

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 13, 2020 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS, AWARDS, AND PRESENTATIONS:**
- ☐ **A. New Affordable Housing Project Approved Planning & Economic Development**
- ☐ **PUBLIC COMMENT ON AGENDA ITEMS:**
- ☐ **CONSENT AGENDA:**
 - B. Approval of Minutes City Clerk**
 - C. Election Purchases – Grant Expenditures City Clerk**
 - D. Prized Steelhead Sculpture Purchase City Manager**
 - E. Social District Permit Recommendation Economic Development**
 - F. Amendment to Bonding Resolution Finance**
 - G. General Fund Transfers for FY 2019-20 Finance**
 - H. Coronavirus Aid, Relief, and Economic Security Act (CARES Act)-CDBG COVID 19 Finding, Total Allocation Community & Neighborhood Services**
 - I. Update to the Lot Sale Policy Planning**
 - J. NEZ Certificate for 318 Terrace Point Planning**
 - K. Risers Indoor Soccer Club Contract Finance**
 - L. Ratification and Confirmation of Commission Actions since April 30, 2020 City Attorney**

M. Streamlining Brownfield Plan Amendment Public Hearing Process

Economic Development

N. Addition to the Fee Schedule – Mobile Food Vending Zoning Approval

Planning

O. Filtration Plant Transit Van DPW/Equipment

P. High Service Pump Rebuilt DPW/Filtration

Q. Musketawa Trail Connector Resolution Public Works

R. Beach Street Utility Special Assessment Public Works

S. Traffic Control Orders DPW/Traffic & Engineering

T. Aamodt Park Improvements Public Works

U. Electronic Upgrade in Commission Chambers City Clerk

V. Lakeshore Creative Services Agreement Amendment City Clerk

☐ **PUBLIC HEARINGS:**

A. Business Improvement District Public Hearing Economic Development

B. IFT Transfer at 2420 Remembrance Drive Planning

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

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

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.



Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Approval of Minutes
Submitted By: Ann Marie Meisch, MMC	Department: City Clerk
Brief Summary: To approve the minutes of the September 22, 2020 Regular Meeting and the September 29, 2020 Special City Commission meeting.	
Detailed Summary: N/A	
Amount Requested: N/A	Amount Budgeted: N/A
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the minutes.	
For City Clerk Use Only: Commission Action:	

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 22, 2020 @ 5:30 P.M.

**MUSKEGON CITY COMMISSION CHAMBERS
REMOTE MEETING**

933 TERRACE STREET, MUSKEGON, MI 49440

MINUTES

The Regular Commission Meeting of the City of Muskegon was held electronically with the Mayor, Vice Mayor and Commissioners participating via Zoom – a remote conferencing service, Clerk staff present at 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, September 22, 2020.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Dan Rinsema-Sybenga, Willie German, Jr., Michael Ramsey, and Teresa Emory, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

PUBLIC COMMENT ON AGENDA ITEMS: Public comments were received.

2020-66 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the August 31, 2020 Special Worksession meeting and the September 8, 2020 Regular City Commission meeting.

STAFF RECOMMENDATION: To approve the minutes.

B. MERS Representatives Finance

SUMMARY OF REQUEST: The MERS plan document provides that “the governing body for each municipality shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality.”

The City’s employee units previously agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the official employee representative attending the MERS conference will be Josh DeHoag from the Police Unit.

It is recommended that Kenneth Grant (Assistance Finance Director) be designated as the City's employer delegate.

STAFF RECOMMENDATION: Certification of Kenneth Grant and Josh DeHoag to be the City's officer and employee delegates at the virtual MERS annual business meeting on September 24, 2020.

C. Alum Rapid Mixer Public Works – Filtration

SUMMARY OF REQUEST: Filtration plant is requesting approval to procure custom designed new rapid mixer from Fusion Fluid Equipment to replace the current mixer.

Filtration Plant had two rapid mixers from Texas based firm Mastrrr to feed alum and were prone to frequent failure of bearings. Two years ago, we contacted Fusion Fluid, a local firm, to provide a custom designed solution with replaceable parts. The new mixer was procured and installed in January 2019 and has been running well. Plant is requesting to procure one more custom designed unit to replace the remaining Mastrrr mixer at a cost of \$23,793. The funding will come from budgeted item for Water Filtration Plant – WMRWA Eligible in the 20/21 Budget for \$500,000.

AMOUNT REQUESTED: \$23,793 AMOUNT BUDGETED: \$500,000

FUND OR ACCOUNT: 591

STAFF RECOMMENDATION: Authorize staff to procure mixer from Fusion Fluid Equipment at cost of \$23,793.

F. Amendment to the Zoning Ordinance Planning

SUMMARY OF REQUEST: Staff-initiated request to amend the Form Based Code, Urban Residential section of the zoning ordinance to restrict three and four unit homes to parcels that have an alley or other recorded rear access easement for vehicles.

STAFF RECOMMENDATION: To approve the rezoning request.

J. Lakeside Corridor Improvement Authority Economic Development

SUMMARY OF REQUEST: The Lakeside BID Board and the Lakeside District Association have requested that the City allow the establishment of a Corridor Improvement Authority, pursuant to Public Act 57 of 2018.

The Lakeside Business Improvement District Board has recommended a special assessment amount to fund BID improvements in the Lakeside Corridor, but would like to establish a TIF District to eventually replace the extra assessment on property owners in that corridor. This compromise was originally discussed in 2019, prior to the approval and creation of the Lakeside BID. The CIA would act similarly to the Downtown Development Authority, collecting TIF funds that would be used to make improvements, maintain streetscaping and

landscaping, and to promote the business corridor. In your packet is a resolution of intent that begins the public hearing and notice process to establish the CIA. Staff has also provided an information packet on Corridor Improvement Authorities, their operations, and what they can statutorily use their funding to do. The Resolution of Intent provided in the packet would begin the process and staff would complete all required publications and postings prior to the hearing at the second regular meeting in October.

STAFF RECOMMENDATION: To approve the Resolution of Intent to Establish a Lakeside Corridor Improvement Authority and schedule the required public hearing as presented.

N. Social District Permit Recommendation Economic Development

STAFF RECOMMENDATION: The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District.

With the establishment of the Muskegon Social District, participating licensed establishments must receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for approval from the City Commission before granting the permits. You handled the initial eight such requests at your August 25 and September 8 meetings. The attached resolution is for Smash Wine Bar which is also seeking a Social District permit from the state and seeking City Commission recommended approval. The social District plan identifies 22 potential participating licensees within the district. Other licensed establishments may file a Social District permit application in the future.

STAFF RECOMMENDATION: To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.

O. Election Grant City Clerk

SUMMARY OF REQUEST: The City of Muskegon has received an Election Grant from the Center for Tech and Civic Life that requires no match. Staff is requesting to purchase items as spelled out in the grant for Election use.

We are investigating the cost of additional needed services/items related to Elections and a detailed report will be given to Commission at a later date.

The grant specifically indicates the funds may be used for Elections only and the existing budget for Elections may not be reduced. Funds must be spent by December 31st of this year. The grant indicates we will be receiving \$433,580. We are currently confirming this amount.

The grant is to purchase a high-speed tabulator, standard tabulator, Election

booths, computers for precincts, meals for workers, signage, and marketing of the Election including billboards, radio, and television ads. We are also investigating the possibility of drive-up voting as well as mobile voting/registration and other activities. The grant also stipulates that the funds can be used as hazard pay for Election Workers. We would request a one-time increase of \$5 per hour for Election staff and Election workers.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Ramsey to approve the consent agenda as presented, except item D, E, G, H, I, K, L and M.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory, and Johnson

Nays: None

MOTION PASSES

2020-67 REMOVED FROM CONSENT AGENDA:

D. Muskegon Fire Department Boat Motor Replacement Public Safety

SUMMARY OF REQUEST: Unit 73 (Rescue/Recovery Boat) has experienced outboard motors problems for some time. The motors were NOT reliable and spent time in the shop during the summer months. Baker Marine advised that the starboard motor had a piston malfunction and was not worth fixing due to the fact that engine is 20 years old. A new dual motor system was recommended to replace our current twin Mercury Optima 150hp outboards. We will also sell and/or trade in the existing motors that may reduce the overall cost of the replacement project. I recommend at this time that the motors be purchased, installed and serviced by Sports Fisherman's of Muskegon.

AMOUNT REQUESTED: \$28,186

FUND OR ACCOUNT: 101-50336-5770

STAFF RECOMMENDATION: Approve the purchase request for two boat motors.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to approve the purchase request for two boat motors.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

E. Muskegon Fire Department Engine Purchase Public Safety

SUMMARY OF REQUEST: The Fire Department is currently in need of a second reserve engine. We are requesting the approval for the purchase of a pre-owned 2001 Spartan/KME fire apparatus to replace Reserve Engine 22. An

inspection was completed and staff recommended the purchase of this apparatus to enhance our capabilities at Fire to provide a dependable Reserve Engine when a frontline engine is in need of repair. Inspecting Fire Staff advised this asking price was fair. Please review the attached picture and description from Deputy Director Paulson.

AMOUNT REQUESTED: \$35,000

FUND OR ACCOUNT: 101-50336-5720

STAFF RECOMMENDATION: Purchase approval for a used Fire Engine from Saginaw Township Fire Department.

Motion by Commissioner Johnson second by Commissioner German to approve the purchase of a used Fire Engine from Saginaw Township Fire Department.

ROLL VOTE: Ayes: Ramsey, German, Rinsema-Sybenga, Emory, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

G. Amendment to the Zoning Ordinance – Marihuana Overlay District

Planning – SECOND READING

SUMMARY OF REQUEST: Staff-initiated request to amend Section 2331 of the zoning ordinance to include 863 and 885 E Apple Avenue into the marihuana facilities overly district. Second reading to include 863 and 885 E Apple into the marihuana facilities overly district.

STAFF RECOMMENDATION: To amend Section 2331 of the zoning ordinance to expand the marihuana facilities to include 863 E. Apple and 885. E Apple Avenue for provisioning, retail, and microbusiness use.

Motion by Commissioner German second by Commissioner Johnson to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include 863 E. Apple Avenue for provisioning, retail and microbusiness use.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Gawron, and Hood

Nays: Emory, Johnson, and Ramsey

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga second by Commissioner Emory to amend Section 2331 of the zoning ordinance to expand the marihuana facilities overlay district to include 885 E. Apple Avenue for provisioning, retail and microbusiness use.

ROLL VOTE: Ayes: Rinsema-Sybenga and Gawron

Nays: Emory, Johnson, Hood, Ramsey, and German

MOTION FAILS

H. 1601 Beach Lease Amendment

Development Services

SUMMARY OF REQUEST: Staff is seeking direction on an amendment to the current lease with 1601 Beach LLC to further extend the boundary of the land being leased for The Deck at Pere Marquette Park.

The owners of 1601 Beach LLC are planning an additional expansion to their restaurant, The Deck. The expansion is south of the recent expansion toward the walkway to the pier and will include relocating the stage to reduce noise impacts on the neighborhood, two additional bars, a new snack bar, a gear shop, and revised concrete entrance at the south end of the existing building. In order to proceed with the expansion, the lease agreement needs to be modified to account for the additional land associated with the expansion.

STAFF RECOMMENDATION: To approve/deny the lease amendment with 1601 Beach LLC and authorize the mayor and clerk to sign.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to approve the lease amendment with 1601 Beach LLC and authorize the Mayor and Clerk to sign.

ROLL VOTE: Ayes: Emory, Johnson, Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

I. Lakeside BID Special Assessment Recommendation

Economic

Development

SUMMARY OF REQUEST: The Lakeside BID Board has voted to petition the City Commission to establish a Special Assessment District inclusive of all commercial parcels in the BID in order to raise funds for public maintenance and improvements.

The Lakeside Business Improvement District Board has recommended a special assessment amount to fund BID improvements in the Lakeside Corridor for a period of 3 years, with potential to renew the assessment at the end of the term depending on the amount of TIF capture by their desired Corridor Improvement Authority. The attachments to this cover sheet reflect the costs per square foot of every address in the BID, as well as a map outlining the BID district approved by the Commission last year. The total anticipated capture of this assessment is \$24,011.03, which will be used by the BID Board to provide for winter maintenance of sidewalks, plowing, landscaping, maintenance, and marketing materials for the district. The attached Resolution of Intent to create the special assessment district will start the process, and staff will complete all required publications and postings prior to the proposed hearing date of October 27th

during the regular commission meeting.

STAFF RECOMMENDATION: To approve the Resolution of Intent to Establish a Special Assessment District in the Lakeside BID and schedule the required public hearing for October 27th during the Regular Commission Meeting.

Motion by Vice Mayor Hood second by Commissioner Rinsema-Sybenga to approve the Resolution of Intent to Establish a Special Assessment District in the Lakeside BID and schedule the required public hearing for October 27th during the Regular Commission Meeting.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

K. Jackson Hill Infill Housing Development Economic Development

SUMMARY OF REQUEST: Now that the necessary lots have been added to the Brownfield Redevelopment Plan, local developer/contractors Rudy and Greg Briggs are interested in utilizing a Brownfield TIF to construct single family homes for the city in order to increase value and stabilize the primarily residential Jackson Hill neighborhood. They have submitted firm bids and propose acting as the builder and developer on behalf of the City, which will remain the owner of the lots and partner with Mr. Briggs to market the homes.

Since mid-2019, Economic Development Department staff have been working with Rudy and Greg Briggs on potentially utilizing our Brownfield TIF Program to develop and market single family homes in the Jackson Hill Neighborhood. Most importantly, the focus of this program has been to identify, empower, and retain developers of color to benefit from some of the same incentive programs we have been utilizing to great effect. This evening I would request that the Commission authorize staff to work with the Community Foundation for Muskegon County make a PROGRAM RELATED INVESTMENT of \$355,000 to undertake construction of the first two homes in this multi-year development project. The City would also loan \$75,000 from its Economic Development Revolving Loan Fund, the CFFMC would be repaid upon of the sale of the homes. The City would be repaid with tax increment financing. Attached are the proposed development agreement as drafted by the City Attorney, the map featuring the locations of the first two homes (highlighted in RED), the design criteria of the proposed homes, and the firm bids by the developers.

AMOUNT REQUESTED: \$75,000 AMOUNT BUDGETED:N/A, CFFMC FUNDS

FUND OR ACCOUNT: ED Revolving Fund

STAFF RECOMMENDATION: To approve the Development Agreements for new home construction between the City of Muskegon and Rudy Briggs, and to

authorize the Community Foundation for Muskegon County to release funds from the City's Donor Advised Fund as presented.

Motion by Commissioner German second by Commissioner Rinsema-Sybenga, to approve the Development Agreements for new home construction between the City of Muskegon & LRS Enterprises and authorize Economic Development Funds for \$75,000.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson

Nays: None

MOTION PASSES

L. 2189 Larue Lot Sale City Manager

SUMMARY OF REQUEST: City staff is seeking authorization to include 2183 Larue in the infill housing program and authorize the sale of the vacant city lot for the construction of a custom single-family home.

The lot has been vacant for many years. Our records indicate that the city purchased the lot for \$0 following tax foreclosure in 2010. The neighbor at 2183 has recently demonstrated interest in purchasing the lot to construct a garage. Staff believes the better use of the lot would be the construction of a new single-family home. The interested neighbor seems satisfied with the sale as long as it is for an owner-occupied new home. The new owner was originally looking to build as part of Midtown Square Phase 2, but could not find a vacant lot that met his needs/ expectations. It is usual/customary for us to provide access to our list of city-owned sites for home builders. Mr. Dusendang used that list to find the lot at 2189 Larue; his client approved of the location, and they are moving fast to construct the home. This house will be sold at actual cost, and not subsidy will be necessary; its inclusion in the scattered site brownfield will help offset the costs of other housing construction.

STAFF RECOMMENDATION: Add 2189 Larue to the West Urban Properties Infill Housing Development Agreement, and authorize the lot sale under the same terms as the other building sites.

Motion by Commissioner Emory second by Commissioner Rinsema-Sybenga to add 2189 Larue to the West Urban Properties Infill Housing Development Agreement, and authorize the lot sale under the same terms as the other building sites.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Johnson, and Gawron

Nays: Emory

MOTION PASSES

M. Lakeview Lofts Phase II Bridge Loan Economic Development

SUMMARY OF REQUEST: On July 28, 2020, the City Commission authorized the issuance of a short-term bridge loan to support Lakeview Loft's Phase II. Staff is seeking permission to convert the bridge loan into a traditional loan with an 84-month amortization schedule.

As staff worked through the due diligence associated with the bridge loan for Phase 2, a number of discussions took place with the original Phase 1 secured debtors. The Community Foundation is one of those debtors that would need to agree to allow Phase 2 to proceed with the City's bridge loan being repaid ahead of their collateralized loan for Phase 1. The Community Foundation's leadership has an interest in reducing their investment in Phase 1 to open up new investment opportunities for their funds related to social equity. To solve this issue, staff is asking that instead of repaying the bridge loan upon closing of the senior debt on Phase 2, the \$450,000 would go toward the CFFMC Loans (\$300,000 to the Westgate Fund and \$150,000 to the City's cemetery perpetual care fund). The City would then hold a new \$450,000 position on Phase 1. The developers have agreed to \$12,000 in interest accrual through March 2022; beginning April 1, 2022, the loan will be repaid on an 84-month amortization at 5% interest. Monthly payments would be \$6,529.87; total interest income would be \$98,509.

AMOUNT REQUESTED: \$450,000 AMOUNT BUDGETED: CAPITAL FUND
FUND OR ACCOUNT: ED REVOLVING FUND

STAFF RECOMMENDATION: Motion to rescind to Economic Development Loan previously granted to 351 II LLC, and replace it with a loan in the \$450,000 to be repaid in equal monthly payments starting April 1, 2022, and ending March 1, 2029; interest rate to be 5%; monthly payment to be \$6,529.87.

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to rescind the Economic Development Loan previously granted to 351 II LLC, and replace it with a loan in the \$450,000 to be repaid in equal monthly payments starting April 1, 2022, and ending March 1, 2029; interest rate to be 5% monthly payment to be \$6,529.87. Security for the loan is from Phase I only.

Motion by Commissioner Rinsema-Sybenga second by Vice Mayor Hood to call the question.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Gawron, Hood, and Ramsey

Nays: Emory and Johnson

MOTION PASSES

ROLL VOTE: Ayes: Ramsey, Rinsema-Sybenga, Gawron, and Hood

Nays: German, Emory, and Johnson

MOTION PASSES

2020-68 UNFINISHED BUSINESS:

A. Sale of Vacant Lot – 1867 Hoyt Planning

SUMMARY OF REQUEST: City staff is seeking authorization to sell the city-owned vacant lot at 1867 Hoyt Street to Kirsten A. Bremer Trust of 1875 Hoyt Street.

The City Property Sale Policy requires that buildable lots should only be sold for new home construction. The adjacent property owner would like to use it to only build a garage. Staff recommends against the sale as it is an attractive redevelopment lot adjacent to Moon School and the McLaughlin Grow garden. Also, there is enough room on the applicant's current property to construct a garage.

The City obtained this property from the State of Michigan through the tax reversion process in 2003. The adjacent property owner would like to buy this property to combine with their adjacent property to construct a garage on it within 1 year of closing. The sale price is \$3,450.00 plus costs associated with the closing and registering the deed.

STAFF RECOMMENDATION: Authorize the City Mayor and Clerk to sign the Purchase Agreement and deed and allow staff to complete the property sale.

Motion by Commissioner Johnson second by Vice Mayor Hood to authorize the City Mayor and Clerk to sign the Purchase Agreement and deed to allow Staff to complete the property sale.

ROLL VOTE: Ayes: Emory, Johnson, and German

Nays: Rinsema-Sybenga, Gawron, Hood, and Ramsey

MOTION FAILS

2020-69 NEW BUSINESS:

A. Jackson Hill, McLaughlin & Angell Rezoning Planning

SUMMARY OF REQUEST: Staff-initiated requested to rezone all single-family (R-1, R-2, R-3) and duplex (RT) parcels in the McLaughlin, Angell and Jackson Hill neighborhoods to Form Based Code, Urban Residential (FBC-UR).

The Planning Commission voted 8-1 to recommend approval to the City Commission.

STAFF RECOMMENDATION: To approve the request to rezone all single-family (R-1, R-2, R-3) and duplex (RT) parcels in the McLaughlin, Angell and Jackson Hill neighborhoods to Form Based Code, urban Residential (FBC-UR).

Motion by Commissioner Rinsema-Sybenga second by Commissioner Ramsey to approve the request to rezone all single-family (R-1, R-2, R-3) and duplex (RT) parcels in the McLaughlin, Angell and Jackson Hill neighborhoods to Form

Based Code, Urban Residential (FBC-UR)

Motion by Commissioner German second by Commissioner Ramsey to table this item and mail notices to all residents/property owners in the affected area.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

ANY OTHER BUSINESS:

Mayor Gawron suggested a waiver of the \$5 fee for lead service for customers with irrigation metering. The Public Works Director, Leo Evans, is under the impression that the City Treasurer was able to add the irrigation metering line item to the customers regular bill. This is to be confirmed.

Commissioner Ramsey shared some news as the liaison to the Downtown Arts Council. The “Prized Steelhead” art sculpture by Sherri Balaskovitz is being considered for purchase, several organizations as well as the Muskegon Chamber has raised some funds to purchase and install this piece and will be asking for a contribution from the City to make this possible.

Commissioner Ramsey spoke about the need for policy and procedure review and revision.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Public comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 11:02 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 29, 2020 @ 7:30 A.M.

**MUSKEGON CITY COMMISSION CHAMBERS
933 TERRACE STREET, MUSKEGON, MI 49440**

Special Meeting

Minutes

Present: Mayor Stephen Gawron, Vice Mayor Eric Hood and Commissioners Teresa Emory, Ken Johnson, Willie German, Jr., Dan Rinsema-Sybenga, and Michael Ramsey, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: None

PUBLIC COMMENT ON AGENDA ITEMS: Public Comments were received.

2020-70 150TH Celebration Financials

SUMMARY OF REQUEST: City Staff is sharing financial information related to the 150th Celebration. Commission action to-date has budgeted \$250,000 for expenses and \$20,000 for revenues associated with the event, overall expenses were roughly \$550,000. The Commission approved deficit for the event was \$230,000. Actual net expenditures for the event totaled -\$120,033. Staff IMPROVED on the Commission-approved budget by \$110,000.

STAFF RECOMMENDATION: To accept the results of the internal audit of the 150th Celebration and end all formal inquiries into the City's various funds.

Motion by Commissioner Rinsema-Sybenga second by Commissioner German, to accept the results of the internal audit of the 150th Celebration and end all formal inquiries into the City's various Funds.

ROLL VOTE: **Ayes: Rinsema-Sybenga, Gawron, Hood, and Ramsey**
 Nays: German, Emory, and Johnson

MOTION PASSES

2020-71 Farmers Market Deficit

SUMMARY OF REQUEST: Staff recently learned that the Farmers Market NET position greatly underperformed City Commission approved budget for FY 2019-

20. At the same time, staff learned that the NET position of the fund was trending to greatly under-perform current budgeted figures for FY 2020-21. Staff is seeking additional funding to operate the Farmers Market through June 30,2021.

