

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 10, 2010

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. **Fluoride System Evaluation Construction Phase.** WATER FILTRATION
 - C. **Rescind Bid for Lead Abatement at 605 Jackson.** COMMUNITY & NEIGHBORHOOD SERVICES
 - D. **Certification of MERS Representatives.** FINANCE
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
 - A. **SECOND READING: Rezoning Request for a Portion of the Property Located at 721 E. Laketon Avenue.** PLANNING & ECONOMIC DEVELOPMENT
- ❑ **NEW BUSINESS:**
 - A. **Muskegon Lake Research Fund.** CITY MANAGER
- ❑ **ANY OTHER BUSINESS:**
- ❑ **PUBLIC PARTICIPATION:**
 - *Reminder: Individuals who would like to address the City Commission shall do the following:*
 - Fill out a request to speak form attached to the agenda or located in the back of the room.
 - Submit the form to the City Clerk.

- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **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: August 10, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the City Commission Meeting that was held on Tuesday, July 27, 2010.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 27, 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, July 27, 2010.

Mayor Warmington opened the meeting with a prayer from Pastor Duane Bennett 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 Sue Wierengo, Steve Wisneski, Chris Carter, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused)

2010-65 HONORS AND AWARDS:

A. Presentation of Sign – Rev. George M. Bennett Blvd.

Mayor Warmington presented Pastor Duane E. Bennett the official sign which will be placed above the First Street sign in honor of his father Pastor George M. Bennett who was a leader in our community.

2010-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the July 12th Commission Worksession Meeting and the July 13th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. City of Muskegon Operations Management Contract: Smith Ryerson Community Center, Pastor Gregory M. Kirksey Picnic Shelter and Smith Ryerson Park Grounds. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Muskegon Recreational Center (MRC), Inc. has

been managing the Smith Ryerson Community Center since July 2006. The management has been successful, with many area youth (as well as others in the community) being served. As the current Contract between MRC and the City concluded July 1, 2010, it is recommended that a new two-year contract be approved. The new Contract also includes maintenance and operation of the newly constructed picnic shelter and maintenance of the park grounds. MRC will also begin contributing 25% of their revenue towards utility costs.

FINANCIAL IMPACT: The Contract specifies that the Manager will receive its management fee through the revenue generated at the Center.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Contract and authorize the Director of Community & Economic Development and the City Clerk signatures.

C. Rezoning Request for a Portion of the Property Located at 721 E. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone a portion of the property at 721 E. Laketon Ave. from R-1, Single Family Residential district to B-4, General Business district, by Micheal David. This would make the entire parcel zoned B-4, General Business District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 15th meeting.

(Requires second reading).

D. CDARS Investment Alternative. FINANCE

SUMMARY OF REQUEST: With interest rates at historic low levels, it is getting quite difficult to find safe, short-term investments that produce an appreciable yield for idle city cash. Bank CD's are one option, but investments over \$250,000 are not covered by FDIC insurance. CDARS is a program that allows institutional investors to invest larger amounts through one bank and receive FDIC insurance on the full amount. The program works by breaking larger dollar investments into smaller insurable pieces that are invested throughout the CDARS network. State investment laws were amended in 2009 to permit governments to utilize CDARS.

Financial institutions participating in CDARS are mostly community banks. Our local community banks have participated in CDARS but are not aggressively seeking CDARS deposits at this time. The most aggressive CDARS bank in Michigan is Flagstar bank (Troy, MI).

FINANCIAL IMPACT: The CDARS program offers a safe, insured option to enhance interest earnings on City funds.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to execute documents necessary for the City to participate in the CDARS program. The City attorney has reviewed the documents for compliance with state law.

E. Liquor License Request for Harbour Towne Yacht Club, 3425 Fulton Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Harbour Towne Yacht Club for a New Outdoor Service (2 Areas) and decrease the size of the existing Outdoor Service (1 Area) to be held in conjunction with 2010 Club & SDM Licensed Business with Outdoor Service (1 Area) and Dance Permit located at 3425 Fulton Street, Muskegon, MI 49441.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

G. Approval of Contractor for Construction of House at 1543 Hoyt. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Mossy Oak Builders, 123 N. 8th, Fruitport, for the construction of the new home to be located at 1543 Hoyt for the cost of \$89,300.

This new construction is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the new construction is completed, the home will be marketed to any eligible owner occupied homebuyer with a household income less than 120 percent of the area median income. The City obtained the original house at 1543 Hoyt with Neighborhood Stabilization Program funds. The City received nine bids.

FINANCIAL IMPACT: The funding for the project will be taken from the Neighborhood Stabilization Program funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to develop a contract with Mossy Oak Builders and direct the Mayor and Clerk to sign the contract. This is contingent upon CNS receiving the additional NSP grant funding.

COMMITTEE RECOMMENDATION: None needed, the Citizen's District Council is aware of the Neighborhood Stabilization Program.

H. Farmers Market ADA Restroom Renovations. PUBLIC WORKS

SUMMARY OF REQUEST: To approve a proposal from Clifford Buck Construction to renovate the Farmers Market restrooms to make them ADA compliant for the price quoted of \$21,743 and to authorize staff to enter into a contractual agreement.

FINANCIAL IMPACT: Project expenditures of \$17,897 would come from the Farmer's Market Improvement Fund and \$3,846 would come from the 2011 Farmer's Market Operating Budget.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposal from Clifford Buck Construction.

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

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

Nays: None

MOTION PASSES

2010-67 ITEM REMOVED FROM THE CONSENT AGENDA:

**F. Resolution Revoking the IFT Certificate for Northern Machine Tool.
PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, the City of Muskegon requests that the Industrial Facilities Exemption Certificate issued to Northern Machine Tool, Certificate #2004-570, be revoked due to failure to make the proposed investment. The business proposed to invest \$450,000 in real property and \$250,000 in personal property. However, the project never commenced and the investments were never made.

