

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 13, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
 - a. Muskegon Promise Program
 - b. Gloria White-Gardner
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - a. MML Level One Education Award.
 - b. Resolutions & Recognition
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. SECOND READING/Ordinance – Public Employee Health Care Investment Act. FINANCE
 - c. Consideration of Bids – Roberts, Lawrence to Wesley. ENGINEERING
 - d. Sale of Non-Buildable Lot in Sheldon Park. PLANNING & ECONOMIC DEVELOPMENT
 - e. Refuse Cart Purchase 2000. DPW
 - f. Purchase of Budgeted Equipment for 2000. DPW
 - g. Purchase of Property from West Michigan Steel for the Muskegon Lakeshore Pathway. PLANNING & ECONOMIC DEVELOPMENT
 - h. Muskegon Summer Celebration – Request to Waive Fees. CITY MANAGER
 - i. Knight Consulting – Revised Agreement. CITY MANAGER
 - j. Liability Claim – Marine Tap Room/Steve Warmington.. FINANCE
- ❑ PUBLIC HEARINGS:

a. SECOND READING – Rezoning Request for property located at 211 Irwin Ave. PLANNING & ECONOMIC DEVELOPMENT

□ COMMUNICATIONS:

a. Census 2000 Presentation

□ CITY MANAGER'S REPORT:

□ UNFINISHED BUSINESS:

□ NEW BUSINESS:

a. Purchase cisco PIX Hardware Firewall for the Police Computer Network. POLICE

b. Purchase of Tax Reverted Properties from the DNR. PLANNING & ECONOMIC DEVELOPMENT

c. Amendment to Brownfield Plan – Set Public Hearing. PLANNING & ECONOMIC DEVELOPMENT

d. Fireworks Display Permit – Summer Celebration. CITY CLERK

e. Fireworks Display – GVSU @ 740 Lakeshore. CITY CLERK

f. City Commission 2000-2001 Goals. ASSISTANT CITY MANAGER

□ ANY OTHER BUSINESS:

□ PUBLIC PARTICIPATION:

□ CLOSED SESSION:

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

□ ADJOURNMENT:

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

Date: June 7 2000
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk
RE: Resolution

SUMMARY OF REQUEST: Present Resolution to Commissioner Clara Shepherd for receiving the MML Level One Award for Education.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

COMMITTEE RECOMMENDATION: No recommendation.

WHEREAS, the City of Muskegon wishes to congratulate one of our City Commissioners for attaining Level One of the Michigan Municipal Leagues Elected Officials Academy, and

WHEREAS, this award recognizes outstanding efforts made by this elected official, and

WHEREAS, the Michigan Municipal League Elected Officials Academy is a voluntary continuing education program established to encourage and recognize the efforts of local elected officials to become effective leaders, and

WHEREAS, Level One of the Academy is the Education Award, and the individuals graduating from Level One have completed five Conference Credits, eight Core course credits and twelve elective credits for a total of twenty five credits in the Academy, and Commissioner Shepherd has completed all of these credits to attain Level One of the Academy.

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside June 13, 2000 to recognize Commissioner Clara Shepherd for successfully completing all the requirements as set forth by the MML Elected Officials Academy Advisory Board for the Level One Education Award.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 13th day of June, 2000.

Fred J. Nielsen, Mayor

Commission Meeting Date 6/13/00

TO: Honorable Mayor and City Commissioners

FROM: Community Relation Committee

DATE: June 6, 2000

RE: Resolutions and Recognition

Summary of Request:

To Concur with the actions of the Community Relation Committee

Financial Impact:

None

Budget Action:

None

Staff Recommendation:

Staff Recommends Approval

Committee Recommendation:

This item will be decided @ the City Commission Meeting on 6/13/00

Community Relation Committee Meeting
Minutes

6/5/00

Present:

Nielsen, Sieradzki, Spataro, Shepherd

Not Present:

Benedict w/ notice, Schweifler w/ notice, Aslakson w/notice

Others Present:

Staff – Ken James

Media – Beth Diser

General Public

Meeting Called to Order @ 5:15pm

Motion and second to approve the minutes from the May 2000 meeting, carried

Action Items:

Motion by Mayor Nielsen and second by Vice Mayor Sieradzki to accept the attendance review as submitted, carried

Motion by Commissioner Spataro and second by Mayor Nielsen to refer to the Legislative Policy Committee changing the Meeting time for the CDBG-Citizen District Council from upon demand to regularly schedule monthly meeting, carried (CNS staff requested to attend that meeting)

Motion by Mayor Nielsen and second by Commissioner Spataro to honor Julia Sands with a resolution for all of dedication, hard work and volunteerism for the City of Muskegon, carried

Motion by Vice Mayor Sieradzki and second by Mayor Nielsen to recognize the Muskegon Youth Clean-up effort that took place on 6/2/00, carried



City of
Muskegon
State of Michigan

WHEREAS, the City of Muskegon wishes to acknowledge Julia Sands for her years of dedication and hard work serving as a volunteer on many City boards and with various projects; and

WHEREAS, the City of Muskegon is fortunate to have such devoted residents as Julia who give so selflessly of their time and contribute to the overall improvement and quality of life in our City; and

WHEREAS, you have set a fine example for residents and young people in our community to follow. We thank you for making Muskegon a nicer place to live:

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside June 13, 2000 to recognize Julia Sands for her many contributions to our great City.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 13th day of June, 2000.

Fred J. Nielsen, Mayor

WHEREAS, the City of Muskegon wishes to thank Elizabeth Blake Evans for assisting with the Muskegon Youth Clean-up effort that took place on June 2, 2000; and

WHEREAS, the event provided an opportunity for youth in our City to volunteer their time and understand what it means to give back to our community, while achieving a meaningful result to their efforts. These examples of positive works provide our youth with pride and a sense of accomplishment that will carry them well into their future roles as citizens and, at the same time, make Muskegon more attractive to residents and visitors, alike; and

WHEREAS, The Muskegon Youth Clean-Up would not have been successful without the supervisory efforts and assistance of the adult volunteers. Your contribution was invaluable and we want to extend our appreciation and thanks to you for making this project a success:

NOW, THEREFORE, BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon and speaking on behalf of the City Commission and citizens of Muskegon, do hereby set aside June 13, 2000 to recognize Elizabeth Blake Evans for assisting in the Muskegon Youth Clean-Up and for helping to make Muskegon a nicer place to live.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 13th day of June, 2000.

Fred J. Nielsen, Mayor

Date: May 23, 2000

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Public Employee Health Care Investment Act (PA 149 of 1999)

SUMMARY OF REQUEST: To take actions implementing provisions of the "Public Employee Health Care Investment Act (PA 149 of 1999). This act authorizes the City to create a new fund for the accumulation and investment of funds to provide for retiree health benefits. The following actions are requested:

1. Adoption of the attached resolution establishing the "Employee Health Care Fund" in accordance with PA 149;
2. Adoption of the attached amendments to both the General Employees' and Police and Fire Retirement System ordinances which "freezes" the current method of retiree healthcare funding and provides for future retiree healthcare funding to be done through the new fund.

FINANCIAL IMPACT: None. The City of Muskegon has long been pre-funding retiree healthcare benefits in much the same manner as PA 149 provides. Adoption of PA 149 provides a firmer legal foundation for pre-funding and investing retiree healthcare assets.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The City's pension boards will meet on May 19th to consider this issue.

Memo

To: City Commission
From: Finance Director 
CC: Retirement System Board Members
Date: 05/12/00
Re: Public Employee Health Care Investment Act (PA 149 of 1999)

The "Public Employee Health Care Fund Investment Act" became effective November 1, 1999. This act permits the City Commission to establish a public employee health care fund for the accumulation and investment of funds to provide for the funding of health care benefits to retired employees of the City and their beneficiaries. The important provision of this act is that it specifically permits investments in corporate stocks and other investments appropriate for funding long-term retirement benefits. Prior to this act, investments were restricted to "low risk/low yield" instruments unless funding and investing were administered through the pension funds.

The City of Muskegon has long recognized the importance of pre-funding retiree healthcare benefits in the same manner as regular pension benefits are funded. Annually (since 1986) an annual actuarial valuation of the City's post retirement health benefits has been conducted. Additionally, in 1987 reserve accounts for retiree health benefits were added by ordinance to the City's pension funds for the purpose of accumulating and investing retiree healthcare funds along with the City's regular pension funds. As of December 31, 1999, the following amounts had accumulated in these reserves:

<i>General Employees'</i>	<i>\$3,161,322</i>
<i>Police & Fire</i>	<i>\$3,316,300</i>

Staff believes that PA 149 affirms the wisdom of pre-funding retiree healthcare benefits and provides a stronger statutory foundation than exists for the City's current practice of funding these benefits through the pension funds. Accordingly, it is recommended the following actions be taken:

1. Adoption of the attached resolution establishing the "Employee Health Care Fund" in accordance with PA 149;
2. Adoption of the attached amendments to both the General Employees' and Police and Fire Retirement System ordinances which "freezes" the current method of retiree healthcare funding and provides for future retiree healthcare funding to be done through the new fund.

Please let me know if you have any questions. Thank you.

CITY OF MUSKEGON

Resolution No. 2000-58(b)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on June 13, 2000.

A resolution to establish the Employee Health Care Fund

Recitals

WHEREAS, City of Muskegon has committed to provide post-retirement health benefits to certain employees;

WHEREAS, City of Muskegon began to actuarially fund post-retirement health benefit obligations;

WHEREAS, City of Muskegon has contributed to the Police-Fire Retirement System and the General Employees Retirement System for purposes of setting aside reserves for post-retirement health costs; and

WHEREAS, the state has recently adopted the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. Establishment of Funds.

The City of Muskegon hereby establishes the City of Muskegon Employee Health Care Fund. The purpose of this fund is to accumulate assets sufficient to pay for post-retirement health benefits. The intent is to set sufficient funds aside, on a regular basis, and to hold those assets for the sole purpose of satisfying payment of health care benefits for retired employees of the City who are eligible for benefits pursuant to the appropriate collective bargaining agreement or as specified by the City Commission.

2. Administration.

2.1 The City Treasurer is hereby designated as the investment fiduciary and shall be the custodian of all funds of the City of Muskegon Employee Health Care Fund. The Treasurer shall keep records consistent with appropriate governmental requirements reflecting assets and liability of the fund and providing such information, as requested, to the City Commission.

2.2 The City Treasurer shall have an actuarial valuation performed at least every five years. The valuation shall value the assets on a market related basis. The actuarial valuation shall be transmitted to the City Commission, unless a summary annual report is provided.

3. Funding.

The City shall make contributions to the fund as the City Commission deems appropriate.

4. Investment.

The investment fiduciary shall invest funds held by the City of Muskegon Employee Health Care Fund. The City Treasurer shall invest the funds consistent with the investment policies adopted by the General Employees Retirement System Board of Trustees. The investments must be consistent with the investment of surplus funds of political subdivisions, being MCLA §129.91 and the Public Employee Retirement System Investment Act, being MCLA §38.1133.

This Resolution adopted this 13th day of June, 2000.

YEAS: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

NAYS: None

ABSENT: None

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

By Gail A. Kunderger
Gail A. Kunderger, Clerk

CERTIFICATION

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 13th day of June, 2000, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

Gail A. Kunderger
Gail A. Kunderger, City Clerk

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2022

An ordinance amending Appendix A of the Code of the City of Muskegon concerning Police-Fire Retirement System Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. Sections 38.4. Sections 38.1 through 38.3, inclusive shall be applicable only to the extent of funds already deposited. All future contributions shall be credited to the Employee Health Care Fund. All post-retirement health benefit payments, as to retirees of this plan, shall be paid from monies held pursuant to Sections 38.1 through 38.3 until such point in time as there are no assets left at which point the expenses will be paid from the Employee Health Care Fund.

In all other respects Appendix A of the Code of the City of Muskegon shall remain in full force and effect.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

Adoption Date: June 13, 2000

Effective Date: July 1, 2000

First Reading: May 23, 2000

Second Reading: June 13, 2000

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger
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 13th day of June, 2000, 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: June 13, 2000



Gail A. Kunding, CMC/AAE
Clerk, City of Muskegon

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

City of Muskegon
Muskegon County, Michigan

ORDINANCE NO. 2023

The City Commission of the City of Muskegon hereby ORDAINS:

Appendix B of the Code of Ordinances of the City of Muskegon concerning the General Employees Retirement System is amended as follows:

1. Section 25.4. Sections 25.1 through 25.3, inclusive shall be applicable only to the extent of funds already deposited. All future contributions shall be credited to the Employee Health Care Fund. All post-retirement health benefit payments, as to retirants of this plan, shall be paid from monies held pursuant to Sections 25.1 through 25.3 until such point in time as there are no assets left at which point the expenses will be paid from the Employee Health Care Fund.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki
Nays: None

Adoption Date: June 13, 2000

Effective Date: July 1, 2000

First Reading: May 23, 2000

Second Reading: June 13, 2000

CITY OF MUSKEGON

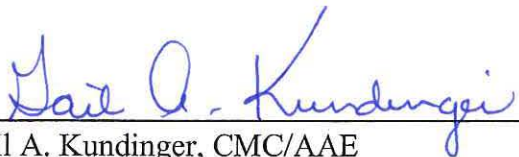
By: Gail A. Kunderger
Gail A. Kunderger
City Clerk

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 13th day of June, 2000, 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: June 13, 2000



Gail A. Kunding, CMC/AAE
Clerk, City of Muskegon

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

Act No. 149
Public Acts of 1999
Approved by the Governor
November 1, 1999
Filed with the Secretary of State
November 1, 1999
EFFECTIVE DATE: November 1, 1999

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999**

Introduced by Senators Bullard, Dunaskiss, Hammerstrom and Johnson

ENROLLED SENATE BILL No. 587

AN ACT to provide for the creation of public employee health care funds; to provide for the administration of the funds; to authorize the investment of the assets of the funds or trusts; and to prescribe the powers and duties of investment fiduciaries and certain public officers and employees.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "public employee health care fund investment act".

Sec. 2. As used in this act:

- (a) "Fund" means a public employee health care fund created pursuant to this act and used for the accumulation and investment of funds for the purpose of funding health care for retired employees of the public corporation.
- (b) "Investment fiduciary" means a person or persons who do any of the following:
 - (i) Exercises any discretionary authority or control in the investment of the fund's or trust's assets.
 - (ii) Renders investment advice to a fund or trust for a fee or other direct or indirect compensation.
- (c) "Public corporation" means any county, city, village, township, authority, district, board, or commission in this state.
- (d) "Qualified person" means a person or group of persons who are eligible to receive health care benefits and who are designated as a qualified person by the public corporation.
- (e) "Trust" means a trust created under the authority of a state or federal law for the purpose of funding retiree health care benefits.

Sec. 3. The legislative body of a public corporation may adopt a resolution establishing a public employee health care fund for the purpose of accumulating funds to provide for the funding of health care benefits to retirants and beneficiaries of retirants of the public corporation. Money for the payment of health care benefits for retired employees of the public corporation may, at the discretion of the public corporation, be provided from this fund or any other fund or trust. The resolution shall include all of the following:

- (a) The designation of a person or persons who shall act as the fund's investment fiduciary.
- (b) A restriction of withdrawals from the fund solely for the payment of health care benefits on behalf of qualified persons and the payment of the expenses of administration of the fund.
- (c) The designation of who is a qualified person for purposes of payment of health care benefits from the fund.
- (d) A determination of whether the fund will be established on an actuarial basis.

Sec. 4. An investment fiduciary shall invest the assets of the fund in accordance with an investment policy adopted by the governing body of a public corporation and that complies with section 13 of the public employee retirement system investment act, 1965 PA 314, MCL 38.1133. However, the investment fiduciary shall discharge his or her duties solely in the interest of the public corporation. The public corporation may invest the fund's assets in the investment instruments and subject to the investment limitations governing the investment of assets of public employee retirement systems under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140.

Sec. 5. The legislative body of a public corporation may, by resolution, allow a trust to invest the assets of the trust in accordance with the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140. The resolution shall include the following:

- (a) A statement of the authority under which the trust is established.
- (b) Approval to invest the assets of the trust in accordance with the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140.

Sec. 6. The investment fiduciary shall have an actuarial review of the fund or trust prepared at least every 5 years with assets valued on a market related basis. The investment fiduciary shall prepare and issue a summary annual report to the legislative body of the public corporation that established the fund or trust.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.

May 10, 2000

HAND DELIVERY

Mr. Timothy Paul
Finance Director
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Ms. Sandra W. Rodwan
Gabriel, Roeder, Smith & Company
1000 Town Center, Suite 1000
Southfield, MI 48075

Re: City of Muskegon Employee Health Care Fund

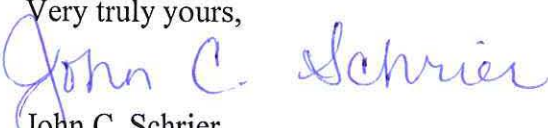
Dear Mr. Paul:

Enclosed please find the following revised documents:

1. Ordinance Amendment, with Notice of Adoption, to the Police-Fire Retirement System Ordinance dealing with the City of Muskegon Employee Health Care Fund;
2. Ordinance Amendment, with Notice of Adoption, to the General Employees Retirement System Ordinance dealing with the City of Muskegon Employee Health Care Fund;
3. Resolution establishing the Employee Health Care Fund.

I look forward to comments relating to the resolution and changes to the resolution.

Very truly yours,


John C. Schrier
JCS:mmf

Enclosures

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on June 13, 2000, the City Commission of the City of Muskegon adopted amendments to Appendix A of the Muskegon City Code concerning the Police and Fire Retirement System, summarized as follows:

1. Section 38.4 is adopted to provide that Sections 38.1, 38.2, and 38.3 shall have no further monies deposited in the reserve for post-retirement health contributions and the reserve for post-retirement health benefit payments. All future monies shall be deposited in the Employee Health Care Fund.

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 June 21, 2000

By _____
Gail A. Kunding, Its Clerk

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on June 13, 2000, the City Commission of the City of Muskegon adopted amendments to Appendix B of the Muskegon City Code concerning the General Employees Retirement System, summarized as follows:

1. Sections 25.4 is adopted to provide that Sections 25.1, 25.2, and 25.3 shall have no further monies deposited in the reserve for post-retirement health contributions and the reserve for post-retirement health benefit payments. All future monies shall be deposited in the Employee Heath Care Fund.

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 June 21, 2000

By _____
Gail A. Kunding, Its Clerk

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

Date: June 13, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Roberts, Lawrence to Wesley

SUMMARY OF REQUEST:

The contract to construct Roberts between Lawrence & Wesley, using the asphalt bid, be awarded to Jackson Merkey Contractors, Inc. since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$123,941.10.

FINANCIAL IMPACT:

The construction cost of \$123,941.10 plus related engineering expenses.

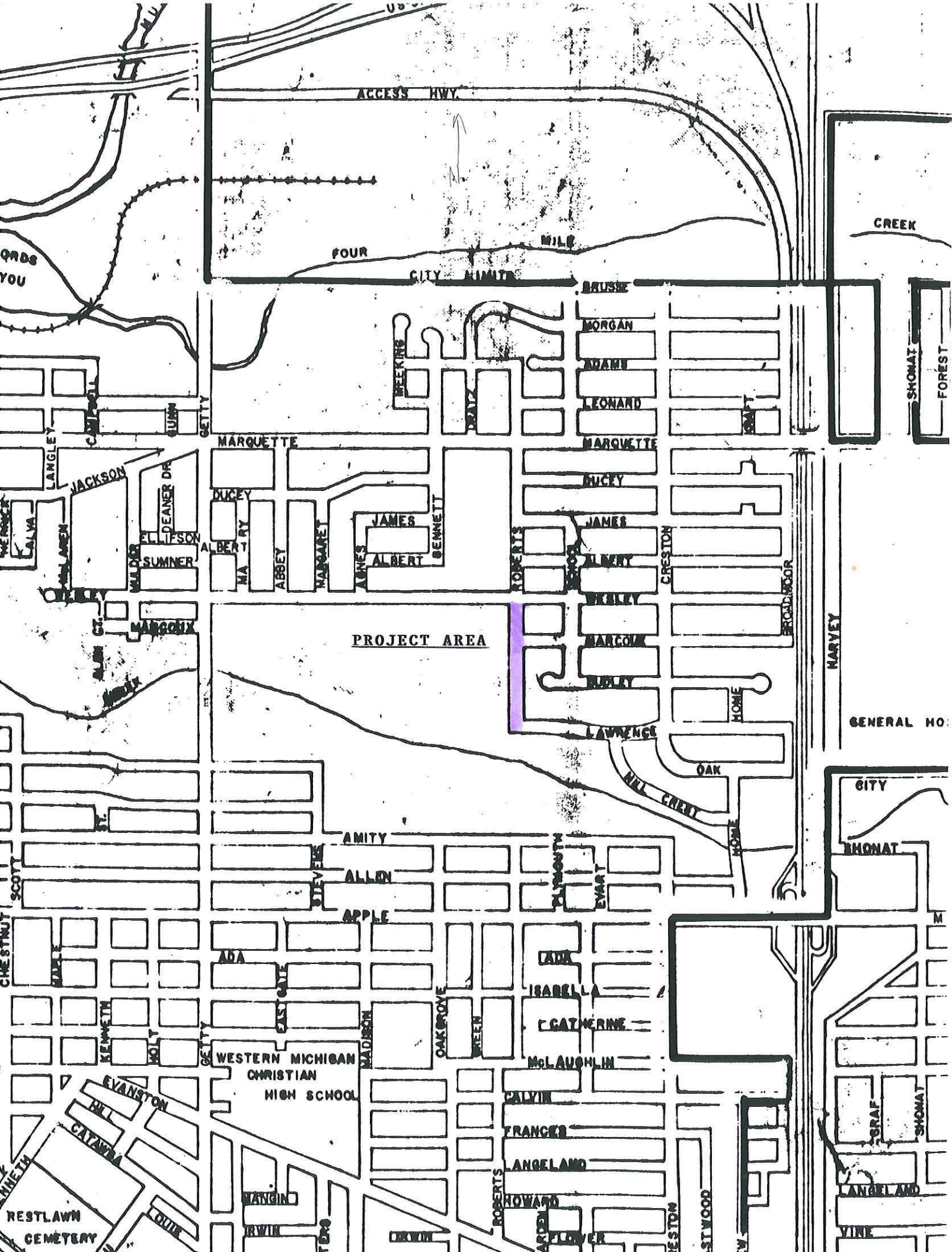
BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jackson Merkey Contractors, Inc.