Staff made the decision to begin cutting costs at the Farmers Market immediately upon receiving a report from the Finance Department that indicated that the fund was grossly underperforming the Commission-approved budget. In the recent past, as City Manager, I would have used my discretion to approve the expenses and wait for a Commission meeting to address the shortfall. With this situation coming on the heels of the Commission calling for the review of funds/expenses from previous fiscal years to look for unapproved spending, and the previous results of the Coronavirus Economic Relief effort, I felt that I could follow no other course than to significantly reduce the spending at the Market immediately. The expectation is to address this at the City Commission Meeting.

AMOUNT REQUESTED: \$150,000

FUND OR ACCOUNT: General Fund

STAFF RECOMMENDATION: To authorize the transfer of \$45,000 from the General Fund to offset costs related to the Farmers Market in FY 2019-20 and an additional \$105,000 to offset costs related to the Farmers Market in FY 2020-21.

Motion by Commissioner Johnson second by Commissioner Ramsey to authorize the transfer of \$45,000 from the General Fund to offset costs related to the Farmers Market in FY 2019-20 and an additional \$105,000 to offset costs related to the Farmers Market in FY 2020-21.

ROLL VOTE: Ayes: Emory, Johnson, Gawron, Hood, Ramsey, German, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2020-72 Election Grant Expenditures To-Date

SUMMARY OF REQUEST: City Commissioners previously authorized the City Clerk to expend all Election Grant Funds in the amount of \$433,580. Staff wanted to bring Commission up-to-date on purchases made thus far in the amount of \$190,915.60.

Several other purchases/marketing expenses are in process and we will update the Commission at the next meeting.

At this time, we have purchased the following:

Hart High Speed Tabulator - \$98,335

6 carts for ballots - \$719.88

200 voting booths - \$25,982

Chair and mechanics to lift desks from Lakeshore Furniture - \$2,438.72

16 laptops from Dell - \$16,768

Marketing Coordinator Carla Flanders - \$6,000

Lamar Billboards - \$10,420

Trailer - \$19,849

Election Worker Shirts - \$5,080

Replacement Drop Box by Police Department - \$3,888

Adams Outdoor Billboards - \$1,435

In addition, we have used many Election Workers the past week to process absentee ballots and purchased lunches for them as well. We do not have a total on this expenditure yet, but will in the future – most likely after the Election.

AMOUNT REQUESTED: \$190,915.60 AMOUNT BUDGETED: \$433,580

STAFF RECOMMENDATION: To acknowledge and approve the purchases made in the amount of \$190,915.60 for the November Election as authorized by the Commission on September 22, 2020.

Motion by Commissioner Rinsema-Sybenga second by Commissioner Emory to acknowledge and approve the purchases made in the amount of \$190,915.60 for the November Election as authorized by the Commission on September 22, 2020.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Ramsey, German, Rinsema-Sybenga, and Emory

Nays: None

MOTION PASSES

2020-73 Closed Session – Consider Periodic Personnel Evaluation of City Manager as it Relates to the Covid 19 Economic Stimulus Package Launched in March 2020

Motion by Commissioner German second by Commissioner Ramsey to go into closed session to consider periodic personnel evaluation of city manager as it related to the Covid-19 Economic Stimulus Package launched in March 2020.

ROLL VOTE: Ayes: Gawron, Hood, Ramsey, German, Rinsema-Sybenga, Emory, and Johnson

Nays: None

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga second by Commissioner Ramsey to

come out of closed session. – All in favor.

MOTION PASSES

Motion by Commissioner Johnson second by Commissioner Rinsema-Sybenga to pursue mediation, pursue a deputy director and social media engagement specialist, and to schedule monthly meetings with the City Manager.

ROLL VOTE: Ayes: Hood, Ramsey, German, Rinsema-Sybenga, Emory, Johnson, and Gawron

Nays: None

MOTION PASSES

Public Comment: No public comments were received.

Adjournment: The City Commission meeting adjourned at 12:39 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Election Purchases Grant - Expenditures
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: City Commissioners previously authorized the City Clerk to expend all Election Grant Funds in the amount of \$433,580. Staff wanted to bring Commission up-to-date on purchases made thus far in the amount of \$42,784.18 since the last update. Several other purchases/marketing expenses are in process and we will update the Commission at the next meeting.	
Detailed Summary: At this time, we have purchased the following: effectv -Comcast- \$3,000.50 Outfront - Geocaching, - \$1000.00 Lakeshore Creative Services – Online Ads - \$1,000 WZZM, Fox, Wood TV Commercials - \$10,400 Iheart, Cumulus, WUVS-The Beat - \$7,660 Mlive - \$3,151 Cisco Phones with Headsets for office - \$940.80 Trailer generator \$949 Lights for Precinct 3 & 4 \$516 Walkie Talkies for Drive Thru Voting - \$492.87 6 scanners for precincts \$466.81 Election Source \$2,291.76 Computer cords & USB's for Precincts - \$347 Overhead Door in Clerk's Office - \$10,425 PPE Supplies - \$143.44	
Amount Requested: \$42,784.18	Amount Budgeted: \$433,580
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To acknowledge and approve the purchases made in the amount of \$42,784.18 for the November Election as authorized by the Commission on September 22, 2020.	

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Prized Steelhead Sculpture Purchase
Submitted By: Frank Peterson	Department: City Manager
Brief Summary: Staff is seeking permission to utilize a portion of the proceeds from the beach parking program to purchase the "Prized Steelhead" sculpture currently displayed in front of the Oltoff Stage for \$4,000.	
Detailed Summary: The Muskegon Lakeshore Chamber of Commerce commissioned a number of public art pieces as part of the 2020 Lakeshore Art Festival. Although the festival was cancelled due to COVID-19, the art pieces were still installed around the downtown. This piece was completed by Muskegon city resident Sherri Balaskovitz. The original commission price was \$9,500. Thanks to other donors and a reduction from the artist, we are able to purchase the piece for \$4,000. Staff intends to install the art piece along the channel to help welcome boaters into Muskegon Lake. There will likely be other insignificant costs associated with the installation- the Department of Public Works will handle that work internally.	
Amount Requested: \$4,000	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Authorize the purchase of the Prized Steelhead at a cost not to exceed \$4,000.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	



380 West Western Suite 202
Muskegon, MI 49440
PHONE (231) 724-3177
FAX (231) 728-7251
www.muskegon.org

INVOICE

Mr. Franklin Peterson
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

DATE: 09/23/2020

INV. NO.: 80459

ACCOUNT NO.: 241

TERMS: Net Due

DESCRIPTION	DATE DUE	AMOUNT
Contribution for "Prize Steelhead" sculpture, to be located at Margaret Drake Elliott Park / Channel Park Artist: Sherri Balaskovitz 09/23/2020 to 09/23/2020	09/23/2020	4,000.00
Please make checks payable to: Muskegon Lakeshore Chamber of Commerce <i>Investment payments are deductible as an ordinary and necessary business expense.</i>		Total 4,000.00
		Amt Paid 0.00
		Balance Due 4,000.00

Appreciate your business.

INVOICE MEMO:

Note: Please make check payable to Muskegon Lakeshore Chamber Foundation, a 501(c)(3) charitable organization.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

ACCOUNT NO.: 241

INV. NO.: 80459

To pay with VISA/Master Card, complete below:

Amount Due: \$4,000.00

Amount to Charge: _____

Mr. Franklin Peterson
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

Billing Address for Card: _____

Card #: _____

3 digit code from back of card: _____

Expiration Date: _____

Signature: _____

Name (Print) _____

MUSKEGON LAKESHORE CHAMBER OF COMMERCE
380 WEST WESTERN SUITE 202, MUSKEGON, MI 49440 - PHONE: (231) 724-3177 - FAX: (231) 728-7251

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10-13-2020	Title: Social District Permit recommendation
Submitted By: Dave Alexander	Department: Economic Development
Brief Summary: The City Commission must recommend approval of the Michigan Liquor Control Commission permits of participating licensed establishments in the Downtown Muskegon Social District.	
Detailed Summary: With the establishment of the Downtown Muskegon Social District, participating licensed establishments must receive a Social District permit from the Michigan Liquor Control Commission. The MLCC must first receive a recommendation for approval from the City Commission before granting the permits. You handled the initial eight such requests at your Aug. 25 and Sept. 8 meetings. The attached resolution is for Topshelf Liquor Bar & Pizza and Dr. Rolf's Barbeque which are also seeking a Social District permit from the state and seeking City Commission recommended approval. The Social District plan identifies 22 potential participating licensees within the district. Other licensed establishments may file a Social District permit application in the future.	
Amount Requested: None	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the resolution recommending Michigan Liquor Control Commission approval of Social District permits in the Downtown Muskegon Social District and to direct the City Clerk to certify the City Commission action with the MLCC.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

RESOLUTION RECOMMENDING DOWNTOWN MUSKEGON SOCIAL DISTRICT

PERMIT APPLICATION APPROVAL

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held at Muskegon City Hall, 933 Terrace, Muskegon, MI 49440 on the 13th day of October, 2020 at 5:30 p.m., prevailing Eastern Time.

PRESENT:

ABSENT:

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, in accordance with Public Act 124 of 2020 on the establishment of Social Districts within a Michigan city; and

WHEREAS, COVID-19 pandemic has caused unprecedented economic disruption worldwide and within our local business community; and

WHEREAS, restaurants and bars, which have been key contributors to the historic redevelopment of Downtown Muskegon, have been and will continue to be hard hit by the economic impact of the pandemic; and

WHEREAS, increasing availability of outdoor spaces for dining and drinking will help downtown and its businesses recover; and

WHEREAS, Public Act 124 of 2020 empowers local governments like the City of Muskegon to enhance its downtowns with Social Districts and accompanying Common Areas where purchasers may consume and possess alcoholic beverages sold by multiple qualified Michigan Liquor Commission licensees who obtain Social District Permits; and

WHEREAS, the City Commission has designated a Downtown Muskegon Social District and Common Area, and

WHEREAS, the city has received requests from multiple qualified licensees to recommend approval of their Social District Permit applications by the Michigan Liquor Control Commission, and

WHEREAS, the licensed establishments are contiguous to the Common Area within the Social District, and

WHEREAS, the City Commission desires to recommend approval of the Social District Permit applications,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Social District Permit Applications from the following licensees are recommended by the City Commission to consideration and approval by the Michigan Liquor Control Commission:
 - a. JPN III LLC, dba/Topshelf Liquor Bar & Pizza, 500 W. Western Ave.
 - b. Dr. Rolf's Barbeque LLC, 477 W. Western Ave.
 - c.
2. The City Clerk is authorized and directed to provide each applicant with a certification of this action in the form specified by the Michigan Liquor Control Commission.

AYES:

NAYS:

RESOLUTION DECLARED APPROVED.

Stephen J Gawron, Mayor

Ann Marie Meisch, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on October 13, 2020 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Meisch, City Clerk



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: JPN III LLC dba Topshelf Liquor Bar & Pizza		
Address: 2155 Apple Ave		
City: Muskegon	State: MI	Zip Code: 49442
Contact Name: Jim Noel	Phone: 231-670-4617	Email: jnoel58@aol.com

Part 2 - Required Documents & Fees

☐ Local Governmental Unit Approval ☐ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☐ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☐ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Licensee & Title	Signature of Licensee	Date
--------------------------------	-----------------------	------

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: Rolf's Barbeque, LLC		
Address: 477 West Western Avenue		
City: Muskegon	State: MI	Zip Code: 49440
Contact Name: Judy Hissom	Phone: 231-246-2168	Email: eat@drrolfsbbq.com

Part 2 - Required Documents & Fees

☒ Local Governmental Unit Approval ☒ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: \$320.00 Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Judith R. Hissom, Owner

Print Name of Licensee & Title

Signature of Licensee

September 18, 2020

Date

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Amendment to Bonding Resolution
Submitted By: Beth Lewis	Department: Finance
Brief Summary: To approve an amendment to the Resolution Authorizing Issuance of 2020 Capital Improvement Bonds originally approved on September 8, 2020. The amendment authorizes bonds to be issued in more than one series and be either taxable or tax exempt. The total authorization of up to \$8,000,000 is unchanged.	
Detailed Summary: After additionally research by our Bond Counsel the refinancing of the roof and heating, ventilation and cooling improvements at the Mercy Health Arena can't be done with tax exempt bonds. The City is the owner of Arena however we lease a substantial amount of space to for profit entities making tax exempt bonds not possible at the Arena. So as to not change the scope of the bonds, two series instead on one will need to be issued. The exact amount of each series will not be known until we get closer to sale date. The amount of the two series will not exceed \$8,000,000.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the amendment to the Resolution Authorizing Issuance of 2020 Capital Improvement Bonds.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

**AMENDMENT TO
RESOLUTION AUTHORIZING ISSUANCE OF
2020 CAPITAL IMPROVEMENT BONDS
(LIMITED TAX GENERAL OBLIGATION)**

CITY OF MUSKEGON
County of Muskegon, State of Michigan

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan on October 13, 2020, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Members _____

ABSENT: Members _____

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the City of Muskegon, County of Muskegon, State of Michigan (the "City"), has previously determined that it is necessary to pay to pay all or part of the cost to acquire, construct, furnish and equip additions and improvements to: a) the Muskegon Central Dispatch 9-1-1 facility and fire station; b) Hartshorn Marina Village, including water, sewer and road improvements; c) acquire police department body camera equipment; and d) refinance existing obligations to finance a new roof and heating, ventilation and cooling improvements to Mercy Health Arena (the "Refinancing Component"); including all related site improvements (the "Project"); and

WHEREAS, on September 8, 2020, at a regular meeting which was conducted remotely via technological means in compliance with Governor Whitmer's Executive Order No. 2020-154 (COVID-19); the City Commission approved a Resolution Authorizing the Issuance of 2020 Capital Improvement Bonds (Limited Tax General Obligation) (the "Original Resolution") authorizing the City to borrow the principal amount of not to exceed Eight Million Thousand Dollars (\$8,000,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), to pay all or part of the cost of the Project; and

WHEREAS, the City, in consultation with Bond Counsel, has determined that the Refinancing Component of the Project must be financed on a taxable basis; and

WHEREAS, the City desires to amend the Original Resolution pursuant to this Amendment to the Original Resolution (the "Amendment," and together with the Original Resolution, the "Resolution") and to ratify the actions taken by the City Commission in approving the Original Resolution at the September 8, 2020 meeting.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Definitions.** Capitalized terms used in this Amendment but not defined in this Amendment shall have the meanings assigned them in the Original Resolution.

2. **Amendment and Restatement of Section 1 of the Original Resolution.** Section 1 of the Original Resolution is amended and restated in its entirety as follows:

1. **Authorization of Bonds; Bond Terms.** Bonds of the City designated 2020 Capital Improvement Bonds (Limited Tax General Obligation) (the “Bonds”) are authorized to be issued, in one or more series and on either a taxable (the “Taxable Bonds”) or a tax-exempt basis (the “Tax-Exempt Bonds,” and together with the Taxable Bonds, the “Bonds”), in the aggregate principal sum of not to exceed Eight Million Dollars (\$8,000,000) for the purpose of paying all or part of the costs of the Project and the costs incidental to the issuance, sale and delivery of the Bonds. Each issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration. Each issue of the Bonds will be dated as of the date of delivery (or such other date as determined at the time of sale thereof), be payable on October 1 (or such other date as determined at the time of sale thereof) in the years, not to exceed twenty (20) annual installments, and in the amounts determined at the time of sale thereof, and have such designations and be subject to redemption in the manner and at the times and prices to be determined at the time of sale by the City Manager, Finance Director or City Clerk (each, an “Authorized Officer” and collectively, the “Authorized Officers”).

Each issue of the Bonds shall bear interest at a rate or rates to be determined at the time of sale thereof, but in any event not to exceed five percent (5.00%) per annum for the Tax-Exempt Bonds and not to exceed five percent (5.00%) per annum for the Taxable Bonds, first payable on April 1, 2021 and semiannually thereafter each April 1 and October 1, by check or draft mailed by the Transfer Agent (as hereinafter defined) to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at The Huntington National Bank, Grand Rapids, Michigan, which is hereby selected to act as the transfer agent for the Bonds (the “Transfer Agent”).

3. **Amendment and Restatement of Section 11 of the Original Resolution.** Section 11 of the Original Resolution is amended and restated in its entirety as follows:

11. **Tax Covenant.** The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Tax-Exempt Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the “Code”) including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Tax-Exempt Bond proceeds and moneys deemed

to be Tax-Exempt Bond proceeds, and to prevent the Bonds from being or becoming “private activity bonds” as that term is used in Section 141 of the Code.

4. **Ratification of Original Resolution**. The City Commission hereby ratifies and confirms the approval of the Original Resolution. Except as explicitly amended or amended and restated as provided herein, each provision of the Original Resolution remains unchanged and in full force and effect.

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

AYES: Members _____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

Ann Marie Meisch
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on October 13, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976 and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Meisch
City Clerk

36651733.3\063684-00051

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: General Fund Transfers for FY2019-20
Submitted By: Beth Lewis	Department: Finance
Brief Summary: During the close out of fiscal year 2019-20 and based on the financial results for the fiscal year ended June 30, 2020, staff transferred from the General Fund \$20,000 to the Engineering Fund, \$10,000 to the State Grants fund, \$7,500 to the Tree Replacement Fund and \$800,000 to the Mercy Health Arena Fund to eliminate fund balance deficits. Staff is requesting formal approval of these General Fund transfers.	
Detailed Summary: At the close of FY2019-20 three funds were in a fund balance deficit and required a transfer from the General Fund to eliminate the deficit. The Engineering Fund needed a \$20,000 transfer because of lower revenues caused by COVID19, the State Grants Fund needed a \$10,000 transfer because of a write off and the Tree Replacement Fund needed a \$7,500 transfer for expenses incurred in anticipation of grant monies. The FY2019-20 budget called for a General Fund transfer of \$235,000 to the Mercy Health Arena Fund however due to lost revenue from COVID19 a \$800,000 transfer was needed. Please note that in the State Grants Fund it does not appear to have need a transfer however \$63,473 grant reimbursement was received but not paid out until after the end of the fiscal year. The Fund Balance needs to cover the \$63,473 payment.	
Amount Requested: \$837,500	Amount Budgeted: \$235,000
Fund(s) or Account(s): General Fund	Fund(s) or Account(s):
Recommended Motion: To approve the General Fund transfers of \$20,000 to the Engineering Fund, \$10,000 to the State Grants Fund, \$7,500 to the Tree Replacement Fund and \$800,000 to the Mercy Health Arena Fund.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

REVENUE AND EXPENDITURE REPORT FOR CITY OF MUSKEGON
 PERIOD ENDING 06/30/2020
 % Fiscal Year Completed: 100.00
 CITY OF MUSKEGON
 MONTHLY BUDGET SUMMARY REPORT

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 06/30/2020	AVAILABLE BALANCE	% BDT USED	YTD BALANCE 06/30/2019
Fund 482 - STATE GRANTS						
FEDERAL GRANTS		0.00	0.00	0.00	0.00	77,286.66
STATE GRANTS		3,850,000.00	2,092,083.50	1,757,916.50	54.34	2,032,775.87
INTEREST & OPERATING TRANSFERS IN		1,200.00	10,000.00	(8,800.00)	833.33	0.00
TOTAL REVENUES		3,851,200.00	2,102,083.50	1,749,116.50	54.58	2,110,062.53
CONTRACTUAL SERVICES		3,850,000.00	2,028,610.30	1,821,389.70	52.69	369,204.53
CAPITAL OUTLAIS		0.00	0.00	0.00	0.00	1,734,869.00
OTHER FINANCING USES		0.00	20,093.08	(20,093.08)	100.00	26,082.08
TOTAL EXPENDITURES		3,850,000.00	2,048,703.38	1,801,296.62	53.21	2,130,155.61
Fund 482 - STATE GRANTS:						
TOTAL REVENUES		3,851,200.00	2,102,083.50	1,749,116.50	54.58	2,110,062.53
TOTAL EXPENDITURES		3,850,000.00	2,048,703.38	1,801,296.62	53.21	2,130,155.61
NET OF REVENUES & EXPENDITURES		1,200.00	53,380.12	(52,180.12)	4,448.34	(20,093.08)
BEG. FUND BALANCE		11,268.38	11,268.38			31,361.46
END FUND BALANCE		12,468.38	64,648.50			11,268.38

REVENUE AND EXPENDITURE REPORT FOR CITY OF MUSKEGON
 PERIOD ENDING 06/30/2020
 % Fiscal Year Completed: 100.00
 CITY OF MUSKEGON
 MONTHLY BUDGET SUMMARY REPORT

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 06/30/2020	AVAILABLE BALANCE	% BGT USED	YTD BALANCE 06/30/2019
Fund 285 - TREE REPLACEMENT						
CONTRIBUTIONS & MISCELLANEOUS		5,000.00	7,302.75	(2,302.75)	146.06	10,000.00
INTEREST & OPERATING TRANSFERS IN		0.00	7,502.40	(7,502.40)	100.00	5.10
TOTAL REVENUES		5,000.00	14,805.15	(9,805.15)	296.10	10,005.10
SUPPLIES		5,000.00	15,706.63	(10,706.63)	314.13	9,436.90
TOTAL EXPENDITURES		5,000.00	15,706.63	(10,706.63)	314.13	9,436.90
Fund 285 - TREE REPLACEMENT:						
TOTAL REVENUES		5,000.00	14,805.15	(9,805.15)	296.10	10,005.10
TOTAL EXPENDITURES		5,000.00	15,706.63	(10,706.63)	314.13	9,436.90
NET OF REVENUES & EXPENDITURES		0.00	(901.48)	901.48	100.00	568.20
BEG. FUND BALANCE		1,920.94	1,920.94			1,352.74
END FUND BALANCE		1,920.94	1,019.46			1,920.94

