ 1,850,000
Airflow Stand	1	M&E	TBD	10/31/08 - 10/31/10	\$ 55,000	\$ 55,000
Marking Identification System	1	M&E	TBD	10/31/08 - 10/31/10	\$ 35,000	\$ 35,000
Visual Inspection System	1	M&E	TBD	10/31/08 - 10/31/10	\$ 60,000	\$ 60,000
Total Personal Property						\$ 2,000,000
Grand Total						\$ 2,000,000

* PO's are listed or will be issued as required per project milestone.

July 26, 1983

83-303. Port City Industrial Park Plant Rehabilitation and Industrial Development District Under Act 198 Established.

This was the time set for Public Hearing on the request to establish a "Plant Rehabilitation District" and an "Industrial Development District" under the provisions of Act No. 198 of the Public Acts of Michigan of 1974, as amended, for Port City Industrial Park.

Proof of Publication of Notice of Hearing as published in the Muskegon Chronicle was filed.

Receipts of Certified Mail Notice to the owners of the property were also filed.

No objections were heard or filed.

The following resolution was offered by Commissioner Holcomb and supported by Commissioner Larson:

WHEREAS, the City of Muskegon for the owners of the following described property, has filed an Application to establish a "Plant Rehabilitation District" and an "Industrial Development District" under the provisions of Act No. 198 of the Public Acts of Michigan of 1974, as amended:

All that Area within the City of Muskegon East of the U.S. - 31 Highway right-of-way and South of E. Laketon Avenue, Muskegon, Michigan.

and,

WHEREAS, a Public Hearing was held by the City Commission of the City of Muskegon providing an opportunity for any citizen or taxpayer of the City to be heard; and,

WHEREAS, no objections were heard or filed to the establishment of a "Plant Rehabilitation District" and an "Industrial Development District" for the property described in the Application; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission does hereby establish a "Plant Rehabilitation District" and an "Industrial Development District" for the property in Port City Industrial Park.

Dated this 26th day of July, 1983.

ADOPTED: Yeas, Commissioners Stewart, Holcomb, Jones, Larson, Oglesby, Walcott, and Freye.

Nays, None.

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

I hereby certify that the attached 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 July 26, 1983, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976.

Marva A. Vasquez
Marva A. Vasquez,
City Clerk

**INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF FEES**

We do swear and affirm by our signatures below that "no payment of any kind in excess of the fee allowed, by PA Act 198 of 1974, as amended by Public Act 323 of 1996, has been made or promised in exchange for favorable consideration of an exemption certificate application."

City of Muskegon

Signed _____
Print Name _____
Title _____
Dated _____

Applicant: Johnson Technology, Inc.

Signed David M. Yacavone
Print Name David M Yacavone
Title President
Dated 9/16/08

**INDUSTRIAL FACILITIES EXEMPTION APPLICATION
AFFIDAVIT OF PROJECT BEGIN DATES**

I do swear and affirm by my signature below that the real and/or personal property project begin dates associated with the application for Industrial Facilities Tax Exemption under P.A. 198 of 1974, in the amount of \$ 2,000,000, filed with the city of Muskegon, for a facility located at 2034 Latimer Drive, are as follows:

Real Property Project Begin Date: _____

Personal Property Project Begin Date: 10/31/08

Applicant Name: Johnson Technology, Inc.

Signature

David M. Yacavone

Printed Name

David M Yacavone

Title

President

Date

9/16/08

Date: October 14, 2008

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Sewer Rate Adjustment

SUMMARY OF REQUEST: The City last adjusted sewer rates (a 15% increase) on July 1, 2007. However, sewer fund revenues simply are not keeping pace with the fee increases being implemented by the county combined with the steadily increasing sewer use that the County is attributing to the city:

12-Month Periods	City Usage (MG)	% Chg	Total System (MG)	% Chg
Sep 2007 – Aug 2008	2137	+8%	6813	-13%
Sep 2006 – Aug 2007	1984	+7%	7799	+7%
Sep 2005 – Aug 2006	1861	+17%	7277	-19%
Sep 2004 – Aug 2005	1592	+3%	9007	-5%
Sep 2003 – Aug 2004	1549	+18%	9520	+10%
Sep 2002 – Aug 2003	1312	-	8683	-

Staff is convinced that there are serious issues with the metering methodology being used by Muskegon County. Clearly we are not a rapidly growing community as the County's wastewater usage figures suggest. We have had lengthy discussions but, unfortunately, no resolution of the issue. At this point it is necessary to implement a 12% fee increase to stabilize sewer fund finances.