COMMITTEE RECOMMENDATION:



BID TABULATION FOR H-1508 ROBERTS STREET, LAWRENCE TO WESLEY (ASPHALT)

23-May-00

	DISCRIPTION	QUANTITY	UNIT	ENGINEERS ESTIMATE		JACKSON-MERKEY CONTRACTORS		ASPHALT PAVING, INC.	
				PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE
1	ADJUST DRAINAGE STRUCTURE COVER	9	EACH	\$400.00	\$3,600.00	\$395.00	\$3,555.00	\$400.00	\$3,600.00
2	AGGREGATE BASE COURSE, 22A, 6" C.I.P.	3030	S.YD.	\$5.00	\$15,150.00	\$6.40	\$19,392.00	\$7.00	\$21,210.00
3	AGGREGATE SURFACE COURSE, 23A, AS NEEDED	10	TON	\$30.00	\$300.00	\$23.00	\$230.00	\$25.00	\$250.00
4	BIT. MIXTURE 3C @ 165#/S.Y.	265	TON	\$50.00	\$13,250.00	\$40.60	\$10,759.00	\$41.00	\$10,865.00
5	BIT. MIXTURE 4C @ 165#/S.Y.	265	TON	\$60.00	\$15,900.00	\$43.50	\$11,527.50	\$44.00	\$11,660.00
6	CATCH BASIN CASTING EAST JORDAN #7045 OR EQUAL	4	EACH	\$500.00	\$2,000.00	\$495.00	\$1,980.00	\$500.00	\$2,000.00
7	CATCH BASIN, STANDARD	4	EACH	\$1,500.00	\$6,000.00	\$1,375.00	\$5,500.00	\$1,500.00	\$6,000.00
8	CONCRETE APPROACH, 6", STANDARD	123	S.YD.	\$30.00	\$3,690.00	\$28.75	\$3,536.25	\$30.00	\$3,690.00
9	CONCRETE CURB AND GUTTER, STANDARD DETAIL 1	1952	L.FT.	\$10.00	\$19,520.00	\$8.60	\$16,787.20	\$10.00	\$19,520.00
10	CONC. SIDEWALK 4"	805	S.FT.	\$2.50	\$2,012.50	\$2.20	\$1,771.00	\$5.00	\$4,025.00
11	CONC. SIDEWALK 6"	310	S.FT.	\$3.50	\$1,085.00	\$3.25	\$1,007.50	\$5.00	\$1,550.00
12	CORPORATION STOP, 1"	2	EACH	\$150.00	\$300.00	\$235.00	\$470.00	\$250.00	\$500.00
13	CURB STOP AND BOX, 1"	2	EACH	\$200.00	\$400.00	\$275.00	\$550.00	\$300.00	\$600.00
14	EXCAVATION	1186	C.YD.	\$12.00	\$14,232.00	\$12.35	\$14,647.10	\$13.00	\$15,418.00
15	MANHOLE CASTING EAST JORDAN #1000 OF EQUAL	1	EACH	\$400.00	\$400.00	\$490.00	\$490.00	\$500.00	\$500.00
16	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' I.D.	1	EACH	\$1,500.00	\$1,500.00	\$1,680.00	\$1,680.00	\$1,800.00	\$1,800.00
17	PREPARED TOP SOIL AND SEED, CLASS A	2400	S.YD.	\$2.50	\$6,000.00	\$2.70	\$6,480.00	\$3.00	\$7,200.00
18	RECONSTRUCTING RECONSTRUCT DRAINAGE STRUCTURE	7	V.FT.	\$150.00	\$1,050.00	\$445.00	\$3,115.00	\$450.00	\$3,150.00
19	REMOVING CONCRETE CURB	32	L.FT.	\$10.00	\$320.00	\$9.00	\$288.00	\$10.00	\$320.00
20	REMOVING GUARD RAIL	55	L.FT.	\$10.00	\$550.00	\$11.50	\$632.50	\$12.00	\$660.00
21	REMOVING MANHOLE	3	EACH	\$400.00	\$1,200.00	\$745.00	\$2,235.00	\$800.00	\$2,400.00
22	REMOVING PAVEMENT (CONCRETE WITH INTEGRAL CURB)	60	S.YD.	\$15.00	\$900.00	\$15.50	\$930.00	\$16.00	\$960.00
23	REMOVING TREE, 13" TO 24"	3	EACH	\$400.00	\$1,200.00	\$580.00	\$1,740.00	\$700.00	\$2,100.00
24	SANITARY SEWER, 8", PVC SDR 35	82	L.FT.	\$30.00	\$2,460.00	\$31.65	\$2,595.30	\$32.00	\$2,624.00
25	SANITARY SEWER, 6", PVC SDR 35	36	L.FT.	\$25.00	\$900.00	\$24.00	\$864.00	\$24.00	\$864.00
26	STORM SEWER, 12", C76 CLASS V	175	L.FT.	\$30.00	\$5,250.00	\$25.75	\$4,506.25	\$26.00	\$4,550.00
27	TRAFFIC CONTROL	1	LUMP	\$5,000.00	\$5,000.00	\$4,345.00	\$4,345.00	\$9,400.00	\$9,400.00
28	WATER SERVICE TYPE "K" COPPER, 1"	50	L.FT.	\$20.00	\$1,000.00	\$15.75	\$787.50	\$16.00	\$800.00
29	WATER VALVE BOX AND COVER COMPLETE	4	EACH	\$200.00	\$800.00	\$385.00	\$1,540.00	\$400.00	\$1,600.00
TOTAL					\$125,969.50		\$123,941.10		\$139,816.00

BID TABULATION FOR H-1508 ROBERTS STREET, LAWRENCE TO WESLEY (CONCRETE)

23-May-00

				ENGINEERS ESTIMATE		JACKSON-MERKEY CONTRACTORS		ASPHALT PAVING	
	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE	PRICE	TOTAL PRICE
1	ADJUST DRAINAGE STRUCTURE COVER	9	EACH	\$400.00	\$3,600.00	\$395.00	\$3,555.00	\$0.00	\$0.00
2	AGGREGATE BASE COURSE, 22A, 6" C.I.P.	3030	S.YD.	\$5.00	\$15,150.00	\$6.40	\$19,392.00	\$0.00	\$0.00
3	AGGREGATE SURFACE COURSE, 23A, AS NEEDED	10	TON	\$30.00	\$300.00	\$23.00	\$230.00	\$0.00	\$0.00
4	CATCH BASIN CASTING EAST JORDAN #7045 OR EQUAL	4	EACH	\$500.00	\$2,000.00	\$495.00	\$1,980.00	\$0.00	\$0.00
5	CATCH BASIN, STANDARD	4	EACH	\$1,500.00	\$6,000.00	\$1,375.00	\$5,500.00	\$0.00	\$0.00
6	CONCRETE APPROACH, 6", STANDARD	123	S.YD.	\$30.00	\$3,690.00	\$28.75	\$3,536.25	\$0.00	\$0.00
7	CONCRETE PAVEMENT, 6", WITH INTEGRAL CURB	3463	S.YD.	\$25.00	\$86,575.00	\$38.75	\$134,191.25	\$0.00	\$0.00
8	CONC. SIDEWALK 4"	805	S.FT.	\$2.50	\$2,012.50	\$2.20	\$1,771.00	\$0.00	\$0.00
9	CONC. SIDEWALK 6"	310	S.FT.	\$3.50	\$1,085.00	\$3.25	\$1,007.50	\$0.00	\$0.00
10	CORPORATION STOP, 1"	2	EACH	\$150.00	\$300.00	\$235.00	\$470.00	\$0.00	\$0.00
11	CURB STOP AND BOX, 1"	2	EACH	\$200.00	\$400.00	\$275.00	\$550.00	\$0.00	\$0.00
12	EXCAVATION	1474	C.YD.	\$12.00	\$17,688.00	\$12.15	\$17,909.10	\$0.00	\$0.00
13	MANHOLE CASTING EAST JORDAN #1000 OF EQUAL	1	EACH	\$400.00	\$400.00	\$490.00	\$490.00	\$0.00	\$0.00
14	MANHOLE, STANDARD, 0' TO 10' DEEP, 4' I.D.	1	EACH	\$1,500.00	\$1,500.00	\$1,680.00	\$1,680.00	\$0.00	\$0.00
15	PREPARED TOP SOIL AND SEED, CLASS A	2400	S.YD.	\$2.50	\$6,000.00	\$2.70	\$6,480.00	\$0.00	\$0.00
16	RECONSTRUCTING RECONSTRUCT DRAINAGE STRUCTURE	7	V.FT.	\$150.00	\$1,050.00	\$445.00	\$3,115.00	\$0.00	\$0.00
17	REMOVING CONCRETE CURB	32	L.FT.	\$10.00	\$320.00	\$9.00	\$288.00	\$0.00	\$0.00
18	REMOVING GUARD RAIL	55	L.FT.	\$10.00	\$550.00	\$11.50	\$632.50	\$0.00	\$0.00
19	REMOVING MANHOLE	3	EACH	\$400.00	\$1,200.00	\$745.00	\$2,235.00	\$0.00	\$0.00
20	REMOVING PAVEMENT (CONCRETE WITH INTEGRAL CURB)	60	S.YD.	\$15.00	\$900.00	\$15.50	\$930.00	\$0.00	\$0.00
21	REMOVING TREE, 13" TO 24"	3	EACH	\$400.00	\$1,200.00	\$580.00	\$1,740.00	\$0.00	\$0.00
22	SANITARY SEWER, 8", PVC SDR 35	82	L.FT.	\$30.00	\$2,460.00	\$31.65	\$2,595.30	\$0.00	\$0.00
23	SANITARY SEWER, 6", PVC SDR 35	36	L.FT.	\$25.00	\$900.00	\$24.00	\$864.00	\$0.00	\$0.00
24	STORM SEWER, 12", C76 CLASS V	175	L.FT.	\$30.00	\$5,250.00	\$25.75	\$4,506.25	\$0.00	\$0.00
25	TRAFFIC CONTROL	1	LUMP	\$5,000.00	\$5,000.00	\$5,285.00	\$5,285.00	\$0.00	\$0.00
26	WATER SERVICE TYPE "K" COPPER, 1"	50	L.FT.	\$20.00	\$1,000.00	\$15.75	\$787.50	\$0.00	\$0.00
27	WATER VALVE BOX AND COVER	4	EACH	\$200.00	\$800.00	\$385.00	\$1,540.00	\$0.00	\$0.00
	TOTAL				\$167,330.50		\$223,260.65		\$0.00

Commission Meeting Date: June 13, 2000

Date: May 25, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Sale of Non-Buildable Lot in Sheldon Park

SUMMARY OF REQUEST:

To approve the sale of the vacant non-buildable lot designated as map number 24-31-28-255-001 to Mr. Jeffrey Ross of 1225 Langeland Ave. The lot has 40 feet of frontage, and is located between Roberts and Creston Streets. The parcel is being offered to Mr. Ross for \$100. Currently Mr. Ross has 66 feet of frontage and wishes to obtain the additional lot to add to his existing land and prevent littering. No other adjacent property owners are interested in purchasing the property. The sale is contingent upon Mr. Ross not owing any debts to the City.

FINANCIAL IMPACT:

The sale of this parcel will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION:

Resolution No. 2000-58(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A NON-BUILDABLE LOT IN SHELDON PARK FOR \$100.

WHEREAS, Jeffrey Ross has deposited \$50 for map # 24-31-28-255-001, for the subject parcel located between Roberts and Creston Streets;

WHEREAS, Jeffrey Ross will pay the balance of \$50 for the purchase of map # 24-31-28-255-001 upon commission approval;

WHEREAS, the sale would relieve the City of further maintenance costs;

WHEREAS, the sale is consistent with City policy regarding the disposition of non-buildable lots;

NOW THEREFORE BE IT RESOLVED, that map # 24-31-28-255-001 be sold to the above-mentioned buyer.

(Pomona Park Addition Lot 14 BLK 5)

Adopted this 13th day of June, 2000

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

Absent None

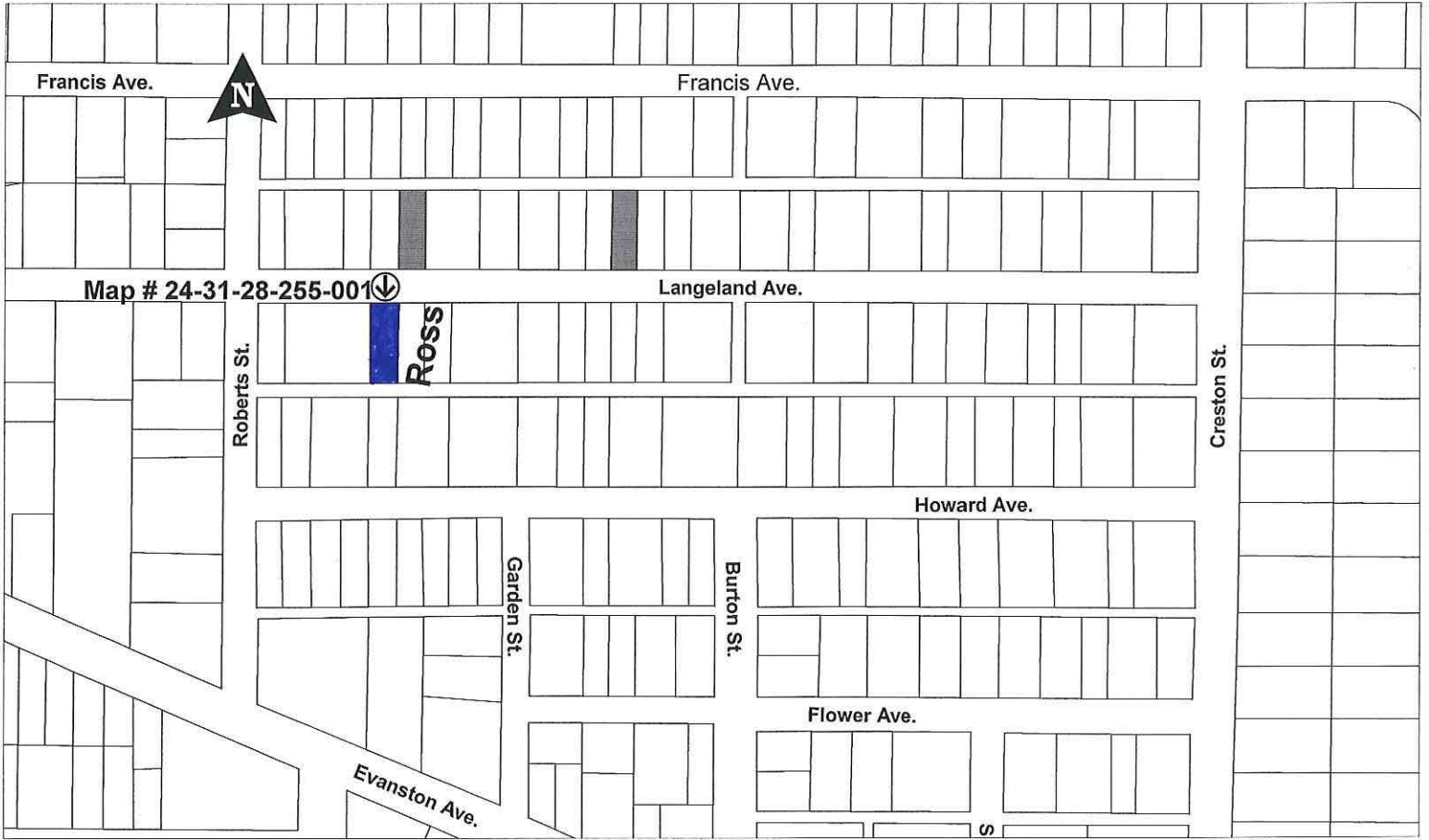
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 13, 2000.

By: Gail Kunderger
Gail Kunderger, Clerk



QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENT: That the CITY OF MUSKEGON, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS to Jeffrey Ross, of **1225 Langeland**, Muskegon, MI 49442

The following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

Pomona Par Addition Lot 14 BLK 5.

for the sum of One hundred (\$100) Dollars.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 13th day of June 2000

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 15th day of ~~May~~ ^{June} 2000, by FRED J. NIELSEN and GAIL A. KUNDERGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:
G. Thomas Johnson
Parmenter O'Toole
P.O. Box 786
Muskegon, MI 49443-0786
Telephone: (231) 722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

When Recorded Return to: Grantee
Send Subsequent Tax Bills to: Grantee

Date: 6/5/00
To: Honorable Mayor and City Commission
From: Randy Smith, Equipment Supervisor DPW
RE: Purchase of Budgeted Equipment for 2000

SUMMARY OF REQUEST: Approval to purchase one air compressor from Hasper Equipment for \$10,690.00, Two dump boxes/scrapers from Allied Truck Equipment for \$34,986.00, one flat bed and lift from Cannon Engineering and Equipment for \$17,467.00, one used manlift from Hasper Equipment for \$13,500.00, one Pothole Trailer from Miller Equipment for \$12,000.00, one skid loader and mill from Pell's for \$28,400.00, one used semi tractor from Ryder for \$18,300.00 and one service body and crane from Truck & Trailer for \$12,390.00.

FINANCIAL IMPACT: The total for all purchases, \$147,733.00, will come from the Equipment Fund.

BUDGET ACTION REQUIRED: None, All items are below budgeted amount.

STAFF RECOMMENDATION: Approval of all low bidders as described above.

Semi Tractor

	<u>Bid</u>	<u>Model</u>
Ryder Worldwide	\$ 18,300.00	Ford LTA-9000 (94)
Roddy's Trucks	\$ 28,900.00	Ford LTL-9000 (92)
	\$ 21,900.00	Western Star (90)
Mosers Sales	\$ 21,900.00	Ford LTA-9000 (94)
Budgeted Amount	\$ 40,000.00	

Replacing unit 50181, 1978 w/200,000 miles. This unit will be used to transport City equipment to various jobs, and haul rental equipment when needed. We also hope to purchase a lead trailer for hauling sand, snow and sweeper dirt. Which we currently do with smaller trucks or outside contractors. This will help us reduce hauling cost in the future.

May 30, 2000

Kuhn, Bob
DPW

Sir,

Both myself and Roger have put a great deal of effort in to the searching out what we feel is the perfect candidate for a replacement of our current semi tractor unit #50181, a 1978 GMC Brigadier.

The cab and cab mounts on 50181 are deteriorated badly to the point where we don't feel comfortable in the operation of that unit anymore.

The unit we have chosen as the right tractor for our needs is a 1994 Ford LTA-9000, this unit has a 3406B 330 hp Caterpillar engine, Fuller 10 speed transmission, a 4.10 rearend ratio and is in outstanding condition.

When this truck was bought new, I was in the employ of Ryder, the trucks current owner, I have seen all the service records and really believe that this unit will give us many years of trouble-free service.

When we have a service or sewer break we sometimes don't have time to wait, we need to get our equipment out to the jobsite, it is imperative that we have a reliable semi-tractor to use to haul our equipment at a moments notice.

The asking price on this unit was 21,300.00; a final price of \$18,300.00 was arrived at before we left their sales facility.

Thankyou

Andrew J. Twork/Equipment Division

Thank you,

Andrew J. Twork
Equipment Leadman

Other units considered by us and comparably equipped as the above unit.

Roddy's Trucks, Wayland
1992 Ford LTL-9000 with a price of \$28900.00
1990 Western Star with a price of \$21,900.00

Mosers Sales, Berne Ind.
1994 Ford LTA-9000 with a price of \$21,900.00











Vehicle Number: 491638
Serial Number: 1FDYY95X8RVA11538

72021589

Used Vehicle Sales

Sold To:

CITY OF MUSKEGON
1350 EAST KEATING
MUSKEGON, MI 49442
(231) 724-6937

Date Sold: 5/15/2000
G.R. USED TRUCK CTR
3316 12TH STREET
WAYLAND, MICHIGAN 49348
(616) 792-3500

Vehicle Specs - Major Components Sold

	Year	Make	Model	Body Type	Body Length
Chassis	1994	FORD	LTA9000		

Sales Price: 18,300.00
Unexpired FHVUT: * 45.83 *MUNICIPALITY-EXEMPT* Odometer Reading: 287,177
Unexpired License: 0
Sales Taxes: .00
Additional Charges (A) .00
Less: Credits (A) .00
Total Payment Due: ~~18,345.83~~ 18,300.00

Odometer Disclosure Statement

Federal law (and State law if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment. Ryder Truck Rental, Inc. states that the odometer now reads 287177 miles and to the best of its knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the following statements is checked.

- ☐ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the correct amount of mileage in excess of its mechanical limits.
☐ (2) I hereby certify that the odometer reading is NOT the actual mileage.
WARNING - ODOMETER DISCREPANCY

The undersigned transferee certifies that (s)he has received a copy of the above Odometer Disclosure Statement.

X

Transferee's Signature: Purchaser

Print Name

By:

Transferor: Ryder Truck Rental, Inc.

Assumption of Risk of Loss

The UNDERSIGNED hereby assumes the risk of loss from any physical damage, theft, or loss of or to the Vehicle that occurs on or after the Date Sold above.

X

Transferee's Signature: Purchaser

Print Name

Bill of Sale

IN CONSIDERATION of the Sales Price, Ryder Truck Rental, Inc. ("Ryder") hereby bargains, sells and conveys to the Purchaser the above described vehicle ("Vehicle"). EXCEPT AS EXPRESSLY PROVIDED IN A WRITTEN LIMITED WARRANTY AGREEMENT EXECUTED BY AN AUTHORIZED REPRESENTATIVE OF RYDER, THE VEHICLE IS SOLD AS IS, WHERE IS, WITH ALL FAULTS, AND WITHOUT WARRANTY, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE APPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. RYDER SHALL NOT UNDER ANY CIRCUMSTANCES BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER IN CONTRACT, TORT OR OTHERWISE.

X

Transferee's Signature: Purchaser

Print Name

By:

Transferor: Ryder Truck Rental, Inc.

Delivery Receipt:

The undersigned has accepted delivery of the Vehicle on behalf of the Purchaser and has examined the Vehicle and found no defects or damage, except the following: _____

Transferee: CITY OF MUSKEGON

Air Compressor

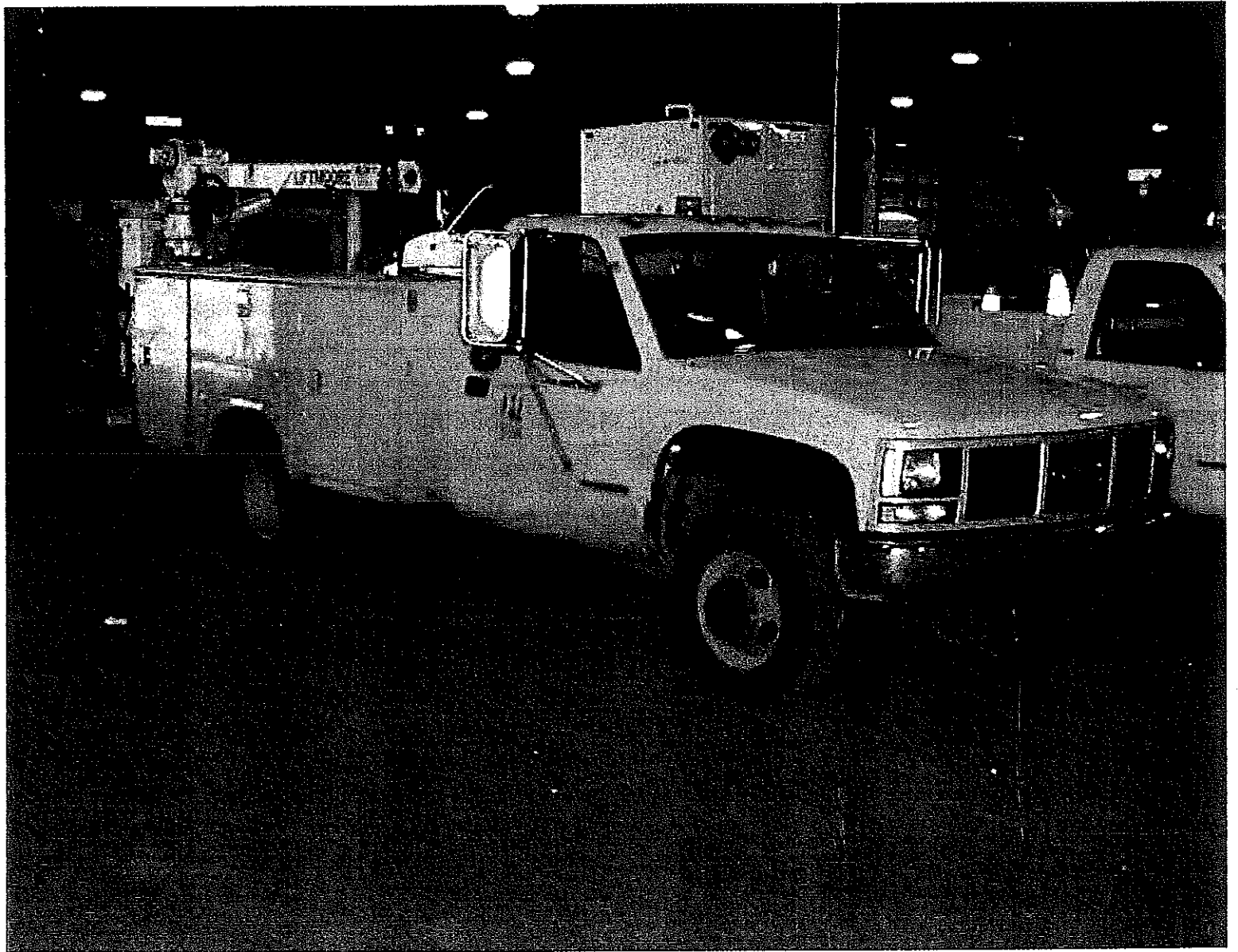
		<u>Bid</u>		<u>Model</u>
Hasper Equipment		\$10,690.00		Ingersoll Rand
Hammersmith Equipment		\$10,695.00		Sullair
Burke Equipment		\$10,706.00		Sullivan
United Rentals		\$11,590.00		Sullair
Colwell Equipment		\$11,000.00		Atlas Copco
Budgeted Amount		\$15,500.00		

Replacing 70059, 1989 w/1600 hours. Scheduled replacement, old unit will be sold at auction.