PERIOD ENDING 06/30/2020
% Fiscal Year Completed: 100.00
CITY OF MUSKEGON

MONTHLY BUDGET SUMMARY REPORT

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 06/30/2020	AVAILABLE BALANCE	% BDGT USED	YTD BALANCE 06/30/2019
Fund 643 - ENGINEERING SERVICES						
INTEREST & OPERATING TRANSFERS IN		50.00	20,124.78	(20,074.78)	40,249.5	212.16
LICENSES & PERMITS		0.00	315.00	(315.00)	100.00	3,728.00
CHARGES FOR SERVICE		485,000.00	306,743.00	178,257.00	63.25	428,715.29
TOTAL REVENUES		485,050.00	327,182.78	157,867.22	67.45	432,655.45
SUPPLIES		15,000.00	7,929.02	7,070.98	52.86	8,121.08
SALARIES & BENEFITS		339,682.00	301,415.10	38,266.90	88.73	298,169.89
CONTRACTUAL SERVICES		70,000.00	81,395.81	(11,395.81)	116.28	64,829.21
OTHER EXPENSES		10,000.00	533.29	9,466.71	5.33	1,212.15
CAPITAL OUTLAYS		50,000.00	18,421.76	31,578.24	36.84	19,889.16
OTHER FINANCING USES		0.00	2,290.86	(2,290.86)	100.00	0.00
TOTAL EXPENDITURES		484,682.00	411,985.84	72,696.16	85.00	392,221.49
Fund 643 - ENGINEERING SERVICES:						
TOTAL REVENUES		485,050.00	327,182.78	157,867.22	67.45	432,655.45
TOTAL EXPENDITURES		484,682.00	411,985.84	72,696.16	85.00	392,221.49
NET OF REVENUES & EXPENDITURES		368.00	(84,803.06)	85,171.06	23,044.3	40,433.96
BEG. FUND BALANCE		90,469.28	90,469.28			50,035.32
END FUND BALANCE		90,837.28	5,666.22			90,469.28
TOTAL REVENUES - ALL FUNDS						
TOTAL EXPENDITURES - ALL FUNDS		490,050.00	341,987.93	148,062.07	69.79	442,660.55
NET OF REVENUES & EXPENDITURES		489,682.00	427,692.47	61,989.53	87.34	401,658.39
BEG. FUND BALANCE - ALL FUNDS		368.00	(85,704.54)			41,002.16
END FUND BALANCE - ALL FUNDS		92,390.22	92,390.22			51,388.06
		92,758.22	6,685.68			92,390.22

PERIOD ENDING 06/30/2020
 % Fiscal Year Completed: 100.00
 CITY OF MUSKEGON
 MONTHLY BUDGET SUMMARY REPORT

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 06/30/2020	AVAILABLE BALANCE	% BDGT USED	YTD BALANCE 06/30/2019
Fund 254 - MERCY HEALTH ARENA						
CHARGES FOR SERVICE		1,277,000.00	1,229,534.91	47,465.09	96.28	1,304,796.90
CONTRIBUTIONS & MISCELLANEOUS		4,000.00	22,892.77	(18,892.77)	572.32	8,913.16
INTEREST & OPERATING TRANSFERS IN		235,000.00	800,000.00	(565,000.00)	340.43	476,486.00
TOTAL REVENUES		1,516,000.00	2,052,427.68	(536,427.68)	135.38	1,790,196.06
SALARIES & BENEFITS		196,843.00	164,832.79	32,010.21	83.74	66,081.35
SUPPLIES		225,000.00	301,724.56	(76,724.56)	134.10	354,884.23
CONTRACTUAL SERVICES		1,090,000.00	1,324,840.67	(234,840.67)	121.55	1,311,267.79
OTHER EXPENSES		0.00	9,420.22	(9,420.22)	100.00	0.00
CAPITAL OUTLAYS		50,000.00	246,686.13	(196,686.13)	493.37	74,579.11
TOTAL EXPENDITURES		1,561,843.00	2,047,504.37	(485,661.37)	131.10	1,806,812.48
Fund 254 - MERCY HEALTH ARENA:						
TOTAL REVENUES		1,516,000.00	2,052,427.68	(536,427.68)	135.38	1,790,196.06
TOTAL EXPENDITURES		1,561,843.00	2,047,504.37	(485,661.37)	131.10	1,806,812.48
NET OF REVENUES & EXPENDITURES		(45,843.00)	4,923.31	(50,766.31)	10.74	(16,616.42)
BEG. FUND BALANCE		26,636.60	26,636.60			43,253.02
END FUND BALANCE		(19,206.40)	31,559.91			26,636.60

PERIOD ENDING 06/30/2020

% Fiscal Year Completed: 100.00

CITY OF MUSKEGON

MONTHLY BUDGET SUMMARY REPORT

GL NUMBER	DESCRIPTION	2019-20 AMENDED BUDGET	YTD BALANCE 06/30/2020	AVAILABLE BALANCE	% BDGT USED	YTD BALANCE 06/30/2019
Fund 101 - GENERAL						
TAXES & SPECIAL ASSESSMENTS		16,062,055.00	16,771,566.81	(709,511.81)	104.42	16,099,737.93
LICENSES & PERMITS		2,500,000.00	2,407,371.77	92,628.23	96.29	2,438,810.36
FEDERAL GRANTS		40,000.00	147,190.85	(107,190.85)	367.98	57,894.00
STATE GRANTS		776,000.00	913,589.68	(137,589.68)	117.73	862,838.87
STATE SHARED		4,376,711.00	4,117,935.00	258,776.00	94.09	4,271,438.00
CHARGES FOR SERVICE		3,677,210.00	3,691,848.37	(14,638.37)	100.40	3,486,299.37
FINES & PENALTIES		428,500.00	425,558.10	2,941.90	99.31	476,013.80
Unclassified		0.00	15,700.00	(15,700.00)	100.00	1,100.00
CONTRIBUTIONS & MISCELLANEOUS		628,667.00	596,571.84	32,095.16	94.89	399,650.80
INTEREST & OPERATING TRANSFERS IN		504,000.00	566,097.59	(62,097.59)	112.32	660,266.16
TOTAL REVENUES		28,993,143.00	29,653,430.01	(660,287.01)	102.28	28,754,049.29
SALARIES & BENEFITS		16,200,087.00	17,292,915.42	(1,092,828.42)	106.75	16,051,031.24
SUPPLIES		622,875.00	810,505.81	(187,630.81)	130.12	690,966.72
CONTRACTUAL SERVICES		10,354,698.00	9,608,288.43	746,409.57	92.79	10,032,841.06
OTHER EXPENSES		236,875.00	103,901.61	132,973.39	43.86	89,561.05
CAPITAL OUTLAYS		265,458.00	499,824.65	(234,366.65)	188.29	424,148.98
OTHER FINANCING USES		1,294,750.00	1,942,561.24	(647,811.24)	150.03	1,351,586.60
TOTAL EXPENDITURES		28,974,743.00	30,257,997.16	(1,283,254.16)	104.43	28,640,135.65
Fund 101 - GENERAL:						
TOTAL REVENUES		28,993,143.00	29,653,430.01	(660,287.01)	102.28	28,754,049.29
TOTAL EXPENDITURES		28,974,743.00	30,257,997.16	(1,283,254.16)	104.43	28,640,135.65
NET OF REVENUES & EXPENDITURES		18,400.00	(604,567.15)	622,967.15	3,285.69	113,913.64
BEG. FUND BALANCE		6,805,194.76	6,805,194.76			6,691,281.12
END FUND BALANCE		6,823,594.76	6,200,627.61			6,805,194.76

WATCH MUSKEGON

Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Coronavirus Aid, Relief, and Economic Security Act (CARES Act) - CDBG COVID19 Funding, Total Allocation
Submitted By: Oneata Bailey	Department: CNS
Brief Summary: To review the total allocations for CARES Act - CDBG COVID19 funding. First round funding allocations were \$585,238, combined with third round allocations of \$209,326 equal \$794,564. \$158,918 will be used for Administrative Costs and \$635,651 will be used for the following eligible activities: Child Care, Utilities, Businesses, Food Assistance, Parks, and Youth.	
Please see attachments: Letter from HUD.	
Amount Requested:	Amount Budgeted: \$794,564
Fund(s) or Account(s): CARES Act COVID19 2020, Total Allocation	Fund(s) or Account(s):
Recommended Motion: To approve activities and budget for the CARES Act – CDBG COVID19 funding at the next City Commission Meeting, October 27 th , 2020.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

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ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

September 11, 2020

The Honorable Steve Gawron
Mayor of Muskegon
933 Terrace Street
Muskegon, MI 49443

Dear Mayor Gawron:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$209,326. Your cumulative amount for all allocation rounds is \$794,564.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent,

prepare for, and respond to coronavirus.

The CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities become available, they will be posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gibbs', is positioned above the typed name.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Update to the Lot Sale Policy
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Staff has prepared an updated lot sale policy that outlines procedures and incentives to direct the use and sale of vacant, city-owned residential properties.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the lot sale policy as presented.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

City of Muskegon

Policy for the Use & Sale of City-Owned Residential Property

Objective

The City of Muskegon owns a significant number of vacant lots throughout the city. These lots cost money to maintain and do not generate taxes, but they do offer opportunities for infill housing development and public use. Selling vacant lots for residential development will create much needed housing options, expand the residential tax base and alleviate the City of maintenance costs. Citizen lead initiatives like urban farms, community gardens and the Neighborhood Empowerment Program (adopt-a-lots) are all resources the City can utilize to defer maintenance costs and reduce blight while the lots are being marketed for sale. There are also instances in which the City may wish to hold on to a vacant lot or acquire additional land to combine with an existing property. Vacant lots can also be valuable to complete existing/planned projects or to offer easements to essential/recreation services. In order to utilize City-owned vacant lots to their fullest potential, the City has developed this policy for their use and sale to private ownership.

Lot Types

Buildable Lots – Buildable lots are defined as lots suitable in size and configuration under Zoning Ordinance regulations for the construction of housing units. Some City-owned lots are much larger than needed to construct various housing types. Where applicable, staff will split or combine lots to create the best potential for future development. Staff may also recommend that only a portion of a buildable lot be sold if it is in the best interest for future development and if the remaining portion is also a buildable lot. As a condition of sale, the buyer must commence construction¹ within 18 months of the date of purchase of the property or it will revert back to the City's ownership, free and clear of any claim of the buyer.

Non-Buildable Lots – Non-buildable lots are defined as lots that are insufficient in size or configuration for new construction under Zoning Ordinance regulations. These lots may only be sold to adjacent property owners, neighborhood organizations, or valid non-profit agencies to expand, improve, or beautify the property. In the event that multiple adjacent owners seek to purchase a property, the City shall divide the property in the most equitable manner.

¹ “Commence Construction” means that a buyer has been issued a residential building permit by the City of Muskegon and also (in the sole opinion of the City of Muskegon’s Building Official) that at least seventy-five percent (75%) of the dwelling has been completed.

Lot Use

The following is a list of potential uses for City-owned vacant lots.

Buildable Lots and Large Blocks of Land

Permanent Use Options (listed in order of highest priority):

- Easement/sale – The first step is to check if all or a portion of the property can be used for an easement (or sale) to an existing or planned development project.
- New housing development – If no other project can use the land, it will be marketed for sale for residential development. Preference will be given to projects with higher density and, where applicable, staff reserves the right to split or combine lots to create the best potential for future development.
- Public space – The use of the lot for a park or other type of community gathering place. Most lots may not be appropriate for public spaces, such as those located in close proximity to existing public parks or neighboring houses.
- Yard addition – Only non-buildable lots should be sold to adjacent property owners. Non-buildable portions of existing buildable lots can be sold to adjacent property owners for expanded yard space as long as the unsold portion of the property remains buildable.

Temporary Use Options (listed in order of highest priority):

- Community garden – Groups that agree to maintain the lot may use it for gardening. Please see Section 2313 of the Zoning Ordinance for guidelines on community gardens.
- Adopt-A-Lot – Neighborhood Organizations may adopt lots as part of the Neighborhood Empowerment Program. Please see the Neighborhood Empowerment Program brochure.

Non-Buildable Lots

Permanent Use Options (listed in order of highest priority):

- Easement/sale – The first step is to check if all or a portion of the property can be used for an easement (or sale) to an existing or planned development project.
- Yard addition – If the lot cannot be used for a nearby project, it should be sold to an adjacent property owner who may take advantage of the landscaping grant (see below).
- Public space – The use of the lot for a park or other type of community gathering place. Most lots may not be appropriate for public spaces, such as those located in close proximity to existing public parks or neighboring houses.

Temporary Use Options (listed in order of highest priority):

- Community garden – Groups that agree to maintain the lot may use it for gardening. Please see Section 2313 of the Zoning Ordinance for guidelines on community gardens.
- Adopt-A-Lot – Neighborhood Organizations may adopt lots as part of the Neighborhood Empowerment Program. Please see the Neighborhood Empowerment Program brochure.

Lot Sales

Buildable Lot Sales

Lot Price – 75% of the True Cash Value. Sale price reimbursements are available for the following:

- Duplex or Small Multiplex Development (where permitted by zoning) – 100% price reimbursement
- Single-Family House that meets the following design standards²:
 - o Open front porch of at least 60 sf – 20% price reimbursement
 - o Picture or bay window - 20% price reimbursement
 - o Alley-loaded parcel – 20% price reimbursement
 - o Shutters or other acceptable window treatments – 20% price reimbursement
 - o Underground sprinkling – 20% price reimbursement

Development Incentives – In addition to price reimbursements, additional incentives include:

- Neighborhood Enterprise Zone (NEZ) Certificate – For those properties already located in a NEZ District, NEZ certificates will be offered using the following scale:
 - o Single-family house: 3 years
 - o Single-family house that incorporates three of the five above listed Design Standards: 6 years
 - o Duplex: 12 years (owner-occupied unit only)
 - o Small Multiplex: 15 years (owner-occupied unit only)
- Water/Sewer Connection Discount – Discounted water/sewer connection fees will be given for the following housing developments:
 - o Duplex – 50% reduction
 - o Small Multiplex – 100% reduction
 - o Three or more single-family houses (all built within 18 months) – 100% reduction

How to Purchase – The Planning Department may approve the sale of buildable lots for residential development as long as all of the above requirements are met. The City Commission will review the sale of any lots that do not meet all of the above requirements. All parties must be current on local taxes. Projects that do not meet these requirements must seek approval from the City Commission.

² Price reimbursements will be awarded to approved projects after verification of project completion.

Non-Buildable Lot Sales

Lot Price – \$1

Landscaping Incentive – Non-buildable lots that are used for beautification or creation of natural habitat may be eligible for a landscaping grant.

- Landscaping Grant – This grant is intended to assist in the beautification of neighborhoods by transforming underutilized land into attractive landscapes and/or natural habitats. Natural landscaping projects with a mixture of native species as well as animal/pollinator habitat improvements are eligible for support. For every \$1,500 an applicant spends on landscaping, they will be reimbursed \$250 (up to \$1,000). Applicants must submit a landscaping plan with estimates to the Planning Department. Approved applicants will complete the project as described in the application and submit receipts to the Planning Department in order to receive the grant funds.
 - o Grant Requirements – Decorative/natural landscaping projects must include the following elements:
 - A mixture of at least three different decorative plant species.
 - Decorative ground substrate such as woodchips or landscaping rocks.
 - Landscaping area must be at least 100 square feet total and be located within 20 feet of the front property line.
 - Landscaping must be a focal point and not solely used as a buffer between properties.
 - Landscaping may not interfere with zoning ordinance requirements for clear vision at intersections, alleys, and driveways.
 - Watering/maintenance plan and/or drainage pipes where rain gardens are created.

How to Purchase: The Planning Department may approve the sale of non-buildable lots to adjacent property owners, neighborhood organizations and non-profit agencies. Properties will be sold to qualifying parties on a first come, first serve basis. All parties must be current on local taxes. Once payment is received (lot price plus cost of deed registration) the City will register the deed with the Muskegon County Register of Deeds.

Lot Sale Terms

Closing Costs

All closing costs will be split between the buyer and the seller.

Property Survey

All costs and activities associated with a survey are the sole responsibility of the buyer.

Environmental

Properties will be sold as is. Any environmental analysis is the sole responsibility of the buyer.

Title Evidence/Insurance

Quieting title of tax reverted properties sold and properties split for minimal amounts such as non-buildable lots, shall be the responsibility of the buyer. City staff may choose to quiet title on certain lots deemed necessary for development plans.

Financing

Financing the acquisition of City-owned property and subsequent construction (if applicable) is the sole responsibility of the buyer. Failure to provide proof of adequate financing may be used as a basis for denial of a sale.

Deeds

All sales will be handled as quit claim deeds.

Appeal Procedure

Any denial of a sale can be appealed to the City Commission.

Applicability

Pursuant to the above, the City will periodically implement neighborhood marketing strategies. Elements of this policy may be superseded by a marketing strategy, if said strategy is approved by the City Commission as an exception to this policy, and only while said strategy is being utilized to market properties identified by the strategy.

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: NEZ Certificate for 318 Terrace Point
Submitted By: Mike Franzak	Department: Planning
Brief Summary: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Chad and Marisa Doane for the new construction of a home at 318 Terrace Point. The applicant has met local and state requirements for the issuance of the NEZ certificate.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the NEZ certificate at 318 Terrace Point for 12 years.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Chad and Marisa Doane to construct a new home at 318 Terrace Point in the Terrace Point Condominium neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the local unit of government is allowing the six (6) month grace period after construction commencement to apply, which is allowed under the law;

WHEREAS, the Neighborhood Enterprise Zone Certificate has been approved for twelve (12) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the new construction of a home by Chad and Marisa Doane, LLC be approved.

Adopted this 13th day of August, 2020.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Meisch
City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on October 13, 2020.

By: _____
Ann Meisch
City Clerk

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Risers Indoor Soccer Club Contract
Submitted By: Mike VanderMolen	Department: Finance
Brief Summary: City staff is requesting approval of the attached lease with the Muskegon Risers Indoor Soccer Club. This is a long-term lease with extension opportunities.	
Detailed Summary: The Muskegon Risers are looking to deepen their commitment to the Muskegon community and the downtown with a long-term lease with the Mercy Health Arena. Some of their goals are listed: • Increase resources dedicated to soccer programming for underprivileged youth. • Facilitating adult social and competitive soccer leagues through our newly formed city soccer association which is registered with Michigan Soccer Association. • Investing in their own outdoor practice and game facility inside the City of Muskegon. • Expanding the women's team into a full-season operation. With this contract the city will receive 100% of concession revenue, which gives the arena flexibility with how concessions are managed. The ticket facility fee will be more consistent with the other sports team tenants, reaching \$2.00 per ticket by year 5 of the contract. The facility fees go directly toward keeping the arena viable.	
Amount Requested: \$0	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Approval of the contract.	
For City Clerk Use Only: Commission Action:	

Shared Use Agreement

This Shared Use Agreement (the "Agreement") is effective on _____, 2020, between the **City of Muskegon**, a Michigan municipal corporation ("City"), and **Zonifi, LLC**, a Michigan limited liability company, doing business as "**Muskegon Risers Soccer Club**" ("MRSC").

City and MRSC agree as follows:

1. **Use of Premises.** City agrees to permit MRSC to use, and MRSC agrees to occupy and use, a certain portion of the commercial space identified on the attached **Exhibit A** ("Premises"), located at 470 W Western Ave, Muskegon MI 49440 and commonly known as the "Mercy Health Arena," together with all improvements located thereon, subject to all of the terms and conditions of this Agreement.

a. The dates and times in which MRSC chooses to use the Premises shall be subject to the dates previously reserved by other groups under their respective shared use agreement with the City or other agreements relating to the use of the Premises. MRSC acknowledges and agrees that WC Hockey, LLC (aka the "Muskegon Lumberjacks") shall have first priority to schedule event dates at the Premises.

b. The City and MRSC agree to reasonably work together to coordinate event use dates that do not conflict with other groups using or leasing the Premises. The provision of such dates by MRSC to City shall allow reasonable time for preparation and execution by both parties.

2. **Term.** The term of this Agreement shall commence on December 1, 2020 and end on November 30, 2025 ("Term").

During the Term, MRSC shall only occupy the Premises from 8 am to 11 pm on mutually agreeable dates, along with any other dates and times that are mutually agreed to in writing in advance; provided that MRSC will occupy the Premises for at least 6 dates between December 1 and April 30 ("Season") of each year during the Term (and it is anticipated that MRSC will occupy the Premises for 12 dates between December 1 and April 30 of each year during the Term).

Notwithstanding the foregoing, in the event that MRSC's soccer season is reduced or cancelled for reasons beyond MRSC's control, such as a health emergency, MRSC shall not be required to occupy the Premises for the minimum 6 dates during that season.

3. **Option to Renew.** MRSC shall have an option to renew this Agreement on the expiration of the initial Term of the Agreement for two additional terms of five years, by giving written notice of renewal to City 90 days before this Agreement expires. The renewal shall default to the same terms and conditions as stated in this Agreement. During each stated period of renewal, both parties reserve the right to renegotiate terms and conditions.

4. **Rent/Facility Fee.** MRSC shall pay to City as rent of the Premises \$1,500.00 per date for the first 6 dates each Season. This amount shall be collected by the City from the ticket revenue settlement for each date that MRSC occupies the Premises. For any additional dates that Season, the amount collected from the ticket revenue settlement by City shall be \$4,050 per date.

5. **Ticketing.** MRSC shall receive 100% of all net revenue from ticket sales by way of settlement from City. City shall distribute settlement within 5 business days of each respective occupancy date. Additional ticketing fees shall be collected by City; City shall collect a \$.10 per ticket fee to be paid on settlement by team and City shall collect a \$1.00 facility fee per ticket in years 1 and 2, \$1.50 in years 3 and 4, \$2.00 in years 5 to 15. All stated ticket fees shall be paid by ticket buyer as an additional cost to the base ticket pricing established by MRSC.

6. **Cancellation/No Refund Policy.** MRSC shall be obligated to pay full rent for the Premises for dates reserved by MRSC, whether or not MRSC actually uses the Premises, unless MRSC provides City written notice of such cancellation no later than 5 days before such scheduled event. MRSC would not be responsible for paying rent for cancellations solely caused by the City or occurrences outside of MRSC's control (e.g., pandemic, unusual weather events, acts of God)

7. **Concessions.** City will receive 100% of all net revenue from concession sales at the Premises during MRSC's occupancy dates. Any concession promotions or discounts will be as mutually agreed upon by the parties.

8. **Parking.** City will receive 100% of all net revenue from parking sales at the Premises during MRSC's occupancy dates. Any parking promotions or discounts will be as mutually agreed upon by the parties.

9. **Event Operations.** City agrees to provide the following arena soccer event operations as part of this Agreement;

a. Conversion of Premises surface and boards to facilitate arena soccer competition. This includes removal of all glass from side boards, installation of arena soccer goals, coverage of ice with subfloor and field turf, taping field turf with specified boundaries and markings, installation and storage of semi-permanent dashboards. Conversion of the Premises also encompasses a return to its original state by City.

b. Ticketing system management and support. This includes advance event creation in ticketing system and a dedicated box office staff for advance ticket sales and fulfillment of ticket orders during normal Premises business hours and on specified MRSC occupancy dates.

c. Staff for events operated through the City's ticketing system, including an adequate number of ticketing staff at all dedicated entry points on Premises, ushers and security personnel. Audiovisual production staff shall be provided by MRSC, either directly or through a third party approved by City.

d. MRSC shall have access to all audiovisual production equipment owned by City during rental period, including monitors, computers, microphones, lighting and sound boards.

10. **Possession.** MRSC will have exclusive possession of the Premises on its previously reserved occupancy dates. City will be allowed continued access to the Premises, so long as such access does not disturb MRSC's permitted use of the Premises – with determination of what constitutes a disturbance to be at MRSC's commercially reasonable discretion.

