

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 14, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. SECOND READING: Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT
 - C. Contract for Demolition of 1387 7th Street. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Create Lakeshore Trail Fund. FINANCE
 - E. Fireworks Display Permit for Muskegon Bike Time. CITY CLERK
 - F. Ammunition Purchase. PUBLIC SAFETY
 - G. 2009 Water Treatment Chemical Bids. WATER FILTRATION
 - H. Budgeted Vehicle Replacement. PUBLIC WORKS
 - I. Agreement for General Services with a Retired City Employee. PUBLIC WORKS
 - J. Request to Hold a Leisure Services Yard Sale. LEISURE SERVICES
 - K. Budgeted Equipment Setup. PUBLIC WORKS
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

**A. Rescind Restrictive Covenant Action for 1470 Lakeshore Drive. CITY
MANAGER**

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION: To Discuss Pending Litigation.**

❑ **ADJOURNMENT:**

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

Date: July 14, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 23, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 23, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, June 23, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Tim Cross from the Living Word Church of Muskegon after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Commissioner Clara Shepherd (excused).

2009-54 INTRODUCTIONS/PRESENTATION:

A. 2009 Interns. AFFIRMATIVE ACTION

Dwana Thompson, Affirmative Action Director, introduced Montel Pierre, Nola Coleman and Melissa Hawley. They are the summer interns from Baker College.

2009-55 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the June 8th Commission Worksession, and the June 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Vacant Building Registration Ordinance Amendments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of exempting legal storage uses, located in the proper zoning

district, from the definition of a vacant structure.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of Chapter 10, Section 107 Annual Registration of Vacant Buildings and Registration Fees, specifically to amend the definition of Vacant found in sub-section (b)(1)(f).

(Requires second reading.)

C. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

E. Award of Consulting Contracts for United States Environmental Protection Agency (USEPA) Assessment Grant. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon has received a USEPA Assessment Grant in the amount of \$200,000. We will proceed to administer this grant in a similar manner to the past Michigan Department of Environmental Quality Site Assessment Grants we have received. Since the grant amount is lower than in the past (although the maximum amount awarded through this particular USEPA Grant fund), it is recommended that only two consultants be awarded a contract. After interviewing five firms, and receiving their qualifications, it is recommended that contracts be awarded to Envirologic Technologies Inc. (Kalamazoo) and Horizon Environmental (Grand Rapids). Both firms have extensive experience with both Brownfields and the EPA. Anne Couture will continue to work with the City as our Brownfield Staff Consultant (these services are financed through the grant as well).

FINANCIAL IMPACT: The consultants' fees will be paid for through the EPA Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To award contracts to Envirologic Technologies Inc. and Horizon Environmental for the USEPA Brownfield Assessment Grant on the condition that they use local contractors, to the extent possible, for their sub-contracted grant funded work (e.g., lab work, surveying, etc.) and to authorize

the Mayor to sign the actual contracts when they have been reviewed and approved by both USEPA and the City Attorney.

F. Sale of Buildable Vacant Lot at 458 Monroe. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 458 Monroe (Parcel #24-205-371-0011-00) to Tony Rader, 1325 7th Street, Muskegon, MI. The lot is 66 x 132 ft. and is being offered to Tony Rader for \$2,000 plus the fee to register the deed. Tony Rader will be combining this property with his existing property, which would be considered unbuildable should his home be destroyed over 75%. His property is 33 x 66 ft. The True Cash Value for the property listed in the Assessor's Office is \$10,000, and our price is set at \$2,500 which is 25% of that amount. The City has owned the property since 2004 and there have been no inquiries for potential construction. The Land Reutilization Committee is recommending approval of the sale at a lesser price due to the size of Tony Rader's current property.

FINANCIAL IMPACT: The sale of this lot will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommends approval of the sale with the condition that the property be combined with the owner's original parcel.

G. Contract for Excavation at 525 Orchard. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Approval for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton duck Lake Road, Holton, MI, for the demolition of the structure located at 525 Orchard. This activity is the first action under the City's Orchard Street Redevelopment Program. Press's was the only bid received, at \$3,620.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: The program was reviewed by the Citizen's District Council.

H. Memorandum of Understanding-Justice Assistance Grant. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the City of Muskegon Heights and Muskegon County in regards to the disbursement of the 2009 Justice Assistance Grant. The money in this grant is shared by the three entities. The \$52,970 in this grant will be utilized for the prosecution of city ordinance cases primarily dealing with neighborhood issues.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

I. Federal Assistance to Firefighters Grant-Fire Station Construction.
PUBLIC SAFETY

SUMMARY OF REQUEST: Public Safety staff request that the Commission support our application for monies as provided by the Federal Assistance to Firefighters Grant-Fire Station construction. Our application is requesting grant money for upgrades and rehabilitation to Station 5 on Marquette Avenue. The exact monetary request has yet to be determined.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

J. Installation of Fire Alarm System at City Hall. ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into a contract with Midstate Securities to install a fire alarm system to replace the aging one currently in place. Midstate is being recommended since they were the lowest responsible bidder with a base bid price of \$11,540.

FINANCIAL IMPACT: The total value of the contract of \$11,540.

BUDGET ACTION REQUIRED: Will be added to the 2009 budget as part of the third quarter update.

STAFF RECOMMENDATION: Authorize staff to enter into a contract with Midstate to replace the fire alarm system at City Hall.

L. City – MDOT Agreement for the Reconstruction of Laketon Avenue from Peck to Wood. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the reconstruction of Laketon Avenue between Peck and Wood, stimulus grant project, and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of

\$800,000. The estimated total construction cost is \$1,045,500.

BUDGET ACTION REQUIRED: None at this time.

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

M. City – MDOT Agreement for the Reconstruction of Park/Seventh from Southern to Houston. ENGINEERING

SUMMARY OF REQUEST: Approve the contract with MDOT for the reconstruction of Park/Seventh between Southern and Houston and approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is capped at the federal funds limit of \$240,000. The estimated total construction cost is \$866,600 (street, water and sewer).