As attachments

Utility Body W/Crane (30529)

	<u>Bid</u>	<u>Model</u>
Gair & Sons Equipment Inc.	\$ 5,316.25	Warner W108IM
	<u>\$ 8,135.00</u>	Venturo ET10 KX
	\$ 13,451.25	
Cannon Eng. And Equip.	\$ 14,748.00	Reading 108DADW
		Autocrane 3203-PRX-15
Truck & Trailer Specialties Inc	\$ 5,152.00	Stahl 108VVD
	<u>\$ 7,238.00</u>	Liftmoore 3200REE15
	\$ 12,390.00	
Budgeted Amount	\$ 13,300.00	
Replacing unit 30529 sewer lift station maintenance truck, 1993 w/95,000 miles. Unit will be sold at auction.		



TRUCK & TRAILER *Specialties, Inc.*

6726 Hanna Lake Rd., S.E. • Dutton, MI 49316
Business: (616) 698-8215 • FAX: (616) 698-0972

March 24, 2000

QUOTATION FOR CITY OF MUSKEGON Attn: Randy Smith

Stahl Challenger Service Body (For: Dodge w60"CA-4x4/dual)

Model 108VVD

108" long, 39" high, 96" wide

54" floor width, 21" deep compartments

Treadplate step bumper w/recess for ball mount

ICC light kit w/light mount boxes

5000lb crane support in rear curbside compartment

12-gauge treadplate floor

Body is constructed of galvalume steel

Body painted ~~yellow~~ per city paint code *WHITE*

*****Installed Price \$5,152.00**

Liftmoore Model 3200REE15

Power rotation, power boom elevation

Power extension from 7' to 11' manual extension from 11' to 15'

Boom rest

62' long, 1/4" aircraft cable

Remote pendant control

10,000ft lbs moment rating

3200lbs at 3ft

1428lbs at 7ft

909lbs at 9ft

666lbs at 15ft

Jack stand

*****Installed Price \$ 7,238.00**

Submitted By Roger Hill

City of Muskegon/Quotations/Doe

2390,00

Skid Loader / Asphalt Mill

	<u>Bid</u>	<u>Model</u>
Colwell Equipment Comp.	\$ 23,725.00	Thomas T173lls
	<u>\$ 9,495.00</u>	18" mill
	\$ 33,220.00	
Pell's Equipment	\$ 18,900.00	Gehl SL4635 SXT/DXT
	* \$ 19,900.00	Gehl SL4835 SXT/DXT
	* \$ 8,500.00	Gehl CP416-16"
	<u>\$ 10,500.00</u>	Gehl CP424-24"
	* \$ 28,400.00	
Cat Rental	* \$ 22,007.30	Cat 228
	\$ 11,665.23	Cat PC4-16"
	* <u>\$ 10,290.00</u>	Mustang MP16-16"
	* \$ 32,297.30	
Wolverine Tractor and Equip.	\$ 17,500.00	Case 1840
	* \$ 22,300.00	Case 1845C
	* \$ 9,990.00	Coneqtec AP450 III-18"
	<u>\$ 15,550.00</u>	Alitec CX18ATD-18"
	* <u>\$ 32,290.00</u>	
United Rental	\$ 19,900.00	Scat Trak 1300CX
	<u>\$ 12,410.00</u>	PH16-16"
	\$ 32,310.00	
	\$ 21,320.40	Bobcat 773G
	<u>\$ 15,312.00</u>	16" Mill
	\$ 36,632.40	
Budgeted Amount	\$ 25,000.00	Skid loader
	<u>\$ 10,000.00</u>	Mill
	\$ 35,000.00	

This is a new purchase for the City. The primary use of the skid loader is with the asphalt mill, which will be used for joint repair and small patch work. Allowing us to mill down high spots and do small spot repairs more efficiently. There are also many other uses for the skid loader itself, sand removal at the beach and general clean up in the parks or other tight spots where a larger machine won't fit, we have had to rent machines for these uses in the past. We tried out demo units of most of the above models and have decided that the larger Gehl unit will best fit our needs.

PELL'S
FARM • LAWN • CONSTRUCTION
Fremont, MI

9542 West 48th Street • Fremont, MI 49412 • Phone (231) 924-2510 • FAX (231) 924-5043

DESCRIPTION	PRICE	
Gehl SL4635 SXT/DXT Skidloader with 57 hp diesel engine, high flow hydraulics	\$18	900.00
10.00 X 16.5 heavy duty tires		
68" dirt/construction bucket with bolt on cutting edge		
Back up alarm/rear weight kit		
Gehl SL4835 - equipped same as above unit	\$19	900.00
COLD PLANER ATTACHMENT:		
Gehl CP416 Cold Planer 16" wide, 50 pics	\$8	500.00
Gehl CP424 Cold Planer 24" wide, 72 pics	\$10	500.00
Options:		
Water tank kit		725.00

TRADE ALLOWANCE

TOTAL

4 Ton Pothole Trailer

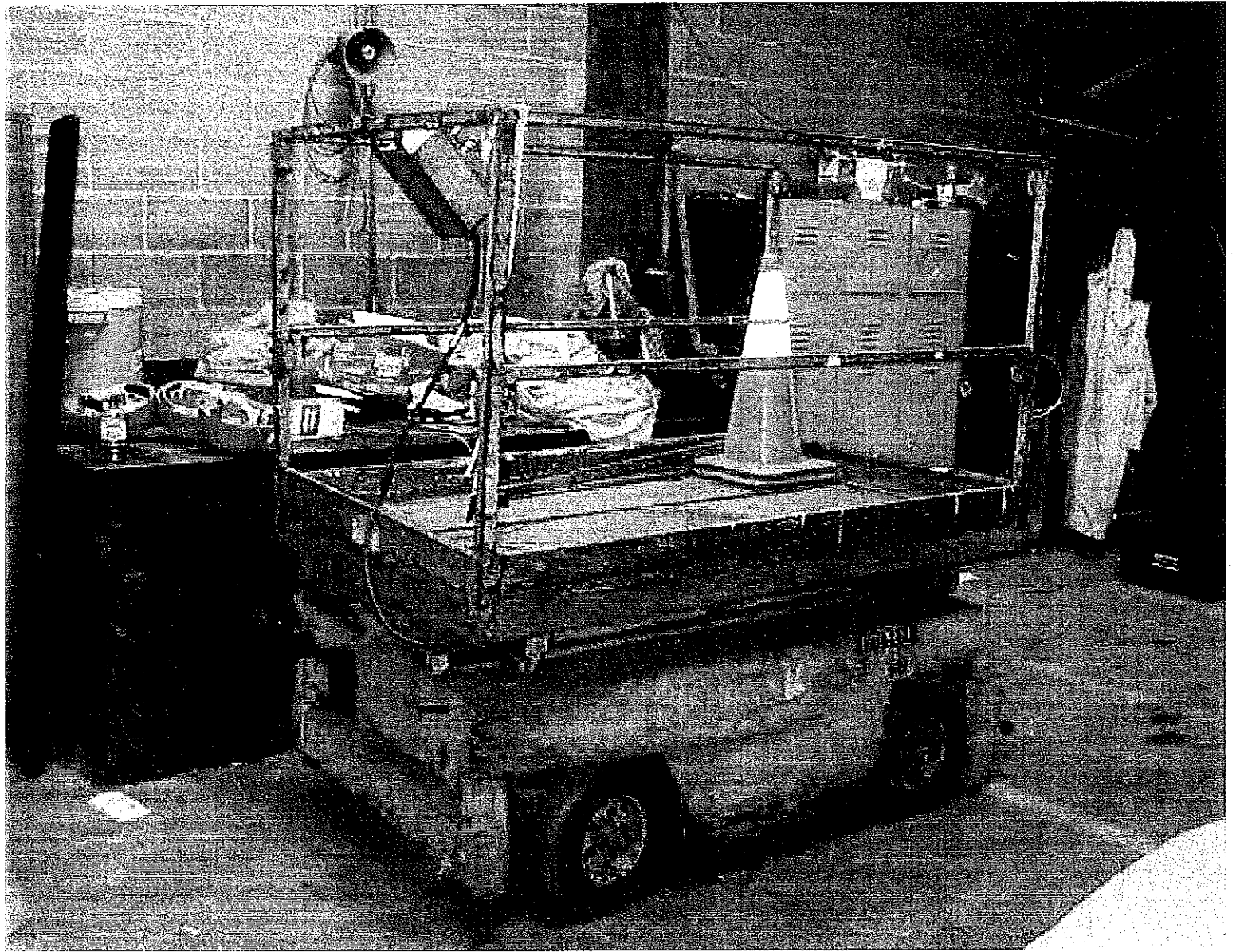
		<u>Bid</u>	<u>Model</u>
Burke Equipment		\$16,215.00	Aeroil
Spaulding Mfg. Inc.		\$13,400.00	RMV (demo)
		\$13,650.00	RMV (new)
Miller Equipment Company		\$12,000.00	Chausse
Budgeted Amount		\$12,000.00	

Replacing unit 70014, 1989. Scheduled replace old unit will be sold at auction.

Electric Manlift (used)

	<u>Bid</u>	<u>Model</u>
Hasper Equipment Company	\$13,500.00	Marklift 40' (93)
Burke Equipment Company	\$19,725.00	JLG 30' (new)
	\$19,225.00	JLG 35' (95)
	\$16,950.00	JLG35' (94)
AIS Rental Corp.	\$28,750.00	Upright AB38N (new)
United Rental	\$18,500.00	SJKB-40i (97)
Budgeted Amount	\$25,000.00	

Replacing 70092. 1972 scissors lift. The new unit has a articulated boom design which will make it much better suited for our needs, it will reach out to the side instead of only straight up. This unit is used for building maintenance at the DPW and other city buildings.



HASPER EQUIPMENT CO.

A Subsidiary of Cloverdale Equipment Co.

CLOVERDALE

CONFIRMING QUOTATION



3662 Airline
Muskegon, MI 49444
616-739-9525
Fax 616-733-4601

To: CITY OF MUSKEGON - DPW

Date: 4-3-00

1350 E. KEATING

Order No. _____

MUSKEGON, MICH 49442

Sales Person JIM NOFFKE

Attention: RANDY SMITH

We propose to furnish you with the following:

F.O.B. MUSKEGON

1 EA USED MARKLIFT MODEL 41KB ELECTRIC ARTICULATING BOOM LIFT.
(NOTE: MARKLIFT WAS PURCHASED BY TEREX AND THIS IS IDENTICAL TO
THE CURRENT TEREX MODEL TA-40). THE UNIT INCLUDES:

- 40' MAX PLATFORM HEIGHT AND 27' 3" MAX HORIZONTAL REACH
- 500 LB MAX PLATFORM CAPACITY AND 28" X 53" DIMENSION
- 4' 11" WIDTH
- 360° NON-CONTINUOUS TURRET ROTATION
- 25 AMP CHARGER
- 15 X 15 X 7 SOLID TIRES
- ALL OTHER STANDARD FEATURES
- 1993 MODEL
- SN 5940
- 60 DAY WARRANTY PARTS AND LABOR

- TOTAL: FOR DPW YARD

\$ 13,500⁰⁰

DELIVERY: 2-3 DAYS

Terms: _____

Shipping Instructions: _____

To _____

Via _____

Address _____

Will Ship On _____

Acceptance:

The above is hereby accepted this _____ day of _____ 19____ and agree to the terms
on the reverse side.

Purchaser _____

Hasper Equipment

By _____

Construction Equipment Sales, Service, Parts & Rentals

Flat Bed / Manlift (traffic)

	<u>Bid</u>	<u>Model</u>
Truck & Trailer Specialties inc.	\$ 18,436.00	Midwest 12'
		Duralift DT-25FP
Cannon Eng. And Equip.	\$ 17,467.00	Reading R10D
		Versalift Tel29N
Gair & Sons Equipment	\$ 20,273.00	Parkhurst 12'
		Duralift DT-25FP
Budgeted Amount	\$ 18,000.00	

Replacing 30534, 1994 w/41,000 miles. The old unit is a standard pick up that will be move to a different department. The new unit is a flat bed, similar to the other unit already in use in the traffic department, with the addition of a small man lift to do street sign repair and replacement.



2 Dump Bodies / Scrapers (plow trucks)		
	<u>Bid</u>	<u>Model</u>
Truck & Trailer Specialties Inc.	\$ 19,654.00	Each
	\$ 39,308.00	Crysteel/Monroe
Allied Truck Equipment	\$ 17,493.00	Each
	\$ 34,986.00	Gallion/Root
	\$ 17,953.00	Each
	\$ 35,906.00	Henderson/Root
Shults Equipment Inc.	\$ 24,496.00	Each
	\$ 48,992.00	Gallion/Root
Budgeted Amount	\$ 48,000.00	
This is chassis mount equipment for Plow trucks already approved and purchased.		

As submitted by

Commission Meeting Date: June 13, 2000

Date: June 6, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Purchase of Property from West Michigan Steel for the
Muskegon Lakeshore Trail

SUMMARY OF REQUEST:

Approval of resolution and purchase agreement for property owned by West Michigan Steel, which is required for the Lakeshore Trail (see enclosed map). The purchase price is \$40,680.00 which is the appraised value of the property. Through this agreement, the City will also be agreeing to, at the time of trail construction, lower the elevation of the berm now existing on the premises. The City will also be agreeing to lease the lakeward portion of the remaining property from West Michigan Steel for \$1.00, and to construct a fence along the trail, on the non-lakeward side. These stipulations are identical to those from the purchase of trail property from Kirksey Investment Corp., which was approved by the City Commission in January, 2000. The purchase agreement has already been signed by West Michigan Steel.

FINANCIAL IMPACT:

Purchase will allow the Lakeshore Trail project to continue. The price for the property is \$40,680.00 and the purchase will be completed with funds received from the sale of the Chase Hammond Golf Course.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends that the Mayor and Clerk sign the resolution and purchase agreement, and recommends that the City Commission authorize staff to complete the purchase according to the terms of the agreement.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON

RESOLUTION 2000-58(g)

RESOLUTION APPROVING THE PURCHASE OF TRAIL PROPERTY

WHEREAS, the City of Muskegon is in the process of purchasing properties for the Muskegon Lakeshore Trail project, and the West Michigan Steel property has been identified as necessary for the project;

WHEREAS, the purchase of this property from West Michigan Steel would allow the trail project to proceed;

WHEREAS, the City of Muskegon has made a commitment to the Michigan Department of Natural Resources to purchase specific trail properties as part of the conversion of the Chase Hammond Golf Course property, and the subject property is included in that commitment;

WHEREAS, West Michigan Steel has signed a purchase agreement for the property at the price of \$40,680.00 for the 16-foot strip;

WHEREAS, the City of Muskegon is agreeing to the provisions of the purchase agreement, including lowering of the berm elevation at the time of construction, construction of fencing, and leasing the lakeward portion of the remaining property;

NOW, THEREFORE BE IT RESOLVED, that the City of Muskegon agrees to purchase the subject property identified in the attached survey and legal description at a cost of \$40,680.00.

Resolution adopted this 13th day of June, 2000.

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

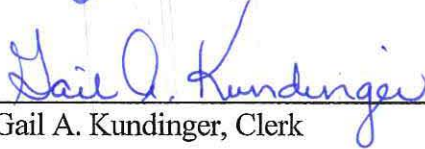
Nays: None

Absent: None

By: _____


Fred J. Nielsen, Mayor

Attest: _____

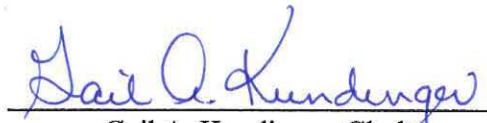

Gail A. Kunding, Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on June 13, 2000. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, Clerk

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made June 13, 2000, by and between **WEST MICHIGAN STEEL CORP.**, a Michigan corporation, with offices at 1148 W. Western Avenue, Muskegon, Michigan 49440 ("Seller"), and the **CITY OF MUSKEGON**, of 933 Terrace, Muskegon, Michigan 49440 ("Buyer").

1. **General Agreement and Description of Premises.** Seller agrees to sell, and Buyer agrees to buy, marketable record title of real estate, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, the real property ("Premises") specifically described as:

See legal description attached as Exhibit A;

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are acceptable to Buyer, upon disclosure and review of the same, and subject to any governmental inspections required by law.

2. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Forty Thousand Six Hundred Eighty Dollars (\$40,680), payable in cash to Buyer at closing.

3. **Taxes and Assessments.** All taxes and assessments which are due and payable at the time of closing shall be paid by the Seller prior to or at closing. All taxes and special assessments which become due and payable after closing shall be the responsibility of Buyer because the Premises is part of a larger property. The parties agree that, in addition, the Seller shall pay in full all taxes due in 1999, including those billed on December 1, 1999.

4. **Title Insurance.** Seller agrees to deliver to Buyer's attorney, ten (10) days prior to closing, a commitment for title insurance issued by Transnation Title Insurance Company for an amount not less than the purchase price stated in this Agreement, guaranteeing title on the conditions required herein. In the event the reservations, restrictions or easements of record disclosed by said title commitment is, in the sole discretion of Buyer, deemed unreasonable, the Seller shall have forty-five (45) days from the date Seller is notified, in writing, of such unreasonableness of restriction and such unmarketability of title to remedy such objections. If Seller resolves such restrictions and remedies the title (by obtaining satisfactory title insurance or otherwise) within the time specified, Buyer agrees to complete this sale as herein provided within ten (10) days of written notification thereof. If Seller fails to resolve such restrictions or remedy the title within the time above specified or fails to obtain satisfactory title insurance, this Agreement will be terminated at the Buyer's option. The premium for the owners title policy shall be paid by Buyer.

5. **Personal Property and Fixtures.** All personal property and fixtures which the Seller wishes to remove shall be removed on or before closing. Any personal property which is left on the Premises shall be the property of the Buyer, who may dispose of same.

6. **Survey.** Buyer, at its own expense, may obtain a survey of the Premises, and Buyer or its surveyor or other agents may enter the Premises for that purpose prior to closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Premises and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Agreement. Buyer may elect to purchase the Premises subject to said encroachment or variation.

7. **Environmental Matters.** Seller represents and warrants to Purchaser as follows:

a. To the best of Seller's knowledge, the Premises have been used and operated in compliance with all applicable federal, state and local laws and regulations related to air quality, water quality, waste disposal or management, hazardous or toxic substances, and the protection of health and the environment.

b. Seller has not disposed of any hazardous or toxic substances on or in the Premises, but the premises has been characterized as part of a "Facility" under Michigan law. The Premises may constitute a facility because of historic fill materials in or in the vicinity of the Premises. Seller is unaware of any plume of contaminated groundwater in or affecting the Premises.

c. The Premises does not include any "underground storage tank," as that term is defined by state or federal law.

Such representations and warranties shall be deemed to have been made again by Seller as of the closing. Seller agrees to indemnify Purchaser and hold it harmless from and against any and all claims, demands, liabilities, costs, expenses, penalties, damages and losses, including, but not limited to reasonable attorneys' fees, resulting from any misrepresentation or breach of the warranties set forth in this paragraph. The representations, warranties and covenants set forth in this paragraph shall survive the closing.

8. **Condition of Premises and Examination by Buyer.** SUBJECT TO THE ABOVE REPRESENTATIONS, NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER. BUYER UNDERSTANDS AND AGREES THAT THE PREMISES ARE TAKEN "AS IS," SUBJECT

TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT, ALSO SUBJECT TO THE WARRANTY OF BUYER THAT NO HAZARDOUS SUBSTANCES HAVE BEEN PLACED ON THE PREMISES. BUYER FURTHER SAYS THAT IT HAS PERSONALLY INSPECTED THE PREMISES AND IS SATISFIED WITH THE CONDITION OF THE LAND, TAKING INTO ACCOUNT THE REPRESENTATIONS OF SELLER.

9. **Specific Use Provisions.** The parties agree to certain use provisions and contingencies which will survive the closing:

9.1 **Lease of Additional Property.** The Buyer intends to use the Premises for a walking/bike trail. Because the Premises is located between the Seller's facilities and the shore of Muskegon Lake, and both parties are interested in public and general access to the lake, Seller will execute a one year lease which shall be automatically renewed for one year terms, for total rent of One Dollar (\$1) to the City for the property ("Lakeward Property") between the Premises and Muskegon Lake, which lease will provide that the said Lakeward Property shall be reserved by the City for public access to the lake. The lease shall be terminated upon written notice given by either party to the other six months before the end of any term or renewal term. The terms of the lease shall be acceptable to Buyer and Seller.

9.2 **Berm Alteration.** The Buyer shall, at the time of constructing the trail, lower the elevation of the berm now existing on the Premises or in the Lakeward Property to afford a clear view at ground level of Muskegon Lake, said construction cost for the berm work not to exceed the sum of One Hundred Ten Thousand (\$110,000) for the lowering of the berm on the Seller's property and that of Kirksey Investment Corp. combined.

9.3 **Fence.** The City shall construct a fence along the trail on the non-lakeward side thereof.

9.4 **Relocation of the Trail.** In the event future development by the Seller of facilities on its remaining property is contemplated and arranged, the Seller may request relocation of the trail on the remaining property of Seller from which the Premises has been conveyed, and Buyer may consent thereto and determine conditions for the relocation.

10. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

11. **Closing.** The closing date of this sale shall be on or before _____ 2000, ("closing"). The closing shall be conducted at Transnation Title Insurance Co., Muskegon, Michigan. If necessary, the parties shall execute an IRS closing report at the closing.

12. **Delivery of Deed.** Seller shall execute and deliver a warranty deed to Buyer at closing for the Premises.

13. **Affidavit of Title.** At the closing, Seller shall deliver to Buyer an executed Affidavit of Title.

14. **Date of Possession.** Possession of Premises is to be delivered to Buyer by Seller on the date of closing.

15. **Costs.** Buyer shall pay the costs of closing, including transfer tax, except the costs involved in removing any encumbrance on the property.

16. **General Provisions.**

a. **Paragraph Headings.** The paragraph headings are inserted in this Agreement only for convenience.

b. **Pronouns.** When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

c. **Merger.** It is understood and agreed that all understandings and agreements previously made between the Buyer and Seller are merged into this Agreement, which alone fully and completely expresses the agreement of the parties.

d. **Governing Law.** This Agreement shall be interpreted and enforced pursuant to the laws of the State of Michigan.

e. **Successors.** All terms and conditions of this Agreement shall be binding upon the parties, their successors and assigns.

f. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision(s) had never been contained herein.

g. **Survival of Representations and Warranties.** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for herein shall survive the closing and continue in full force and effect after the

consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

h. **Modification of the Agreement.** This Agreement shall not be amended, except by a writing signed by Seller and Buyer.

The parties have executed this Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Charles M. Daulton

Barbara J. Daulton

SELLER: WEST MICHIGAN STEEL CORP.