11. **Use of Premises.** MRSC shall primarily use and occupy the Premises for amateur and professional soccer games, and may also use the Premises for other athletic and entertainment related activities, so long as all uses of the Premises comply with the terms of this Agreement. MRSC shall not use the Premises in a manner that constitutes a violation of any applicable law, order, or ordinance. MRSC shall not commit or allow any waste in or about the Premises, nor shall MRSC cause or permit any nuisance

MRSC shall have exclusive use of the Premises, subject to existing shared use and lease agreements, during the entire Term for soccer-related activities, and MRSC must provide written consent in advance for any other soccer-related activities; provided, however, that MRSC will not unreasonably withhold consent for any events hosted by schools, colleges, universities, or under-17 youth soccer clubs.

12. **Signage and Advertising.** MRSC shall only place, erect or maintain at the Premises such signs, lettering, decorations, or advertising as are permitted by law; and any such items that MRSC desires to erect on the Premises in a permanent manner (including on the field turf) must be approved in advance by City in writing. Upon vacating the Premises after each occupancy date (unless otherwise provided by City in writing), MRSC agrees to remove all signs or other such items and to repair all damage caused by such removal.

MRSC shall have the right to sell all non-permanent advertising for dashboards, videoboard and field turf at Premises during MRSC's occupancy dates.

13. **Taxes and Utilities.** City shall pay all real property taxes and assessments on the Premises and property in which the Premises is located, and provide gas (heat), electric, internet, water and sewer for the entire Premises during the term of the Agreement, the costs of which are included as part of MRSC's rent.

14. **Repairs and Maintenance.** City shall maintain in good condition and repair and shall make any necessary capital replacements of the heating and air conditioning plant system, the electrical wiring system, and the roof and structural walls, to the extent necessary to preserve MRSC's intended use and enjoyment. Repairs or replacements necessitated by the negligent acts of the MRSC shall be made at the expense of the MRSC. MRSC shall keep and maintain the Premises in good and sanitary order and condition.

15. **Alterations or Improvements.** MRSC may not make any alterations, improvements, additions, and changes to the Premises without City's prior written approval.

16. **Condition of Premises.** MRSC acknowledges that there will be other users of the Premises during the Term, and agrees to immediately let City know if there is any condition at the Premises preventing MRSC from using the space during its occupancy.

17. **Insurance and Indemnity.**

a. City shall procure and maintain in full force and effect fire and extended coverage insurance with an all-risk endorsement on the Premises and immediately surrounding property in which the Premises is located for its full insurable replacement cost (excluding foundations and excavation).

b. MRSC shall, at its sole cost and expense, procure and maintain in full force and effect during the term of this Agreement, comprehensive general public liability insurance against claims for personal injury, death, or property damage occurring on, in, or about the Premises in a minimum amount of \$1,000,000 in respect of personal injury or death to any one person, and of not less than \$1,000,000 in respect of any one occurrence, and of not less than \$1,000,000 for property damage.

c. All insurance policies required hereunder, which may be so-called "blanket policies," shall: (i) name City and MRSC as insureds; (ii) be payable as provided in paragraph 14; and, (iii) be purchased from companies reasonably satisfactory to City.

d. Subject to the other provisions of this Agreement, MRSC shall indemnify and hold City harmless from all claims, demands, actions, losses, damages and liabilities and all fees, costs and expenses (including reasonable attorneys' fees) relating to or in any way arising with regard to the Premises or from the use of the Premises, from any cause whatsoever.

18. **Fire or Casualty; Condemnation.** In the event the Premises are totally destroyed by fire, wind, or other causes beyond the control of the City, or are condemned or otherwise taken by authority of local, state or federal government, then in any of these events the use term shall cease and terminate as of the date of such destruction, condemnation or taking. In the event of any loss or damage by fire or other casualty for which the building or improvements on the Premises may be insured, all amounts payable upon any policy or policies of insurance shall be paid to City.

19. **Assignment and Subletting.** MRSC may not assign this Agreement or sublet all or any part of the Premises at any time during the Term of this Agreement without the prior written consent of City.

20. **Default.** The violation of any term, provision or condition of this Agreement by MRSC, including the failure to pay any amounts owed to City shall be an event of default. Notwithstanding the foregoing, prior to declaring a default, City agrees to provide MRSC with a written notice of default, specifying the nature of the default, and what actions are required to be taken by MRSC to cure the default. MRSC shall have three (3) business days thereafter to cure the default, provided MRSC shall have such extended period as may be required beyond the three (3) business days if the nature of the cure is such that it reasonably requires more than three (3) business days and MRSC commences the cure within the three (3) business day period and thereafter continuously and diligently pursues the cure to completion. In such event, City may suspend MRSC's continued use of the Premises until such time as MRSC cures the default. In the event of a non-monetary default and a failure of MRSC to cure as provided above, City may elect to terminate this Agreement as its sole remedy. In the event of a monetary default, in addition to terminating this Agreement, City shall be permitted to initiate legal proceeding to recover any monies owed under this Agreement. In such event, the prevailing party in any litigation or other legal proceedings arising under this Agreement shall be entitled to reimbursement from the non-prevailing party for reasonable attorneys' fees and expenses.

21. **Miscellaneous.**

a. **Entire Agreement.** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, and any contemporaneous or prior negotiations and representations that may have been made or entered into, by and between the parties with respect to the subject matter of this Agreement and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.

b. **Binding Effect.** This Agreement shall be binding upon, and inure to the benefit of, and be enforceable by, the parties and their respective legal representatives, permitted successors and assigns.

c. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

City and MRSC have caused this Agreement to be effective as of the day and year first above written.

City –

By: _____

Name: _____

Title: _____

Date: _____

MRSC –

By: _____

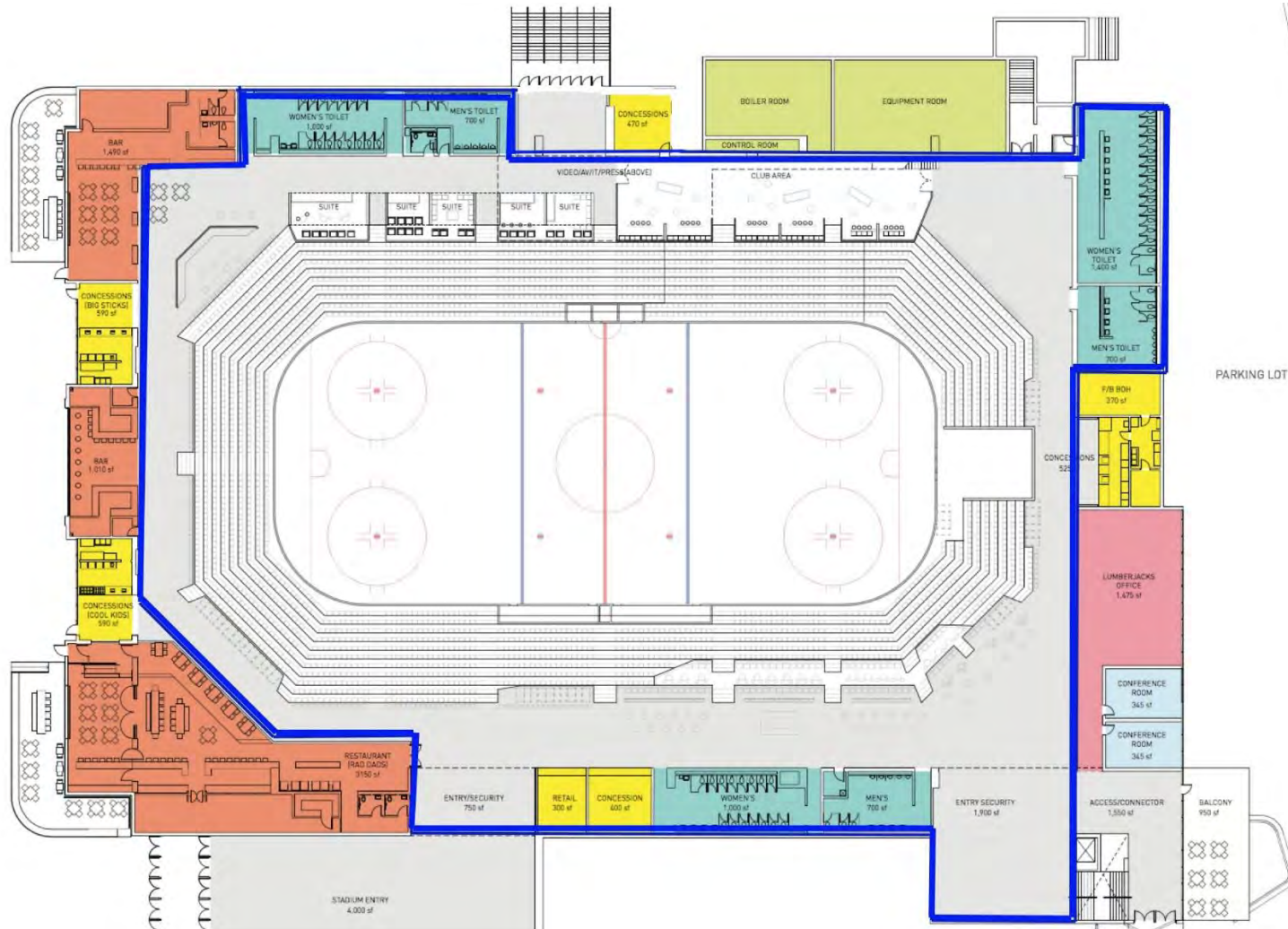
Name: __Matthew Schmitt____

Title: __President/Owner____

Date: _____

Exhibit A:

Premises is defined as all area indicated inside the blue outline.



Also Included in premises but not pictured include the following area on the lower level:

All locker rooms and other space not dedicated to the Muskegon Lumberjacks or the Reeths Puffer organizations.

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Ratification and Confirmation of Commission Actions since April 30, 2020
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: Staff is requesting approval of the attached resolution to ratify and confirm, <i>nunc pro tunc</i> , all of the City Commission's actions, ordinances, and resolutions approved at City Commission meetings held after April 30, 2020, which were conducted remotely via technological means in compliance with the Executive Orders Including, but not limited to, the approval of the Bond Resolutions.	
Detailed Summary:	
Amount Requested:	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: To approve the resolution confirming and ratifying City Commission actions, ordinances, and resolutions approved at City Commission meetings held after April 30, 2020.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only:	

**RESOLUTION RATIFYING AND CONFIRMING PRIOR
CITY COMMISSION APPROVALS**

CITY OF MUSKEGON
County of Muskegon, State of Michigan

Minutes of a meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the “City”), held on the ____ day of _____, 2020 at 5:30 p.m., prevailing Eastern Time.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Member _____ and supported by Member _____.

WHEREAS, the City Commission has previously approved various actions, ordinances and resolutions at City Commission meetings held after April 30, 2020, which were conducted remotely via technological means in compliance with Governor Whitmer’s executive orders related to the COVID-19 pandemic (the “Executive Orders”); and

WHEREAS, in a recent opinion issued by the Michigan Supreme Court on October 2, 2020, in the case of *Midwest Institute of Health, PLLC v Whitmer*, the Supreme Court held that the Governor did not have authority to issue executive orders related to the COVID-19 pandemic under either the Emergency Management Act of 1976 or the Emergency Powers of the Governor Act of 1945 after April 30, 2020; and

WHEREAS, the City Commission desires to ratify and confirm, *nunc pro tunc*, its actions and resolutions approved at City Commission meetings held after April 30, 2020, which were conducted remotely via technological means in compliance with the Executive Orders including, but not limited to, the approval of the Bond Resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Ratification. The City Commission hereby ratifies and confirms, *nunc pro tunc*, all of the City Commission’s actions, ordinances and resolutions approved at City Commission meetings held after April 30, 2020, which were conducted remotely via technological means in compliance with the Executive Orders including, but not limited to, the approval of the Bond Resolution.

RESOLUTION DECLARED ADOPTED.

YEAS: _____

NAYS: _____

ABSTAIN: _____

Ann Marie Meisch
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a meeting held on _____, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Meisch
City Clerk

36662191.1\088888-01672

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/20	Title: Streamlining Brownfield Plan Amendment public hearing process
Submitted By: Pete Wills	Department: Economic Development
Brief Summary: To streamline the process by which the City Commission currently approves a Brownfield Plan Amendment. Permit staff, rather than the City Commission, to <u>set the date</u> of a public hearing to approve a Brownfield Plan Amendment. The change would apply only to the consideration of Brownfield Plan Amendments.	
Detailed Summary: Currently, as a matter of practice, the City Commission adopts a resolution to <u>set the date</u> for a public hearing to consider approval of a Brownfield Plan Amendment. The City Commission then conducts the public hearing at their next regularly scheduled meeting. According to state statute, the Brownfield Redevelopment Financing Act, MCL 125.2664, states "...the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body." It goes on to outline the requirements of certain content to be included in the notice for a public hearing. The statute provides discretion to the governing body when developing the public hearing process. Therefore, shifting the practice of <u>setting the public hearing date</u> for a Brownfield Plan Amendment from the City Commission to staff seeks to create an efficiency in this multi-step adoption process.	
Amount Requested: \$0	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Authorize staff to <u>set the date</u> of public hearing to consider Brownfield Plan Amendments.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

BROWNFIELD REDEVELOPMENT FINANCING ACT (EXCERPT)

Act 381 of 1996

125.2664 Brownfield plan; approval; public hearing; record; notice; public purpose; determination; amendments to plan; validity of procedure, notice, and findings; presumption; abolishment or termination of plan.

Sec. 14. (1) Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body.

(2) Notice of the time and place of the hearing on a brownfield plan shall contain all of the following:

(a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section.

(c) Any other information that the governing body considers appropriate.

(3) At the time set for the hearing on the brownfield plan required under subsection (1), the governing body shall ensure that interested persons have an opportunity to be heard and that written communications with reference to the brownfield plan are received and considered. The governing body shall ensure that a record of the public hearing is made and preserved, including all data presented at the hearing.

(4) Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall notify the taxing jurisdictions of the proposed brownfield plan. At that hearing, an official from a taxing jurisdiction with millage that would be subject to capture under this act has the right to be heard in regard to the adoption of the brownfield plan. Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the department if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities that require the approval of a combined brownfield plan or a work plan by the department under section 13b(6)(c) and the Michigan strategic fund, or its designee, if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to section 13b(4).

(5) Not less than 10 days after notice of the proposed brownfield plan is provided to the taxing jurisdictions, the governing body shall determine whether the plan constitutes a public purpose. If the governing body determines that the plan does not constitute a public purpose, the governing body shall reject the plan. If the governing body determines that the plan constitutes a public purpose, the governing body may then approve or reject the plan, or approve it with modification, by resolution, based on the following considerations:

(a) Whether the plan meets the requirements of sections 13 and 13b.

(b) Whether the proposed method of financing the costs of eligible activities is feasible and the authority has the ability to arrange the financing.

(c) Whether the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of this act.

(d) Whether the amount of captured taxable value estimated to result from adoption of the plan is reasonable.

(6) Except as provided in this subsection, amendments to an approved brownfield plan must be submitted by the authority to the governing body for approval or rejection following the same notice necessary for approval or rejection of the original plan. Notice is not required for revisions in the estimates of captured taxable value or tax increment revenues.

(7) The procedure, adequacy of notice, and findings with respect to purpose and captured taxable value shall be presumptively valid unless contested in a court of competent jurisdiction within 60 days after adoption of the resolution adopting the brownfield plan. An amendment, adopted by resolution, to a conclusive plan shall likewise be conclusive unless contested within 60 days after adoption of the resolution adopting the amendment. If a resolution adopting an amendment to the plan is contested, the original resolution adopting the plan is not therefore open to contest.

(8) A brownfield plan or plan amendment may be abolished or terminated according to this subsection subject to all of the following:

(a) The governing body may abolish a brownfield plan when it finds that the purposes for which the plan was established are accomplished.

(b) The governing body may terminate a brownfield plan or plan amendment for an eligible property if the project for which eligible activities were identified in the brownfield plan or plan amendment fails to occur with respect to the eligible property for at least 2 years following the date of the resolution approving the brownfield plan or plan amendment, provided that the governing body first does both of the following:

(i) Gives 30 days' prior written notice to the developer at its last known address by certified mail or other method that documents proof of delivery attempted.

(ii) Provides the developer an opportunity to be heard at a public meeting.

(c) If a brownfield plan or plan amendment is terminated under subdivision (b), the governing body may approve a new brownfield plan or plan amendment for the eligible property under which tax increment revenues may be captured for up to the period of time provided under section 13(5).

(d) Notwithstanding anything in this subsection to the contrary, a brownfield plan or plan amendment shall not be abolished or terminated until the principal and interest on bonds issued under section 17 and all other obligations to which the tax increment revenues are pledged have been paid or funds sufficient to make the payment have been identified or segregated.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2016, Act 471, Eff. Apr. 5, 2017.

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/20	Title: Addition to the Fee Schedule –Mobile Food Vending Zoning Approval
Submitted By: Mike Franzak	Department: Planning
Brief Summary: To create a fee for the application for a temporary use permit for mobile food vending.	
Detailed Summary: The Commission recently passed an amended Temporary Use ordinance (zoning ordinance) that allows for mobile food vending on private property (whereas the City Code of Ordinances dictates rules for on-street mobile food vendors). The zoning ordinance allows temporary use permits from 1-89 days to be reviewed by staff. Permits for 90 days-1 year require notice to the surrounding properties and possibly a Planning Commission, if anyone from the public requests a public hearing. In addition to the fees (in lieu of taxes) required by the Clerks Office (see attached), the City should also charge a fee for the zoning ordinance review. These fees should cover the cost of the mailing and the public hearing, if necessary. Staff recommends a \$100 fee to cover the mailing and an additional \$400 if a public hearing is requested. The cost of a regular special use permit is \$500. Staff would also like to clarify that temporary permits for 90 days-1 year should only require a mailing/public hearing one time for the same business at the same location. Renewal permits should not require additional notices/hearings.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the application fee for a temporary use permit for mobile food vending.	

Check if the following Departments need to approve the item first:

Police Dept. ☐

Fire Dept. ☐

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

Recently Amended Temporary Use Ordinance

SECTION 2324: TEMPORARY BUILDINGS, STRUCTURES AND USES

- I. Mobile Food Vending: Mobile food vending options permitted by City Ordinance Sec. 50-301 thru 50-304 may be temporarily located in B-2, B-4, LR, WM, I-1, I-2 districts and all Form Based Code context areas except Urban Residential and Lakeside Residential; under the following conditions:

- (1) Food trucks and trailers must be placed at least ten feet away from any principal structure and at least five feet from any lot line. They may be placed on grass, pavement or in the parking lot, but may not impede proper vehicular flow on the site.
- (2) Trash receptacles must be located on site.
- (3) Permits for mobile food vending between 1 and 89 days will be reviewed administratively.
- (4) Permits for mobile food vending between 90 days and one year will require the notification of all properties within 300 feet. If no concerns are received within 15 days, the permit application will be reviewed administratively. If there are concerns, a public hearing at the Planning Commission will be required. Administrative and Planning Commission reviews must use the following review standards:
 - i. Will the use contribute to the vitality and experience of the business district?
 - ii. Will the use support or detract from existing brick and mortar establishments?
 - iii. Is there an appropriate separation distance between temporary and permanent uses so as to not impair the long-term viability of nearby businesses?
 - iv. Will the use add variety to the types of food or beverage offerings in the district or compete with area businesses in close proximity?
 - v. Will the proposed mobile food vendor contribute to the general aesthetic of the business district and include high quality materials and finishes?

Current Annual Application Fees From the Clerks Office

Mobile Food Vending Permit	300	Annual	<i>Approved By Commission In 2014</i>
Mobile Food Vending Permit (Brick & Mortar Restaurant In City)	150	Annual	<i>Approved By Commission In 2014</i>
Mobile Food Vending Permit (Brick & Mortar Restaurant In Dda District)	50	Annual	<i>Approved By Commission In 2014</i>

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Filtration Plant Transit Van
Submitted By: Joe Buckingham	Department: DPW/Equipment
Brief Summary: The Equipment Division is requesting permission to purchase one (1) Cargo Utility Van from Gorno Ford the Mi-Deal State contract holder. The purchase price of this vehicle is \$37,300.00	
Detailed Summary: The City of Muskegon Filtration Plant is requesting this Utility Van to assist them with more space to accommodate off site maintenance activities at booster stations and water tower sites. This will replace a smaller truck that will be handed back to the Equipment Division for placement elsewhere. This purchase was included in the 20/21 Capital Budget. The small difference between requested amount and budgeted amount will be adjusted in the reforecast.	
Amount Requested: \$37,300.00	Amount Budgeted: \$35,000.00
Fund(s) or Account(s): 661-60932-5720	Fund(s) or Account(s): 661-60932-5720
Recommended Motion: Authorize staff to purchase one (1) Cargo Utility Van in the amount of \$37,300.00 from Gorno Ford.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	





Agenda Item Review Form

Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: High Service Pump Rebuilt
Submitted By: Sanjeev Mungarwadi	Department: Public Works - Filtration
Brief Summary: Staff is requesting authorization to contract with Wylie Electric Motor Service for the rebuilding one of the high service pumps at the filtration plant.	
Detailed Summary: Staff solicited bids from three firms as follows for rebuilding one of the high service pumps at the filtration plant: • Wylie Electric Motor Service - \$9,957.00 • HECO - \$22,853.50 • Jones Electric Company - \$11,313.00 Staff is recommending award to the low bidder with the funds to be drawn from the Water Filtration Plant – WMRWA Eligible line item in the 20/21 budget.	
Amount Requested: \$9,957.00	Amount Budgeted: \$500,000.00
Fund(s) or Account(s): 591	Fund(s) or Account(s): 591
Recommended Motion: Authorize staff to contract with Wylie Electric Motor Service in the amount of \$9,957.00 for rebuilding one high service pump at the filtration plant.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

WYLIE ELECTRIC MOTOR SERVICE INC
331 CARMEN DRIVE PO BOX 127
FERRYSBURG, MI 49409

Voice: 616-846-6131
Fax: 616-846-0109

QUOTATION

Ref Quote Number: 1675

Quote Date: Aug 13, 2020

Page: 1

Attn: _____

Fax: _____

Number of Pages: _____

Quoted To:

CITY OF MUSKEGON
1350 KEATING AVENUE
MUSKEGON, MI 49442

Customer ID	Good Thru	Payment Terms	Sales Rep
MUSKEGON CITY	9/12/20	Net 30 Days	

Quantity	Item	Description	Unit Price	Amount
1.00		RECONDITION US ELECTRIC 300HP 1180RPM 5009P FR.2300V 3PH VERTICAL HOLLOW SHAFT MOTOR ID#C523847-582 85-18722 WORK SCOPE: REMOVE FROM PERE MARQUET LOCATION DISASSEMBLE TEST ALL COMPONENTS CLEAN PARTS DIP & BAKE STATOR WINDINGS BALANCE ROTATING ASSEMBLY INSTALL NEW BEARINGS ASSEMBLE TEST PAINT DELIVER AND REINSTALL *****	9,957.00	9,957.00
1.00		RECONDITION GE 250HP 1190RPM 449TP24 FR. 460V 3PH M/N 5KS449ST7031 WORK SCOPE: REMOVE FROM QUARTERLINE LOCATION DIASSEMBLE TEST ALL COMPONENTS CLEAN PARTS DIP & BAKE STATOR WINDINGS BALANCE ROTATING ASSEMBLY INSTALL NEW BEARINGS ASSEMBLE TEST PAINT DELIVER AND REINSTALL	6,424.00	6,424.00

Not applicable; quote for work on
Muskegon County - Eastside Water
System pump. We solicited bids
jointly with county for this work.