FINANCIAL IMPACT: The company will no longer receive the benefits associated with the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve and authorize the Mayor and Clerk to sign the resolution revoking IFT Certificate #2004-570.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the resolution revoking the IFT Certificate for Northern Machine Tool.

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

Nays: None

MOTION PASSES

2010-68 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – AFI Machining. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, AFI Machining, 1920 Port City Blvd., has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$335,023 in personal property and will create two new jobs. This qualifies them for a tax abatement of six years.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of six years for personal property.

The Public Hearing opened to hear and consider any comments from the public.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to close the Public Hearing and approve the request for an Industrial Facilities Exemption Certificate for AFI Machining as described.

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

Nays: None

MOTION PASSES

2010-69 NEW BUSINESS:

A. Ice Mountain Grant – Ryerson Creek Culvert Replacement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The current tube culvert under Seaway Drive is failing. The City has the opportunity to coordinate with the West Michigan Shoreline Development Commission (WMSRDC) to replace the culvert in an environmentally sensitive way, by providing a fish-passage friendly box culvert (as opposed to the current tube that goes underground), as well as provide additional wetland habitat improvements. The project will “daylight” the stream between Yuba and Seaway Drive, and restore storm water detention and water quality and habitat functions.

FINANCIAL IMPACT: The total project amount (including construction and engineering costs, as well as habitat restoration) is \$516,181. WMSRDC will provide \$436,930 through the NOAA Great Lakes Habitat Agreement grant

funds. The City will provide up to \$40,000 in matching funds, the Ice Mountain Grant request is for \$30,000 and the remaining funds will be sought through other grant sources.

BUDGET ACTION REQUIRED: In the 2011-12 City budget, up to \$40,000 will be designated through “street funds” for matching funds for the project.

STAFF RECOMMENDATION: To approve submittal of the Ice Mountain Grant in the amount of \$30,000 for the Ryerson Creek Culvert Replacement and authorize the Mayor and Clerk to sign documents necessary for the grant submittal and acceptance, if the grant is approved.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the submittal of the Ice Mountain Grant for the Ryerson Creek culvert replacement.

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

Nays: None

MOTION PASSES

B. Building Healthy Communities Grant – Lighting in Clara Shepherd Park.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon obtained a Building Healthy Communities Grant for the Nelson Neighborhood in 2008-09. The grant included two community gardens, improvements to St. Joes Park and lighting in Clara Shepherd Park. The County partnered with the City to complete the improvements to the Park. On August 3, 2009, the City Commission approved paying for the future electrical costs associated with the new lighting. At that time, it was expected that the grant would cover all costs for installation. The Commission approved the contract for lighting installation to West Shore Electric on September 15, 2009, in the amount of \$9,740. However, due to weather conditions and some vandalism on site, the work was not completed until late in the year and the City did not receive an invoice until January 2010. The reimbursement request was submitted to the County in February. Meanwhile, the County had reallocated some of the remaining grant funds at the end of 2009, prior to the City’s submittal for reimbursement (unbeknownst to the City). They did not leave enough to cover the entire City expenses of \$9,740. The City only received \$4,920.95, leaving \$4,819.05 which was not covered by grant funds. I have since had several discussions with County staff and I believe the most practical step to take is to split the outstanding balance between both of us (\$2,409.53).

FINANCIAL IMPACT: The City will pay \$2,409.53 from the General Fund (Parks Maintenance) towards the new lighting in Clara Shepherd Park.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to pay \$2,409.53 from the City's General Fund towards the lights in Clara Shepherd Park and accept \$2,409.53 from the County for the lights in Clara Shepherd Park.

Motion by Commissioner Carter, second by Commissioner Wierengo to authorize staff to pay \$2,409.53 from the City's General Fund towards the lights in Clara Shepherd Park and accept \$2,409.53 from the County.

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

Nays: None

MOTION PASSES

C. Approval of Contractor for Lead Abatement and Rehabilitation of CNS Homes. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the following rehabilitation contracts:

Murphy Bros, 84 N. Bock, Muskegon, for the lead abatement of 605 Jackson in the amount of \$9,200

Murphy Bros, 84 N. Bock, Muskegon, for the rehabilitation of 1080 E. Laketon in the amount of \$34,350

Gray Space, 601 Amity, Muskegon, for the rehabilitation of 2265 Lincoln in the amount of \$50,620

Statewide Abatement, 1720 Creston, Muskegon, for the rehabilitation of 1891 Wood in the amount of \$72,000

We are not accepting the bids we received for 1644 Division, 1500 Leahy and 1733 Manz and will rebid these projects.

The lead abatement and rehabilitation is being financed with Neighborhood Stabilization funds from the Michigan State Housing Development Authority. After the total rehabilitation is completed, the houses will be marketed to any eligible owner-occupied homebuyer with a household income less than 120 percent of the area median income.

The City received additional bids. In some instances, the lowest bid is not being recommended based on the amount of knowledge and experience required for some projects.

FINANCIAL IMPACT: The funding for the project will be taken from the money awarded to the City of Muskegon through the Neighborhood Stabilization Program.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to develop a contract with these contractors and direct the

Mayor and Clerk to sign the contract. This is contingent upon CNS receiving the additional NSP grant funding.

COMMITTEE RECOMMENDATION: None required, the Citizen's District Council is aware of the next phase of rehabs under the Neighborhood Stabilization Program.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the contractors for lead abatement and rehabilitation of CNS homes.

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

Nays: None

MOTION PASSES

D. City Charter Amendments – Tax Levy. CITY MANAGER

SUMMARY OF REQUEST: To consider resolutions to place City Charter amendments to limit the ad valorem tax levy to 10 mills and to authorize an additional tax levy of 1.0 mills to finance street construction, repairs, and maintenance.

