CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 9, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
  - A. **Miss Shoreline 2009 and Miss Shoreline's Outstanding Teen 2009.**
- **INTRODUCTIONS/PRESENTATION:**
- **CONSENT AGENDA:**
  - A. **Approval of Minutes.** CITY CLERK
  - B. **Approval of a Neighborhood Enterprise Zone Certificate.** PLANNING & ECONOMIC DEVELOPMENT
  - C. **Revocation of a Neighborhood Enterprise Zone Certificate.** PLANNING & ECONOMIC DEVELOPMENT
  - D. **Transportation Funding Resolution.** CITY MANAGER
  - E. **Arena Management – JS Hockey Enterprises, Inc.** CITY MANAGER
  - F. **Addition of a Clause to the IFT Contract.** PLANNING & ECONOMIC DEVELOPMENT
  - G. **Approval of Department of Energy Grant.** PLANNING & ECONOMIC DEVELOPMENT
  - H. **Crack Sealing Machine.** PUBLIC WORKS
  - I. **Special Events – Multiple Liquor License Request for Muskegon Eagles Aerie 668 Fraternal Order of Eagles During Muskegon Summer Celebration.** LEISURE SERVICES
  - J. **Special Events – Multiple Liquor License Request for Muskegon Eagles Aerie 668 Fraternal Order of Eagles During Muskegon Bike Time.** LEISURE SERVICES

K. **Special Events – Multiple Liquor License Request for The Muskegon Yacht Club.** LEISURE SERVICES

L. **Muskegon Bike Time Events. Inc. July 17th thru July 19th, 2009.** LEISURE SERVICES

M. **Acceptance of Fair Housing Impediment Study.** COMMUNITY & NEIGHBORHOOD SERVICES

N. **Final CDBG/HOME Allocations from HUD.** COMMUNITY & NEIGHBORHOOD SERVICES

- **PUBLIC HEARINGS:**

A. **Request for an Industrial Facilities Exemption Certificate – ESCO Company.** PLANNING & ECONOMIC DEVELOPMENT

- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**

A. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish 254 Amity Avenue.** PUBLIC SAFETY

- **NEW BUSINESS:**

A. **Resolutions for City Charter Amendments.** CITY MANAGER

- **ANY OTHER BUSINESS:**
- **PUBLIC PARTICIPATION:**

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

- **CLOSED SESSION:**
- **ADJOURNMENT:**

ADA POLICY: The City of Muskegon will provide necessary auxiliary aids and services to individuals who want to attend the meeting upon twenty four hour notice to the City of Muskegon. Please contact Ann Marie Becker, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (231) 724-6705 or TDD: (231) 724-4172.

City of Muskegon

State of Michigan

RESOLUTION

WHEREAS, the Mayor and City Commission of the City of Muskegon would like to congratulate Amber Rose Haywood the winner of Miss Shoreline 2009; and

WHEREAS, the Miss Shoreline Scholarship Program is a prerequisite to the Miss Michigan Scholarship Program and the winner of Miss Michigan then has a chance to vie for the title of Miss America; and

WHEREAS, you will have the opportunity of competing for the title of Miss Michigan during the week of June 15th through June 20th; and

WHEREAS, the Miss Shoreline Scholarship Program follows the same traditions and guidelines of the Miss Michigan Program empowering women to achieve their personal and professional goals while providing a forum in which to express their opinions, talent and intelligence.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Commission of the City of Muskegon believes in the strong tradition of the Miss Michigan Program and Miss Shoreline Scholarship Program and believe it will be a great training ground leading the way to Miss America.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the City to be affixed this 9th day of June, 2009.

MUSKEGON

Stephen J. Warmington, Mayor

City of Muskegon

State of Michigan

RESOLUTION

WHEREAS, the Mayor and City Commission of the City of Muskegon would like to congratulate Demi Lashbrook, the winner of Miss Shoreline's Outstanding Teen 2009; and

WHEREAS, the Miss Shoreline Scholarship Program is a prerequisite to the Miss Michigan Scholarship Program and the winner of Miss Michigan then has a chance to vie for the title of Miss America; and

WHEREAS, you will have the opportunity of competing for the title of Miss Michigan's Outstanding Teen during the week of June 15th through June 20th; and

WHEREAS, the Miss Shoreline Scholarship Program follows the same traditions and guidelines of the Miss Michigan Program empowering women to achieve their personal and professional goals while providing a forum in which to express their opinions, talent and intelligence.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Commission of the City of Muskegon believes in the strong tradition of the Miss Michigan Program and Miss Shoreline Scholarship Program and believe it will be a great training ground leading the way to Miss America.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the City to be affixed this 9th day of June, 2009.

Stephen J. Warmington, Mayor

Date: June 9, 2009

To: Honorable Mayor and City Commissioners

From: Ann Marie Becker, City Clerk

RE: Approval of Minutes

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 26, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, May 26, 2009.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice Mayor Stephen Gawron, Commissioners Sue Wierengo, Steve Wisneski, Chris Carter, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and Deputy City Clerk Linda Potter.

Absent: Mayor Stephen Warmington (excused)

2009-44 CONSENT AGENDA:

A. <u>Approval of Minutes.</u> CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the May 11th Commission Worksession, and the May 12th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. <u>Acceptance of First Street into the City's Street System.</u> ENGINEERING

SUMMARY OF REQUEST: Adopt the resolution accepting First Street from the alley south of Western to Morris into the City's street system. The previously approved resolution of February 10, 2009, contained inaccurate descriptions of First Street limits.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopt the resolution.

C. **<u>Request to Submit a Grant Application for Getty Street, Laketon to Evanston.</u>** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to submit a request for grant application to MDOT for TEDF-F funds to reconstruct Getty Street from Laketon to Evanston. The request is for $380,000 and will require a match of up to $150,000 which will be budgeted for in 2010 since the request is for 2011 funding year.

FINANCIAL IMPACT: A local share of $150,000 match plus engineering costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to submit the application.

D. **<u>Rezoning Request for Property Located at 1221 W. Laketon Avenue.</u>** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential to R, One Family Residential.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION: The Planning Commission voted to recommend denial of the request at their May 14, 2009, meeting. The motion was approved by unanimous vote with B. Larson absent.

F. **<u>Paying Agent Services.</u>** FINANCE DIRECTOR

SUMMARY OF REQUEST: When the City issues bonds, it hires a “paying agent” bank to do the recordkeeping and process principal/interest payments to bondholders over the life of the issue. This has become a niche market and only a couple of banks currently offer this service in the Midwest. We recently looked into consolidating our bond issues at a single bank and, in the process, were offered an extraordinary deal by Bank of New York. Bank of New York is willing to perform paying agent services for an annual fee of $100/issue ($75/issue if paid in advance). We had been considering consolidating at US Bank in conjunction with Muskegon County for a fee of $300/issue. In further discussions with US Bank, it was clear that they were not prepared to match Bank of New York’s proposal.

FINANCIAL IMPACT:

- $14,550 net savings over the life of current outstanding bonds
- Eliminate need to process future payables checks

- Lock in excellent rate for future bond issues

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into the agreement with Bank of New York, terminate current paying agent services with US Bank, consolidate all current and future paying agent services with Bank of New York and advance pay for these services.

G. <u>Aggregates, Highway Maintenance Materials.</u> PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase crack sealing material from Lakeshore Parking Lot Maintenance, Inc. The estimated cost based on 2008 quantities is $55,566.

Earlier this year, approval to purchase crack sealing material from a different vendor was approved. However, after using said product for a short period of time, staff concluded that product was not the most suitable for our applications and would like to try a different product supplied by Lakeshore Parking to ensure optimization of tax payers' dollars.

FINANCIAL IMPACT: $55,566 based on 2008 quantities at 2009 quotes.

BUDGET ACTION REQUIRED: None, funds appropriated in several budgets.

STAFF RECOMMENDATION: Authorize staff to purchase crack sealing material from Lakeshore Parking Lot Maintenance on an as needed bases.

H. <u>Purchase of Properties Through the City's Neighborhood Stabilization Program.</u> COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of the following structures for the City of Muskegon's Neighborhood Stabilization Program. The properties to be purchased are the following:

Address	Purchase Price	Proposed Interest
1585 Hudson	$8,750	Rehabilitation
1733 Manz	$13,700	Rehabilitation
468 W. Forest	$8,500	Demolition
1500 Leahy	$11,875	Demolition
1868 Wood	$7,800	Rehabilitation
370 Catherine	$8,700	Demolition
1189 Terrace	$10,000	Demolition

The City of Muskegon's Neighborhood Stabilization Program has three main components: rehabilitation, demolition and new construction. The Community and Neighborhood Services' goal, under the Neighborhood Stabilization Program, is to have 12 demolitions completed by August 31, 2009, and have 6 rehabilitations completed by the same date.