THIS QUOTE GOOD FOR 30 DAYS.

Pricing does not include freight

QUOTED BY DAVID D'AVIGNON

JOB QUOTE



HECO INC
3509 SOUTH BURDICK STREET
KALAMAZOO, MI 49001-4835
UNITED STATES
(269)-381-7200

QUOTE NO 00018110
QUOTE DATE 9/14/2020
PAGE 1

S 006000
O COD CUSTOMER - NON TAXABLE
L PLEASE GET APPROVAL
D BEFORE SHIPPING AND GET
KALAMAZOO, MI 49001
T
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S CITY OF MUSKEGON
H MAIN CITY OF MUSKEGON BUILDING
I MUSKEGON, MI
P
T
O

CUSTOMER PO #	PO RELEASE #	MISC NUMBER
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NAMEPLATE DATA

HP:300; SYNC. RPM:1200; VOLTAGE:2300; FRAME:5009P; MFG:US; AMPS:75; TYPE/CAT #:HU; DESIGN:B; INS. CLASS:B; CODE:G; SF:1.15;
ACT. RPM:1180

SPECIAL INSTRUCTIONS

FINISH WATER TURBINE UNIT#4

LABOR CODE / ITEM ID	DESCRIPTION	UNIT	QTY	UNIT PRICE	EXTENSION
----------------------	-------------	------	-----	------------	-----------

PICK UP REPAIR JOB
DISMANTLE FOR COMPLETE RECONDITION
CLEAN AND RECONDITION STATOR
CLEAN AND RECONDITION ROTOR
CLEAN AND PAINT ALL MAJOR PARTS
LABOR & MATERIALS TO DIP STATOR
CLEAN/GRIND VARNISH/VPI OFF STATOR
BORE & SLEEVE INSULATED HOUSING
DYNAMIC BALANCE ROTOR ASSEMBLY
INSTALL NEW BEARINGS
FINAL ELECTRICAL TEST
ASSEMBLE ALL PARTS
FINAL TEST RUN MOTOR AT FULL RATED VOLTS
PERFORM VIBRATION SPECTRUM ANALYSIS
PREPARE, MASK, AND PAINT MOTOR
FINAL GREEN TAGGING
DELIVERY REPAIR JOB

(2) 7226 BEARINGS

6219 BEARING

PAINT, HARDWARE, TAGS

INSULATED SLEEVE

EASA CERTIFIED REPAIR & EFFICIENCY

ENVIRONMENTAL WASTE HANDLING FEE

Total Estimate 7,861.00

TOTAL 7,861.00

JOB QUOTE



HECO INC
3509 SOUTH BURDICK STREET
KALAMAZOO, MI 49001-4835
UNITED STATES
(269)-381-7200

QUOTE NO 00018110
QUOTE DATE 9/14/2020
PAGE 2

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CUSTOMER PO #

PO RELEASE #

MISC NUMBER

Quotation

Valid for 30 calendar days from the above date

Estimate does not include Sales Tax if applicable.

Estimate does not include Freight if applicable.

Quotations and Orders are per our Standard Terms and Conditions;

Copy Available Upon Request.

Received _____
By:

Date: _____

JOB QUOTE



HECO INC
3509 SOUTH BURDICK STREET
KALAMAZOO, MI 49001-4835
UNITED STATES
(269)-381-7200

QUOTE NO 00018112
QUOTE DATE 9/14/2020
PAGE 1

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CUSTOMER PO #

PO RELEASE #

MISC NUMBER

NAMEPLATE DATA

DES:RIGGING SERVICES FOR; MISC:(1) UNIT AT MUSKEGON CITY STN; MISC02:(1) UNIT AT MUSKEGON COUNTY STN

SPECIAL INSTRUCTIONS

No special instructions

LABOR CODE / ITEM ID DESCRIPTION

LABOR, MATERIAL AND EQUIPMENT TO COMPLETE THE FOLLOWING:
MOBILIZE

ELECTRICALLY DISCONNECT BOTH UNITS
REMOVE BOTH UNITS FROM SERVICE (SAME DAY)
TRANSPORT
RETURN, INSTALL AND ALIGN 300HP UNIT (DAY 1)
ELECTRICALLY CONNECT 300HP UNIT (DAY 1)
RETURN INSTALL & ALIGN 250HP UNIT (DAY 2)
ELECTRICALLY CONNECT 250 UNIT (DAY 2)
DEMOBILIZE
PER DIEM/MILEAGE

Total Estimate	29,985.00
TOTAL	29,985.00

This would be split with county as this portion of the quote is for the labor on both pumps. We combined the previous page with 1/2 this amount for the net bid from HECO related to work for the City of Muskegon

Quotation

Valid for 30 calendar days from the above date
Estimate does not include Sales Tax if applicable.
Estimate does not include Freight if applicable.
Quotations and Orders are per our Standard Terms and Conditions;
Copy Available Upon Request.

NET HECO Bid = \$7,861.00 + (0.5 x \$29,985.00) = \$22,853.50

Received _____
By:

Date: _____



Complete Electric Motor Sales and Service.

Partners In Service
with Hall Electric

1965 Sanford Street • Muskegon, MI 49441 • 231-726-5001 • Fax: 231-722-4761 • EMAIL: hjec@halljones.com

August 25, 2020

Josh
City of Muskegon Water Filtration

RE: 300 HP US Repair

We are pleased to submit the following quote for repair of US Electric 300 HP 1180 RPM 5009P Frame 2300Volts. Price is based on information known at this time.

Quote amount: \$11,313.00

Breakdown as follows:

Remove from Lakefront water plant station:

Labor to remove \$1,110.00

Rebuild motor:

Disassemble, Clean, Test, Reinsulate as needed, \$8,703.00
Balance rotor, Replace bearings, Replace oil,
Assemble, Test, Paint, Pick up and delivery

Labor to reinstall motor: \$1,110.00

Authorized pump service man to reset pump heights \$ 390.00
for efficiency:

Machining of housing and or shafts to be quoted at time of disassembly.

Should you have any questions, please do not hesitate to contact me.

Mike Passage
Supervisor

MP/vc

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Musketawa Trail Connector Resolution
Submitted By: Leo Evans	Department: Public Works
Brief Summary: MDOT requires a resolution of support prior to obligation of funding for the 2021 project to finalize the connection between the Laketon Trail and the Musketawa Trail in the City of Muskegon.	
Detailed Summary: The City of Muskegon has received grants from both the MDNR and MDOT to facilitation completion of this project. The obligation of the MDOT funds requires submittal of a resolution of support and commitment to provide future maintenance for the trail. The total project estimate is \$780,478.50 with Federal TAP funding of \$400,586.00 and MDNR Recreational Trail Program funding of \$315,000. The local match to the construction contract will be subject to the bid results but is estimated in the range of \$65,000 at this time. The project design is completed and staff is working to finalize the last of the easements required to submit the project for bidding. We expect to have the project out for bids, through MDOT, in February of 2021 with construction to take place in the Spring/Summer of 2021. There will be a formal agreement brought to the Commission for consideration after the project is bid per standard practice on MDOT administered projects.	
Amount Requested: \$0	Amount Budgeted: \$0
Fund(s) or Account(s): 202-99118	Fund(s) or Account(s): 202-99118
Recommended Motion: Approve the attached resolution and authorize the Clerk to sign.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐	

For City Clerk Use Only:

Commission Action:

CITY OF MUSKEGON

Resolution No. _____

**Resolution of Support for the
Musketawa Trail Connector
Transportation Alternative Project**

WHEREAS;

The Federal Highway Administration Moving Ahead for Progress in the 21st Century (MAP-21) Act of 2012 allows States to distribute funds for Transportation Alternative Projects (TAP); and

The City of Muskegon is committed to enhancing the City street system and work with other local agencies, state agencies, and non-profit organizations to provide additional pedestrian non-motorized facilities; and

The provision of non-motorized facilities for pedestrians are eligible Transportation Alternative Program activities; and

The Michigan Department of Transportation (MDOT) has conditionally committed 2021 TAP funds for the Musketawa Trail Connector project.

THEREFORE BE IT RESOLVED;

The City Commission for the City of Muskegon requests the Michigan Department of Transportation to proceed with obligation of Transportation Alternative Funds for the Musketawa Trail Connector project as follows:

Total Estimated Cost - \$780,478.50

Federal Funds - \$400,586.00

Local Funds - \$379,892.50*

* - Includes \$315,000 from MDNR Recreational Trail Program

The City of Muskegon will provide local match funds, and will be responsible for the long term maintenance of the non-motorized trail after construction is complete.

The City of Muskegon designates the DPW Director as the Project Engineer, who shall approve all construction documents, attend the Grade Inspection meeting, pre-construction meeting, and final project review. In addition, the DPW Director shall be available for meetings with the Michigan Department of Transportation and shall assure that the Project Record Files are maintained.

This resolution adopted.

Ayes_____

Nays_____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **October 13, 2020**

The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Beach St. Utility Special Assessment
Submitted By: Leo Evans	Department: Public Works
Brief Summary: To set the date for a public hearing on the proposed special assessment for Beach Street from Wilcox Avenue to Ohio Avenue at the November 24th, 2020 City Commission meeting.	
Detailed Summary: Staff has been petitioned by property owners along Beach Street to have the aerial communication utilities (Frontier Communications and Comcast Cable) buried within the above referenced limits. Staff has reviewed the request and additional documentation/detail is attached along with a preliminary staff summary. Staff is requesting permission to set the 1st Public Hearing for the creation of the Special Assessment District for November 24th, 2020. Upon approval of the Public Hearing date staff will mail notices to all impacted properties via the attached notice and solicit formal responses from all impacted parties via mailers. Staff will present all the attached documents at the public hearing along with the results of the survey card for consideration in establishing the district. It is staff position that the property owners are the sole beneficiaries of this assessment and as such would bear 100% of the assessment cost should this assessment be approved.	
Amount Requested: \$0	Amount Budgeted: \$0
Fund(s) or Account(s): N/A	Fund(s) or Account(s): N/A
Recommended Motion: Approve the resolution setting the 1st Public Hearing Date for the purpose of establishing the special assessment district for Beach Street Aerial Utility Burials for November 24th, 2020 and authorize staff to send the notices and survey cards to the impacted property owners.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐	

IT Dept. ☐

For City Clerk Use Only:

Commission Action:

CITY OF MUSKEGON

Resolution No. _____

Resolution To Set Hearing For
Proposed Special Assessment District

RECITALS:

1. The City Commission has received recommendations from the staff for a special assessment to satisfy the cost to bury aerial communication utilities (Frontier Communications and Comcast Cable) along Beach Street.
2. That the City Commission has examined the estimate of costs, valuation and benefit information and has determined that the project is feasible.

THEREFORE, BE IT RESOLVED, that the first hearing on the said special assessment shall be held on Tuesday, November 24, 2020, at 5:30 p.m. at City Commission Chambers.

Notice shall be given by mail and by publication to the persons owning property proposed to be assessed in the said proposed district, as required by law.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____

Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on October 13, 2020. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public acts of 1976.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

CITY OF MUSKEGON

Resolution No. _____

Resolution At First Hearing Creating Special Assessment District
For **Beach Street from Wilcox Avenue to Ohio Avenue**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **November 24, 2020** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **November 24, 2020**, there were _____% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners _____ and _____ and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that **100%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **November 24, 2020**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

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

Assessor/
Equalization Co.
(231)724-6386
FAX (231)724-1129

Cemetery/Forestry
(231)724-6783
FAX (231)724-4188

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

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

Comm. & Neigh.
Services
(231)724-6717
FAX (231)726-2501

Computer Info.
Technology
(231)724-4126
FAX (231)722-4301

Engineering
(231)724-6707
FAX (231)727-6904

Finance
(231)724-6713
FAX (231)726-2325

Fire Department
(231)724-6795
FAX (231)724-6985

Human Resources
Co. (Civil Service)
(231)724-6442
FAX (231)724-6840

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

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

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

Police Department
(231)724-6750
FAX (231)722-5140

Public Works
(231)724-4100
FAX (231)722-4188

SafeBuilt
(Inspections)
(231)724-6715
FAX (231)728-4371

Treasurer
(231)724-6720
FAX (231)724-6768

Water Billing
(231)724-6718
FAX (231)724-6768

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



October 14, 2020

Notice of Public Hearing for the Creation of a Special Assessment District

As petitioned by the impacted residents and in an effort towards neighborhood improvement, the Muskegon City Commission is proposing that a special assessment district be created for the following project:

Beach Street Aerial Utility Burial

The specific locations of the special assessment district and the properties proposed to be assessed are:

All parcels abutting Beach Street from Wilcox Avenue north to Ohio Avenue

The City Commission proposes that the property owners by means of special assessments will share the cost of the improvement. You may examine preliminary plans and cost estimates at the City Department of Public Works during regular business hours - between 8:00 A.M. and 4:30 P.M. on weekdays, except holidays.

Take notice that a public hearing for this proposed assessment will be held by the City of Muskegon Commission on November 24, 2020 at 5:30 PM. The meeting will be held at the City Commission Chambers or remotely as circumstances allow.

Please complete the enclosed survey card and return via the enclosed envelope to Leo Evans at the Department of Public Works. The results of the survey cards received on or before November 24, 2020 will be presented at the public hearing. Alternatively you may attend the meeting in person in lieu of returning the survey card.

Further, please understand that you have a right to protest your assessment either in writing or in person at the hearing. If the special assessment roll is confirmed (at a later hearing) you will have thirty (30) days from the date of the roll's confirmation to file a written appeal with the Michigan State Tax Tribunal. However, unless you protest at this hearing or at the hearing confirming the roll, either in person, by your agent or representative, or in writing before or at the hearing, your right to appeal to the Michigan Tax Tribunal will be lost.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

If you have any further questions feel free to contact me at the phone / email listed below.

Sincerely,

Leo Evans
DPW Director
231-724-6920
Leo.Evans@shorelinecity.com

Enclosures

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
SPECIAL ASSESSMENT DISTRICTS

IN AN EFFORT TOWARDS NEIGHBORHOOD IMPROVEMENT, the Muskegon City Commission is proposing that a special assessment district be created for the following project:

BEACH STREET AERIAL UTILITY BURIAL

The specific locations of the special assessment districts and the properties proposed to be assessed are:

All parcels abutting Beach Street from Wilcox Avenue north to Ohio Avenue

The City Commission proposes that the property owners by means of special assessments will share the cost of the improvement. You may examine preliminary plans and cost estimates at the City Department of Public Works during regular business hours - between 8:00 A.M. and 4:30 P.M. on weekdays, except holidays.

Take notice that a public hearing for this proposed assessment will be held by the City of Muskegon Commission on **November 24, 2020 at 5:30 PM**. The meeting will be held at the City Commission Chambers or remotely as circumstances allow.

PLEASE UNDERSTAND THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED (AT A LATER HEARING) YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE ROLL'S CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR AT THE HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY YOUR AGENT OR REPRESENTATIVE, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **November 14, 2004**

Ann Marie Meisch, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Ann Marie Meisch, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

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

Assessor/
Equalization Co.
(231)724-6386
FAX (231)724-1129

Cemetery/Forestry
(231)724-6783
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FAX (231)724-6768

Water Filtration
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FAX (231)755-5290



October 1, 2020

RE: Special Assessment Report – Beach Street Utility Relocation

Mayor / Commissioners / City Manager Peterson;

Please find below and enclosed a summary of a citizen initiated petition to have the aerial utility lines along Beach Street from Wilcox Avenue north to Ohio Avenue buried within the Beach Street right-of-way.

A citizen led petition was presented to the Engineering Department requesting to have the aerial communication lines along Beach Street from Wilcox Avenue north to Ohio Avenue buried to improve aesthetics and sight lines of the beach from the properties abutting Beach Street on the easterly side within the above limits. A map of the impacted area is included as Attachment A.

The preliminary citizen report indicated that an estimated >50% of the front footage was in support of this project based on preliminary estimates of costs and front footage. A spreadsheet showing the preliminary responses from the residents is included as Attachment B.

After hearing of the positive response from the impacted parcels engineering made contact with the impacted utilities and requested a formal quote to complete this work. The results of those requests are included as Attachment C1 and Attachment C2 and shows that the estimated cost for the completion of the construction for this work is \$134,678.51. In addition to the construction costs there are anticipated mailing and publication costs of \$4,000 associated with this special assessment. Leading to an estimated total cost of \$138,678.51. A summary of the anticipated cost per parcel based on front footage and assumed at 100% coverage is included as Attachment D based on a 10-year repayment period.

County Assessor office is aware of the project and has concurred that an assessment based on front footage is appropriate for this situation. In addition the Assessor has concluded that the benefits to the property exceed the estimated cost.

At this time staff is recommending that the Commission establish a date for the first public hearing to consider establishment of a special assessment district for this project work.

Leo Evans
City of Muskegon
Public Works Director

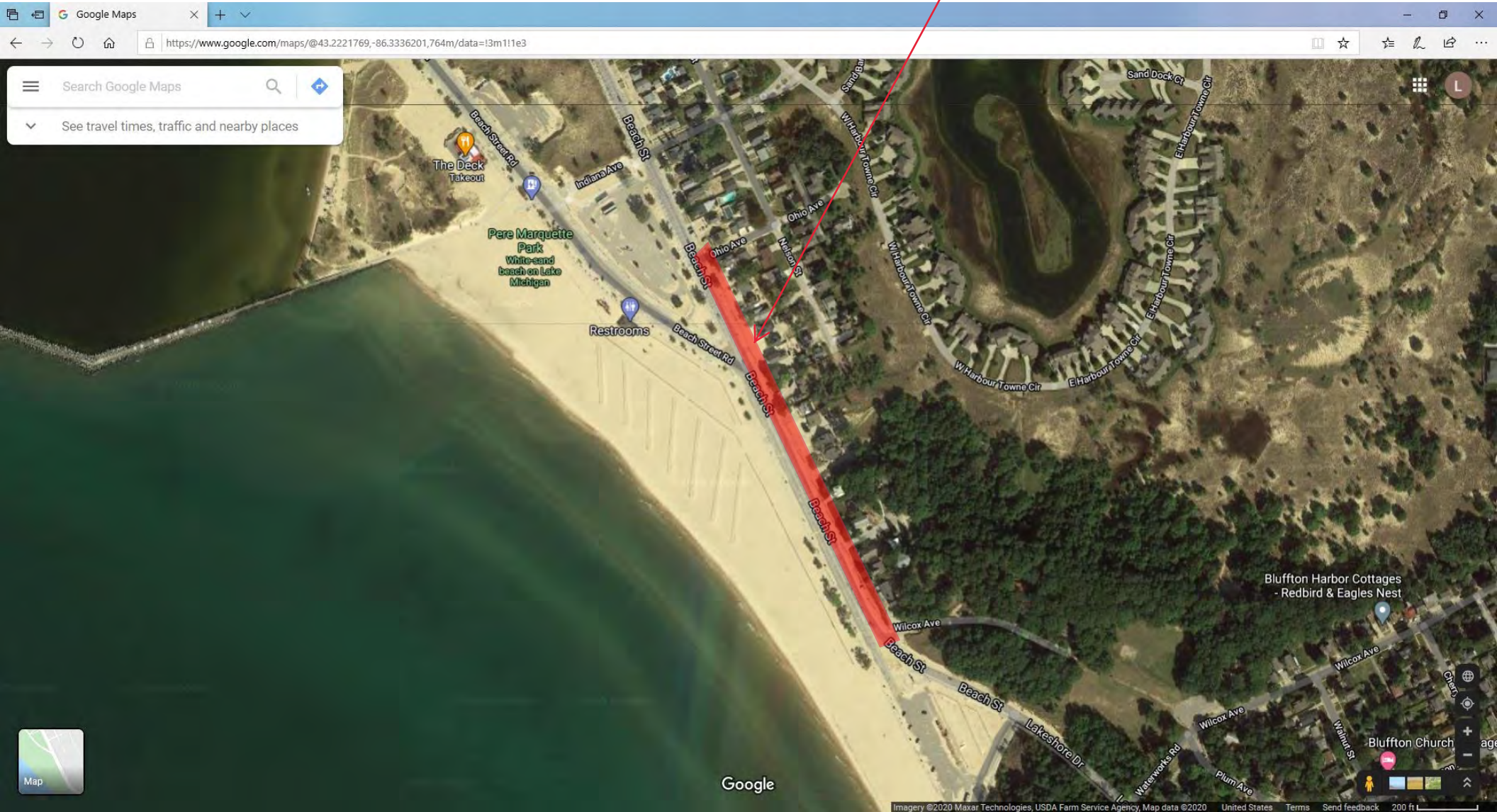
Attachments A, B, C1, C2, D
CC – J. Schrier, S. Petersen, K. Grant

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
<http://www.shorelinecity.com>

ATTACHMENT A

Area Map

Aerial utility relocation area
Beach Street;
Wilcox north to Ohio



ATTACHMENT B
Preliminary Responses

Beach St. Wilcox to Ohio Utility Relocation					
Information from Muskegon County GIS (Approximate Measurements)					
L. Evans (2020-07-09)					
Beach St (Wilcox to Simpson Ave.)					
Parcel #	Owner	Address	Frontage (FT)	% Share	Consenting
61-24-200-760-0010-00	ROSSO MARSHA J	1636 BEACH ST	47.858	3.78%	trying to get a hold of
61-24-200-760-0009-00	EATON KEVIN G	1646 BEACH ST	50.051	3.95%	trying to get a hold of
61-24-200-760-0008-00	SQUIRE DOREEN M TRUST	1650 BEACH ST	49.08	3.87%	trying to get a hold of
61-24-200-760-0007-00	ANDERSON TRUST	1656 BEACH ST	50.171	3.96%	trying to get a hold of
61-24-200-760-0006-00	DIAL STELLA	1662 BEACH ST	51.244	4.04%	trying to get a hold of
61-24-200-760-0005-00	FELSKE JON A/KERSTIN M	1668 BEACH ST	50.168	3.96%	yes
61-24-200-760-0004-00	1682 BEACH STREET LLC	1682 BEACH ST	50.09	3.95%	yes
61-24-200-760-0003-00	LEWIS JEFFREY/JULIE	1686 BEACH ST	49.897	3.94%	yes
61-24-200-760-0002-00	NESSERROAD SAM	1692 BEACH ST	49.916	3.94%	depends on cost
61-24-200-760-0001-00	JOHNSON TIMOTHY W	1704 BEACH ST	96.836	7.64%	trying to get a hold of
61-24-505-002-0001-00	NEHRA GERALD P/JENSEN PEGGY TRUST	1710 BEACH ST	54.715	4.32%	yes
61-24-505-002-0002-00	BAKER JOHN C/LEAH C	1718 BEACH ST	53.212	4.20%	yes
61-24-505-002-0003-00	STOHR JANET	1730 BEACH ST	63.68	5.02%	trying to get a hold of
61-24-505-002-0004-00	KABER RHONDA	1736 BEACH ST	61.53	4.86%	yes
61-24-505-002-0005-00	POPPEN BEACH HOUSE LLC	1746 BEACH ST	57.49	4.54%	trying to get a hold of
61-24-505-002-0006-00	STONE JIM/DORIS K TRUST	1752 BEACH ST	59.46	4.69%	yes
61-24-505-002-0007-00	MCINTYRE EMILY	1762 BEACH ST	67.9	5.36%	yes
61-24-505-002-0008-00	MCINTYRE WILLIAM P/ELAINE E	1770 BEACH ST	57.02	4.50%	trying to get a hold of
61-24-505-001-0004-00	MOLITOR MARK/KYM	1786 BEACH ST	69.29	5.47%	yes
61-24-505-001-0005-10	THOMAS BERNADETTE M	1790 BEACH ST	66.706	5.26%	yes
61-24-505-001-0006-00	GRIFO FORD A	1796 BEACH ST	111.037	8.76%	yes
Preliminary Consenting Front Footage				54.76%	

ATTACHMENT C1

Frontier
Communications
Cost Estimate



FRONTIER ENGINEERING
860 Terrace St.
Muskegon, MI 49440

September 11, 2020

City of Muskegon
Attn: Leo Evans
Muskegon, MI. 49441

Dear Mr. Evans,

Re: Relocating Frontier Communications cable from aerial to buried – Est: 35314.