FINANCIAL IMPACT: The amendments will provide additional funding for city streets.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the City Charter Amendments as presented.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:45 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Date: August 10, 2010
To: Honorable Mayor and City Commission
From: Water Filtration
RE: Fluoride System Evaluation Construction Phase

SUMMARY OF REQUEST:

To authorize staff to enter into agreement with Franklin Holwerda Company for construction of the fluoridation system overfeed protection improvements at the Water Filtration Plant.

FINANCIAL IMPACT:

The construction cost is \$12,450.00.

BUDGET ACTION REQUIRED:

None. The fluoride system construction cost will be covered by a grant from the Michigan Department of Community Health – Oral Health Division.

STAFF RECOMMENDATION:

It is staff's recommendation the Mayor and City Commission authorize staff to enter into agreement with Franklin Holwerda Company for the fluoride system evaluation construction phase at the Water Filtration Plant at a cost of \$12,450.00.

MEMORANDUM

7/28/10

TO: M. AL-SHATEL, DPW DIRECTOR

FROM: B. VENEKLASSEN, WATER FILTRATION PLANT SUPV.

RE: FLUORIDATION SYSTEM EVALUATION – CONSTRUCTION
PHASE

PROJECT HISTORY

The 2009 Sanitary Survey conducted by the Michigan Department of Natural Resources and Environment indicated a need to provide overfeed protection for the fluoridation system at the Water Filtration Plant.

The City Commission approved an engineering/design contract proposal with Fishbeck, Thompson, Carr & Huber of Grand Rapids for the evaluation of the fluoride application system at the Water Filtration Plant on February 9, 2010. The contract included assisting the City in making a grant application for project funding from the Michigan Department of Community Health – Oral Health Program.

GRANT

The MDCH grant application was made and favorably received. It included the engineering/design cost along with the engineers estimated construction cost for a total of \$20,074.00. The grant award received included all the costs the City applied for - \$20,074.00. Combining the engineering/design cost of \$8,249.85 with the construction bid of \$12,450.00 and subtracting the MDCH grant; the final project cost is expected to be \$625.85.

BIDDING

The project design approved by MDNRE was competitively bid with two bids received, as follows:

Franklin Holwerda Company	\$12,450.00
2509 29 th Street SW	
Wyoming, Michigan	

Pressures & Pipes Inc.	\$14,288.00
143 W. Sherman Blvd.	
Muskegon, MI 49444	

Franklin Holwerda Company included an alternate bid for proposed changes to the project for an additional \$7,672.00.

RECOMMENDATION

Both firms have experience performing work at the Water Filtration Plant and have done a fine job in all circumstances. Franklin Holwerda recently performed the clearwell valve replacement and magnetic flow meter projects. Based on our experience and the bid price, it is my suggestion that we recommend the Mayor and City Commission allow staff to enter into contract with Franklin Holwerda Company for the Fluoridation System Evaluation Project Construction Phase at a cost of \$12.450.00.

Commission Meeting Date: August 10, 2010

Date: August 2, 2010

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Rescind Bid for Lead Abatement at 605 Jackson

SUMMARY OF REQUEST: On August 27, 2010, the City Commission approved the awarding of the bid for Lead Abatement at 605 Jackson to Murphy and Son Construction LLC.

The contractor was at the meeting and knew of the approval by the City Commission. Prior to the meeting the contractor was specifically asked if he would have a problem starting the Lead Abatement on Monday, August 2 and completing it on Friday, August 6. The contractor said he was ready to go. The CNS office talked to the contractor on Wednesday, advising him he had to come in to sign a contract that day. He did not show up until Friday, July 30. That same afternoon his Lead Abatement contractor came in and had questions that needed to be cleared up. When we did not hear anything by 5pm that day, we decided to rebid the project.

It was imperative we get this completed so our architect could go into the home and get us drawings for a walk-thru the following week. No one is allowed on the premises except licensed lead workers during the Lead Abatement.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To reject the bid from Murphy and Son Construction LLC and rebid the project.

COMMITTEE RECOMMENDATION: None needed.

Date: August 10, 2010

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Certification of MERS Representatives

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

Each City bargaining unit selects a member to attend the MERS annual meeting. The bargaining units have agreed to a rotating system (based on date of joining MERS) to select one official employee representative. This year the employee representative will be Pete Hughes from the Fire union.

FINANCIAL IMPACT: Registration for the MERS conference in Kalamazoo is \$185 per person. Additionally, mileage and lodging costs will be incurred.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Certification of Tim Paul and Pete Hughes to be the City's officer and employee delegates at the MERS annual meeting in Kalamazoo September 15 – 17.

COMMITTEE RECOMMENDATION: None.



Officer (Alternate) and Employee (Alternate) Delegate Information

[see reverse for Certification Form]

To be a municipality's (or court's) voting delegate (or alternate) representative to MERS Annual Meeting, you must be a member of MERS.

MERS Member: A MERS member is an individual who is enrolled in MERS Defined Benefit (DB) Plan (including Hybrid) or Defined Contribution (DC) Plan.

As provided in Section 45(2) of the MERS Plan Document, the governing body for each municipality (or the chief judge for a court) shall certify the names of two (2) delegates to the Annual Meeting. One delegate shall be a member who is an officer of the municipality appointed by the governing body of the municipality. The other delegate shall be a member who is not an officer of the municipality, elected by the member officer/employees of the municipality. The election shall be conducted in a manner that affords each member officer/employee an opportunity to vote.

Officer Delegate (or Alternate): The officer delegate shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate (or Alternate): The employee delegate shall be an employee member, who is not responsible for management decisions, receives direction from management, and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Delegate Certification: This form states that the officer delegate (alternate) appointments are true and correct, and the secret ballot election results for employee delegate (alternate) are true and correct. An official at the municipality must sign the certification.



Officer and Employee Delegate Certification Form

MERS 64th Annual Meeting | September 15-17, 2010 | Radisson Plaza Hotel | Kalamazoo, Michigan

[see reverse for Information]

IMPORTANT: Complete and return this form. Your registration is not confirmed until this form has been received by MERS.

