

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 22, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. North Passage Roof Replacement. WATER FILTRATION
 - C. Amendment to the Zoning Ordinance – Wind Turbines. PLANNING & ECONOMIC DEVELOPMENT
 - D. Amendment to the Zoning Ordinance – Wind Turbine Facilities. PLANNING & ECONOMIC DEVELOPMENT
 - E. Amendment to the Zoning Ordinance – Definitions. PLANNING & ECONOMIC DEVELOPMENT
 - F. Termination and Release of Sewer Utility Easement at Betten Chevrolet. PUBLIC WORKS
 - G. Request for an Access Agreement – Burgess Norton. PUBLIC WORKS
 - H. Selection of Installer for Pole Lighting at Clara Shepherd Park. LEISURE SERVICES
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - A. 2010 Budget Adoption. FINANCE

❑ **NEW BUSINESS:**

A. Pooled Health Care Coverage. COMMISSIONER SPATARO

B. Congress of Cities Voting Delegates. CITY CLERK

C. Recommendations for the Various Boards and Committees. 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 22, 2009
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 8th Regular Commission Meeting, and the September 9th Commission Worksession.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 8, 2009

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 8, 2009.

Mayor Warmington opened the meeting with a prayer from Robert Kuhn, Director of Public Works 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 Clara Shepherd, Lawrence Spataro, Sue Wierengo, Steve Wisneski, and Chris Carter, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2009-74 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 25, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Use of L C Walker Arena Repair, Maintenance and Improvement Fund.

FINANCE

SUMMARY OF REQUEST: The Walker Arena management agreement provides for a maintenance reserve funded through a \$0.25 user fee on event tickets. The agreement further specifies that the fund should be used for individual repairs costing \$5,000 or more. The arena manager is requesting a one-time waiver of the \$5,000 threshold to catch up with some significant deferred maintenance items. These include:

- Roof repairs (\$1,809.55)
- Alarm system repairs (\$1,612.42)

- Sign repairs (\$2,330.50)

These repairs total \$5,752.47 but, individually, do not meet the \$5,000 threshold. Staff is recommending a one-time waiver of this provision to allow payment for these repairs from the arena maintenance fund.

FINANCIAL IMPACT: \$5,752.47 from the arena maintenance fund. This will leave a balance in this fund of approximately \$59,000.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

C. Selection of Vinyl Siding Supplier for Fiscal Year 2009 – 2010.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services department's selection of the Vinyl Siding Supplier for 2009 – 2010 fiscal year. After reviewing all bids, the department selected the bid from Keene Lumber, located at 346 W. Laketon Avenue, Muskegon, MI, for the price of \$49 per building square for white and \$51 per square for color.

The Community and Neighborhood Services department received three additional bids from:

- | | |
|--|-------------------|
| • ABC Supply Co | \$49.20 for white |
| 123 W. Sherman Blvd., Muskegon Heights | \$51.00 for color |
| • Standale Lumber & Supply | \$52.50 for white |
| 2971 Franklin Ave., Grandville | \$52.75 for color |
| • Weber Lumber Co. | \$52.75 for white |
| 465 Ottawa, Muskegon | \$52.75 for color |

The above documentation shows the closeness of all the bids; but, because of the long-term relationship with Keene Lumber as well as them being located in the City of Muskegon, CNS has selected Keene Lumber to be the 2009-2010 Vinyl Siding supplier for this fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2009-2010 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2009-2010 allocation period last April.

D. Selection of Vinyl Siding Installer for Fiscal Year 2009 – 2010.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign a contract with Tucker Construction, 9121 Holton Road, Holton, MI, and

Cutting Edge, 766 Chatterson Road, Muskegon, MI to install vinyl siding at an agreed price of \$55 per building square for the Vinyl Siding Program's 2009-2010 fiscal year. Last year's price was \$65 per building square.

The Community and Neighborhood Services office received nine other bids from vinyl siding installers:

- | | |
|--|-------|
| • Kingdom Development, 209 E. Main St., Lowell | \$59 |
| • KO Construction, 11489 Bailey, Ravenna | \$60 |
| • Lewis Johnson, 16076 Bonita Ct., Grand Haven | \$64 |
| • Gawlik Construction, 5346 E. Sternberg Rd., Fruitport | \$65 |
| • Specialty Builders, 4392 Hall Rd., Muskegon | \$65 |
| • Fredricks Co., 1940 Commerce St., Muskegon | \$65 |
| • Beattie Brothers, 2786 Holton Whitehall Rd., Twin Lake | \$100 |
| • JPM, 4554 W. River Rd., N. Muskegon | \$125 |
| • Dreamscapes, 3250 Cline Rd., Muskegon
(Not on our bid form) | NA |

FINANCIAL IMPACT: Funding will be disbursed from the 2009-2010 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

COMMITTEE RECOMMENDATION: The funding for the Vinyl Siding Program was approved by the Commission during the 2009-2010 allocation period last April.

E. Request for a Redevelopment Liquor License (formerly known as a DDA Liquor License) – Shoreline Inn. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Shoreline Inn is applying for a Redevelopment On-Premise Liquor License for the premises at 750 Terrace Point, which is located within an area established by the City Commission as a redevelopment project area pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws. The project includes plans for a small bar in the parlor room of the hotel for the purpose of making the hotel more attractive to customers and also for the placement of mini-bars in the hotel rooms.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the liquor license request and the resolution.

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

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

Nays: None.

MOTION PASSES

2009-75 PUBLIC HEARINGS:

A. 2010 Budget. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2010. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library, and the City's website (www.shorelinecity.com). After hearing public comments, the City Commission may take action to adopt the 2010 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2009.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2010. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2010.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2010 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2009 Budget Reforecast as shown in the Budget Book is recommended at this time.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Karen Kendra, 1430 Nelson Street; Brian Clancy; Ed Garner, 37 E. Grand; Letter from Chamber of Commerce; Doris Rucks, 348 Cross; and Tommie Watson, Jr., 1426 W. Summit.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing.

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

Nays: None.

MOTION PASSES

2009-76 NEW BUSINESS:

A. 75th Anniversary Celebration – Veterans Memorial Park. CITY

MANAGER

SUMMARY OF REQUEST: To request Michigan Department of Transportation approval to close both arms of the Causeway to through traffic on November 8, 2009, from 10:00 a.m. to 4:00 p.m., during the Veterans Memorial Park 75th Anniversary Celebration, on behalf of the celebration committee.

FINANCIAL IMPACT: Minimal, barricading will need to be provided.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request and authorize staff to pursue the closing with the Michigan Department of Transportation.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the request and authorize staff to pursue the closing with the Michigan Department of Transportation.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Concerns reference the intersection of Jefferson and Apple since the light has been turned to flashing. Annual Nims Neighborhood Association picnic is Saturday, September 12th.

ADJOURNMENT: The City Commission Meeting adjourned at 6:07 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

City of Muskegon
City Commission Worksession
September 9, 2009
City Commission Chambers
5:30 PM

MINUTES

2009-77

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

Absent: None.

2010 Budget

Bryon Mazade, City Manager, presented the proposed 2010 budget. A lengthy discussion ensued.

Adjournment

Motion by Commissioner Carter, seconded by Commissioner Shepherd to adjourn at 7:40 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

Date: September 22, 2009
To: Honorable Mayor and City Commission
From: Water Filtration
RE: North Passage Roof Replacement

SUMMARY OF REQUEST:

To approve staff to enter into agreement with Gale Roofing for the replacement of the north passage roof at the Water Filtration Plant.

FINANCIAL IMPACT:

The cost of the roof replacement is \$9270.00.