FINANCIAL IMPACT: The sewer rate adjustments will generate \$650,000 additional annualized revenue for the city's sewer fund.

BUDGET ACTION REQUIRED: None at this time. If the rate increase is approved, it will be incorporated into the quarterly budget reforecast together with the higher anticipated county treatment costs.

STAFF RECOMMENDATION: Adoption of the attached fee adjustment resolution.

COMMITTEE RECOMMENDATION: None.

**CITY OF MUSKEGON
RESOLUTION NO. _____**

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on October 14, 2008.

RECITALS

A review of the rates for sewer service has been accomplished by the City's staff, recommendations received, and the City Commission has determined that the following rate changes are justified. Accordingly, this resolution is made for the purpose of maintaining the financial viability of the City's sewer system.

THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. Charges for residential sewer service shall be changed from \$1.76 per 100 cubic feet to \$1.97 per 100 cubic feet;
2. Charges for commercial/industrial sewer service shall be changed from \$2.22 per 100 cubic feet to \$2.48 per 100 cubic feet;
3. Charges for all non-metered residential sewer customers will be calculated based on an assumed usage rate of 35 hundred cu. ft. per quarter.
4. Unless there is a separate agreement specifying a different billing method, non-resident users of the city sewer system will be billed at a rate that is double (2x) the city rate for that class of user.

The above changes to be effective January 1, 2009.

This resolution adopted.

YEAS:

NAYS:

CITY OF MUSKEGON

By'

STATE OF MICHIGAN COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the 14th day of October, 2008 and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to an in compliance with Act 267, Public Acts of Michigan, 1976.

City of Muskegon
Historical and Projected Sewer Fund Operating Cash Flow and Debt Service Coverage
Fiscal Years Ended or Ending December 31, 2002 Through 2010

	2002	2003	2004	2005	2006 16% Increase (eff 1/1/06)	2007 15% Increase (eff 7/1/07)	Projected 2008	Projected 2009 12% Increase (eff 1/1/09)	Projected 2010
Operating Revenues									
City Sewer Sales	\$ 3,941,994	\$ 4,021,244	\$ 4,032,673	\$ 4,076,128	\$ 4,730,147	\$ 5,091,215	\$ 5,439,669	\$ 6,092,429	\$ 6,092,429
Other	75,191	36,499	50,918	73,059	73,555	87,880	80,000	80,000	80,000
Total Operating Revenues	\$ 4,017,185	\$ 4,057,743	\$ 4,083,591	\$ 4,149,187	\$ 4,803,702	\$ 5,179,095	\$ 5,519,669	\$ 6,172,429	\$ 6,172,429
Operating Expenses									
Operations and Administrative	\$ 370,396	\$ 388,912	\$ 402,634	\$ 294,000	\$ 393,064	\$ 296,393	\$ 325,199	\$ 338,207	\$ 351,735
Maintenance & Wastewater Treatment	2,343,279	2,233,677	2,599,280	2,829,404	3,871,293	4,138,818	4,223,523	4,573,661	4,678,855
Bad Debts	13,300	6,865	37,025	4,715	5,939	-	-	-	-
Depreciation and Amortization	601,586	667,831	662,976	740,898	653,028	659,905	665,000	665,000	665,000
Total Operating Expenses	\$ 3,328,561	\$ 3,317,285	\$ 3,701,915	\$ 3,869,017	\$ 4,923,324	\$ 5,095,116	\$ 5,213,722	\$ 5,576,868	\$ 5,695,590
Operating Income (Loss)	\$ 688,624	\$ 740,458	\$ 381,676	\$ 280,170	\$ (119,622)	\$ 83,979	\$ 305,947	\$ 595,561	\$ 476,839
Non-Operating Revenues (Expenses)									
Interest Earned	\$ 22,263	\$ 19,739	\$ 12,821	\$ 32,928	\$ 39,199	\$ 34,045	\$ 30,000	\$ 30,000	\$ 30,000
Other			147,532						
Operating Transfers In (Out)			47,796						
Extraordinary Item									
Depreciation	601,586	667,831	662,976	740,898	653,028	659,905	665,000	665,000	665,000
Total Non-Operating Revenues (Expenses)	\$ 623,849	\$ 687,570	\$ 871,125	\$ 773,826	\$ 692,227	\$ 693,950	\$ 695,000	\$ 695,000	\$ 695,000
NET INCOME AVAILABLE FOR DEBT & CAPITAL	\$ 1,312,473	\$ 1,428,028	\$ 1,252,801	\$ 1,053,996	\$ 572,605	\$ 777,929	\$ 1,000,947	\$ 1,290,561	\$ 1,171,839
Debt & Capital Requirements									
Principal on Debt	\$ 1,116,046	\$ 1,151,091	\$ 1,107,267	\$ 522,956	\$ 511,626	\$ 506,822	\$ 467,628	\$ -	\$ -
Interest on Debt	137,622	132,214	110,520	114,388	63,233	25,221	12,550	-	-
Paid by Sappi	(657,128)	(677,897)	(652,088)	-	-	-	-	-	-
Capital Outlays	797,859	1,106,572	511,938	830,867	340,777	281,888	839,000	400,000	700,000
Total	\$ 1,394,399	\$ 1,711,980	\$ 1,077,637	\$ 1,468,211	\$ 915,636	\$ 813,931	\$ 1,319,178	\$ 400,000	\$ 700,000
Coverage Ratio	0.94x	0.83x	1.16x	0.72x	0.63x	0.96x	0.76x	3.23x	1.67x

