

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 28, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Honorary Ambassador Award – Root Park.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Smartzone – Pre-Seed Fund Agreement between the City of Muskegon and the Michigan Alternative & Renewable Energy Center (MAREC). PLANNING & ECONOMIC DEVELOPMENT
 - C. Senior Nutrition Program – Agreement between AgeWell Services of West Michigan (AWS) and the City of Muskegon. PLANNING & ECONOMIC DEVELOPMENT
 - D. Amendments to the Zoning Ordinance – Transitional Living Centers. PLANNING & ECONOMIC DEVELOPMENT
 - E. Amendments to the Zoning Ordinance – Definition for Transitional Living Center. PLANNING & ECONOMIC DEVELOPMENT
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Congress of Cities Voting Delegates. CITY CLERK

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

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

Date: September 28, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the September 13th Commission Worksession Meeting and the September 14th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
September 13, 2010
City Commission Chambers
5:30 PM

MINUTES

2010-78

Present: Commissioners Warmington, Vice Mayor Gawron, Spataro, Wierengo, Shepherd, and Wisneski.

Absent: Commissioner Carter.

First Quarter 2010-11 Budget Reforecast.

At this time staff is transmitting the First Quarter 2010-11 Budget Reforecast which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors.

This is the first budget reforecast since the City changed fiscal years. The FY change has resulted in a higher than expected fund balance for the start of the new fiscal year. Proposed changes to the 2010-11 budget are relatively minor and mostly involve adjustments to capital projects.

This item will be on the September 14, 2010 Commission Meeting for consideration.

Arena Management Group Presentation.

The LC Walker Arena Management group made a presentation to the City Commission of the many updates and changes that have been made to the arena.

County Wastewater Master Contract.

Bryon Mazade, City Manager, gave an overview of the proposed County Wastewater Master Contract. The City Commission was asked to review the contract for future consideration.

Adjournment.

Motion by Commissioner Spataro, seconded by Commissioner Wisneski to adjourn at 7:10 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 14, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, September 14, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Marcy Miller from Samuel Lutheran Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2010-79 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the City Commission Meeting that was held on Tuesday, August 24, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Repairs to Annex. FINANCE

SUMMARY OF REQUEST: A large section of masonry on the south wall of the Arena Annex building (facing Amazon Building) is unstable due to winter water damage. We have received the following bids for repairs to the parapet/roof that will correct this problem:

Clifford Buck	Muskegon Constr.	Tridonn	Muskegon Quality
Muskegon	Muskegon	Muskegon	Muskegon Hts.
\$56,324	\$76,525	\$68,897	\$71,500

FINANCIAL IMPACT: The cost of repairs will use up most of the \$70,000 balance in the Arena Maintenance fund. The fund will be replenished over time with revenue generated from event ticket sales.

BUDGET ACTION REQUIRED: The cost of this project will be factored into the quarterly budget reforecast.

STAFF RECOMMENDATION: Staff has considered various options (including demolition) and believes proceeding with the repairs is the best option. The arena manager also believes the Annex building is crucial to their future plans. Accordingly, staff recommends the project repairs be undertaken and that the low bidder (Clifford Buck) be awarded the contract.

C. First Quarter 2010-11 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the ***First Quarter 2010-11 Budget Reforecast*** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: This is the first budget reforecast since the City changed fiscal years. The FY change has resulted in a higher than expected fund balance for the start of the new fiscal year. Proposed changes to the 2010-11 budget are relatively minor and mostly involve adjustments to capital projects.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: To approve the First Quarter 2010-11 Budget Reforecast and proposed use of Fund Balance as discussed at last night's meeting.

D. Elevated and Underground Water Storage Tank Inspections. WATER FILTRATION

SUMMARY OF REQUEST: To authorize staff to enter into an agreement with engineering/inspection firms for inspection of three elevated and two underground water storage tanks.

FINANCIAL IMPACT: \$18,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the Mayor and City Commission authorize staff to enter into agreement with Dixon Engineering for inspection of the elevated water storage tanks at a cost of \$6,000 and Williams & Works for inspection of the underground water storage tanks at a cost of \$12,000.