BUDGET ACTION REQUIRED:

None. This project is included in the 2009 budget.

STAFF RECOMMENDATION:

Staff recommends approval for staff to enter into agreement with Gale Roofing for the replacement of the north passage roof at the Water Filtration Plant.

MEMORANDUM

8/27/09

TO: R. KUHN, DIRECTOR
M. AL-SHATEL, DEPUTY DIRECTOR

FROM: R. VENEKLASEN, WATER FILTRATION

RE: NORTH PASSAGE ROOF REPLACEMENT

HISTORY

The roof over the passage between the north filters and the 1972 high service pump house is in need of replacement. This is the original roof installed in 1972 so has provided good service over the years.

BACKGROUND

The north passage roof has received coating of aluminized sealer material every year but began to show signs of leaking last year. When staff applied a leak sealer to the area they observed the roof deck was "spongy"; indicating the wooden deck was deteriorating.

The replacement of this roof was included in the 2009 budget as a result of these findings.

SPECIFICATIONS & BIDDING

The replacement of this roof was specified to remove the modified bitumen material and insulation to enable replacement of any rotted wooden decking. The roof membrane was specified to be a Firestone EPDM (rubber) roofing material to match the other roofs at the Plant and also the remote sites. A copy of the specifications is included.

Invitations for bids were sent to five roofing contractors that had performed work for the City in the past; East Muskegon Roofing & Sheet Metal, Free Spirit Enterprises, Inc., Fredricks Company, Inc., Gale Roofing Co., Inc., and West Michigan Roofing & construction. Fredricks Company sent a reply indicating they did not install EPDM roofs. West Michigan Roofing & Construction did not reply.

A pre-bid meeting was held at the Plant to allow potential bidders the opportunity to view the roof and site. Bids were received from the three firms that attended the pre-bid meeting. The Bids received are included and summarized as follows:

FIRM	BID
East Muskegon Roofing & Sheet Metal 1665 Holton Road Muskegon, MI 49442	\$14,725.00
Free Spirit Construction, Inc. 2200 Roberts Street Muskegon, MI 49442	\$7,950.00
Gale Roofing Co., Inc. PO Box 611 3006 Polk Road Hart, MI 49420	\$9,270.00

BID REVIEW

Upon review of the information submitted by the apparent low bidder, Free Spirit Construction, Inc. it was noted the bid was not for a Firestone membrane as specified. Although the Carlisle product may be equivalent a comparison was not made as there were other inconsistencies in the bid. The wood decking was submitted at a cost per square foot by without an estimate of the area to be replaced. Similarly, the fascia board was submitted at a cost per lineal foot without an estimated length to be replaced. The aluminum fascia that was indicated for replacement during the pre-bid meeting was submitted at a cost per lineal foot.

RECOMMENDATION

Gale roofing has installed all the roofs at the Water Filtration Plant over the past twenty-years, including the Multi-Purpose Building and recent improvements project.

Based on the information received and past experience, it is my recommendation that Gale Roofing Co, Inc. perform the roof replacement on the north passage at the Water Filtration Plant - without the deductions offered. The bid from Gale Roofing is inclusive of all wood deck and fascia replacement and also the aluminum over the fascia board.

Kindly review the information and indicate your concurrence so I may submit this recommendation to the Mayor and City Commission.

CITY OF MUSKEGON WATER FILTRATION PLANT

NORTH PASSAGE ROOFING REPLACEMENT

The City of Muskegon Water Filtration Plant is seeking cost proposals from roofing contractors to replace the roof on the north passage between the north filters and the high service pump building. Roofing contractors will be able display, upon request, ten years of successful work with this type of roofing system and manufacturer's certification for installation.

SPECIFICATIONS

1. Remove and properly dispose of existing roofing, insulation, flashings and gravelstop.
2. Repair/replace rotted wood roof deck, soffit, and fascia.
3. Install two layers of Firesone 1.5" ISO 95+ insulation fastened to meet I-90 wind uplift and slope to eliminate water ponding.
4. Install wood blocking on edge to match height of insulation.
5. Install Firestone 60 mil fully adhered EPDM roofing system over insulation.
6. Install flashing on wall after anchoring roofing at base of wall.
7. Install termination bar at top of flashing.
8. Install new 0.050 aluminum gravelstop on edges.
9. Clean up site and restore to original condition.

The Water Filtration Plant is located at 1900 Beach Street, Muskegon, MI 49441. The project site can be viewed on Tuesday August 18, 2009 at 10:00 AM as part of an informal pre-bid meeting. Contact the Plant at 231.724.4106 no later than Monday, August 17, 2009 to provide notification of attendance at this meeting.

Proposals are to be submitted to the Water Filtration Plant on Tuesday, August 25, 2009 no later than 4:00 PM EST. Send proposals to the attention of Robert Veneklasen.

The City of Muskegon reserves the right to accept, or reject, any and all bids or proposals that are deemed in the City's best interest.

Commission Meeting Date: September 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Wind Turbines

SUMMARY OF REQUEST:

Request to amend Section 2311, #10 (Accessory Structures and Buildings) of Article XXIII (General Provisions) to include “Wind Turbines” as permitted accessory structures.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include “Wind Turbines” as permitted accessory structures.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

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

September 10, 2009

Hearing; Case 2009-08: Staff-initiated request to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII, to include “Wind Turbines” as permitted temporary structures.

BACKGROUND

Staff has received many questions and inquiries regarding wind turbines, both residential and commercial, in the past six months. With the public gaining more interest in “going green”, companies are working to develop more usable wind turbines. The Frauenthal building has installed one on top of their building, and some grant money has been available to other organizations to facilitate the installation on top of some other buildings in the City.

Presently, our zoning ordinance deals pretty well with wind turbines mounted on structures, such as buildings. However, more interest is being shown for freestanding units, and so the following language for wind turbines, and also the following two cases dealing with “wind turbine facilities”, and the definitions for both, seems to be necessary.

You will notice that this language allows wind turbines only in commercial and industrial zoning districts, and requires site plan approval from Planning Commission. Minimum parcel size is 2 acres. Although the amendments were written by staff, the City Attorney’s office also reviewed the language, and gave suggestions and input. Residential wind turbines will continue to be addressed through Section 2309, Height Regulations, #3.

NEW LANGUAGE

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

Amendment to Section 2311 (Accessory Structures & Buildings) of Article XXIII, General Provisions

New #10

10. **Wind Turbines:** Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:

- a. Minimum parcel size shall be two (2) acres.
- b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.

- ii. A climbing apparatus no closer than 12 feet from the ground.
- c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.
- d. Height limit of any free-standing wind turbine shall be 65 feet. Such total height shall include both support structure and the highest elevation of the wind turbine rotor. Height limits on top of a building shall be allowed according to Section 2309, Height Regulations.
- e. Wind turbines shall be located away from overhead utility lines, including service drops, and if the structure should fail, must fall at least (five) 5 feet away from any overhead utility lines.
- f. Wind turbines may not be located in the front yard in Business zoning districts.
- g. Wind turbines shall be permitted to be located on the site prior to the principal structure only if accessory to the rest of the development or part of a wind turbine facility.
- h. Wind turbines shall meet the requirement of Article II, Section 26 of the City of Muskegon Code of Ordinances (noise ordinance).
- i. The owner shall make all reasonable efforts to minimize shadow flicker to any occupied building on the property or any adjacent property.
- j. An abandoned wind turbine must be removed from the site by the property owner within 12 months. It shall be considered abandoned from the last date that it was providing electricity for the grid or development. If removal of the wind turbines and related facilities are not completed within 30 days from the date of notification by the Zoning Administrator, the City of Muskegon may proceed to remove the wind turbine and related facilities, in which case the salvaged material becomes the property of the City and all costs of removing the wind turbine and related facilities will remain the burden of the property owner and added to owner's tax bill as a lien on the property.
- k. No signage shall be allowed, except for one sign not exceeding two (2) square feet posted at the base of the tower, containing the following information:
 - i. "Warning high voltage"
 - ii. Manufacturer's name.
 - iii. Operator's name.
 - iv. Emergency phone number.
 - v. Emergency shut down procedures.
- l. Wind turbines shall require a building permit and must comply with all requirements of the Building Inspections Department.
- m. Wind turbines shall be designed so as to have the least impact on the aesthetics of surrounding properties and sight lines. They shall be either monopole or monolithic tube construction and a non-obtrusive color, such as white, off-white or gray.
- n. In the case of multiple wind turbines on the site, Section 2310, #4 through #8 shall apply and review and approval of the site plan must be granted by the Planning Commission.

