

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 25, 2006

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. Liquor License Request – Clay Avenue Cellars, Inc., 611 W. Clay. CITY CLERK
 - C. SECOND READING: Defined Contribution Retirement Plan for New Hires (DPW 517M). FINANCE DIRECTOR
 - D. Vacation of the Alley in the City of Muskegon, Block 304. PLANNING & ECONOMIC DEVELOPMENT
 - E. Vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street. PLANNING & ECONOMIC DEVELOPMENT
 - F. Rezoning Request for Properties Located in the City of Muskegon, Block 304. PLANNING & ECONOMIC DEVELOPMENT
 - G. Zoning Ordinance Amendment to the Sign Ordinance. PLANNING & ECONOMIC DEVELOPMENT
 - H. Selection of Vinyl Siding Supplier for Fiscal Year 2006-2007. COMMUNITY & NEIGHBORHOOD SERVICES
 - I. Selection of Siding Contractors for Fiscal Year 2006-2007. COMMUNITY & NEIGHBORHOOD SERVICES
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. Transfer of Clerical Unit Employees to MERS. FINANCE

B. Multiple Special Event Alcohol License within the City of Muskegon on August 18th, 2006 - Serra Club of Greater Muskegon. ASSISTANT CITY MANAGER

C. Approval of Revised Special Events Policy. ASSISTANT CITY MANAGER

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1. 1608 Elwood (Area 13)

2. 1168 Ambrosia – Garage (Area 11)

E. Accept Resignation of City Clerk. 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.)

❑ **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 GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: July 25, 2006
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the July 10th Commission Worksession, and the July 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 25, 2006

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 25, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor Penny Johnson from the Oak Crest Church of God 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, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

2006-62 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the July 10th Commission Worksession, and the July 11th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request – Clay Avenue Cellars, Inc., 611 W. Clay. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Clay Avenue Cellars, Inc., for a new Outdoor Service Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

C. SECOND READING: Defined Contribution Retirement Plan for New Hires

(DPW 517M). FINANCE DIRECTOR

SUMMARY OF REQUEST: Second reading of the General Employee Retirement System ordinance change.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the City's annual pension costs. We are negotiating similar arrangements for other employee groups. At this time, new employees in the Fire, Non-Union, Clerical and 517M groups are covered by a defined contribution arrangement. The status of this issue with the other employee groups is as follows: Police Patrol (in arbitration); Police Command (to be negotiated).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

F. Rezoning Request for Properties Located in the City of Muskegon, Block 304. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located in Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue and Hoyt Street from R-1, One Family Residential District to MC, Medical Care District.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 13, 2006, meeting. The vote was unanimous.

G. Zoning Ordinance Amendment to the Sign Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2334 (Signs, #6,b) of Article XXIII (General Provisions) to add wall signage for lawful institutional uses such as churches and schools.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language to add wall signage for lawful institutional uses.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their July 13, 2006, meeting. The vote was unanimous.

Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda as read with the exception of item D, E, H, and I.

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

Nays: None

MOTION PASSES

2006-63 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. Vacation of the Alley in the City of Muskegon, Block 304. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the alley in the City of Muskegon Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends vacation of the alley in Block 304 of the City of Muskegon.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their July 13, 2006, meeting, with the condition that all utility easement rights be retained. The vote was unanimous with L. Spataro absent.

(Voted with item E).

E. Vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends the vacation of Leahy Street from Laketon to Larch Avenue and Larch Avenue from Hoyt Street to Leahy Street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the vacation at their July 13, 2006, meeting, with the condition that all utility easements rights be retained. T. Harryman opposed the request.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the vacation of the alley in Block 304 and the vacation of Leahy Street from Laketon to Larch, and Larch Avenue from Hoyt to Leahy.

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

Carter

Nays: Davis

MOTION PASSES

H. Selection of Vinyl Siding Supplier for Fiscal Year 2006-2007.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services Department's selection of the vinyl siding supplier for the 2006 – 2007 fiscal year. After reviewing all bids, the department selected the lowest bid by ABC Supply located at 123 West Sherman Boulevard, Muskegon, for the price of \$35 per building square for white and \$36 per square for color.

The Community and Neighborhood Services Department received two additional bids from:

- Premier Building Products, Inc., located at 2151 South Harvey Street, Muskegon, \$46.56 per building square, and
- Keene Lumber Co., located at 346 West Laketon Avenue, Muskegon, \$46.50 per building square.

FINANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 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 2006 – 2007 allocation period last April.

Motion by Commissioner Carter, second by Commissioner Davis to approve the selection of ABC Supply as the vinyl siding supplier for the 2006 – 2007 fiscal year.

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

Nays: None

MOTION PASSES

I. Selection of Siding Contractors for Fiscal Year 2006-2007.
COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Top Notch Design, 4740 Jensen, Fruitport, and Gawlik Construction, 2084 Mary, Muskegon, to install vinyl siding at an agreed price of \$67 per building square for the Vinyl Siding Program's 2006 – 2007 fiscal year.

The Community and Neighborhood Services office received six bids total from

vinyl siding installers. The four additional bids were from:

- K & O Construction, 2122 Vindale, Muskegon
- Cutting Edge Construction, 766 Chatterson, Muskegon
- Fredrick's Construction Inc., 1950 Commerce, Muskegon
- Obenauf DePender Construction, 4471 Tompkins Trail, Muskegon

FINANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 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 2006 – 2007 allocation period last April.

Motion by Commissioner Shepherd, second by Commissioner Carter to accept Community and Neighborhood Services selection of siding contractors for fiscal year 2006 – 2007 with Top Notch Design and Gawlik Construction.

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

Nays: None

MOTION PASSES

2006-64 NEW BUSINESS:

A. Transfer of Clerical Unit Employees to MERS. FINANCE

SUMMARY OF REQUEST: The Clerical union (approximately 30 members) has voted in favor of moving pension administration for their members to MERS – the Municipal Employees Retirement System of Michigan. The change will affect employees hired prior to January 1, 2006; employees hired after this date are in a Defined Contribution plan. This is the fourth city employee group to opt to move to MERS (non-union, police patrol and police command being the others).

FINANCIAL IMPACT: MERS provides a cost-effective solution for retirement system administration. As the City faces tight budgets, it is essential that we seek out opportunities to maintain or improve service levels while lowering costs. MERS provides such an opportunity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the resolutions moving Clerical unit employees to MERS and authorize the Mayor, Clerk and other required city officials to sign the documents necessary to implement this move. Also, approval of the amendment to the General Employees' Retirement System ordinance.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the transfer of the Clerical Union to Municipal Employees Retirement System of Michigan.

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

Nays: None

MOTION PASSES

B. Multiple Special Event Alcohol License within the City of Muskegon on August 18th, 2006 - Serra Club of Greater Muskegon. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: Leisure Services has received a Special Event request from Serra Club of Greater Muskegon. They are requesting a special liquor license to be able to serve alcohol at their annual fundraiser to be held at Muskegon Catholic School. The Leisure Services Board has already approved a license for a Party in the Park to be held on the same date. Commission action required.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: Commission action required.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the Special Event request from Serra Club of Greater Muskegon for a special liquor license for August 18th.

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

Nays: None

MOTION PASSES

C. Approval of Revised Special Events Policy. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The City Commission referred the following sections of the Special Events Policy to the Leisure Services Board for their review and action:

1. Second paragraph of the Special Events Policy – change the second paragraph, first sentence, by adding “or this provision is waived by the City Commission”.
2. Section III (g) – it was suggested that the language be revised to “have a person at each station during the serving of beverages that has had alcohol awareness training.”
3. Section IV (a) – it was suggested that the language be revised to include .

. ." the Leisure Services Director, or City Commission".

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board recommends approval of the revised Special Events Policy.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the revised Special Events Policy.

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

Nays: None

MOTION PASSES

D. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1. 1608 Elwood (Area 13)

2. 1168 Ambrosia – Garage (Area 11)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within thirty days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINIANCIAL IMPACT: General Funds (1608 Elwood), CDBG (1168 Ambrosia – garage only).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals to demolish 1608 Elwood and 1168 Ambrosia (garage only).