By [Signature]

Its Chairman

By [Signature]

Its President

TID Number: 75-01290273

BUYER: CITY OF MUSKEGON

By [Signature]

Fred J. Nielsen, Mayor

By [Signature]

Gail A. Kunding, Clerk

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

EXHIBIT A
LEGAL DESCRIPTION

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 6/13/00

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 23, 2000

RE: Muskegon Summer Celebration – Request to Waive Fees

SUMMARY OF REQUEST:

To approve a request from Muskegon Summer Celebration to waive fees for City services for the 2000 celebration.

FINANCIAL IMPACT:

Cost of services of approximately \$60,000 annually.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

**MUSKEGON
SUMMER
CELEBRATION**

May 19, 2000

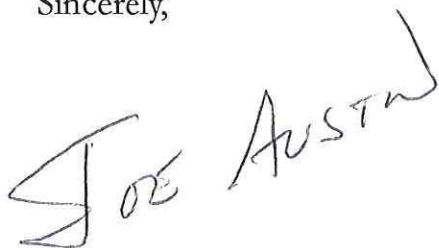
Mr. Bryon Mazade
C/o City of Muskegon
PO Box 536
Muskegon, MI 49443

Dear Mr. Mazade,

The Muskegon Summer Celebration humbly requests that the City waive all fees for services provided for this year's festival, June 29 through July 9. The services include police, fire, DPW, and leisure services. Upon completion of the financial reports from this year's event, our Board of Trustees will discuss a possible reimbursement to the City for overtime expenses.

As always, the City's support of the Muskegon Summer Celebration is greatly appreciated and has contributed to the financial stability of the event. We want to make sure the festival will be part of Muskegon's summer season for years to come. Thank you very much for your consideration.

Sincerely,



Joe Austin
cc: Tim Achterhoff



AGENDA ITEM NO. _____

CITY COMMISSION MEETING 6/13/00

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 23, 2000

RE: Knight Consulting – Revised Agreement

SUMMARY OF REQUEST:

To enter into a new agreement with Knight Consulting for state legislative and administrative consulting services. The City has been using services from Knight Consulting since 1995.

FINANCIAL IMPACT:

Cost increase from \$1,000 per month to \$2000 per month.

BUDGET ACTION REQUIRED:

The budget will need to be amended after the 2nd Quarter to accommodate this change.

STAFF RECOMMENDATION:

To approve the attached agreement.

COMMITTEE RECOMMENDATION:

None.



RETAINER AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July 2000 by and between ***Knight Consulting***, a Michigan business with its principal office located at 115 West Allegan, Suite 200, Lansing, Michigan 48933-1314 (hereinafter called *KC*), and **City of Muskegon** (hereinafter referred to as *CLIENT*.)

1. *KC* accepts employment and retainer and agrees to provide the following services in the following order of priority to the *CLIENT*:

- A. Monitoring of legislative and regulatory activities of the Michigan Legislature.
- B. Representation of *CLIENT*'s goals in the legislative and administrative process and assist with special projects sought by the client and mutually agreed upon by the *CLIENT* and *KC*.
- C. The scope of this RETAINER AGREEMENT shall include lobbying as defined by Michigan Law and registration as a lobbyist for the *CLIENT* if required by state law or regulation.

2. The file and work product materials of the *CLIENT* shall be maintained by *KC* in Lansing, Michigan.

3. It is understood and agreed that *KC* operations hereunder are those of an independent contractor, and that *KC* has the authority to control and direct the performance of the details of the services to be rendered and performed and it is further agreed that *KC*'s employees are not employees of *CLIENT* and *KC* is not, except as herein provided, subject to control by *CLIENT*.

4. *KC* hereby agrees further and commits as follows:

- (a) That *KC* shall use due diligence in representing *CLIENT* and its interests in all the above-described matters, as well as other matters agreed to be assigned to it.
- (b) *KC* shall avoid all conflicts of interest and advise *CLIENT* of any potential conflicts of interest when they are reasonable foreseeable.
- (c) *KC* shall regularly inform *CLIENT* of the progress and all-material developments concerning any matter in which *KC* represents *CLIENT*.
- (d) *KC* shall comply with all laws and regulations affecting *KC*'s representation of and acts on behalf of *CLIENT*.

COMPENSATION:

For and in consideration for such services, *CLIENT* agrees to pay *KC* and *KC* agrees to accept during the terms of this Agreement, the sum of \$2000.00 commencing July 1, 2000 and there after due and payable on the first day of each month.

COSTS AND EXPENSES:

It is understood and agreed that the compensation of \$2000.00 per month includes usual and ordinary costs and expenses. Travel expenses at the request of *CLIENT* shall be assumed by *CLIENT*. If it develops that *KC* shall be exposed to extraordinary costs and expenses, then in the event, *CLIENT* shall assume and pay the same, providing the nature and circumstances thereof are disclosed to and approved by *CLIENT* prior to the time the same are incurred.

TERM OF AGREEMENT:

The term of this Agreement shall be for the period beginning July 1, 2000. This Agreement may be terminated with a written thirty- (30) day notice from either *KC* or *CLIENT*.

GENERAL PROVISIONS AND CONDITIONS

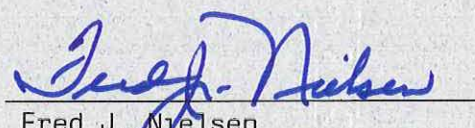
- (a) *KC* represents that he is a registered lobbyist under Michigan State law and complies and will comply with all the laws and regulations regarding his activities as contemplated by this agreement. In the event his registration is suspended, terminated or questioned in any way by the State or an agency of the State, the said fact shall be immediately made know to *CLIENT* by written notice.
- (b) *CLIENT* shall not request any action by *KC* by which would violate any law or regulation of the State of Michigan or any federal or local law.
- (c) **NO THIRD PARTY BENEFICIARY.** No other person or entity shall have the benefit of this agreement.
- (d) **ENTIRE WRITTEN CONTRACT.** This agreement constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, with respect to the subject matter hereof.
- (e) **PUBLIC RECORD.** This contract may be exhibited for examination by any person as the law may require. It is subject to the freedom of information act of the State of Michigan.
- (f) **MICHIGAN LAW.** This agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

NON-ASSIGNABILITY:

This Agreement shall not be transferable or assignable by operation of law or otherwise.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first written above.


M. L. Mickey Knight
Knight Consulting
115 West Allegan, Suite 200
Lansing MI 48933


Fred J. Nielsen
Mayor

RETAINER AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of February, 1995, by and between Knight Consulting, a Michigan business with its principal office located at 200 N. Capitol Avenue, Suite 803, Lansing, Michigan 48933 (hereinafter called MK), and the City of Muskegon (hereinafter referred to as CLIENT).

changed to reflect current

1. MK accepts employment and retainer and agrees to provide the following services in the following order of priority to the CLIENT:

A. Monitoring of legislative and regulatory activities of the Michigan Legislature and Governmental Agencies.

B. Representation of the CLIENT's goals in the legislative and administrative process and assist with specific projects sought by the client and mutually agreed upon by the client and MK.

C. The scope of this RETAINER AGREEMENT shall include lobbying as defined by Michigan Law and registration as a lobbyist for the CLIENT if required by state law or regulation.

2. The file and work product materials of the CLIENT shall be maintained by MK in Lansing, Michigan.

3. It is understood and agreed the MK's operations hereunder are those of an independent contractor, and that MK has the authority to control and direct the performance of the details of the services to be rendered and performed and it is further agreed that MK's employees are not employees of CLIENT and that MK is not, except as herein provided, subject to control by CLIENT.

4. MK hereby agrees further and commits as follows:

(a) That MK shall use due diligence in representing CLIENT and its interests in all the above described matters, as well as other matters agreed to be assigned to it.

(b) MK shall avoid all conflicts of interest and advise CLIENT of any potential conflicts of interest when they are reasonably foreseeable.

(c) MK shall regularly inform CLIENT of the progress and all material developments concerning any matter in which MK represents CLIENT.

(d) MK shall comply with all laws and regulations affecting MK's representation of and acts on behalf of CLIENT.

COMPENSATION.

1. For and in consideration for such services, CLIENT agrees to pay MK and MK agrees to accept during the term of this Agreement, the sum of One Thousand Dollars (\$2,000) per month due and payable on the first day of each month commencing February 1, 1995. *Change 2,000 June 1*

COSTS AND EXPENSES.

2. 1. It is understood and agreed that the compensation of \$1,000 per month includes usual and ordinary costs and expenses. Travel expenses shall be assumed by CLIENT at one (1) round trip per month between Lansing and Muskegon (214 miles round trip at the mileage rate as established by the policy of CLIENT). If it develops that MK shall be exposed to extraordinary costs and expenses, then in the event, CLIENT shall assume and pay the same, providing the nature and circumstances therefore are disclosed to and approved by CLIENT prior to the time the same are incurred. *Will not charge unless monthly expense*

TERM OF AGREEMENT.

1. This agreement shall terminate any previous agreements, and shall begin February 1, 1995. This agreement may be terminated with a written thirty (30) day notice from either MK or CLIENT. *Change June 1*

GENERAL PROVISIONS AND CONDITIONS.

(a) MK represents that he is licensed and registered as a lobbyist under Michigan state laws and complies and will comply with all the laws and regulations regarding his activities as contemplated by this agreement. In the event his registration and licensure is suspended, terminated or questioned in any way by the State or an agency of the State, the said fact shall be immediately made known to CLIENT by written notice. *MS Lobbyist. Are not licensed must register with the state*

(b) CLIENT shall not request any action by MK which would violate any law or regulation of the State of Michigan or any federal or local law.

(c) No Third Party Beneficiary. No other person or entity shall have the benefit of this agreement.

(d) Entire Written Contract. This agreement constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, with respect to the subject matter hereof.

(e) Public Record. This contract may be exhibited for examination by any person as the law may require. It is subject to the freedom of information act of the State of Michigan.

(f) **Michigan Law.** This agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

NON-ASSIGNABILITY.

1. This Agreement shall not be transferable or assignable by operation of law or otherwise.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first written above.

CITY OF MUSKEGON

By J. W. Prui
J. W. Prui, Mayor

By Theresa Malik-Krubel
Theresa Malik-Krubel, Clerk

M.L. ("Mickey") Knight
M.L. ("Mickey") Knight
Knight Consulting
200 N. Capitol Avenue, Ste. 803
Lansing, MI 48933

Date: June 5, 2000

To: Honorable Mayor and City Commissioners

From: Assistant Finance Director 

RE: Liability Claim: Marine Tap Room/Steve Warmington

SUMMARY OF REQUEST: On September 16, 1999 Steve Warmington owner of the Marine Tap Room at 1983 Lakeshore Drive, filed a liability claim against the City of Muskegon for damages and costs associated with a City main leak. Mr. Warmington and MMRMA have agreed on a settlement of this claim at \$19,000. This settlement must be approved by the City Commission because of the dollar amount.

FINANCIAL IMPACT: This claim will be paid from the City of Muskegon Retention Fund at MMRMA.

BUDGET ACTION REQUIRED: None .

STAFF RECOMMENDATION: Approval of MMRMA's recommended settlement.

COMMITTEE RECOMMENATION: None

RISK

Michigan Municipal
**MANAGEMENT
AUTHORITY**

FACSIMILE TRANSMISSION

DATE: June 6, 2000

TO: Beth Lewis
City of Muskegon Finance Department

FAX #: 9-1- 231-724-6768

FROM: Frank R. Hughes, Claims Adjuster

NUMBER OF PAGES (Including this transmittal page): 2

MESSAGE

Claimant: Marine Tap Room/Steve Warmington
Date of Loss: 1-20-99
Our Occurrence No: 1999-111-082 GPDW (91259)

Facts:

The owner of the Marine Tap Room reported water entering his basement in February of 1999. The DPW investigated the problem over the next several months and even hired a leak detection specialist to determine the cause. The investigation was inconclusive and the owner of the property involved was left with the assumption that ground water was the likely source and he should have his basement waterproofed. The owner attempted less expensive remedial measures first by installing a sump pump but this could not handle the volume of water entering his basement daily. He then invested \$9,540 into waterproofing his basement and upon completion, water began surfacing at the street. It was then determined that the source was a leak at the tapping nipple where it connects to the main. The tapping nipple is the City's property and responsibility. A copy of the DPW report is attached for review.

Damages:

The property owner submitted a claim for \$21,122 which includes damage to flooring, sump pump installation, waterproofing and daily clean up of water over a period of seven months until the problem was remedied. Adjustments were made to the loss resulting in an agreed settlement with the property owner in the amount of \$19,000 subject to the City's approval.

Liability:

This claim comes under the trespass exception to governmental immunity. We have reviewed the issues involved in this claim and conclude that the remedial measures taken to mitigate the damage as well as the direct property damages are compensable.

Recommendation:

We recommend settlement with the property owner, Steve Warmington, in the amount of \$19,000 as outlined in this report.

FRH/sd

CLAIMS

14001 Merriman • Livonia, MI 48154
(734) 513-0300 • FAX (734) 513-0318

RISKMichigan Municipal
MANAGEMENT
AUTHORITY*determined to
be main leak
9-16-99*FORWARD THIS REPORT TO: MMRMA CLAIMS
14001 Merriman, Livonia, MI 48154
Telephone (313) 513-0300 FAX (313) 513-0318**CLAIM / INCIDENT REPORT**

Note: Use this form (1) to report any claim which caused bodily injury or property damage or (2) to report any incident which has the potential to cause bodily injury or property damage.

(1) Name of Member CITY OF MUSKEGON	(2) Department FINANCE	(3) Phone Number 724-6723	(4) Reported By <i>mel</i>
(5) Exact Location of Claim/Incident 983 Lakeshore Dr	(6) Date of Claim/Incident begin jan 20, 99	(7) Time ☒ A.M. ☐ P.M. 10:15	(8) Date Reported 9-16-99

PERSONAL INJURY Claim ☐ Incident ☐**PROPERTY DAMAGE** Claim ☐ Incident ☐

(9) Name and Address of Injured Person or Claimant

**Steve Warrington
1524 Lakeshore Dr
49441**

(15) Property Damaged

**pallets, shirts, had basement
waterproofed, sub pumps, well, etc.**

(10) Occupation

(11) Phone

231-755-5581

(16) Nature of Damage

**water main leaking into
basement**

(12) Nature of Injury

(13) Age

(17) Extent of Damage

(14) Part of Body Injured

(18) Estimated Cost

(19) Actual Cost

(20)

Witnesses

1) _____

Phone No: _____

Names and

2) _____

Phone No: _____

Addresses

3) _____

Phone No: _____

4) _____

Phone No: _____

(21) Describe clearly how the claim/incident occurred (attach any supporting data)

Police Report Number

Found water in basement @ Jan 20 - contacted
City Water Dept @ week later - City has been trying
to identify problem since then - employee
suggested waterproofing - today City found
problem to be water main leak.

City told him it was ground water

Evaluation

(22) Loss Potential

☐ Major ☐ Serious ☐ Minor

(23) Probable Recurrence

☐ Frequent ☐ Occasional ☐ Rare

(24) Suggestions or actions taken to prevent recurrence

LAWSUIT

A. Date of Service

B. Method of Service (Personal or Mail)

C. Name of Person Served

(26) Submitted by

(27) Date

(28) MMRMA Reviewed

(29) Date

Lewis, Elizabeth

From: Cousineau, Dan
Sent: Monday, September 20, 1999 3:41 PM
To: Lewis, Elizabeth
Cc: Kuhn, Bob; DeFrench, Kelly; Smith, Dave
Subject: RE: Marine Tap Room

In early February the water/sewer department was contacted by Mr. Warmington who is the owner of the Marine Tap Room located at 1983 Lakeshore Dr. At that time he stated that there was water coming into his basement and requested that we come out and see if we could determine what the source was. After a thorough investigation in which we checked the water service to 1983 Lakeshore Dr., water services on both sides of said address, and storm sewers in the vicinity we came to believe that the problem may be due to ground water leaking through the basement walls. After some discussion it was further decided to contact a company that specializes in leak detection. We then had a company by the name of American Leak Detection come in and do their own investigation. After spending eight hours in which they hooked up their electronic equipment to all water services, water mains and fire hydrants in the same block surrounding 1983 Lakeshore Dr. there were not any leaks detected. In American Leak Detection's final report they stated in writing that " NO LEAK NOISES HEARD OR CORRELATED IN AREA ". Approximately in the month of July we were again contacted by Mr. Warmington and asked to come out again to 1983 Lakeshore Dr. as he was still having a problem with water leaking into his basement. We then drilled holes along the curb from the Mann St. to Moon St. along Lakeshore Dr. and also in the parking lot directly to the east of said address. It was determined that there was water at a depth of six ft. all holes with in the block. Because there was no water rising up out of the drilled holes it was believed that the water in the holes was ground water and not a leak. At that time I informed Mr. Warmington that the problem he was having was due to ground water and that he may want to have his basement waterproofed. To my understanding the week of Sept. 13 he had that work done. and shortly after that water surfaced in the street in front of his business. We then excavated the site and found that there was a tapping nipple leaking on his water service where it was tapped into the 24 in. water main. It has since been repaired. If you need a copy of the invoice from American Leak detection I will get it to you or if you have any question give me a call. Thanks, Dan

-----Original Message-----

From: Lewis, Elizabeth
Sent: Thursday, September 16, 1999 4:32 PM
To: Cousineau, Dan; DeFrench, Kelly; Smith, Dave
Cc: Kuhn, Bob
Subject: Marine Tap Room

Steve Warmington was in Finance today and filed a claim regarding a water leak he has had since January at his business Marine Tap Room. Today he was told the leak is in the City main. I am going to need a narrative from one of you detailing the chain of events leading up to today's finding. He has indicated that the City told him repeatedly it was a ground water problem and even told him he should have his basement waterproofed (which he did).
Thanks, Beth

Date: June 6, 2000
To: Honorable Mayor and City Commission
From: Gail A. Kunding, City Clerk 
RE: Approval of Minutes

SUMMARY OF REQUEST: Approve the minutes of the May 23, 2000 regular commission meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

COMMITTEE RECOMMENDATION: No recommendation.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 13, 2000

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 13, 2000.

Mayor Nielsen opened the meeting by introducing Reverend Tim VanderHarr of Central Community Church. Reverend VanderHarr offered the prayer after which members of the City commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners John Aslakson, Jone Wortelboer Benedict, Clara Shepherd, Lawrence Spataro

Absent: None

Tardy: Commissioner Robert Schweifler (arrived at 6:15 p.m.)

PRESENTATION:

a. Muskegon Promise Program.

Rick Witham of the Muskegon Promise Program thanked the City for helping the program be a success. The Youth Activity Directory was introduced and the web address for the program was announced.

HONORS AND AWARDS:

a. MML Level One Education Award.

SUMMARY OF REQUEST: Present award to Commissioner Clara Shepherd for receiving the MML Level One Award for Education.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the request.

Mayor Nielsen read and presented the MML Level One Award for Education award to Commissioner Shepherd.

b. Resolutions & Recognition.

SUMMARY OF REQUEST: To concur with the actions of the Community Relation Committee.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Commissioner Shepherd read and presented a resolution to John Noling, Government teacher at Muskegon High School. Mr. Noling is retiring.

Vice Mayor Sieradzki read and presented a resolution to Julia Sands for her contributions to the Neighborhood Association.

Commissioner Shepherd read the resolutions for the students that participated in the Youth Clean Up Day. Mr. and Mrs. Derrick Smith, Ted Russell, Tom Johnson and the O'Toole Law Firm, Donato's Pizza, McKinley Copeland and the Housing Commission, Mrs. Givens and the Landlords Association, John Noling, Mrs. Thomas, Reverend VanderHaar and Central Community Church, Timmy Smith, and Billy Joe Shepherd all received resolutions for volunteering for the Youth Clean Up Day.

Mayor Nielsen read and presented a resolution to Commissioner Shepherd for organizing the Youth Clean Up Day.

2000-058 **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

b. SECOND READING / Ordinance - Public Employee Health Care Investment Act.

FINANCE

SUMMARY OF REQUEST: To take actions implementing provisions of the "Public Employee Health Care Investment Act (PA 149 of 1999)". This act authorizes the City to create a new fund for the accumulation and investment of funds to provide for retiree health benefits. The following actions are requested:

1. Adoption of the resolution establishing the "Employee Health Care Fund" in accordance with PA 149.
2. Adoption of the amendments to both the General Employees' and Police and Fire Retirement System ordinances which "freezes" the current method

of retiree healthcare funding and provides for future retiree healthcare funding to be done through the new fund.

FINANCIAL IMPACT: None. The City of Muskegon has long been pre-funding retiree healthcare benefits in much the same manner as PA 149 provides. Adoption of PA 149 provides a firmer legal foundation for pre-funding and investing retiree healthcare assets.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

c. Consideration of Bids – Roberts, Lawrence to Wesley.
ENGINEERING

SUMMARY OF REQUEST: The contract to construct Roberts between Lawrence & Wesley, using the asphalt bid, be awarded to Jackson Merkey Contractors, Inc. since they were in the lowest, responsible bidder with a bid price of \$123,941.10.

FINANCIAL IMPACT: The construction cost of \$123,941.10 plus related engineering expenses.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Jackson Merkey Contractors, Inc.

d. Sale of Non-Buildable Lot in Sheldon Park.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant non-buildable lot designated as map number 24-31-28-255-001 to Mr. Jeffrey Ross of 1225 Langeland Ave. The lot has 40 feet of frontage, and is located between Roberts and Creston Streets. The parcel's being offered to Mr. Ross for \$100. Currently Mr. Ross has 66 feet of frontage and wishes to obtain the additional lot to add to his existing land and prevent littering. No other adjacent property owners are interested in purchasing the property. The sale is contingent upon Mr. Ross not owing any debts to the City.

FINANCIAL IMPACT: The sale of this parcel will allow the property to be placed 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.

f. Purchase of Budgeted Equipment for 2000.
DPW

SUMMARY OF REQUEST: Approval to purchase one air compressor from Hasper Equipment for \$10,690.00, two dump boxes/scrapers from Allied Truck Equipment for

\$34,986.00, one flat bed and lift from Cannon Engineering an Equipment for \$17,467.00, one used manlift from Hasper Equipment for \$13,500.00, one Pothole Trailer from Miller Equipment for \$12,000.00, one skid loader and mill from Pell's for \$28,400.00, one used semi tractor from Ryder for \$18,300.00 and one service body and crane from Truck & Trailer for \$12,390.00.

FINANCIAL IMPACT: The total for all purchases, \$147,733.00, will come from the Equipment Fund.

BUDGET ACTION REQUIRED: None, all items are below budgeted amount.

STAFF RECOMMENDATION: Approval of all low bidders as described above.

g. Purchase of Property from West Michigan Steel for the Muskegon Lakeshore Pathway.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Approval of resolution and purchase agreement for property owned by West Michigan Steel, which is required for the Lakeshore Trail. The purchase price is \$40,680.00 which is the appraised value of the property. Through this agreement, the City will also be agreeing to, at the time of trail construction, lower the elevation of the berm now existing on the premises. The City will also be agreeing to lease the lakeward portion of the remaining property from West Michigan Steel for \$1.00, and to construct a fence along the trail, on the non-lakeward side. These stipulations are identical to those from the purchase of trail property from Kirksey Investment Corp., which was approved by the City Commission in January, 2000. The purchase agreement has already been signed by West Michigan Steel.

FINANCIAL IMPACT: Purchase will allow the Lakeshore Trail project to continue. The price for the property is \$40,680.00 and the purchase will be completed with funds received from the sale of the Chase Hammond Golf Course.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the Mayor and Clerk sign the resolution and purchase agreement, and recommends that the City Commission authorize staff to complete the purchase according to the terms of the agreement.

h. Muskegon Summer Celebration – Request to Waive Fees.

CITY MANAGER

SUMMARY OF REQUEST: To approve a request from Muskegon Summer Celebration to waive fees for all City services for the 2000 celebration.

FINANCIAL IMPACT: Cost of services of approximately \$60,000 annually.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

i. Knight Consulting – Revised Agreement.

CITY MANAGER

SUMMARY OF REQUEST: To enter into a new agreement with Knight Consulting for state legislative and administrative consulting services. The City has been using services from Knight Consulting since 1995.