BUDGET ACTION REQUIRED: None at this time.

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

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as presented minus items D and K.

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

Nays: None

MOTION PASSES

2009-56 ITEMS REMOVED FROM THE CONSENT AGENDA:

D. Liquor License Transfer Request for the Frauenthal, 413-415 W. Western.
CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from PKT Twelve, Inc., co-licensee with lordache Holdings, Inc. to transfer all stock in 2008 Class C-SDM Licensed Business with Dance-Entertainment Permit, Direct Connections-2, Official Permit (food), and 3 Bars located at 413-415 W. Western avenue through transfer of one share from existing stockholder, Patricia Johnson to new stockholder, Chris McGuigan.

PKT Twelve, Inc., then requests to drop lordache Holdings, Inc., as Co-Licensee on the previously described license and add New Official permit (Theater Performances and Set-ups).

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

Motion by Commissioner Wierengo, second by Commissioner Carter to approve the liquor license transfer request for the Frauenthal, 413-415 W. Western.

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

Nays: None

MOTION PASSES

K. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County Treasurer is responsible to sell the tax reverted properties. There are eight properties that Community & Neighborhood Services would like to obtain from the tax reverted list. Local municipalities have first option to pay the past due taxes and fees prior to the first tax auction. The application must be turned into the County Treasurer's Office by July 1, 2009.

FINANCIAL IMPACT: Total cost of the seven properties is \$25,630.90 (taxes) plus \$80 (registering of eight deeds).

BUDGET ACTION REQUIRED: To expend the \$25,710.90 necessary to purchase the properties through the NSP funds.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and purchase application.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the request to purchase the various tax-reverted properties.

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

Nays: None

MOTION PASSES

2009-57 NEW BUSINESS:

A. Termination of Restrictive Covenant for 1469/1470 Lakeshore Drive. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To deny the request to Terminate the Restrictive Covenants for 1469/1470 Lakeshore Drive. The City did not place the covenant on the property. The current owner had placed the covenant on the property in order to preserve the view of the lake from the home at 1469 Lakeshore Drive. The owner included the City in the enforcement of the covenant. The owner would like to have the covenant removed as both properties are for sale and the prospective purchaser does not want to purchase the properties with the covenant in place. The property at 1470 Lakeshore is a buildable lot based on

the zoning ordinance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request to terminate the restrictive covenant and to authorize both the Mayor and the Clerk to sign the documents that meet the approval of the City Attorney.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to deny the request to terminate the restrictive covenant and to authorize both the Mayor and the Clerk to sign the documents that meet the approval of the City Attorney.

MOTION WITHDRAWN

Motion by Commissioner Spataro, second by Vice Mayor Gawron to direct City staff to draft the necessary documents to amend the restrictive covenant on the property located at 1469/1470 Lakeshore Drive in order to accommodate the improvements described in the letter provided by C. Douglas Meinhardi on behalf of Helen Jean Meinhardi, Arntz, subject to necessary approval by Zoning and Inspections.

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

Nays: None

MOTION PASSES

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

1464 Sixth Street, (home and garage) Area 10 – REMOVED PER STAFF

718 E. Isabella Avenue, (home and garage)

1201 Pine Street, (garage) Area 11b

1411 Sixth Street, Area 10

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.

FINANCIAL IMPACT: CDBG Funds.

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 notice and order to demolish 718 E. Isabella Avenue and 1411 Sixth Street.

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

Nays: None

Absent: Carter (stepped out of the room)

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Gawron to concur with the Housing Board of Appeals notice and order to demolish 1201 Pine Street-garage only.

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

Nays: None

MOTION PASSES

2009-58 ANY OTHER BUSINESS: Curbside Recycling.

Motion by Commissioner Carter, second by Vice Mayor Gawron to extend the date for the curbside recycling for one more month until July 31, 2009.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: June 23, 2009

Date: June 5, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacant Building Registration Ordinance Amendments

SUMMARY OF REQUEST:

Request to amend the Code of Ordinances Chapter 10, Section 107, Annual Registration of Vacant Buildings and Registration Fees, for the purpose of exempting legal storage uses, located in the proper zoning district, from the definition of a vacant structure.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of Chapter 10, Section 107 Annual Registration of Vacant Buildings and Registration Fees, specifically to amend the definition of Vacant found in sub-section (b) (1) (f).

COMMITTEE RECOMMENDATION:

None

Memo

To: Honorable Mayor and City Commission
From: Mike Cameron, Code Coordinator
CC: Bryon Mazade, City Manager
Date: June 4, 2009
Re: Vacant Building Registration revisions

Attached you will find suggested language changes to our Vacant Building Registration ordinance that will enable staff to better implement the ordinance and assist property owners with compliance.

The suggested change is to Subsection (b) (1) (f) "Vacant". The purpose of the proposed change is to change the definition of vacant to allow structures that are legally being used for the purpose of storage and are located in the proper zoning district for storage uses. With this proposed change they could be exempt from the requirements to register as a vacant building.

The suggested ordinance language would require them to be in compliance with not only the zoning district that they are located in, but also with any other applicable building codes, fire codes or other city ordinances. The proposed change is outlined below:

Current Language:

(F) *Vacant*: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis.

Proposed Language:

(F) *Vacant*: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis, unless the structure is legally being used for storage purposes. Such storage use must be a legally allowed principal use of the zoning district where the structure is located and the use must be in compliance with all appropriate provisions of city ordinances, building and fire codes pertaining to the storage use.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. _____

An Ordinance amending Chapter 10, Section 107 of the Code of Ordinances concerning annual registration of vacant buildings and registration fees.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 10, Section 107 of the Code of Ordinances shall be adopted to read as follows:

SECTION 10-107. ANNUAL REGISTRATION OF VACANT BUILDINGS AND REGISTRATION FEES

10-107. Annual registration of vacant buildings and registration fees.