DELIBERATION

I move that the amendment to Section 2311, #10, of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to include “wind turbines” as permitted accessory structures, with Planning Commission approval, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII (General Provisions), to include “Wind Turbines” as permitted accessory structures.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Article XXIII, Section 2311, #10: Accessory Structures & Buildings

NEW LANGUAGE

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

New #10

10. **Wind Turbines:** Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:
- a. Minimum parcel size shall be two (2) acres.
 - b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.
 - ii. A climbing apparatus no closer than 12 feet from the ground.
 - c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.
 - d. Height limit of any free-standing wind turbine shall be 65 feet. Such total height shall include both support structure and the highest elevation of the wind turbine rotor. Height limits on top of a building shall be allowed according to Section 2309, Height Regulations.
 - e. Wind turbines shall be located away from overhead utility lines, including service drops, and if the structure should fail, must fall at least (five) 5 feet away from any overhead utility lines.
 - f. Wind turbines may not be located in the front yard in Business zoning districts.
 - g. Wind turbines shall be permitted to be located on the site prior to the principal structure only if accessory to the rest of the development or part of a wind turbine facility.
 - h. Wind turbines shall meet the requirement of Article II, Section 26 of the City of Muskegon Code of Ordinances (noise ordinance).

- i. The owner shall make all reasonable efforts to minimize shadow flicker to any occupied building on the property or any adjacent property.
- j. An abandoned wind turbine must be removed from the site by the property owner within 12 months. It shall be considered abandoned from the last date that it was providing electricity for the grid or development. If removal of the wind turbines and related facilities are not completed within 30 days from the date of notification by the Zoning Administrator, the City of Muskegon may proceed to remove the wind turbine and related facilities, in which case the salvaged material becomes the property of the City and all costs of removing the wind turbine and related facilities will remain the burden of the property owner and added to owner's tax bill as a lien on the property.
- k. No signage shall be allowed, except for one sign not exceeding two (2) square feet posted at the base of the tower, containing the following information:
 - i. "Warning high voltage"
 - ii. Manufacturer's name.
 - iii. Operator's name.
 - iv. Emergency phone number.
 - v. Emergency shut down procedures.
- l. Wind turbines shall require a building permit and must comply with all requirements of the Building Inspections Department.
- m. Wind turbines shall be designed so as to have the least impact on the aesthetics of surrounding properties and sight lines. They shall be either monopole or monolithic tube construction and a non-obtrusive color, such as white, off-white or gray.
- n. In the case of multiple wind turbines on the site, Section 2310, #4 through #8 shall apply and review and approval of the site plan must be granted by the Planning Commission.

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 22nd day of September, 2009, 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: _____, 2009.

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 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII (General Provisions) amending language to include "Wind Turbines" as permitted accessory structures.

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 _____, 2009.

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 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Wind Turbine Facilities

SUMMARY OF REQUEST:

Request to amend Section 2310 of Article XXIII (General Provisions) to add “Wind Turbines Facilities (WTF)”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include “Wind Turbines Facilities (WTF)”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

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

September 10, 2009

Hearing; Case 2009-09: Staff-initiated request to amend Section 2310, of Article XXIII, to add “Wind Turbine Facilities”.

BACKGROUND

Although no wind turbine facilities have been proposed in the City, some inquiries have been made as to where they would be allowed and under what conditions. Therefore, staff feels it would be better to put some language in place to deal with any applications that are received for these facilities.

Under this language, “wind turbine facilities” would be allowed as special land uses in B-2, B-3, B-4, and B-5 zones, as well as I-1 and I-2 zones. Applications would be received and considered by the Planning Commission, which also involves approval of proposed site plans. Minimum parcel size is 10 acres.

As with both of these cases, amendments may need to be made in the future as development takes place and unforeseeable issues arise. Assuming that this amendment is approved by Planning Commission and City Commission, amendments to the B and I districts to include “wind turbine facilities” as special land uses will be brought to Planning Commission in the near future.

NEW LANGUAGE

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

Amendment to Section 2310, Wind Turbine Facilities (WTF)

Wind Turbine Facilities shall be allowed as a special land use in Industrial and Business zones under the purview of Section 2332, after review and approval of the special land use permit and site plan by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission, including the following:

- 1. Minimum parcel size for wind turbine facilities shall be ten (10) acres.**
- 2. All wind turbines shall meet the requirements of Section 2311, Accessory Structures & buildings, #10, except for items a, d, and g.**
- 3. The height limit of any wind turbine in the WTF may be 200 feet. Such total height shall be measured from the ground to the highest elevation of the wind turbine rotor.**

4. The developer shall maintain a current insurance policy which will cover installation and operation of the WFT, and the wind turbines shall be warranted against any system failures reasonably expected in climate conditions found in the City of Muskegon.
5. A qualified avian study shall be conducted by the developer to ensure that wildlife is not endangered, or the developer may submit copies of any required State or Federal permits that have been obtained. This information shall be submitted to the Planning Department before any permits are issued for construction.
6. A wind resource study describing the long term economic viability shall be submitted to the Planning Commission upon submission of the special land use permit application.
7. If the WFT will provide electricity off-site to the grid, evidence that the utility company has been informed of the developer's intent to install an interconnected, customer-owned generator, and that such connection has been approved, shall be submitted to the Planning Commission upon submission of the special land use permit application.
8. Separation between wind turbines shall be based on industry standards and manufacturer recommendations.

DELIBERATION

I move that the amendment to Section 2310, of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to add requirements for "wind turbine facilities", be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2310 of Article XXIII (General Provisions), to include “Wind Turbine Facilities (WTF)”.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

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

Amendment to Section 2310, Wind Turbine Facilities (WTF)

Wind Turbine Facilities shall be allowed as a special land use in Industrial and Business zones under the purview of Section 2332, after review and approval of the special land use permit and site plan by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission, including the following:

1. **Minimum parcel size for wind turbine facilities shall be ten (10) acres.**
2. **All wind turbines shall meet the requirements of Section 2311, Accessory Structures & buildings, #10, except for items a, d, and g.**
3. **The height limit of any wind turbine in the WTF may be 200 feet. Such total height shall be measured from the ground to the highest elevation of the wind turbine rotor.**
4. **The developer shall maintain a current insurance policy which will cover installation and operation of the WFT, and the wind turbines shall be warranted against any system failures reasonably expected in climate conditions found in the City of Muskegon.**
5. **A qualified avian study shall be conducted by the developer to ensure that wildlife is not endangered, or the developer may submit copies of any required State or Federal permits that have been obtained. This information shall be submitted to the Planning Department before any permits are issued for construction.**
6. **A wind resource study describing the long term economic viability shall be submitted to the Planning Commission upon submission of the special land use permit application.**
7. **If the WFT will provide electricity off-site to the grid, evidence that the utility company has been informed of the developer’s intent to install an interconnected, customer-owned generator, and that such connection has been approved, shall be submitted to the Planning Commission upon submission of the special land use permit application.**
8. **Separation between wind turbines shall be based on industry standards and manufacturer recommendations.**

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 22nd day of September, 2009, 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: _____, 2009.

