

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 10, 2007

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 – Pat's Road House, 157 S. Getty. CITY CLERK
 - C. FIRST READING: Animal Ordinance Amendment. CITY MANAGER
 - D. FIRST READING: Rescind Pension Ordinances. FINANCE
- ☐ PUBLIC HEARINGS:
- ☐ COMMUNICATIONS:
- ☐ CITY MANAGER'S REPORT:
- ☐ UNFINISHED BUSINESS:
- ☐ NEW BUSINESS:
 - A. FIRST READING: Proposed COLA for Retirees. FINANCE
 - B. FIRST READING: Smoking at Pere Marquette Beach. 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 ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: July 10, 2007
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 26th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 10, 2007

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 10, 2007.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Kevin Davis, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Chris Carter, Acting City Manager Tim Paul, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2007-57 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, June 26th.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of minutes.

B. Liquor License Request – Pat's Road House, 157 S. Getty. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from TPWS, Inc. of 157 S. Getty Street to enlarge the existing outdoor service area to its existing 2007 Class C-SDM licensed business with Dance-Entertainment Permit, Outdoor Service (1 Area) and 2 Bars.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

E. Resignation and Appointments from Various Boards. CITY CLERK

SUMMARY OF REQUEST: The Community Relations Committee recommends that the following resignations be accepted and appointments be made:

Land Reutilization Committee – Resignation of Michael Amrhein

DDA – Resignation of Jessica Elsey

Citizens Police Review Board – Resignation of Quintan Cooley, appoint Barbara Kuipers, resident

District Library Board – Death of Craig V. Brown

Equal Opportunity Committee – Vacancy for Citizen, appoint Willie German, Jr., resident

Motion by Commissioner Carter, second by Commissioner Davis to approve the Consent Agenda minus items C and D.

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

Nays: None

MOTION PASSES

2007-58 ITEMS REMOVED FROM THE CONSENT AGENDA:

C. FIRST READING: Animal Ordinance Amendment. CITY MANAGER

SUMMARY OF REQUEST: To amend the City's Animal Control Ordinance to require dogs and cats to be under restraint, except for a service animal performing its duties or in training.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission requested this amendment at their Worksession on June 11, 2007.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the amendment to the City's Animal Control Ordinance.

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

Nays: None

MOTION PASSES

D. FIRST READING: Rescind Pension Ordinances. FINANCE

SUMMARY OF REQUEST: The transfer of pension assets and retirement system administration to the Municipal Employees Retirement System of Michigan (MERS) makes it unnecessary to maintain local pension ordinances on the

books. The ordinance repeals the City's former pension ordinances.

FINANCIAL IMPACT: Some savings from reduced confusion and ordinance indexing.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the ordinance.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the rescinding of the pension ordinances.

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

Nays: None

MOTION PASSES

2007-59 NEW BUSINESS:

A. Proposed COLA for Retirees. FINANCE

SUMMARY OF REQUEST: One of the considerations made when we moved to MERS was that we would mimic as closely as possible the pension COLA program in place since the mid-1990's within the structure of MERS. In a nutshell, the old COLA program provided permanent cost of living increases to pensioners retired five years or more that were capped at 75% of the CPI. COLA's were payable only in years when investment performance exceeded actuarial estimates (8%). Due to lagging investment performance, no COLA payments have been made for the last two years.

Investment performance has improved and, at this time, we are recommending approval of a 1.80% COLA increase payable to pensioners retired five years or more as of 1/1/07. Standard MERS practice is to implement COLA provisions each January, but they have agreed to implement this COLA for us as of July 1. We recommend the COLA be divided into two equal parts with 0.90% awarded 7/1/07 and 0.90% awarded 1/1/08. Future COLA increases would then be made in January, if warranted.

The 1.80% COLA is based on a MERS actuarial review of investment performance, change in the CPI for 2006 and staff discussions with actuaries concerning the financial condition of the account.

FINANCIAL IMPACT: The proposed COLA adjustment will increase the accrued liability of the retirees' account \$546,870 and leave the account just over 101% funded.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize MERS to pay a 1.80% COLA to retirees retired five years as of 1/1/07, payable in two equal parts July 1, 2007 and

January 1, 2008. Authorize future COLA adjustments to be made effective each January 1 with the next COLA review being January 1, 2009.

Motion by Commissioner Spataro, second by Commissioner Davis to approve the proposed COLA for retirees.

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

Nays: None

MOTION PASSES

B. FIRST READING: Smoking at Pere Marquette Beach. CITY MANAGER

SUMMARY OF REQUEST: To approve an ordinance to prohibit smoking at Pere Marquette Beach from the pier sidewalk south to the handicap walk.

FINANCIAL IMPACT: Minimal costs associated with enforcement of ordinance.

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The City Commission approved the concept at their June Worksession.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the ordinance to prohibit smoking at Pere Marquette Beach from the pier sidewalk south to the handicap walk.

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

Nays: None

MOTION PASSES

C. Fireworks Display - Bike Time. CITY CLERK

SUMMARY OF REQUEST: Bike Time is requesting approval of a fireworks display during the Poison concert at Heritage Landing on July 22nd. 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.