FINANCIAL IMPACT: Funding for the purchases will come from the City's

$1,400,000 Neighborhood Stabilization Program Grant from the US Department of Housing and Urban Development and being administered through the Michigan State Housing Development Authority.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the purchases.

I. Approval of Contractor for Rehabilitation of House at 940 Wood. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Murphy & Son Construction, 2519 MacArthur Road, Muskegon, Michigan, for the completion of the rehabilitation to be located at 940 Wood, for the cost of $64,917.50.

After the total rehabilitation is completed, the home will be sold to a qualified homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angell Neighborhood area under the Neighborhood Stabilization Program.

The City received two additional bids:

- LRS Enterprises Construction Company, of 525 Dangl Road, Muskegon, for $84,380. This bid was rejected because it was not submitted on the bid form supplied.
- Beattie Bros. Construction, of 2786 Holton Road, Twin Lake, for $100,664.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for the Community and Neighborhood Services office to develop a contract with Murphy & Son Construction of Muskegon, Michigan and direct the Mayor and Clerk to sign the contract.

J. Approval of Contractor for Lead Abatement of House at 940 Wood. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Murphy & Son Construction, 2519 MacArthur Road, Muskegon, Michigan, for the completion of the lead abatement of 940 Wood, for the cost of $22,550.

After the lead abatement is completed, the home will be totally rehabilitated and then sold to a qualified homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angell Neighborhood area under the Neighborhood Stabilization Program.

The City received three additional bids:

- LRS Enterprises Construction Company, of 525 Dangl Road, Muskegon, for $17,500. The bid was rejected because it was not submitted on the bid form supplied.

- Statewide Abatement, of 1720 N. Creston, North Muskegon, for $26,900.
- Beattie Bros. Construction, of 2786 Holton Road, Twin Lake, for $54,621.

FINANCIAL IMPACT: The funding for the project will be taken from the City's Lead Grant funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval for the Community and Neighborhood Services office to develop a contract with Murphy & Son Construction of Muskegon, Michigan and direct the Mayor and Clerk to sign the contract.

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

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

Nays: None

MOTION PASSES

2009-45 ITEM REMOVED FROM THE CONSENT AGENDA:

E. Gaming License Request. CITY CLERK

SUMMARY OF REQUEST: The Muskegon Big Red Athletic Foundation is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License to sell raffle-calendars. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Gaming License request by the Muskegon Big Red Athletic Foundation.

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

Nays: None

MOTION PASSES

2009-46 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – Great Lakes Die Cast. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Great Lakes Die Cast, 701 W. Laketon Avenue, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be

$355,000 in personal property and will create up to 20 jobs. This qualifies them for a tax abatement of nine years.

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

BUDGET ACTION REQUIRED: None.

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

The Public Hearing was opened to hear and consider any comments from the public. Con Nolan, 18067 Fruitport, Spring Lake, President of Great Lakes Die Cast gave an update.

Motion by Commissioner Shepherd, second by Commissioner Spataro to close the Public Hearing and grant the Industrial Facilities Exemption Certificate.

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

Nays: None

MOTION PASSES

2009-47 NEW BUSINESS:

A. <u>Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1692 Hoyt Street and 1451 Leahy Street.</u> PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that they be demolished within 30 days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDBG Funds.

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Spataro, second by Commissioner Wisneski to concur with the Housing Board of Appeals notice and order to demolish 1692 Hoyt Street.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur

with the Housing Board of Appeals notice and order to demolish 1451 Leahy.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Various comments were made.

ADJOURNMENT: The City Commission Meeting adjourned at 5:58 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

AGENDA ITEM No. _______

MUSKEGON CITY COMMISSION – June 9, 2009

TO:	Honorable Mayor & City Commissioners
FROM:	Planning Department CBC
DATE:	May 22, 2009
SUBJECT:	Approval of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Fred Glancy for the rehabilitation a historical home in the McLaughlin neighborhood at 1164 Terrace Street. The property is located in a Neighborhood Enterprise Zone for Rehab and New Construction. The application states that the estimated cost for construction will be $110,000 in materials. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. _______

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE ISSUANCE OF A NEIGHBORHOOD ENTERPISE ZONE CERTIFICATE

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Fred Glancy to rehabilitate a home at 1164 Terrace Street in the McLaughlin neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for twelve (12) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by Fred Glancy be approved.

Adopted this, 9th day of June, 2009.

Ayes:

Nays:

Absent:

By: ________________________
Stephen J. Warmington, Mayor

Attest: ________________________
Ann Marie Becker, MMC
City 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 9, 2009.

By: ______________________
Ann Marie Becker, MMC
City Clerk

AGENDA ITEM No. _______

MUSKEGON CITY COMMISSION – June 9, 2009

TO:	Honorable Mayor & City Commissioners
FROM:	Planning Department CBC
DATE:	May 27, 2009
SUBJECT:	Revocation of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

Ashley C. Gill is in violation of the Neighborhood Enterprise Zone certificate in that the home at 1203 4th Street is no longer owner occupied and there is a balance owing on the 2008 property taxes. The State requires that a home with a Neighborhood Enterprise Certificate be owner occupied and that the property taxes be paid. Staff sent a letter to the owner advising them of these issues on May 13, 2009 with a deadline of May 28, 2009 with no response to the letter and the 2008 property taxes remain unpaid.

FINANCIAL IMPACT

The property will no longer be able to take advantage of the certificate number 2006-0974 which allowed taxation at 50% of the State average for a stated number of years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve revocation of the NEZ certificate and have the Mayor and City Clerk sign the resolution and submit it to the State Tax Commission.

COMMITTEE RECOMMENDATION

None.

Resolution No. _______

MUSKEGON CITY COMMISSION

RESOLUTION TO REVOKE THE NEIGHBORHOOD ENTERPISE ZONE CERTIFICATE # 2006-0974

WHEREAS, Ashley C. Gill no longer resides in the home located at 1203 4th Street in the Nelson neighborhood, and;

WHEREAS, the 2008 property taxes are still owing for parcel # 24-946-206-0974-00;

WHEREAS, the parcel # 24-946-206-0974-00 & 24-205-378-0001-00, which do not meet the eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, a letter was mailed to the property owner on May 13, 2009 with a deadline of May 28, 2009 with no response to the letter regarding the requirement for the dwelling to be owner occupied per the requirement of the State and the property taxes to be paid;

NOW, THEREFORE, BE IT RESOLVED that the Neighborhood Enterprise Zone Certificate # 2006-0974 be revoked.

Adopted this, 9th day of June, 2009.

Ayes:

Nays:

Absent:

By: ___________________________
Stephen J. Warmington, Mayor

Attest: __________________________
Ann Marie Becker, MMC
City 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 9, 2009.

By: ______________________

Ann Marie Becker, MMC
City Clerk

AGENDA ITEM NO. _______________

CITY COMMISSION MEETING _____________________

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 28, 2009

RE: Transportation Funding Resolution

SUMMARY OF REQUEST:
To adopt a resolution in support of a comprehensive transportation funding package to maintain and improve Michigan's roads.

FINANCIAL IMPACT:
A comprehensive transportation funding package would provide significant increased funding to the City, as reflected by these figures provided by the Michigan Municipal League.

MDOT-MTF Forecast Scenario

AGENCY	FY 2008	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
City	Reg & Tax Only	Estimated	Estimated	Estimated	Estimated	Estimated
Muskegon	2,863,728	3,602,691	4,081,113	4,560,426	5,040,673	5,293,145

BUDGET ACTION REQUIRED:
None.

STAFF RECOMMENDATION:
To adopt the resolution and distribute it accordingly.

COMMITTEE RECOMMENDATION:
None.