This is in response to your request for Frontier Communications to perform the following work: To relocate the existing overhead aerial cable to buried cable on Beech St from Wilcox to Ohio.

We have estimated the cost of this work effort will be \$75,000.00. This signed agreement, along with the full advance payment, must be returned before this work will be scheduled.

If you agree to these terms, please sign on page 2 and forward this signed letter of agreement and check for \$75,000.00 made payable to Frontier Communications to the attention of Neil Orlowski at the address listed below. In addition please email a copy of signed letter to me at david.b.flermoen@ftr.com.

Frontier Communications
Attn: Neil Orlowski
14450 Burnhaven Drive
Burnsville, MN. 55306

If you are signing for a company or other entity, then by signing below, you warrant that you are authorized to bind the company or entity to the terms of this letter agreement. Upon receipt of your signed agreement and advance payment, your work order will be released to our Construction Department for scheduling.

Frontier shall not be responsible to the extent its performance is delayed or prevented due to causes beyond its control, including but not limited to acts of God or the public enemy, terrorism, civil commotion, embargo, acts of government, any law order, ordinance, regulation, or requirement of any government, fires, explosions, weather, quarantine, strikes, labor disputes, lockouts, and other causes beyond the reasonable control of Frontier Communications.

Please be advised that the price estimate quoted above is only valid for sixty (60) days from the date of this letter. If this work request is cancelled after you have signed the agreement, you will be billed for any engineering and construction cost incurred after the date of signature that may include the cost to place and/or remove facilities.

If this signed agreement and the advance payment is not received within this sixty (60) day period, we will assume you do not want the work to be undertaken and the project will be cancelled.

Should you have any questions or concerns regarding these terms, please contact me at 231-727-1134.

Sincerely,

Dave Flermoen

Dave Flermoen
Specialist – OSP Engineer
Frontier Communications
860 Terrace St.
Muskegon, MI 49440
231-727-1319 (o)
231-327-0539 (c)

Robin Williams

Robin Williams
Manager, Network Operations
Frontier Communications
3249 Forest Rd
Gaylord, MI 49735
989-732-8503 (o)
517-230-1226 (c)

I agree to the terms of this agreement:

Accepted (Signature): _____

Name & Title (Print): _____

Company: _____

Billing Address: _____

Telephone #: _____

Date: _____



ATTACHMENT C2

Comcast Cable
Communications
Cost Estimate

9/22/20

SENT VIA SECOND DAY MAIL

Leo Evans
1746 Beach St Muskegon, MI 49441

RE: Removal and/or Relocation of Comcast Facilities – Request #JB0000434858

You have requested that Comcast undertake to remove and/or relocate its facilities located at or near 1746 Beach St Muskegon, MI 49441. In order for Comcast to begin work on such removal and/or relocation, it is necessary that the enclosed *Comcast Line Removal and/or Relocation Agreement* ("Agreement") be completed and returned to my attention at the following address:

25626 Telegraph Rd Southfield, MI 48033

If there are multiple owners of the property, each owner must sign the Agreement. If any owner is married, that person's spouse must sign, as well. I have enclosed extra copies of the Agreement for your records. Upon our receipt of the fully executed Agreement and payment in the amount of \$ 59678.51, as specified in the Agreement, we will commence the requested removal and/or relocation. Please understand that this amount represents an estimate to complete the work and may increase if additional work is needed or additional expenses incurred by Comcast in completion of the work.

Very truly yours,

Jason Brown
Construction Coordinator 2
3500 Patterson Ave SE
Grand Rapids MI, 49512
Email: Jason_Brown6@cable.comcast.com
Desk: (734) 359 1942
Cell: (231) 726 0862

COMCAST LINE REMOVAL AND/OR RELOCATION AGREEMENT

This Removal and/or Relocation Agreement ("Agreement") is entered into by and between 1746 BEACH ST MUSKEGON MI 49441, with an address of 1746 BEACH ST MUSKEGON MI 49441 ("Owner"), and Comcast ("Comcast") (Comcast and the Owner are sometimes together referred to herein as the "Parties").

WHEREAS, Owner has requested that Comcast relocate its cable facilities located at Owner's property in the City/Township of Muskegon Township, Muskegon County, Michigan (the "Property"), more particularly described as:

Commonly known as: 1746 BEACH ST MUSKEGON MI 49441

Tax Parcel No.: 23-2175755

NOW, THEREFORE, the Parties agree as follows:

1. **Payment.** Owner, as consideration for the above-referenced removal/relocation, shall pay to Comcast, a fee of \$ 59678.51 to cover the costs and expenses incurred by Comcast. The fee must be made by cashier's or certified bank check payable to "**Comcast**" and delivered to Comcast together with this signed Agreement **prior to** commencement of the above-referenced removal and/or relocation. Any part of the fee remaining after the completion of the removal and/or relocation of Comcast's, will be refunded by Comcast to Owner. In the event the fee is insufficient to cover the cost of the removal and/or relocation, Owner shall pay to Comcast the outstanding amount due within seven (7) days of the receipt of a written invoice from Comcast. If Owner does not pay within seven (7) days, Comcast may file a lien against the Property in addition to seeking all other remedies available to it at law or in equity.
2. **Representations and Warranties.** In making and executing this Agreement, Owner represents and warrants as follows:
 - a. Owner is the fee simple owner of the property free and clear of all liens and encumbrances other than building and use restrictions of record, has full power and authority to execute and deliver this Agreement to Comcast and agrees to be fully bound by its terms.
 - b. Owner has had an opportunity to consult legal counsel of Owner's choice concerning its/his/her respective rights and concerning the advisability of executing this Agreement.
3. **Enforcement of this Agreement.** If Comcast must enforce this Agreement through litigation, collection, or the filing of a lien, Comcast shall be entitled to collect all costs and fees incurred in connection with prosecuting such action, including actual attorney's fees and court costs, including any costs or fees incurred in connection with enforcing, modifying, vacating, and/or collecting any lien, order or judgement any fees and costs incurred in connection with any appeal and/or post-judgement collection activity.

4. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties. There are no other agreements, written or oral, expressed or implied, between the Parties except as set forth herein.
5. **Construction.** This Agreement shall be construed according to Michigan law. If any term, provision, or condition contained in this Agreement shall, to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision, or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby and each term, provision, or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

ACCEPTED AND AGREED THIS _____ DAY OF _____, 20____.

"Owner"

Date: _____

"Comcast"

Comcast _____

By: Jason Brown

Its: _____

Date: 9/22/20

Jason Brown

Construction Coordinator 2

3500 Patterson Ave SE

Grand Rapids MI, 49512

Email: Jason_Brown6@cable.comcast.com

Desk: (734) 359 1942

Cell: (231) 726 0862

ATTACHMENT D

Estimated Cost Per Parcel

Beach St. Wilcox to Ohio Utility Relocation

Information from Muskegon County GIS (Approximate Measurements)
L. Evans (2020-09-22)

\$138,678.51 Project Total (Estimated)
\$14,561.24 Annualized (10 Years @ 5% INT)

Beach St (Wilcox to Ohio)

Parcel #	Owner	Address	Frontage (FT)	% Share	Annual Cost	Consenting
61-24-200-760-0010-00	ROSSO MARSHA J	1636 BEACH ST	47.858	3.78%	\$549.87	
61-24-200-760-0009-00	EATON KEVIN G	1646 BEACH ST	50.051	3.95%	\$575.06	
61-24-200-760-0008-00	SQUIRE DOREEN M TRUST	1650 BEACH ST	49.08	3.87%	\$563.91	
61-24-200-760-0007-00	ANDERSON TRUST	1656 BEACH ST	50.171	3.96%	\$576.44	
61-24-200-760-0006-00	DIAL STELLA	1662 BEACH ST	51.244	4.04%	\$588.77	
61-24-200-760-0005-00	FELSKE JON A/KERSTIN M	1668 BEACH ST	50.168	3.96%	\$576.41	
61-24-200-760-0004-00	1682 BEACH STREET LLC	1682 BEACH ST	50.09	3.95%	\$575.51	
61-24-200-760-0003-00	LEWIS JEFFREY/JULIE	1686 BEACH ST	49.897	3.94%	\$573.29	
61-24-200-760-0002-00	NESSERROAD SAM	1692 BEACH ST	49.916	3.94%	\$573.51	
61-24-200-760-0001-00	JOHNSON TIMOTHY W	1704 BEACH ST	96.836	7.64%	\$1,112.60	
61-24-505-002-0001-00	NEHRA GERALD P/JENSEN PEGGY TRUST	1710 BEACH ST	54.715	4.32%	\$628.65	
61-24-505-002-0002-00	BAKER JOHN C/LEAH C	1718 BEACH ST	53.212	4.20%	\$611.38	
61-24-505-002-0003-00	STOHR JANET	1730 BEACH ST	63.68	5.02%	\$731.65	
61-24-505-002-0004-00	KABER RHONDA	1736 BEACH ST	61.53	4.86%	\$706.95	
61-24-505-002-0005-00	POPPEN BEACH HOUSE LLC	1746 BEACH ST	57.49	4.54%	\$660.53	
61-24-505-002-0006-00	STONE JIM/DORIS K TRUST	1752 BEACH ST	59.46	4.69%	\$683.17	
61-24-505-002-0007-00	MCINTYRE EMILY	1762 BEACH ST	67.9	5.36%	\$780.14	
61-24-505-002-0008-00	MCINTYRE WILLIAM P/ELAINE E	1770 BEACH ST	57.02	4.50%	\$655.13	
61-24-505-001-0004-00	MOLITOR MARK/KYM	1786 BEACH ST	69.29	5.47%	\$796.11	
61-24-505-001-0005-10	THOMAS BERNADETTE M	1790 BEACH ST	66.706	5.26%	\$766.42	
61-24-505-001-0006-00	GRIFO FORD A	1796 BEACH ST	111.037	8.76%	\$1,275.76	
Total					\$14,561.24	

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: Traffic Control Orders
Submitted By: Doug Sayles/Leo Evans	Department: Traffic/Engineering
Brief Summary: Approval of Traffic Control Orders #60, #61, #62, #63, #64 and #65.	
Detailed Summary: To approve submitted Traffic Control Orders, #60, #61, #62, #63, #64 and #65 and authorize staff to remove/install various traffic control devices.	
Amount Requested: None	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve removal/installation of various Traffic Control Devices as outlined in the submitted Traffic Control Orders.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

City of Muskegon

Traffic Control Order

No. 60-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Stop" signs on the Northwest and Southeast corners of Denmark Street at Crozier Avenue.*

Location: *Denmark Street @ Crozier*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____

By: _____
Traffic Supervisor

Date completed: ____/____/____

By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

City of Muskegon

Traffic Control Order

No. 61-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Yield" signs on the Southeast and Northeast corners of Philo Avenue at Denmark Street and on the Northeast corner of Sisson Avenue at Denmark Street.*

Location: *Denmark Street @ Philo and Sisson Avenues*

Recommendation:

Director of Public Works

Date: ____/____/____

Police Chief

Date: ____/____/____

City Manager

Date: ____/____/____

Commission Approval (required for Permanent TCO only):

Commission Action #

Date: ____/____/____

Installation/removal

Date assigned: ____/____/____

By: _____
Traffic Supervisor

Date completed: ____/____/____

By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

City of Muskegon

Traffic Control Order

No. 62-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Yield" signs on the Southeast and Northwest corners of Austin Street at Holbrook Avenue.*

Location: *Austin Street @ Holbrook Avenues*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____ By: _____
Traffic Supervisor

Date completed: ____/____/____ By: _____
Traffic Department Employee

☐ **Temporary**; does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent**; requires Commission Action

City of Muskegon

Traffic Control Order

No. 63-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Yield" signs on the Northeast and Southwest corners of Forest Avenue at Hudson Street.*

Location: *Forest Avenue @ Hudson Street*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____ By: _____
Traffic Supervisor

Date completed: ____/____/____ By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

City of Muskegon

Traffic Control Order

No. 64-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Yield" signs on the Northeast and Southwest corners of Ada Avenue at Burton Road.*

Location: *Ada Avenue @ Burton Road*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____

By: _____
Traffic Supervisor

Date completed: ____/____/____

By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

City of Muskegon

Traffic Control Order

No. 65-(2020)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install "Yield" signs on the Northwest and Southeast corners of Holt Street at Hill Avenue.*

Location: *Holt Street @ Hill Avenue*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____

By: _____
Traffic Supervisor

Date completed: ____/____/____

By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Aamodt Park Improvements
Submitted By: Leo Evans	Department: Public Works
Brief Summary: Staff is requesting authorization to construct a new playground and picnic shelter at Aamodt Park.	
Detailed Summary: Staff has worked closely to develop a proposed improvement plan for Aamodt Park that we feel will greatly benefit the park and improve the usage at the site. The proposed project includes two primary improvements: • Replacement of the existing playground equipment on the site. The existing equipment was installed in 1995 and has served its useful life. The current equipment is not compliant with current standards nor is it maintainable any longer. The proposed playground would be provided through the Parks Department preferred vendor (Sinclair Recreation) that has most recently done work at the Pere Marquette playground. Sinclair Recreation is offering a one-time grant to the city that covers approximately ½ the cost of the equipment for purchases made prior to October 31, 2020. The grant results in a net savings of approximately \$30K to the city on this project. A rendering of the proposed playground is included with the packet. • Construction of a picnic shelter pavilion within the park. This will mostly be completed by staff. The picnic shelter will be approximately 30 FT x 30 FT with electric. The funding for the project is largely provided through CDBG dollars. CNS has identified \$100K to support this project. The total estimated cost is \$140K with the difference being allocated to the General Fund. A capital number has been created to track costs and will be shown in the upcoming reforecast. At this time staff is seeking authorization for the following three items, not to exceed \$130,000 in aggregate without returning to the Commission for further consideration. • To purchase the playground equipment and installation services from Sinclair Recreation • Solicit bids for the playground foundation and award to the low bidder. • Procure materials for the construction of the pavilion	

Amount Requested: \$130,000	Amount Budgeted: \$0
Fund(s) or Account(s): 101-92043-5346	Fund(s) or Account(s): 101-92043-5346
Recommended Motion: Authorize staff to purchase the playground equipment and installation services from Sinclair Recreation in the amount of \$96,385.10, and authorize staff to solicit bids for the playground foundation and pavilion materials and award those contracts provided the aggregate cost for the three items does not exceed \$130,000.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Intellectual property of GameTime, a PlayCore Company. The site shown in rendering is an interpretation and may not reflect exact site conditions.



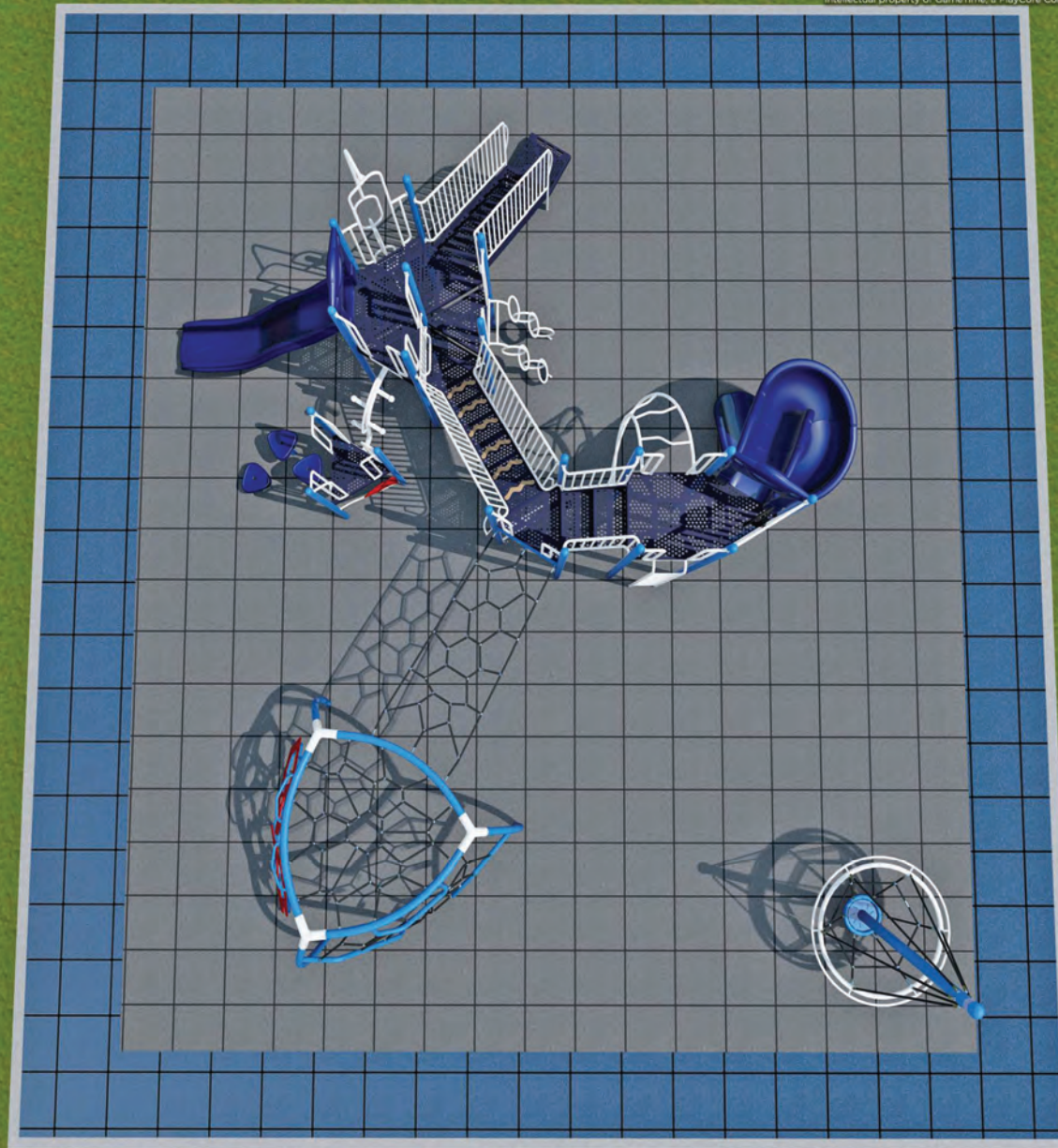
City of Muskegon
Aamodt Park - Option Two

Intellectual property of GameTime, a PlayCore Company. The site shown in rendering is an interpretation and may not reflect exact site conditions.



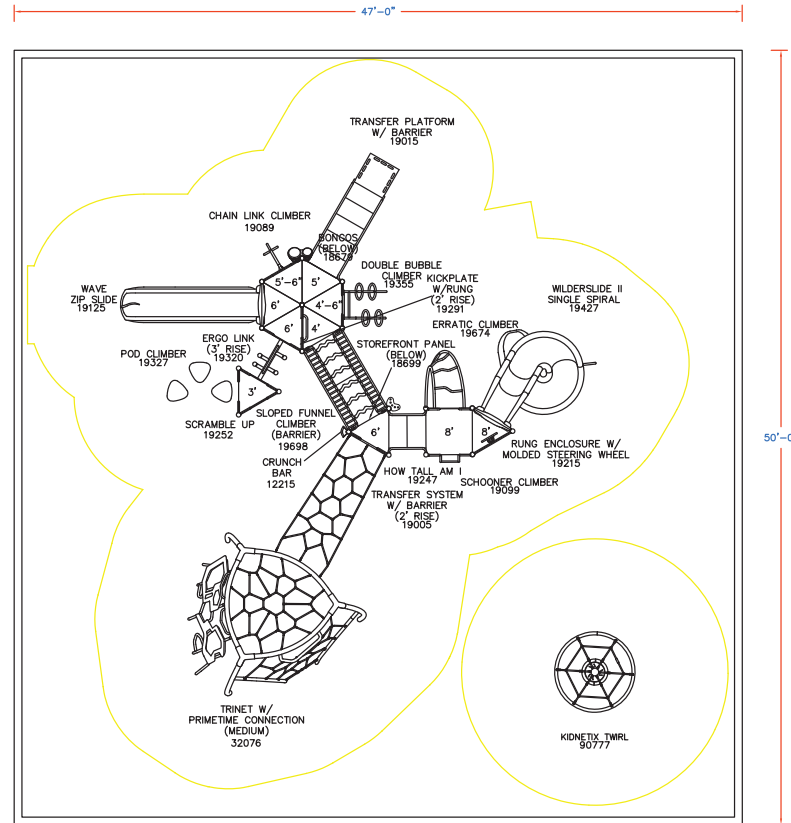
Rendered in Allegiance Palette

City of Muskegon
Aamodt Park - Option Two



Rendered in Allegiance Palette

City of Muskegon
Aamodt Park - Option Two



150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com



City of Muskegon
Aamodt Park
Muskegon, MI
Representative
Sinclair Recreation

This Unit Includes play events and routes or travel specifically designed for special needs users. It is the option of the manufacturer that these play events and routes of travel conform to the accessibility requirements of the ADA (Americans with Disabilities Act)

Total Elevated Play Components
Total Elevated Play Components Accessible By Ramp
Total Elevated Components Accessible By Transfer
Total Accessible Ground Level Components Shown
Total Different Types Of Ground Level Components

12
- Required
9 Required
9 Required
6 Required

This play equipment is recommended for children ages
5-12

Minimum Area Required:
47' x 50'
Scale: 1" = 5'-0"
This drawing can be scaled only when in an 18" x 24" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By:
JLL
Date:
08/18/2020
Drawing Name:
Muskegon - Aamodt Park

DATE: 10/8/2020

EASTSIDE PARKS - 2020 COST ESTIMATE

PARK	ITEM	ITEM TOTAL
REESE FIELD		
	SITE PREP	\$ 9,900.00
	SPLASH PAD	
	PAVILION	\$ 11,300.00
	PAVING	\$ 2,800.00
TOTAL:	\$ 24,000.00	
AAMODT PARK		
	SITE PREP	\$ 2,000.00
	PAVILION	#REF!
	PLAYGROUND	#REF!
TOTAL:	#REF!	
SHELDON PARK		
	PAVING	\$ 9,995.00
	RESTROOM/PAVILION	
TOTAL:	\$ 9,995.00	
Beukema Playfield		
	SITE PREP	\$ -
	PAVILION	\$ 11,300.00
	PAVING	\$ 13,895.00
TOTAL:	\$ 25,195.00	
	Grand Total:	#REF!