Motion by Vice Mayor Gawron, second by Commissioner Shepherd to approve the Bike Time request for fireworks during the Poison concert at Heritage Landing on July 22nd.

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

and Carter

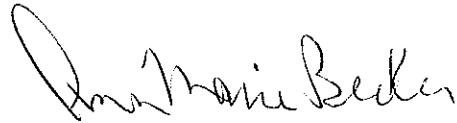
Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Muskegon Rescue Mission is celebration their 100th Anniversary by having a birthday party July 21st.

ADJOURNMENT: The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ann Marie Becker".

Ann Marie Becker, MMC
City Clerk

Date: July 10, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
Pat's Road House, 157 S. Getty

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from TPWS, Inc. of 157 S. Getty Street to enlarge the existing outdoor service area to its existing 2007 Class C-SDM licensed business with Dance-Entertainment Permit, Outdoor Service (1 Area), and 2 Bars.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

June 29, 2007

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Request – 157 S. Getty Street, Muskegon, MI.
Request to Enlarge Existing Outdoor Service Area

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant TPWS, Inc. of 157 S. Getty Street, comprised of Steven Seng.

TPWS, Inc. is requesting to enlarge the existing outdoor service area to its existing 2007 Class C-SDM licensed business with Dance-Entertainment Permit, Outdoor Service (1 Area), and 2 Bars located at 157 S. Getty Street, Pat's Road House Bar. Steven Seng has experience in the alcohol service industry and is aware of the Muskegon Police Department's position on enforcing local alcohol laws and ordinances.

A check of Muskegon Police Department records showed no reason to deny this request.

ALK/kd

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 6-22-07

Re: Liquor License Service Area

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant TPWS, Inc. of 157 S. Getty Street, Muskegon, MI. 49442 which is comprised of applicant Steven Seng.

TPWS, Inc. is requesting to Enlarge Existing Outdoor Service Area to its existing 2007 Class C-SDM licensed business with Dance-Entertainment Permit, Outdoor Service (1 Area), and 2 Bars located at 157 S. Getty (Pat's Road House Bar).

A check of MPD records showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'K. Dykman', followed by a long horizontal line extending to the right.

Det. Kurt Dykman

data/common/liquor/TWPS_07

2007-57(6)



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

FOR MLCC USE ONLY

Request ID # 418072

Business ID # 160125

6-19-07 TMT

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

May 14, 2007

TO: MUSKEGON POLICE DEPARTMENT
 CHIEF OF POLICE
 980 JEFFERSON STREET, PO BOX 536
 MUSKEGON, MI 49443-0536

Re: TPWS, INC. REQUESTS TO ENLARGE EXISTING OUTDOOR SERVICE AREA IN 2007 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED AT 157 S. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY.

CONTACT: STEVEN L. SENG, TREASURER (231)329-1551

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 to the offices of the MLCC 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: _____
 Weekdays _____ A.M. to _____ A.M. _____
 Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

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 Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

May 14, 2007

RSQ 418072

TWA

6-19-07

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENLARGE EXISTING OUTDOOR SERVICE AREA

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Anthony L. Kleibecker

Signature and Title

Anthony L. Kleibecker, Director of Public Safety

Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

Mailed 7-11-07

System File Branch Inquire Print

INCIDENT LIST:

Agcy Case #	Offense	Rpt Date	Location
MUPD 2007-000964-A	PRIV. PROP. HIT	01/16/2007	157 S GETTY ST
MUPD 2007-002266-I	CIVIL MATTER DI	02/06/2007	157 S GETTY ST
MUPD 2007-003716-I	DISORDERLY COND	03/02/2007	157 S GETTY ST
MUPD 2007-006484-I	GENERAL ASSISTA	04/13/2007	157 S GETTY ST
MUPD 2007-006900-I	CIVIL MATTER DI	04/19/2007	157 S GETTY ST
MUPD 2007-009483-I	CIVIL MATTER DI	05/23/2007	157 S GETTY ST

F1-Help F2-Choices F3-Del F4-Cont F6-Prev F7-Exit F9-Add F10-Menu ESC-Quit

System File Branch Inquire Print

PHOTO:

ALL CONTACTS FOR MNI: PATS ROADHOUSE BAR

Date	Involvement	Age	Offense	Agcy	Case#
04/19/2007	OTHER		CIVIL MATTER DISPUTES/FAMILY	MUPD	2007-006900
03/20/2007	OTHER		LIQUOR VIOLATIONS (OTHER)	MUPD	2007-004893
03/02/2007	OTHER		AFFRAY, JOSTLING, ROUGHING CR	MUPD	2007-003716
12/20/2005	VICTIM		CIVIL MATTER DISPUTES/FAMILY	MUPD	2005-028749
10/07/2005	VICTIM		FORCED ENTRY - NON-RESIDENCE	MUPD	2005-023199
09/23/2005	OTHER		CIVIL MATTER DISPUTES/FAMILY	MUPD	2005-021922
09/21/2005	OTHER		ASSAULT & BATTERY SIMPLE ASSA	MUPD	2005-021679
07/18/2005	OFFENDER		GENERAL ASSISTANCE	MUPD	2005-015637
06/10/2005	OTHER		UTTERING AND PUBLISHING CHECK	MUPD	2005-011827
04/16/2005	OTHER		DAMAGE TO PROPERTY	MUPD	2005-007245
09/11/2004	VICTIM		BURGLARY-FORCED ENTRY	MUPD	2004-021286
07/16/2004	OTHER		PURSE SNATCHING - NO FORCE	MUPD	2004-016106
03/23/2004	OTHER		IMPOUND OF VEHICLE	MUPD	2004-005839
04/01/2003	COMPLAINT		LOST & FOUND PROPERTY	MUPD	2003-006641