RESOLUTION REQUESTING COMPREHENSIVE ROAD AND TRANSIT FUNDING

WHEREAS, the Michigan Transportation Funding Task Force (TF2) issued a report in November 2008 that provides that Michigan must double its state and local funding for transportation infrastructure if the state is to have a good transportation system; and

WHEREAS, the TF2 included a series of recommendations that would create a comprehensive transportation funding package that addresses the immediate transportation needs in Michigan; and

WHEREAS, a "good" level of investment will sustain 126,000 Michigan jobs, attract new businesses, and open new global markets for Michigan products and services, and $41 billion in additional economic benefits can be generated for all sectors of Michigan's economy; and

WHEREAS, Michigan's transportation infrastructure is dependent upon long-term planning and ongoing maintenance, both of which are dependent upon adequately funded revenue sources; and

WHEREAS, although the Michigan Department of Transportation (MDOT) has met its goal of having 90 percent of the state-maintained roads in good condition by 2007, the most recent MDOT Five-Year Transportation Plan anticipates that future revenue will not be sufficient to maintain the progress made; and

WHEREAS, Transportation analysts estimate that Michigan will be approximately $105 million short of the necessary match to receive its share of federal transportation funding. This shortfall will result in the loss of $576 million in federal transportation dollars beginning in FY 2011; and

WHEREAS, Michigan drivers will pay $7 billion annually in costs related to traffic accidents, lost time, and wasted fuel as a result of traffic congestion and inadequate roads; and

WHEREAS, the Road Information Program (TRIP) estimates that the average cost of inadequate roadways, annually, is $1,671 per driver in the Detroit metro area; $1,085 per driver in Grand Rapids; $866 per driver in Lansing; and $785 per driver elsewhere in the state; and

WHEREAS, the quality of a region's transportation system is an important factor in where many businesses and industries may decide to locate, expand, or downsize; and

WHEREAS, a modern transportation system is critically important if Michigan is to take advantage of economic development opportunities; and

WHEREAS, recently, a package of bills was introduced in the state Legislature that will gradually, over the course of five to seven years, achieve the recommended TF2 investment level; and

WHEREAS, the City of Muskegon recognizes the above facts.

NOW, THEREFORE, BE IT RESOLVED, that the City of Muskegon moves that the Michigan Legislature enact, and Governor Jennifer M. Granholm sign, legislation providing a comprehensive transportation funding package to address our immediate needs that include:

- A bill to allow for the use of public-private partnerships;
- A bill to expand the Asset Management Program to include all public roads, pavement, ancillary elements, utility locations, and transit programs;
- A bill to allow for the use of toll revenues;
- A bill to enable tax increment financing authorities (TIFA) for transportation purpose;
- A bill to allow for private investment infrastructure funding (PIIF);
- A bill to enable county funding options on driver licenses up to $25 on all operator's licenses and allow local capture of these funds for local transportation projects;
- A bill to change motor fuel taxes from a flat-tax to an ad valorem rate;
- A bill to increase vehicle registrations over a five-year period.

BE IT FURTHER RESOLVED, that this resolution shall be transmitted to Governor Jennifer Granholm, to the State Senate, the State House of Representatives, and the Michigan Municipal League.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the City of Muskegon to be affixed this _____ day of ______________, 2009.

____

Stephen J. Warmington, Mayor

AGENDA ITEM NO. ______________

CITY COMMISSION MEETING ____________________

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 29, 2009

RE: Arena Management – JS Hockey Enterprises, Inc.

SUMMARY OF REQUEST:
To authorize the Mayor and City Manager to execute any and all documents pertaining to the transfer of the management of the L.C. Walker Arena to JS Hockey Enterprises, Inc., including documents pertaining to the Arena's liquor license.

FINANCIAL IMPACT:
None.

BUDGET ACTION REQUIRED:
None.

STAFF RECOMMENDATION:
To approve the request.

COMMITTEE RECOMMENDATION:
None.

May 14, 2009
RID: 486900

CITY OF MUSKEGON, JS HOCKEY ENTERPRISES, INC., FA

MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 HARRIS DRIVE
P.O. BOX 30005
LANSING MI 48909-7505

NOTICE OF DEFICIENCY
ITEMIZED LIST OF REQUIRED DOCUMENTS & FEES

YOUR APPLICATION HAS BEEN APPROVED BY THE LIQUOR CONTROL COMMISSION ("COMMISSION"). HOWEVER, BEFORE THE LICENSE/S CAN BE ISSUED TO YOU, THE COMMISSION REQUIRES ALL THE ITEMS LISTED BELOW, WHICH WILL BE RETAINED FOR OUR RECORDS. PLEASE BE ADVISED, **YOU WILL NOT RECEIVE YOUR LICENSE/S UNLESS ALL OF THE MARKED ITEMS ARE SIGNED AND ACCEPTABLE BY THIS OFFICE.**

(X) **A COPY OF THE COMMISSION ORDER IS ENCLOSED FOR YOUR INFORMATION. ANY REQUEST FOR A HEARING RELATIVE TO SPECIFIC PROVISO/S, EXCEPT SERVER TRAINING, MUST BE MADE IN WRITING, BY THE APPLICANT, TO THE LANSING OFFICE OF THE COMMISSION WITHIN 20 DAYS FROM THE DATE OF THIS ITEMIZED LIST OF REQUIRED DOCUMENTS AND FEES REFLECTED ABOVE.**

(X) **THE APPROVAL OF THIS APPLICATION EXPIRES ONE (1) YEAR FROM THE DATE OF THE COMMISSION ORDER UNLESS OTHERWISE SPECIFIED IN THE ENCLOSED ORDER.**

(X) **FURTHER. IT IS THE ORDER OF THE COMMISSION THAT THE APPLICANT BE ADVISED THAT THE ISSUANCE OF THE ENTERTAINMENT PERMIT DOES NOT ALLOW TOPLESS ACTIVITY ON THE LICENSED PREMISES.**

(X) **CONTRACT FOR LICENSE AND/OR APPLICATION:** (enclosed) This document must be signed by **ALL** applicants and original contract returned.

(X) **LICENSE FEE/S: Do** not send cash. Separate checks not required. Make checks payable to: STATE **OF MICHIGAN**

Transfer: $3,400.00 Inspection: ON FILE Sunday Sales: $420.00
TOTAL FEES DUE: $3,820.00

(X) **REPORT OF CORPORATE OFFICERS, BOARD OF DIRECTORS AND STOCKHOLDERS:** (LC-52) FOR JS HOCKEY ENTERPRISES, INC. Must complete and submit in its entirety **IN DUPLICATE.** Must list each stockholder showing the stock certificate number, date issued to each and number of shares held by each as of this date. Complete **SECTION 9:** Name and address of officers, directors, stockholders and other persons authorized to sign the application and any documents required by the Michigan Liquor Control Commission.

(X) **COMPLETED, EXECUTED AUTHORIZATION RESOLUTION FOR CITY OF MUSKEGON (ENCLOSED).**

(X) **ASSIGNMENT OF INTEREST FORM:** (enclosed) Must be signed by **ALL** applicants and sellers. Assignment of Interest form must be original document with original signatures.

(X) **COPY OF SIGNED BILL OF SALE: Must** cover the **ACTUAL PURCHASE PRICE** as set forth in the Purchase Agreement and/or Notarized Form previously submitted to the Commission, including business, fixtures, equipment, covenant not to compete and goodwill. Any deviation from the original agreement must be explained and substantiated by amendment to the Purchase Agreement. Bills of Sale for one dollar ($1.00) are not acceptable unless that is the purchase price as defined in the Purchase Agreement. The name of the purchasers spouse is not to appear on the Bill of Sale if his/her name is not to be on the license/s.

(X) **COPY OF SIGNED RENTAL OR LEASE AGREEMENT WITH SPECIFIC COMMENCEMENT DATE, BETWEEN THE COUNTY OF MUSKEGON, AS LANDLORD AND CITY OF MUSKEGON AND JS HOCKEY ENTERPRISES, INC., AS TENANTS.**

(X) **SUBMIT PROOF OF FINANCIAL RESPONSIBILITY.** LC-95NT and instructions are enclosed.