Date:

REESE FIELD IMPROVEMENTS
MUSKEGON, MI
PRELIMINARY ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Item	Unit	Total Quantity	Unit Cost
SITE PREPARATION			
SITE CLEARING AND GRUBBING	SY	1800	\$5.50
SPLASH PAD			
PAVILLION			
MATERIAL (WEBBER LUMBER)		0	
CONCRETE		0	
ELECTRICAL		0	
LABOR		0	
PAVING			
SIDEWALK, CONC, 4 INCH	SFT	560	\$5.00
			SUBTOTAL

10/8/2020
EASTSIDE PARKS - 2020

CTION COST

Unit Total	Item Total	
\$ 9,900.00		
	\$ 9,900.00	
\$ 1,000.00		
\$ 3,000.00		
\$ 2,800.00		
\$ 4,500.00		
	\$ 11,300.00	
\$ 2,800.00		
	\$ 2,800.00	
\$24,000.00		

AAMODT PARK IMPROVEMENTS
PRELIMINARY ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST (10/05/2020 - L. Evans)

<i>Item Description</i>	<i>Unit</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total Cost</i>	<i>Funding</i>	<i>Notes</i>
SITE PREPARATION						
REMOVAL OF EXISTING PLAYGROUND & SIDEWALK	LSUM	1	\$2,000.00	\$ 2,000.00	Parks	Performed In-House, Estimate of Labor + Equipment Costs
PAVILLION						
MATERIAL (WEBBER LUMBER)	LSUM	1	\$10,000.00	\$ 10,000.00	Parks	From Matt Beerman estimate based off matching pavillion at McLaughlin Park. All work to be performed with in-house staff, less the electrical work which would be contracted through Windemueller Electric
CONCRETE	LSUM	1	\$3,000.00	\$ 3,000.00	Parks	
ELECTRICAL	LSUM	1	\$2,800.00	\$ 2,800.00	Parks	
LABOR	LSUM	1	\$4,500.00	\$ 4,500.00	Parks	
PLAYGROUND						
CONCRETE PAD & PREP WORK	LSUM	1	\$20,000.00	\$ 20,000.00	Parks	Based on ballpark quote from Tridonn - Would need to obtain formal quotes
PLAYGROUND EQUIPMENT	LSUM	1	\$62,125.00	\$ 62,125.00	CDBG	Sinclair Quote
PLAYGROUND SURFACE TILES	LSUM	1	\$43,146.00	\$ 43,146.00	CDBG	Sinclair Quote
INSTALLATION	LSUM	1	\$18,250.00	\$ 18,250.00	CDBG	Sinclair Quote
FREIGHT	LSUM	1	\$2,199.74	\$ 2,199.74	CDBG	Sinclair Quote
SINCLAIR GRANT	LSUM	1	-\$29,335.64	-\$ 29,335.64	CDBG	Sinclair Quote
			TOTAL	\$ 138,685.10		

CDBG - SUBTOTAL	\$ 96,385.10
Parks - SUBTOTAL	\$ 42,300.00

Date: 10/8/2020

EASTSIDE PARKS - 2020

SHELDON PARK IMPROVEMENTS

MUSKEGON, MI

ELIMINARY ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Item	Unit	Total Quantity	Unit Cost	Total Cost	Item Total
PAVING					
CURB AND GUTTER REMOVAL	FT	20	\$7.50	\$ 150.00	
SIDEWALK REMOVAL	SFT	0	\$10.00	\$.00	
CURB RAMP OPENING , CONC	FT	10	\$20.00	\$ 200.00	
DETECTABLE WARNING SURFACE	FT	40	\$40.00	\$ 1,600.00	
SIDEWALK, CONC, 4 INCH	SFT	1,609	\$5.00	\$ 8,045.00	
					\$ 9,995.00
RESTROOMS/PAVILIOIN					
SUBTOTAL				\$9,995.00	

Date: 10/8/2020
EASTSIDE PARKS - 2020

Date: 10/8/2020
EASTSIDE PARKS - 2020

BEUKEMA PLAYFIELD IMPROVEMENTS

MUSKEGON, MI

PRELIMINARY ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

Item	Unit	Total Quantity	Unit Cost	Total Cost
SITE PREPARATION				
SITE CLEARING AND GRUBBING	SY	0	\$5.50	\$.00
IN-HOUSE WORK				
PAVILLION				
MATERIAL (WEBBER LUMBER)		0		\$ 1,000.00
CONCRETE		0		\$ 3,000.00
ELECTRICAL		0		\$ 2,800.00
LABOR		0		\$ 4,500.00
PAVING				
CURB AND GUTTER REMOVAL	FT	10	\$7.50	\$ 75.00
SIDEWALK REMOVAL	SFT	25	\$10.00	\$ 250.00
CURB RAMP OPENING , CONC	FT	10	\$20.00	\$ 200.00
DETECTABLE WARNING SURFACE	FT	10	\$40.00	\$ 400.00
SIDEWALK, CONC, 4 INCH	SFT	2,594	\$5.00	\$ 12,970.00
	SUBTOTAL			\$25,195.00

Item Total
\$.00
\$ 11,300.00
\$ 13,895.00



GameTime c/o Sinclair Recreation
PO Box 1409
Holland, MI 49422-1409
Ph: 800-444-4954
Fax: 616-392-8634

10/02/2020
Quote #100535-01-03

Aamodt Park - Option 3 - CASH WITH ORDER

City of Muskegon
Attn: Leo Evans
PO BOX 536
MUSKEGON, MI 49443-0536
Phone: 231-724-6920
leo.evans@shorelinecity.com

Ship to Zip 49440

Quantity	Part #	Description	Unit Price	Amount
1	RDU	GameTime - Custom PrimeTime Structure	\$57,046.00	\$57,046.00
		(1) 32076 -- Trinet (Med) W/Pt Connection		
		(1) 18699 -- Storefront Panel 36"		
		(1) 12215 -- Crunch Bar Prime Time		
		(1) 19247 -- How Tall Am I		
		(1) 18679 -- Bongos		
		(1) 19698 -- Sloped Funnel Climber Barrier (Dbl)		
		(1) 19001 -- Entry Way		
		(1) 19291 -- 2' Kickplate W/ Rung		
		(1) 19674 -- Erratic Climber (Metal) 7'-8'		
		(1) 19099 -- Schooner (7'-6" & 8')		
		(1) 19215 -- Rung Enclosure W/ Steering Wheel		
		(1) 19427 -- Single Spiral		
		(1) 19327 -- Pod Climber		
		(1) 19252 -- Scramble Up (3')		
		(1) 19355 -- 4'-0"/5'-0" Dbl Bubble Climber Attach		
		(9) 18201 -- 36" Tri Punched Deck P/T		
		(1) 19089 -- Chain Link (5' & 5'6")		
		(1) 19125 -- Wave Zip Slide (6')		
		(1) 19015 -- Transfer Platform W/ Barrier (5')		
		(1) 19320 -- Ergo Link (3' Rise)		
		(1) 19005 -- Transfer System W/Barrier (2' Rise)		
		(1) 18200 -- 36" Sq Punched Deck P/T 1.3125		
		(5) G12069 -- 3 1/2"Uprt Ass'Y Galv 14'		
		(2) 12068 -- 3 1/2"Uprt Ass'Y Alum 13'		
		(2) 12026 -- 3 1/2" Uprt Ass'Y Alum 11'		
		(6) 12027 -- 3 1/2" Uprt Ass'Y Alum 12'		
		(3) 12024 -- 3 1/2" Uprt Ass'Y Alum 9'		
1	90777	GameTime - Kidnetix Twirl	\$5,079.00	\$5,079.00
2350	Sof Surface Tile	Sinclair Recreation - DuraSAFE "Premium" 4.25" for an 8' CFH- Includes adhesive and installation and shipping	\$18.36	\$43,146.00



GameTime c/o Sinclair Recreation
PO Box 1409
Holland, MI 49422-1409
Ph: 800-444-4954
Fax: 616-392-8634

10/02/2020
Quote #100535-01-03

Aamodt Park - Option 3 - CASH WITH ORDER

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	Installation - Installation of PrimeTime Structure	\$18,250.00	\$18,250.00
Contract: OMNIA			Sub Total	\$123,521.00
			Grant	(\$29,335.64)
			Freight	\$2,199.74
			Total	\$96,385.10

Comments

Price does not include excavation, removal of existing equipment, concrete pad or concrete curb required for T ile.
This quotation is subject to policies in the current GameTime Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases to be supported by your written purchase order made out to GAMETIME C/O SINCLAIR RECREATION.

NOTE: PRICING DOES NOT INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE.

Pricing: f.o.b. factory, firm for 30 days from date of quotation unless otherwise noted on quotation. Sales tax will be added at time of invoicing unless a tax exemption certificate is provided at time of order entry.

NOTE: To qualify for the GameTime Grant, you must complete the application form for pre-approval. Upon approval, a Partial Matching Grant (reflected in the pricing shown above) is good toward the purchase of a new Powerscape, PrimeTime, XScape or Ionix Structure only. The order **MUST** be received no later than October 30, with full payment to allow for processing, and your order will ship within 3-5 weeks from date of order placement. The Grant does not apply toward Freight, Freestanding Items, Surfacing or Installation. To qualify for the matching grant amount shown above, a check for the full amount MUST accompany your order.

Installation: Shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs. Payment terms for installation is Net 10 Days.

NOTE: PRICING DOES NOT INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS, UNLESS SPECIFICALLY LISTED IN ABOVE QUOTE.

Submittals: Our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. GameTime designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.



GameTime c/o Sinclair Recreation
PO Box 1409
Holland, MI 49422-1409
Ph: 800-444-4954
Fax: 616-392-8634

10/02/2020
Quote #100535-01-03

Aamodt Park - Option 3 - CASH WITH ORDER

Exclusions: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

Acceptance of quotation:

Accepted By (printed): _____

Signature: _____

Title: _____

Facsimile: _____

Email: _____

P.O. No: _____

Please make P.O.s out to GameTime C/O Sinclair Recreation

Date: _____

Phone: _____

Purchase Amount: \$96,385.10

REQUIRED ORDER INFORMATION:

Bill To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(For Accounts Payable)

Email: _____

Ship To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(To call before delivery)

Email: _____

COLOR SELECTIONS: _____

SALES TAX EXEMPTION CERTIFICATE #: _____ (PLEASE PROVIDE A COPY OF CERTIFICATE)

NOTE: PRICING DOES NOT INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. IF INSTALLATION IS BEING QUOTED, THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS. PRICING VALID FOR 30 DAYS FROM THE DATE OF QUOTATION UNLESS OTHERWISE NOTED.

Quote prepared by: Jeremy Bosman

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Electronic Upgrade in Commission Chambers
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: Staff would like to upgrade the electronic in the Commission Chambers to assist with Election training with funds from the Election Grant.	
Detailed Summary: The Election grant requires that funds are used by December 31 st . This will not give staff time to follow our purchasing policy of obtaining bids or requesting approval of the City Commission to make a purchase over the amount of \$15,000. As such, staff is requesting to waive the purchasing policy and authorize staff to purchase the equipment for Election training.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To waive the purchasing policy requiring bids and requiring expenditures over \$15,000 to have commission approval and to allow the City Clerk to purchase equipment for the Commission Chambers with grant funds that must be expended by December 31, 2020.	
For City Clerk Use Only: Commission Action:	

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: 10/13/2020	Title: Lakeshore Creative Services Agreement Amendment
Submitted By: Ann Meisch	Department: City Clerk
Brief Summary: The City Commission has expressed a desire to broadcast our Worksession meetings on Channel 96 and on Facebook. Our current contract with Lakeshore Creative Services only address regular Commission meetings. Staff is seeking approval to pay Lakeshore Creative Services \$450 for broadcast/streaming services for Worksession meetings.	
Detailed Summary:	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To amend the Agreement with Lakeshore Creative Services to include the broadcast and streaming of Worksession meetings for \$450 per meeting.	
For City Clerk Use Only: Commission Action:	

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date:10-13-2020	Title: Business Improvement District public hearing
Submitted By: Dave Alexander	Department: Economic Development
Brief Summary: A public hearing has been scheduled to receive comment a proposed Downtown Muskegon Business Improvement District special assessment roll for 2021-2023.	
Detailed Summary: The Muskegon City Commission approved a three-year renewal of the downtown BID at its September 8, 2020 meeting, including the district and special assessment rate. The special assessment roll includes 103 parcels and annually would generate \$114,818.66 for the BID. At the September 8, 2020 meeting, there were four property owners with 12 parcels objecting to the BID that represented 5.8 percent of the total assessment and 11.6 percent of the total parcels. The three-year BID budget would focus downtown work on seasonal landscaping, winter sidewalk snow removal and administration. The City Commission created a Board of Assessors that includes Commissioners Ken Johnson and Michael Ramsey, who along with the city assessor will certify the special assessment roll. After hearing public comment, the attached resolution would confirm the BID's special assessment roll for three years.	
Amount Requested: None	Amount Budgeted: None
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To close the public hearing and approve the resolution to confirm the Downtown Muskegon Business Improvement District special assessment roll for the winter tax bills of 2020, 2021 and 2022 and have the Mayor and Clerk sign.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

**RESOLUTION CONFIRMING THE SPECIAL ASSESSMENT ROLL
OF THE DOWNTOWN MUSKEGON
BUSINESS IMPROVEMENT DISTRICT
2021-2023
City of Muskegon
County of Muskegon, Michigan**

Properties Assessed: See Exhibit A attached to this resolution

RECITALS:

1. The City Commission created a special assessment district covering the properties set forth in Exhibit A attached to this resolution on September 8, 2020, at a first public hearing.
2. The City Commission had a public hearing Oct. 13, 2020, at 5:30 p.m. at the City Commission Chambers to hear comments on the proposed BID special assessment roll. Notice was given by mail and publication as required by law.
3. The City has reviewed the special assessment roll which is based a special assessment in the district levying on "Class A" Properties, as defined in the BID Bylaws, shall be assessed an annual assessment of \$0.08/sf with no assessment to exceed \$4,000 and "Class B" Properties, as defined in the BID Bylaws, shall be assessed an annual assessment of \$0.04/sf with no assessment to exceed \$2,000.
4. The City Commission has heard all objections to the special assessment roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the BID special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied will be placed on the Winter 2020, 2021 and 2022 property tax bills.
3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor to endorse the resolution bearing the date of this resolution which is the date of confirmation.

This resolution adopted.

Ayes

Nays

CITY OF MUSKEGON

By _____

Stephen J. Gawron, Mayor

By _____

Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on October 13, 2020. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public acts of 1976, as amended and modified by the governor's COVID-19 executive order and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

CITY OF MUSKEOGN

By _____

Ann Marie Meisch, City Clerk

**RESOLUTION CONFIRMING THE SPECIAL ASSESSMENT ROLL
OF THE DOWNTOWN MUSKEGON
BUSINESS IMPROVEMENT DISTRICT
2021-2023**

Exhibit A

Properties highlighted in gray are opposed to the BID.

PARCEL NO.	PROPERTY ADDRESS	ZIP	OWNER	OWNER STREET ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	AREA (SF)	ASS'MT AMT	% OF ASSESSED PROPERTIES	ASS'MT BASED ON SQ FTAGE	CLS	NOTES
61-24-433-000-0003-00	926 2ND ST	49440	HSD II LLC	272 W CLAY AVE	MUSKEGON	MI	49440	871.2	\$ 69.70			A	
61-24-433-000-0002-00	930 2ND ST	49440	HSD II LLC	272 W CLAY AVE	MUSKEGON	MI	49440	871.2	\$ 69.70			A	
61-24-433-000-0001-00	934 2ND ST	49440	HSD II LLC	272 W CLAY AVE	MUSKEGON	MI	49440	871.2	\$ 69.70			A	
61-24-205-563-0006-00	902 3RD ST	49440	HUME PROPERTIES LLC	900 3RD ST STE 302	MUSKEGON	MI	49440	56628	\$ 4,000.00	2.229080933	0.178326475	A	CAP
61-24-605-000-0001-00	939 3RD ST	49440	939 THIRD STREET LLC	75 W WALTON AVE STE A	MUSKEGON	MI	49440	66211.2	\$ 4,000.00	2.606310014	0.208504801	A	CAP
61-24-205-567-0001-50	955 3RD ST	49440	939 THIRD STREET LLC	75 W WALTON AVE STE A	MUSKEGON	MI	49440	103237.2	\$ -	4.063786008	0.325102881	A	CONT. 939 3RD
61-24-205-351-0007-00	1100 3RD ST	49441	VENTURE ONE MANAGEMENT LLC	2964 LAKESHORE DR W604	MUSKEGON	MI	49441	9147.6	\$ 731.81	0.360082305	0.028806584	A	
61-24-205-367-0001-00	1115 3RD ST	49441	SIGMA PROPERTIES LLC	3261 SPRINGBROOK DR NW	GRAND RAPIDS	MI	49544	4356	\$ 348.48	0.171467764	0.013717421	A	
61-24-205-367-0016-00	1121 3RD ST	49441	SQUARE TWO DEVELOPMENT	202 44TH ST SW STE1	GRAND RAPIDS	MI	49548	1742.4	\$ 139.39	0.068587106	0.005486968	A	
61-24-205-367-0015-00	1125 3RD ST	49441	SQUARE TWO DEVELOPMENT LLC	202 44TH SW	GRAND RAPIDS	MI	49548	6534	\$ 522.72	0.257201646	0.020576132	A	
61-24-205-367-0014-00	1129 3RD ST	49441	MJ PLACE LLC	3497 MACARTHUR RD	MUSKEGON	MI	49442	1306.8	\$ 104.54	0.051440329	0.004115226	A	
61-24-205-367-0013-00	1133 3RD ST	49441	NAP DEVELOPMENT LLC	202 44TH ST SW STE 1	GRAND RAPIDS	MI	49548	4791.6	\$ 383.33	0.18861454	0.015089163	A	
61-24-205-367-0012-00	1137 3RD ST	49441	LEMKE DELORES J/LEMKE KIM A	1137 3RD ST	MUSKEGON	MI	49441	4791.6	\$ 383.33	0.18861454	0.015089163	A	
61-24-205-367-0011-00	1141 3RD ST	49441	AGUILAR LUIS	8726 S HUSTON	CHICAGO	IL	60617	2178	\$ 174.24	0.085733882	0.006858711	A	
61-24-205-365-0001-00	1144 3RD ST	49441	ALLIANCE PREFERRED PROPERTIES LLC	2752 SCHINDLER DR NW	GRAND RAPIDS	MI	49544	124581.6	\$ 4,000.00	4.903978052	0.392318244	A	CAP
61-24-205-367-0011-10	1147 3RD ST	49441	IIS PROPERTIES LLC	202 44TH ST SW STE 1	GRAND RAPIDS	MI	49548	6098.4	\$ 487.87	0.24005487	0.01920439	A	
61-24-205-379-0001-00	1157 3RD ST	49441	S & R KADO LLC	3902 CANYON CREEK DR SW	GRAND RAPIDS	MI	49534	18295.2	\$ 1,463.62	0.720164609	0.057613169	A	
61-24-205-379-0011-00	1185 3RD ST	49441	CAREY AND ASSOCIATES LLC	101 E STREET SE	WASHINGTON	DC	20003	18295.2	\$ 1,463.62	0.720164609	0.057613169	A	
61-24-205-317-0007-00	1208 8TH ST	49440	CORE DEVELOPMENT LLC	794 PINE ST #210	MUSKEGON	MI	49442	24829.2	\$ 1,986.34	0.977366255	0.0781893	A	
61-24-205-174-0009-00	28 E CLAY AVE	49442	WITT LEE A TRUST	1501 RUDDIMAN DR	MUSKEGON	MI	49445	49222.8	\$ 3,937.82	1.937585734	0.155006859	A	
61-24-485-000-0000-00	878 JEFFERSON ST	49440	JEFFERSON PROFESSIONAL CONDOMINIUM	878 JEFFERSON ST	MUSKEGON	MI	49440	37461.6	\$ 2,996.93	1.474622771	0.117696822	A	
61-24-205-329-0001-00	885 JEFFERSON ST	49440	HENNESSY HOLDING LLC	1074 JEFFERSON ST	MUSKEGON	MI	49440	16988.4	\$ 1,359.07	0.66872428	0.053497942	A	
61-24-205-330-0008-00	896 JEFFERSON ST	49440	896 JEFFERSON LLC	PO BOX 809	MUSKEGON	MI	49443	9147.6	\$ 731.81	0.360082305	0.028806584	A	
61-24-792-000-0000-00	316 MORRIS AVE	49440	HINMAN LAKE LLC	750 TRADE CENTRE WAY STE 100	PORTAGE	MI	49002	186436.8	\$ 4,000.00	7.338820302	0.587105624	A	CAP
61-24-792-000-0001-00	316 MORRIS AVE	49440	HINMAN LAKE LLC	750 TRADE CENTRE WAY STE 100	PORTAGE	MI	49002	21344.4	\$ -	0.840192044	0.067215364	A	CONT. 316 MORRIS
61-24-205-563-0008-11	340 MORRIS AVE	49440	MUSKEGON GSA LLC	PO BOX 13470	RICHMOND	VA	23225	50094	\$ 4,000.00	1.971879287	0.157750343	A	CAP
61-24-205-563-0008-10	372 MORRIS AVE	49440	FOUNDRY SQUARE LLC	370 MID OAK DR	NORTH MUSKEGON	MI	49445	347173.2	\$ 4,000.00	13.6659808	1.093278464	A	CAP
61-24-233-000-0001-00	387 MORRIS AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	24829.2	\$ 1,986.34	0.977366255	0.0781893	A	
61-24-233-000-0002-00	401 MORRIS AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	24393.6	\$ 1,951.49	0.960219479	0.076817558	A	
61-24-205-174-0004-00	750 PINE ST	49442	BOLEN DAVID L	PO BOX 113	ROTHBURY	MI	49452-0113	19602	\$ 1,568.16			A	
61-24-205-174-0008-00	772 PINE ST	49442	WITT LEE A TRUST	1501 RUDDIMAN DR	MUSKEGON	MI	49445	4356	\$ 348.48	0.171467764	0.013717421	A	
61-24-205-175-0021-00	777 PINE ST	49442	ELENBAAS HOLDINGS LLC	777 PINE ST	MUSKEGON	MI	49442	15681.6	\$ 1,254.53	0.617283951	0.049382716	A	
61-24-205-177-0005-00	794 PINE ST	49442	COREPARK INVESTMENTS LLC	794 PINE ST. SUITE 210	MUSKEGON	MI	49442	21780	\$ 1,742.40	0.85733882	0.068587106	A	
61-24-205-176-0015-00	813 PINE ST	49442	NW AMERICA REAL ESTATE LLC	2648 E WHITE LAKE DR	TWIN LAKE	MI	49457	4356	\$ 348.48			A	
61-24-205-177-0007-00	820 PINE ST	49442	NW MILL REAL ESTATE LLC	820 PINE ST	MUSKEGON	MI	49442	26571.6	\$ 2,125.73			A	
61-24-205-176-0013-00	821 PINE ST	49442	NW AMERICA REAL ESTATE LLC	2648 E WHITE LAKE DR	TWIN LAKE	MI	49457	1742.4	\$ 139.39			A	
61-24-205-556-0001-00	149 SHORELINE DR	49440	HOT ROD HARLEY DAVIDSON	149 SHORELINE DR	MUSKEGON	MI	49440	396831.6	\$ 4,000.00	15.62071331	1.249657064	A	CAP
61-24-205-562-0001-00	715 TERRACE ST	49440	MOKA CORPORATION	715 TERRACE ST STE 201	MUSKEGON	MI	49440	117612	\$ 4,000.00	4.62962963	0.37037037	A	CAP
61-24-205-175-0010-00	790 TERRACE ST	49440	BRIGGS RUBIN O	311 W MUSKEGON	MUSKEGON	MI	49440	14810.4	\$ 1,184.83	0.582990398	0.046639232	A	
61-24-205-175-0015-00	806 TERRACE ST	49440	RIEGLER PROPERTIES LLC	806 TERRACE ST	MUSKEGON	MI	49440-1123	14810.4	\$ 1,184.83	0.582990398	0.046639232	A	
61-24-205-175-0016-00	820 TERRACE ST	49440	CZM PROPERTIES LLC	700 TERRACE POINT RD #400	MUSKEGON	MI	49440	12196.8	\$ 975.74	0.480109739	0.038408779	A	
61-24-205-330-0001-00	835 TERRACE ST	49440	CHAK CHARLES W/LINDA B	835 TERRACE ST	MUSKEGON	MI	49440	8276.4	\$ 662.11	0.325788752	0.0260631	A	
61-24-205-176-0001-00	860 TERRACE ST	49440	FRONTIER COMMUNICATIONS	401 MERRITT 7	NORWALK	CT	06851	81892.8	\$ 4,000.00	3.223593964	0.257887517	A	CAP
61-24-205-175-0020-00	98 W CLAY AVE	49440	NIPOTE'S LLC	1251 SPENCER WOODS DR	MUSKEGON	MI	49445	1742.4	\$ 139.39	0.068587106	0.005486968	A	
61-24-205-176-0003-00	103 W CLAY AVE	49440	EAST OF EDEN LLC	103 W CLAY AVE	MUSKEGON	MI	49440	6098.4	\$ 487.87	0.24005487	0.01920439	A	
61-24-205-175-0018-00	118 W CLAY AVE	49442	FRONTIER COMMUNICATIONS	401 MERRITT 7	NORWALK	CT	06851	18295.2	\$ 1,463.62	0.720164609	0.057613169	A	
61-24-205-176-0005-00	121 W CLAY AVE	49440	JILLIAN & JORDAN LLC	675 RICHMOND NW	GRAND RAPIDS	MI	49504	4791.6	\$ 383.33	0.18861454	0.015089163	A	
61-24-205-330-0003-00	163 W CLAY AVE	49440	165 CLAY LLC	PO BOX 809	MUSKEGON	MI	49443	5227.2	\$ 418.18	0.205761317	0.016460905	A	
61-24-205-330-0002-00	165 W CLAY AVE	49440	165 CLAY LLC	PO BOX 809	MUSKEGON	MI	49443	4791.6	\$ 383.33	0.18861454	0.015089163	A	
61-24-205-330-0004-00	173 W CLAY AVE	49440	DOOM INVESTMENTS LLC	5302 S 184TH AVE	HESPERIA	MI	49421	6534	\$ 522.72			A	