In order to be your municipality's (including a court) delegate representative to MERS Annual Meeting, you must be a member of MERS. A member of MERS is defined as an individual on payroll who is enrolled in MERS Defined Benefit Plan (including Hybrid) or Defined Contribution Plan. Please refer to "Delegate Information" on the back for specific requirements.

OFFICER (ALTERNATE) DELEGATE INFORMATION

The officer delegate (or alternate) shall be an officer member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Please type or print:

Officer Delegate _____

Officer Alternate _____

OFFICER DELEGATE APPOINTMENT

By official action of the governing body (or chief judge for a participating court) on _____, 2010, the officer delegate and alternate listed above were appointed to serve at the 2010 MERS Annual Meeting.

EMPLOYEE (ALTERNATE) DELEGATE INFORMATION

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Please type or print:

Employee Delegate _____

Employee Alternate _____

EMPLOYEE DELEGATE ELECTION

By secret ballot election conducted by an authorized officer on _____, 2010, the employee delegate and alternate listed above were elected to serve at the 2010 MERS Annual Meeting.

CERTIFICATION

NOTE: Certification should be signed by a member of the governing body (or municipality's chief administrative officer), or the chief judge for a participating court, and municipality number provided in space at the bottom of certification box.

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for employee delegate and alternate are true and correct.

Name (Signature): _____

Name (Please Print): _____

Official Title: _____

Date: _____

NOTE: Municipality Number Required for Certification

Municipality Number: _____

E-mail address: _____

Municipality: _____

Municipality Mailing Address: _____

*Requires Ind
Reading*

Date: July 20, 2010
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for a portion of the property located at
721 E Laketon Ave

SUMMARY OF REQUEST:

Request to rezone a portion of the property at 721 E Laketon Ave from R-1, Single Family Residential district to B-4, General Business district, by Micheal David. This would make the entire parcel zoned B-4, General Business District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/15 meeting.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for a portion of a property from R-1, Single Family Residential District to B-4, General Business District.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for a portion of the following described property from R-1, Single Family Residential District to B-4 General Business District:

CITY OF MUSKEGON NAY ADD BEING A SUB DIV OF LOT 8 R P EASTONS SUB DIV LOTS 1-6 INCL & N 120 FT OF N/S VAC ALLEY ADJ LOTS 3 & 4 SD ADD EXC TH'FROM THAT PRT DESC AS COM @ A POINT ON N LN SD LOT 2 71.32 FT WLY OF NE COR SD LOT 3 TH E TO NE COR SD LOT 6 TH S 7.82 FT TH NWLY TO POB ALSO LOT 30 & N 1/2 LOT 29 NAY ADD

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Marie Becker, MMC
City Clerk

CERTIFICATE (Rezoning of a portion of 721 E Laketon Ave from R-1 to B-4)

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 27th day of July, 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 July 27, 2010, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for a portion of the property from to R-1, "Single Family Residential District" to B-4 "General Business District":

CITY OF MUSKEGON NAY ADD BEING A SUB DIV OF LOT 8 R P EASTONS SUB DIV LOTS 1-6 INCL & N 120 FT OF N/S VAC ALLEY ADJ LOTS 3 & 4 SD ADD EXC TH'FROM THAT PRT DESC AS COM @ A POINT ON N LN SD LOT 2 71.32 FT WLY OF NE COR SD LOT 3 TH E TO NE COR SD LOT 6 TH S 7.82 FT TH NWLY TO POB ALSO LOT 30 & N 1/2 LOT 29 NAY ADD

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

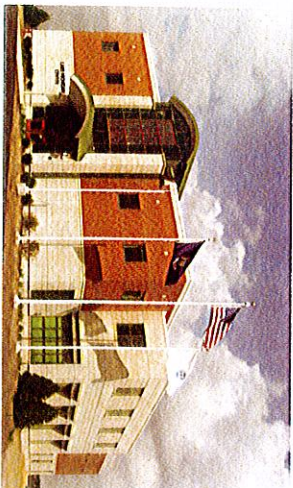


Date: August 10, 2010
To: Honorable Mayor and City Commissioners
From: City Manager
RE: Muskegon Lake Research Fund

SUMMARY OF REQUEST: The Muskegon Lake Research Fund Committee Members are requesting that the City offer an option that customers purchasing an annual boat launch sticker may choose to give a \$2 donation to the Muskegon Lake Research Fund.

FINANCIAL IMPACT: None.

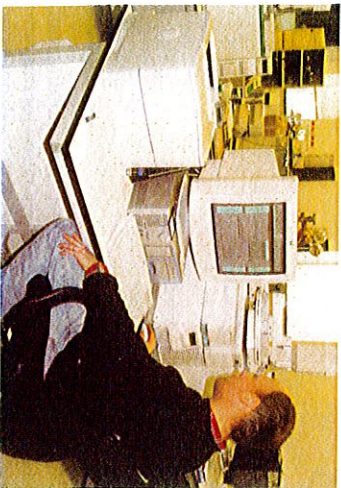
STAFF RECOMMENDATION: None.



Lake Michigan Center, home of the Annis Water Resources Institute.



AWRI science instructor preparing to deploy an instrument in Muskegon Lake to measure water quality parameters.



AWRI scientist analyzing chemicals from Muskegon Lake in the laboratory.