F1-Help F2-Choices F3-Del F4-Cont F6-Prev F7-Exit F9-Add F10-Menu ESC-Quit

6-29-07

LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc

AKA Business Name (if applicable): Pat's Road House

Operator/Manager's Name: Steven Seng

Business Address: 157 S Getty

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 Enlarge existing outdoor service area

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. Kunder, Coordinator

6-29-07

LIQUOR LICENSE REVIEW FORM

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature [Signature]

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



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

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 418072

Business ID # 160125

6-19-07 TMA

May 14, 2007

TO: MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Re: TPWS, INC. REQUESTS TO ENLARGE EXISTING OUTDOOR SERVICE AREA IN 2007 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED AT 157 S. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY.

CONTACT: STEVEN L. SENG, TREASURER (231)329-1551

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 to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

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☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

May 14, 2007

RSQ 418072

THU
6-19-07

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☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

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☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Director Anthony L. Kleibecker
Signature and Title

Anthony L. Kleibecker, Director of Public Safety
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

6-29-07

LIQUOR LICENSE REVIEW FORM

JUL - 2 2007

APPROVED POSTED
OREGON TREASURY

Business Name: TPWS, Inc

AKA Business Name (if applicable): Pat's Road House

Operator/Manager's Name: Steven Seng

Business Address: 157 S Getty

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 Enlarge existing outdoor service area

Deadline for receipt of all information: _____

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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] 07/02/07

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



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

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 418072

Business ID # 160125

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☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

May 14, 2007

RSQ 418072

TMA

6/19/07

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☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended
☐ OTHER
☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Director Anthony L. Kleibecker
Signature and Title

Anthony L. Kleibecker, Director of Public Safety
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

6-29-07

LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc

AKA Business Name (if applicable): Pat's Road House

Operator/Manager's Name: Steven Seng

Business Address: 157 S. Getty

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New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☐ New Entertainment Permit ☐

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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



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

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

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Request ID # 418072

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TO: MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Re: TPWS, INC. REQUESTS TO ENLARGE EXISTING OUTDOOR SERVICE AREA IN 2007 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, OUTDOOR SERVICE (1 AREA), AND 2 BARS, LOCATED AT 157 S. GETTY, MUSKEGON, MI 49442, MUSKEGON COUNTY.

CONTACT: STEVEN L. SENG, TREASURER (231)329-1551

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 to the offices of the MLCC 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: _____
Weekdays _____ A.M. to _____ A.M. _____
Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

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☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

May 14, 2007

RSQ 418072

TWA

6-19-07

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENLARGE EXISTING OUTDOOR SERVICE AREA

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Anthony L. Kleibecker

Signature and Title

Anthony L. Kleibecker, Director of Public Safety

Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

6-29-07

LIQUOR LICENSE REVIEW FORM

Business Name: TPWS, Inc

AKA Business Name (if applicable): Pat's Road House

Operator/Manager's Name: Steven Seng

Business Address: 157 S. Getty

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 Enlarge existing outdoor service area

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 ☐

Owner needs to complete

Site Plan Review Process
with LORNA in zoning

Department Signature Pat L. Cover

Please return to the City Clerk's Office

Gail A. Kunderger,
Liquor License Coordinator



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

FOR MLCC USE ONLY

Request ID # 418072

Business ID # 160125

6-19-07 *mm*

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

May 14, 2007

TO: MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

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May 14, 2007

RSA 418072

THA
6-19-07

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Signed:

Anthony L. Kleibecker
Signature and Title

Anthony L. Kleibecker, Director of Public Safety
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

6-29-07

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Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature

Mary Metral

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



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

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 418072

Business ID # 160125

6-19-07 rmt

May 14, 2007

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CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

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May 14, 2007

RSA 418072

TMA

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☐ OTHER ☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

Director L. Kleibecker
Signature and Title

Anthony L. Kleibecker, Director of Public Safety
Print Name and Title

MUSKEGON POLICE DEPARTMENT

Date: June 26, 2007

sfs

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



July 6, 2007

Mr. Steven Seng
TPWS, Inc.
157 S. Getty
Muskegon, MI 49442

Dear Mr. Seng:

This letter is to inform you that your liquor license request to enlarge the existing outdoor service area at 157 S. Getty will be presented to the City Commission on July 10, 2007. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Jackson Hill Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

Linda Potter
Deputy Clerk

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Fire Department
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Water Filtration
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FAX (231)755-5290



July 6, 2007

Ms. Billie Holmes, Acting President
Jackson Hill Neighborhood Assoc.
473 Mulder
Muskegon, MI 49442

Dear Ms. Holmes:

We have received a letter from the Liquor Control Commission reference a request from Pat's Road, 157 S. Getty to enlarge their existing outdoor service area. On Tuesday, July 10, 2007, 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. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on July 10, 2007, at 5:30 p.m. in the Commission Chambers.