Properties highlighted in gray are opposed to the BID.

PARCEL NO.	PROPERTY ADDRESS	ZIP	OWNER	OWNER STREET ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	AREA (SF)	ASS'MT AMT	% OF ASSESSED PROPERTIES	ASS'MT BASED ON SQ FTAGE	CLS	NOTES
61-24-433-000-0004-00	296 W CLAY AVE	49440	EILEEN MARIE LLC	296 W CLAY AVE	MUSKEGON	MI	49440	1306.8	\$ 104.54	0.051440329	0.004115226	A	
61-24-138-000-0104-00	297 W CLAY AVE 104	49440	JANSKI LLC	PO BOX 1225	MUSKEGON	MI	49443	28314	\$ 2,265.12	1.114540466	0.089163237	A	
61-24-205-351-0005-00	275 W MUSKEGON AVE	49440	SPIRIT SPE PORTFOLIO CA C-STORES LL	1410 COMMONWEALTH DR SUITE 202	WILMINGTON	NC	28403	18295.2	\$ 1,463.62	0.720164609	0.057613169	A	
61-24-205-176-0012-00	66 W WEBSTER AVE	49440	NW AMERICA REAL ESTATE LLC	2648 E WHITE LAKE DR	TWIN LAKE	MI	49457	6098.4	\$ 487.87			A	
61-24-205-330-0010-00	136 W WEBSTER AVE	49440	136 WEST WEBSTER AVENUE LLC	926 SAN JOSE DR SE	GRAND RAPIDS	MI	49506	18730.8	\$ 1,498.46	0.737311385	0.058984911	A	
61-24-205-555-0001-00	100 W WESTERN AVE	49442	THEBO JOYCE M REVOCBLE LIVING TRUST	45995 MEADOW CIRCLE E	MACOMB	MI	48044	17424	\$ 1,393.92	0.685871056	0.054869684	A	
61-24-205-175-0001-00	111 W WESTERN AVE	49442	SINGLE TRIP PARTNERS LLC	3935 BRAEBURN DR	MUSKEGON	MI	49441	27442.8	\$ 2,195.42	1.080246914	0.086419753	A	
61-24-205-175-0006-00	121 W WESTERN AVE	49440	FIRST GENERAL CREDIT UNION	589 E ELLIS RD	MUSKEGON	MI	49441	16552.8	\$ 1,324.22	0.651577503	0.0521262	A	
61-24-234-000-0001-00	285 W WESTERN AVE	49440	PARKLAND MUSKEGON INC	75 W WALTON AVE	MUSKEGON	MI	49440	11325.6	\$ 906.05	0.445816187	0.035665295	A	
61-24-233-000-0024-00	292 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	380 W WESTERN AVE SUITE 202	MUSKEGON	MI	49440	14374.8	\$ 1,149.98	0.565843621	0.04526749	A	
61-24-233-000-0015-00	295 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	8276.4	\$ 662.11	0.325788752	0.0260631	A	
61-24-233-000-0014-00	299 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	8276.4	\$ 662.11	0.325788752	0.0260631	A	
61-24-233-000-0013-00	307 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	16552.8	\$ 1,324.22	0.651577503	0.0521262	A	
61-24-233-000-0012-00	325 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	7840.8	\$ 627.26	0.308641975	0.024691358	A	
61-24-204-000-0000-00	333 W WESTERN AVE	49440	NEW TREND INVESTMENTS LLC	8868 WATER ST	MONTAGUE	MI	49437	9147.6	\$ 731.81	0.360082305	0.028806584	A	
61-24-233-000-0006-00	350 W WESTERN AVE	49440	BLIND PIG PROPERTIES LLC	800 FIRST ST #357	MUSKEGON	MI	49443	4791.6	\$ 383.33	0.18861454	0.015089163	A	
61-24-233-000-0007-01	351 W WESTERN AVE	49440	DOWNTOWN MUSKEGON DEVELOPMENT CO	425 W WESTERN AVE STE 200	MUSKEGON	MI	49440	7405.2	\$ 592.42	0.291495199	0.023319616	A	
61-24-233-000-0005-00	356 W WESTERN AVE	49440	CENTURY CLUB DEVELOPMENT LLC	PO BOX 732	MUSKEGON	MI	49443-0732	5662.8	\$ 453.02			A	
61-24-233-000-0004-00	360 W WESTERN AVE	49440	RUSSELL BLOCK DEVELOPMENT LLC	PO BOX 732	MUSKEGON	MI	49443-0732	7840.8	\$ 627.26			A	
61-24-233-000-0025-00	376 W WESTERN AVE	49440	RUSSELL BLOCK DEVELOPMENT LLC	PO BOX 732	MUSKEGON	MI	49443-0732	3049.2	\$ 243.94	0.120027435	0.009602195	A	
61-24-233-000-0008-00	379 W WESTERN AVE	49440	SIDOCK PROPERTIES LLC	45650 GRAND RIVER AVE	NOVI	MI	48374	22651.2	\$ 1,812.10			A	
61-24-432-000-0005-00	380 W WESTERN AVE	49440	FRESHER START LLC	4426 CHERRYWOOD CT	MUSKEGON	MI	49441	10454.4	\$ 836.35	0.411522634	0.032921811	A	
61-24-205-566-0009-00	428 W WESTERN AVE	49440	939 THIRD STREET LLC	75 W WALTON AVE STE A	MUSKEGON	MI	49440	11761.2	\$ 940.90	0.462962963	0.037037037	A	
61-24-205-313-0005-00	441 W WESTERN AVE	49440	PH HOLDING LLC	895 4TH STREET	MUSKEGON	MI	49440	12196.8	\$ 975.74	0.480109739	0.038408779	A	
61-24-205-566-0013-00	442 W WESTERN AVE	49440	G & Z PROPERTIES LLC	442 W WESTERN AVE	MUSKEGON	MI	49440	4356	\$ 348.48	0.171467764	0.013717421	A	
61-24-205-566-0014-00	446 W WESTERN AVE	49440	446 W WESTERN AVE LLC	446 W WESTERN AVE	MUSKEGON	MI	49440	4356	\$ 348.48	0.171467764	0.013717421	A	
61-24-205-567-0001-10	450 W WESTERN AVE	49440	450 W WESTERN LLC	4880 RAMBLING CREEK DR	MUSKEGON	MI	49441	9583.2	\$ 766.66	0.377229081	0.030178326	A	
61-24-205-313-0006-00	451 W WESTERN AVE	49440	COREPARK INVESTMENTS LLC	794 PINE ST #210	MUSKEGON	MI	49442	9583.2	\$ 766.66	0.377229081	0.030178326	A	
61-24-205-314-0001-00	471 W WESTERN AVE	49440	LAKE SHORE MUSEUM CENTER	430 W CLAY AVE	MUSKEGON	MI	49440	3049.2	\$ 243.94	0.120027435	0.009602195	A	
61-24-205-314-0001-10	477 W WESTERN AVE	49440	HISSOM PROPERTIES LLC	18878 GREENWOOD CT	SPRING LAKE	MI	49456	2613.6	\$ 209.09	0.102880658	0.008230453	A	
61-24-205-314-0002-00	479 W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	6534	\$ 4,000.00	0.257201646	0.020576132	A	CAP
61-24-205-314-0002-00	479 W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	1306.8	\$ -	0.051440329	0.004115226	A	CONT. 479 W WESTERN
61-24-205-314-0003-00	489 W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	22215.6	\$ -	0.874485597	0.069958848	A	CONT. 479 W WESTERN
61-24-205-567-0001-20	490 W WESTERN AVE	49440	PORT CITY CIO BLDG	490 W WESTERN AVE	MUSKEGON	MI	49440	7405.2	\$ 592.42	0.291495199	0.023319616	A	
61-24-205-314-0005-00	495 W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	9583.2	\$ -	0.377229081	0.030178326	A	CONT. 479 W WESTERN
61-24-205-567-0001-40	500 W WESTERN AVE	49440	500 WEST WESTERN AVE LLC	PO BOX 809	MUSKEGON	MI	49443	10018.8	\$ 801.50	0.394375857	0.031550069	A	
61-24-205-314-0006-00	505 W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	10018.8	\$ -	0.394375857	0.031550069	A	CONT. 479 W WESTERN
61-24-205-315-0001-00	521 W WESTERN AVE	49440	BABBITT E C/P R TRUST	4473 CHERRYWOOD CT	MUSKEGON	MI	49441	14374.8	\$ 1,149.98	0.565843621	0.04526749	A	
61-24-205-315-0003-00	545 W WESTERN AVE	49442	HERITAGE MEMORIAL GARDEN	4473 CHERRYWOOD COURT	MUSKEGON	MI	49441	12632.4	\$ 1,010.59	0.497256516	0.039780521	A	
61-24-205-315-0004-00	555 W WESTERN AVE	49440	INGALLS REAL ESTATE ACQUISITION LLC	555 W WESTERN AVE	MUSKEGON	MI	49440	11325.6	\$ 906.05	0.445816187	0.035665295	A	
61-24-205-315-0005-10	557 W WESTERN AVE	49440	ESTHER ENTERPRISES LLC	3519 EVANSTON AVE	MUSKEGON	MI	49442	871.2	\$ 69.70	0.034293553	0.002743484	A	
61-24-205-315-0006-00	563 W WESTERN AVE	49440	3M INVESTMENTS LLC	565 W WESTERN AVE STE B	MUSKEGON	MI	49440	10018.8	\$ 801.50	0.394375857	0.031550069	A	
61-24-205-316-0001-00	587 W WESTERN AVE	49442	EBEE PROPERTIES LLC	1685 68TH ST SE	CALEDONIA	MI	49316	12196.8	\$ 975.74	0.480109739	0.038408779	A	
61-24-205-316-0004-00	591 W WESTERN AVE	49440	NORTH EAST BUSINESS ASSOC LLC	5691 17 MILE RD	CEDAR SPRINGS	MI	49319	3049.2	\$ 243.94	0.120027435	0.009602195	A	
61-24-205-316-0005-00	593 W WESTERN AVE	49440	MULDER WESTERN AVE LLC	1586 W HARBOUR TOWNE CIR	MUSKEGON	MI	49441	10454.4	\$ 836.35	0.411522634	0.032921811	A	
61-24-205-316-0007-00	605 W WESTERN AVE	49440	WESTERN AVE LLC	605 W WESTERN AVE	MUSKEGON	MI	49440	3484.8	\$ 278.78	0.137174211	0.010973937	A	
61-24-205-316-0008-00	607 W WESTERN AVE	49442	WESTERN AVE LLC	605 W WESTERN AVE	MUSKEGON	MI	49440	4356	\$ 348.48	0.171467764	0.013717421	A	
61-24-205-316-0009-10	609 W WESTERN AVE	49440	EMP LLC	16149 BAIRD CT	SPRING LAKE	MI	49456	2613.6	\$ 209.09	0.102880658	0.008230453	A	
61-24-205-318-0001-10	683 W WESTERN AVE		GRAND TRUNK LLC	1007 MOORINGS CT	NORTH MUSKEGON	MI	49445	2178	\$ 174.24	0.085733882	0.006858711	A	
61-24-205-314-0001-20	W WESTERN AVE	49442	TRILLIUM 505PARK OWNER LLC	25 COMMERCE AVE SW STE 100	GRAND RAPIDS	MI	49503	2613.6	\$ -	0.102880658	0.008230453	A	CONT. 479 W WESTERN

[illegible]

WATCH MUSKEGON

Agenda Item Review Form Muskegon City Commission

Commission Meeting Date: October 13, 2020	Title: IFT Transfer at 2420 Remembrance Dr
Submitted By: Mike Franzak	Department: Planning
Brief Summary: Pursuant to Public Act 198 of 1974, as amended, James Street Capital Holdings of America No 4 Inc, 2420 Remembrance Dr, has requested the transfer of the Industrial Facilities Tax Exemption Certificate (IFT) from KLO Acquisition, LLC.	
Detailed Summary: The original IFT (#2018-170) was granted to KLO Acquisition and will expire on 12/31/2029.	
Amount Requested:	Amount Budgeted:
Fund(s) or Account(s):	Fund(s) or Account(s):
Recommended Motion: To approve the transfer of IFT# 2018-170 to James Street Capital Holdings of America No 4 Inc.	
Check if the following Departments need to approve the item first: Police Dept. ☐ Fire Dept. ☐ IT Dept. ☐ For City Clerk Use Only: Commission Action:	

Resolution No.

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION FOR TRANSFER
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE #2018-170
James Street Capital Holdings of America No 4 Inc.

WHEREAS, pursuant to P.A 198 of 1974, M.C.L. 207.551 et seq., as amended, after duly noticed public hearing held on July 10, 2018, this Commission by resolution established an Industrial Development District as requested by the City of Muskegon, including the property at 2420 Remembrance Dr, Muskegon, MI 49442; and

WHEREAS, the City of Muskegon approved an application from KLO Acquisition, LLC requesting an Industrial Facilities Exemption Certificates (IFT# 2018-170) for real property investments located at 2420 Remembrance Dr, Muskegon, Michigan 49442; and

WHEREAS, James Street Capital Holdings of America No 4 Inc. has filed an application for a transfer of Industrial Facilities Exemption Certificate #2018-170 with respect to the \$17,166,206 in real property within the Industrial Development District; and

WHEREAS, the applicant, the Assessor, and a representative of the affected taxing units were given written notice of the transfer application and were offered an opportunity to be heard on said application; and

WHEREAS, James Street Capital Holdings of America No 4 Inc has substantially met all the requirements under Public Act 198 of 1974 for the transfer of Industrial Facilities Exemption Certificates #2018-170; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Muskegon, after granting this certificate, 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; and

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

1. The City of Muskegon finds and determines that the granting of the transfer of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, **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 from James Street Capital Holdings of America No 4 Inc for a transfer of Industrial Facilities Exemption Certificates #2018-170, with respect to real property on the following described parcel situated within the Industrial Development District to wit:

That part of Blocks 558 and 563 of the revised Plat of 1903 of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County, Michigan; including all land made by land-fill which may subaqueous lands at the time of dedication of said revised plat of 1903, described as follows: Commencing at the intersection of the Northeasterly line of Terrace Street being the Southwesterly line of Block 557 of said revised Plat of 1903, extended to the centerline of vacated Water Street; thence North 62 degrees 44 minutes 00 seconds West along the Northeasterly line of said Terrace Street extended 381.45 feet; thence Westerly along the Northerly line of said Terrace Street along the arc of a 302.48 foot radius curve to the left, a distance of 447.51 feet (the long chord of said curve bears South 72 degrees 02 minutes 30 seconds West, 429.45 feet, the central angle curve is 90 degrees 27 minutes 00 seconds); thence South 26 degrees 49 minutes 00 seconds West along the Northwesterly line of said Terrace Street 225.07 feet to the Easterly line of Terrace Point Drive, a public street, as dedicated in an instrument recorded in Liber 1557, Pages 426-430; thence Northerly along said Easterly line of the arc of a 517.00 foot radius curve to the right, a distance of 705.40 feet (the long chord of said curve bears North 23 degrees 29 minutes 25 seconds West, 651.95 feet, the central angle of said curve is 78 degrees 10 minutes 34 seconds); thence North 15 degrees 35 minutes 52 seconds East

along said Easterly line of Terrace Point Drive, 187.25 feet to the point of a curvature of a traffic circle for said Terrace Point Drive; thence Easterly, Northerly and Westerly along said traffic circle on the arc of 75.00 foot radius curve to the left, a distance of 232.88 feet (the long chord of said curve bears North 18 degrees 20 minutes 25 seconds West, 149.98 feet, the central angle of said curve is 177 degrees 54 minutes 42 seconds) to the point of beginning of this description; Thence Southwesterly along said traffic circle on the arc of a 75.00 foot radius curve to the left, a distance of 105.61 feet (the long chord of said curve bears South 32 degrees 21 minutes 55 seconds West, 97.10 feet, the central angle of said curve is 80 degrees 40 minutes 47 seconds); thence North 61 degrees 06 minutes 15 seconds West 139.74 feet; thence Southwesterly along the arc of a 172.00 foot radius curve to the right, a distance of 89.56 feet (the long chord of said curve bears South 58 degrees 58 minutes 45 seconds West, 88.55 feet, the central angle of said curve is 29 degrees 50 minutes 00 seconds); thence South 73 degrees 53 minutes 45 seconds West, 127.91 feet; thence North 16 degrees 06 minutes 15 seconds West, 75.00 feet; thence South 73 degrees 53 minutes 45 seconds West, 110.00 feet; thence North 16 degrees 06 minutes 15 seconds West, 250 feet, more or less, to the waters edge of Muskegon Lake to a point hereinafter referred as "Point A"; thence recommence at point of beginning; thence North 17 degrees 17 minutes 45 seconds West, 326.55 feet; thence North 66 degrees 15 minutes 15 seconds West 275 feet, more or less, to the waters edge of Muskegon Lake; thence Southwesterly along said waters edge of Muskegon Lake 350 feet, more or less, to the above mentioned "Point A"; Excepting therefrom: any land the lies beneath the waters of Muskegon Lake.

3. The Industrial Facilities Exemption Certificate when issued shall remain in force for the remaining years approved under Industrial Facilities Exemption certificate 2018-170 with an end date of 12/31/2029.

Adopted this 13th Day of October 2020.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on October 13, 2020.

Ann Meisch
Clerk



West Michigan's Shoreline City

City of Muskegon Industrial Facilities Exemption Application Summary Sheet

James Street Capital Holdings of America No 4 Inc

Employment Information: 72 employees

Racial Characteristics:

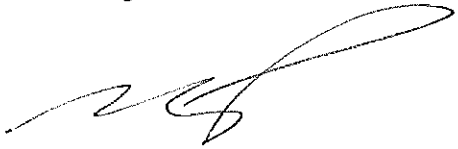
White	62 (86%)
Minority	10 (14%)

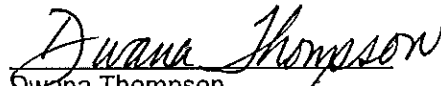
Gender Characteristics:

Male	58 (81%)
Female	14 (19%)

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
Planning Director


Duana Thompson
Affirmative Action Director

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and James Street Capital Holdings of America No 4 Inc ("Company").

Recitals:

- A. The Company has applied to City to transfer IFT #2018-170 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 operate the facility set forth in its application ("project").

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.
- 1.2 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.

1.3 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.

1.4 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.

1.5 The Company shall not appeal the valuation of any real or personal property at the facility to the Michigan Tax Tribunal or the State Tax Commission.

1.6 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.

1.7 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.

1.8 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.

1.9 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.10 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 create the district and 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 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.

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.

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.

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 statute, 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 at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By _____
Stephen J. Gawron, Mayor

Date _____

and _____
Ann Meisch, Clerk

Date _____

By _____

Its _____

Date _____