Muskegon Lake Research Fund Committee Members

Roger Andersen, Co-Chair
 Dr. Bill Schroeder, Co-Chair
 Arn Boezaart
 Dr. Mike Bozym
 Dr. Mike Cermiario
 Roland Crummel
 Eric Gielow
 Wayne Groesbeck
 José Infante
 Dr. Bill Jackson
 Roger Morgenstern
 Gary Noble
 Dr. Alan Steinman
 Dan Weikel



GRAND VALLEY
 STATE UNIVERSITY
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community foundation

Muskegon County



Muskegon Lake Research Fund



community foundation

Muskegon County

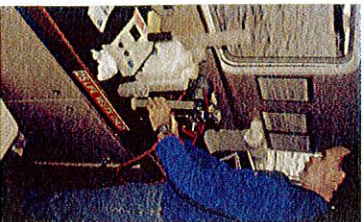


Muskegon Lake Research Fund

Case Statement

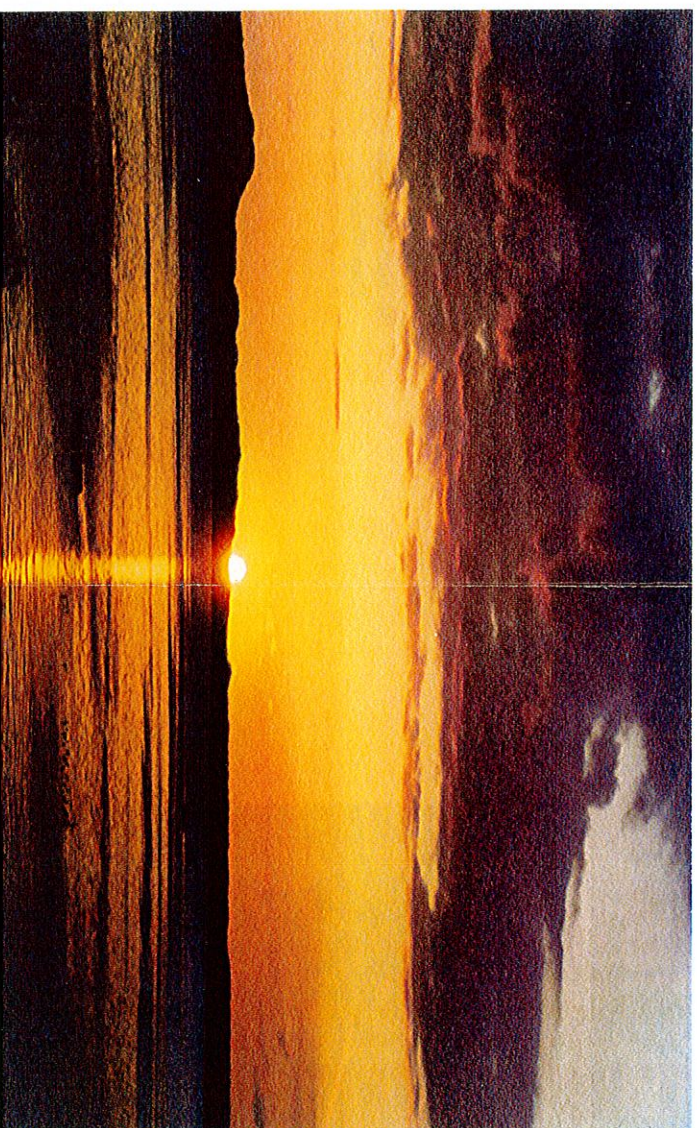
Gazing along Muskegon Lake's shoreline, evidence abounds that the community's economic health is improving. New construction, renovation, and redevelopment of long vacant and unused property and buildings are all signs of a community renaissance.

But as Muskegon continues striving for excellence in the 21st century, we cannot forget what lies beneath Muskegon Lake's shimmering surface. Decades of industrial use along the shoreline, years before state and federal clean water laws went on the books, have left a legacy of environmental damage. Some of this degradation is well documented and has led to the lake being listed as an "Area Of Concern" (AOC) by the U.S. Environmental Protection Agency. Muskegon Lake is one of 42 AOCs within the Great Lakes.



AWRI scientist measuring Muskegon Lake water quality on board the *W.C. Jackson*.

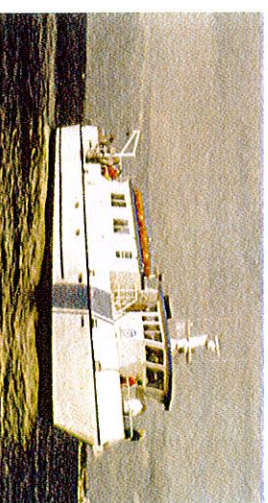
researchers who have as their mission a desire to understand, document, and recommend improvements to the entire Lake Michigan basin, including water bodies such as Muskegon Lake.



Top: Sunset over Muskegon Lake.
Right: The *W.C. Jackson*, one of two research vessels belonging to AWRI.

Scientific data must be ongoing and comprehensive to be beneficial. While some studies on Muskegon Lake have been underwritten by AWRI, the Institute's existing financial resources are limited and there is no guarantee of continued, long-term funding. By creating a permanent Muskegon Lake Research Fund in cooperation with the Community Foundation for Muskegon County, there will be a guarantee of sufficient funds to conduct this research into the future and accomplish the following:

- Record short-term and long-term changes in Muskegon Lake by accumulating a continuous record of plankton, nutrients and fish;
- Understand what happens within Muskegon Lake and what outside forces drive this ecosystem;
- Develop a "report card" for Muskegon Lake health and use it to inform the public about the lake's status through various means, including placement on the AWRI Web site.



Fortunately, because of the Institute's existing staff and equipment, all of the money raised for this new fund will be used for research, making your investment even more meaningful.

We hope that you will join us in this endeavor to chart a course for Muskegon Lake's healthier future for everyone's lifelong benefit and enjoyment.

Roger Andersen

William Schroeder

Co-Chairs

Muskegon Lake Research Fund Committee

An aerial photograph of Muskegon Lake, showing the shoreline, surrounding land, and a small peninsula. The text "Muskegon Lake: Status and Trends" is at the top, followed by "Dr. Alan Steinman: AWRI-GVSU" and "May 11, 2010". A small box in the bottom left corner contains the text "Photo by Marge Beaver: www.photography-plus.com".