WE ARE OPEN TO THE PUBLIC FROM 8:00 AM UNTIL 5:00PM MONDAY THRU FRIDAY. **IN ORDER TO PROCESS YOUR REQUEST EFFICIENTLY IN THIS OFFICE AND PROVIDE QUALITY CUSTOMER SERVICE, PLEASE ARRIVE PRIOR TO 3:30 PM.**

Michigan Department of Labor & Economic Growth
Liquor Control Commission

INTER-OFFICE CORRESPONDENCE

April 15, 2009
DATE

TO Licensing Section D4
Licensing and Enforcement Divisions

FROM Administrative Commissioners

SUBJECT On Premises Requests

IT IS THE ORDER OF THE COMMISSION THAT THE FOLLOWING APPLICATIONS BE APPROVED AS INDICATED:

BORLEY-HANEL POST NO. 3033, VETERANS OF FOREIGN WARS OF THE UNITED STATES, 4841 E. Pickard, Mount Pleasant, Union Township, Isabella County. Request for new Official Permit for the premises to be occupied from 6:00 a.m. until 7:00 a.m., weekdays and 6:00 a.m. until 12:00 Noon on Sundays for the service of food, in conjunction with 2009 Club licensed business with Sunday Sales Permit, Dance Permit, and permission for sale, service, and consumption of alcoholic liquor outdoors (1 area). **APPROVED**. FURTHER IT IS THE ORDER OF THE COMMISSION THAT THE APPLICANT BE ADVISED THAT THE ISSUANCE OF THE ENTERTAINMENT PERMIT DOES NOT ALLOW TOPLESS ACTIVITY ON THE LICENSED PREMISES. #491844

CITY OF MUSKEGON AND JS HOCKEY ENTERPRISES, INC., CO-LICENSEE, 470 W. Western, Muskegon, Muskegon County. Request to drop Arena Management Group, L.L.C. with City of Muskegon on 2008 Class C licensed business with Sunday Sales Permit, Dance-Entertainment Permit, nine (9) bars, and Official Permit for the premises to be occupied after-hours for the service of food; and request to add JS Hockey Enterprises, Inc. as co-licensee with City of Muskegon. **APPROVED** SUBJECT TO VERIFICATION OF ALL STOCK ISSUANCE; AND **APPROVED** PURSUANT TO SECTION 501 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998, BEING MCL 436.1501, WITH THE PROVISO THAT WITHIN 180 DAYS FROM THE ISSUANCE OF THE LICENSE TO CITY OF MUSKEGON AND JS HOCKEY ENTERPRISES, INC., CO-LICENSEE, DOCUMENTARY PROOF IS PROVIDED TO THE COMMISSION TO DEMONSTRATE THAT, AT A MINIMUM, SUPERVISORY PERSONNEL ON EACH SHIFT AND DURING ALL HOURS IN WHICH ALCOHOLIC LIQUOR IS SERVED HAVE SUCCESSFULLY COMPLETED A SERVER TRAINING PROGRAM APPROVED BY THE COMMISSION AND **APPROVED** WITH THE PROVISO THAT CITY OF MUSKEGON AND JS HOCKEY ENTERPRISES, INC., CO-LICENSEE MAINTAIN ACTIVE CERTIFICATION OF COMPLETION OF SERVER TRAINING ON THE LICENSED PREMISES AT ALL TIMES. FURTHER, IT IS THE ORDER OF THE COMMISSION THAT FAILURE TO PROVIDE DOCUMENTARY PROOF WITHIN 180 DAYS OF THE ISSUANCE OF THE LICENSE THAT, AT A MINIMUM, SUPERVISORY PERSONNEL ON EACH SHIFT AND DURING ALL HOURS

REQ ID: 486900
BUS ID: 1252

5/14/09 dh

CONTRACT FOR LICENSE

[AUTHORIZED BY MCL 436.1203(1) AND MCL 436.1501(2)]

DEPARTMENT OF LABOR & ECONOMIC GROWTH
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 HARRIS DRIVE, PO BOX 30005
LANSING, MICHIGAN 48909-7505

L C WALKER ARENA

CLASS C

CITY OF MUSKEGON
JS HOCKEY ENTERPRISES, INC.
470 W WESTERN
MUSKEGON, MI 49440

MUSKEGON COUNTY G – 375.0

Drop Arena Management Group, L.L.C. and Arena Concessions Group, L.L.C., and add JS Hockey Enterprises, Inc. as co-licensee, on 2009 Cl C lic Bus w/SS, Dance-Ent, OP(F) and 9 Bars

SS DANCE-ENT FOOD 9 BARS
OP HRS: 2:30 TO 7:00 WEEKDAYS
2:30 TO 12:00 NOON SUNDAYS

LICENSE FEES	LICENSE NUMBER
$	
SUNDAY SALES FEE $420.00	FILE NUMBER
TRANSFER FEES $3,400.00 $	LICENSE RELEASED
INSPECTION FEES ON FILE	POSTED
TOTAL FEES DUE $3,820.00	DOCUMENT CONTROL

~~2008~~ 2009-~~2009~~ 2010

UNLESS INDICATED, ALL LICENSES EFFECTIVE MAY 1st THRU APRIL 30th

BUSINESS TELEPHONE NUMBER (________) ____________

BUSINESS E-MAIL ____________

STATE OR FEDERAL TAX I.D. NUMBER 26-3348514 (JS Hockey Enterprises, Inc.)

CLUB APPLICANTS ONLY:
Number of Members: ____________

ALL applicants/licensees must sign and enter their addresses below, including all partners and all general partners of limited partnerships. The application for renewal must be signed by all partners, all general partners of limited partnerships, an authorized corporate officer or an authorized member or manager of the L.L.C. and indicate the office held. If you have questions, please call the Licensing Division toll free at (866) 813-0011.

By signing this Contract for License, Applicants/Licensees certify that they have exclusive occupancy and control of the licensed location and/or they are the sole owners of the licensed business, and agree to abide by all provisions of the Liquor Control Code, administrative rules, and orders issued by the MLCC. The Applicants/Licensees understand that submitting false or incomplete information is cause for denial of the issuance or renewal of the license and is a violation of the Liquor Control Code.

City of Muskegon, By: → City Manager — 2193 Blufton Muskegon, MI 49441
Applicant/Licensee Signature — Home Addresses

bryon.mazade@postman.org — 231-759-8635
E-Mail Address — Home Telephone Number

Applicant /Licensee Signature — Home Addresses

E-Mail Address — Home Telephone Number

JS Hockey Enterprises, Inc. By:
Applicant /Licensee Signature — Home Addresses

E-Mail Address — Home Telephone Number

Applicant/Licensee Signature — Home Addresses

E-Mail Address — Home Telephone Number

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

ASSIGNMENT OF INTEREST IN LICENSE
(Authorized by M.A.C. 436.1103)

The licensees ARENA CONCESSIONS GROUP, L.L.C., ARENA MANAGEMENT GROUP, L.L.C., CITY OF MUSKEGON (CO-LICENSEES)
(Individual, Partnership, Corporation)

transfer and assign all of their interest in the CLASS C
(License Classification)

issued by the MLCC to applicants CITY OF MUSKEGON. JS HOCKEY ENTERPRISES, INC. (CO-LICENSEES)
(Individual, Partnership, Corporation)

who accept the assignment and transfer of the licenses subject to the approval of the MLCC (MCL 436.1501) and agree to assume all of the rights and responsibilities of the licenses.

Dated: __________, 20______.

Licensee Signatures:

ARENA CONCESSIONS GROUP, L.L.C.

ARENA MANAGEMENT GROUP, L.L.C.

CITY OF MUSKEGON

Applicant Signatures:

CITY OF MUSKEGON

JS HOCKEY ENTERPRISES, INC.

Subscribed and sworn before me this ____________ day of ____________, 20______.

Signature: ____________________________________ Notary Public in ____________ County, Michigan.

My commission expires on __________, 20_______.

LC-431 (Rev. 03/04) 4880-0230 AUTHORITY: MAC 436.1103 COMPLETION: Mandatory PENALTY: No License	The Department of Labor & Economic Growth Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

SF

AUTHORIZATION RESOLUTION OF CITY OF MUSKEGON

The undersigned, being the Mayor and City Manager of the City of Muskegon adopt the following resolutions:

Resolved, that Bryon L. Mazade and/or Steve Warmington are hereby authorized to execute any and all documents required by the Michigan Liquor Control Commission in connection with: a) Arena Management Group, L.L.C. and Arena Concessions Group, L.L.C. being deleted as a co-Licensee and b) JS Hockey Enterprises, Inc. being added as co-Licensee with the City of Muskegon to that certain Class C License issued by the Michigan Liquor Control Commission, being 1962-2009, and all related permits. All actions taken by Bryon L. Mazade and/or Steve Warmington in effectuating this resolution are ratified and approved.

Resolved, that this consent be filed with the minutes of the proceedings of the members of the City of Muskegon.

Adopted on: May _____, 2009

City of Muskegon

By: ______________________
Name: Bryon L. Mazade
Title: City Manager

By: ______________________
Name: Stephen J. Warmington
Title: Mayor

Commission Meeting Date: June 9, 2009

Date:	**May 29, 2009**
To:	**Honorable Mayor & City Commission**
From:	**Planning & Economic Development Department**
RE:	**Addition of a clause to the IFT Contract**

SUMMARY OF REQUEST:

To approve the addition of a clause to the Industrial Facilities Tax Abatement contract that will discourage companies from appealing the valuation of any real or personal property at their facility to the Michigan Tax Tribunal or the State Tax Commission.

FINANCIAL IMPACT:

none

BUDGET ACTION REQUIRED:

none

STAFF RECOMMENDATION:

Approval of the new IFT contract clause (section 1.6)

COMMITTEE RECOMMENDATION:

none.