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 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2310 of Article XXIII (General Provisions) amending language to include "Wind Turbine Facilities (WTF)".

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 _____, 2009.

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 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Amendment to the Zoning Ordinance – Definitions

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add definitions for “Wind Turbine” and “Wind Turbines Facility”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include definitions for “Wind Turbine” and “Wind Turbines Facility”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

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

September 10, 2009

Hearing; Case 2009-10: Staff-initiated request to amend Article II, Definitions, to add definitions for “Wind Turbine” and “Wind Turbine Facility”.

BACKGROUND

In order to avoid confusion, the following new definitions should be added to Article II, Definitions, of the Zoning Ordinance.

NEW LANGUAGE

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

Amendment to Article II, “Definitions”

Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy. For the purpose of this ordinance, an anemometer is not classified as a wind turbine.

Wind Turbine Facility: An electric generating facility, whose main purpose is to supply electricity to sell to the grid, consisting of more than one wind turbine and other accessory structures and buildings.

DELIBERATION

I move that the amendment to Article II, Definitions, of the City of Muskegon Zoning Ordinance to add definitions for “wind turbine” and for “wind turbine facility”, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II (Definitions), to include definitions for “Wind Turbine” and “Wind Turbine Facility”.

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”

Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy. For the purpose of this ordinance, an anemometer is not classified as a wind turbine.

Wind Turbine Facility: An electric generating facility, whose main purpose is to supply electricity to sell to the grid, consisting of more than one wind turbine and other accessory structures and buildings.

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 22nd day of September, 2009, 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: _____, 2009.

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 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) to include definitions for "Wind Turbine" and "Wind Turbine Facility".

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 _____, 2009.

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 16, 2009
To: Honorable Mayor and City Commissioners
From: Department of Public Works
RE: Termination and Release of Sewer Utility Easement Betten
Chevrolet

SUMMARY OF REQUEST:

Request for termination and release of the former Sewer Utility Easement at Betten Chevrolet located at 2474 Henry Street.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends Termination and Release of Easement.

TERMINATION AND RELEASE OF EASEMENT

THIS INSTRUMENT has been effective as of on August 21, 2009, by the CITY OF MUSKEGON, as successor to the Township of Muskegon, a Michigan municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440 ("**Declarant**"), and BC Real Estate Holdings, LLC, a Michigan limited liability company, of 2474 S. Henry, Muskegon, Michigan 49441 ("**Betten**").

RECITALS:

1. Betten is the owner of record of that parcel of real estate situated in the CITY of MUSKEGON, COUNTY of MUSKEGON, STATE of MICHIGAN, described as follows:

PARCEL I:

That part of the North 22 rods of the Southwest fractional quarter of the Southwest fractional quarter of Section 31, Town 10 North, Range 16 West, described as follows: Commence 33 feet East and 333 feet South of the Northwest corner of said Southwest fractional quarter of Southwest fractional quarter; thence East parallel to the north line of said Southwest fractional quarter of Southwest fractional quarter 456.16 feet, more or less, to a point 250 feet West of the West right of way line of the Norton-Glade Express Highway; thence South parallel to the West line of said Highway 30 feet; thence East parallel to the north line of said Southwest fractional quarter of Southwest fractional quarter, a distance of 250 feet to the West right of way line of the Norton-Glade Express Highway; thence North along the West right of way line of said Highway 200 feet; thence West parallel to the north line of said Southwest fractional quarter of Southwest fractional quarter 250 feet; thence South parallel with the West right of way line of the Norton-Glade Express Highway, 140 feet; thence West parallel to the north line of said Southwest fractional quarter of Southwest fractional quarter 456.16 feet, more or less, to a point 33 feet East of the West line of said Section 31; thence South 30 feet to the place of beginning.

PARCEL II:

All that part of the South 250 feet of the North 613 feet of the Southwest fractional quarter of the southwest quarter of Section 31, Town 10 North, Range 16 West, City of Muskegon, Muskegon County, Michigan, which lies West of a

line 100 feet West of, measured at right angles and parallel to the construction centerline of Highway US-16 and US-31. The construction centerline of Highway US-31 and US-16 is described as: Beginning at a point 474.31 feet South of the North quarter corner of Section 7, Town 9 North, Range 16 West, Norton Township, now known as City of Norton Shores, Muskegon County, Michigan; thence North 88°54' West 319.11 feet to the point of curve of a 5°45' curve to the right; thence Northwesterly along the arc of the curve 1572.17 feet to the point of tangent; thence North 1°30' East 4927.39 feet to a point of deflection; thence 1°06'50" East 2600 feet to the point of ending.

PARCEL III:

Part of the North 22 rods of the Southwest fractional quarter of the Southwest fractional quarter of Section 31, Town 10 North, Range 16 West, Muskegon County, Michigan, described as follows: Commence 33 feet East and 363 feet South of the Northwest corner of said Southwest fractional quarter of the Southwest fractional quarter; thence East parallel to the North line of said Southwest fractional quarter of the Southwest fractional quarter a distance of 456.16 feet more or less to a point 250 feet West of the West right of way line of the Norton-Glade Express Highway; thence Northerly parallel to said West right of way line of said Highway 30 feet; thence West parallel to the North line of said southwest fractional quarter of the Southwest fractional quarter, 456.16 feet to a point 33 feet East of the West line of said Section 31; thence South 30 feet to place of beginning.

(**"Premises"**).

2. The Premises are benefited by, and Declarant is the present holder of, a sanitation sewer easement recorded in Liber 738 at Page 159, AND a sewer trunk line easement recorded in Liber 76 at Page 430 in the office of the Register of Deeds for Muskegon County, Michigan.

3. Declarant has no further use for such easements.

4. There are no sewer lines, lateral lines, or other connections which are connected to the bypassed former sewer trunk line left in place in the easements described in Section 2 above, except the sewer line (s) which are connected to and serve the facilities and structures located on the Premises.

5. In reliance on Section 4, Betten releases Declarant and Declarant's successors and assigns from and against any and all liability, loss, damage or expense of any kind or description whatsoever sustained or suffered by Betten and Betten's successors and assigns or to which any of them may be subjected arising from the sewer trunk line left in place on the Premises.

NOW, THEREFORE, Declarant declares that the easements shall have no further force and effect and does, by these presents, terminate, release and quitclaim unto Betten all of its

right, title and interest in and to the easements and Betten shall take ownership and control of any sewer lines presently located within the terminated easement.

IN WITNESS WHEREOF, this instrument has been executed as of the date and year first above written.

CITY OF MUSKEGON

By: _____

Stephen J. Warmington

Its: Mayor

By: _____

Ann Marie Becker

Its: City Clerk

BC REAL ESTATE HOLDINGS, LLC,
a Michigan limited liability company

By: _____

Bryan Betten, Member

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me, a Notary Public, this ____ day of _____, 2009, by Stephen J. Warmington, as Mayor of the City of Muskegon, a Michigan municipal corporation, for and on behalf of the same.

Notary Public

_____ County, Michigan

My Commission Expires: _____

Acting in _____ County

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me, a Notary Public, this ____ day of _____, 2009, by Ann Marie Becker as Clerk of the City of Muskegon, a Michigan municipal corporation, for and on behalf of the same.

Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in _____ County

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me, a Notary Public, this ____ day of _____, 2009, by Bryan Betten, Member of BC Real Estate Holdings, LLC, a Michigan limited liability company, for and on behalf of the same.

Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in _____ County

Prepared by:
Todd M. Anthes
SCHOLTEN FANT
Attorneys at Law
100 North Third Street
Grand Haven, Michigan 49417
(616) 842-3030

Date: September 22, 2009
To: Honorable Mayor and City Commissioners
From: DPW
RE: Request for an Access Agreement- Burgess Norton

SUMMARY OF REQUEST:

Burgess-Norton Manufacturing INC. has requested a limited access agreement to install monitoring wells in Restlawn Cemetery and McCrea Park to determine the extent of groundwater contamination from the former BNM plant located at 660 Nims Street.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the limited access agreement subject to supplemental conditions and compliance with necessary insurance requirements.

COMMITTEE RECOMMENDATION:

SUPPLEMENTAL CONDITIONS

- 1- The grantee shall be fully responsible for the maintenance of the wells and any relocation that becomes necessary to facilitate other improvements within the right of way.
- 2- Grantee will be responsible to maintain and keep, for the duration of this agreement, a valid insurance coverage satisfactory to the City.
- 3- **Insurance.** The Contractor shall at all times carry insurance in the following or greater amounts. The insurance shall be issued by companies acceptable to the City, licensed in the State of Michigan. The City shall be named as additional insured on policies of liability insurance. The Permittee shall file certificates or policies evidencing such insurance coverage annually with the City. Insurance policies or certificates shall provide that the City be given thirty (30) days written notice before a cancellation or change in coverage may occur. Valid insurance coverage, acceptable to the City, shall be maintained until such time as the monitoring well is properly abandoned.

<u>Type</u>	<u>Limits</u>
Workers' Compensation	Statutory
Professional Errors and Omissions	\$1,000,000/claim, \$1,000,000/aggregate
Liability (including pollution liability coverage)	
Commercial General Liability	\$1,000,000/occurrence, \$1,000,000/aggregate
(including blanket contractual liability coverage)	
Automotive Liability	\$500,000/person
Bodily Injury	\$500,000/occurrence

4. **Indemnification.** The Permittee shall indemnify and hold harmless the City of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the City by any person, firm, or corporation on account of or arising from the privilege hereby granted to the Permittee or the activities of the Permittee related to the installation, maintenance, repair, or abandonment of monitoring wells. This indemnification obligation shall include all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action. "Hazardous substance" is defined as any chemical, substance or material constituting a prohibited or regulated substance under governmental law, rule, statute, or regulations in force at any time, or any substance with respect to which any present or future federal, state, or local environmental law or governmental agency requires environmental investigation, monitoring or remediation.

LIMITED ACCESS AGREEMENT

This Limited Access Agreement ("Agreement") is made and entered into this ____ day of _____, 2009, by and between BURGESS-NORTON MFG. CO., INC., of 737 Peyton Street, Geneva, Illinois 60134, a Delaware corporation, ("BNM") and the CITY OF THE MUSKEGON, of 933 Terrace Street, Muskegon, Michigan 49440, a Michigan Municipal Corporation ("Owner"), owner of the certain property generally located at 1400 Kenneth Street, Muskegon, Michigan 49442, including a cemetery, baseball field, and internal access driveways (the "Premises"), in connection with certain environmental site assessment activities to be performed by BNM in response to a release of hazardous substances at the former BNM plant located at 660 Nims Street, Muskegon, Michigan, (the "Site").

RECITALS

WHEREAS, BNM is engaged in certain environmental site assessment work relating to the Site; and

WHEREAS, to perform such site assessment work, BNM has requested permission from the Owner to gain access to a portion of the Premises in order to continue its investigation; and

WHEREAS, BNM has informed Owner that the Premises may have been impacted with hazardous substances in the groundwater beneath the Premises (hereinafter "Contamination"); and

WHEREAS, the Michigan Department of Environmental Quality has oversight and monitoring responsibilities with regard to the investigation of the nature and extent of said Contamination and the remediation of said Contamination; and

WHEREAS, BNM and Owner desire to establish their respective rights and obligations with respect to the site investigation and site assessment work to be performed on the Premises.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the adequacy of which is hereby acknowledged, BNM and Owner agree as follows:

1. BNM and its contractors are hereby granted a license to enter upon the Premises solely to complete the activities described in the attached Exhibit consisting of a letter from Robert J. Ellis of Arcadis to Eric Gielow dated September 15, 2009 and its attachment, and in any subsequent scope of work approved by Owner under Section 4 of this Agreement ("Scope of Work" or "SOW"), and for no other purpose. Upon completion of the SOW, BNM shall restore the Premises as near as practicable to its condition immediately prior to the commencement of activities. Prior to entering the Premises to conduct the SOW, or at anytime thereafter, BNM shall provide Owner with no less than seven (7) days advance written notice. It is expressly understood and agreed that Owner shall have no responsibility or liability for the cost of the SOW.
2. BNM agrees that, as to any and all past, present or future samples collected at the Premises, such samples will only be analyzed for the constituents identified in the SOW, and that all other information, samples, or data, in paper or electronic form, including laboratory

chromatograms, shall remain strictly confidential, and shall not be released or disclosed to any other person or entity without the express written permission of Owner unless required by subpoena, court order, or as otherwise required by law to be disclosed. In the event of disclosure not approved by Owner, BNM shall prior to the disclosure promptly notify Owner of the nature of the disclosure, the identity of person or entity to whom the information shall be disclosed, and the date of the intended disclosure.

3. BNM acknowledges that the Premises are presently used as a public cemetery, a City-owned public park and recreational area. BNM shall cause all work on the Premises to be performed during normal business hours in a manner that minimizes interference with the Owner's use of the Premises or the activities of others who are lawfully on the Premises or adjacent areas. All work performed on the Premises shall be performed in a manner consistent with the level of skill and care ordinarily exercised by members of the environmental profession practicing under similar conditions. BNM shall use reasonable efforts to complete the SOW and all other work on the Premises in a diligent fashion. Upon request by BNM or its contractors, Owner shall promptly provide BNM or its contractors readily available information reasonably related to carrying out the SOW safely, including, but not limited to, cemetery plot maps, locations of buried utilities, and locations of other buried structures. With advance notice to BNM, Owner reserves the right to require the payment of reasonable clerical and administrative charges for research, document retrieval and reproduction requested by BNM. Nothing contained herein shall require Owner to disclose private information otherwise exempt from disclosure under statutes or ordinances governing the disclosure of public records. Nothing contained herein shall impose any obligation on the City to provide statutory notifications to protect underground utilities. BNM agrees to contact MISS DIG as required by law prior to commencing the SOW.

4. Before conducting additional activities on the Premises, BNM shall obtain the further written approval of Owner to conduct such additional activities by first providing Owner a proposed amendment of the SOW or a written request and detailed proposed new scope of work, as applicable. Owner shall have the right to review and approve all elements of the work in advance, including the list of constituents to be analyzed. If approval for additional work is granted, it will be provided in writing and access shall be allowed pursuant to the terms of this Limited Access Agreement. In such approval, the Owner may, at its option, waive additional notification of entry that may be otherwise required by Section 1 of this Agreement.

5. Within ten (10) days after it becomes available, BNM shall supply Owner with any final data, reports, figures, maps and/or analysis related to any soil or groundwater samples taken from, or beneath to the Premises at no cost to Owner. Owner reserves the right to obtain and analyze split samples at its own expense.