E. Approval of the Neighborhood Stabilization Program (NSP) Subrecipient Agreement with Habitat for Humanity for NSP Houses. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services

office to sign the 2009 Neighborhood Stabilization Program Subrecipient Agreement with Muskegon County Habitat for Humanity, using Neighborhood Stabilization Program (NSP) funds to build two new homes at 461 Marquette and 510 White, for a maximum of \$40,000 for each home. 531 Orchard may also be included, not to exceed \$120,000 for the three properties.

MSHDA is requiring this Subrecipient Agreement to cover NSP regulations pursuant to the City's NSP grant to include Habitat as a subrecipient.

FINANCIAL IMPACT: These projects will be using NSP funds and we will meet our goal of using 25% of our funds to sell to at or below 50% AMI families. Nothing will come out of the General Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for Community and Neighborhood Services to sign the 2009 Neighborhood Stabilization Program Subrecipient Agreement with Muskegon County Habitat for Humanity.

COMMITTEE RECOMMENDATION: The City Commission has already approved the Sponsorship Agreement with Habitat at the July 13, 2010, Commission meeting.

F. Rescind Bid for Complete Rehab at 1080 E. Laketon and Award to Another Contractor. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To rescind the bid to Murphy and Son Construction LLC for the complete rehabilitation of 1080 E. Laketon in the amount of \$34,350 and award the bid to Statewide Abatement, 1720 N. Creston, Muskegon, 49445 in the amount of \$46,875.

On July 27, 2010, the City Commission approved the bid for the complete rehabilitation of 1080 E. Laketon to Murphy and Son Construction LLC. The contractor is unable to produce the necessary Worker's Compensation insurance as required.

The second lowest bidder currently has several projects; therefore, staff recommends that we accept the third lowest bidder, Statewide Abatement.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To rescind the bid from Murphy and Son Construction LLC and award the bid to Statewide Abatement.

G. City – MDOT Agreement for ADA Ramp Upgrades along Apple Avenue, Seaway Drive and Shoreline Drive at Various Locations Within the City Limits. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT to upgrade sidewalk ramps to ADA compliance along Apple Avenue, Seaway Drive and

Shoreline Drive within the City limits; and to approve the resolution authorizing the Mayor and City Clerk to sign the contracts.

FINANCIAL IMPACT: The City's required participation on this MDOT project is estimated at \$7,400.

BUDGET ACTION REQUIRED: If approved, this project needs to be incorporated into the 1st quarterly reforecast update of the 2010/2011 CIP budget.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

H. City – MDOT Agreement for the Milling and Resurfacing of Port City Blvd. from Latimer to Laketon Avenue. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the milling and resurfacing of Port City Blvd. between Latimer and Laketon Avenue using left over stimulus funds, and to adopt the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: The projected cost of the proposed project is \$165,000 of which MDOT's participation is limited to the federal funds of \$102,632.

BUDGET ACTION REQUIRED: Authorize staff to add to the 2010/2011 CIP via the 1st quarterly reforecast update.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

J. Accept Resignation and Make Appointments to Various Boards. CITY CLERK

SUMMARY OF REQUEST: To accept the resignation from Nick Kroes from the Housing Code Board of Appeals. Remove William Krick from the Historic District Commission and appoint him to the Housing Code Board of Appeals. Appoint Steven Radtke to the Historic District Commission and Stephanie Marion to the CDBG/Citizen's District Council.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended the changes at their September 13th meeting.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Consent Agenda as presented minus item I.

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

Nays: None

MOTION PASSES

2010-80 ITEM REMOVED FROM THE CONSENT AGENDA:

I. American's with Disabilities Act (ADA) Project Civic Access Settlement Agreement with the Department of Justice. AFFIRMATIVE ACTION

SUMMARY OF REQUEST: Permission to enter into a long-term agreement with the Department of Justice that will promote inclusion and bring the City into compliance with the ADA.

FINANCIAL IMPACT: Unknown.

BUDGET ACTION REQUIRED: Adjustments will be required for 2010/2011.

STAFF RECOMMENDATION: To approve and authorize the Mayor and Clerk to sign the agreement.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the American's with Disabilities Act Project Civic Access Settlement Agreement with the Department of Justice.

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

Nays: None

MOTION PASSES

2010-81 NEW BUSINESS:

A. Special Event – Peace Jam. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The West Michigan Community Help Network, along with several community partners, including the City of Muskegon, is hosting the Peace Jam on September 25, 2010, at Marsh Field. The event will involve a concert series and a rally with guest speakers and performances. The Peace Jam is an effort to bring citizens and groups together to work towards reducing violence in the community. The City is being asked to provide tables, trash cans and the stage, at no cost, as our contribution towards the event (rather than a cash contribution).