Notes:
- Starting in 2009, all debt payments to the county are based on wastewater flow and are treated as operating expenses.

Typical Monthly Sewer Bill
Ranked from Lowest to Highest
Residential Customers - 7,500 Gallons Usage Per Month

Community	Usage Rate	Other Chg per Month	Sewer Bill	Rank
Muskegon Heights	0.80	3.70	11.73	1
Muskegon Charter Township	1.65	-	16.50	2
Norton Shores	1.31	3.83	16.96	3
Holland	2.01	-	20.10	4
Muskegon (Current Rate)	1.76	2.67	20.27	5
Whitehall	2.13	-	21.38	6
North Muskegon	1.60	5.42	21.41	7
Muskegon (12% increase)	1.97	2.67	22.37	8
Grand Haven	2.22	1.50	23.70	9
Roosevelt Park	2.15	9.95	31.45	10
Grand Rapids	2.58	10.68	36.48	11
Average			\$ 22.03	
Median			\$ 21.38	

Notes: Assumes 7,500 gallons (or 1,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.
Usage rate is per 100 cubic feet.
Other charges are for fixed charges such as debt service and/or administrative charges regardless of usage.

Source: Local area survey conducted by City of Muskegon as of August 2008.

Typical Monthly Sewer Bill
Ranked from Lowest to Highest
Residential Customers - 15,000 Gallons Usage Per Month

Community	Usage Rate	Other Chg per Month	Sewer Bill	Rank
Muskegon Heights	0.80	3.70	19.75	1
Norton Shores	1.31	3.83	30.08	2
Muskegon Charter Township	1.65	-	33.00	3
North Muskegon	1.60	5.42	37.42	4
Muskegon (Current Rate)	1.76	2.67	37.87	5
Holland	2.01	-	40.20	6
Muskegon (12% Increase)	1.97	2.67	41.07	7
Whitehall	2.13	-	42.75	8
Grand Haven	2.22	1.50	45.90	9
Roosevelt Park	2.15	9.95	53.00	10
Grand Rapids	2.58	10.68	62.28	11
Average			\$ 40.30	
Median			\$ 40.20	

Notes: Assumes 15,000 gallons (or 2,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.
Usage rate is per 100 cubic feet.
Other charges are for fixed charges such as debt service and/or administrative charges regardless of usage.

Source: Local area survey conducted by City of Muskegon as of August 2008.

Commission Meeting Date: October 14 2008

Date: October 1, 2008
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of City Dockominium Boat Slips

SUMMARY OF REQUEST: The City of Muskegon purchased two boat slips, one in Harbour Towne Marina and one in Pigeon Key Marina, from the State of Michigan (tax-reversion). In an effort to spur downtown residential sales, staff would like to offer one, or both, of these slips for sale. Staff is proposing to offer a slip, at our cost (\$5,000), to the first new purchaser of a downtown residential condominium unit priced at over \$250,000, by December 31, 2008.