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

Nays: None

MOTION PASSES

E. Accept Resignation of City Clerk. CITY MANAGER

SUMMARY OF REQUEST: To accept the resignation of Gail Kundinger, City Clerk, and to appoint Linda Potter as Acting City Clerk.

FINIANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request.

Motion by Commissioner Spataro, second by Commissioner Wierengo to accept the resignation of Gail Kundinger, City Clerk, and appoint Linda Potter as Acting City Clerk.

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

Nays: Davis and Shepherd

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:20 p.m.

Respectfully submitted,



Linda Potter, CMC
Acting City Clerk

Date: July 25, 2006
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Liquor License Request
Clay Avenue Cellars, Inc., 611 W. Clay

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Clay Avenue Cellars, Inc., for a new Outdoor Service Permit.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

2006-62(6)

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505

LAW ENFORCEMENT RECOMMENDATION

(MCL 436.1501)

REQ ID #362046 KAR 6-15-06

TO: Muskegon Police Department
Attn: Chief of Police
980 Jefferson
P.O. Box 536
Muskegon, MI. 49440-1325

RECEIVED

JUL 5 2006

MUSKEGON POLICE DEPT.
CHIEF of POLICE

RE: Clay Ave. Cellars Inc.
611 W. Clay Ave.
Muskegon, MI.

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation, as requested below, to the offices of the Liquor Control Commission at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR FOOD SERVICE	Two copies of Form LC 1112 will be left with you, the upper portions already executed. Indicate your recommendation and return one copy to the Commission, retaining the other. (Authorized by MAC 436.1403)
☐ LIVING QUARTERS	Indicate your recommendations on the bottom of this letter and return one copy to the Commission. (Authorized by MCL 436.1217 and 436.1201)
☒ OUTDOOR SERVICE PERMIT IN ADDITION TO NEW SMALL WINEMAKER	Indicate your recommendations on the bottom of this letter and return one copy to the Commission.

Recommendation: (Recommended / ~~Not recommended~~)

Signed: [Signature]

Signature and Title

Date: 7-7-06

(Signed) Linda Potter
(Township, City or Village Clerk)
Linda Potter, Acting Clerk
933 Terrace, Muskegon, MI 49440
(Mailing address of Township, City or Village)

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☒ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature

Donna D. H.

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay
JUL 10 2006

Reason for Review: APPROVED POSTED
CITY OF MUSKEGON TREASURY

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature] 7/11/06

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

RECEIVED

JUL 10 2006

CITY OF MUSKEGON
PLANNING DEPARTMENT

Department Signature Phil Z. Carver

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Jane Dempsey

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Facility Subject to
Random Inspections

Department Signature [Signature]

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Clay Avenue Cellars, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: Robert Rajewski & Garrett Anguilm

Business Address: 611 W. Clay

Reason for Review:

New License ☐

Transfer of Ownership ☐

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other Outdoor Service Permit

Deadline for receipt of all information: _____

Public Safety

Approved ☐

Denied ☐

No Action Needed ☐

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

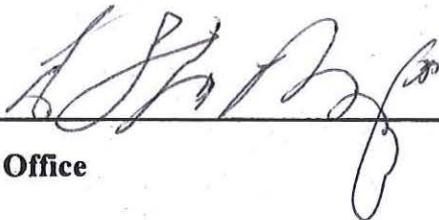
Fire/Inspections

Approved ☒

Denied ☐

Remaining Defects ☐

Department Signature



Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

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

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

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

Civil Service
(231)724-6716
FAX (231)724-4405

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

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

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

Finance
(231)724-6713
FAX (231)724-6768

Fire Department
(231)724-6792
FAX (231)724-6985

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

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

Inspection Services
(231)724-6715
FAX (231)728-4371

Leisure Services
(231)724-6704
FAX (231)724-1196

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

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

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

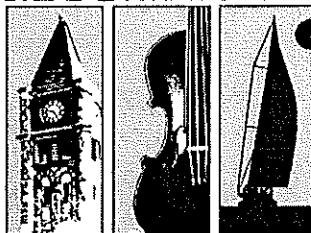
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 20, 2006

Mr. Robert Rajewski
1873 Harrison
Muskegon, MI 49441

Dear Mr. Rajewski:

This letter is to inform you that your request for an Outdoor Service Permit to be held in conjunction with your Small Winemaker License will be presented to the City Commission on July 25, 2006. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

Sincerely,

Linda Potter
Deputy Clerk

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

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

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

Civil Service
(231)724-6716
FAX (231)724-4405

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

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

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

Finance
(231)724-6713
FAX (231)724-6768

Fire Department
(231)724-6792
FAX (231)724-6985

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

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

Inspection Services
(231)724-6715
FAX (231)728-4371

Leisure Services
(231)724-6704
FAX (231)724-1196

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

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

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

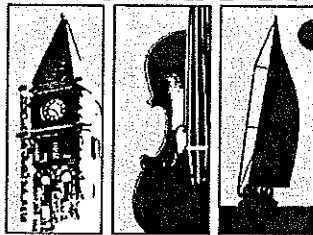
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 20, 2006

Mr. Garrett Anguilm, Jr.
2835 Beach Street
Muskegon, MI 49441

Dear Garrett:

This letter is to inform you that your request for an Outdoor Service Permit to be held in conjunction with your Small Winemaker License will be presented to the City Commission on July 25, 2006. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

Sincerely,

Linda Potter
Deputy Clerk

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

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

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

Civil Service
(231)724-6716
FAX (231)724-4405

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

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

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

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Police Department
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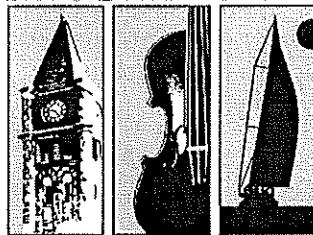
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FAX (231)722-4188

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

July 20, 2006

Commissioner Spataro, President
Nelson Neighborhood Assoc.
1567 Sixth
Muskegon, MI 49441

Dear Larry:

We have received a letter from the Liquor Control Commission reference a request from Clay Avenue Cellars, Inc. for a new Outdoor Service Permit to be held in conjunction with their Small Winemaker license. On Tuesday, July 25, 2006, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. Please send these comments to 933 Terrace, Muskegon, MI 49440.

If you have any questions, please feel free to contact me at 724-6705..

Sincerely,

Linda Potter
Deputy Clerk

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

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

Civil Service
(231)724-6716
FAX: (231)724-4405

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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Department
(231)724-6792
FAX: (231)724-6985

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FAX: (231)724-6790

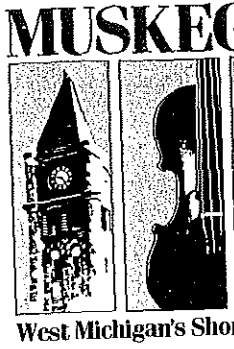
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Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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



July 26, 2006

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: Req ID #362046
Clay Avenue Cellars Inc.
611 W. Clay Avenue
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Law Enforcement Recommendation form which has been approved by Tony Kleibecker, Public Safety Director. This was also recommended for approval by the City Commission at their July 25, 2006, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter
Deputy Clerk

enc.

7006 0100 0004 8340 6995

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PS Form 3811, February 2004

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LANSING, MICHIGAN 48909

See Reverse for Instructions

PS Form 3800, June 2002

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City, State, ZIP+4

Sent To LCC

195

102595-02-M-1540

SECTION ON DELIVERY

Printed Name) C. Date of Delivery

☐ Agent
☐ Addressee

Is different from item 1? ☐ Yes
Delivery address below: ☐ No

HALL
1. Express Mail
FOR RETURN RECEIPT FOR MERCHANDISE
☐ C.O.D.
Extra Fee ☐ Yes

MEMO

TO: Mayor and Commission
FROM: City Clerk's Office
DATE: July 25, 2006
RE: Clay Avenue Cellars Liquor License Request

On the 21st of July we received a call from Sherri Slater reference Clay Avenue Cellars liquor license request. Sherri stated she is very much in favor of their request and believes it will be good for the neighborhood.