FINANCIAL IMPACT: If approved, no fee will be received for the City services requested (tables, trash cans, stage).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the special event request for a Peace Jam.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: Spataro and Warmington

MOTION PASSES

B. Towing Contract. PUBLIC SAFETY

SUMMARY OF REQUEST: Proposals have been accepted for the towing contract with the City. This contract will go into effect on September 25, 2010. Proposals were submitted by the following companies:

1. All Pro Towing and Recovery, 1708 S. Getty, Muskegon, 49442
2. Baxter's Towing and Storage, 5333 Airline, Muskegon, 49444
3. Central Towing, 710 Pulaski, Muskegon, 49441
4. Reliable Towing, 1288 Ninth Street, Muskegon, 49440
5. Campbell Towing, 796 E. Apple Avenue, Muskegon, 49442
6. ASAP Towing, 710 Pulaski, Muskegon, 49441
7. Hansen Towing, 1878 Sternberg Road, Muskegon, 49444
8. Ramos Towing, 2444 Getty, Muskegon, 49444

Based on the proposals that were submitted, it is recommended that the Commission approve a contract with Ramos Towing.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the contract with Ramos Towing.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, and Wierengo

Nays: Warmington

MOTION PASSES

C. Great Lakes and St. Lawrence Cities Initiative. MAYOR

SUMMARY OF REQUEST: To authorize the payment of membership dues to the Great Lakes and St. Lawrence Cities Initiative. It is important that our City is involved in protecting and restoring the Great Lakes, especially as they face an onslaught of attacks on their well-being.

FINANCIAL IMPACT: \$3,000.

BUDGET ACTION REQUIRED: A budget adjustment will be required to accommodate this expense.

STAFF RECOMMENDATION: To approve the request and authorize the budget adjustment.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the request and authorize the budget adjustment regarding the Great Lakes and St. Lawrence Cities Initiative.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Shepherd commended our Firefighters on their professionalism during the fire at 380 Houston. She would like to recognize and honor Engine #23 Captain Gordon Cole, firefighter Chad Horn, and David Robb; Engine #24 Lt. Art Backstrom, Firefighter Peter Hughes; Engine #25 Lt. Jim Diffell, Firefighter Todd Rake; Rescue Firefighter Ruthanne Simila; Command 91 Battalion Chief Ron Linstrom.

Commissioner Wierengo commented on the park rest rooms being locked.

PUBLIC PARTICIPATION: Public comments received.

2010-81 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Spataro to go into Closed Session.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to come out of Closed Session and accept the recommendation of council in the matter of Griffin vs. City of Muskegon.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: September 28, 2010

Date: September 20, 2010
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Smartzone- Pre-Seed Fund Agreement Between
the City of Muskegon and the Michigan
Alternative & Renewable Energy Center (MAREC)**

SUMMARY OF REQUEST: In 2007, the City of Muskegon received \$25,000 from a \$100,000 grant to assist with the administration of the Pre-Seed Loan fund through the State Smartzone program. The City contracted with Muskegon Area First to administer these funds. MAF spent \$10,000 on assisting clients with their applications for Pre-Seed loans. Recently, the MEDC forwarded the remaining \$75,000 to the City. Since MAREC has a new director and staff, it would be appropriate for them to become administrators of this fund. The funding can be used for administration, as well as to assist potentially eligible applicants through the loan application process. With MAREC's new direction, they can best reach the clients who would qualify for the Pre-Seed Loan (business start-ups, incubators, etc).

FINANCIAL IMPACT: The City has a total of \$90,000 from the State of Michigan for administration and client assistance of the Pre-Seed Fund. These funds will be used by MAREC for administrative services and client assistance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Letter of Agreement between the City of Muskegon and MAREC and authorize the Mayor to sign.



September 15, 2010

City of Muskegon
Ms. Cathy Brubaker-Clarke, Director
Office of Economic Development
933 Terrace Street
P.O. Box 536
Muskegon, MI 49443-0536

Re: Muskegon SmartZone™ Pre-Seed Agreement / SmartZone representation

Dear Cathy:

This letter serves to confirm that the City of Muskegon and Muskegon Area First have requested that GVSU at MAREC assume the responsibility of the Muskegon SmartZone™ representation with the MEDC in Lansing as well for the administration of the Pre-Seed capital Fund available to support business start-up within the alternative energy sector in the Muskegon SmartZone.