FINANCIAL IMPACT: Cost increase from \$1,000 per month to \$2,000 per month.

BUDGET ACTION REQUIRED: The budget will need to be amended after the 2nd quarter to accommodate this change.

STAFF RECOMMENDATION: To approve the agreement.

j. Liability Claim – Marine Tap Room/Steve Warmington.

FINANCE

SUMMARY OF REQUEST: On September 16, 1999 Steve Warmington owner of the Marine Tap Room at 198 Lakeshore Drive, filed a liability claim against the City of Muskegon for damages and costs associated with a City main leak. Mr. Warmington and MMRMA have agreed on a settlement of this claim at \$19,000. This settlement must be approved by the City Commission because of the dollar amount.

FINANCIAL IMPACT: This claim will be paid from the city of Muskegon Retention Fund at MMRMA.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of MMRMA's recommended settlement.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve the Consent Agenda with the exception of items (a) and (e).

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

ADOPTED

2000-059 ITEMS REMOVED FROM CONSENT:

a. Approval of Minutes

CITY CLERK

SUMMARY OF REQUEST: Approve the minutes of the May 23, 2000 Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the minutes of the May 23, 2000 Regular Commission Meeting.

ROLL VOTE: Ayes: Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Spataro
Nays: Sieradzki

ADOPTED

Commissioner Benedict left at 6:25 p.m.

e. Refuse Cart Purchase 2000.

DPW

SUMMARY OF REQUEST: To authorize the purchase of one truckload (560) for use as replacements as needed. This purchase would restock our inventory of replacements we keep on hand for damaged carts. We are requesting approval for placing the order now with delivery anticipated in July. Currently the Sanitation Department has 25 carts in stock.

FINANCIAL IMPACT: Unit cost per cart \$43.50 (560 per truckload) = \$24,360.00.

BUDGET ACTION REQUIRED: 2000 Sanitation Budget item, available balance of \$25,000.00. Account #101-60523-5700 (capital outlay equipment).

STAFF RECOMMENDATION: Staff Recommends approval of the purchase with our current supplier Toter Inc. based on the City of Muskegon 10-year history and their new improved cart design.

Motion by Vice Mayor Sieradzki, second by Commissioner Shepherd to authorize the purchase of one truckload of refuse carts for use as replacements as needed.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson
Nays: None
Absent: Benedict

ADOPTED

COMMUNICATIONS:

A memo from Glenn Eacker, Chairman of the Historic District Commission concerning 607 W. Clay Ave. was read to the Commission.

CITY MANAGER'S REPORT:

Bob Kuhn, Director of Public Works introduced the new Deputy Director of Public Works, Ken Meyer.

2000-060 UNFINISHED BUSINESS:

a. SECOND READING - Rezoning Request for property located at 211 Irwin Ave.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 211 Irwin Ave. (SE corner of Irwin Ave. and Hoyt St.), from R-1 Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request due to compliance with the future land use map and Master Land Use Plan. The Planning Commission recommended approval of the request at their May 10, 2000 meeting. The vote was: Yes: Veltkamp, Abraham, Mazade, Nielsen; No: Sartorius, Coleman; Absent: Aslakson, Kleaveland, Smith

Motion by Commissioner Aslakson, second by Commissioner Spataro to approve the rezoning from R-1, Single-Family Residential to B-1, Limited Business for property located at 211 Irwin Avenue.

**ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson
Nays: None
Absent: Benedict**

ADOPTED

2000-061 NEW BUSINESS:

**a. Purchase Cisco PIX Hardware Firewall for the Police Computer Network.
POLICE**

SUMMARY OF REQUEST: Purchase a Cisco PIX 515 hardware firewall for the police computer network. This is a requirement of the Law Enforcement Information Network (LEIN) before we can connect to any outside network. We are now unable to attain connectivity between the police network and the city hall network or any other computer network. This firewall would also provide enhanced protection to all records on the system.

The cost of the Cisco PIX 515 is \$10,511.99, which we would pay with the 1998 Local Law Enforcement Block Grant (LLEBG) funds.

BUDGET ACTION REQUIRED: None

FINANCIAL IMPACT: Expend \$10,511.99 of the money awarded under the 1998 Local Law Enforcement Block Grant, 98LBVX3225 and local ten percent match money.

STAFF RECOMMENDATION: Staff recommends this purchase.

Motion by Commissioner Aslakson, second by Commissioner Shepherd to approve the purchase of a Cisco PIX 515 hardware firewall for the police computer network.

**ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Nielsen, Schweifler
Nays: None
Absent: Benedict**

ADOPTED

b. Purchase of Tax Reverted Properties from the DNR.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the purchase of the twenty-four (24) properties, via the tax reversion process. Annually, the DNR circulates a list of tax reverted properties to municipalities, for their consideration and ultimate purchase. This years list consists of nine (9) buildable lots; ten (10) non buildable lots; three (3) houses that are on the demolition list (vacant land can then be sold for new construction); and two (2) houses that will be rehabilitated and subsequently sold by the Community Neighborhood Services Department. Both the CNS Department and the Inspections Department were instrumental in compiling the list. The total cost for the purchase of the land and homes is \$740.00.

FINANCIAL IMPACT: The City must expend \$740 to acquire the properties.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Schweifler, to approve the purchase of the twenty-three properties (451 White is excluded), via the tax reversion process.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent: Benedict

ADOPTED

c. Amendment to Brownfield Plan – Set Public Hearing.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan. The amendment is for the inclusion of Beacon Recycling, located at 2210 Roberts Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact, although the expansion of Beacon Recycling will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Spataro, second by Commissioner Aslakson to approve the resolution for a public hearing on July 11, 2000 for an amendment to the Brownfield Plan to include Beacon Recycling, located at 2210 Roberts Street.

ROLL VOTE: Ayes: Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

Nays: None

Absent: Benedict

ADOPTED

d. Fireworks Display Permit – Summer Celebration.

CITY CLERK

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for June 29, July 4 & 9, 2000. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Aslakson, second by Commissioner Shepherd to approve the fireworks display for June 29, July 4 & 9, 2000 contingent on inspection of the fireworks and approval of the insurance.

ROLL VOTE: Ayes: Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro

Nays: None

Absent: Benedict

ADOPTED

e. Fireworks Display Permitt – GVSU @ 740 Shoreline.

CITY CLERK

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for June 15, 2000. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection and approval of insurance.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve a fireworks display for June 15, 2000 contingent upon inspection of the fireworks and approval of the insurance.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

Absent: Benedict

ADOPTED

f. City Commission 2000-2001 Goals.

ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: The City Commission held its annual goal setting session on Tuesday, May 31, 2000 and recommends the approval of the goals for the 2000-2001

period.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the goals. The City Commission held a goal setting work session on May 31, 2000 and recommends approval.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve the goals for the 2000-2001 period.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nays: None

Absent: Benedict

ADOPTED

ANY OTHER BUSINESS:

Mayor Nielsen commented on the dogs on the beach. He would like the rangers to enforce the pooper scooper law. Vice Mayor Sieradzki suggested a general clean up of the beach.

Mayor Nielsen stated that there are two City owned lots on Yuba that need the grass mowed. Commissioner Shepherd would like to have a list of all City owned lots.

Mayor Nielsen complimented the Cemetery Department on the appearance of the cemeteries this Memorial Day. Vice Mayor Sieradzki had received a complaint from a citizen on the condition of her husband's grave.

PUBLIC PARTICIPATION:

Roger C. Wade, Port City Building Association, 2209 Harrison objected to the selling of the parking lot across the street from the C. I. O. Hall.

David Wotli, 1724 Beidler, would like to purchase the home at 1679 Terrace and repair it. The house is scheduled for demolition. Bryon Mazade, City Manager responded.

Motion by Vice Mayor Sieradzki to allow Mr. Wotli 30 days to pay the taxes and present the Inspection Department with a timetable.

Motion dies for lack of support.

Marcia Aslakson, 1519 Fifth Street, President of the Civil Service Commission, spoke on the Muskegon Housing Commission. The Housing Commission still has 3 or 4 employees, that are City employees. Bryon Mazade responded to her questions.

2000-062 CLOSED SESSION:

Motion by Commissioner Aslakson, second by Commissioner Shepherd to adjourn to Closed Session at 7:50 p.m. to discuss pending litigation.

ROLL VOTE: Ayes: Shepherd, Sieradzki, Spataro, Aslakson, Nielsen, Schweifler

Nays: None

Absent: Benedict

ADOPTED

Vice Mayor Sieradzki left at 7:50 p.m.

Motion by Commissioner Aslakson, sec Comm [redacted] sioner Schweifler, to
to the Regular Commission Meeting at 8:09

ROLL VOTE: Ayes: Spataro, Aslakson, Niechweifle [redacted], Shepherd

Nays: None

Absent: Sieradzki, Benedict

ADOPTED

Motion by Commissioner Aslakson, sec Comm [redacted] sioner Schweifler to
with the City Attorney's recommendation.

ROLL VOTE: Ayes: Spataro, Aslakson, Niechweifle [redacted], Shepherd

Nays: None

Absent: Benedict, Sieradzki

ADOPTED

ADJOURNMENT:

The Regular Commission was adjourned 8:00 p.m.

Respectfully Submitted,

[Signature] *Kundinger*

GA. Kundi [redacted] ger, CMC/AEE
Clerk

JUNE 13, 2000

Date: June 6, 2000
To: Honorable Mayor and City Commission
From: Department of Public Works
Re: Refuse Cart Purchase 2000

SUMMARY OF REQUEST:

To authorize the purchase of one truckload (560) for use as replacements as needed. This purchase would restock our inventory of replacements we keep on hand for damaged carts. We are requesting approval for placing the order now with delivery anticipated in July. Currently the Sanitation Department has 25 carts in stock.

FINANCIAL IMPACT:

Unit cost per cart \$43.50 (560 per truckload) = \$24,360.00

BUDGET ACTION REQUIRED:

2000 Sanitation Budget item, available balance of \$25,000.00

Account # 101-60523-5700 (capital outlay equipment)

STAFF RECOMMENDATION:

Staff recommends approval of the purchase with our current supplier Toter Inc. base on the City of Muskegon 10-year history and their new improved cart design.

COMMITTEE RECOMMENDATION

**CITY OF MUSKEGON
Historic District
Commission**

Memo

To: Honorable Mayor and City Commissioners
From: Glenn Eacker, Chairman of the Historic District Commission (HDC)
Date: June 13, 2000
Re: 607 W. Clay Avenue

At the June 6, 2000 meeting of the HDC there was a discussion about the historic and architectural merits of the house at 607 W. Clay Avenue. The building is in the transitional structure of the Victorian era with elements of the Greek Revival and Italianate, c. 1885.

HDC is mindful that the house is not presently located in any of the City's historic districts, and, therefore, not under the jurisdiction of HDC. However, it is on the perimeter of the Clay-Western district and within two blocks of the area of the national register known as the Heritage Village.

It is the intention of the HDC to expand the historic districts to include a "scattered site" district that includes those buildings and sites that merit HDC protection. It is with this in mind that HDC wishes to express their deep concern for the loss of this house. By a unanimous vote, it was the desire of the HDC to submit a letter to the Mayor and City Commissioners expressing HDC's concern with the loss of the historic home located at 607 W. Clay Avenue.

Thank you.



Commission Meeting Date: May 23, 2000

Date: May 11, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at 211 Irwin Ave.

SUMMARY OF REQUEST:

Request to rezone property located at 211 Irwin Ave. (SE corner of Irwin Ave. and Hoyt St.), from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

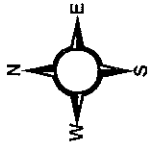
Staff recommends approval of the request due to compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 5/10/00 meeting. The vote was:

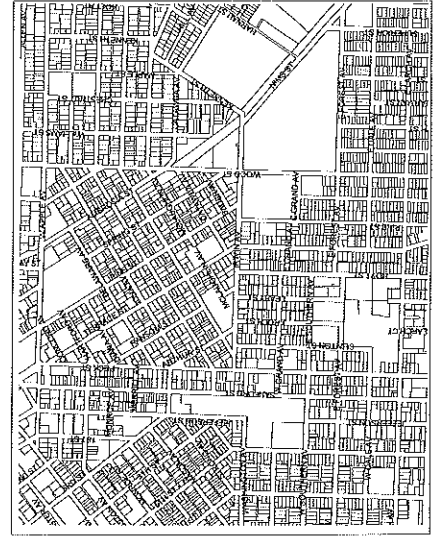
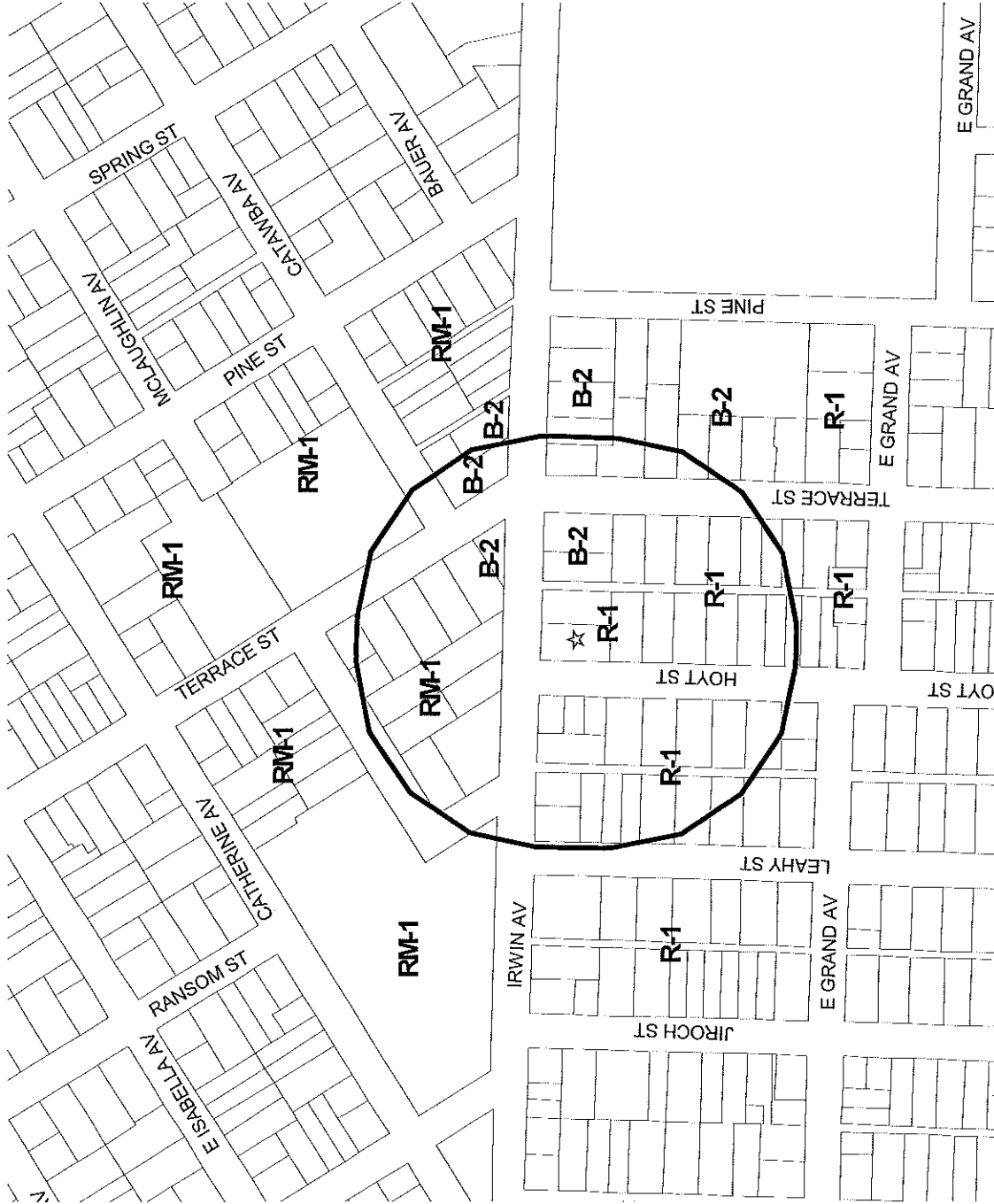
Yes:	Veltkamp, Abraham, Mazade, Nielsen
No:	Sartorius, Coleman
Absent:	Aslakson, Kleaveland, Smith

City of Muskegon Planning Commission Case #2000-18



- ☆ = Subject Property(ies)
- = Notice Area

R-1 = Single-Family Residential
 RM-1 = Low Density Multiple-Family Residential
 B-2 = Convenience and Comparison Business



CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2024

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from R-1 "Single-Family Residential," to B-1 "Limited Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from R-1 "Single-Family Residential", to B-1 "Limited Business":

LOT 4 OF BLOCK 272 OF THE REVISED PLAT OF 1903 OF THE CITY OF MUSKEGON,
MUSKEGON COUNTY, MICHIGAN

This ordinance adopted:

Ayes: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson

Nayes: None

Adoption Date: June 13, 2000

Effective Date: July 1, 2000

First Reading: May 23, 2000

Second Reading: June 13, 2000

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, 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 13th day of June, 2000, 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: June 13, 2000.


Gail Kunding, CMC/AE
Clerk, City of Muskegon

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

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

May 10, 2000

Hearing; Case 2000-18: Request to rezone property located at 211 Irwin Ave. from RM-1, Low Density Multiple-Family Residential to B-1, Limited Business, by Janet Johnson.

BACKGROUND

Applicant: Janet Johnson

Address/Location of Subject Property: 211 Irwin Ave. (SE corner of Irwin Ave. & Hoyt St.)

Current Use: Residential

Current Zoning: R-1, Single-Family Residential

Proposed Zoning: B-1, Limited Business

STAFF OBSERVATIONS

1. The subject property is currently nonconforming and contains a duplex. The applicant wishes to turn the lower apartment into an art gallery/antique shop, while retaining the upper apartment. The proposed use is allowed by right in the B-1 district.
2. The Future Land Use Map shows the subject property, as well as the property on the same block currently zoned B-2, as residential. Downzoning the commercial area in the immediate area to residential is not very practical at this time. The B-1 designation would downzone closer to the residential designation, yet permit low-scale businesses until such time that it's practical to redevelop the area as residential.
3. There are several structures in the immediate vicinity that are commercial in nature, but appear to be underutilized. A B-2 designation for this relatively small area of commercial surrounded by residential is a more intense designation than it probably should be. A B-1 designation for the entire area may stimulate specialty shops and small businesses yet keep a more quiet character.
4. The proposed use could also be accommodated through a special use permit in the RM-1 zone, which is another option for a rezoning, but staff wanted to take the opportunity to consider the larger area for B-1 designation.
5. The subject property is a well kept historic home. One concern with rezoning it for a business designation is that it may promote demolition in the future. Under a special use permit, the property could be protected by requiring that the business operate out of the existing structure only.

6. The Master Land Use Plan states:
 - ◆ *Sub-Area 4 is predominately residential in use... The sub-area also includes a variety of medical facilities and commercial, industrial, and institutional development... Except for recognized enclaves of desired non-residential development, the sub-area's internal development should be limited to those uses of a residential character or having residential compatibility.*
 - ◆ *A majority of the area is devoted to single-family use. Housing character and local neighborhood quality vary markedly.*
7. The Master Plan recommends for this sub-area:
 - ◆ *Maintain the sub-area's residential focus.*
 - ◆ *Implement, through zoning, buffer requirements associated with the placement of non-residential uses contiguous to residential development.*
 - ◆ *Consider placement of duplex, tri-plex and four-plex unites as infill housing based on designs [building and site] which are complimentary to existing area housing.*

ORDINANCE EXCERPTS

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

In a B-1 Limited Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there are no external changes made to the buildings or properties.

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

Planned developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-1 Limited Business Districts is to allow mixed land uses which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings.

SECTION 1003: AREA AND BULK REQUIREMENTS

See Article XXI, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on June 13, 2000, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "Single-Family Residential", to B-1 "Limited Business"

LOT 4 OF BLOCK 272 OF THE REVISED PLAT OF 1903 OF THE CITY OF
MUSKEGON, MUSKEGON COUNTY, MICHIGAN

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 June 21, 2000

CITY OF MUSKEGON

By _____
Gail A. Kunding
Its Clerk

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

Account No. 101-80400-5354

AGENDA ITEM NO. 2000--

CITY COMMISSION MEETING: June 13, 2000

TO: Honorable Mayor and City Commissioners
FROM: Edward E. Griffin, Chief of Police 
DATE: June 2, 2000
RE: Purchase Cisco PIX 515 Hardware Firewall for the Police
Computer Network using 1998 Local Law Enforcement Block
Grant (LLEBG) funds

SUMMARY OF REQUEST:

Purchase a Cisco PIX 515 hardware firewall for the police computer network. This is a requirement of the Law Enforcement Information Network (LEIN) before we can connect to any outside network. We are now unable to attain connectivity between the police network and the city hall network or any other computer network. This firewall would also provide enhanced protection to all records on the system.

The cost of the Cisco PIX 515 is \$10,511.99, which we would pay with 1998 Local Law Enforcement Block Grant (LLEBG) funds.

BUDGET ACTION REQUIRED:

None

FINANCIAL IMPACT:

Expend \$10,511.99 of the money awarded under the 1998 Local Law Enforcement Block Grant, 98LBVX3225 and local ten percent match money.

STAFF RECOMMENDATIONS:

Staff recommends this purchase.

Memorandum

To: Donald H. DeBoef, Assistant Chief of Police
From: Jim Maurer, Information Systems Director
Date: 05/24/2000
Re: Cisco PIX Firewall

Don,

Attached you will find information on the Cisco PIX 515 hardware firewall, product comparisons and price quotes. The cost of \$10,511.99 includes one year of support and an additional network card. This firewall is used by federal and local governments and has the highest security rating.

If you need further information, please call.

Thanks!

Maurer, Jim

From: bradswa@cdwg.com
To: Maurer, Jim
Subject: CDW Order/Quote

Daw

Document is best viewed in a fixed font like Courier

CDW Government, Inc.
230 North Milwaukee Avenue
Vernon Hills, IL 60061

Thank you for allowing me the opportunity to quote
on the following items. If I can be of any further assistance,
please contact me at 1-800-800-4239 ext. 78383 or email me at
bradswa@cdwg.com

SALES QUOTATION ORDER NO. Page 1
5/23/2000 3:47 PM CJ76333
BILL TO: 1856159 SHIP TO:
CITY OF MUSKEGON CC ACCOUNT CITY OF MUSKEGON CC ACCOUNT
933 TERRACE ST 933 TERRACE ST
JIM MAURER JIM MAURER
MUSKEGON, MI 49440-1348 MUSKEGON, MI 49440-1348
PHONE# 2317246706 PO# WEEK QUOTE

QUOTE DATE SHIP VIA TERMS SLS RESALE NO.
5/23/2000 AN Master Card / VIS BRAD SWANS

EDC CD	QTY ORD	ITEM NUMBER/ DESCRIPTION	UNIT	UNIT PRICE	EXTENDED PRICE
178699	1	CIS-PIX-515-UR-BUN CISCO PIX 515 UNREST S/W BDL	EA	8,377.00	8,377.00
106934	1	CIS-PIX-1FE CISCO PIX 1-PORT 10/100 ENET FIREWAL	EA	145.00	145.00
097885	1	CIS-CON-SNT-PKG13 CISCO SMARTNET PK CAT 13	EA	1,979.00	1,979.00

SUB-TOTAL 10,501.00
SHIPPING 10.99
SALES TAX .00

TOTAL DUE IN U.S DOLLARS 10,511.99

CDW Government, Inc. * 230 North Milwaukee Avenue
Vernon Hills, IL 60061 * Phone: 847-371-5000 * Fax: 847-419-6200

Cisco PIX Firewall Series

Product Overview

The Cisco PIX Firewall series delivers strong security in an easy-to-install, integrated hardware/software appliance that offers outstanding performance. The series allows you to rigorously protect your internal network from the outside world—providing full firewall security protection. Unlike typical CPU-intensive full-time proxy servers that perform extensive processing on each data packet at the application level, Cisco PIX firewalls use a non-UNIX, secure, real-time, embedded system. The PIX Firewalls deliver superior performance of up to 250,000 simultaneous connections, over 6,500 connections per second, and nearly 170 megabits per second (Mbps) throughput. This level of performance is dramatically greater than that delivered by other appliance-like firewalls or those based on general-purpose operating systems.