(a) *Purpose.* The purpose of this section requiring the registration of all vacant buildings, including dwellings that are subject to chapter 10 as referenced below, and the payment of registration fees is to assist the city government, particularly the Department of Public Safety (DPS) and Planning Departments in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the city, to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Muskegon City Code.

(b) *Definitions and applicability; registration statement and fees.*

(1) *Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

(A) *Boarded:* A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(B) *Exterior maintenance and major systems:* The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the DPS, particularly in connection with subsections 10-82 (inspection of unoccupied building) and 10-101 (abatement of dangerous buildings) of this section of this code.

(C) *Occupied:* Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

(D) *Open:* A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(E) *Owner:* An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(F) *Vacant:* A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis, unless the structure is legally being used for storage purposes. Such storage use must be a legally allowed principal use of the zoning district where the structure is located and the use must be in compliance with all appropriate provisions of city ordinances, building and fire codes pertaining to the storage use.

(2) *Applicability.* The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 90 consecutive days and to each owner of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 90 consecutive days. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the city. The registration fee(s) as required by subsection (b)(3) of this section shall be billed by the city and shall be paid within 30 days of the invoice date. For purposes of this section, the following shall also be applicable:

(A) If the owner is a corporation or a limited liability corporation, the registration statement shall provide the names and residence addresses of all officers, directors and/or members and shall be accompanied by a copy of the most recent annual tax report filed with the State of Michigan;

(B) If an estate, the name and business address of the executor of the estate;

(C) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(F) If an individual person, the name and residence address of that individual person.

(3) *Registration statement and fees; local agent.* If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open or vacant and boarded, and shall be required whenever any building has remained vacant for 90 consecutive days or more. In no instance shall

the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. The owner of the vacant property, at the time of billing, shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the city and based on the duration of the vacancy as determined by the master fee resolution.

(4) *Appeal rights.* The owner shall have the right to appeal the imposition of the registration fees to a committee appointed by the city manager, upon filing an application in writing with the applicable \$50.00 non-refundable filing fee to the city manager's office no later than 30 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy.

(5) *One time waiver of registration fee.* A one-time waiver of the registration fee may be granted by the committee appointed by the city manager upon application of the owner if the owner:

(i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and

(ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or

(iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(6) *Two-year waiver.*

(i) Upon application by the owner and satisfaction of subsection (b)(5) above, the committee appointed by the city manager may grant a two-year waiver of the registration fee if the owner meets the criteria for non-profit organizations as defined by section 501(c)(3) of the Internal Revenue Code or

(ii) Upon application by the homeowner(s) who are temporarily residing in a medical care facility, or a legal representative of the homeowner(s), the committee may grant a renewable two-year waiver of the registration fee. To be eligible for a two-year waiver of fee, satisfactory proof that the structure will only be temporarily vacant and the property and structures must remain in good repair and free of any enforcement actions by city departments. Should the structure or property

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not be properly maintained, or be in violation of city code, the waiver may be revoked by the appeal committee.

(7) *Delinquent registration fees as a lien.* After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b)(4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such the unpaid debt.

(c) *Duty to amend registration statement.* If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the planning department within 30 days of the occurrence of such change and advise the department in writing of those changes.

(d) *Exceptions.* The fees imposed by this section shall not apply to any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions but registration is still required.

(e) *Violations; penalties.* The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this section, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$100.00 nor more than \$500.00 for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of \$100.00 is imposed, it shall not be subject to suspension or reduction for any reason.

This ordinance adopted:

Ayes: _____
Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By _____
Ann Marie Becker
Clerk, City of Muskegon

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on July 14, 2009 the City Commission of the City of Muskegon adopted to amend the Code Of Ordinances Chapter 10, Section 107, Annual Registration Of Vacant Buildings And Registration Fees, for the purpose of making the ordinance easier for property owners to comply with and easier for staff to administer. Specifically to amend sub-section (b)(2) Applicability, sub-section (b)(3) Registration statement and fees; local agent, sub-section (b)(4) Appeal rights, sub-section (b)(6) Two-Year waiver, subsection (b)(7)(d) Exceptions.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

Published _____, 2009.

CITY OF MUSKEGON

By

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: July 14, 2009

Date: June 22, 2009

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

Re: Contract for Demolition of 1387 7th Street

SUMMARY OF REQUEST: To approve for Community and Neighborhood Services to execute a contract with Press's LLC, 8081 Holton Duck Lake Road, Holton, Michigan, for the demolition of the structure located at 1387 7th Street. This activity is under the Neighborhood Stabilization Program. The bid was for \$4,800. The City received three additional bids:

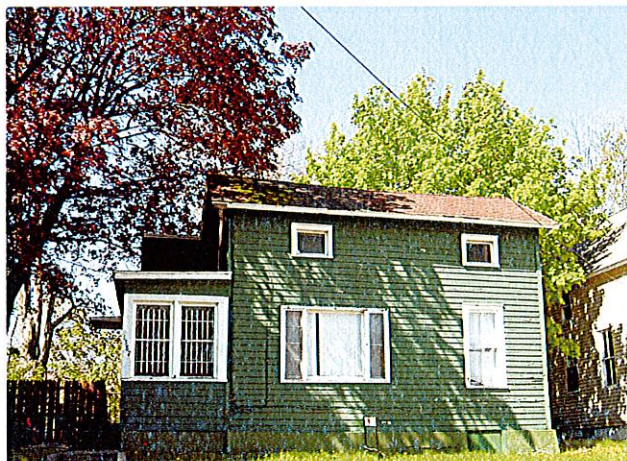
- **Fenstermacher Asphalt Paving**, 18573 Northland Drive, Big Rapids, MI for \$4,800. Bid was not accepted because it was dropped off at the Clerk's Office and the notice specifically stated bids needed to be dropped off at the CNS office.
- **Valentine Excavating LLC**, 2493 64th Street, Fennville, MI for \$6,850.
- **Ken Adams Excavating**, 8770 North Oceana Drive, Pentwater, MI for \$8,975. Bid was not accepted because it was dropped off at the Clerk's Office and the notice specifically stated bids needed to be dropped off at the CNS office.