Ind Reading

Date: July 11, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Defined Contribution Retirement Plan for New Hires (DPW 517M)

SUMMARY OF REQUEST: The city commission has previously approved a contract with the 517M union that includes provision for new hires to be members of a defined contribution retirement program in lieu of membership in the defined benefit General Employees' retirement system. The new DC plan calls for a city contribution of 3%/6% and an employee contribution of 0%/3% of wages. Present employees may also join the DC plan on an elective basis during a window period.

Documents for this plan are the same as for the previous plan set-ups for Clerical, Fire and Non-union employees and is currently under review by the attorney's office. Because we are in process of hiring several positions that will be covered under the new plan, staff at this time is requesting authorization to have the Mayor, Clerk and other required city officials sign the necessary documents for implementation.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs. We are negotiating similar arrangements for other employee groups. At this time, new employees in the Fire, Non-Union, Clerical and 517M groups are covered by a defined contribution arrangement. The status of this issue with the other employee groups is as follows: Police Patrol (in arbitration); Police Command (to be negotiated).

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: None

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2195**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-34 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is amended to state as follows:

(a) A person who is in the employ of the city in a membership position shall be a member of the retirement system. A membership position is a city position normally requiring 1,500 or more hours of work in a calendar year, except as provided in subsection (b) of this section.

(b) The following types of city employment are not membership positions:

- (1) Contractual employment;
- (2) Employment compensated on a fee basis;
- (3) Employment as an elected official; and
- (4) Employment as a policeman or fireman as defined by the city police-fire retirement system established and maintained in accordance with Chapter XIX of the Charter of the city.

(c) A member who ceases to be employed by the city in a membership position shall thereupon cease to be a member.

(d) The membership of the retirement system shall not include city non-union employees who become employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.

(e) The membership of the retirement system shall not include city non-union employees who became employed by the City before July 1, 2005, and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.

(f) The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") and become employed by the City after January 1, 2006, and Clerical Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective May 31, 2006.

(g) *The membership of the retirement system shall not include city employees who are members of the Local 517M, Unit 2, of the Service Employees International Union ("Local 517M Union") and become employed by the City after January 1, 2006, and Local 517M Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective November 30, 2006.*

(h) ~~(g)~~ The board of trustees shall decide all questions concerning the membership status of any person.

(i) ~~(h)~~ The city manager may elect to be excluded from membership in the retirement system. The election shall be made in writing in the form prescribed by the retirement system within 90 days after the date the individual becomes city manager. As used in this subsection, "city manager" means the individual who is appointed by, serves at the pleasure of and is designated by the city commission to be the city manager. The following conditions shall apply to a city manager regarding membership in the retirement system:

(1) If the city manager fails to elect to be excluded from membership in the retirement system within 90 days after becoming the city manager, the city manager shall remain a member of the retirement system.

(2) Upon becoming a member in the retirement system, the city manager shall not have the option to elect to be excluded from the retirement system unless the election is made within the 90-day period.

(3) If the city manager elects to be excluded from membership in the retirement system, the city manager may not revoke that election nor become a member of the retirement system on account of employment by the city.

(4) If an individual employed by the city and a member of the retirement system is appointed city manager, the individual shall remain a member of the retirement system unless the individual elects in writing within 90 days after the date appointed as city manager to be excluded from membership in the retirement system. If such individual was previously a member in the retirement system and elects to be excluded from membership, the following conditions shall apply:

a. The individual shall be paid the individual's accumulated contributions, and all credited service shall be forfeited unless he elects to be deferred under subsection (e)(4)d. of this section.

b. The individual may not again become a member of the retirement system on account of employment by the city.

c. The individual's forfeited credited service and any service rendered the city while the individual was excluded from membership shall never be reinstated or credited to the individual.

d. Instead of proceeding under subsections (e)(4)a., b. and c. of this section, a previously employed individual who has enough years of credited service to be vested in the plan at the time of such election within 90 days after appointment as city manager may elect to terminate participation in the plan and remain vested therein as in the case of a deferred retiree and receive benefits accordingly which are limited by the years of credited service at the time of the election. In such case, no withdrawal of employee contributions shall be allowed.

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington,
and Wierengo

Nays: None

Adoption Date: July 25, 2006

Effective Date: August 8, 2006

First Reading: July 11, 2006

Second Reading: July 25, 2006

CITY OF MUSKEGON

By Linda Potter
Linda Potter, CMC
Acting 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 25th day of July, 2006, 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 Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 25, 2006

Linda Potter
Linda Potter, CMC
Acting City Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 25, 2006, the City Commission of the City of Muskegon adopted an amendment to Section 62-34, Membership of Retirement System, under the General Employee Retirement System ordinance of the City of Muskegon, summarized as follows:

(g) The membership of the retirement system shall not include city employees who are members of the Local 517M, Unit 2, of the Service Employees International Union ("Local 517M Union") and become employed by the City after January 1, 2006, and Local 517M Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective November 30, 2006.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: July 29, 2006

By _____
Linda Potter, CMC
Acting City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: July 25, 2006

Date: July 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CPC*
RE: Rezoning request for properties located in the City of Muskegon, Block 304

SUMMARY OF REQUEST:

Request to rezone the property located in Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue and Hoyt Street from R-1, One Family Residential District to MC, Medical Care District.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/13/06 meeting. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2196

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from R-1 "One Family Residential District" to MC "Medical Care District"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property located in Block 304 bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street from R-1 "One Family Residential" to MC "Medical Care District":

CITY OF MUSKEGON REVISED PLAT OF 1903 BLOCK 304

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo

Nays: None

Adoption Date: July 25, 2006

Effective Date: August 8, 2006

First Reading: July 25, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Linda Potter
Linda Potter, CMC
Acting City Clerk

CERTIFICATE
(Rezoning of Block 304 R-1 to MC)

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 25th day of July, 2006, 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 Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 25, 2006.

Linda Potter
Linda Potter, CMC
Acting City Clerk

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 25, 2006, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property in Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street, from R-1 "One Family Residential District" to MC "Medical Care District":

CITY OF MUSKEGONREVISED PLAT OF 1903 BLOCK 304

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 July 29, 2006

CITY OF MUSKEGON

By _____

Linda Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

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

July 13, 2006

Hearing; Case 2006-27: Request to rezone the properties located in the City of Muskegon Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street, from R-1, One Family Residential District to MC, Medical Care District, by Hackley Hospital.