Figure 15-1: PIX Firewall 520 Front View

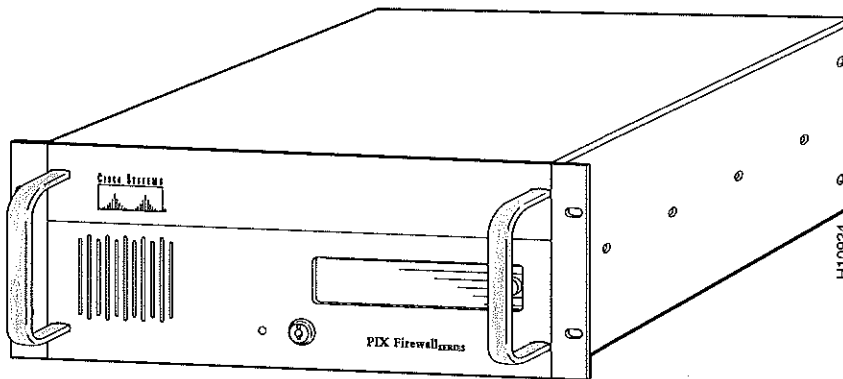


Figure 15-2: PIX Firewall 520 Rear View

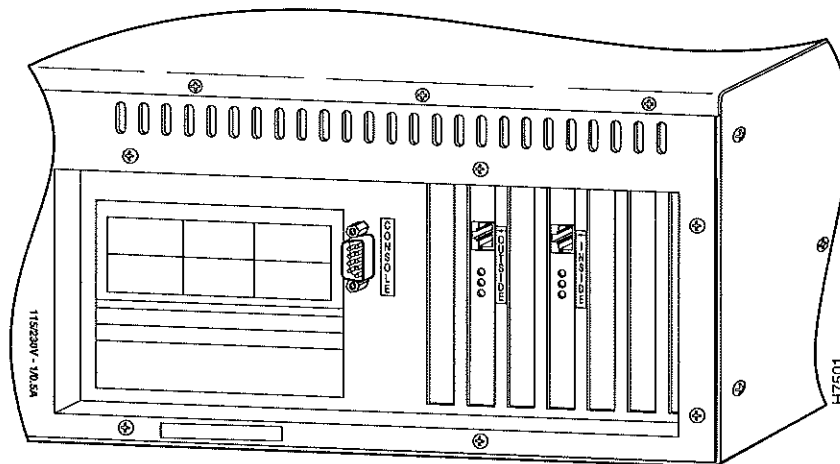


Figure 15-3: PIX Firewall 515 Front View

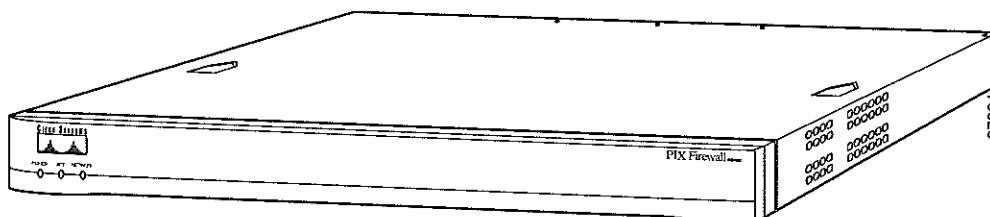
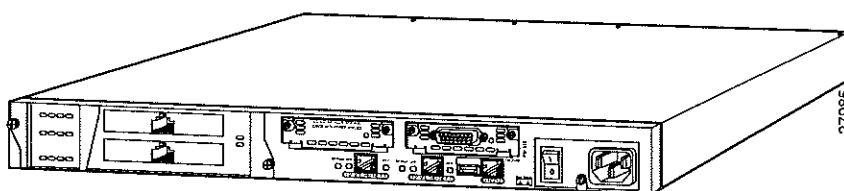


Figure 15-4: PIX Firewall 515 rear View



Key Features and Benefits

- Non-UNIX, secure, real-time, embedded system

This design eliminates the risks associated with a general purpose operating system and allows the Cisco PIX Firewall series to deliver outstanding performance—up to 250,000 simultaneous connections—dramatically greater than any UNIX-based firewall and without affecting end-user performance.

- Less complex and more robust than packet-filtering; higher performance and more scalable than application proxy firewalls

The heart of the PIX Firewall series is the adaptive security algorithm (ASA), which maintains the secure perimeters between the networks controlled by the firewall. The stateful, connection-oriented ASA design creates session flows based on source and destination addresses, TCP sequence numbers (which are non-predictable), port numbers, and additional TCP flags. All inbound and outbound traffic is controlled by applying security policy to connection table entries.

- User authentication and authorization with cut-through proxy

Cisco's PIX Firewall series gains further dramatic performance advantage through its patented method of transparently verifying the identity of users at the firewall and permitting or denying access to any TCP- or UDP-based application. This method eliminates the price/performance impact UNIX-based firewalls impose in similar configurations, and leverages the authentication and authorization services of CiscoSecure Access Control Server. For more information on CiscoSecure Access Control Server, available for both Windows NT and UNIX (Solaris), see the chapter "CiscoSecure Access Control Server Software."

- Centralized configuration and management with the PIX Firewall Manager

This Java-based graphical user interface (GUI) configuration tool lets the administrator use a Web browser to retrieve, edit, and centrally manage security policies. Separate tabs provide access to configuration information common to all PIX Firewalls being managed and to built-in reports for user-based accounting for web sites visited and volume of files transferred. The PIX Firewall Manager can automatically provide real-time alerts of any attempted firewall breaches through e-mail or pager notification.

- Platform extensibility

To provide platform extensibility without sacrificing the benefits of an embedded system, the PIX Firewall series includes two hardware platforms, the PIX Firewall 515 and 520, which support a broad range of network interface cards (NICs). Standard NICs include single- or four-port 10/100 Ethernet cards, 4/16 Token Ring cards, and dual-attached multimode FDDI cards. FDDI cards and four-port Ethernet cards are supported in PIX beginning with version 4.4.

- Failover/hot standby upgrade option

The PIX Firewall failover option ensures high availability and eliminates a single point of failure. With two PIX Firewalls running in parallel, if one malfunctions, the second PIX Firewall transparently maintains security operations.

- Synchronized configurations for effective recovery from hardware failure

Simplified TFTP boot function allows consistent synchronization of multiple device configurations.

Specifications

Hardware

Table 15-2: PIX Firewall Specifications

Description	PIX Firewall 515-R	PIX Firewall 515-UR	PIX Firewall 520	PIX Firewall 520-DC
Hardware Case	19-in. rack-mountable (comes with rack-mount hardware)	19-in. rack-mountable (comes with rack-mount hardware)	19-in. rack-mountable (comes with rack-mount hardware)	19-in. rack-mountable (comes with rack-mount hardware)
Random Access Memory	32 MB	64 MB	128 MB	128 MB
Console Port	RJ-45	RJ-45	DB-9 EIA/TIA-232	DB-9 EIA/TIA-232
Boot/Update Device	TFTP only	TFTP only	3.5-in. floppy disk drive	3.5-in. floppy disk drive
Failover Port ¹	DB-25 EIA/TIA-232	DB-25 EIA/TIA-232	DB-25 EIA/TIA-232	DB-25 EIA/TIA-232

1. Failover requires special, Cisco cable

Table 15-3: PIX Firewall Power and Environmental Specifications

Description	PIX Firewall 515-R	PIX Firewall 515-UR	PIX Firewall 520	PIX Firewall 520-DC
Autoswitching	100-240 VAC	100-240 VAC	100-240 VAC	-48 VDC
Frequency	50-60 Hz	50-60 Hz	50-60 Hz	—
Current	1.5-0.75 Amps	1.5-0.75 Amps	4-2 Amps	4 Amps
Operating Temperature	-5 to +45°C (-25 to 113°F)	-5 to +45°C (-25 to 113°F)	-5 to +45°C (-25 to 113°F)	-5 to +45°C (-25 to 113°F)
Storage Temperature	-25 to +70°C	-25 to +70°C	-25 to +70°C	-25 to +70°C
Operational Humidity	95% relative humidity (RH)	95% relative humidity (RH)	95% relative humidity (RH)	95% relative humidity (RH)
Operational Altitude	3000m (9843 feet), 25°C (77°F)	3000m (9843 feet), 25°C (77°F)	3000m (9843 feet), 25°C (77°F)	3000m (9843 feet), 25°C (77°F)
Heat Dissipation (Worst Case with Full Power Usage)	160.37 BTU/hr	160.37 BTU/hr	863.27 BTU/hr	863.27 BTU/hr
Dimensions (H x W x D)	1.72 x 16.82 x 11.8 in. (4.4 x 42.7 x 29.9 cm)	1.72 x 16.82 x 11.8 in. (4.4 x 42.7 x 29.9 cm)	5.21 x 16.82 x 17.5 in. (13.2 x 42.7 x 44.5 cm)	5.21 x 16.82 x 17.5 in. (13.2 x 42.7 x 44.5 cm)
Weight	11 lb.	11 lb.	21 lb.	21 lb.

PIX Firewall Software

- PIX 520 - Connection licenses available for 128, 1024, and Unrestricted (more than 250,000) simultaneous connections
- PIX 515 - Only unrestricted licenses available
- PIX 520 - Ethernet, FDDI and Token Ring available
- PIX 515 - Restricted (no failover, 32mb RAM, no option cards, 2 ethernet interfaces only)
- PIX 515 - Unrestricted (64mb RAM, failover, up to 6 ethernet interfaces)
- PIX 515 - Ethernet only
- Adaptive security algorithm (ASA)
- Cut-through proxy authenticates, authorizes, and enhances performance
- Multiple interface support (10/100 Mbps ethernet, Token Ring, FDDI)
- Up to 6 ethernet interfaces
- Failover/hot standby; synchronized configurations

- True Network Address Translation (NAT) as specified in RFC 1631
- Port Address Translation (PAT) further expands a company's address pool-one IP address supports more than 64,000 hosts
- Mail Guard removes need for external mail relay server in perimeter network
- TACACS+, Radius authentication
- DNS Guard transparently protects outbound name and address lookups
- Flood Guard and Fragmentation Guard protect against denial of service attacks
- Java blocking eliminates potentially dangerous Java applets (not compressed or archived)
- Extremely high-performance URL filtering that surpasses the competition in any enterprise-scale network
- Cisco IOS-style command-line interface
- Extended authentication, authorization, and accounting capabilities
- Net Aliasing transparently merges overlapping networks with the same IP address space
- Enhanced granularity of inbound access (conduits)
- Allows use of existing registered IP addresses
- Extended access lists
- Ability to customize protocol ports
- Support for private networking of virtual sites at greater than 45MB using Cisco proprietary Private Link 2.
- Enhanced customization of syslog messages
- Simple Network Management Protocol (SNMP) and syslog for remote management
- Reliable syslogging using either TCP or UDP
- Extended transparent application support (both with and without NAT enabled) includes:
 - Sun remote procedure call (RPC)
 - Microsoft Networking client and server communication (NetBIOS over IP) using NAT
 - Multimedia, including Progressive Networks' RealAudio, Xing Technologies' Streamworks, White Pines' CuSeeMe, Vocal Tec's Internet Phone, VDOnet's VDOLive, Microsoft's NetShow, V Xtreme Web Theatre 2; and Intel's Internet Video Phone and Microsoft's NetMeeting (based on H.323 standards)
 - Oracle SQL*Net client and server communication

PIX Firewall Manager Specifications

- Hosted on a Windows NT 4.0 platform (required) Service Pack 4 compliant
- Each PIX Firewall Manager supports up to 10 PIX Firewalls for full logging, and configuration for up to 10 PIX Firewalls
- E-mail and pager alarms can be set based on single events or after a threshold is reached
- Built-in reports to display FTP and URL activity per user on a daily basis
- All configuration information sent between PIX Firewalls and PIX Firewall Manager are protected by a shared secret/secure hash algorithm (MD5)
- Strong authentication (one-time password) support for PIX Firewall management sessions can be provided by CiscoSecure or other TACACS+ or RADIUS server

Software

For additional specifications, see the PIX Firewall datasheet on the Cisco Web at www.cisco.com.

Ordering Information

Ordering Information

For documentation product numbers, refer to “Internet Products Documentation” in the “Documentation” chapter.

Product and Part Numbers

Part Numbers for the PIX Firewall

Part Description	Part Number
PIX Firewall Solutions	
PIX Private Link 2 card	PIX-PL2
PIX Private Link 2 card, spare	PIX-PL2=
ONE 10/100 Mbps ETHERNET INTERFACES, RJ45	PIX-1FE
ONE 10/100 Mbps ETHERNET INTERFACES, RJ45	PIX-1FE=
Single Gigabit Ethernet Interface for PIX Firewall	PIX-1GE=
PIX Four-port 10/100 Ethernet interface	PIX-4FE
PIX Four-port 10/100 Ethernet interface	PIX-4FE=
ONE 4/16 Mbps TOKEN-RING INTERFACE	PIX-1TR
ONE 4/16 Mbps TOKEN-RING INTERFACE	PIX-1TR=
FAILOVER UPGRADE KIT - SW V3.0 OR LATER	PIX-FO=
FDDI Interface for the PIX Firewall	PIX-FDDI
PIX FDDI Card	PIX-FDDI=
Accessory Kit associated with PIX Software version 4.4	ACC-PIX500-4.4
32MB FRU Memory for PIX 515	PIX-515-MEM-32=
PIX 515 Restricted to Unrestricted Software License Upgrade	PIX-515-SW-UPG=
Blank to fill unused option slot on PIX 515	PIX-BLANK-SLOT
PIX 515 Chassis only	PIX-515
PIX 515 Unrestricted Function software license	PIX-515UR-SW
PIX 520 Chassis only	PIX-520
PIX 520, -48VDC power chassis only	PIX-520-DC
PIX Midrange license	PIX-CONN-1K
PIX Entry level license	PIX-CONN-128
PIX Unrestricted license	PIX-CONN-UR
PIX lic upgd entrylevel to midrange	PIX-CONN-128-1K=
PIX lic upgd entrylevel to unrestricted	PIX-CONN-128-UR=
PIX lic upgd midrange to unrestricted	PIX-CONN-1K-UR=
PIX Software Upgrade for Non-Support Customers	PIX-CONN-VER=

Commission Meeting Date: June 13, 2000

Date: May 30, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Purchase of Tax Reverted Properties from the DNR

SUMMARY OF REQUEST:

To approve the purchase of the twenty-four (24) properties listed in the attachment, via the tax reversion process. Annually, the DNR circulates a list of tax reverted properties to municipalities, for their consideration and ultimate purchase. This years list consists of nine (9) buildable lots; ten (10) non-buildable lots; three (3) houses that are on the demolition list (vacant land can then be sold for new construction); and two (2) houses that will be rehabilitated and subsequently sold by the Community Neighborhood Services Department. Both the CNS Department and the Inspections Department were instrumental in compiling the list. The total cost for the purchase of the land and homes is \$740.00

FINANCIAL IMPACT:

The City must expend \$740 to acquire the properties.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution.

5/30/2000

*451 white
removed by Commission*

Resolution No. 2000-61(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE ACQUISITION OF 24 TAX REVERTED PROPERTIES FOR \$740.

WHEREAS, The State of Michigan circulates an annual list of tax reverted properties to municipalities for their consideration and ultimate purchase;

WHEREAS, the Planning; Inspections; and Community Neighborhood Services have collaborated in compiling the list of properties;

WHEREAS, the acquisition of the properties will provide better housing opportunities for the City's constituency;

WHEREAS, the sale is consistent with City policy regarding the acquisition and subsequent disposition of buildable, non-buildable lots; and rehabilitated homes;

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon acquire the following lots with the attached map numbers:

61-30-35-351-025	24-31-20-428-016	24-31-20-408-005
24-31-21-133-007	24-31-20-479-017	24-31-20-459-016
24-31-29-204-007	24-31-29-233-007	24-30-35-380-003 *
24-31-20-376-006	24-31-20-359-016	24-31-29-129-011
24-31-29-129-013	24-31-29-176-002	24-31-29-176-007
24-31-29-179-016	24-31-29-186-002	24-31-29-307-004
24-31-29-379-002	24-31-29-381-001	24-31-30-251-001
24-31-30-453-018	24-30-35-380-003*	

***This map number corresponds to two different (adjacent) legal descriptions on LeTart Ave, consistent with the DNR listing.**

Adopted this 13th day of June, 2000

Ayes: Sieradzki, Spataro, Aslakson, Nielsen, Schweifler, Shepherd

Nays: None

Absent Benedict

By: Fred J. Nielsen
Fred J. Nielsen, Mayor

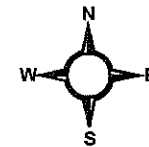
Attest: Gail Kunderger
Gail Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 13, 2000.

By: Gail Kunderger
Gail Kunderger, Clerk

City of Muskegon 2000 Tax-Reverted Property

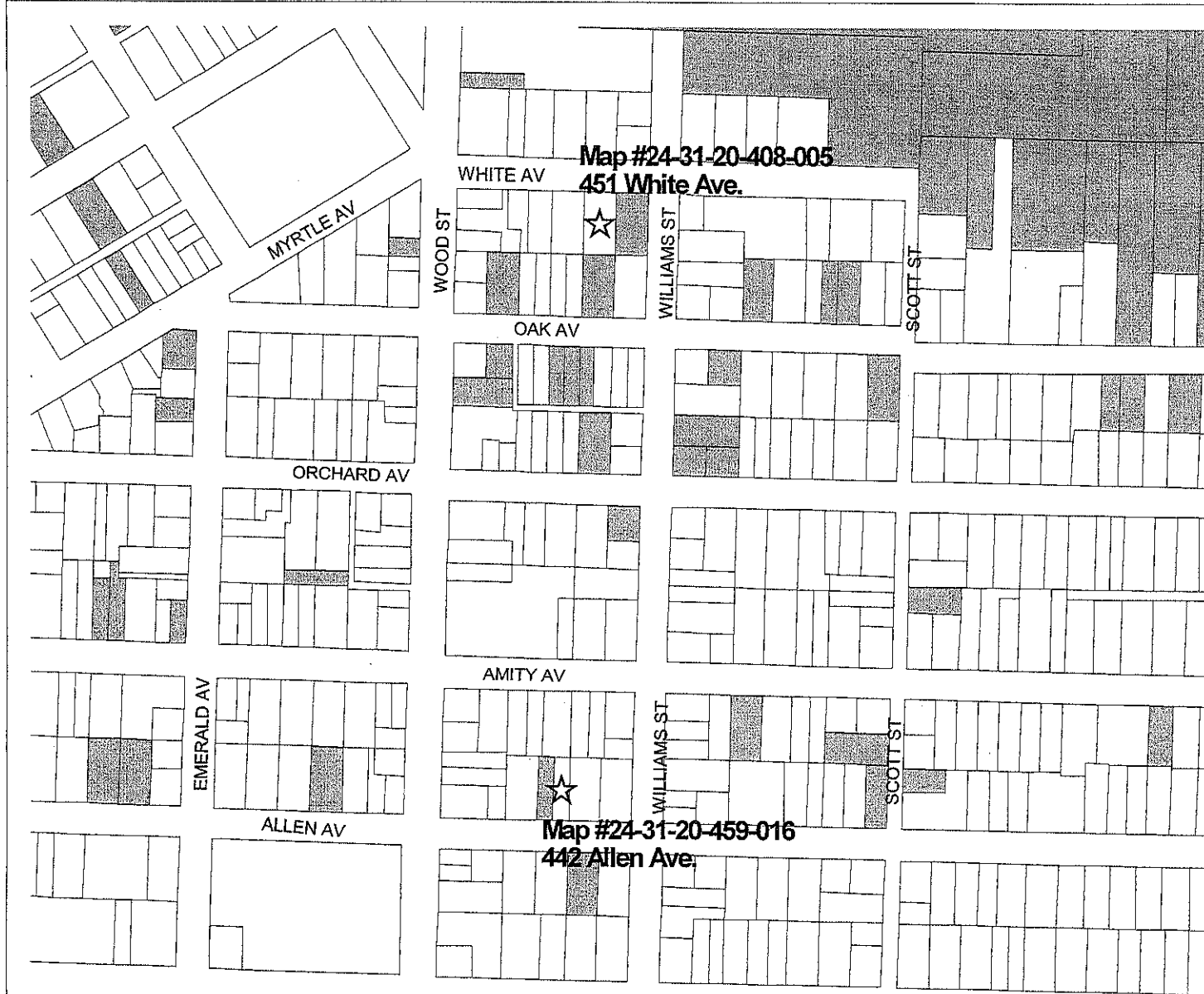
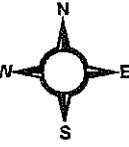


★ = Subject Property(ies)



50000 0 50000 Miles

City of Muskegon 2000 Tax-Reverted Property

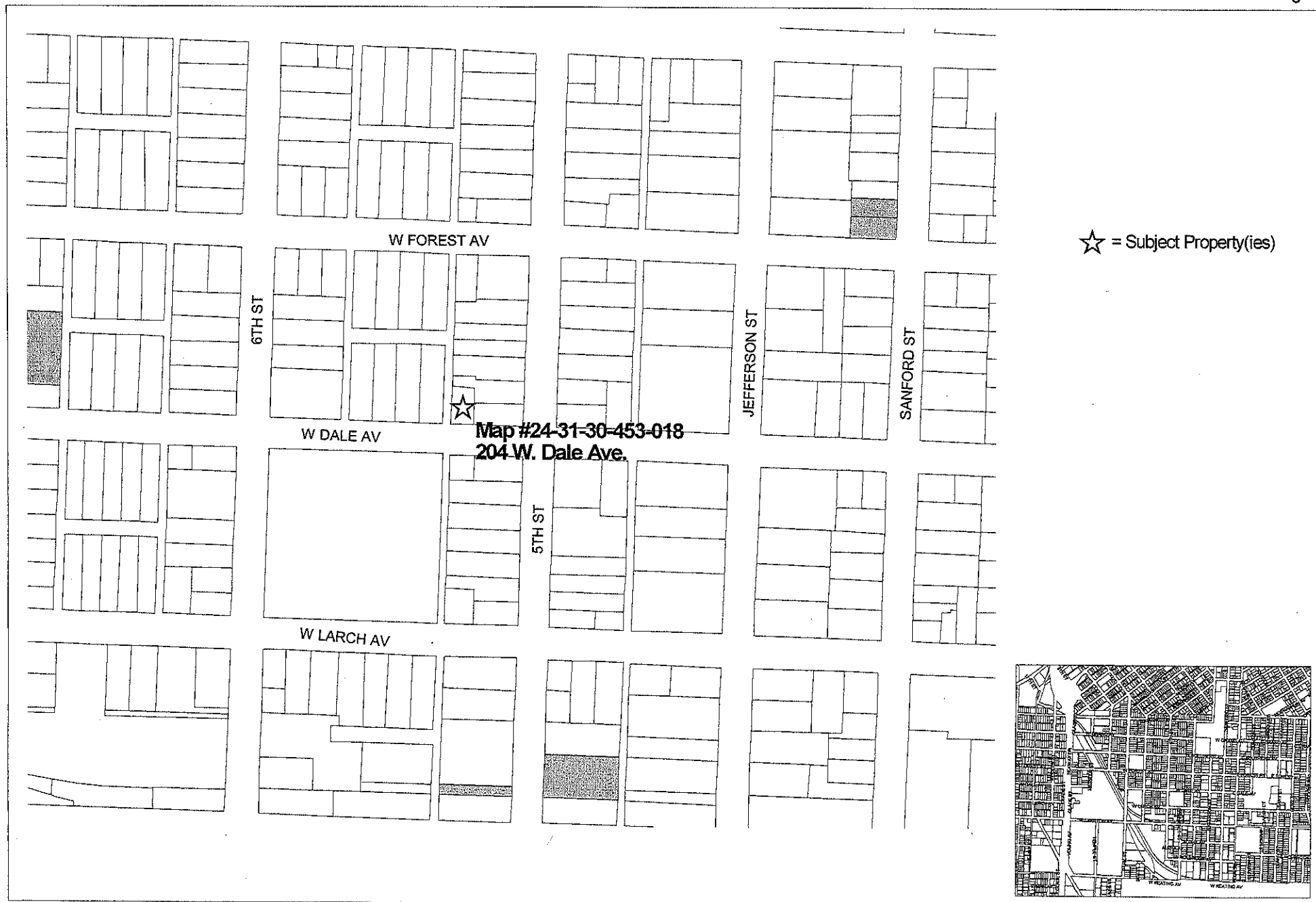
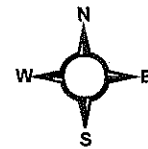