FINANCIAL IMPACT: The funding will be allocated from the City's NSP Grant.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: The program was reviewed by the Citizen's District Council.



Date: May 26, 2009

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Create Lakeshore Trail Fund

SUMMARY OF REQUEST: The City includes on its income tax form the option for tax filers to donate refunds to various causes. For both 2007 and 2008 tax returns, "Lakeshore Trail Improvements" was the most popular donation check-off:

Year	Number of Donations	Total Donations
2008	279	\$1,309
2007	243	\$1,272

Staff believes the best use of the donated monies is to seed an endowment at the Community Foundation for the long-term care and improvement of the trail. Using the Foundation will give the fund greater visibility and, hopefully, encourage other donations for this cause in addition to the income tax check-off.

FINANCIAL IMPACT: Will provide a funding tool to protect and improve the City's investment in its Lakeshore Trail system.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to execute the attached "Build a Fund Agreement" with the Community Foundation for Muskegon County

COMMITTEE RECOMMENDATION: None.

BUILD A FUND AGREEMENT

TO: Community Foundation *for* Muskegon County
425 W. Western Ave, Suite 200
Muskegon, MI 49440-1101

We wish to establish a Fund by using the Foundation's "Build A Fund" plan. Under this plan all contributions and earned investment income accumulate in an investment account ("Account") until the Account has reached at least \$10,000 (Funding Minimum). The accumulated amount shall be used to establish a Named Endowment Fund of the Community Foundation *for* Muskegon County ("Foundation") upon the terms stated in this agreement.

We would like to establish a Build A Fund Account through:

Suggested regular contributions of \$2,000 per year

Available Payment Options:

Check/Cash
VISA/Master Card/American Express/Discover
Other (stock, mutual fund shares, etc.)

Please Select Investment Option:

☐ Money Market Account

We understand the Foundation has the right to invest our contributions as its Investment Committee may, in its discretion, determine.

We understand that our contributions are gifts to the Foundation to be used solely for its charitable purposes and that neither our contributions nor the Account or any part thereof will be refunded or distributed to us.

We further understand that we or others may add to the Account by gift or bequest at any time for the purpose of bringing it up to desired levels and/or increasing its value.

We understand if the Account has not reached the Funding Minimum within 5 (five) years from the date of this agreement, the Foundation may in its discretion allow the Account to continue accumulating until it reaches the Funding Minimum, or add the assets to the Foundation's Unrestricted Endowment Fund or to a Fund identified by the Board. However, we understand that once we have contributed an amount at least equal to the Funding Minimum to the Account, we shall be deemed to have met the minimum funding standards for the establishment of an Organization Endowment Fund of the Foundation even if, because of fluctuation in investment values, the value of the Account at a future date is less than the Funding Minimum.

Upon the Account balance reaching \$10,000 it shall be used to establish an Organization Endowment Fund (the “Fund”) of the Foundation as follows:

- (a) The Fund shall be known as the **Lakeshore Trails Improvement Fund**.
- (b) Distributions from the Fund shall be made as a result of recommendations from the City or an advisory committee appointed by the City.

It is understood and agreed the Fund shall be owned by the Foundation held by it in its normal corporate capacity and shall not be deemed a trust fund held by the Foundation in a trustee capacity. The Foundation shall have the right to restrict or deny the issuing of grants from this Fund if such grants are inconsistent with the charitable mission and purpose of the Foundation. Further, the Foundation may vary from any restrictions or conditions stated in this agreement if, at some future time, those restrictions or conditions would prohibit grant making from this Fund.

When signed and dated by both parties this letter constitutes our agreement with respect to the Account.

Accepted this _____ day of _____, 2009

(SIGNATURE) DATE

Chris A. McGuigan, President

ADDRESS

PHONE

EMAIL

Date: July 14, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Fireworks Display Permit for Muskegon Bike Time

SUMMARY OF REQUEST: West Michigan Burnerz is requesting approval of a fireworks display permit for July 17th and 18th during the Muskegon Bike Time. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

FM-32(12-08)

APPLICATION

FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION

TYPE OF DISPLAY:



Public Display



Agricultural Pest Control

I. APPLICANT

NAME OF PERSON

Josh Colquhitt

ADDRESS

1351 1/2 Columbus

AGE: Must be 21 or over

26

IF A CORPORATION: Name of President

ADDRESS

II. PYROTECHNIC OPERATOR

NAME

Bruce Boonstra

ADDRESS

2276 E. Riley Thompson

AGE: Must be 21 or over

47

EXPERIENCE:

NUMBER OF YEARS

13

NUMBER OF DISPLAYS

25

WHERE

W. Michigan

III. NAMES OF ASSISTANTS:

NAME

Tim Harold

ADDRESS

1718 Janet Fruitport

AGE

37

NAME

Jeff DeLong

ADDRESS

1718 Janet Fruitport

AGE

24

IV. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

V. EXACT LOCATION OF PROPOSED DISPLAY

Clay @ Western Ave

Bite Week

DATE

July 17th + 18th

TIME

9:30 - 10:30

VI. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

Michigan legal fountains/Gerbs

10-12 fountains/Gerbs

Veg. Can creamoras = 2

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Day of Show

(Subject to Approval of Local Fire Authorities)