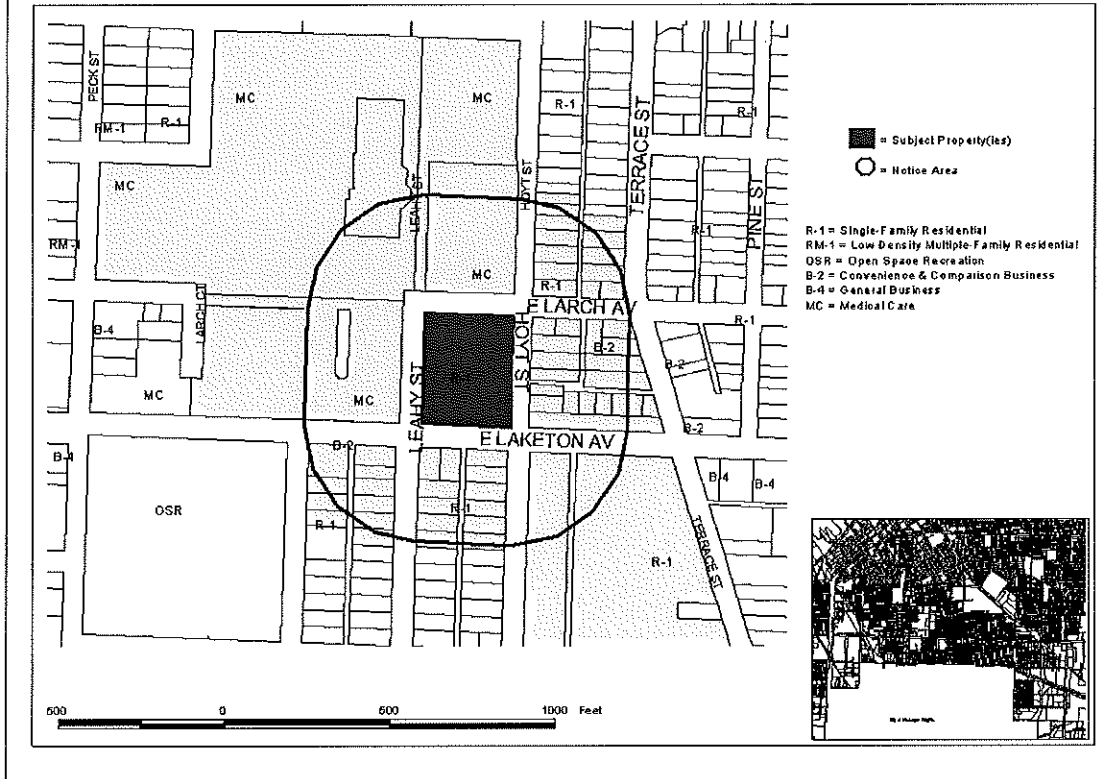
BACKGROUND

<u>Applicant:</u>	Hackley Hospital
<u>Address/Location:</u>	1700 Clinton Street
<u>Request:</u>	Rezone from R-1, One Family Residential District to MC, Medical Care District
<u>Present Land Use:</u>	Hospital campus
<u>Zoning</u>	R-1, One Family Residential District

STAFF OBSERVATIONS

1. The property which is the subject of this request was purchased by Hackley Hospital with plans to incorporate it into their hospital campus, and encompasses all properties in Block 304 bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street.
2. The request is to rezone the property from R-1, One Family Residential District to MC, Medical Care District.
3. The properties to the north and west are zoned MC, Medical Care District, and to the south and east are zoned R-1, One Family Residential.
4. The zoning ordinance states: "It is the further intent of MC districts to assist and encourage the development of medical institutional land uses in a campus setting which includes not only the primary buildings and structures, but also campus support systems involving pedestrian and vehicular circulation, parking, signs. . .", etc.
5. The City's Future Land Use Map supports this zoning by indicating this block as "public/quasi public", as is the entire Hackley Hospital campus.
6. The 1997 Master Land Use Plan states the following: "Coordinate the City's sub-area planning effort with that of Hackley Hospital on the development of a campus master plan to ensure high quality integration of the medical facility with surrounding neighborhoods and the roadway system". Hackley Hospital has developed a campus master plan, as part of their expansion efforts in the city.
7. Staff has received no comments regarding this request.

**City of Muskegon
Planning Commission
Case # 2006-27**



RECOMMENDATION

Staff recommends approval of the request.

MOTION FOR CONSIDERATION

I move that the request to rezone the property located in the City of Muskegon, Block 304 bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street from R-1, One Family Residential district to MC, Medical Care district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: July 25, 2006

Date: July 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment to the Sign Ordinance

SUMMARY OF REQUEST:

Request to amend Section 2334 (Signs, #6,b) of Article XXIII (General Provisions) to add wall signage for lawful institutional uses such as churches and schools.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language to add wall signage for lawful institutional uses.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/13/06 meeting. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2197

An ordinance to amend Section 2334 (Signs, #6, b) of Article XXIII (General Provisions) to add wall signage for lawful institutional uses such as churches and schools.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2334 (Signs, #6, b) of Article XXIII (General Provisions) is hereby amended to add ordinance language to add wall signage for lawful institutional uses such as churches and schools, as follows:

b. Internally illuminated monument signs of up to thirty-two (32) square feet, not exceeding eight (8) feet in height, and internally lit wall signs up to twenty-four (24) square feet for lawful institutional uses such as churches and schools.

This ordinance adopted:

Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo

Nays: None

Adoption Date: July 25, 2006

Effective Date: August 15, 2006

First Reading: July 25, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Linda Potter
Linda Potter, CMC
Acting 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 25th day of July, 2006, 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 Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 25, 2006.

Linda Potter

Linda Potter, CMC
Acting City Clerk

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 25, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs #6, b) of Article XXIII (General Provisions) to add wall signage for lawful institutional uses such as churches and schools. 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.

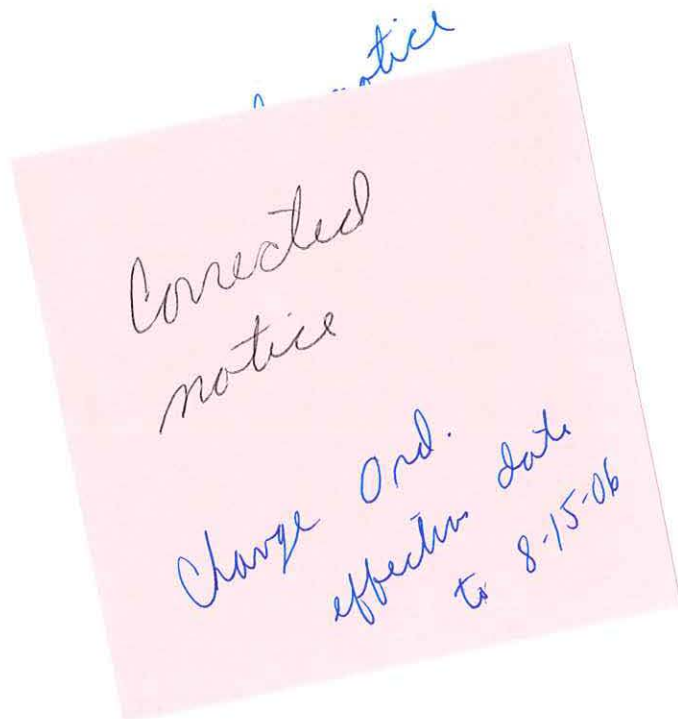
Published August 5, 2006

CITY OF MUSKEGON

By _____
Linda Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354



**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on July 25, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2334 (Signs #6, b) of Article XXIII (General Provisions) to allow a building wrap for a building undergoing construction or major renovation.

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 July 29, 2006

CITY OF MUSKEGON

By _____
Linda Potter, CMC
Acting City Clerk

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

Account No. 101-80400-5354

*This has been
corrected*

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

July 13, 2006

Hearing; Case 2006-29: Staff initiated request to amend Section 2334 (Signs, #6,b) of Article XXIII, to add wall signage for lawful institutional uses such as churches and schools.

BACKGROUND

When the sign ordinance was amended several years ago, wall signage for churches and institutional uses was somehow omitted from the zoning ordinance. A recent request for a wall sign on a church brought this issue to staff's attention and so the following revision is recommended.

NEW LANGUAGE

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

Changes to Section 2334, (#6): Signs

- b. Internally illuminated monument signs of up to thirty-two (32) square feet, **not exceeding eight (8) feet in height, and internally lit wall signs up to twenty-four (24) square feet** for lawful institutional uses such as churches and schools. ~~Signs shall not exceed eight feet in heights.~~

DELIBERATION

I move that the amendment to Sections 2334 (#6,b) of Article XXIII (Signs), of the City of Muskegon Zoning Ordinance, be recommended to the City Commission for (approval/denial).

Commission Meeting Date: July 25, 2006

Date: July 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Vacation of the Alley in the City of Muskegon, Block 304

SUMMARY OF REQUEST:

Request for vacation of the alley in the City of Muskegon Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the alley in Block 304 of the City of Muskegon.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the alley at their 7/13/06 meeting, with the condition that all utility easement rights be retained. The vote was unanimous with L. Spataro absent.

RESOLUTION #2006- 63(d)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the alley in Block 304 of the City of Muskegon Revised Plat of 1903, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street; and,

WHEREAS, the Planning Commission held a public hearing on July 13, 2006, to consider the petition and, subsequently, recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the July 25, 2006, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the alley in Block 304 of the City of Muskegon Revised Plat of 1903, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street, County of Muskegon, State of Michigan.