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

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Date: July 10, 2007
To: City Commission
From: City Clerk's Office
RE: Resignation and Appointments from Various Boards

SUMMARY OF REQUEST: The Community Relations Committee recommends that the following resignations be accepted and appointments be made as follows:

Land Reutilization Committee - Resignation of Michael Amrhein,

DDA – Resignation of Jessica Elsey

Citizens Police Review Board – Resignation of Quintan Cooley

Appoint Barbara Kuipers, Resident

District Library Board – Death of Craig V. Brown

Equal Opportunity Committee – Vacancy for Citizen.

Appoint Willie German, Jr. Resident

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: July 2, 2007

RE: Animal Ordinance Amendment

SUMMARY OF REQUEST:

To amend the City's Animal Control Ordinance to require dogs and cats to be under restraint, except for a service animal performing its duties or in training.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:

The City Commission requested this amendment at their work session on June 11, 2007.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2229

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 6-5 of the Code of Ordinances of the City of Muskegon concerning Animals is amended to include the following subsection:

Sec. 6-5. Owner responsibility.

(a) All dogs and cats shall be kept under restraint, **except for a service animal actively engaged in performing its duty or a dog actively engaged in training or performance event or competition.** Dogs or cats shall not be permitted to be at large in the city.

This ordinance adopted:

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

Nays: None

Adoption Date: July 10, 2007

Effective Date: July 26, 2007

First Reading: July 10, 2007

Second Reading: N/A

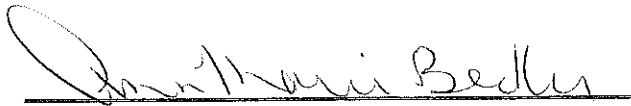
CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of July, 2007, 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 10, 2007

A handwritten signature in cursive script, reading "Ann Marie Becker", is written over a horizontal line.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 10, 2007, the City Commission of the City of Muskegon adopted an amendment to Section 6-5, Owner Responsibility under the Animals ordinance of the City of Muskegon, summarized as follows:

Sec. 6-5. Owner responsibility.

(a) All dogs and cats shall be kept under restraint, **except for a service animal actively engaged in performing its duty or a dog actively engaged in training or performance event or competition.** Dogs or cats shall not be permitted to be at large in the city.

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 16, 2007

By _____
Ann Marie Becker, MMC, City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: July 10, 2007

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Proposed COLA for Retirees

SUMMARY OF REQUEST: One of the considerations made when we moved to MERS was that we would mimic as closely as possible the pension COLA program in place since the mid-1990's within the structure of MERS. In a nutshell, the old COLA program provided permanent cost of living increases to pensioners retired five years or more that were capped at 75% of the CPI. COLA's were payable only in years when investment performance exceeded actuarial estimates (8%). Due to lagging investment performance, no COLA payments have been made for the last two years.

Investment performance has improved and, at this time, we are recommending approval of a 1.80% COLA increase payable to pensioners retired five years or more as of 1/1/07. Standard MERS practice is to implement COLA provisions each January, but they have agreed to implement this COLA for us as of July 1. We recommend the COLA be divided into two equal parts with 0.90% awarded 7/1/07 and 0.90% awarded 1/1/08. Future COLA increases would then be made in January, if warranted.

The 1.80% COLA is based on a MERS actuarial review of investment performance, change in the CPI for 2006 and staff discussions with actuaries concerning the financial condition of the account.

FINANCIAL IMPACT: The proposed COLA adjustment will increase the accrued liability of the retirees' account \$546,870 and leave the account just over 101% funded.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize MERS to pay a 1.80% COLA to retirees retired five years as of 1/1/07, payable in two equal parts July 1, 2007 and January 1, 2008. Authorize future COLA adjustments to be made effective each January 1 with the next COLA review being January 1, 2009.

COMMITTEE RECOMMENDATION: None



Gabriel Roeder Smith & Company
Consultants & Actuaries

One Towne Square
Suite 800
Southfield, MI 48076-3723

248.799.9000 phone
248.799.9020 fax
www.gabrielroeder.com

June 21, 2007

Ms. Anne M. Wagner
Chief Executive Officer
Municipal Employees' Retirement System
of Michigan
1134 Municipal Way
Lansing, Michigan 48917

Re: Supplemental Valuation for Muskegon, City of (6116), Division(s) 10, 20

Dear Anne:

After conversations with the City of Muskegon, we have been requested to provide additional information for the attached supplemental with the same date as this letter. The attached supplemental is a standard MERS supplemental in that the results are based on the results of divisions 10 and 20 as currently reported in the December 31, 2006 annual valuation.