VII. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

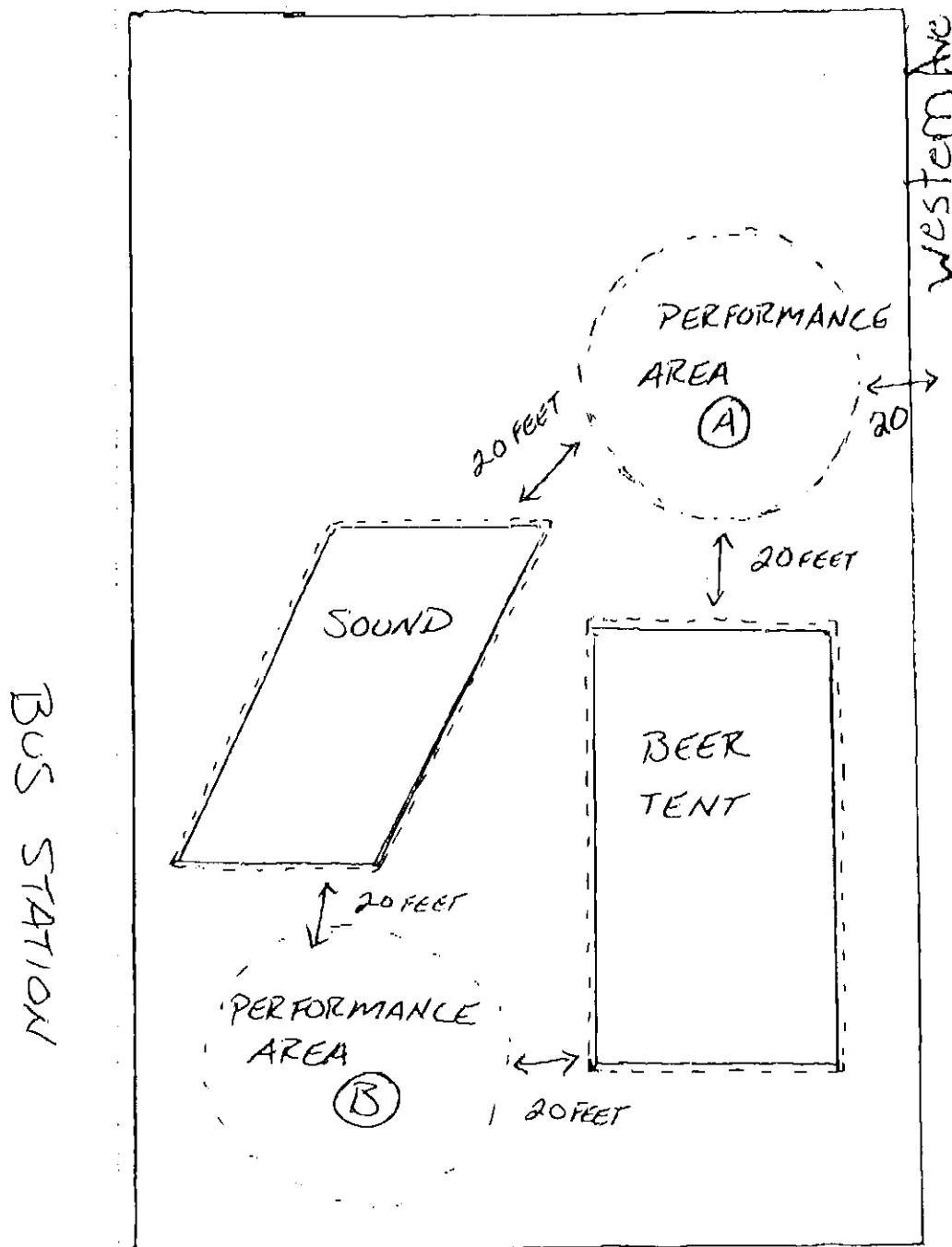
(to be set by municipality)

\$

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

POST OFFICE



FUELS

3 GALLONS, WHITE GAS (COLEMAN LANTERN)
1 GALLON, PARAFFINE LAMP OIL

EXTINGUISHERS

2, 20 LBS CO²

TIME & DATE

JULY 17th & 18th @ APPROXIMATELY 10:00pm

CONTACT

JOSH COLQUITT w/ THE WEST
MICHIGAN BURNERS
616-405-8704

ACORD CERTIFICATE OF LIABILITY INSURANCEOP ID LR
WMBUR-1DATE (MM/DD/YYYY)
07/01/09

PRODUCER

The White Agency - Twin Lake
5948 Holton Road
Twin Lake MI 49457

Phone: 231-828-5566 Fax: 231-828-6339

INSURED

WM BURNERZ
JOSH COLOUITT
17980 COVE
SPRING LAKE MI 49456THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Nautilus Insurance Company

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L CTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A X	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC	NC766630	05/12/09	05/12/10	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MCD EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$1,000,000 PRODUCE - COMP/OP AGG \$ INCLUDED
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY ACC \$
	EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
ENTERTAINMENT PERFORMED ON OTHERS PREMISES - PRODUCTSADDITIONAL INSURED: CITY OF MUSKEGON, ALL ELECTED AND APPOINTED OFFICIALS,
ALL EMPLOYEES AND VOLUNTEERS, ALL BOARDS, COMMISSIONS, AND/OR AUTHORITIES
AND BOARD MEMBERS, INCLUDING EMPLOYEES AND VOLUNTEERS

CERTIFICATE HOLDER

CANCELLATION

CITYO-5

CITY OF MUSKEGON
933 TERRACE STREET
MUSKEGON MI 49443-0536SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Lisa R Reichle

CITY COMMISSION MEETING
Tuesday January 27, 2009

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker
Director of Public Safety

DATE: July 1, 2010

SUBJECT: Ammunition Purchase

SUMMARY OF REQUEST:

The Director of Public Safety is requesting approval of the purchase of ammunition for the 2010 calendar year. The request includes both practice and duty ammunition.

Generally, the bid is sought in early 2010 however we have been advised that there is a shortage of ammunition. Therefore we are requesting that we be allowed to begin the purchase process at this time.

Only one vendor replied to our bid request; CMP Distributors, 6539 Westland Way, Lansing, MI. Based upon the bids that were received I am recommending CMP Distributors be awarded the bid.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

Available in 2009 budget.

STAFF RECOMMENDATION:

Approval of this request.