Muskegon Lake: Status and Trends

Dr. Alan Steinman: AWRI-GVSU

May 11, 2010

Photo by Marge Beaver:
www.photography-plus.com

Dr. Alan Steinman: AWRI-GVSU

May 11, 2010

Photo by Marge Beaver:
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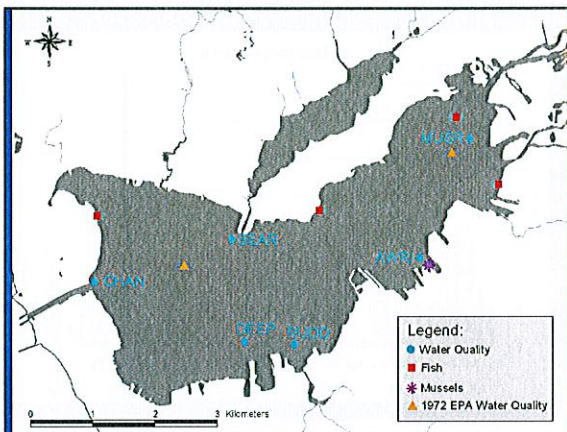
AWRI Monitoring Program for Muskegon Lake

GOALS:

- Observe short-term and long-term changes in the ecological health of Muskegon Lake
- Use information to help de-list Muskegon Lake as an Area of Concern
- Engage Muskegon community in the process of ownership of the lake

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Selected Variables

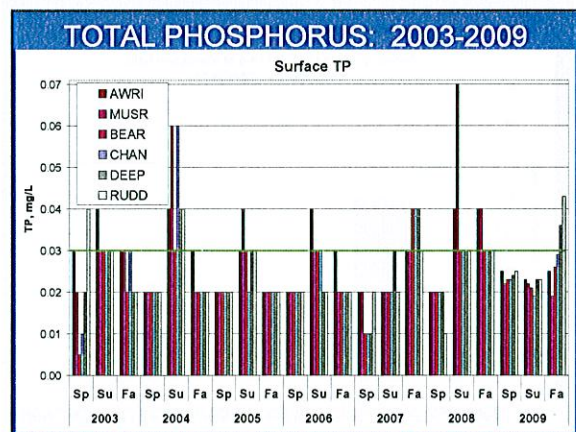
- Total Phosphorus
- Chlorophyll *a*
- Algae
- Fish
- Dreissenid Mussels

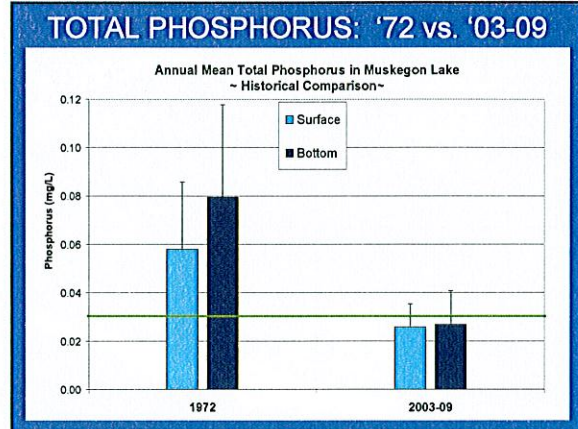
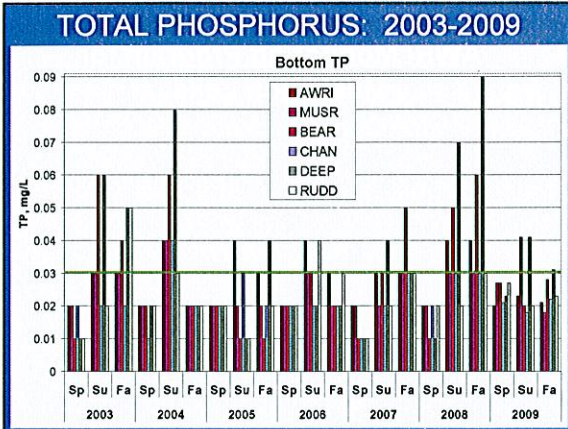
- Total Phosphorus
- Chlorophyll *a*
- Algae
- Fish
- Dreissenid Mussels

Total Phosphorus

- Essential nutrient for organisms
- Usually the limiting nutrient for algae in this region and restoration target for Muskegon Lake AOC
- Reasonable indicator of nutrient enrichment

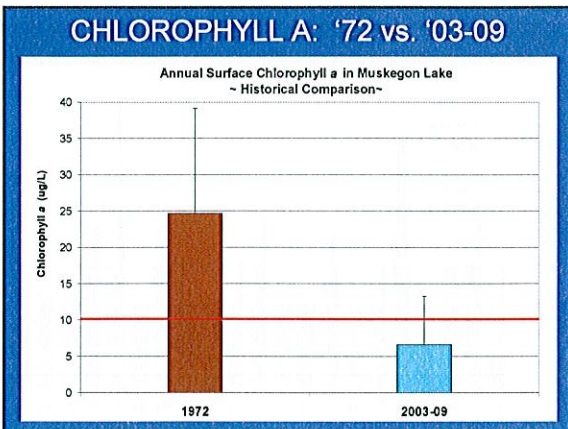
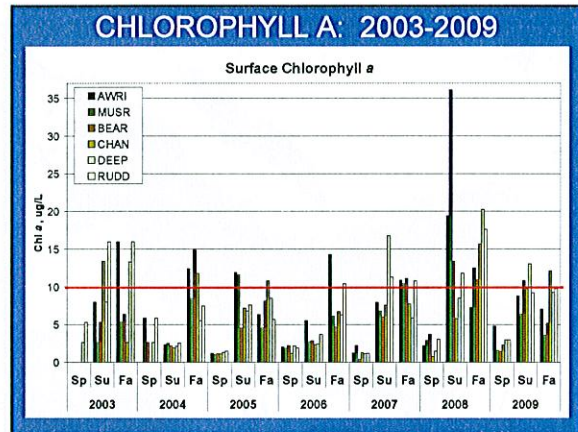
- Essential nutrient for organisms
- Usually the limiting nutrient for algae in this region and restoration target for Muskegon Lake AOC
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Chlorophyll *a*