The attached supplemental values a one-time 2.0% increase in retirement benefits, effective July 1, 2007, for all members in these divisions who have been retired at least five years. The list of retirees impacted was provided by the City. Certain members eligible for the retirement benefit increase are in receipt of a \$50 monthly benefit, as payment for opting out of retiree healthcare. As requested by the City, we have not applied the retirement benefit increase to this \$50 monthly benefit. The 2.0% increase in retirement benefits has been applied to the benefit amounts (net of this \$50 monthly benefit) currently in effect, as reported for the December 31, 2006 annual valuation.

It is our understanding that the City is interested in the increase in cost to the System for various one-time increases for these groups other than the 2.0% valued in the attached supplemental report. The cost of the various alternatives can be discerned by prorating the results in the "Difference" column of the 2.0% increase in retirement benefits. For example, the cost of a one-time 1.0% increase in retirement benefits is one-half the results of the 2.0% increase shown in the "Difference" column.

Ms. Anne M. Wagner
June 21, 2007
Page 2

When considering the implementation of a Flexible E, one could consider Divisions 10 and 20 collectively as one. Were the assets and liabilities for Divisions 10 and 20 combined as of December 31, 2006 the results of both the December 31, 2006 annual valuation and the June 21, 2007 supplemental valuation would be changed. These changes are summarized in the table below.

Divisions 10 and 20 Combined	2006 Annual Valuation	Supplemental Dated June 21, 2007	Difference
Actuarial Accrued Liability	\$42,217,465	\$42,825,099	\$607,634
Valuation Assets	\$43,237,006	\$43,237,006	0
Unfunded Accrued Liability	\$ (1,019,541)	\$ (411,907)	\$607,634
Percent Funded	102.4%	101.0%	(1.4%)
Total Regular Employer Contribution for the 2008 fiscal year	\$0	\$0	N/A

As seen above, the combined Divisions 10 and 20 would be overfunded by \$1,019,541 as of December 31, 2006 with \$0 contribution due for the 2008 fiscal year for this group. The increase in liability associated with the proposed 2% one-time benefit adjustment is \$607,634. The impact of the proposed 2% one-time increase valued in the June 21, 2007 supplemental report would reduce the combined overfunding to \$411,907, and the contribution for the combined Division would remain at \$0 for the 2008 fiscal year.

Please feel free to contact me with comments or questions.

Sincerely,



Jim Koss

WJK:lr
Enclosures



Gabriel Roeder Smith & Company
Consultants & Actuaries

One Towne Square
Suite 800
Southfield, MI 48076-3723

248.799.9000 phone
248.799.9020 fax
www.gabrielroeder.com

June 21, 2007

Ms. Anne Wagner
Chief Executive Officer
Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, Michigan 48917

Subject: Supplemental Valuation for Muskegon, City of (6116), Division(s) 10, 20

Dear Anne:

Attached are the results of a supplemental valuation prepared for Muskegon, City of in order to determine the contributions necessary to support the following Benefit Program under the Municipal Employees' Retirement System of Michigan, in accordance with Act. No. 427 of the Public Acts of 1984, as amended, and the MERS plan document as revised:

<u>Division</u>	<u>Change in Benefit</u>
General Ret (10)	Flexible E (one time 2.0% increase for certain retirees)
PLC/Fire Ret (20)	Flexible E (one time 2.0% increase for certain retirees)

Please see the Important Comments, immediately following this cover letter, for important information which is essential to understanding the results presented in this report. In addition, please review the Impact of Adopting the Benefits page(s) following the Employer Computed Contributions page(s).

Sincerely,

Rebecca Stouffer
Senior Analyst

Jim Koss, ASA
Actuary

MERS Supplemental Valuations - Important Comments

1. Effective July 1, 2006, Section 43C of the MERS Plan Document includes the following requirements, which are not modifiable:
 - a.) At the time a supplemental actuarial valuation is requested, and at the time a new benefit provision is adopted, the employer must be current in the payment of all required employer and member contributions.
 - b.) Both the requesting division and the participating municipality or court must be not less than 50% funded on an actuarial basis as of the last December 31 valuation date, based on the actual benefit provisions in effect when the supplemental valuation is requested or completed. The governing body may make a cash contribution, or transfer employer assets from a different division, or both, in order to meet the 50% requirement. If the requirement is not met, MERS and its actuary will not complete the requested supplemental valuation.
 - c.) The proposed benefit provisions may not be adopted if the results of the supplemental valuation disclose there would be a funded percentage less than 50% on an actuarial basis (using the same valuation date as in requirement (b.)) for either the division or the entire municipality or court. The governing body may make a cash contribution, or transfer employer assets from a different division, or both, in order to meet the 50% requirement.
2. The reader of this report should keep in mind that actuarial calculations are by their nature imprecise, as they are mathematical estimates based on current data and assumptions of future events (which may or may not materialize).
3. Actuarial calculations can and do vary from one valuation year to the next, sometimes significantly if the group valued is very small (less than 30 lives). As a result, the cost impact of a benefit change may fluctuate over time, as the demographics of the group changes.
4. The calculations in this report were prepared based on December 31, 2006 demographic and financial information unless noted elsewhere in the report.
5. The valuation date is December 31, 2006.
6. The valuation methods and Retirement Board-approved assumptions are consistent with those used in the December 31, 2006 Annual Actuarial Valuation, unless noted elsewhere in the report.
7. In the event that more than one plan change is being considered, the user of this report should remember that the results of separate actuarial valuations cannot be added together. The total can be considerably greater than the sum of the parts due to the interaction of various plan provisions with each other and with the assumptions used.
8. Retirement benefits and employer contributions are based on a percentage of members' gross pays, including base pay, overtime pay, longevity pay, and several other miscellaneous items. If total gross payroll exceeds the reported salaries, the dollar contribution amounts shown in this report should be increased proportionately. The above percentages of payroll will not be affected, however.
9. For divisions that are closed to new hires, the Retirement Board has directed that the amortization period for positive unfunded liabilities is decreased annually by 2 years until the period reaches 5 years (Amortization Policy for Closed Divisions Within Open Municipalities, adopted February 12, 2003).
10. The results in this report were based on information provided to the actuary by the municipality and MERS. The actuary is unaware of any additional information that would impact these results. If the information in the "Request for Supplemental