<u>**CITY OF MUSKEGON**</u>

<u>CONTRACT FOR TAX ABATEMENT</u>
<u>Act 198 Public Acts of 1974</u>

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and ("Company").

<u>**Recitals:**</u>

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.

C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

NOW THEREFORE THE PARTIES AGREE:

1. <u>**COMPANY AGREEMENT**</u>. The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

1.1 That ____________ percent of the promised new jobs shall be in place with full-time employees on or before ___________, 20_____, and ___________ percent of the said jobs shall be in place with full time employees on or before , 20____ Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission.

1.2 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate.

1.3 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of $_______ in the equipment and improvements as shown in the application.

1.4 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.

1.5 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.

1.6 The Company shall not appeal the valuation of any real or personal property at the facility to the Michigan Tax Tribunal or the State Tax Commission.

1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.

1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.

1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY**. Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to create the district and receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT**. The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll.

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced.

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statue, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing 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.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By__________________________

Stephen J Warmington, Mayor

and__________________________

Ann Marie Becker, Clerk

By__________________________

Its______________________

and__________________________

Its______________________

Commission Meeting Date: June 9, 2009

Date: May 29, 2009

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department

RE: Approval of Department of Energy Grant

SUMMARY OF REQUEST:

To approve the request to submit a grant application to the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant. The City of Muskegon is eligible for up to $181,600 in funding for energy efficiency upgrades. Staff is currently working on the grant and determining the best options, but there will be a major emphasis on energy efficient upgrades to the McGraft Park facility, the addition of two new fuel efficient cars, and other energy efficient upgrades that will have the most impact on eliminating greenhouse gases and cutting utility bills.

FINANCIAL IMPACT:

The energy efficient upgrades should lower the City's utility bills considerably.

BUDGET ACTION REQUIRED:

They City will use up to $40,000 of the $250,000 budgeted for the Capital Improvements Plan for the parks, as to leverage funds.

STAFF RECOMMENDATION:

To approve the submittal of the grant application.

COMMITTEE RECOMMENDATION:

None.

Date: 06/09/09

To: Honorable Mayor and City Commission

From: DPW

RE: Crack Sealing Machine

SUMMARY OF REQUEST: Authorize staff to enter into a rent/purchase agreement with National Highway Maintenance.

FINANCIAL IMPACT: $25,985.00

BUDGET ACTION REQUIRED: None. The cost will be offset by savings on other purchases.

STAFF RECOMMENDATION: Authorize staff into a rent/purchase agreement with National Highway Maintinance.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 06/09/09

Re: Crack Sealing Machine

The Highway Department is proposing to add a second crack sealing crew to help maintain the streets. The initial plan was to rent the machine at a cost of $3,450.00 per month for four to five months.

After talking with the Highway Supervisors and the Director of Public Works they plan to continue with a second crack sealing crew in the future.

National Highway Maintenance out of Akron, Ohio is the company that we planned to rent the crack sealing machine from. Their sales representative has sent us a proposal to rent/purchase the machine for six monthly payments of $4,330.84 and at the end we own the machine.

While this purchase was not budgeted in 2009, we feel that it is in the best interest of the City to purchase instead of rent.

Date: June 2, 2009

To: Honorable Mayor and City Commissioners

From: Lowell Kirksey, Recreation Supervisor

RE: Special Events-Multiple Liquor License Request

Muskegon Eagles Aerie 668/Fraternal Order of Eagles.

SUMMARY OF REQUEST: The Muskegon Fraternal Order of Eagles (Aerie 668) is requesting a extension of their current liquor license to be able to serve non-members during the Muskegon Summer Celebration (June 26th through July 5th) The following temporary alcohol licenses have been approved for this time period: Muskegon Summer Celebration, Mike's Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this request at their May 18th meeting.

Date: June 2, 2009

To: Honorable Mayor and City Commissioners

From: Lowell Kirksey, Recreation Supervisor

RE: Special Events-Multiple Liquor License Request

Muskegon Eagles Aerie 668/Fraternal Order of Eagles.

SUMMARY OF REQUEST: The Muskegon Fraternal Order of Eagles (Aerie 668) is requesting an extension of their current liquor license to be able to serve non-members during the Muskegon Bike Time Event, scheduled July 17th through July 19th. The following temporary alcohol licenses have been approved for this time period: Racquets, Pop-A-Top, Muskegon Bike Time, Tipsy Toad, and Mike's Inn.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: The Leisure Services Board has approved this request at their May 18th meeting.

Date: June 3, 2009

To: Honorable Mayor and City Commissioners

From: Lowell Kirksey, Recreation Supervisor

RE: Special Event Multiple Liquor License Request-

The Muskegon Yacht Club

SUMMARY OF REQUEST: The Muskegon Yacht Club is requesting an extension of their current liquor license to be able to host the Queens Cup Regatta on June 27, 2009. The following temporary alcohol licenses have been issued for this date: Muskegon Summer Celebration, and Mike’s Inn.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: None.

COMMITTEE RECOMMENDATION: The Leisure Services Staff approved this request.

Date: June 2, 2009

To: Honorable Mayor and City Commissioners

From: Lowell Kirksey, Recreation Supervisor

RE: Muskegon Bike Time Events, Inc.

July 17th thru July 19th, 2009

SUMMARY OF REQUEST: To approve the request from Muskegon Bike Time Events Inc, subject to the conditions outlined in the attached memo.

FINANCIAL IMPACT: Request that equipment rental fees be waived. In exchange they will provide a pre-negotiated amount of beverage tent wristbands. The exchange will be coordinated with the City Manager.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request from Bike Time, with the conditions outlined in the memo from Staff.

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their May 18th meeting, subject to staff approval of individual requests.

MEMO

To: Honorable Mayor & City Commission

CC. Bryon Mazade, City Manager

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

Date: June 3, 2009

Re: Bike Time Request- Staff Recommendations

Staff is excited to once again be working with the Bike Time Committee on another outstanding event in Muskegon. We are fully supportive of the event and realize the benefits to Muskegon. Staff has reviewed the request from Bike Time (submitted in Bike Time's letter dated April 22, 2009) and has conditions to some of the specific requests.

1) Bike Time may have exclusive use of Western Avenue from Terrace Street to 8th Street for motorcycle traffic and motorcycle parking only.

2) Bike Time may have exclusive use of Market Street from Terrace Street to Jefferson Avenue for vendors and motorcycle parking.

3) Due to the fact that there are businesses located on Western Avenue east of Third Street and the Post Office must remain open, staff is requiring that: (a) First Street from Shoreline to Western must remain open (in addition, First Street between Western and Clay is not a public street and the City has no jurisdiction over it). (b) Morris from Third to Terrace must remain open to allow access to businesses and to the office complexes at Morris and Terrace. (c) The bikes will have to make their turns to go back west on Western from Jefferson and not from Terrace. No closures or impediments are allowed along Terrace. In addition, Hackley Park is reserved for a Party in the Park on July 17. Clay Street, between Third and Fourth Street should be available for Party in the Park on the evening of July 17. **In addition, Bike Time has not provided a map of the final route for the Event. Therefore, it is recommended that final approval for the route be given by staff.**

4) Staff recommends that Bike Time be allowed to use the City's parking lot across from L.C. with the following conditions: a) Bike Time must use reasonable anchors to prevent permanent damage to the asphalt surface. Approval for "reasonable anchors" should be secured through the City's Engineering Department. b) Bike Time contact MISS DIG and Belasco Electric prior to the event to insure no underground utilities (private or public) are interfered with. c) Use of the parking lot is contingent on approval from LC Walker Arena (to insure they have no event scheduled during this time). d) Consumer's must be contacted prior to the event and at the conclusion to the event to read the electric meter panel (in order that the City is property reimbursed for electrical usage at the site).

5) The City's portion of the fourth street & Shoreline parking belongs to L.C management. Therefore, a separate agreement must be made between Bike Time and L.C. management for that lot. In addition, Bike Time is responsible for securing its own electrical service on site (not the City's).

6) Staff recommends that exclusive peddling rights only be considered in the immediate area of Bike Time (between Shoreline Drive to the East- East of Terrace, Seventh Street to the West, the lakeshore to the North and Webster Avenue on the South- additional information will be needed from Bike Time regarding the exact boundaries, with final approval by staff recommended). First Street from Western to Clay cannot be included in this request, as it is not public. Mart, should not be a part of this request as it provides for the only access to the Amazon building while Western is closed off.

7) The City will not be tied to notifying Bike Time of requests for use of City facilities.