We would be pleased to manage and support these activities with the understanding that the City of Muskegon will continue to hold the Pre-Seed Fund monies and that MAREC will invoice the city from time-to-time for appropriate expenditures from the fund that meet the published Pre-Seed Program guidelines.

Enclosed is a Letter of Agreement that outlines our understanding of the terms that will guide our work going forward. I have signed the agreement with an effective date of September 1, 2010 and will anticipate receiving a fully executed copy from you in the near future.

We appreciate your confidence in GVSU/MAREC in taking on this role and we will work diligently to meet everyone's expectations.

Regards,

T. Arnold (Arn) Boezaart, Director
MAREC

Encl.

Cc: Ed Garner, Muskegon Area First

City of Muskegon

And

Grand Valley State University at Michigan Alternative and Renewable Energy Center

Letter of Agreement

Grand Valley State University (GVSU) at Michigan Alternative and Renewable Energy Center (MAREC) working in partnership with the Region 7 office of the Michigan Small Business & Technology Development Center (MI-SBTDC) agrees to provide The City of Muskegon ("City") with administration services as required by the Michigan Pre-Seed Capital Fund (attached) for as long as the Pre-Seed Funds remain. The City agrees to hold the remaining Pre-Seed funds. Up to the extent funds are available in the account, MAREC will request disbursement from the City for expenditures related to the Pre-Seed Fund or marketing of the SmartZone.

The basic services to be provided by MAREC / MI-SBTDC are:

1. MAREC will serve as contact for all interested parties applying for Pre-Seed Capital Funds and explain eligibility requirements.
2. MAREC will prepare and distribute information regarding the Pre-Seed Capital Fund and its use.
3. MAREC will conduct all Due Diligence for companies that are interested in applying for Pre-Seed Capital Funds and provide each eligible company application technical assistance.
4. All expenditures and practices by MAREC in relation to the use of Pre-Seed Capital Funds shall be subject to review by the City.
5. MAREC will act as the "Fund Administrator" on behalf of the City and report to and attend meetings of the Investment Review Board (IRB), SmartZone Governing Board, and have responsibility for Michigan Economic Development Corporation (MEDC) Strategic Fund contract management.
6. The parties agree that MAREC will share information with the City when funds are expended on behalf of an applicant and as payment of Pre-Seed Capital Funds are requested. The information will be sent in the form of a confidential memo, with information subject to the Freedom of Information Act (FOIA).
7. MAREC will provide the City quarterly and annual reports regarding the use of the Pre-Seed Capital Funds.

This letter of agreement is hereby executed on _____, ___, 2010

Stephen J. Warmington, Mayor
City of Muskegon

T. Arnold (Arn) Boezaart, Executive Director
MAREC

Sept. 15, 2010

Commission Meeting Date: September 28, 2010

Date: September 17, 2010
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Senior Nutrition Program- Agreement Between
AgeWell Services of West Michigan (AWS) and the
City of Muskegon**

SUMMARY OF REQUEST: The City of Muskegon has contracted with AgeWell Services for several years to conduct the senior nutrition program at the McGraft Park Community Building. This Agreement will extend those services through September 30, 2011.

FINANCIAL IMPACT: The City of Muskegon financially supports the program in the amount of \$8,316.00. AWS pays the City \$200.00 a month for rent and utilities.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Agreement and authorize the Mayor's signature.

AGREEMENT BETWEEN

AgeWell Services of West Michigan (AWS)

AND

The City of Muskegon

FOR THE MCGRAFT PARK COMMUNITY BUILDING

and Senior Citizen Programs within the City of Muskegon

The purpose of the agreement is to establish the working arrangements for the occupancy of the City owned McGraft Park Community Building by the Senior Nutrition Program operated by AgeWell Services of West Michigan (AWS) and for the operation of programs for older adults within the City of Muskegon. The specifics of this agreement shall be as follows:

1. The City of Muskegon agrees to allow use of the McGraft Park Community Building to AWS to operate as a location for senior meals and support services for seniors in the area.
2. AWS will pay to the City \$200.00 per month as a fee for expenses of rent and utilities including garbage service.
3. A telephone will be provided at the expense of AWS.
4. The City will provide a locked office for the program. A locked cupboard for storage in the kitchen will also be provided.
5. AWS will provide all materials for the program meal. AWS has full and complete responsibility for the operation of the program.
6. AWS agrees to work to promote recreational opportunities for seniors in the City of Muskegon.
7. AWS agrees to try to secure grants if available towards facility improvements or equipment for the operation of the program.
8. The building will be available to AWS from Monday through Friday during business hours – typically 9 - 3. Exceptions are voting days and the third Wednesday of the month “Shuffleboard Potlucks” during the summer. AWS may use the building for an evening event when approved by the City.
9. The care and maintenance of the facility is the City’s responsibility with AWS responsible for routine daily clean-up; which is wiping tables, counters, sinks, and spills, and disposing of food and supply waste; leaving kitchen and dining area ready for use by any other tenants.

Page two – agreement between AWS and City of Muskegon for McGraft Park

10. AWS provides liability insurance and its own health department licensing for its centers. Written evidence is available upon request.
11. The City agrees to financial support in the amount of \$ 8316.00 for staff time for programs provided at McGraft Park and other locations within the city of Muskegon for seniors. These activities are wellness programs including exercise and health, chronic disease management, educational, social and a diversity of enrichment programs at a variety of locations.
12. Either party with sixty- (60) day notice may terminate this agreement with just cause.

The inclusive dates of this agreement are October 1, 2010 through September 30, 2011.

FOR: City of Muskegon

933 Terrace Street
Muskegon, MI 49440

FOR: AgeWell Services

Tanglewood Park
560 Seminole Road
Muskegon, MI 49444

Steve Warmington
Mayor of Muskegon

Date



EXECUTIVE DIRECTOR
Chairperson of the Board

9 / 07 / 10

Date



September 7, 2010

Leisure Services
City of Muskegon
933 Terrace
Muskegon, MI 49440

RECEIVED
SEP 10 2010
CITY OF MUSKEGON
PLANNING DEPARTMENT

Many thanks to the Commission, the City of Muskegon leaders and the Leisure Services staff for their support for the senior meals program and recreational opportunities for older adults within the City of Muskegon. Working together and pooling resources, in this difficult economic time is the only opportunity that we have to continue needed services for the fastest growing segment of our population – the over 60 years of age group. Our goals are simple to keep older adults healthier, engaged in their communities, living in their homes safe and independent for as long as possible. Your partnership makes an impact on Quality of Life! Thank You.

Our programs for seniors in the City of Muskegon continue to be strong. Our **main focus remains at the McGraft Park Community Building** for the City of Muskegon but we operate many programs at other city locations as well. Seniors in the community are looking to us as their source for health and wellness. Our emphasis is on Nutrition, Enrichment and Wellness.

The membership and other programs of Tanglewood Park Wellness programs does have a strong contingency of City of Muskegon attendees but none of the funds from this support are used for Tanglewood Park and are used for programs held within the city.

With these funds, in addition to McGraft Park, we provide programs at:

- Jefferson Towers
- Nelson Place
- Bayview Towers

We continue to provide home delivered meals to the seniors throughout the City of Muskegon using the centers as satellite operations to coordinate the service and the drivers and make sure that the seniors that are homebound have the meals, a visit by our drivers and visits by our assessment staff to connect them to any other services they may need.

Provided is a listing of the variety of programs we offer and some statistics. **Your support of our program keeps it going in the City of Muskegon.** Without it, we could not provide the health and wellness programs that are keeping seniors more active, some programs would continue but certainly not available daily.

We are asking you can maintain the rent at McGraft Park at the \$200 as we have been paying and that you continue the staffing support at \$8615 for the year for the continuation of programming for older adults. I know your funds are also limited and we appreciate your flexibility in the hours we use the facility. I know this is a community center and a source of rental revenue and that comes first. So allowing us to use it occasionally in the evenings or later afternoon when available is very helpful to us when available.

Thank you for the opportunity to partner with you!

Should you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon TerHaar".

Sharon TerHaar
Director

CITY OF MUSKEGON SENIOR MEAL CENTERS OPERATED BY AGEWELL SERVICES

Each location has 1 staff person. They manage all operations around lunch service, distribution of home delivered meals in their building or neighborhood. They also arrange for and/or provide supportive services and programs applicable to the attendees.