MUSKEGON POLICE DEPARTMENT
CITY OF MUSKEGON
TELEPHONE BID TABULATION FORM

Date: 5/28/09

Employee: Sergeant Charles Flynn

	Bidder #1	Bidder #2	Bidder #3
Vendor	CMP Distributors		
Address	6539 Westland Way Suite 21&22		
Telephone Number	517-721-0970/866-721-0970		
Fax Number	517-721-0974		
Accept Mastercard			
Quoted By	Catherine Parks		

Description & Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total
Federal AE45A American Eagle 45 Auto 230 Grn FMJ 1000 rnd case	14 cases at \$275.00 per case	\$3850.00				
Federal AE9AP American Eagle 9mm Luger 124 Grn FMJ 1000 rnd case	2 cases at \$179.00 per case	\$358.00				
Federal AE9AP American Eagle 9mm Luger 124 Grn FMJ 50 rnd box	10 boxes at \$11.50 per box	\$115.00				
Federal AE380AP American Eagle 380 Auto 95 Grn FMJ 1000 rnd case	2 cases at \$220.00 per case	\$440.00				
Federal XM193 5.56mm 55 Grn 500 rnd box	18 cases at 180.00 per case	\$3240.00				
Federal LE45T1 Centerfire 45 Auto 230 Grn THP+P 1000 rnd case	2 cases at \$425.00 per case	\$850.00				
Federal LE9T1 Centerfire 9mm Luger 124 Grn THP 1000 rnd case	1 case at \$385.00	\$385.00				
Federal P380HS1G Hydra-Shok Premium 380 Auto 90 Grn HSHP 1000 rnd case	1 case at \$442.00	\$442.00				
Shipping charges additional	Total with no tax	\$9680.00				

Bidder _____ approved by _____

Date: July 14, 2009
To: Honorable Mayor and City Commission
From: Water Filtration Plant
RE: 2009 Water Treatment Chemical Bids

SUMMARY OF REQUEST:

Recommend endorsement of contract extension for the previous lowest responsible bidders to supply aluminum sulfate and fluoride for the water filtration plant as allowed by contract.

FINANCIAL IMPACT:

Annual cost of \$143462.00 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED:

None at this time. These chemicals are budgeted annually.

STAFF RECOMMENDATION:

Staff recommends the Mayor and City Commission endorse the bid extensions received and allow staff to enter into contract with US Aluminate Co. (USALCO) for aluminum sulfate and Lucier Chemical Industries Ltd. for fluoride.

MEMORANDUM

7/7/09

TO: M. AL-SHATEL, DEPUTY DIRECTOR
FROM: R. VENEKLASSEN, WATER FILTRATION
RE: ANNUAL FLUORIDE AND ALUMINUM SULFATE BIDS

PURPOSE

Aluminum sulfate, or alum, is the coagulant used to remove the material suspended in the raw, Lake Michigan, water being treated. The suspended particles are attracted to the alum molecules, the particles and the molecules agglomerate, then settle by gravity.

Fluoride (hydrofluorosilicic acid) is applied to the water being treated to enhance the prevention of dental caries (cavities).

HISTORY

We have been bidding aluminum sulfate and fluoride in conjunction with the cities of Holland, Wyoming, Grand Rapids, Grand Haven and recently Muskegon Heights. The City of Grand Rapids Purchasing Department performs the bidding process on behalf of the other municipalities. The contracts include the opportunity for contract renewal upon justification for any price increase. This approach has been advantageous on a number of occasions over the years.

BIDS

The current vendors for both chemicals, aluminum sulfate and fluoride, has expressed interest in extending the current bids with price increases.

	2008	2009
Aluminum Sulfate	\$355.45	\$449.82
Fluoride	\$635.00	\$700.00

These proposals have been approved by the City of Grand Rapids and are in similar process with the other participating municipalities.

Attached are the supporting documents from the City of Grand Rapids.

RECOMMENDATION

It is my recommendation that the Mayor and City Commission endorse extension of the current bids with the increases indicated and direct staff to enter in agreement with the current vendors for one more year.

PURCHASING
DEPARTMENT



CITY OF GRAND RAPIDS

①

CHANGE ORDER TO PURCHASE ORDER

PO No: BP00003423

Date: May 21, 2009

Vendor: USALCO
Attn: Chris Tessone
1120 Middle River Road
Baltimore MD 21220

Department: Lake Michigan Filtration Plant

Contract Title: Chemicals, Aluminum Sulfate

Term Contract Change: XX

To Extend Contract Period To: May 20, 2011

Bid Reference No: 885-77-10

Vendor Note Change as Follows:

Contract Renewal:

Contract renewal: pricing shall remain firm through May 20, 2011 as per attached communication: all other terms, conditions, requirements, specifications remain in full force and effect.

Annual expenditures shall not exceed \$373,350.00.

Purchasing Buyer: Tony Wojciakowski

cc: Dept - John Allen
Bid Pack



May 13, 2009

Tony Wojciakowski
Buyer
City of Grand Rapids
Purchasing Department
300 Monroe NW
Grand Rapids, MI 49503

2

Dear Tony:

Per our recent communications, USALCO is pleased to offer the Grand Rapids Co-Op firm pricing on aluminum sulfate (alum) for the remaining two years of our current contract. Said pricing will be \$449.82 / dry ton from 5/21/2009 through 5/20/2011. Please find attached a formal quote for your records.

Please contact me should you have any questions or if I can be of assistance. We appreciate your business and look forward to continuing to provide quality product and service to the city of Grand Rapids.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Tesone'.

Chris Tesone
USALCO
Regional Sales Manager

PURCHASING
DEPARTMENT



CITY OF GRAND RAPIDS

(3)

CHANGE ORDER TO PURCHASE ORDER

PO No: BP00003422

Date: May 4, 2009

Vendor: Lucier Chemical Industries Ltd.
PO Box 49000
Jacksonville Beach FL 32240-9000

Department: Lake Filtration Plant / Co-Op Agencies

Contract Title: Hydrofluorsilicic Acid

Term Contract Change: XX

To Extend Contract Period To: May 13, 2010

Bid Reference No: 885-66-06

Vendor Note Change as Follows:

Contract Renewal:

Year (2) two contract renewal: pricing per ton as per attached: all other terms, conditions, requirements, specifications remain in full force and effect.