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said alley vacated and discontinued, provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

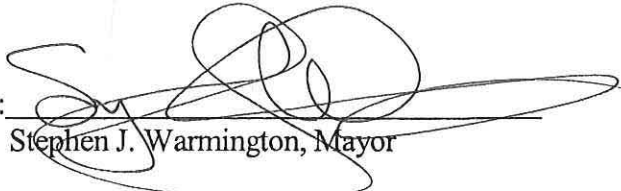
BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the City shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

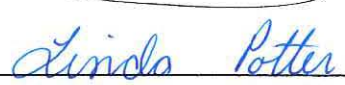
Adopted this 25th day of July, 2006.

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo,
and Carter

Nays: Davis

Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Linda Potter, CMC
Acting City Clerk

CERTIFICATION

(Alley Vacation of the alley in Block 304 of the City of Muskegon Revised Plan of 1903)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on July 25, 2006.



Linda Potter, CMC
Acting City Clerk

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
July 13, 2006

Hearing; Case 2006-25: Request to vacate the alley in Block 304 bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street, by Hackley Hospital.

BACKGROUND

Hackley Hospital has purchased all the homes in this block located in the southeast corner of the hospital campus. The homes have been removed as part of the larger master plan to expand the parking lot in the future. Vacation of the alley is necessary for these plans to move forward.

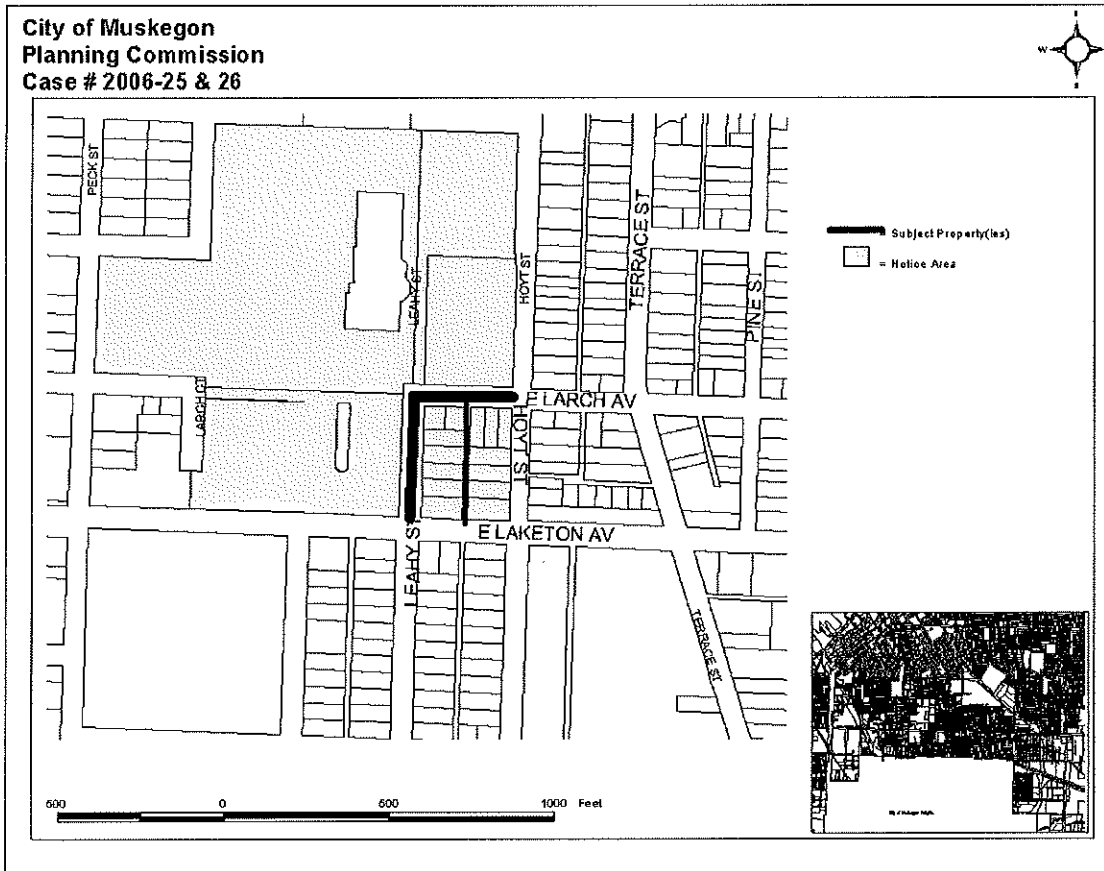
The Fire Department has no issue with this request. Engineering had no comments on this request. The DPW had the following comment:

1. We have a sanitary sewer in the alley that is no long in use. Hackley Hospital can abandon the sewer or use it for future development.

Staff has received no comments regarding this request.



Former alley between Laketon Avenue and Larch Street.



STAFF RECOMMENDATION

Staff recommends approval of the request.

DELIBERATION

I move that the vacation of the alley located in Block 304, bounded by Laketon Avenue, Leahy Street, Larch Avenue, and Hoyt Street, be recommended to City Commission for (approval/denial), based on (compliance/lack of compliance), with the City's 1997 Master Land Use Plan, with the following conditions:

1. All utility easements will be retained.

Commission Meeting Date: July 25, 2006

Date: July 14, 2006
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Vacation of Leahy Street from Laketon To Larch Avenue, and
Larch Avenue from Hoyt Street to Leahy Street**

SUMMARY OF REQUEST:

Request for the vacation of Leahy Street from Laketon to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends the vacation of Leahy Street from Laketon to Larch Avenue and Larch Avenue from Hoyt Street to Leahy Street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the vacation at their 7/13/06 meeting, with the condition that all utility easements rights be retained. T. Harryman opposed the request.

CITY OF MUSKEGON

RESOLUTION #2006-63(e)

RESOLUTION TO VACATE PORTIONS OF PUBLIC STREETS

WHEREAS, a petition has been received to vacate Leahy Street from Laketon Avenue to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street, and

WHEREAS, the Planning Commission held a public hearing on July 13, 2006 to consider the petition and subsequently recommended the vacations; and

WHEREAS, due notice had been given of said hearing as well as the July 25, 2006 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Leahy Street from Laketon Avenue to Larch Avenue and Larch Avenue from Hoyt Street to Leahy Street; and

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with any fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of street hereby vacated, and it is hereby expressly declared that any such rights shall remain in full force and effect;

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 25th day of July, 2006.

Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: Davis

Absent: None

By: _____

Steve Warmington, Mayor

Attest: _____

Linda Potter

Linda Potter, CMC
Acting City Clerk

CERTIFICATE

(Vacation of Leahy Street from Laketon to Larch and Larch Avenue from Hoyt to Leahy)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on July 25, 2006.

_____

Linda Potter, CMC
Acting City Clerk

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

July 13, 2006

Hearing; Case 2006-26: Request to vacate Leahy Street from Laketon Avenue to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street, by Hackley Hospital.

BACKGROUND

As stated in the previous case, Hackley Hospital has purchased all the homes in this block and proceeded to demolish them for future expansion of their parking lot. The exact parking lot site plan will be discussed in a subsequent case, but Leahy Street and Larch Avenue will no longer be needed and will be incorporated into the parking lot as part of Hackley Hospital's master plan for their campus.

The Fire Department has no outstanding issues with this request.

The DPW has the following comments:

1. We need to maintain a utility easement with building restrictions.
2. It is possible that the utilities in Leahy could be abandoned, however, Hackley Hospital would need to conduct a fire flow study to determine if there would be adequate fire flows in the event the water main in Leahy was abandoned.
3. Engineering had no comments regarding the request.

Staff has received no comments regarding this request.



Larch Ave. looking west from Hoyt Street.



Leahy Street looking South from Larch Ave.



STAFF RECOMMENDATION

Staff recommends approval of the request, with the condition listed below.