Summary below
~~This table~~ shows the Site meals and the home delivered meals that are served in the building or surrounding neighborhoods.

Funding from the City is used for 8 hours per week at McGraft Park (about 50% of funds) and 3 hours per week total for each of the other 3 locations – Jefferson Towers, Bayview Towers and Nelson Place.

Our Nutrition Funds pay for the rest of the staff hours, the rent, the meals and supplies. Match is provided by volunteer hours. Our Nutrition Funds are from the Older Americans Act, client contributions and fees for service and fundraising.

68% of our City of Muskegon clients Live Alone and would often eat every meal alone without these centers to come to. The home delivered clients get the daily visit by our drivers.

72% of our City of Muskegon clients are at High Nutrition Risk and this means they have 2 or more chronic diseases or they have limited ability to shop and cook, or limited funds to buy appropriate foods.

39% of our City of Muskegon clients declare themselves as low income levels. We feel this statistic is much higher but it is self-declared and many are proud and do not want to divulge income information.

Summary of Meals PROVIDED at EACH CENTER

McGraft Park Center – 6200 meals per year

Bayview Towers – 7000 per year

Nelson Place - 7500

Jefferson Towers – 4800 per year

Home Delivered Meals distributed in the City of Muskegon with assistance from these locations and volunteers – 27,000

SUPPORTIVE SERVICES PROVIDED AT CENTERS

Most programs are free. Some have a small fee to support extra costs involved.

AVERAGE DAILY ATTENDANCE activities and programs:

McGraft Park	25
Bayview Towers	30
Nelson Place	30
Jefferson Towers	20

Below are a range of the programs we provide at the centers. Some are daily, weekly, monthly or only upon occasion. Each site is to have a balance monthly of Nutrition, Enrichment and Wellness opportunities.

- Nutrition Education Programs (monthly)
- Matter of Balance Fall Prevention Program
- Chronic Disease and Self Management Programs
- Foot Care
- Exercise Classes for strength and flexibility
- Bingo (daily/weekly)
- Parties for holidays, theme events, and birthdays as appropriate (required to do 1 party per month minimum)
- Picnics monthly during the summer (Margaret Elliott Drake Park, Heritage Landing) during the time Shuffleboard uses the McGraft Facility and in partnership with other sites.
- Card games – cribbage, pinochle, euchre, bridge (daily, weekly)
- Sports – Shuffleboard, Disc Golf, Cross Country Skiing, tennis and walking at McGraft Park
- Book Clubs, Music Program, Movies
- Guest Speakers on topics such as Medicare/Medicaid Assistance, Identity Theft and other scams, healthy eating, etc.
- Health Screenings

Over 3000 different seniors either came to or were served from one of our 4 City of Muskegon Locations for programs last year.

Commission Meeting Date: September 28, 2010

Date: September 20, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendments to the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Section 1306 (Special Land Use Permitted) of Article XIV (B-5, Governmental Service District) of the zoning ordinance, to allow Transitional Living Centers as a special use permitted in B-5, Governmental Service Districts, by West Michigan Therapy, Inc.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/16 meeting.

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

September 16, 2010

BACKGROUND

This case was also tabled from the August meeting and the committee was asked to explore other zones for placement of Transitional Living Centers. The committee researched different zone districts and is proposing to allow them as a special use permitted in B-5, Central Governmental Service Districts.

Please note the enclosed zoning excerpt for B-5, Central Governmental Service Districts

There currently is only one B-5 District in the City. It is located near the south-west end of downtown (see enclosed map). Staff does not foresee any future interest in locating a Transitional Living Center in this area, given the small boundaries and lack of compatible buildings. The scarcity of the zone may also cut down on the number of requests for this type of use, which may prove to be beneficial, since many have shared concerns over the saturation of these types of uses in certain areas. This would make it likely that any requests for a Transitional Living Center would also need a rezoning.