MERS Supplemental Valuations - Important Comments

Valuation” is incorrect or incomplete, the actuary does not assume responsibility for the accuracy of that information, and the requester (or reader) of this valuation report may not rely on the results and should advise MERS promptly.

11. The results in this report do not show the potential impact that the adoption of the revised benefits may have on other post-employment benefits (such as retiree health care insurance) or ancillary benefits (such as life insurance).
12. If the user of this report is not sure how to interpret certain results in the report or how to read the report, they should contact the MERS Employer Services Division (800) 767-6377 or MERS’ actuary before relying on the results in this report.

Muskegon, City of (6116) - General Ret (Division 10)
Employer Computed Contributions -- Based on 12/31/2006 Actuarial Valuation

	Current Benefits	Proposed Benefits	Difference
1. Benefits			
a) Benefit Formula	B-3 - 80% Max	B-3 - 80% Max	
b) Normal Retirement Age	60	60	
c) Vesting Provision	V-5	V-5	
d) F50 Ret Condition	-	-	
e) F55 Ret Condition	-	-	
f) F(N) Ret Condition	-	-	
g) Rule of X	-	-	
h) FAC Period	FAC-3	FAC-3	
i) RS50 Percent	-	-	
j) DROP+	-	-	
k) D-2	-	-	
l) Benefit E	-	2.0% (7/1/2007)	2.0% (7/1/2007)
m) Benefit E-1	-	-	
n) Benefit E-2	-	-	
o) Load for Sick Leave in FAC	-	-	
p) Member Contribution Rate	0.00%	0.00%	
2. Member Counts			
a) Active	0	0	0
b) Retired	156	156	0
c) Vested Former Members	20	20	0
d) Total	<u>176</u>	<u>176</u>	<u>0</u>
3. Annual Payroll	\$0	\$0	\$0
4. Actuarial Value of Assets	\$13,711,712	\$13,711,712	\$0
5. Actuarial Accrued Liability			
a) Active	\$0	\$0	\$0
b) Retired	13,629,021	13,820,740	191,719
c) Vested Former Members	1,040,033	1,040,033	0
d) Pending Refunds	0	0	0
e) Total	<u>\$14,669,054</u>	<u>\$14,860,773</u>	<u>\$191,719</u>
6. Unfunded Accrued Liability (UAL) (5e - 4)	\$957,342	\$1,149,061	\$191,719
7. Division Percent Funded (4 / 5e)	93.5%	92.3%	(1.2%)
8. Cost as an Annual Dollar Amount			
a) Employer Normal Cost	\$0	\$0	\$0
b) Amort. of UAL (over 13 years)	90,636	110,652	20,016
c) Total Long Term Employer Contribution (8a + 8b)	<u>90,636</u>	<u>110,652</u>	<u>20,016</u>
d) Overfunding Credit	0	0	
e) Total Regular Employer Contribution \$ (8c + 8d)	<u>\$90,636</u>	<u>\$110,652</u>	<u>\$20,016</u>

The preceding Important Comments pages and concluding Impact of Adopting Benefits page are incorporated by reference herein.