- Major pigment in algae, so serves as a good surrogate for algal biomass
- Alone, it does not tell you what kind of algae are present (i.e., harmful vs beneficial species)
- Chl *a* concentrations are affected by other environmental factors, such as light and grazing, so must be careful in interpreting data



Blue-green Algae/Microcystins

- Cyanobacteria (blue-green algae) usually form the worst algal blooms
 - *Microcystis*: bloom-former that produces toxins
 - *Aphanizomenon*: noxious species that forms surface scums
- Microcystin is a known hepatotoxin and is produced by various species of cyanobacteria (blue-green algae)
- Degree of problem still unknown; causes linked to invasive mussels and their selective filtration

Microcystis Formation



- a cyanobacterium (blue-green alga) that can produce natural toxins called microcystins
- Blooms in the Great Lakes have been associated with zebra mussel expansion

Phytoplankton (2003 – 2009)

	Spring
2003 % B-Gs	20%
% Microcystis	10%
2004 % B-Gs	26%
% Microcystis	89%
2005 % B-Gs	5%
% Microcystis	0%
2006 % B-Gs	5%
% Microcystis	94%
2007 % B-Gs	0%
% Microcystis	0%
2008 % B-Gs	4%
% Microcystis	0%
2009 % B-Gs	0%
% Microcystis	0%

Phytoplankton (2003 – 2009)

	Spring	Summer
2003 % B-Gs	20%	44%
% Microcystis	10%	19%
2004 % B-Gs	26%	53%
% Microcystis	89%	62%
2005 % B-Gs	5%	67%
% Microcystis	0%	69%
2006 % B-Gs	5%	32%
% Microcystis	94%	78%
2007 % B-Gs	0%	33%
% Microcystis	0%	85%
2008 % B-Gs	4%	70%
% Microcystis	0%	87%
2009 % B-Gs	0%	6%
% Microcystis	0%	68%

Phytoplankton (2003 – 2009)

	Spring	Summer	Fall
2003 % B-Gs	20%	44%	60%
% Microcystis	10%	19%	46%
2004 % B-Gs	26%	53%	59%
% Microcystis	89%	62%	95%
2005 % B-Gs	5%	67%	81%
% Microcystis	0%	69%	84%
2006 % B-Gs	5%	32%	26%
% Microcystis	94%	78%	91%
2007 % B-Gs	0%	33%	62%
% Microcystis	0%	85%	92%
2008 % B-Gs	4%	70%	100%
% Microcystis	0%	87%	62%
2009 % B-Gs	0%	6%	12%
% Microcystis	0%	68%	0%

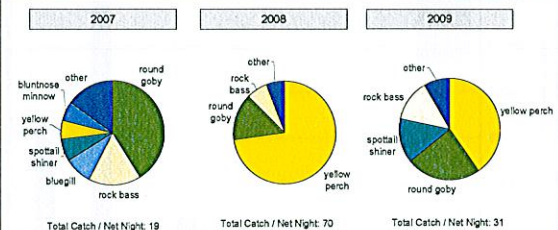
Muskegon Lake Fish Monitoring

- Fyke nets set in shallow littoral zone of lake
- Nets in place overnight
- Catch represents littoral fish community
- Results commonly reported as "catch per net night"

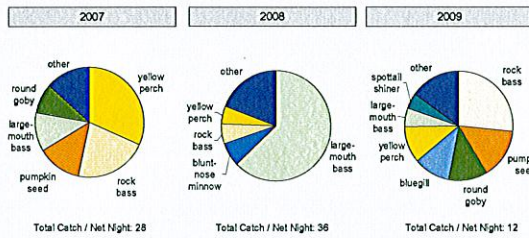


FYKE NET

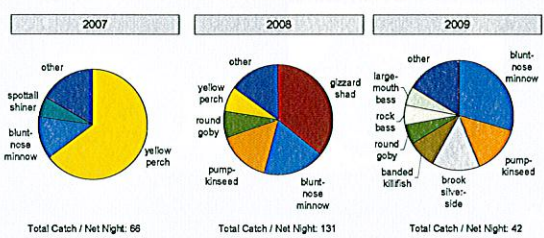
Spring Fish Data – Fyke Nets



Summer Fish Data – Fyke Nets

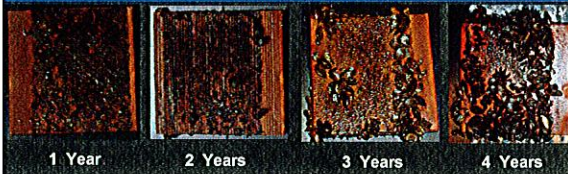


Fall Fish Data – Fyke Nets

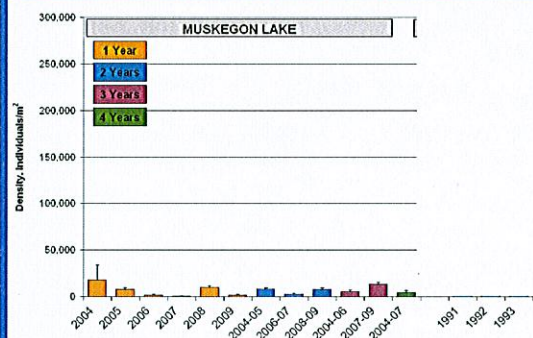


Dreissena Mussel Colonization Study

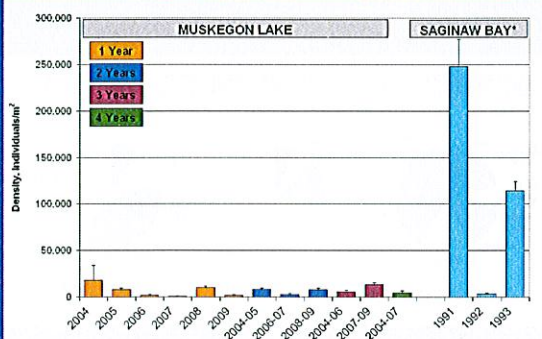
Multi-year study to measure zebra & quagga mussel colonization & growth over time-scale intervals