8) Staff recommends that each beverage tent and liquor request for the Bike Time event be reviewed by the City for approval.

9) Bike Time may use the corner of 6th Street and Western in the street on 6th and the corner of 4th and Western in the street on 4th closest to the LC Walker Arena and on the corner of 1st Street for Merchandise Tents.

10) Additional information will be needed regarding equipment for Bike Time. It is recommended that staff make the final decision regarding rental fees, actual costs, and/or exchange of concert tickets.

11) Staff recommends that Bike Time seek approval from the City for their specific use of their own labor pool. There are implications with this, particularly in relation to public safety staff. In addition, the City is willing to review staffing levels for City personnel with the Bike Time staff, with the City making the final decision on the number of City staff needed for the event.

12) The City will provide an estimated list of all fees incurred by Bike Time from the City of Muskegon.

13) Additional labor and equipment use not outlined in the application will be cleared through Bike Time, providing it does not involve public safety or an emergency matter.

14) City Staff will plan to meet (in fact, they already have been meeting) with Bike Time staff regarding staffing levels for City personnel.

15) Bike Time <u>may not</u> close off 7th Street between Clay and Western.

16) Bike Time is required to designate one person from their committee to work individually with staff and provide the name of the person to the Leisure Services Department by July 8, 2009. This person is required to be available in person, or by cell phone, throughout the entire Bike Time Event (from set up on Thursday to take down on Monday).

17) Bike Time is required to notify staff by July 8, 2009 as to the equipment needed for the event. If Bike Time picks up the items for distribution at the proper locations (picnic tables, trash cans, etc), there will be no charge to Bike Time. This must first be approved by City Staff. No further requests are to be made after July 8, 2009.

18) Bike Time is responsible for removing trash from the permanent containers downtown during the Event.

City staff recommends approval of the Bike Time request, per the letter from Brett Gilbert, dated April 22, 2009, with the exceptions listed above.

Commission Meeting Date: June 9, 2009

Date: **June 3, 2009**

To: **Honorable Mayor & City Commission** W. 6.

From: **Community and Neighborhood Services Department**

Re: **Acceptance of Fair Housing Impediment Study**

SUMMARY OF REQUEST: To accept the final draft of the 2009 Fair Housing Impediment Study produced by the Southeastern Michigan Fair Housing Center of Ann Arbor, Michigan. The Southeastern Michigan Fair Housing Center was contacted by the cities of Muskegon, Muskegon Heights and Norton Shores to conduct this study, mandated by the US Department of Housing and Urban Development.

FINANCIAL IMPACT: The City of Muskegon's portion of the cost will be deducted from the CNS Office CDBG Administration funds.

BUDGET ACTION REQUIRED: None required.

STAFF RECOMMENDATION: To approve the acceptance of the document and the City's final payment for our portion of the agreement.

COMMITTEE RECOMMENDATION: None.

Commission Meeting Date: June 9, 2009

Date: June 3, 2009

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

Re: Final CDBG/HOME Allocations from HUD

SUMMARY OF REQUEST: For the City Commission to make an additional allocation decision concerning the 2009-2010 Community Development Block Grant/HOME Partnership Program allocations for this coming fiscal year.

During the March 24, 2009 City Commission meeting, the Commission made their final decision on the 2009 – 2010 CDBG/HOME Partnership allocations. Since then HUD has revised the total amounts for the grants. CDBG was increased from $984,207 to $999,433 and HOME was increased from $290,049 to $322,469. The City Administration made the following recommendations:

CDBG

Increase the Veterans from $3,000 to $5,000 - $2,000 increase
Increase Façade from $5,000 to $8,500 - $3,500 increase
Increase Youth Recreation from $75,000 to $80,000 - $5,000 increase
Increase the American Red Cross from $3,500 to $5,000 - $1,500 increase
Increase Summer Interns from $6,260 to $8,000 - $1,750 increase
Increase Legal Aid Foreclosures from $8,500 to $9,976 - $1,476 increase
Total Increase is $15,226.

The CDC made two changes to the City's CDBG recommendations:
Increase Youth Recreation from $75,000 to $79,000 - $4,000 increase
Increase Muskegon Community Health Project from $2,750 to $3,750 - $1,000 increase. Their reasoning for this increase is this program deals with uninsured diabetics and this is such a growing problem in Muskegon.

HOME

Increase HOME Admin from $22,500 to $25,742 - $3,242 increase
Increase Rental Rehab from $70,000 to $74,727 - $4,727 increase

Increase Sr. Weatherization from $125,549 to $150,000 - $24,451 increase
Total increase is $32,420.

The CDC made two changes to the City's HOME recommendations:
Increase Sr. Weatherization from $125,549 to $45,000 – increase $19,349.
Increase Habitat for Humanity from $50,000 to $55,000 - $5,000 increase.
Their reasoning for this increase is that Habitat always needs and uses any funds given them for their Muskegon projects.

After receiving the Commissions final allocation decision, the Community and Neighborhood Services office will amend the appropriate CDBD Subrecipient Agreements and HOME CHDO Agreements.

FINANCIAL IMPACT: The decision will determine how the Community Development Block Grant /HOME Partnership Program final funding will be allocated for the 2009-2010 fiscal year.

BUDGET ACTION REQUIRED: The Commission actions will establish the fiscal year's budget.

STAFF RECOMMENDATION: The Commission previously received the administration recommendations.

COMMITTEE RECOMMENDATION: The Commission also received the Citizen District Council recommendations.

Community Development Block Grant 2009 - 2010 - FINAL

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Previous Final Rec.	City Comm Final Determination
Love INC	Handicap Ramps*	$5,000	$2,500	$3,500	$3,500	$3,500
American Red Cross	Senior Transportation*	$5,000	$5,000	$5,000	$3,500	
West Michigan Veterans	Food Bank*	$5,000	$5,000	$5,000	$3,000	
Community enCompass	Healthy Neighborhood Project*	$6,000	$1,850	$3,850	$3,850	$3,850
COM - DPW	Senior Transit*	$64,724	$42,500	$42,500	$42,500	$42,500
COM - Planning CDBG Code Enf	Code Enforcement	$57,675	$45,000	$45,000	$45,000	$45,000
COM - Planning Comm Economic Dev	Façade	$10,000	$8,500	$8,500	$5,000	
COM - CNS CDBG Service Delivery	Delivery Service	$82,000	$70,000	$70,000	$70,000	$70,000
COM - Finance Bond Repayment	Fire Station Bond	$150,619	$150,619	$150,619	$150,619	$150,619
HealthCARE	Health Outreach*	$3,500	$2,750	$3,500	$3,500	$3,500
Legal Aid	Housing Related Legal Services*	$5,500	$3,500	$3,500	$3,500	$3,500
Legal Aid	Foreclosure Legal Aid*	$16,500	$9,976	$9,976	$8,500	
Muskegon Community Health Project	Uninsured Diabetes Outreach*	$5,000	$0	$3,750	$2,750	
COM - CNS CDBG Administration	Admin **	$179,000	$158,500	$158,500	$158,500	$158,500
COM - Engineering Street Construction	Street Construction	$65,000	$48,500	$48,500	$48,500	$48,500
COM - Leisure Services	Youth Recreation*	$112,405	$80,000	$79,000	$75,000	
COM - CNS CDBG Siding	Vinyl Siding	$210,000	$172,500	$172,500	$172,500	$172,500
COM - CNS CDBG Emergency Repair	Emergency Repair	$200,000	$175,000	$176,500	$176,500	$176,500
COM - Inspections Dangerous Bldgs	Demolition & Board Ups	$57,500	$43,500	$43,500	$43,500	$43,500
COM - Affirmative Action	Affirmative Action	$5,000	$3,750	$4,500	$4,500	$4,500
COM - Affirmative Action	Summer Internships	$10,000	$8,000	$8,000	$6,250	
	Total CDBG Request	**$1,255,423**	**$1,036,945**	**$1,045,695**	**$1,030,469**	**$926,469**
	Total CDBG Allocated	$999,433	$999,433	$999,433	$999,433	$999,433
	Expected program income	$50,000	$50,000	$50,000	$50,000	$50,000
	Total	$1,049,433	$1,049,433	$1,049,433	$1,049,433	$1,049,433
	Allocated/Request Difference	**($205,990)**	**$12,488**	**$3,738**	**$18,964**	**$122,964**
	Total Amt of Public Service*	**$228,629**	**$153,076**	**$159,576**	**$149,600**	**$56,850**
	Public Service mandated Amt </= to 15%	$157,415	$157,415	$157,415	$157,415	$157,415
	Difference	**($71,214)**	**$4,339**	**($2,161)**	**$7,815**	**$100,565**
	Total Amt of City Administration Request**	**$179,000**	**$158,500**	**$158,500**	**$158,500**	**$158,500**
	Administrative mandated Amt < 20%	$209,887	$209,887	$209,887	$209,887	$209,887
	Difference	**$30,887**	**$51,387**	**$51,387**	**$51,387**	**$51,387**