Muskegon, City of (6116) - PLC/Fire Ret (Division 20)
Employer Computed Contributions -- Based on 12/31/2006 Actuarial Valuation

	Current Benefits	Proposed Benefits	Difference
1. Benefits			
a) Benefit Formula	2.75% - 80% Max	2.75% - 80% Max	
b) Normal Retirement Age	60	60	
c) Vesting Provision	V-10	V-10	
d) F50 Ret Condition	-	-	
e) F55 Ret Condition	-	-	
f) F(N) Ret Condition	-	-	
g) Rule of X	-	-	
h) FAC Period	FAC-3	FAC-3	
i) RS50 Percent	-	-	
j) DROP+	-	-	
k) D-2	-	-	
l) Benefit E	-	2.0% (7/1/2007)	2.0% (7/1/2007)
m) Benefit E-1	-	-	
n) Benefit E-2	-	-	
o) Load for Sick Leave in FAC	-	-	
p) Member Contribution Rate	0.00%	0.00%	
2. Member Counts			
a) Active	0	0	0
b) Retired	150	150	0
c) Vested Former Members	8	8	0
d) Total	<u>158</u>	<u>158</u>	<u>0</u>
3. Annual Payroll	\$0	\$0	\$0
4. Actuarial Value of Assets	\$29,525,294	\$29,525,294	\$0
5. Actuarial Accrued Liability			
a) Active	\$0	\$0	\$0
b) Retired	26,856,588	27,272,503	415,915
c) Vested Former Members	691,823	691,823	0
d) Pending Refunds	0	0	0
e) Total	<u>\$27,548,411</u>	<u>\$27,964,326</u>	<u>\$ 415,915</u>
6. Unfunded Accrued Liability (UAL) (5e - 4)	(\$1,976,883)	(\$ 1,560,968)	\$ 415,915
7. Division Percent Funded (4 / 5e)	107.2%	105.6%	(1.6%)
8. Cost as an Annual Dollar Amount			
a) Employer Normal Cost	\$0	\$0	\$0
b) Amort. of UAL (over 13 years) @	(206,352)	(162,936)	43,416
c) Total Long Term Employer Contribution (8a + 8b)	<u>(206,352)</u>	<u>(162,936)</u>	<u>43,416</u>
d) Overfunding Credit	(49,776)	(39,312)	
e) Total Regular Employer Contribution \$ (8c + 8d)	<u>\$0</u>	<u>\$0</u>	

The preceeding Important Comments pages and concluding Impact of Adopting Benefits page are incorporated by reference herein.

@ For divisions with assets in excess of liabilities, the UAL is amortized over 10 years.

Date: July 10, 2007

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Rescind Pension Ordinances

SUMMARY OF REQUEST: The transfer of pension assets and retirement system administration to the Municipal Employees Retirement System of Michigan (MERS) makes it unnecessary to maintain local pension ordinances on the books. The attached ordinance repeals the City's former pension ordinances.

FINANCIAL IMPACT: Some savings from reduced confusion and ordinance indexing.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the attached ordinance.

COMMITTEE RECOMMENDATION: None

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2230

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62, Personnel, Sections 62-31 through 62-209 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is repealed in its entirety due to the adoption of the Municipal Employees Retirement System Defined Benefit Plan(s).

Chapter 62, Personnel, Sections 62-231 through 62-394 of the Code of Ordinances of the City of Muskegon concerning the Police-Fire Retirement System is repealed in its entirety due to the adoption of the Municipal Employees Retirement System Defined Benefit Plan(s).

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, Shepherd
Nays: None

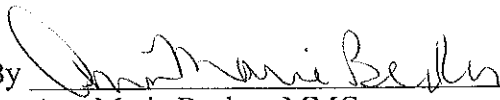
Adoption Date: July 10, 2007

Effective Date: July 26, 2007

First Reading: July 10, 2007

Second Reading: N/A

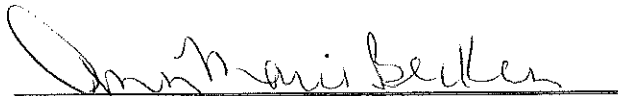
CITY OF MUSKEGON

By 
Ann Marie Becker, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of July, 2007, 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 10, 2007

A handwritten signature in cursive script, reading "Ann Marie Becker", is written over a horizontal line.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 10, 2007, the City Commission of the City of Muskegon adopted an amendment to Chapter 62, Personnel, **ARTICLE II. GENERAL EMPLOYEE RETIREMENT SYSTEM** and **ARTICLE III. POLICE-FIRE RETIREMENT SYSTEM**, whereby both Articles, were repealed due to the City's adoption of the Municipal Employee's Retirement System Defined Benefit Plans.

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 16, 2007

By _____
Ann Marie Becker, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: June 20, 2007

RE: Smoking at Pere Marquette Beach

SUMMARY OF REQUEST:

To approve an ordinance to prohibit smoking at Pere Marquette Beach from the pier sidewalk south to the handicap walk.

FINANCIAL IMPACT:

Minimal costs associated with enforcement of ordinance.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

None.

COMMITTEE RECOMMENDATION:

The City Commission approved this concept at their June work session.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2231

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 34-34 of the Code of Ordinances of the City of Muskegon concerning Smoking is amended to include the following subsection:

Section 34-34. Prohibition of smoking; exceptions and limitations.

(c) Smoking shall be strictly prohibited in the area of Pere Marquette Park bounded by the walkway leading from the bathhouse to the water's edge on the south, the walkway to the south breakwater on the north, the sidewalk adjacent to the roadway on the east and the water's edge on the west.