6. With respect to entry on the Premises, or the performance of work thereon, BNM, its agents, contractors and subcontractors shall enter upon the Site at their own risk and, except as to claims arising from the negligence or willful misconduct of Owner, its employees or agents, Owner shall have no liability whatsoever with respect to any of the work performed by BNM, its contractors, subcontractors, employees, or agents. BNM shall indemnify and hold harmless the City of and from any liability for claims, damages, costs, expenses, or fees, including any attorney fees, or fines or awards brought against or charged to the City by any person, firm, or corporation on account of or arising from the privilege hereby granted to BNM or the activities

of BNM, its contractors, subcontractors, employees, or agents, related to the SOW. This indemnification obligation shall include, but not be limited to all liabilities for environmental damage or releases of hazardous substances subject to any governmental or third party action that arise from the acts or omissions of BNM, , its contractors, subcontractors, employees, or agents, or their presence on Owner's property in connection with this Agreement. "Hazardous substance" is defined as any chemical, substance or material constituting a prohibited or regulated substance under governmental law, rule, statute, or regulations in force at any time, or any substance with respect to which any present or future federal, state, or local environmental law or governmental agency requires environmental investigation, monitoring or remediation.

7. BNM shall cause all contractors and subcontractors working on the Premises to maintain in force, at their expense, at all times during performance of work under this Agreement, the minimum insurance coverages set forth below:

Coverage	Minimum Limits
Professional Errors and Omissions	\$1,000,000 per claim and \$1,000,000 in the aggregate
Contractor's Pollution Liability	\$1,000,000 per claim and \$2,000,000 in the aggregate

The preceding coverages shall not exclude pollution events, or testing or analytical operations.

<u>Coverage</u>	<u>Minimum Limits</u>
Worker's Compensation	Statutory
General Liability (bodily injury/property damage)	\$1,000,000 per occurrence \$2,000,000 aggregate/per project
Automobile Liability (bodily injury/property damage)	\$1,000,000 per person or occurrence (combined single limit)

General Liability insurance shall include coverage for: products/completed operations; explosion, collapse, and underground; contractual liability; and independent contractor coverage under this Agreement. BNM shall furnish Owner insurance certificates reflecting its consultant's or subcontractor's compliance with requirements of this Section.

BNM further agrees that the above-referenced insurance will not be cancelled or materially altered without thirty (30) days prior notice to Owner. A statement so signifying shall appear on each certificate of insurance.

All subcontractors shall be required to maintain insurance that complies with this Section. Such subcontractors shall also furnish the same evidence of insurance to Owner as required of the contractor hereunder.

Neither BNM's contractors or subcontractors, if any, shall commence work until all of the insurance required of such parties is in force and the necessary certificates have been furnished to the Owner.

BNM agrees that the minimum insurance requirements set forth herein shall not limit or diminish in any way the respective rights and obligations of the parties under this Agreement.

Any claims-made coverage carried by BNM's contractors or its subcontractors shall either be continued in effect for one (1) year after completing the work under this Agreement or have an extended reporting provision which permits reporting of claims for at least one (1) year from the date of policy expiration for purposes of all work performed under this Agreement.

8. Nothing in this Agreement shall be deemed to make Owner responsible as a handler, generator, operator, treater, storer, transporter, regenerator, recycler, or disposer of hazardous or toxic substances, constituents, or other waste materials found, generated or identified at the Premises or elsewhere in connection with the performance of work by BNM under this Agreement. As between Owner and BNM, BNM shall be solely responsible for assuring the proper handling, removal from the Premises and disposal of all soil cuttings and well development water resulting from carrying out the SOW. Pending disposal, BNM shall locate all drums or containers of material on the Site, and not on the Premises.

9. In the performance of its work hereunder, BNM shall observe any and all local, state, and federal safety, health and environmental statutes and regulations that may be applicable. BNM shall indemnify and defend Owner from all losses, damages, claims, or demands of whatever nature, which are imposed on or incurred by Owner as a result of BNM's failure to observe any applicable safety or environmental statutes and regulations.

10. BNM agrees to maintain the condition of all monitoring well(s) authorized by Owner, and promptly repair and replace any monitoring well cover or casing that is damaged, whether by snow, ice or frost upheaval or other cause or condition. Wells damaged by routine snow removal are the responsibility of BNM, and not Owner. To the extent Owner discovers obvious damage to a monitoring well or casing, BNM shall be promptly notified by Owner. If Owner determines that the monitoring well location interferes with Owner's activities on the Premises, BNM shall properly remove the monitoring well at no cost to Owner. Wells installed by BNM that will no longer be used shall be properly abandoned by BNM, and following delivery of a detailed scope of work for abandonment with such information as is required by Section 4 hereof, Owner shall grant continued access to the Premises for that purpose. BNM shall deliver a copy of an abandonment report or record related to each well abandoned.

11. Owner may terminate this Agreement at any time upon ten (10)-business day's written notice to BNM at the address set forth below. Upon such termination, all access to the Premises shall immediately cease, except that BNM shall be given a reasonable period of time to remove its equipment and restore the Premises as provided herein. All other covenants, assurances, and commitments of the parties contained in this Agreement shall survive the termination of this Agreement.

12. All notices, demands, requests, and information required or permitted to be given under the provisions of this Agreement, shall be in writing and shall be deemed given (a) when personally delivered to the party to be given such notice or other communication, (b) on the business day that such notice or other communication is sent by facsimile or similar electronic device, fully prepaid, which facsimile or similar electronic communication shall promptly be confirmed by written notice, (c) on the third business day following the date of deposit in the United States mail if such notice or other communication is sent by certified or registered mail with return receipt requested and postage thereon fully prepaid, or (d) on the business day following the day such notice or other communication is sent by reputable overnight courier, to the following:

If to Owner:

Brett Kraley
City of Muskegon
Department of Public Works
1350 E. Keating Avenue
Muskegon, MI 49442

With a copy to legal counsel:

Eric R. Gielow
Parmenter O'Toole
601 Terrace Street
P.O. Box 786
Muskegon, MI 49443-0786
Fax No: (231) 722-5527

If to BNM:

Burgess-Norton Mfg. Co., Inc.
737 Peyton Street
Geneva, Illinois 60134

With a copy to legal counsel:

James P. Enright
Miller Johnson
Calder Plaza Building
250 Monroe Avenue NW, Suite 800
P.O. Box 306
Grand Rapids, MI 49501-0306

13. This Agreement is to be governed by and construed in accordance with the laws of the State of Michigan.

14. The individual executing this Agreement below personally warrants to the other party hereto that such individual, in executing this Agreement, is acting with full authority to bind the respective party to the terms of this Agreement and that evidence of such authority shall be submitted on request.

15. Nothing contained herein shall be deemed to extend access rights to adjacent public streets, highways or rights of way. In the event BNM requires access to City streets or rights of way, a request shall first be approved by the Department of Engineering, City of Muskegon. BNM agrees to obtain any permits for such work required by City ordinances.

16. Nothing contained within this Agreement shall be deemed to be an admission or acknowledgement of responsibility, settlement or accord between the parties related to the Contamination or otherwise. Owner and BNM reserve all rights and claims related the Contamination except as expressly set forth in this Agreement.

17. This Agreement may be signed in counterparts and will be deemed effective upon the date of its full and complete execution.