DELIBERATION

I move that the vacation of Leahy Street from Laketon Avenue to Larch Avenue, and Larch Avenue from Hoyt Street to Leahy Street be recommended to the City Commission for (approval/denial), based on (compliance/lack of compliance), with the City's Master Land Use Plan, with the following condition:

1. All utility easements will be retained.

Commission Meeting Date: July 25, 2006

Date: July 17, 2006
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Siding Contractors for fiscal year
2006-2007

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Top Notch Design, 4740 Jensen, Fruitport and Gawlik Construction, 2084 Mary, Muskegon, to install vinyl siding at an agreed price of \$67.00 (Sixty-seven dollars) per building square for the Vinyl Siding program's 2006 – 2007 fiscal year.

The Community and Neighborhood Services office received 6 bids total from vinyl siding installers.

- K & O Construction, 2122 Vindale, Muskegon
- Cutting Edge Construction, 766 Chatterson, Muskegon
- Frederick's Construction Inc, 1950 Commerce, Muskegon, and
- Obenauf DePender Construction, 4471 Tompkins Trail, Muskegon

FINANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 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 2006-2007 allocation period last April.

Commission Meeting Date: July 25, 2006

Date: July 17, 2006
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Vinyl Siding Supplier for fiscal year
2006-2007

SUMMARY OF REQUEST: To approve the Community and Neighborhood Services department's selection of the vinyl siding supplier for the 2006 – 2007 fiscal year. After reviewing all bids, the department selected the lowest bid by ABC Supply located at 123 West Sherman Boulevard, Muskegon, for the price of \$35.00 (Thirty-five dollars) per building square for white and \$36.00 (Thirty-six) per square for color.

The Community and Neighborhood Services department received 2 additional bids from:

- Premier Building Products, Inc located at 2151 South Harvey Street, Muskegon, \$ 46.56 (Forty-six dollars and fifty-six cents) per building square, and
- Keene Lumber Co. located at 346 West Laketon Avenue, Muskegon, \$46.50 (Forty-six dollars and fifty cents) per building square.

FINANCIAL IMPACT: Funding will be disbursed from the 2006 – 2007 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 2006-2007 allocation period last April.

Date: July 25, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Transfer of Clerical Unit Employees to MERS

SUMMARY OF REQUEST: The Clerical Union (approx 30 members) has voted in favor of moving pension administration for their members to MERS – the Municipal Retirement System of Michigan. The change will affect employees hired prior to 1/1/06; employees hired after this date are in a DC plan). This is the fourth city employee group to opt to move to MERS (non-union, police patrol and police command being the others).

FINANCIAL IMPACT: MERS provides a cost-effective solution for retirement system administration. As the City faces tight budgets, it is essential that we seek out opportunities to maintain or improve service levels while lowering costs. MERS provides such an opportunity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve the attached resolutions moving Clerical unit employees to MERS and authorize the Mayor, Clerk and other required city officials to sign the documents necessary to implement this move. Also, approval of the attached amendment to the General Employees' Retirement System ordinance.

COMMITTEE RECOMMENDATION: None.



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**

Note: To adopt the part-time to full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

In accordance with Section 3(1) of the MERS Plan Document, as the City

Commission of the City of Muskegon,
(Governing Body) (Municipality)

does hereby certify that a day of work, or the number of hours of work in a month, for
* Union-Clerical
(Indicate all employees or division name and number) for retirement purposes, shall

consist of one of the following to be effective as of October 1, 2006.
(Date)

(Please complete either A or B)

A. _____ A day shall consist of _____ hours.
(Ten (10) days a month of such work days equals one month of credited service.)

B. X A month shall consist of 150 hours.
(Each month of such work hours equals one month of credited service.)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting of the
governing body held on July 25, 2006.
(Date)

Linda Potter Acting City Clerk
(Signature of Authorized Official) (Title)

RETURN TO: Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917

* Public Employees of Southwestern Michigan Clerical and
Technical Unit.



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Commission of the City of Muskegon
(Governing body) (Participating entity)
whose fiscal year is (month and day) January to December, desires to make
available to its eligible employees (as defined below) benefits provided by the Municipal
Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits
available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated
October 1, 2006, by MERS' actuary, MERS benefits stated in Section 1 below
are to be provided to the following employee division (e.g., general, police and fire, DPW, union,
non-union): Union-Clerical

★

(Separate resolutions are required for each division)

**Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit
program (or combination of programs) selected below; or the Initial Valuation is more than
one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of
this Resolution; then, per Retirement Board requirements, this resolution will not be
implemented until a current actuarial valuation is done by MERS' actuary and necessary
supporting contribution rates certified.**

1. Benefit programs/formulae (e.g., B-2 / F55 / V-8 / FAC 3 / E-2) selected are:

B3 V5 FAC3 f55/30 D2 RS50

(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)

2. The required employee contribution is 5 %. (May be any percentage in
hundredths of a percent, not to exceed ten [10] percent, unless higher rate is
established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered
employee in the division is subject to and shall be credited as provided under Section
2C(3) of the MERS Plan Document and MERS Initial Actuarial Valuation and
Supplemental Valuation Procedure (as approved by the Retirement Board on
September 28, 1999), whose respective terms are incorporated by reference.

Choose only one:

- A. ☒ All prior service from date of hire.
B. ☐ Portion of prior service (actual service up to _____ years); or _____ %.
C. ☐ Prior service proportional to assets transferred.
D. ☐ No prior service (if D selected, go to Section 4).

- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.
- 3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.
4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is October 1, 2006.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable), and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

Certified this 25th day of July, 2006.

By: Linda Potter Title: Acting City Clerk
Linda Potter

* Explanation of Codes in paragraph #1

B3 (2.25% benefit multiplier).

V5 (5 year vesting period).

FAC3 (Final Average Compensation using an average of ones 3 highest consecutive years of compensation).

F55/30 (Opportunity for early retirement at age 55 with 30 years of credited service).

D2 (Rider that provides additional 10 years of service to those who die or become disabled on the job, to an overall maximum of 30 years credited service).

RS50 (Provides 50% Survivor Benefit on retirement allowance for those selecting the Straight Life pension benefit option).

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2198**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-34 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is amended to state as follows:

(a) A person who is in the employ of the city in a membership position shall be a member of the retirement system. A membership position is a city position normally requiring 1,500 or more hours of work in a calendar year, except as provided in subsection (b) of this section.

(b) The following types of city employment are not membership positions:

- (1) Contractual employment;
- (2) Employment compensated on a fee basis;
- (3) Employment as an elected official; and
- (4) Employment as a policeman or fireman as defined by the city police-fire retirement system established and maintained in accordance with Chapter XIX of the Charter of the city.

(c) A member who ceases to be employed by the city in a membership position shall thereupon cease to be a member.

(d) The membership of the retirement system shall not include city non-union employees who become employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.

(e) The membership of the retirement system shall not include city non-union employees who became employed by the City before July 1, 2005, and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.

(f) The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") and become employed by the City after January 1, 2006, and Clerical Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective May 31, 2006.

(g) *The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") who became employed by the City before July 1, 2005, and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.*

(h) ~~(g)~~ The membership of the retirement system shall not include city employees who are members of the Local 517M, Unit 2, of the Service Employees International Union ("Local 517M Union") and become employed by the City after January 1, 2006, and Local 517M Union members who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective November 30, 2006.

(i) ~~(h)~~ The board of trustees shall decide all questions concerning the membership status of any person.

(j) ~~(i)~~ The city manager may elect to be excluded from membership in the retirement system. The election shall be made in writing in the form prescribed by the retirement system within 90 days after the date the individual becomes city manager. As used in this subsection, "city manager" means the individual who is appointed by, serves at the pleasure of and is designated by the city commission to be the city manager. The following conditions shall apply to a city manager regarding membership in the retirement system:

(1) If the city manager fails to elect to be excluded from membership in the retirement system within 90 days after becoming the city manager, the city manager shall remain a member of the retirement system.

(2) Upon becoming a member in the retirement system, the city manager shall not have the option to elect to be excluded from the retirement system unless the election is made within the 90-day period.

(3) If the city manager elects to be excluded from membership in the retirement system, the city manager may not revoke that election nor become a member of the retirement system on account of employment by the city.