FINANCIAL IMPACT: The City will be reimbursed for our cost into the dockominium and the resulting residential sale will result in increased taxes within our downtown.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the sale of the dockominiums, as outlined in the attached "Exciting Opportunity for Downtown Living and Recreation" flyer.

COMMITTEE RECOMMENDATION: None.

EXCITING OPPORTUNITY FOR DOWNTOWN LIVING AND RECREATION!

The City of Muskegon is offering ownership of a “dockominium” boat slip for only \$5,000 to the first person to close on a new condominium unit in downtown Muskegon.* The buyer will be responsible for all future fees, taxes and assessments related to the boat slip upon taking ownership.

Conditions

- 1) The condo unit must be purchased for \$250,000 or more. The condominium must be one of the new projects built or in the process of being built. These include: Vida Nova, HighPoint Flats, Heritage Square, and The Watermark.
- 2) The closing must occur by December 15, 2008 (if the project is not to the point of being able to close, a valid Purchase Agreement will suffice; however, a condition will be included that the boat slip revert to the City if the unit is not closed on by June 1, 2009).
- 3) The boat to be placed in the boat slip must be sized appropriately for the size of the slip (e.g., a 15’ boat cannot be placed in a 60’ boat slip).

There are two boat slips available:

#1 Harbour Towne Marina- 60’, legal description is [Parcel # 24-420-000-0008-00](#),
[Legal: City of Muskegon Harbour Towne Marina Condominium Unit 8](#)

#2 Pigeon Key Marina- 40’, legal description.... [Parcel # 24-673-001-0011-00](#),
[Legal: City of Muskegon Pigeon Key Marina Condominium Unit 11 Dock A](#)

The “first person to close” does not include the owner/developer of the condominium project, and it must be a new deal closing, not someone that has already purchased the unit. The City reserves the right to inspect details of the transaction.





This boat slip is located in the Harbour Towne Marina (Parcel # 24-420-000-0008-00).
The boat is not included.



This boat slip is located in Pigeon Key Marina (Parcel # 24-673-001-0011-00)
The boat is not included.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: September 30, 2008

RE: Assignment & Assumption of Arena Management Contract

SUMMARY OF REQUEST:

To approve an agreement to allow Arena Management Group (AMG) to assign the L.C. Walker Arena & Conference Center management contract to JS Hockey Enterprises, Inc.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the Assignment and Assumption of the management contract.

COMMITTEE RECOMMENDATION:

None.

ASSIGNMENT AND ASSUMPTION OF MANAGEMENT CONTRACT

This Assignment and Assumption of Management Contract is executed as of the ____ day of _____, 2008 by and between **City of Muskegon**, 933 Terrace Street, Muskegon, Michigan 49440 ("City"), **Arena Management Group**, 955 Fourth Street, Muskegon, Michigan 49440 ("AMG"), and **JS Hockey Enterprises, Inc.**, of _____, Muskegon, Michigan 494__ ("JS Hockey") with reference to the following facts:

Background

- A. The Muskegon County Building Authority is the owner of the L.C. Walker Arena ("Arena"). The Muskegon County Building Authority Management Contracts the Arena to the County of Muskegon. The County of Muskegon sub-Management Contracts the Arena to the City. The City is responsible for the operation, and improvements of the Arena.
- B. City and AMG entered into a contract to provide complete management, promotion, and maintenance of the Arena by AMG, subject to the requirements of the City, the Muskegon County Building Authority, and the County of Muskegon.
- C. AMG has agreed to assign its rights and delegate its obligations under a certain City of Muskegon Operations Management Contract L.C. Walker Arena and Conference Center dated June 12, 2006 ("Management Contract") to JS Hockey and City desires to waive the termination of the Management Contract and consent to the assignment. A copy of the Management Contract is attached.