**Burgess-Norton
Mfg. Co., Inc.**

City of Muskegon

By: _____

By: _____

Printed name

Printed name

Its: _____

Its: _____

Date: _____

Date: _____

EXHIBIT

Letter from Robert J. Ellis of Arcadis to Eric Gielow dated September 15, 2009

Date: September 15, 2009
To: Honorable Mayor and City Commissioners
From: Lowell Kirksey, Recreation Supervisor
RE: Selection of Installer for Pole Lighting at Clara
Shepherd Park

SUMMARY OF REQUEST: To approve the Leisure Services and Park Department's selection of electrical contractor West Shore Electric, 3678 Airline Rd., Muskegon, MI, to install pole lighting at Clara Shepherd Park at a cost of \$9,740.

Public notices were posted, a pre-bid meeting was held with two attendees. West Shore Electric was the only bid received by the bid opening deadline.

FINANCIAL IMPACT: None, the Public Health Department of Muskegon County will reimburse the City of Muskegon for all costs related to the project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: Installation of lights was approved by the Commission at the August 11, 2009, meeting.

Date: September 22, 2009
To: Honorable Mayor and City Commissioners
From: Finance Director
RE: 2010 Budget Adoption

SUMMARY OF REQUEST: The City Commission may take action to adopt the 2010 budget with whatever changes or adjustments it deems necessary. City Charter requires the budget be adopted no later than September 25, 2009.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2010. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2010.

STAFF RECOMMENDATION: Approve the proposed 2010 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2009 Budget Reforecast as shown in the Budget Book is recommended at this time.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Commissioner Larry Spataro

DATE: September 15, 2009

RE: Pooled Health Care Coverage

SUMMARY OF REQUEST:

To approve a resolution to endorse the State of Michigan concept to pool health care coverage for public employees and retirees. The goal is to reduce costs through standardization of benefits and economies of scales.

FINANCIAL IMPACT:

Early estimates are \$400-\$600 million savings statewide.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the resolution and send it to legislators and the Governor.

COMMITTEE RECOMMENDATION:

None.

**A resolution to endorse the State of Michigan concept
to pool health care coverage for public employees and retirees**

At a regular meeting of the City of Muskegon, at the City Hall, 933 Terrace Street, in Muskegon, Michigan, on the 22nd day of September, 2009 at 5: 30 p.m. local time.

PRESENT: _____

ABSENT: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following Resolution be adopted:

WHEREAS, Andy Dillon, Speaker of the House of Representatives, recently unveiled a draft bill entitled “Michigan Health Benefits Program Act”; and

WHEREAS, the purpose of the proposed Act is to provide for consolidation of health benefits for public employees; to create a board to adopt a uniform public employee health benefits program; to provide for duties for certain state departments, agencies, boards, and officers; to require public employers who provide health benefits to employees to participate in the health benefits program; to provide for exceptions; to provide for optional participation by private entities; and to repeal acts and parts of acts; and

WHEREAS, “public employer” means this state; a city, village, township, county, or other political subdivision of this state; any intergovernmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district as those terms are defined in the revised school code; a community college or junior college, or a public university, as described in the state constitution of 1963; and

WHEREAS, “public employee” means an employee, officer, or elected official of a public employer, including an employee retired from employment with a public employer as provided in section 21 of the proposed act; and

WHEREAS, a bipartisan committee will analyze the proposed legislation, take testimony of it, and make changes based on input and information that it receives; and

WHEREAS, a portion of the \$400 million-\$600 million in estimated savings from the plan is based on standardizing health care benefits across layers of government and benchmarking those costs; and

WHEREAS, the City of Muskegon is committed to the pursuit of cost-saving measures in all levels of its governance.

NOW, THEREFORE BE IT RESOLVED, that the City of Muskegon endorses the concept to pool health care coverage for public employees and retirees.

BE IT FURTHER RESOLVED, that this resolution shall be transmitted to Governor Jennifer Granholm, to the State Senate, and to the State House of Representatives.

Adopted this 22nd day of September, 2009.

Ayes:

Nays:

Abstain:

By _____
Stephen J. Warmington
Its Mayor

By _____
Ann Marie Becker, MMC
Its Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission held on September 22, 2009. 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 Becker, MCC, City Clerk

Date: September 22, 2009
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, November 14th, 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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Clarksburg, West Virginia

Executive Director

Donald J. Borut

August 31, 2009

Ms. Ann Marie Becker

City Clerk

City of Muskegon

PO Box 536

Muskegon, MI 49443-0536

Dear Ms. Becker:

The National League of Cities Annual Business Meeting will be held on Saturday, November 14, 2009, at the conclusion of the Congress of Cities and Exposition in San Antonio. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2000 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found on the table on the reverse of 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's Credentials Committee. NLC bylaws expressly prohibit voting by proxy. City elected officials should be made aware of this request so that decisions can be made as to who will be the voting delegate and alternate(s).

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

Please return the completed form to NLC by fax (202-626-3043) on or before October 30, 2009, and keep the original for your own files. If you have any questions, please contact John Miller, Program Manager (miller@nlc.org or 202-626-3186) or Cheryl Glaubinger, Member Relations Assistant (glaubinger@nlc.org, or 202-626-3138).

Thank you,

Donald J. Borut
Executive Director

Past Presidents: John DeStefano, Jr., Mayor, New Haven, Connecticut • Brian J. O'Neill, Councilman, Philadelphia, Pennsylvania **Directors:** John S. Brenner, Mayor, York, Pennsylvania • Carl Brev Mayor, Wichita, Kansas • William G. "Bill" Brooks, Mayor, Belle Isle, Florida • Jim Byard, Jr., Mayor, Prattville, Alabama • Malcolm Chapman, Alderman, Rapid City, South Dakota • Miguel M. Chav Councilor/Mayor Pro Tem, Santa Fe, New Mexico • Brad Cole, Mayor, Carbondale, Illinois • Mildred C. Crump, Councilwoman at-Large, Newark, New Jersey • Joseph A. Curtatone, Mayor, Somerv Massachusetts • Joe Davis, Sr., Alderman, Milwaukee, Wisconsin • Gretchen Driskell, Mayor, Saline, Michigan • Doug Echols, Mayor, Rock Hill, South Carolina • James J. Finley, Jr., Executive Dire and CEO, Connecticut Conference of Municipalities • Larry G. Frang, Executive Director, Illinois Municipal League • J. David Fraser, Executive Director, Nevada League of Cities and Municipalities • I Furtado, Councilmember, Campbell, California • Miriam Hair, Executive Director, Municipal Association of South Carolina • Rap Hankins, Council Member, Trotwood, Ohio • Deborah A. Hill, Councilwort Warrensville Heights, Ohio • Edna Branch Jackson, Mayor Pro-Tem/Alderman at-Large, Savannah, Georgia • Bobby G. Kilgore, Mayor, Monroe, North Carolina • George Lewis, Executive Direc Mississippi Municipal League • Sylvia L. Lovely, Executive Director, Kentucky League of Cities, Inc. • Myron Lowery, Council Member, Memphis, Tennessee • Sam Mamet, Executive Director, Color Municipal League • James F. Miller, Executive Director, League of Minnesota Cities • Mark Mitchell, Council Member, Tempe, Arizona • Garret L. Nancolas, Mayor, Caldwell, Idaho • Frank C. Ortis, Ma Pembroke Pines, Florida • Tzeitel Paras-Caracci, Council Member, Duarte, California • Elizabeth C. Paterson, Mayor, Mansfield, Connecticut • Randall W. B. Purvis, Council Member, Colorado Sprir Colorado • Debbie W. Quinn, Councilmember, Fairhope, Alabama • Sonja Reece, Mayor Pro Tem, Normal, Illinois • Ed P. Reyes, Councilmember, Los Angeles, California • Sergio Rodriguez, Alderr New Haven, Connecticut • Steve Salazar, Councilmember, Dallas, Texas • Audwin M. Samuel, Mayor Pro Tem, Beaumont, Texas • Sharyn T. Tatman, Councilor, Parkersburg, West Virginia • Jan Taylor, Councilman, Littleton, Colorado

CREDENTIALS FORM
NATIONAL LEAGUE OF CITIES • 2009 CONGRESS OF CITIES • SAN ANTONIO, TEXAS

At the Annual Business Meeting on Saturday, November 14, 2009, each direct member city of NLC is entitled to cast from one to 20 votes based upon the city's population per the 2000 census, through its designated voting delegate. Please indicate below your city and state, voting delegate and alternate(s), and sign and date the form. The form should be faxed to NLC at 202-626-3043, by the October 30, 2009, deadline.