Annual expenditures shall not exceed \$266,700.00.

Purchasing Buyer: Tony Wojciakowski

cc: Dept - John Allen
Bid Pack

Received:
47 FAX 6164563338

Apr 29 2009 10:25am

CITY OF GR PURCHASING
BID FORM

City of Grand Rapids, Purchasing Department
300 Monroe, NW (Rm. 720), Grand Rapids, MI 49503 Phone (616) 456-3173



Bid Opening: May 4, 2009 11:00 A.M. (All bids will not be accepted)
Bid Ref #: 885-66-06 For: Chemicals, Hydrofluoro: silicic Acid
Department: Lake Filtration Plant Contact: Buyer
Buyer: Tony Wojciakowski

ITEM - QUANTITY - DESCRIPTION	UNIT PRICE	EXTENSION
-------------------------------	------------	-----------

Year 2 Contract Renewal: Prices Only:
Vendor to fill in Year 2 Pricing and return: All other contract
terms & conditions, specifications, etc remain
in full force and effect.

Year Two Effective Dates: 05/13/2009 through 05/12/2010

**OPTION III: City of Grand Rapids and West Michigan Co-Operative
Purchase Agencies:**

1. Purchase, hydrofluorosilicic acid, for use in production of potable water,
product bid shall conform with AWWA Standard B703-89, ANSI/NSF
Standards 60 AND 61, or most recent standards thereof, delivered in tank
truck, certification and MSDS sheets shall accompany each delivery.
Bidder shall bid on a liquid ton basis of 23% strength H₂SiF₆.

Year 1
Effective Dates:
05/13/2008 through
05/12/2009

Year 2
Effective Dates:
05/13/2009 through
05/12/2010

1C.	840 TONS	Hydrofluorosilicic acid, 23%. Tanker Load: 22.5 Tons	\$ 635.00/TON	\$ 700.00 /TON **
Manufacturer: Mosaic				

**Price is based on a 23% acidity adjusted basis and 22.5 ton minimum release.

15-30 working days from

DELIVERY/COMPLETION TIME receipt of order F.O.B. Delivered. Freight included. CASH DISCOUNT will be allowed for prompt payment as follows: 0 % cash discount if paid within 30 days of invoice or more from delivery and acceptance of goods or completion of service. (See Item Cash Discounts under General Conditions, Instructions to Bidders).

I hereby state that: 1) all of the information I have provided is true, accurate and complete, and 2) that I have authority to enter into this bid, which will become a binding contract, if accepted by the City, 3) that I have not communicated with, nor accepted anything of value from an official or employee of the City that would tend to destroy or hinder free competition, and 4) that I have read, and understood and agree to be bound by all of the terms in this bid document.

Lucifer Chemical Industries Ltd., dba LCI, Ltd.
Name of Company, Corporation, etc.
P.O. Box 49000, Jacksonville Beach, FL 32240-9000
Street Name & Number City & State Zip Code

Date 4/29/09 Phone 800.576.7891, Ext. 124

FEDERAL ID #: 13-3158103

BIDDER SEAL SIGN HERE

By: Betty Kendall-Jones

Name: Betty Kendall-Jones

Title: V.P.

Date: 07/14/09
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase one 2009 Ford F-250 4X4.

FINANCIAL IMPACT: \$17,773.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase from Vanderhyde Ford.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 07/14/09

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of one of our Parks Department pickup trucks for 2009. This truck is used during the summer months to haul mowers and bring supplies to and from our various parks and to plow snow in the winter.

We have requested prices from area dealers as well as the statewide purchasing contracts. Attached is a summary of the bids.

In accordance with established purchasing policy, we are requesting permission to purchase one 2009 Ford F-250 from Vanderhyde Ford.

Equipment Purchase - 2009				
	<u>Macomb County</u>	<u>Great Lakes Ford</u>	<u>Fremont Ford</u>	<u>Vanderhyde Ford</u>
	<u>3942 W. Lansing</u>	<u>2469 E. Apple Ave</u>	<u>7148 W. 48th</u>	<u>345 N. Main</u>
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Muskegon Mi 49442</u>	<u>Fremont Mi. 49412</u>	<u>Cedar Springs Mi. 49319</u>
1 F-250 Pickup 4X4	\$17,988.00	\$18,744.00	\$17,825.00	\$17,773.00

Date: July 14, 2009

To: Honorable Mayor and City Commissioners

From: DPW

RE: Agreement for general services with a retired City employee

SUMMARY OF REQUEST:

Authorize staff to enter into an agreement, copy of which is attached, with Robert Fountain to provide assistant in various fields at DPW including storm sewer and cross connection compliance. The proposed contract would be for an average of 40-hours a month (based on needs and availability). Anticipated starting date is August 1st 2009.

Furthermore, it is respectfully requested that staff be authorized to extend and/or terminate said agreement to best serve the city.

FINANCIAL IMPACT:

Approximately \$6,500 for 2009 and an average of \$16,000 per year after 2009 based on 480-hours of work per year.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to enter into an agreement with Mr. Fountain.

COMMITTEE RECOMMENDATION:

AGREEMENT FOR ENGINEERING SERVICES

This agreement is made between the CITY OF MUSKEGON ("City"), and ROBERT FOUNTAIN ("FOUNTAIN") concerning GENERAL SERVICES AT DPW.

THE PARTIES AGREE AS FOLLOWS:

1.0 CONCERNING GENERAL SERVICES

- 1.1 Fountain agrees to perform, under the general direction of the Director of Public, his Deputy and the administrative supervision of the City Manager, the duties outlined in the job descriptions for Special operation supervisor and/or as directed by the aforementioned individuals ranging from Storm Sewer regulation related issues & cross connections to computer assistant.
- 1.2 By this agreement Fountain is appointed, for its term, as a Special Operation Supervisor for the City of Muskegon to work for.
- 1.3 Fountain will perform said services at such times that are reasonably necessary as directed by the director and or his deputy to carry out his commitments, obligations and services contracted for.