NEW LANGUAGE

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

Amendment to Section 1306 of Article XIV, "Special Uses Permitted"

New #3

3) Transitional Living Centers provided:

- a) **The center must be associated with a governmental agency or bona fide charitable association, such as a 501 (c) organization.**
- b) **The residents must be provided with information on supplemental services, such as re-housing assistance and substance abuse treatment.**
- c) **Staff must be located on site twenty-four hours a day, seven days a week for programs that provide on site overnight sleeping accommodations.**
- d) **Residents may not be housed for more than six (6) consecutive months.**
- e) **The center does not conflict with any of the prohibited uses stated in Section 1305.**

STAFF RECOMMENDATION

Staff recommends allowing Transitional Living Centers as a special use permitted in B-5, Governmental Service Districts.

DELIBERATION

I move that the amendment to Section 1306, #3, of Article XIV, of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 1306 #3 of Article XIV to allow Transitional Living Centers as a special use permitted in B-5, Governmental Service Districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

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

Amendment to Section 1306 of Article XIV, "Special Uses Permitted"

New #3

3.) Transitional Living Centers provided:

- a) **The center must be associated with a governmental agency or bona fide charitable association, such as a 501 (c) organization.**
- b) **The residents must be provided with information on supplemental services, such as re-housing assistance and substance abuse treatment.**
- c) **Staff must be located on site twenty-four hours a day, seven days a week for programs that provide on site overnight sleeping accommodations.**
- d) **Residents may not be housed for more than six (6) consecutive months.**
- e) **The center does not conflict with any of the prohibited uses stated in Section 1305.**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of September, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on September 28, 2010, the City Commission of the City of Muskegon adopted an ordinance to amend Section 1306 of Article XIV to allow Transitional Living Centers as a special use permitted in B-5, Governmental Service Districts. Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2010.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: September 28 , 2010

Date: September 20, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendments to the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II of the zoning ordinance to create a definition for Transitional Living Center, by West Michigan Therapy, Inc.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/16 meeting.

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

September 16, 2010

Case 2010- 31: Request to amend Article II (Definitions) of the zoning ordinance to include a definition for Transitional Living Center, by West Michigan Therapy, Inc.

BACKGROUND

This case was tabled from the August 12, 2010 meeting. West Michigan Therapy, Inc. is seeking to use the building at 1823 Commerce St to provide services and shelter to the homeless and those at risk of being homeless. However, the City of Muskegon zoning ordinance does not have a definition for this type of use, as all of the shelters currently operating in the City are considered legal-non conforming uses. A definition was presented at the August 12, 2010 meeting; however, the Planning Commission decided to table the case and asked staff and a small committee to revise the definition. The committee met on August 24 and is recommending the approval of the following definition.

NEW LANGUAGE

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

Amendment to Article II, Definitions

Transitional Living Center: A facility that provides temporary housing and services to the homeless.

RECOMMENDATION

Staff recommends approval of the definition for Transitional Living Center.

DETERMINATION

The following motion is offered for consideration:

I move that the amendment to Article II (Definitions), of the City of Muskegon Zoning Ordinance to add the staff written definition for Transitional Living Center, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II to create a definition for Transitional Living Center.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are crossed-out and additions are in **bold**.

Amendment to Article II, Definitions

Transitional Living Center: A facility that provides temporary housing and services to the homeless.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 28th day of September, 2010, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2010.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on September 28, 2010, the City Commission of the City of Muskegon adopted an ordinance to amend Article II to create a definition for Transitional Living Center. Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten days from the date of this publication.

Published _____, 2010.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Date: September 28, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Congress of Cities Voting Delegates

SUMMARY OF REQUEST: To designate one of our officials who will be in attendance at the National League of Cities Annual Business Meeting on Saturday, December 4th, to cast the City's vote; and, if possible, to designate an alternate.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

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



National League of Cities

1301 Pennsylvania Ave., N.W.

Washington, D.C. 20004-1763

202-626-3000

Fax: 202-626-3043

www.nlc.org

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Executive Director

Donald J. Borut

August 20, 2010

Ms. Ann Marie Becker
City Clerk
City of Muskegon
PO Box 536
North Muskegon, MI 49443-0536

Dear Ms. Becker:

The National League of Cities (NLC) Annual Business Meeting will be held on Saturday, December 4, 2010, at the conclusion of the Congress of Cities and Exposition in Denver, CO. As a direct member city, your city is entitled to vote at this meeting. Based on the population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of the credentials form.

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

At the Congress of Cities, the voting delegate must pick up the city's voting card at the Credentials Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Credentials Booth will be open during scheduled times throughout the Congress of Cities.