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

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

VOTING DELEGATE:

1. _____
NAME

TITLE

ALTERNATE VOTING DELEGATE(S):

2. _____
NAME TITLE

3. _____
NAME TITLE

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

Voting card issued to:

(signature)

Votes: _____

1 _____ 2 _____ 3 _____

PLEASE SIGN AND FAX THIS FORM TO NLC BY OCTOBER 30, 2009
ATTENTION: CHERYL GLAUBINGER, MEMBERSHIP RELATIONS ASSISTANT
FAX: 202-626-3043

Signature (city representative): _____

Title: _____ Date: _____

NATIONAL LEAGUE OF CITIES

**2009 CONGRESS OF CITIES
SAN ANTONIO, TEXAS**

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

Date: September 22, 2009
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Recommendations for the Various Boards and
Committees

SUMMARY OF REQUEST: To appoint Paul Edbrooke and Willie German Jr. to the Local Officer's Compensation Committee.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION:

LOCAL OFFICER'S COMPENSATION COMMISSION

PURPOSE

Shall recommend salaries of all local elected officials.

MECHANICS

ENABLING LAW: City Code of Ordinances, Section 2-296 thru 2-305 – Oath not required.
APPOINTED BY: Mayor/City Commission
MEETING: Every odd-numbered year
TERM: 7 Years

COMPOSITION

<u>TYPE</u>	<u>DESCRIPTION</u>
A	7 Citizens

CURRENT MEMBERS

(Staff Liaison - Bryon Mazade)

<u>TYPE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>ZIP</u>	<u>PHONE</u>	<u>TERM EXP.</u>
A	Nick Archer	2231 Denmark	1	725-7151	1/31/12
A	Dwayne Lang	856 Ada	2	773-5383	1/31/13
A	Jodi McClain	1561 Sixth St	1	670-9038	1/31/14
A					1/31/15
A					1/31/16
A	Jodi Carson	1592 Sixth St.	1	722-3974	1/31/10
A	Kathleen Pietsch	1909 Jefferson	1	750-1686	1/31/11

(* Chairperson)

Mr. German is presently on the Equal Opportunity Committee but said he would be willing to be on the LOCC Commission also.

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Willie German, Jr. HOME PHONE #: (231) 725-7812
HOME ADDRESS: 1240 Sanford Street WORK PHONE #: (231) 777-0645
DATE OF BIRTH: 8-11-62 E-MAIL ADDRESS: wgerman3@hotmail.com
OCCUPATION: Supervisor/Infomedia Tech EMPLOYER: Muskegon Community College
(If retired, give former occupation)
EDUCATION: Bachelor in Business Administration/Marketing

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. Name: Brandy Bridges Phone: (231) 206-8028
2. Name: Linda Hairston Phone: (231) 777-2432
3. Name: Fletcher Payne Phone: (231) 457-4417

PERSONAL & COMMUNITY ACTIVITIES: CASA, Child Abuse Counsel, EEOC
city of Muskegon

CIVIC ORGANIZATIONS: _____

NEIGHBORHOOD ASSOCIATION MEMBER: Yes: _____ No: ☒

MARK BOARDS/COMMISSIONS/COMMITTEES YOU WISH TO SERVE ON - MARK FIRST CHOICE WITH #1

- | | |
|---|--|
| ☐ Board of Canvassers | ☒ Housing Code Board of Appeals |
| ☒ Board of Review | ☒ Housing Commission |
| ☒ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☒ Civil Service Commission | ☐ Land Reutilization Committee |
| ☒ CDBG-Citizen's District Council | ☒ Leisure Services Board |
| ☒ Construction Board of Appeals | ☒ Loan Fund Advisory Committee |
| ☐ District Library Board | ☒ Local Develop. Finance Authority |
| ☒ Downtown Development Authority/Brownfield Board | ☒ Local Officer's Compensation Committee |
| ☒ Election Commission | ☒ Planning Commission |
| ☒ Equal Opportunity Committee | ☒ Public Relations Committee |
| ☐ Historic District Commission | ☒ Zoning Board of Appeals |
| ☒ Hospital Finance Authority | |

Why would you be a good member of this committee? What do you bring to the committee? Experience

and comment, and change

Are you willing to serve on any other boards/committees not marked? Yes: ☒ No: _____

If applying for the Citizen's Police Review Board, are you a member of one of the following minority coalition groups?

- | | | |
|--|--|---|
| ☐ Muskegon Urban League | ☐ NAACP - Muskegon Chapter | ☐ Latinos Working for the Future |
| ☐ Nation of Islam | ☐ Ad Hoc Committee for Equality and Justice | |

Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 933 Terrace St., Muskegon, MI 49440

Downtown Dev. Authority

2-13-07

Interest in property in district

Date: Jan 5, 06

CITY OF MUSKEGON
TALENT BANK APPLICATION

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: Paul Edbrooke 2156 Letarte 49441
HOME ADDRESS: 297 W. Clay Apt 404 Muskegon, MI 49440
(Street, City, State, Zip)
HOME PHONE #: 725-7822 730-2426 WORK PHONE #: 744-1601 798-1069
OCCUPATION: Office Manager EMPLOYER: ST. John Truck & Trailer
(If retired, give former occupation) Blaney Castle Oil Co.
EDUCATION: BS. Accounting

PERSONAL & COMMUNITY ACTIVITIES: Past Township Supervisor And Clerk Past
Chairman Fremont Cooperative Produce, Past Chairman Newaygo Soil Conservation District.
Why would you be a good member of this committee? What do you bring to the committee?

My years of community service with an emphasis on growth and
success. I feel I would be an asset on any board I would serve on.

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Angia Bissor</u>	<u>744-1601</u>
(Name)	(Phone Number)
2. <u>Holly Moon</u>	<u>231-924-4987</u>
(Name)	(Phone Number)
3. <u>Steven Collica</u>	<u>724-5393</u>
(Name)	(Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON - MARKING #1 AS YOUR FIRST PREFERENCE

MARK BOARDS/COMMISSIONS/COMMITTEES YOU WISH TO SERVE ON - MARK FIRST CHOICE WITH #1

- | | |
|--|--|
| ☐ Board of Canvassers | ☐ Housing Code Board of Appeals |
| ☐ Board of Review | ☐ Housing Commission |
| ☐ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☐ Civil Service Commission | ☐ Land Reutilization Committee |
| ☐ CDBG-Citizen's District Council | ☐ Leisure Services Board |
| ☐ Construction Board of Appeals | ☐ Loan Fund Advisory Committee |
| ☐ District Library Board | ☒ Local Develop. Finance Authority |
| ☐ Downtown Development Authority/Brownfield Board | ☒ Local Officer's Compensation Committee |
| ☐ Election Commission | ☒ Planning Commission |
| ☐ Equal Opportunity Committee | ☐ Public Relations Committee |
| ☐ Historic District Commission | ☐ Zoning Board of Appeals |

Mr. Edbrooke is presently on the DDA
but would also like to be put on one
of the other boards as marked.