(4) If an individual employed by the city and a member of the retirement system is appointed city manager, the individual shall remain a member of the retirement system unless the individual elects in writing within 90 days after the date appointed as city manager to be excluded from membership in the retirement system. If such individual was previously a member in the retirement system and elects to be excluded from membership, the following conditions shall apply:

a. The individual shall be paid the individual's accumulated contributions, and all credited service shall be forfeited unless he elects to be deferred under subsection (e)(4)d. of this section.

b. The individual may not again become a member of the retirement system on account of employment by the city.

c. The individual's forfeited credited service and any service rendered the city while the individual was excluded from membership shall never be reinstated or credited to the individual.

d. Instead of proceeding under subsections (e)(4)a., b. and c. of this section, a previously employed individual who has enough years of credited service to be vested in the plan at the time of such election within 90 days after appointment as city manager may elect to terminate participation in the plan and remain vested therein as in the case of a deferred retiree and receive benefits accordingly which are limited by the years of credited service at the time of the election. In such case, no withdrawal of employee contributions shall be allowed.

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, Shepherd

Nays: None

Adoption Date: 7-25-06

Effective Date: 8-8-06

First Reading: 7-25-06

Second Reading: N/A

CITY OF MUSKEGON

By Linda Potter
Linda Potter, CMC
Acting 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 25th day of July, 2006, 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 Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 25, 2006

Linda Potter
Linda Potter, CMC
Acting City Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 25, 2006, the City Commission of the City of Muskegon adopted an amendment to Section 62-34, Membership of Retirement System, under the General Employee Retirement System ordinance of the City of Muskegon, summarized as follows:

(g) The membership of the retirement system shall not include city employees who are members of the Public Employees of Southwestern Michigan Clerical and Technical Unit ("Clerical Union") who became employed by the City before July 1, 2005, and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.

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 (10) days from the date of this publication.

CITY OF MUSKEGON

Published: July 29, 2006

By _____

Linda Potter, CMC
Acting City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

AGENDA ITEM
CITY COMMISSION MEETING DATED July 25, 1006

To: Honorable Mayor and City Commissioners
From: Lee J. Slaughter, Assistant City Manager
Date: July 18, 2006
Re: Multiple Special Event Alcohol License within the City of Muskegon on
August 18th, 2006. Request received from Serra Club of Greater
Muskegon

SUMMARY OF REQUEST:

Leisure Services has received a Special Event request from Serra Club of Greater Muskegon. They are requesting a special liquor license to be able to serve alcohol at their annual fundraiser to be held at Muskegon Catholic School. The Leisure Services Board has already approved a license for a Party in the Park to be held on the same date. Commission action required.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

COMMITTEE RECOMMENDATION:

Commission action required.

MEMORANDUM

To: Mayor and City Commission
From: Lee Slaughter, Assistant City Manager
Date: July 19, 2006
Re: Revised Special Events Policy

SUMMARY OF REQUEST:

The City Commission referred the following sections of the Special Events Policy to the Leisure Services Board for their review and action:

1. Second paragraph of the Special Events Policy – change the second paragraph, first sentence, by adding “or this provision is waived by the City Commission”.
2. Section III (g) – it was suggested that the language be revised to “have a person at each station during the serving of beverages that has had alcohol awareness training.”
3. Section IV (a) – it was suggested that the language be revised to include ...” the Leisure Services Director, or City Commission”.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

COMMITTEE RECOMMENDATION:

The Leisure Services Board Recommends approval of the revised Special Events Policy.



CITY OF MUSKEGON

SPECIAL EVENTS/SPECIAL ALCOHOL LICENSE POLICY

INTRODUCTION

Throughout the year, the City of Muskegon is asked by various organizations to supply various Services for special events, including the approval of special liquor licenses. While the Police Chief must sign all alcohol-related requests, several other departments get involved in the process, including the Department of Leisure Services. This policy centralizes the administration of special liquor licenses and special events with the Department of Leisure Services and provides rules and regulations to govern both the granting of the special request and the on-site administration of the event. The final authority for signing the special liquor licenses, however, remains with the Police Chief.

In the best interest of the city, this policy allows for only one (1) special alcohol license for outdoor events on any given night in the City of Muskegon, unless a specific event needs more than one license, **or unless the provision is waived by the City Commission.** Licenses will only be granted for events sponsored by non-profit charitable or service organizations involving broad community support, and not for private profit-making activities. For profit organizations being sponsored by or in partnership with a non-profit organization(s); to qualify for a liquor license shall award the non-profit organization at least 50% of the total proceeds from all liquor sales. The following events are expected, under normal circumstances to have licenses granted annually.

- a. Memorial Day Spectacular
- b. Ten Parties-in-the-Park
- c. Summer Celebration
- d. Shoreline Spectacular
- e. Steak and Blues
- f. Up to two additional beer tent days per month from
Memorial Day to Labor Day
- g. Only three days per month for outdoor events after Labor Day and
before Memorial Day and they must be on consecutive days.
- h. Family Christmas at Hackley Park (Fun Inc.)

PROCEDURE FOR REQUESTING A SPECIAL EVENT PERMIT

- I. All requests for a special permit shall be filed with the Department of Leisure Services at least sixty days prior to the event, along with your proof of insurance for the event naming the City as additionally insured (see item III)(c).
 - a. A fifty dollar (\$50.00) administration fee must accompany the request.
 - b. Applicants submitting the application 59-45 days before the event will be charged \$150.
 - c. Applicants submitting the application 44-30 days before the event will be charged \$250.
 - d. Applicants submitting the application 29 days or less before the

- event will be charged \$450.
- e. Failure to apply sixty (60) days prior to the event is cause to deny the request.

Amendment to Special Event Policy-Effective February 8, 2005

The City Commission has determined that the Special Event permit application fee will be waived for Veteran Groups and the Neighborhood Associations. However, requests from either group for special events services that result in overtime costs or undue burden to the City will not be waived. 2005-12 (j)

- II. The request for a special permit shall be in writing and must be submitted on the appropriate application form. Application for outdoor special liquor licenses shall be for beer and wine only.
- III. All special permittees agree to the following:
 - a. While a Police Officer's presence may not be required at all special events, it shall be at the discretion of the Chief of Police as to whether or not, and how many, City Police Officers will be required at any special event. Event sponsors will be responsible for payment of officer(s) service based on the time-and-one-half or triple time established rate plus benefits and all overhead cost.
 - b. For all alcohol-related events, the applicant will provide a system of Checking I.D.'s to prohibit underage drinking.
 - c. Where the event is being held in the City of Muskegon, the applicant shall provide an amount of insurance as set by the City for liquor liability and general liability insurance, naming the City as an additional insured. The language should read similar to the following: "The City of Muskegon, all elected and appointed officials, employees, volunteers, and others working on behalf of the CITY OF MUSKEGON is named as additional insured". An acceptable certificate of insurance must be submitted prior to approval.
 - d. All outdoor events shall provide adequate restroom (port-o-jon) facilities including adequate handicapped accessible facilities.
 - e. Hours of operation shall be posted in the beverage serving area.
 - f. For alcohol events, the applicant shall agree to stop selling drink tickets at 10:30 P.M., stop pouring beverages at 11:00 P.M., and have the area cleared by 11:30 P.M.
 - g. The applicant shall provide evidence and certification that the organization shall at all times have a person at each station during the serving of beverages that has had alcohol awareness training. pouring beer or selling beverages that have received alcohol awareness training at every serving station. (The applicant shall provide evidence and certification to the City that persons pouring beer or selling beverages have received alcohol awareness training.)
 - h. Checking for underage drinking and over consumption of patrons is the responsibility of the sponsoring group, not the police.
 - i. Where the event is held on city owned or controlled property, the

Applicant shall be responsible for all clean up of city facilities after an event, and for providing a dumpster. If the event is on other property, the cleanup shall be the responsibility of the owner. The city shall have the right to enforce cleanup measures, including but not limited to entry and cleaning by city personnel and charging and liening the cost to the owner, occupant, or applicant or all of them.