This ordinance adopted:

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

Nays: None

Adoption Date: July 10, 2007

Effective Date: July 26, 2007

First Reading: July 10, 2007

Second Reading: N/A

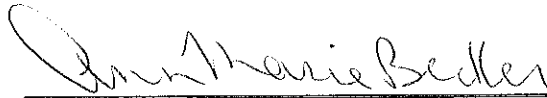
CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of July, 2007, 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 10, 2007

A handwritten signature in cursive script, reading "Ann Marie Becker", written over a horizontal line.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on July 10, 2007, the City Commission of the City of Muskegon adopted an amendment to Section 34-34, Smoking under the Health and Sanitation ordinance of the City of Muskegon, summarized as follows:

Section 34-34. Prohibition of smoking; exceptions and limitations.

(c) Smoking shall be strictly prohibited in the area of Pere Marquette Park bounded by the walkway leading from the bathhouse to the water's edge on the south, the walkway to the south breakwater on the north, the sidewalk adjacent to the roadway on the east and the water's edge on the west.

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 16, 2007

By _____
Ann Marie Becker, MMC, City Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: July 10, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Fireworks Display
Bike Time

SUMMARY OF REQUEST: Bike Time is requesting approval of a fireworks display during the Poison concert at Heritage Landing on July 22nd. 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.

PERMIT FOR FIREWORKS DISPLAY

Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO:

NAME Advanced Entertainment Services

ADDRESS	AGE
---------	-----

4325 West Reno Avenue, Las Vegas, Nevada 89118

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Bike Time

ADDRESS

NUMBER & TYPES OF FIREWORKS:

Special effect for stage fireworks display

DISPLAY:

EXACT LOCATION

Heritage Landing Stage

CITY, VILLAGE, TOWNSHIP

DATE _____

TIME

City of Muskegon-

July 22, 2007

8:30 p.m.

BOND OR INSURANCE FILED:

(X) YES () NO

AMOUNT \$5,000,000.00

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the

CITY

of

MUSKEGON

(city, village, township)

(name of city, village, township)

on the 10th day of July, 2007

Stephen J. Warmington, Mayor

(signature & position of council, commission or board representative)

Attn: Ann Becker

CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 7/2/07 Revised
PRODUCER DRAYTON INSURANCE BROKERS, INC. P.O. BOX 94067 BIRMINGHAM, ALABAMA 35220 (205) 854-5806		THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Advanced Entertainment Services 4325 West Reno Avenue Las Vegas, Nevada 89118		INSURERS AFFORDING COVERAGE INSURER A: ADMIRAL 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 LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS	
A	GENERAL LIABILITY	CA000003209-17	3/1/07	3/1/08	EACH OCCURRENCE	\$ 5,000,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 50,000
	☒ OCCURRENCE _____ CLAIMS MADE				MED EXP (Any one person)	\$ NONE
	_____				PERSONAL & ADV INJURY	\$ 5,000,000
	_____				GENERAL AGGREGATE	\$ 5,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS-COMP/OP AGG	\$ 5,000,000
	☒ POLICY _____ PROJECT _____ LOC					
	AUTOMOBILE LIABILITY	NOT COVERED			COMBINED SINGLE LIMIT (Per accident)	\$
	___ ANY AUTO				BODILY INJURY (Per person)	\$
	___ ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	___ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	___ HIRED AUTOS					
	___ NON-OWNED AUTOS					
	GARAGE LIABILITY	NOT COVERED				
	EXCESS LIABILITY	NOT COVERED			EACH OCCURRENCE	\$
	___ OCCUR _____ CLAIMS MADE				AGGREGATE	\$
	___ DEDUCTIBLE					\$
	___ RETENTION \$					\$
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY					
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

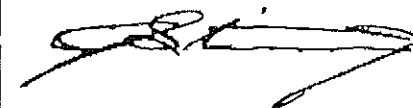
The City of Muskegon and all elected and appointed officials, all employees and volunteers, all board commissions or authorities and their Board members, employees and volunteers. County of Muskegon, Muskegon Summer Celebration, West Michigan Dock and Market Group, and Heritage Landing are named as additional insured with respect to 7-22-2007 Pyrotechnic display at Heritage Landing Amphitheatre.

CERTIFICATE HOLDER

City of Muskegon
 933 Terrace Street
 Muskegon, Michigan 49440

SHOULD 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 SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



A.J. Stringer

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

CITY OF MUSKEGON CLERK'S OFFICE

FAX COVER SHEET

To: Tim McCloskey From: Linda

Fax: _____ Pages(including cover) 2

Phone: _____ Date: 7-9-07

Re: _____ CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Hi Tim:

Please check out the insurance
coverage for a pyrotechnic display
during a concert (Poison) for the
Bike Time event.

Thanks,
Linda

OK per
Tim
7-10-07

MUSKEGON BIKE TIME EVENTS, INC.
590 WEST OTTAWA ST
MUSKEGON, MI 49442

1063
74-1394/724

DATE July 11, 2007

PAY
TO THE
ORDER OF

City of Muskegon

\$ 100.00

One hundred & 00/100

DOLLARS



COMMUNITY SHORES BANK
MUSKEGON, MI 49441

FOR

Pyro Permit - Poison Concert

Paul Wirth

MP

⑈001063⑈ ⑆072413942⑆ 1000026038⑈