☆ = Subject Property(ies)



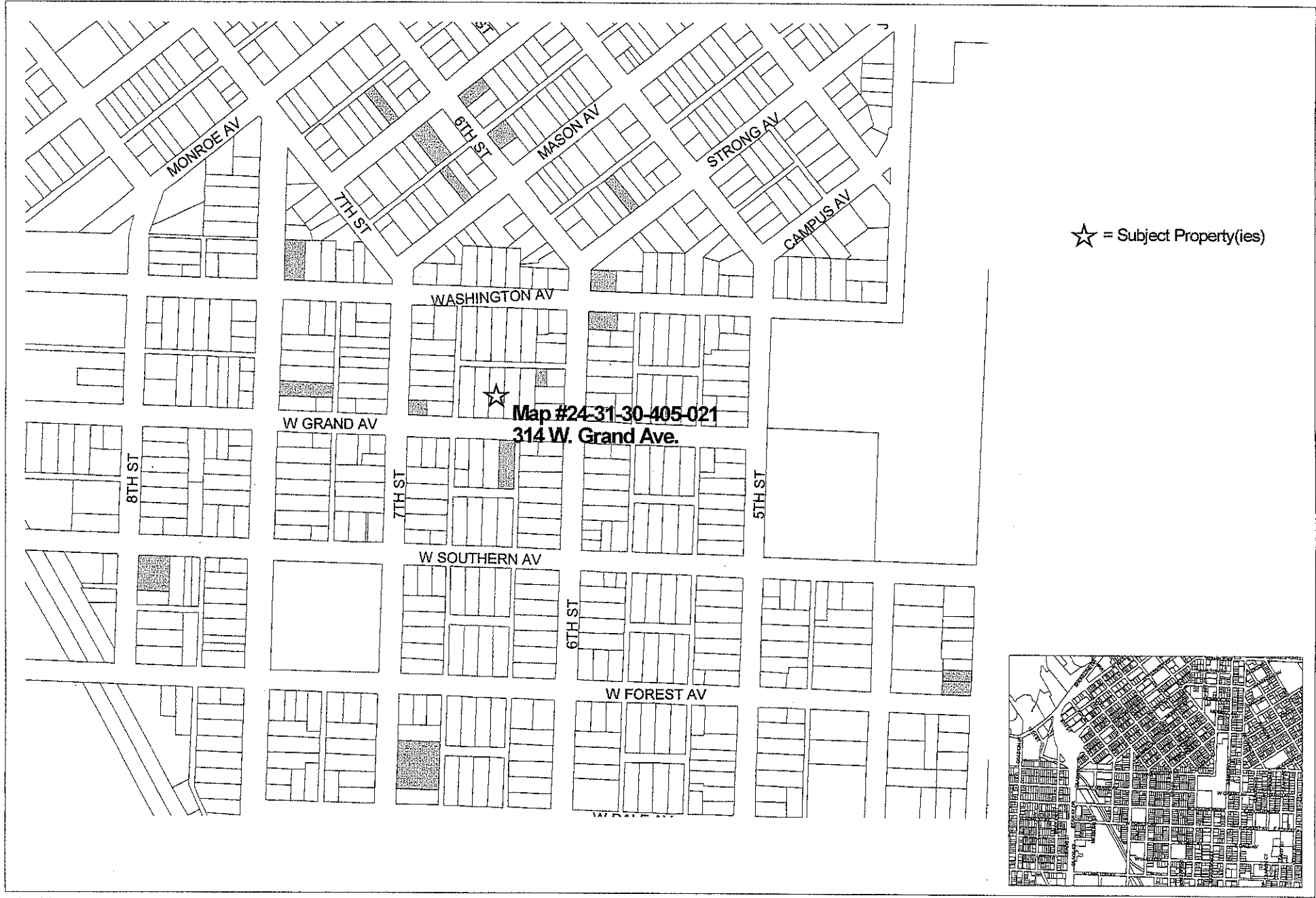
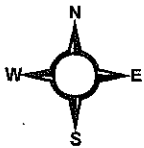
40000 0 40000 Miles

City of Muskegon 2000 Tax-Reverted Property



30000 0 30000 Miles

City of Muskegon
2000 Tax-Reverted Property



☆ = Subject Property(ies)



Memorandum

To: Honorable Mayor and City Commission

CC: Bryon Mazade, City Manager
Gail Kunding, City Clerk

From: Cathy Brubaker-Clarke, Director of Community & Economic Development *CBC*

Date: 06/13/00

Re: Tax-Reverted Property

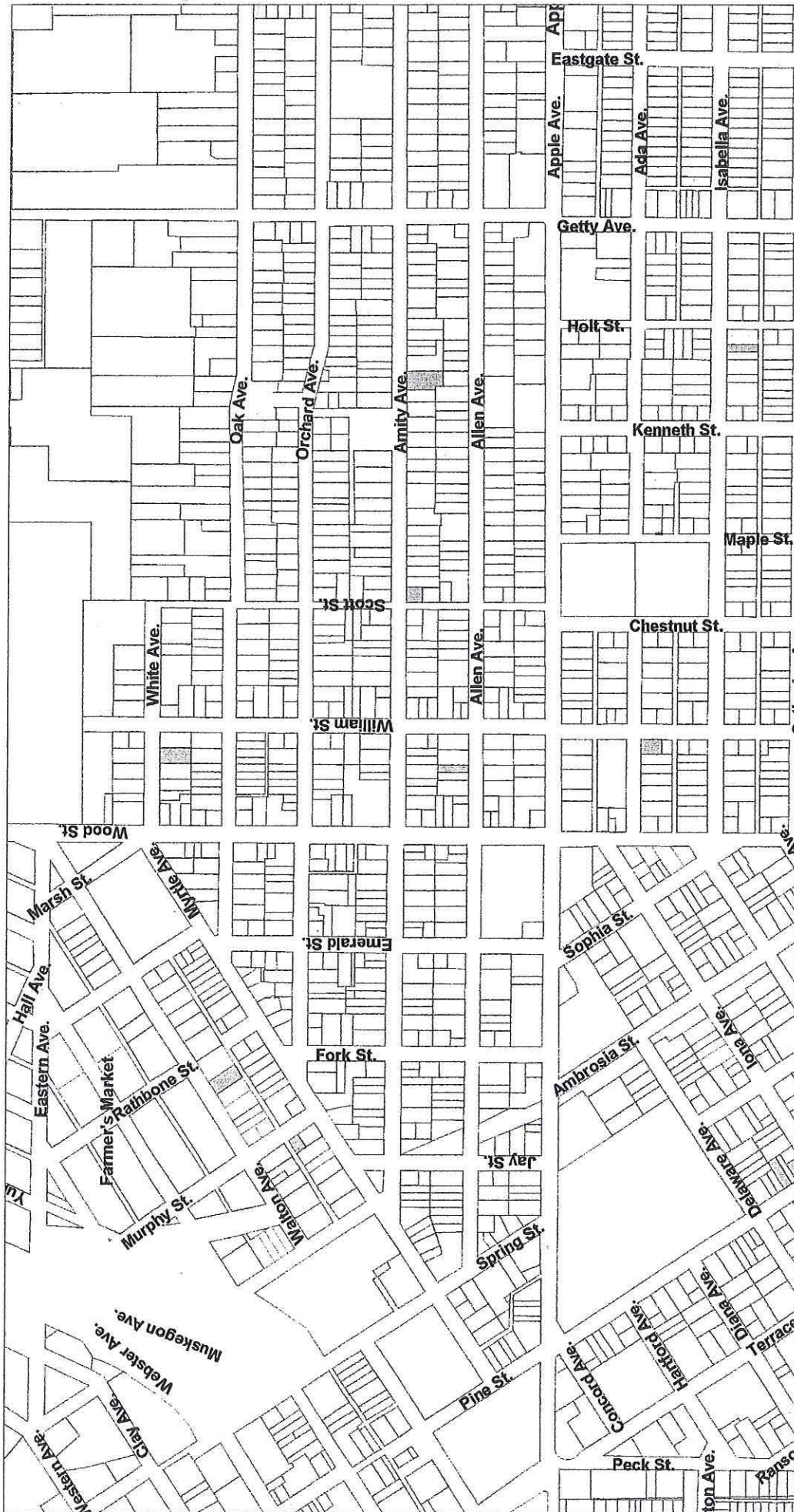
Attached are maps depicting the properties being recommended for purchase from the Michigan Department of Natural Resources, through the tax-reversion process. The first four maps show the locations of the houses, with their addresses and parcel numbers. There are three houses with the potential for rehab (as opposed to two, as mentioned in the staff report), which are 314 Grand, 315 Catawba, and 204 W. Dale. If we are not able to use these for rehab, through the HOME program, they can be demolished at a later date. The remaining houses have been, or will be demolished (the City would do this whether or not the State owned the properties).

The second two maps depict the locations of the remaining tax-reverted lots.

Attachment



Tap rerouted
Property is
shaded



QUIT-CLAIM DEED

2000-61(6)

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to the State of Michigan, c/o Land and Mineral Services Division, 530 W. Allegan, Lansing, MI 48933,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The West 47.6 feet of Lot 7 and the West 47.6 feet of the South 27-1/7 feet of Lot 6, Block 441,
of the City of Muskegon

for the sum of One (\$1) Dollar and other good and valuable consideration.

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 31st day of August, 2000.

Signed in the presence of:

CITY OF MUSKEGON

Linda S. Potter
Linda S. Potter

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

Jo Ann Krukowski
Jo Ann Krukowski

and Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 31st day of August, 2000, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Ave.
Muskegon, MI 49443-0786

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon Co., MI
My commission expires: 9-25-02

WHEN RECORDED RETURN TO:
Grantee

SEND SUBSEQUENT TAX BILLS TO:
Grantee

Date: June 5, 2000

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBC

RE: Amendment to Brownfield Plan

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan. The amendment is for the inclusion of Beacon Recycling, located at 2210 Roberts Street, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact, although the expansion of Beacon Recycling will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on June 13 to take action on the proposed amendment, and make a recommendation to the City Commission.

**MUSKEGON BROWNFIELD PLAN
SITE-SPECIFIC PROVISIONS
(SITE ADDITION)**

Beacon Recycling, Inc. (Section 13(1)(g))

Beacon Recycling, Inc./Beacon Leasing ("Beacon") intends to expand its recycling operations by relocating to a portion of the former Amstore property located on Keating Avenue. Beacon intends to collect, sort, and prepare materials (primarily metals) for transport to recycling processing centers. A legal description and site map of the property purchased by Beacon is included as Attachment #3, and is herein referred to as the "Property".

Beacon's initial investment in land and buildings is \$690,000. Over the next five years, projected investments in building and Property improvement totals over \$219,000. Estimated capital expenditures within the next five years exceed \$760,000. Beacon projects that its expansion at the Property will create 10-12 new jobs within the next 3 years.

Eligibility

The Property being acquired by Beacon is considered to be "eligible property" as defined by Act 381 because it has been determined to be a "facility" pursuant to Part 201 of the Natural Resources and Environmental Protection Act. The Property has been the subject of Phase I and Phase II Environmental Site Assessments (ESAs) recently conducted by Westshore Consulting on behalf of Beacon. The Phase I ESA documented the past industrial use of the western portion of the Property as a store fixture manufacturing site (shelving and display units) from approximately 1963 to 1999. From the 1920's to 1960's, the site was used for the assembly of busses and farm equipment. The Phase II ESA revealed concentrations of heavy metals in soils that exceed applicable Part 201 Residential criteria. As a result of the Property being determined to be a facility, Westshore has prepared a Baseline Environmental Assessment (BEA) for the Property on behalf of Beacon. Westshore will be preparing a Due Care plan, to identify Beacon's responsibility for undertaking any necessary Due Care response activities pursuant to Part 201.

Costs of Plan (Section 13(1)(a,b,c,f))

There are no costs to the City of Muskegon or its local taxing jurisdictions as a result of the Property being included in this Brownfield Plan. There will be no tax increment financing for "eligible activities"; Beacon has paid for the cost of undertaking the Phase I and II ESAs, the BEA, and the Due Care Plan. Beacon will also pay for any necessary Due Care Response activities.

The costs to the State are as yet undetermined, although inclusion of the Property in this Plan may allow Beacon to be eligible for up to \$1 million in credits toward its Single Business Tax liability. The Property is included in this Brownfield Plan to enable a "qualified taxpayer" to avail itself of eligibility for credits against its Single Business Tax liability for "eligible investment" (demolition, construction, restoration, purchase of machinery, equipment, and fixtures) incurred after the adoption of this amendment to the Brownfield Plan. These Single Business Tax Credits are provided for by amendments to Act No. 228 of 1975.

**RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AN AMENDMENT TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

2000-61(c)

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 13th day of June, 2000, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

ABSENT: Members

Benedict

The following preamble and resolution were offered by Member Spataro and supported by Member Aslakson:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved a Brownfield Plan Amendment; and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendment to the City Commission requesting its approval of the Brownfield Plan Amendment; and

WHEREAS, prior to approval of the Brownfield Plan Amendment, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendment as required by Act 381; and]

WHEREAS, prior to approval of the Brownfield Plan Amendment, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendment from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendment to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendment [after the public hearing described below].

2. A public hearing is hereby called on the 11th day of July, 2000 at 5:30 p.m., prevailing Eastern Time, in the City Hall to consider adoption by the City Commission of a resolution approving the Brownfield Plan Amendment.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing. The first publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON A BROWNFIELD PLAN AMENDMENT OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on Tuesday, the 11th day of July, 2000, at 5:30 p.m., prevailing Eastern Time in the City Hall located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

1241 East Keating
Muskegon, Michigan

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendment will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members

Spataro, Aslakson, Nielsen, Schweifler, Shepherd, Sieradzki

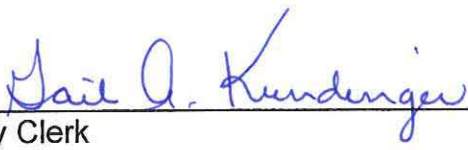
NAYS: Members

None

RESOLUTION DECLARED ADOPTED.

Dail A. Kunder
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on June 13 2000, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

Memorandum

To: Honorable Mayor and City Commissioners
Brownfield Redevelopment Authority

CC: Bryon Mazade, City Manager
Gail Kunding, City Clerk

From: Cathy Brubaker-Clarke, Director of Community & Economic Development *CBC*

Date: 06/12/00

Re: Hearing for Brownfield Plan Amendment

Attached is the legal description and map for Beacon Recycling. These should be attached to the Brownfield Amendment information that you previously received.

Attachment

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 33;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG THE NORTH/SOUTH 1/4 LINE, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST, A DISTANCE OF 225.04 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF KEATING AVENUE, AS ESTABLISHED PER SURVEY BY M.M. BUCK, MARCH 1951, A DISTANCE OF 7.84 FEET;

THENCE SOUTH 49 DEGREES 37 MINUTES 16 SECONDS EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF C & O RAILROAD, A DISTANCE OF 558.46 FEET;

THENCE SOUTH 00 DEGREES 54 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, AS FOUND MONUMENTED BY M.M. BUCK, MARCH 1951, A DISTANCE OF 410.93 FEET (DEED 411.00 FEET;)

THENCE NORTH 89 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 462.31 FEET (DEED 462.20 FEET;)

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF C & O RAIL ROAD ON THE ARC OF CURVE TO THE RIGHT, A DISTANCE OF 289.44 FEET (CURVE DATA: R=5610.72', DELTA=02%%D57'20", L.C.=289.40', L.C.B.=S43%%D47'21"E;)

THENCE SOUTH 00 DEGREES 48 MINUTES 58 SECONDS WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, AS FOUND MONUMENTED BY THE PLAT OF OAK GROVE (1943) AND M. M. BUCK MARCH 1951, A DISTANCE OF 235.16 FEET TO A POINT THAT IS NORTH 00 DEGREES 48 MINUTES 58 SECONDS EAST, A DISTANCE OF 66.00 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4;

THENCE SOUTH 89 DEGREES 27 MINUTES 42 SECONDS WEST PARALLEL WITH THE EAST AND WEST 1/4 LINE, AS FOUND MONUMENTED BY M.M. BUCK, MARCH 1951, A DISTANCE OF 410.31 FEET (DEED 410.4 FEET)

THENCE NORTH 71 DEGREES 06 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY LINE OF CONSUMER POWER COMPANY RIGHT OF WAY, A DISTANCE OF 709.75 FEET;

THENCE NORTH 00 DEGREES 14 MINUTES 23 SECONDS WEST, A DISTANCE OF 983.62 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.64 ACRES MORE OR LESS.

SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR APPARENT THEREOF.

SUBJECT TO A 20 FOOT WIDE RAILROAD SPUR PER LIBER 868, PAGE 263.

TOGETHER WITH AND SUBJECT TO AN 18-FOOT WIDE EASEMENT FOR INGRESS, EGRESS; SAID EASEMENT BEING 9 FEET EACH SIDE, WHEN MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG NORTH/SOUTH 1/4 LINE OF SAID SECTION, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF KEATING AVENUE, A DISTANCE OF 225.04 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE 18-FOOT EASEMENT;

THENCE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS EAST, A DISTANCE OF 941.29 FEET, MORE OR LESS, TO A POINT 40.00 FEET NORTH OF, AT RIGHT ANGLES TO THE NORTH LINE OF CONSUMERS POWER COMPANY'S RIGHT-OF-WAY (66.00 WIDE) AND THE POINT OF ENDING OF SAID CENTERLINE.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS TO BE 40.00 FEET IN WIDTH, LYING 20.00 FEET LEFT AND 20.00 FEET RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 33, TOWN 10 NORTH, RANGE 16 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN;

THENCE SOUTH 01 DEGREE 00 MINUTES 40 SECONDS WEST ALONG THE NORTH/SOUTH QUARTER LINE, A DISTANCE OF 1370.04 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF KEATING AVENUE, A DISTANCE OF 225.04 FEET;

THENCE SOUTH 00 DEGREES 14 MINUTES 23 SECONDS EAST, A DISTANCE OF 962.46, MORE OR LESS, TO A POINT 20.00 FEET NORTH OF, AT RIGHT ANGLES TO THE NORTH LINE OF THE CONSUMERS POWER COMPANY'S RIGHT-OF-WAY (66.00 FEET WIDE) FOR THE POINT OF BEGINNING OF SAID CENTERLINE.

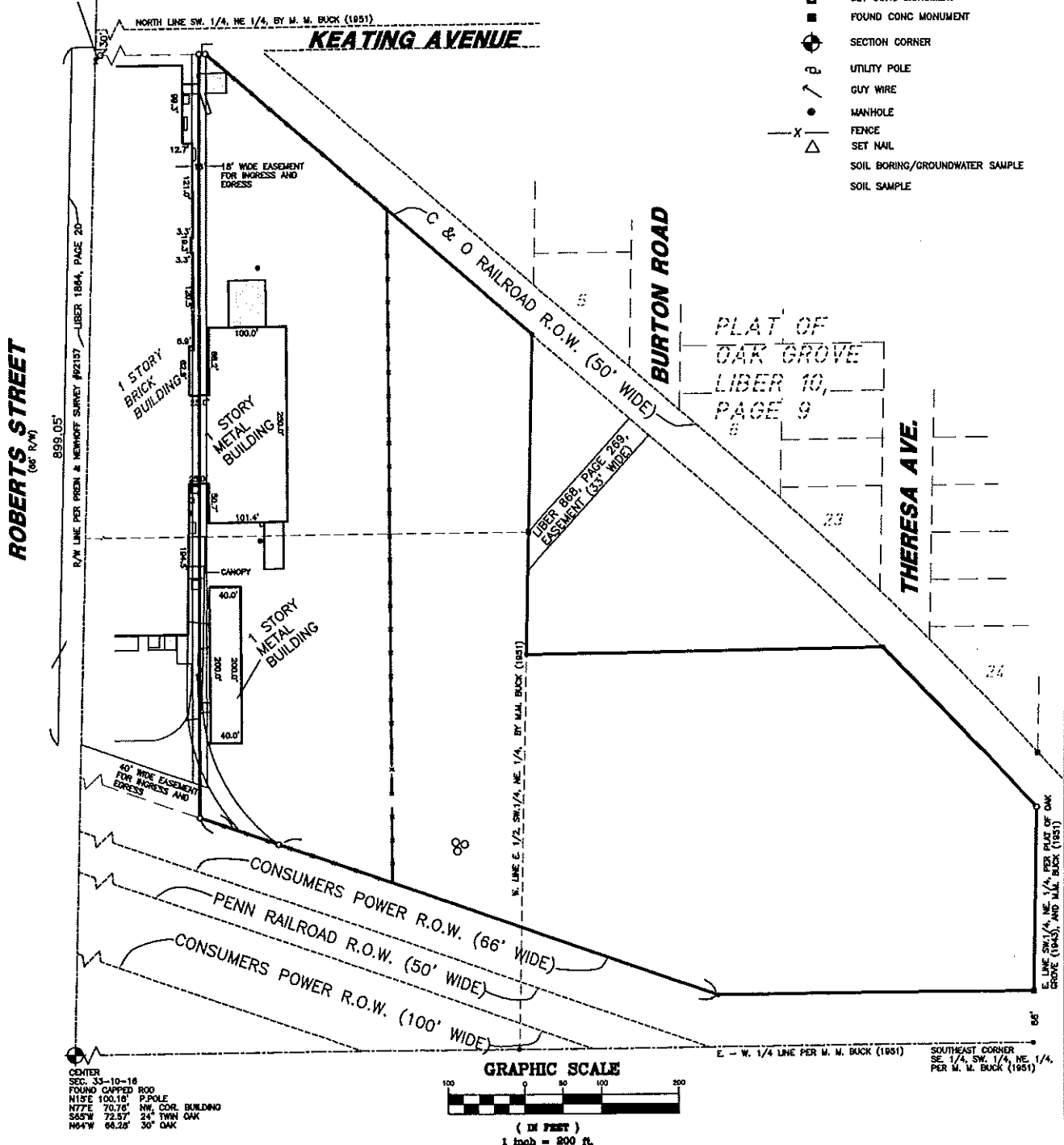
THENCE NORTH 71 DEGREES 06 MINUTES 20 SECONDS WEST ALONG SAID CENTERLINE, A DISTANCE OF 253.52 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF ROBERTS STREET AND THE POINT OF ENDING OF SAID CENTERLINE.