NOTE:

* Public Service

** City CDBG Administration

C:\Documents and Settings\Potter\Local Settings\Temporary Internet Files\OLK1A\2009-2010 CDBG-HOME Grants Spreadsheet

HOME Grant 2009 - 2010 - FINAL

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Previous Final Rec.	City Comm Final Determination
Community enCompass	Housing Transition Asst****	$70,000	$38,000	$48,000	$48,000	$48,000
Community & Neighborhood Servicesc	HOME Administration***	$22,500	$25,742	$25,742	$22,500	
Community & Neighborhood Servicesc	HOME Rental Rehabiliation	$75,000	$74,727	$74,727	$70,000	
Community & Neighborhood Servicesc	HOME Sr Weatherization/Energy Consrvtn	$140,000	$150,000	$145,000	$125,549	
Muskegon County Habitat for Humanity	Infrastructure/construction (3 homes)****	$55,000	$0	$55,000	$50,000	
Neighborhood Investment Corporation	Home purchase rehab loans****	$120,000	$38,000	$48,000	$48,000	$48,000
	Total HOME Request	**$482,500**	**$326,469**	**$396,469**	**$364,049**	**$96,000**
	Total HOME Allocated	$322,469	$322,469	$322,469	$322,469	$322,469
	(+) Program Income	$80,000	$80,000	$80,000	$80,000	$80,000
NOTE:		**$402,469**	**$402,469**	**$402,469**	**$402,469**	**$402,469**
*** Home Administration	Allocated/Request Difference	**($80,031)**	**$76,000**	**$6,000**	**$38,420**	**$306,469**
**** CHDO Request						
	Total Amt of HOME Administration* **	**$22,500**	**$25,742**	**$25,742**	**$22,500**	**$0**
	Total Amt mandated Amt = 10%	$40,247	$40,247	$40,247	$40,247	$40,247
	Difference	**$17,747**	**$14,505**	**$14,505**	**$17,747**	**$40,247**
	Total Amt of HOME CHDO request****	**$245,000**	**$76,000**	**$151,000**	**$146,000**	**$96,000**
	Total Amt mandated 15%	$48,370	$48,370	$48,370	$48,370	$48,370
	Difference	**($196,630)**	**($27,630)**	**($102,630)**	**($97,630)**	**($47,630)**

Commission Meeting Date: June 9, 2009

Date: **May 29, 2009**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** CBC

RE: **Public Hearing - Request for an Industrial Facilities Exemption Certificate – ESCO Company**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, ESCO Company, 1221 E Barney Ave, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The company plans on making investments of $1,972,260 in personal property improvements and $170,000 in real property improvements. They are requesting a twelve (12) year abatement on both real and personal property.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for both personal and real property.

COMMITTEE RECOMMENDATION:

None

Resolution No. _______

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
ESCO Company

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed pubic hearing held on October 24, 1995, this Commission by resolution established an Industrial Development District as requested by ESCO, 1221 E. Barney, Muskegon, Michigan 49441; and

WHEREAS, ESCO has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on June 9, 2009, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

2) The application of ESCO Company, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion and installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

   CITY OF MUSKEGON PT OF NW 1/4 OF SE 1/4 & PT OF SW 1/4 OF NE 1/4 SEC 33 T10N R16W DESC AS: COM @ S 1/4 COR SAID SEC 33 TH N 1D 02M 52S E ALONG N/S 1/4 LINE 2011.75 FT TH N 89D 27M 40S EALONG S LINE OF NW 1/4 OF NW 1/4 OF SE 1/4 OF SAID SEC 233.0 FT TH N 1D 02M 52S E PAR WITH N/S 1/4 LINE 33.01 FT TO POB TH CONT N 1D 02M 52S E PAR WITH N/S 1/4 LINE 637.66 FT TO POINT OF INT WITH E/W 1/4 LINE TH N 1D 00M 40S E PAR WITH N/S 1/4 LINE 79.74 FT TH S 71D 06M 53S E ALONG SLY RT OF WAY LINE CONSUMERS POWER COMPANY 288.83 FT TH S 1D 02M 52S W PAR WITH N/S 1/4 LINE 621.31 FT TH S 89D 27M 40S W 275.00 FT TO POB ALSO COM @ A POINT 33 FT N & 508 FT E OF SW 1/4 SEC 33 TH N 621.59 FT TO SLY LINE CONSUMERS POWER COMPANY RT OF WAY TH SELY ALONG SAID RT OF WAY 866.09 FT TH S 458.50 FT TH NWLY 586.01 FT TO N LINE BARNEY EXTENDED TH W 252.00 FT TO POB ALSO W 727.74 FT OF S 1/2 OF NW 1/4 OF SE 1/4 SEC 33 T10N

R16W INCLUDING VAC E BARNEY AVE BEG 200 FT E OF E LN OF ROBERTS ST EXC N 33 FT AND W 33 FT TH'OF FOR STS

3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of _______ years on personal property and _______ years on real property.

Adopted this 9th Day of June 2009.

Ayes:

Nays:

Absent:

BY: ______________________________
Stephen J. Warmington
Mayor

ATTEST: ______________________________
Ann Marie Becker
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on June 9, 2009.

____
Ann Marie Becker
Clerk

MUSKEGON

West Michigan's Shoreline City

City of Muskegon
Industrial Facilities Exemption Application
Summary Sheet

Project Summary:

ESCO Company, located at 1221 E Barney Ave, will be installing new machinery and performing minor building improvements. The personal property investment will be $1,972,260 and the real property investments will total $170,000.

Employment Information: **64 employees**

Racial Characteristics:

White	55
Minority	9
Total	64

Gender Characteristics:

Male	57
Female	8
Total	64

Total No. of Anticipated New Jobs: 0 (8 retained)

Investment Information:

Real Property:	$170,000
Personal Property	$1,972,260
Total:	$2,142,260

Property Tax Information: (Annual)	All Jurisdictions	City Only
Total New Taxes Generated	$ 40,384	$ 11,861
Value of Abatement	$ 20,191	$ 5,930
Total New Taxes Collected	$ 20,191	$ 5,930

Income Tax Information: (Annual)

Total Additional Income Tax Generated: $ 0

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Zoning Conflicts	☐ Yes	☒ No

Mike Franzak
Planner II

Dwana Thompson
Dwana Thompson
Affirmative Action Director

DATE: 08/19/2008

TO: Honorable Mayor and Commissioners

FROM: Anthony L. Kleibecker, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN070238

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **254 AMITY AVE Area 11** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN070238 254 Amity

Location and ownership: This structure is located on Amity between Fork and Jay Streets and is owned by Marilyn Brewster, 347 Shonat St., Apt #5, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 11/08/07. An interior inspection was conducted 11/30/07. The Notice and Order to Repair was issued on 11/28/07. On 02/07/08, 03/06/08, and 04/03/08, the HBA tabled case to allow owner time to secure loan, establish timeline for repairs and obtain necessary permits. On 05/01/08 the HBA declared the structure substandard and dangerous. As of 08/19/08 no permits have been issued and no timeline submitted.

Owner Contact: Ms. Brewster was present for all HBA meetings stating she was working with Neighborhood Investment Corp to get loan to complete repairs and there were delays in getting taxes paid and obtaining insurance.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: 12,800

Estimated cost to repair: $25,000

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

AGENDA ITEM NO. ___________________

CITY COMMISSION MEETING _____________________________

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: June 2, 2009

RE: Resolutions for City Charter Amendments

SUMMARY OF REQUEST:
To approve resolutions for the following City Charter amendments:

(1) Resolution allowing City Commission to change the fiscal year;
(2) Resolution revising the Charter relating to the tax collection cycle;
(3) Resolution changing the date for submission of the budget;
(4) Resolution eliminating the Charter provision relating to Board of Review sessions;
(5) Resolution eliminating requirement for primaries;
(6) Resolution eliminating the Civil Service System.

FINANCIAL IMPACT:
Certain Charter amendments could provide significant financial benefit to the City.

BUDGET ACTION REQUIRED:
None.

STAFF RECOMMENDATION:
To approve the attached resolutions.

COMMITTEE RECOMMENDATION:
None.