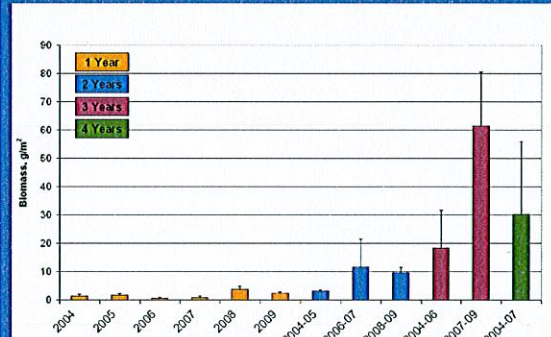
Dreissena Mussel Comparison



Dreissena Mussel Comparison



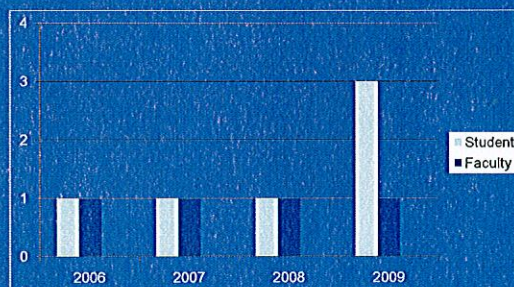
Dreissena Mussel Biomass



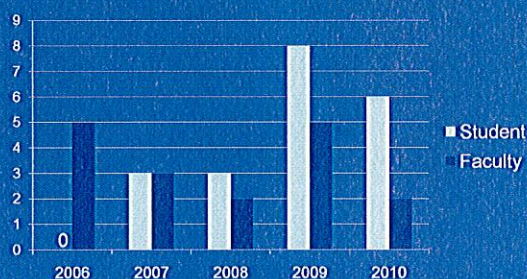
Outcome/Products

- Information used for setting of restoration targets to de-list Muskegon Lake as an AOC
- Information used to leverage new grants and as part of newly submitted proposals
- Information used for projects by new postdoctoral research associates
- M.S. Thesis: Seasonal carbon cycling in Muskegon Lake (Angie DeFore)

Publications



Presentations



Past Leveraged Funding

- Information from this study used to obtain new funding:

- 2005 -- 2008 Projects: ~\$244,000

2009 Leveraged Funding

- MDNRE: Reproductive and recruitment success of walleye (Total: \$157,817; Ruetz: \$75,085)
- Consumer's Energy: Recruitment and juvenile ecology of lake sturgeon (\$92,348)*
- NOAA: Shoreline habitat monitoring (Total: \$10,000,000; AWRI: ~\$240,000)
- Consumers Energy Foundation: Algal monitoring (\$10,000)
- IJC: Water level effects (\$30,000)
- Donors: 3 new postdoctoral positions (Total: \$330,000)
- MDNRE: Ruddiman Cr. *E. coli* (\$20,863)
- Musk. County: Beach surveys (\$9,600)
- MDNRE: Algaecide effects on algal toxins (\$66,000)
- MI Space Grant: Carbon cycling in Muskegon Lake (\$5,000)
- GVSU: Carbon budget for Muskegon Lake (\$1,000)

2009 TOTAL (AWRI): ~\$880,000

2010 Submitted Funding

- GLRI: Ruddiman Creek Biota (\$247,000: submitted)
- GLRI: PCB bioaccumulation (\$297,000: submitted)
- GLRI: Muskegon Lake Observatory (\$568,000: submitted)
- MDNRE: Bear Lake Implementation (\$279,000: submitted)
- MDNRE: Invasive zooplankton effects (\$81,600: submitted)

TOTAL TO DATE: ~\$1.5 million dollars

Dr. Yakuta Bhagat



- Long-term trends in Muskegon Lake fish populations
- Effect of rusty crayfish on walleye recruitment
- What factors control round goby spread?

Dr. Liqiang Xie



- What environmental factors trigger the formation of cyanotoxins?
- Do cyanotoxins bioaccumulate in fish?

Dr. Nadia Gillett



- Long-term trends in Muskegon Lake phytoplankton populations
- Using diatoms to trace the water quality history of Muskegon Lake

Revenue Sources

2008

Muskegon Lake Endowment Dist.:	\$7,000 (23%)
FACF Musk. Lake Algae:	\$7,750
AWRI Match (Alcoa Grant):	\$9,602
AWRI General Fund:	\$6,500
TOTAL	\$30,602

2009

Muskegon Lake Endowment Dist.:	\$5,000 (22%)
Alcoa Muskegon Lake Algae:	\$7,500 (34%)
AWRI Match for Alcoa	\$9,602 (43%)
AWRI General Fund:	\$185 (1%)
TOTAL	\$22,287

Percent of Study Costs funded by Endowment Distribution:

2005:	33%
2006:	34%
2007:	38%
2008:	23%
2009:	22%

AWRI Involvement

AWRI Staff:

Al Steinman
Bopi Biddanda
Rick Rediske
Carl Ruetz
Scott Kendall
Kate Rieger
Brian Scull
Jim O'Keefe
Mary Ogdahl

AWRI Students:

Jordan Allison
Travis Ellens
Jessica Higgins
Nikki Koehler
Elizabeth LaRue
Carson Pritchard
Betsy Shafer
Alex Wieten
Angie Defore
Amanda Potter
Kelli Johnson
Billy Keiper
Maggie Weinert
Deb Dila
Kaitlyn Driza
Eric Fahnenstiel
John Fahnenstiel
Anthony Straley
Autumn Trombka

Issues for Future Consideration

- Funds to Maintain Monitoring/
Reaching Fund Goal
- De-listing Process