Please return the completed form to NLC by fax 202-626-3109 on or before **October 30, 2010**. If you have any questions, please contact Tata Sidibe, sidibe@nlc.org or 202-626-3188 or Mae Davis, mdavis@nlc.org, 202-626-3150.

Thank you,

Donald J. Borut
Executive Director

Past Presidents: John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania Directors: Ulysses Z. Addison, Jr., Councilmember, Baton Rouge, Louisiana • David Baker, Mayor, Kenmore, Washington • Geoffrey C. Beckwith, Executive Director, Massachusetts Municipal Association • M. Margaret Bates, Commissioner, Lauderdale, Florida • Charles A. Blon Alderman, New Haven, Connecticut • William G. "Bill" Brooks, Mayor, Belle Isle, Florida • Kenneth H. Bullock, Executive Director, Utah League of Cities and Towns • Jim Byard, Jr., Mayor, Prattville, Alabama • Gary W. Campbell, City Director/Vice Mayor, Fort Smith, Arkansas • Sheri Capehart, Councilmember, Arlington, Texas • Nancy G. Carter, Council Member, Charlotte, North Carolina • Brad Cole, Mayor, Carbondale, Illinois • Sandra Colvin-Roy, Council Member, Minneapolis, Minnesota • John F. Cook, Mayor, El Paso, Texas • Mildred C. Crump, Council President, Newark, New Jersey • Joe Davis, Sr., Alderman, Milwaukee, Wisconsin • Gretchen Driskell, Mayor, Saline, Michigan • Larry G. Frang, Executive Director, Illinois Municipal League • Dan Furtado, Councilmember, Campbell, California • John A. Gomer, Executive Director, Pennsylvania League of Cities and Municipalities • Paul M. Gresham, Councilmember, Centerville, Ohio • Miriam Hall, Executive Director, Municipal Association of South Carolina • J. Hankins, Council Member, Irwinwood, Ohio • Terry B. Henderson, Mayor Pro Tem, La Quinta, California • Edna Branch Jackson, Mayor Pro Tem/Alderman of Large, Savannah, Georgia • Dennis Kavanau, Councilmember, Mesa, Arizona • Greg Lemke, Council Member, Moorhead, Minnesota • George Lewis, Executive Director, Mississippi Municipal League • Myron Lowery, Council Member, Memphis, Tennessee • Michael McCauley, Executive Director, League of Oregon Cities • James F. Miller, Executive Director, League of Minnesota Cities • Mark Mitchell, Councilmember, Tempe, Arizona • Garra Nancolas, Mayor, Caldwell, Idaho • Ron Natinsky, Councilmember, Dallas, Texas • Laura W. Padgett, Councilmember, Wilmington, North Carolina • Randall W. B. Purvis, Council Member, Colorado Springs



CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2010 CONGRESS OF CITIES · DENVER, COLORADO

At the Annual Business Meeting on Saturday, December 4, 2010, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3109, by the October 30, 2010, deadline.

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

City of Muskegon MI 40105 (1)

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

VOTING DELEGATE:

1. NAME

TITLE

ALTERNATE VOTING DELEGATE(S):

2. NAME

TITLE

3. NAME

TITLE

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2010
ATTENTION: TATA SIDIBE, MEMBERSHIP RELATIONS ASSISTANT
FAX: 202-626-3109

Signature (city representative):

FOR OFFICE USE ONLY
(DO NOT WRITE IN THIS SPACE)

Voting card issued to:

(signature)

Votes:

1 2 3



NATIONAL LEAGUE OF CITIES
2010 CONGRESS OF CITIES
DENVER, COLORADO

Number of Votes – Annual Business Meeting

Direct Member Cities

Article IV, Section 2 of the National League of Cities bylaws specifies the number of votes that each NLC direct member city is entitled to cast at the Annual Business Meeting at the Congress of Cities. Member cities are required by the bylaws to cast unanimous votes.

CITY POPULATION (per 2000 Census)	NUMBER OF VOTES
Under 50,000	1 vote
50,000 – 99,999	2 votes
100,000 – 199,999	4 votes
200,000 – 299,999	6 votes
300,000 – 399,999	8 votes
400,000 – 499,999	10 votes
500,000 – 599,999	12 votes
600,000 – 699,999	14 votes
700,000 – 799,999	16 votes
800,000 – 899,999	18 votes
900,000 and above	20 votes