Therefore, for good and valuable consideration, the parties agree as follows:

1. **Assignment.** AMG transfers and assigns to JS Hockey all rights, titles and interests of AMG in and to the Management Contract.
2. **Assumption.** JS Hockey accepts AMG's assignment and all rights accruing to it under the Management Contract and assumes and agrees to keep and perform all covenants and obligations of AMG under the Management Contract from and after the date of this Assignment.
3. **Waiver of Termination.** Pursuant to the Management Contract, the assignment of the Management Contract is a violation of the contract and results in an immediate termination in the City's discretion. City waives the violation and elects not to terminate the Management Contract.

4. **Warranties of JS Hockey.** JS Hockey warrants that the Management Contract attached to this Assignment is a true and exact copy of the Management Contract entered into between Arena Management and City and that the Management Contract is in full force and effect. JS Hockey, Arena Management, and City further warrant to each other that there are no defaults existing under the Management Contract by any party and that the Management Contract is in all respects in good standing.

This Assignment is effective as of the date set forth above.

CITY OF MUSKEGON:

By: _____
Name: Stephen Warmington
Its: Mayor
Dated: _____, 2008

By: _____
Name: Ann Marie Becker
Its: Clerk
Dated: _____, 2008

ARENA MANAGEMENT GROUP:

By: _____
Name: Anthony Lisman
Its: Manager
Dated: _____, 2008

JS HOCKEY ENTERPRISES, INC.:

By: _____
Name: Stacey M. Patulski
Its: Vice-President
Dated: _____, 2008

Exhibit A
Copy of Management Contract

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 3, 2008

RE: Muskegon Firefighters Local 370 Contract

SUMMARY OF REQUEST:

To approve a collective bargaining agreement with the Muskegon Firefighters Union for 2008 - 2010.

FINANCIAL IMPACT:

Wages – 2008 (3%); 2009 (2.5%); 2010 (2.5%). Other minor financial changes are also included.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the agreement and authorize the Mayor and Clerk to sign it.

COMMITTEE RECOMMENDATION:

None.

CITY OF MUSKEGON
AND
MUSKEGON FIREFIGHTERS LOCAL 370
TENTATIVE AGREEMENT HIGHLIGHTS

SECTION 8 (Wages) – 2008 (3%) (retroactive to 1/1/08); 2009 (2.5%); 2010 (2.5%).

SECTION 10.1 (Vacation) – The amount of vacation will be as follows:

0 – 5 years	6 days
5 – 15 years	9 days
15+ years	12 days

SECTION 11.2 (Personal Leave Day) – Allow the splitting of the 24-hour period into 2 12-hour periods.

SECTION 15.5 (Hospital Medical-Surgical Benefits, Retirees) – For retirees who retire after January 1, 2008, the retiree group hospital major medical health plan shall have a major medical cap of \$500,000.

SECTION 15.7 (Prescription Drug Plan, Retirees) – New employees hired on or after January 1, 2008, will not receive any retiree prescription drug coverage.

SECTION 24.5 (Mandatory Retirement Age) – Eliminate this section from contract.

ARTICLE 30, 30.1 (Fire Fighter Level I and II) – At the time of hire, all new hires on or after January 1, 2008, must be Fire Fighter I and Fire Fighter II certified or State of Michigan equivalent.

The contract will incorporate letters of understanding regarding the following:

- A) MERS pension system – New language to replace old pension system language.
- B) Grievance Process.
- C) Promotions – Add qualification statement and add to Fire Officer “or State of Michigan equivalent”.
- D) Equalization of Overtime – Add language that a mutually agreeable procedure will be used.

Date: October 14, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Congress of Cities Voting Delegates

SUMMARY OF REQUEST: To designate one of our officials who will be in attendance at the National League of Cities Annual Business Meeting to cast the City's vote; and, if possible, to designate an alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

To strengthen
and promote
cities as centers
of opportunity,
leadership, and
governance.



**National League
of Cities**

1301 Pennsylvania Ave., N.W.
Washington, D.C. 20004-1763
202-626-3000
Fax: 202-626-3043
www.nlc.org

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Executive Director
Donald J. Borut

September 23, 2008

MEMORANDUM

TO: Direct Member Cities
FROM: Donald J. Borut, Executive Director
SUBJECT: Congress of Cities Voting Delegates

The National League of Cities Annual Business Meeting will be held on Saturday, November 15, 2008, at the conclusion of the Congress of Cities and Exposition in Orlando. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of this memorandum.