NORTH 1/4 CORNER
SEC. 33-10-18
FOUND 1/2" ROD
NORTH 20.94' QUAD SIDE S. RAIL
N55°W 25.70' P. POLE
N85°E 28.42' P. POLE
N20°W 70.80' P. POLE



LEGEND

- M MEASURED DIMENSION
- C CALCULATED DIMENSION
- R RECORD DIMENSION
- D DEED DIMENSION
- SET IRON
- FOUND IRON
- SET CONC MONUMENT
- FOUND CONC MONUMENT
- ⊕ SECTION CORNER
- ⊙ UTILITY POLE
- ⋈ GUY WIRE
- MANHOLE
- X— FENCE
- △ SET NAIL
- SOIL BORING/GROUNDWATER SAMPLE
- SOIL SAMPLE



**WESTSHORE
CONSULTING**

Engineers ■ Scientists ■ Surveyors ■ Planners

2534 Black Creek Road
Muskegon, MI 49444
Ph: (231) 777-3447
Fax: (231) 773-3453
E-mail: westshore1@aol.com

375 River Street, Suite 201
Manistee, MI 49660
Ph: (231) 723-2202
Fax: (231) 723-2291
E-mail: westshore@voyager.net

BEACON LEASING, L.L.C.
Muskegon, Michigan

SITE PLAN

Checked: JRG
Date: 04/28/00
Drawn by: BJ
Date: 04/28/00
File No.: 308-3
Figure:

1

Date: June 13, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Summer Celebration

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for June 29, July 4 & 9, 2000. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

2000-61(d)

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: Summit Pyrotechnics

NAME Steve Franklin

ADDRESS 2866 Vandenberg Rd. AGE

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
Summer Celebration

ADDRESS

NUMBER & TYPES OF FIREWORKS:

40 - 12"	900 - 6"
40 - 10"	450 - 4"
80 - 8"	1200 - 3"

DISPLAY:

EXACT LOCATION

Barge - Muskegon Lake - off of Heritage Landing

CITY, VILLAGE, TOWNSHIP	DATE	TIME
	June 29, 2000; July 4 and 9, 2000	10:20 p.m.

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.

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 13th day of June 2000


Fred J. Nielsen, Mayor

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

FM-32(12-68)

APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968

DATE OF APPLICATION

5-6-00

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Summit Pyrotechnics

ADDRESS

2866 Vandenberg Rd.

AGE: Must be 21 or over

IF A CORPORATION: Name of President

ADDRESS

3. PYROTECHNIC OPERATOR

NAME

Steve Franklin

ADDRESS

2866 Vandenberg Rd.

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

15

NUMBER OF DISPLAYS

200+

WHERE

All around U.S.A.

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

Barge Muskegon Lake off of Heritage Landing.

DATE

June 29, July 4th, July 9th

TIME

10:20 p.m.

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

12" 10" 8" 6" 4" 3"

40 40 80 900 450 1200

RECEIVED
JUN 06 2000
City Clerks Office

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Shipped to Site day of Show

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE

(to be set by municipality)

5

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

TOTAL P.01

cc: Bob G.

ACORD CERTIFICATE OF LIABILITY INSURANCESR CG
SUMMITP

DATE (MM/DD/YY)

06/13/00

PRODUCER

Dolliff, Inc. Insurance
6465 Wayzata Blvd., Suite 850
St. Louis Park MN 55426
Phone: 612-593-7400 Fax: 612-593-7444

THIS 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**INSURED**

Summit Pyrotechnics Inc.
Steve Franklin
2866 Vandenberg Road
Muskegon MI 49444

INSURER A: Lexington 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 (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY		06/15/00	06/15/01	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY TBD				FIRE DAMAGE (Any one fire) \$ 50,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ Excluded
	☒ \$2,500 Deductible				PERSONAL & ADV INJURY \$ 1,000,000
	☐ per occurrence				GENERAL AGGREGATE \$ * 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 1,000,000
	☐ POLICY ☐ PRO- JECT ☐ LOC				
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea 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				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
					\$
	☐ DEDUCTIBLE				\$
	☐ RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU- TORY LIMITS OTH- ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

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

* Includes limit per display-See attached addendum

CERTIFICATE HOLDER

N

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

MUSKEGO

City of Muskegon
City Hall
Muskegon MI

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 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.

John G.B. Allen



©ACORD CORPORATION 1988

Summit Pyrotechnics, Inc.
2866 Vandenberg Road
Muskegon, MI 49444

ADDENDUM

Muskegon Summer Celebration, County of Muskegon and the city of Muskegon and all elected and appointed, all employees and volunteers, all board commissions or authorities and their board members, employees and volunteers are named as Additional Insureds with respect to Pyrotechnic Displays on the barge-Muskegon Lake 1,000' North of Heritage Landing for the dates: June 29, 2000, July 4, 2000, July 9, 2000, (rain date: TBD)

**CITY OF
MUSKEGON
CLERK'S
OFFICE**

facsimile cover sheet

To: Tim McClorey or
Keith Potter Fax: _____

From: Linda Potter Date: 6-14-00

Re: _____ Pages: 3

CC: _____

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

CITY CLERK'S OFFICE

OFFICE # (231) 724-6705

FAX # (231) 724-4178

Fireworks display for
summer celebration.
Is insurance OK.

Thanks,
LP

Date: June 13, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – GVSU 740 Shoreline

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for June 15, 2000. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval, subject to Fire Marshall Grabinski's inspection and approval of insurance.

2000-61(e)
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: Summit Pyrotechnics

NAME Steve Franklin

ADDRESS 2866 Vandenberg Rd. AGE

REPRESENTING Grand Valley State University

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

ADDRESS 740 Shoreline Drive

NUMBER & TYPES OF FIREWORKS:

20 - 3" salutes

DISPLAY: GVSU

EXACT LOCATION 740 Shoreline Drive

CITY, VILLAGE, TOWNSHIP DATE TIME
June 15, 2000 4:30 p.m.

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

of the CITY of MUSKEGON
(city, village, township) (name of city, village, township)

on the 13th day of June, 2000 XXX

Fred J. Nielsen
Fred J. Nielsen, Mayor

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

cc: Bob G.

FM- 32(12- 68)		APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968		DATE OF APPLICATION 6-8-00
1. TYPE OF DISPLAY: ☒ Public Display ☐ Agricultural Pest Control				
2. APPLICANT				
NAME OF PERSON <i>Summit Pyrotechnics</i>		ADDRESS <i>2866 Vandenberg Rd.</i>		AGE: Must be 21 or over <i>50</i>
IF A CORPORATION: Name of President		ADDRESS		
3. PYROTECHNIC OPERATOR				
NAME <i>Steve Franklin</i>		ADDRESS <i>2866 Vandenberg Rd.</i>		AGE: Must be 21 or over
EXPERIENCE:		<i>737-9903</i>		
NUMBER OF YEARS <i>15 years</i>	NUMBER OF DISPLAYS <i>200+</i>	WHERE <i>All over U.S.A.</i>		
NAMES OF ASSISTANTS:				
NAME		ADDRESS		AGE
NAME		ADDRESS		AGE
4. NON-RESIDENT APPLICANT				
NAME		ADDRESS		
Name of Michigan Attorney or Resident Agent		ADDRESS		TELEPHONE NUMBER
5. EXACT LOCATION OF PROPOSED DISPLAY				
DATE <i>6-15-00</i>		TIME <i>4:30 PM</i>		<i>740 LAKESHORE WESTERN AVE</i>
6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED				
<i>20-3" salutes</i>				
RECEIVED JUN 08 2000 City Clerks Office				
MANNER & PLACE OF STORAGE PRIOR TO DISPLAY				
<i>Shipped to site day of Show.</i>				
(Subject to Approval of Local Fire Authorities)				
7. FINANCIAL RESPONSIBILITY		A. AMOUNT OF BOND OR INSURANCE (to be set by municipality) \$		
B. BONDING CORPORATION OF INSURANCE COMPANY: NAME		ADDRESS		

**CITY OF
MUSKEGON
CLERK'S
OFFICE**

facsimile cover sheet

Tim McClorey or
To: *Keith Potter* Fax: _____

From: *Linda Potter* Date: *6-13-00*

Re: _____ Pages: *2*

CC: _____

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

CITY CLERK'S OFFICE

OFFICE # (231) 724-6705

FAX # (231) 724-4178

*Pyrotechnics display
at 740 Shoreline
in the City of Muskegon.*

Is insurance OK?

*Thanks,
Linda*

ACORD CERTIFICATE OF LIABILITY INSURANCE		CSR CC SUMMIT	DATE (MM/DD/YY) 06/14/00
PRODUCER Dolliff, Inc. Insurance 6465 Wayzata Blvd., Suite 850 St. Louis Park MN 55426 Phone: 612-593-7400 Fax: 612-593-7444		THIS 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.	
INSURED Summit Pyrotechnics Inc. Steve Franklin 2866 Vandenberg Road Muskegon MI 49444		INSURERS AFFORDING COVERAGE	
		INSURER A: <u>Lexington Insurance Company</u>	
		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 (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	TBD	06/15/00	06/15/01	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 50,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ Excluded
	☒ \$2,500 Deductible				PERSONAL & ADV INJURY \$ 1,000,000
	☐ per occurrence				GENERAL AGGREGATE \$ * 1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COM/POF AGG \$ 1,000,000
	☐ POLICY ☐ PRO-JECT ☒ LOC				
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea 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				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
	☐ DEDUCTIBLE				\$
	☐ RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

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

* Includes limit per display-Certificate Holder, County & City of Muskegon , all elected & appointed, all employees & volunteers, all board commissions or authorities and their board members, employees & volunteers are named as Additional Insureds with respect to June 15, 2000 Pyrotechnic Display at 740 Shoreline Drive

CERTIFICATE HOLDER	N	ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
GRANDVA Grand Valley State University 740 Shoreline Drive		GRANDVA John G.B. Allen	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 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.

AGENDA ITEM _____

To: Honorable Mayor and City Commissioners Through the City Manager

From: Lee J. Slaughter, Assistant City Manager

Date: June 7, 2000

Re: City Commission / Departments 2000 – 2001 Goals

SUMMARY OF REQUEST:

The City Commission held its annual goal setting session on Tuesday, May 31, 2000 and recommends the approval of the attached goals for the 2000 – 2001 period.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached goals.

COMMITTEE RECOMMENDATION:

The City Commission held a goal setting work session on May 31, 2000 and recommends approval.

CITY OF MUSKEGON REVISED GOAL STATEMENTS

GOAL#1: *Be Perceived by Residents and Non-Residents Alike as "the Premier" City in Western Michigan.*

GOAL #2: *Improve Race Relations in the Community and Promote diversity on City Committees and Boards.*

GOAL #3: *Enhance the Educational and Job Skill Levels and Improve the Marketability of Our Young People.*

GOAL #4: *Strengthen the Diversity and Improve the Stability of the Community Economic Base. Focus Attention on Downtown Redevelopment.*

GOAL #5: *Sustain the Physical Resources of the Area Through Careful Stewardship.*

GOAL #6: *Improve City Service Delivery.*

GOAL #7: *Improve Government and Agency Cooperation Throughout Greater Muskegon.*

CITY COMMISSION / DEPARTMENT HEADS GOALS 2000-2001

CITY MANAGER

1. Continue Downtown Redevelopment
 - A. Shoreline Drive East – Complete design and secure funding in 2000. Begin construction in spring 2001.
 - B. Cross-Lake Ferry - Receive a commitment from developer and settle on site for Cross-Lake Ferry service in 2000.
 - C. Muskegon Mall Redevelopment – Work w/the owner and Community Leaders to redevelop / re-position the mall.
 - D. Parking Ramp - consider options for ramp; i.e. sale, lease, redevelop - restaurant, theater, etc.
 - E. High Tech. Park – work w/County, Chamber, MAF and others to develop a downtown/waterfront High Tech Center
 - F. Teledyne Property Redevelopment – work w/ prospective owner to re-develop the property for mixed use development.
2. Continue the development of Seaway Industrial Park, including property acquisition and infrastructure construction.
3. Reduce Workers Compensation Costs.
4. Continue long term budget cuts.

ADMINISTRATION

1. Coordinate the creation and implementation of Commission Goals throughout the organization.
2. Send out RFP for long term Cable Coverage of Commission meeting.
3. Research various options for providing Legal Services.
4. Coordinate the implementation of Employee Training according to the “2000 Employee Training Calendar”.

5. Develop a City-University Program. (This is a program I learned about at an ICMA Conference I attended last year. The program can be described as being the equivalent of “government 101” (*so to speak*) of a particular city [ie. Muskegon]. Its purpose is to essentially develop a more informed citizenry. Its design can be as diverse as the particular city would like for it to be. It requires long-term commitment and committed resources by the unit of government involved to ensure measurable program effectiveness).
6. Continue to foster City-Agencies Relations where possible (i.e. Institute for Healing Racism, Muskegon Promise, Leadership Muskegon, etc.) towards the enhancement of quality of life issues.
7. Improve the City’s communication efforts (i.e. Annual Report, The Channel, Internal Newsletter, Resolutions, News Releases, and explore and encourage more opportunities for electronic communication with the public.)
8. Continue to work on employee / Management Relations / Community relations (i.e. United Way, All Employee Day, etc.)
9. Continue to work with union leadership and department heads/supervisors to ensure improved labor/management relations, thereby, curtailing un-necessary grievances.

CIVIL SERVICE

1. Create a Job-line for interested applicants.
2. Complete revision of Civil Service Rules and Regulations.
3. Maintain updated information on employment opportunities on the City’s Web page.
 - A. Update employment applications and make accessible online.
 - B. Begin putting policies and forms on-line.
4. Initiate new personnel record keeping system.
5. Revise FMLA forms and procedures for compliance.
6. Critique light duty policies and procedures.
7. Revise performance evaluation program.

CITY CLERK'S OFFICE

1. Improve business registration in the City. Provide on-line access by other City departments to data base information.
2. Complete the codification and put the Code on the network for access by other City employees/departments.
3. Continue implementation of Data Imaging throughout the organization.
4. A. Design Clerk's Office Web Page with various links to allow information on all licensing, permits, voter registration, absentee ballot information and also include forms and applications so individuals may have access without physically coming to City hall.

B. Create and provide through our own web page a request form for researching information for public or other departments.
5. Enhance existing voter registration programs with seniors, students, and neighborhoods.
6. Create our own brochures with information on various services we offer.
7. Set up a computer in our office for public access to information. Allow research to be done by members of the public and other departments. Hope to train public to start using our website for information.

AFFIRMATIVE ACTION

1. Intensify recruitment efforts within colleges and universities to improve job applicant pool.
2. Address various employment challenges associated with out of state recruitment.
3. Connect the tax abatement program to the City's goal to increase the job skill and marketability of young people.
4. Enhance Julia Hackley Internship programs
5. Implement a Citywide diversity / cultural sensitivity program.

FINANCE

1. Begin implementation of GASB 34 changes to the City's financial reporting model. This will be a major change to the way the City accounts for financial resources and will require several years for implementation.
2. In conjunction with Treasurer's Office, develop a unified data base for customer accounts receivable. This data base would provide a one-stop overview of amounts owed by customers for such diverse items as property taxes, utility bills, income taxes, and miscellaneous receivables.
3. Develop strategies for dealing with unacceptably high costs in the areas of workers' compensation and retiree healthcare costs.
4. Develop better system for accounting for inventories.
5. Consider strategies (including outsourcing) for improving retirement system administration.

INCOME TAX

1. Improve collection of delinquent taxes.
 - A. Utilize the collection agency for difficult accounts.
 - B. Improve the billing/notification process.
 - C. Take some delinquent accounts to court within 90 days.
2. Increase compliance of tax laws.
 - A. Continue to receive income tax data from the State of Michigan.
 - B. Utilize information from other city departments.
3. To better use the technology in place to make our department more efficient.
 - A. Total billing automation through our tax software. This would save time and increase revenue.
 - B. To have refunds electronically transferred (Direct Deposit). Direct deposit will bring down check and postage costs.

INFORMATION SERVICES DEPARTMENT

1. Create a unified database containing information used by Inspections, Environmental, Planning, Housing, Assessing and the Clerk's office - solution may be web based.
2. Diagram, map and catalog all computers and terminals. Provide total cost of ownership, replacement schedule, and upgrade plans.
3. Consolidate servers - one data, one application server.
4. Purchase, install and configure hardware firewall solution for Police, Fire and City Hall.
5. Implement a data warehousing solution and expand document imaging.

TREASURER'S OFFICE

1. Research and evaluate treasury management software systems and solutions for potential implementation at the City of Muskegon.
2. In cooperation with the Public Works Department, implement a plan to identify large water meters accounts and un-metered sewage flows and review billing history.
3. Continue efforts to improve the city's A/R collections by reducing A/R days and enhancing cash flow.
4. Implement an aggressive plan to reduce the delinquency rate on personal property taxes.
5. Begin working towards a unified receivables database with access throughout the City.
6. Review the city's current parking ticket computer hardware and software in comparison to the city's needs.

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

I. Economic Development

- A. Improve the Economic Viability of Downtown Muskegon through Image and Marketing Efforts as well as Working Closely with Developers of Downtown Properties
- B. Develop Seaway Industrial Park
- C. Implement Clean Michigan Waterfront Redevelopment Grant Funding Projects
- D. Pursue Development of Downtown/Lakeshore Technology Park
- E. Expand Brownfield Redevelopment Authority to Include Redevelopment of Obsolete Commercial and Industrial Buildings (pending legislation)
- F. Continue Development and Implementation of Specific Downtown/Waterfront Projects (e.g., Cross-Lake Ferry, GVSU Water Resource Institute, Western Avenue Redevelopment)
- G. Implement New Tax Abatement Policy and Monitoring Procedures
- H. Work with community groups to beautify major entrances into the City (i.e., Seaway Drive, Laketon Avenue)
- I. Seek Certification of Medendorp Industrial Park

II. Planning

- A. Complete Areawide Site Assessment Study
- B. Complete Two Sub-Area Plans (e.g., Getty Street, Heritage Village/Downtown, West-End Lakeshore)
- C. Continue Jackson Hill Marketing Strategy
- D. Complete Property Acquisition and Building Demolition for Shoreline Drive; Begin Construction
- E. Complete Property Acquisition for Lakeshore Trail Property

- F. Begin Implementation of Lakeshore Redevelopment Plan
- G. Market and Manage the City-Wide GIS System
- H. Continue Education and Marketing for Historic Districts
- I. Continue to Strengthen Neighborhood Relationships and Neighborhood Redevelopment

III. Environmental

1. Implement the grass notification policy adopted by the City Commission. Keep track of any adjustments that should be made to the policy.
2. Complete the "Welcome to Muskegon" piece to be distributed to Realtors, neighborhoods and through the treasurer's department.
3. Develop the fee-based system to alert multiple-holding property owners of grass and trash violations.
4. Start-up an interdepartmental Neighborhood Conservation team with Inspections, Environmental, Engineering, Community Police and Block grant staff to discuss neighborhood issues of mutual concern and develop interdepartmental strategies to address them.
5. Put together new parcel books from the new computerized mapping system for inspectors and contractors to work from.
6. Map properties that are chronic violators of grass and garbage standards. Compare to other mapped variables of concern (e.g. police activity areas) to identify neighborhood focus needs. The interdepartmental Neighborhood Conservation team could use these tools.

IV. Zoning

1. Finalization of Zoning Ordinance Re-write (PUD, parking, district regulations).
2. Develop a Site Plan review handout packet and conduct a workshop for Realtors, architects and developers.
3. Develop updates or additions to informational brochures (e.g. parking, keeping animals, etc.)
4. Start mapping nonconforming uses, Special Use Permit (SUP) locations and other land use related issues to identify action needs.

5. Systematically review the Getty Street Corridor after the plan is adopted for potential rezoning needs. Also review land use in the context of the Master Plan.
6. Put all our plans, ordinance and brochures on the Internet. Put our website address on all printed materials in the department, including our business cards.
7. Computerize the zoning map and get it on the Internet.
8. Develop a computerized schedule of follow-up needs for staff (site plan conditions, performance guarantee deadlines, annual SUP inspections, etc.) with built-in reminder dates for more consistent and timely zoning enforcement.
9. Develop a series of analytical neighborhood-based maps for neighborhood assessment (an atlas) for such variables as rental units, vacant land, land use, nonconforming uses.
10. Get the GIS technology into other departments by helping them with maps of use to them.

COMMUNITY AND NEIGHBORHOOD SERVICES

1. Improve department response time to HUD for certain required documentation.
3. Increase partnerships within the nonprofit community in the areas of Housing, youth services, employment and education.
4. Advertise programs offered by the department to ensure that all segments of the community (within reason) are aware of programs / opportunities available to them. Develop public relation, promotional and other outreach mechanisms / literature.
5. Improve the department's interaction and support of the City's neighborhood associations and other community organizations.

LEISURE SERVICES

1. Construction of a Youth Center to provide needed services and a safe haven for youth is still the number one goal of Leisure Services.
2. Continue to look at ways to reduce the dependency on the General Fund for Walker Arena.
3. Sustain the physical resources of the area through careful stewardship.

- A. We continue to work at purchasing the remainder of the trail property and construction of the Lakeshore Trail.
 - B. Completion of Phase IV (Fisherman's Landing to Walker Arena) of the Lakeshore Trail, and the remaining section of the Laketon corridor.
 - C. Design of phase I (Heritage Landing to Grand Trunk) of the Lakeshore Trail.
- 4. Improve city service delivery.
 - A. We continue to look at ways to improve our service delivery system.
 - 5. Renovation of the Cemetery offices.
 - 6. Determine the future location of Fisherman's Landing.
 - 7. Renovation of Lighton Park. Pursue Grants opportunities.
 - 8. Plant as many trees as we cut down each year.
 - 9. Improve the condition of the terraces after tree removals.
 - 10. Complete the landscaping around the Columbarium and improve the marketing and sales within the Columbarium.
 - 11. Improve the quality and quantity of the recreation programs.
 - 12. Create an evaluation process to look at the effectiveness of the recreation programs being offered and to track the usage patterns.
 - 13. Improve the launch ramps due to the low water.

PUBLIC WORKS

- 1. Explore new procedures and equipment needs to accomplish more in-house paving projects.
- 2. Utilize concrete patching on asphalt streets and compare its cost effectiveness Vs. traditional asphalt repairs.
- 3. Complete all winter season (November 15 – April 15) water repair patches in city Streets by July 1 of the following year.
- 4. Evaluate Lift Station Telemetry (the current equipment is 6 years old).

5. Water Filtration Plant: Begin the Filter and Sedimentation Basin Rehabilitation Projects. (These projects will be funded by the Water System Revenue Bond issue of 1999).
6. Purchase a mini-camera system to see inside smaller diameter pipes and pinpoint the location of problem areas and structural damage.
7. Begin the second phase of the Accreditation Process.

ENGINEERING

1. Begin construction on Shoreline Drive East
2. Solicit and secure additional funding to improve the major street system
3. Start using the GIS System to map the City's infrastructure (water, sewer and roads).
4. Continue to work on eliminating gravel roads.
5. Explore and implement, if possible, the feasibility of using concrete to pave major streets.

FIRE DEPARTMENT

1. Fire Suppression: Replacement of 1973 American LaFrance aerial with 2000 General 1000' platform, which is safer and more efficient for the firefighters.
2. Emergency Medical Service: Increase citizen CPR training and study replacement of old automatic defibrillators with new more portable units.
3. Training: Begin training in weapons of mass destruction.
4. Fire Prevention:
 - A. Increase use of new Fire Safety Education Trailer to teach pre-adolescents how to reach in a fire emergency.
 - B. Incorporate Inspection Services as part of Fire Prevention Bureau.
5. Begin study of providing fire safety education in elementary schools at 1st or 2nd grade levels on ongoing basis.
6. Develop a water capability for firefighting and dive rescue.

7. Reevaluate the need for fire service based transport ALS ambulance countywide.
8. Complete computerization of all inspection functions and become a paperless dept.
9. Continue efforts to provide safe housing within the community through consistent inspection, code enforcement, and demolition of substandard housing.
10. Continue cooperative efforts with other enforcement agencies to enhance the quality and quantity of cleared investigations. These include, but not limited to, arson, accidental, and juvenile fires.

POLICE DEPARTMENT

1. Continue to work on Police - Community relations.
2. Fill all vacant positions and stabilize the work force.
3. Restructure the assignments and responsibilities of department personnel for utmost efficiency.
 - A. Adjust staffing to improve downtown safety.