2.0 COMPENSATION FOR SERVICES

- 2.1 The City will compensate Fountain \$32.50 per hour. Fountain shall complete a time sheet for time spent on City related work and the City shall pay Fountain based upon said time sheets.
- 2.2 Fountain shall not be liable while performing the work under this contract unless due to deliberate act of negligence.

3.0 TERM AND TERMINATION

- 3.1 This agreement is effective 08/01/2009, and will continue until 12/31/2010 unless terminated and/or extended. Renewals or extensions may occur on mutually acceptable terms.
- 3.2 The City reserves the right to terminate this agreement upon a two week written notice to Fountain.
- 3.3 Work schedule to consist of 40-hours a month to be used on a mutually agreed upon schedule.

4.0 GENERAL AND SPECIFIC CONDITIONS

- 4.1 Fountain agrees that he is an independent contractor. He is required by this contract only to render services at such times and on such schedules as agreed upon between Fountain and the Director/deputy. Fountain acknowledges that he is not an employee, that he has no rights to continuing benefits, withholding of FICA contributions, tax withholding, unemployment, workers compensation, additional pension credits, insurance for active employees or other employment fringe rights or benefits, and that his compensation is limited to the hourly compensation set forth above. This acknowledgment does not affect any benefits Fountain may have as a retiree of the City.
- 4.2 Fountain agrees to exercise his best effort to avoid representation of any person, party, or entity in any cause contrary to the interest of the City. He will also desist from representing any person, party, or entity on any matter in which the City is or may become an opposing party.

IN WITNESS WHEREOF, the parties execute this agreement this _____ day of _____, 2009.

By _____
Byron Mazade, City Manager

Robert Fountain

Date: July 7, 2009
To: Honorable Mayor and City Commissioners
From: Lowell Kirksey, Recreation Supervisor
RE: Request to hold a Leisure Services Yard Sale

SUMMARY OF REQUEST: The Leisure Services Department would like to hold a yard sale using donated clothing items, softball equipment and leftover uniforms from previous programs. Donated items from City of Muskegon employees will also be sought. It is planned to hold the yard sale on July 31, 2009 at the former Central Fire Station along Walton St. The purpose is to raise revenue for the Summer Adventure Program to provide additional programming and offer field trips lost due to budget cuts.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commissioners
From: Lowell Kirksey, Recreation Supervisor
CC: Byron Mazade, City Manager
Cathy Brubaker-Clarke, Director of Community & Economic Development
Date: July 8, 2009
Re: Request to hold a Leisure Services yard sale.

The Leisure Services Department would like to hold a yard sale to help supplement the costs of field trips for the Summer Adventure program. With the reduction in budget we are seeking to find alternative ways to raise funds to provide activities for the youth of Muskegon. Leisure Services has clothing items donated by Jones Sporting goods, event t-shirts, uniforms from previous years and softballs leftover from the adult softball league to offer as items for sale. We would also ask City of Muskegon employees if they would like to donate items to the fundraising effort.

Date: 07/14/09
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Equipment Setup

SUMMARY OF REQUEST: Authorize staff to purchase 3 dump bodies, 1 utility box, and 1 service body with crane from Hoekstra Equipment and 3 plows from Muskegon Brake.

FINANCIAL IMPACT: \$53,460.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff.

Memorandum

To: Honorable Mayor and Commissioners

From: Brett Kraley

Date: 7/8/2009

Re: Budgeted Equipment Setup

The Equipment Division has solicited bids for the upfitting of various pieces of recently purchased equipment. We are requesting permission to purchase 1 utility box and plow for the Parks department, 1 dump body and plow for the Cemetery department, 1 utility box with crane and plow for the Water department, and 2 dump bodies for general use dump trucks.

The bids for the upfitting were solicited from Hoekstra Equipment of Grand Rapids, Allied Truck of Grand Rapids, and Truck & Trailer of Dutton. Muskegon Brake bid on the snow plows only.

In accordance with established purchasing policy, we are requesting permission to purchase 1 utility box for an F-250, 1 dump body for an F-350, 1 service body with crane for an F-350, dump bodies for 2 F-450s from Hoekstra Equipment, and three (3) 8 foot plows (1 poly) from Muskegon Brake.

<u>Type of Purchase</u>	<u>Hoekstra Equipment</u> 280 36th St. Grand Rapids Mi.	<u>Allied Truck</u> 5125 Clay Rd. Grand Rapids Mi.	<u>Truck & Trailer</u> 6726 Hanna Rd Dutton Mi.	<u>Muskegon Brake</u> 848 E. Broadway Muskegon Mi.
1 Utility Box For F-250 4X4	\$5,120.00	\$5,886.87	\$5,540.00	
1 Dump Body F-350	\$6,100.00	\$6,915.76	\$6,775.00	
1 Service Body With Crane F-350	\$16,410.00	\$17,407.00	\$16,767.00	
2 Dump Bodies F-450	\$12,440.00	\$14,043.92	\$13,834.00	
2 8' Steel Plows	\$8,940.00	\$8,600.00	\$9,370.00	\$8,228.00
1 8' Poly Plow	\$4,450.00	\$4,475.00	\$4,684.00	\$4,315.00

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 1, 2009

RE: Rescind Restrictive Covenant Action re 1470 Lakeshore Drive

SUMMARY OF REQUEST:

To rescind action taken by the City Commission to approve an amendment to the Declaration of Restrictive Covenant for 1470 Lakeshore Drive. The anticipated transaction is not proceeding so the amendment is not required.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To rescind the action taken by the City Commission on June 25, 2009.

COMMITTEE RECOMMENDATION:

None.