To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city using the enclosed credentials form. This form will be forwarded to NLC's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. Alternates should also visit the credentials booth before the meeting to pick up their stickers which identify them as alternate voting delegates. The Credentials Booth will be open throughout the Congress of Cities.

Please return the completed form to NLC by fax at 202-626-3043 on or before October 31, 2008, and keep the original for your own files. If you have any questions or concerns, contact Ken Rosenfeld, NLC policy manager, at rosenfeld@nlc.org or 202-626-3027.

Thank you.

Past Presidents: Clarence E. Anthony, Mayor, South Bay, Florida • John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania **Directors:** John S. Brenner, Mayor, York, Pennsylvania • Carl Brewer, Mayor, Wichita, Kansas • Susan Burgess, Mayor Pro Tem, Charlotte, North Carolina • Susan J. Cave, Executive Director, Ohio Municipal League • Malcom Chapman, Alderman, Rapid City, South Dakota • Miguel M. Chavez, Councilor/Mayor Pro Tem, Santa Fe, New Mexico • Marshand K. Crisler, Councilmember, Jackson, Mississippi • Joseph A. Curtatone, Mayor, Somerville, Massachusetts • Deborah Denard Delgado, Councilwoman, Hattiesburg, Mississippi • Doug Echols, Mayor, Rock Hill, South Carolina • Pat Eklund, Mayor Pro Tem, Novato, California • James J. Finley, Jr., Executive Director and CEO, Connecticut Conference of Municipalities • John P. Franklin, Councilmember, Chattanooga, Tennessee • J. David Fraser, Executive Director, Nevada League of Cities and Municipalities • Donald A. Groesser, Mayor, Reisterstown, Nebraska • Jeanne Harris, Councilmember, Vancouver, Washington • Daun S. Hester, Councilwoman, Norfolk, Virginia • Deborah A. Hill, Council Member, Warrensville Heights, Ohio • Michael E. Johnson, Councilmember, Phoenix, Arizona • Bobby G. Kilgore, Mayor, Monroe, North Carolina • Jennifer L. Kim, Councilmember, Austin, Texas • Sylvia L. Lovely, Executive Director, Kentucky League of Cities, Inc. • Robin Lowe, Council Member, Hemet, California • Daisy W. Lynum, Commissioner, Orlando, Florida • Margaret H. Mahery, Executive Director, Tennessee Municipal League • Sam Mamet, Executive Director, Colorado Municipal League • Henry F. Marraffa, Jr., Councilmember, Gaithersburg, Maryland • Tom Ed McHugh, Executive Director, Louisiana Municipal Association • Frank C. Ortis, Mayor, Pembroke Pines, Florida • Tzeitel Paras-Caracci, Council Member, Duarte, California • Elizabeth C. Paterson, Mayor, Mansfield, Connecticut • Daniel S. Pocek, Mayor, Bedford, Ohio • Debbie W. Quinn, Councilmember, Fairhope, Alabama • Sonja Reece, Mayor Pro Tem, Normal, Illinois • L. Lynn Rex, Executive Director, League of Nebraska Municipalities • Sergio Rodriguez, Alderman, New Haven, Connecticut • Steve Salazar, Councilmember, Dallas, Texas • Audwin M. Samuel, Councilmember/Mayor Pro Tem, Beaumont, Texas • James Taylor, Councilman, Littleton, Colorado • Dennis P. Zine, Councilman, Los Angeles, California

CREDENTIALS FORM
NATIONAL LEAGUE OF CITIES • 2008 CONGRESS OF CITIES • ORLANDO, FLORIDA

At the Annual Business Meeting on Saturday, November 15, 2008, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3043, by the October 31, 2008 deadline.

The official voting delegate and alternate(s) for the city/town of:

(type or print the name of your city/town and state)

VOTING DELEGATE:

1. _____
NAME

TITLE

ALTERNATE VOTING DELEGATE(S):

2. _____
NAME TITLE

3. _____
NAME TITLE

FOR OFFICE USE ONLY (DO NOT WRITE IN THIS SPACE)	
Voting card issued to:	
_____ (signature)	
Votes: _____	
1 _____	2 _____
	3 _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 31, 2008
ATTENTION: WILL MCGAHAN, POLICY ASSISTANT
FAX: 202-626-3043

Signature (city representative): _____

Title: _____ Date: _____