- j. The applicant shall reimburse the city for all out-of-pocket expenses related to the set-up or clean up of the event, including overhead costs.
- k. Failure to comply with all city rules and regulations may result in the denial of future requests.
- l. Digging or staking on grounds will be cleared through Miss Dig. A minimum of a 5 working day notice is required. The sponsoring agency is responsible for contacting Miss Dig (1-800-482-7171), and paying for any damage of underground utilities created by digging or staking.
- m. City Staff may require a meeting with event sponsors where City staff needs clarification of service (s) requested. Failure to attend the meeting could result in the denial of the request.
- n. Understand that the event location is subject to all building, plumbing, mechanical, electrical, and fire codes. The permit tee will schedule an inspection by any and all required inspectors and pay the inspection fee as set by the City Commission in the adopted fee schedule. It may be possible that a fire watch will be required by the Fire Marshal. The licensee is responsible for all costs associated with providing this service, including but not limited to current wage rate plus benefits and all overhead costs.

IV. HANDLING OF REQUESTS

- a. **The Leisure Services Board, Leisure Services Director, or the City Commission** shall review all requests for special permits, except as otherwise provided by this policy.
 - 1. Any indoor facility may need an inspection before approval can be granted.
 - 2. The Board shall approve, deny, or table all requests at the Board Meeting following the receipt of the request.
 - 3. That reviews by other departments shall be provided in copy form to the Leisure Services Board.
- b. Where the applicant proposes an indoor alcohol event occurring after Labor Day or before Memorial Day, it shall be reviewed by the staff and other departments of the City and Leisure Services Board review shall not be necessary, unless City park or recreation facilities are proposed to be used for the event.
- c. Where the Leisure Services Board reviews an application and denies same, it shall state in writing the reasons for the denial. An appeal of that decision may be made to the City Commission whose decision shall be final.

- d. Where an existing Liquor Control Commission licensee applies for a special license, the review shall be made by the staff and other departments of the City as needed before the Police Chief's decision. Any moneys owed the City could be reason for denial.
- e. All requests that include road closings shall go the traffic Committee for review prior to final approval, denial, or tabling by the Leisure Services Board. The sponsoring agency will be responsible for all associated costs. The Traffic Committee meets monthly on the second Friday. Applicants must provide a map showing the proposed route for walks, runs, parades, etc. for pre-approval before the event can be approved by the Leisure Services Board.
- f. Sales of all items for Special Events must be out of the public right-of-way. Street sales of newspapers, poppy's, etc. shall not be allowed except for those events that have existed before September 1, 1996, which will be allowed as long as they exist. These events include: The Old Newsies, Muskegon High School Band Tag Sale, The Veteran's Poppy sale, and the Kiwanis.

INSURANCE REQUIREMENTS

High degree of risk (H)	\$1,000,000
Medium degree of risk (M)	500,000
Low degree of risk (L)	300,000

Event minimum requirements:

Parties-in-the-Park	(H)	Parades	(M)
Carnivals	(H)	Block Parties	(L)
Organized Walks/Runs	(H)	Summer Celebration	(H)
Shoreline Spectacular	(H)	Winterfest	(H)
Corporate Cup Events	(L)	Fireworks	(H)
Bike Races	(M)	Alcohol licenses	(H)
Any other events using City streets and/or sidewalks			(H)

LOW RISK

No physical activity by participants and no severe exposure to spectators, such as: indoor or outdoor meetings, small theatrical performances, auctions, and social gatherings (no alcoholic beverages)

MEDIUM RISK

Limited physical activity by participants and no severe exposure to spectators, such as dances, animal shows, political rallies, flea markets, picnics, parades with no floats, and family type concerts. (Crowd size of events-under 10,000)

HIGH RISK

Major participation by participants and/or moderate to severe exposure to spectators, such as team or individual sporting events (non-professional), circuses and carnivals with rides, parades with floats, and marathons or similar races. (Any event with crowd size of over 10,000 but under 25,000)

DATE: July 14, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060014

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1608 Elwood – Area 13** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-060014 – 1608 Elwood

Location and ownership: This structure is located on Elwood between E. Dale and E. Forest and is owned by Robert J. Smith, 1608 Elwood., Muskegon, MI 49442

Staff Correspondence: A dangerous building inspection was conducted on 03/24/06. The Notice and Order to Repair was issued on 04/19/06. On 06/01/06 the HBA declared the structure substandard and dangerous.

Owner Contact: Notices were sent to Robert J. Smith certified mail to 1608 Elwood and all correspondence have come back vacant with no forwarding address. No permits have been issued and no owner contact.

Financial Impact: General Funds

Budget action required: None

State Equalized value: 15,000

Estimated cost to repair: \$15,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 25, 2006.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Tuesday, March 28, 2006

Enforcement # EN060014 **Property Address** 1608 ELWOOD ST
Parcel #24-185-100-0001-00 **Owner** SMITH ROBERT J

Inspector: Henry Faltinowski

Date completed: 03/24/2006

DEFICIENCIES:

Uncorrected

1. Rebuild front and back entry porches.
2. Replace damaged siding.
3. Replace damaged roof covering.
4. Repair foundation walls, tuck point block, replace damaged block.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



1608 Kwood 3/24/2006 D.B.

INSPECTION SUMMARY

FOR : 1608 ELWOOD

The home is a single family dwelling on a corner lot sitting across the street from one of the City owned and maintained cemeteries.

The home has been abandoned for over six months and boarded up. No attempt for repairs have started at this point.

The front and back entry porches have been neglected from maintenance through the years causing continual structural failure. The siding on the home continues to deteriorate due to lack of maintenance and weather exposure. Foundation walls at this point appear to be stable, but exposed mortar joints in block will enhance structural problems. The roof system needs to repel/resist weather elements or continuous failure will occur.

DATE: July 14, 2006
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-060019 -1168 Ambrosia (Garage Only)

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1168 Ambrosia (Garage) – Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-060019 – 1168 Ambrosia (Garage Only)

Location and ownership: This structure is located on Ambrosia between Isabella and Catherine and is owned by Arthur/Ricky Jackson, P.O. Box 1045, Spring, TX 77383

Staff Correspondence: A dangerous building inspection was conducted on 04/19/06. The Notice and Order to Repair was issued on 04/26/06. On 06/01/06 the HBA declared the structure substandard and dangerous.

Owner Contact: Notices were sent to Arthur/Ricky Jackson certified mail to 20214 Lions Gate Ln, Humble, TX 77338 and all correspondence have come back unclaimed, a forwarding address to P.O. Box 1045, Spring, TX 77383 was just received. No permits have been issued and no owner contact.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$2,700

Estimated cost to repair: \$5,000 (Exterior Only)

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 25, 2006.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Wednesday, April 19, 2006

Enforcement # EN060019 **Property Address** 1168 AMBROSIA ST
Parcel #24-205-249-0003-10 **Owner** JACKSON ARTHUR/RICKY A

Inspector: Henry Faltinowski

Date completed: 04/19/2006

DEFICIENCIES:

Uncorrected

1. Roof system on garage must be replaced. Rafters, sheathing, roof covering, fascia.
2. Replace gable and exterior sheathing and protect wood from weather.
3. Tuck point wall block, paint entire perimeter of garage.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date



2006 4 19

11-18 2005-14. 4/19/2006

INSPECTION SUMMARY

FOR: 1168 AMBROSIA (Garage)

This is a 20 X 20 Block building. It is the only structure on the property. The roof covering on this building has deteriorated to a point that the roof sheeting and the roof rafters have rotted to a point that the roof is no longer structurally sound. If left exposed to the elements the roof structure will fail

The fascia on this building is rotted away allowing birds to enter the building.

The siding on the gable ends of the building above the block walls, is exposed to the weather and is continuing to rot away.

The block walls while currently sound do need to be tuck pointed. There is some evidence that water is starting to attack the block walls from the surface (not properly painted) as well as from the failed roof above.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 19, 2006

RE: Accept Resignation of City Clerk

SUMMARY OF REQUEST:

To accept the resignation of Gail Kundinger, City Clerk, and to appoint Linda Potter as Acting City Clerk.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.