CITY OF MUSKEGON

Resolution No. ___________

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning establishing the fiscal year of the City.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter VIII, Section 1 of the Charter, to read in its entirety as follows:

Section 1. Fiscal year.

The fiscal year of the City shall be established by ordinance adopted by the City Commission.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

> **CITY BALLOT PROPOSAL ____**
>
> The ballot proposal would allow the City Commission to establish the fiscal year by ordinance by amending Muskegon City Charter Chapter VIII, Section 1. Presently, the City Charter provides that the fiscal year begins on January 1. The amendment would permit changing the starting date of the fiscal year. Shall the Muskegon City Charter be amended to provide that the fiscal year for the City be established by an ordinance adopted by the City Commission?

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES ____

____

NAYES ____

____

CITY OF MUSKEGON

By: __________________________
Ann Marie Becker, City Clerk

CERTIFICATE

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 ________ day of _______________, 2009, 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.

____
Ann Marie Becker, City Clerk

CITY OF MUSKEGON

Resolution No. ___________

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning the levying and collection of property taxes in the City.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter XI, Section 4 of the Charter, to read in its entirety as follows:

Section 4. Annual appropriation resolution; delivery to Assessor.

On or before the date necessary in order to levy the City's and the Board of Education's millage, in each year, the City Clerk shall make and deliver to the Assessor a certified copy of the annual appropriation resolution and of the statement of school taxes as prepared by the Board of Education of the public schools of the City of Muskegon filed in the City Clerk's office.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

CITY BALLOT PROPOSAL ____

The ballot proposal eliminates the specific date of delivery of the annual appropriation resolution to the Assessor by amending Muskegon City Charter Chapter XI, Section 4. Presently, the City Charter provides that the annual appropriation must de delivered to the Assessor by October 1. The amendment would require that the annual appropriation resolution be delivered by the date necessary to levy the City's and school's millage. Shall the Muskegon City Charter be amended to provide that the annual appropriation resolution be delivered to the Assessor by the date necessary to levy the City's and School's millage?

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES ____

____

NAYES ____

____

CITY OF MUSKEGON

By: __________________________
Ann Marie Becker, City Clerk

CERTIFICATE

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 ________ day of _______________, 2009, 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.

____
Ann Marie Becker, City Clerk

CITY OF MUSKEGON

Resolution No. ___________

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning the dates for submission and adoption of the City's budget.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter VIII, Section 3 of the Charter, to read in its entirety as follows:

Section 3.

By the dates established by ordinance adopted by the City Commission, the City Manager shall submit to the City Commission an estimate of the contemplated expenditures and revenues for the ensuing year and the City Commission shall determine the amount and purpose of the necessary expenditures for such year and shall adopt a resolution fixing the amount of the appropriation to be made therefor. Provided, however, that the amount appropriated shall comply with Section 21 of Article 10 of the State Constitution of Michigan [1904] and be based on the assessable property of the City as established by the assessment roll for the current year.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

CITY BALLOT PROPOSAL ____

The ballot proposal would allow the City Commission to adopt an ordinance establishing the date by which the City's budget must be adopted by amending Muskegon City Charter Chapter VIII, Section 3. Presently, the City Charter provides that the City's proposed budget must be presented to the City Commission by September 1 and adopted by September 25. The amendment would permit changing the dates for submission and adoption of the budget. Shall the Muskegon City Charter be amended to provide that the dates for submission and adoption of the City's budget be established by an ordinance?

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES ____

____

NAYES ____

____

CITY OF MUSKEGON

By: ___________________________
Ann Marie Becker, City Clerk

CERTIFICATE

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 ________ day of ________________, 2009, 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.

____
Ann Marie Becker, City Clerk

CITY OF MUSKEGON

Resolution No. ___________

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon an Amendment to the City Charter concerning the Board of Review.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Amend Chapter XI, Section 2 of the Charter, to read in its entirety as follows:

Section 2. Board of Review; Composition; Sessions; Regulations.

The composition of the Board of Review, schedule of meetings, the purpose of the Board of Review and order of proceedings shall be as specified in Michigan general property tax act.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

> **CITY BALLOT PROPOSAL ____**
>
> The ballot proposal provides that the composition, meeting dates and procedure of the board of review shall be set by state law by amending Muskegon City Charter Chapter XI, Section 2. Presently, the City Charter provides the details of the board of review sessions. The amendment would provide that state law would establish the schedule and procedures of the Board of Review. Shall the Muskegon City Charter be amended to provide that the Board of Review composition, meeting dates, and operations shall be as provided in the general property tax act?

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES ____

____

NAYES ____

____

CITY OF MUSKEGON

By: ___________________________
Ann Marie Becker, City Clerk

CERTIFICATE

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 ________ day of ________________, 2009, 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.

____
Ann Marie Becker, City Clerk

CITY OF MUSKEGON

Resolution No. ___________

A Resolution of the Muskegon City Commission to propose for adoption by the voters of the City of Muskegon to repeal Chapter XV of the City Charter concerning the City's Civil Service System.

The City Commission of the City of Muskegon resolves that the following amendment to the City Charter shall, upon approval of the Governor, be submitted to the Electors of the City in accordance with the Home Rule Cities Act of the State of Michigan:

Proposed Charter Amendment

City of Muskegon

Be It Resolved to Repeal Chapter XV of the Charter in its entirety, which presently provides as follows:

CHAPTER XV. CIVIL SERVICE

Section 1. Board of civil service commissioners; appointment, term, filling vacancies, compensation.

The Mayor by and with the consent and advice of the City Commission shall appoint three persons, citizens and residents of said City, who shall constitute and be known as the board of civil service commissioners of such City, and shall designate one of the persons so appointed to serve for a term of two years, one for a term of four years and one for a term of six years from the first day of January in the year of their appointment and until their respective successors are appointed and qualified. Each alternate year thereafter the Mayor with the advice and consent of the City Commission shall appoint one person as the successor of the member whose term shall expire to serve for six years. Any vacancy shall be filled by the Mayor with the advice and consent of the City Commission for the unexpired term. No member shall hold any other lucrative office or employment, except notaries public, under the United States, the State of Michigan, or any municipal corporation or political division thereof, and each Commissioner shall before entering upon the discharge of the duties of his office and within ten days after receiving notice of his appointment, take and subscribe the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer administering it with the Clerk of the City. The Commission shall at a meeting in January of each alternate year following the appointment of the commissioner to be appointed at each alternate year, elect one member to act as president and one member to act as vice president, each for a term of two years, and until successor is duly elected. Two commissioners shall constitute a quorum necessary for the transaction of business. The Mayor with the advice and consent of the City Commission may remove a commissioner during a term of office only upon stating in writing the reasons for removal and allowing him an opportunity to be heard in public in his own defense and to be represented by counsel at any and all hearings on proceedings of removal from office. The Commission shall serve without salary.

Section 2. Powers and duties.

The Commission shall classify all the offices of employment; shall make rules for the examination and selection of persons to fill the offices and positions in the classified service; shall supervise the administration of the civil service rules, hold examinations thereunder from time to time, giving due notice thereof, prepare and keep an eligible list of persons passing such examinations, and certifying the names of persons thereon to appointing officers of the several departments; shall by itself or otherwise investigate the enforcement of the provisions of this chapter of the Charter, of its own rules and of the action of appointees in the classified service; provided however, that the rules made by the Commission and the system in marking examinations thereunder shall not be changed for a period of thirty days prior to or after such examinations and such systems of marking shall be published in advance of such examinations and copies furnished to all applicants. No credit shall be allowed for experience until the applicant taking the examination has at least attained the percentage fixed as the minimum.

Section 3. Classified service; applicants, examination required.

All applicants for office or positions in said classified service, except those otherwise specified, shall pass an examination. All persons desiring to appear for examination shall file with the Commission a statement in relation to their name, residence and post office address; their citizenship; their age, place of birth, health and physical capacity for the public service; previous employment in the public service; business or employment and residence for the previous five years and their education.

Section 4. Eligible lists, grades; leaves, transfers, resignations.

For [From] the returns of the examinations held by the Commission, it shall prepare an eligible list for each grade or class of position in the competitive classified service of the City. The Commission shall strike off the names of candidates from the eligible list after they have remained thereon one year, provided however, that any list may be extended by the Commission for a period of not exceeding one year. The Commission may upon the written request of any person who has previously been in the classified service for a continuous period of not less than three years grant upon request to such person a leave of absence to engage in other work of a governmental nature or character provided that the reasons for the requesting and granting of such leave of absence are at the time of such request and permission made a part of the minutes of the proceedings of the Commission. The Commission may grant leaves of absence for reasons of health or for service in defense of country and upon the expiration of the term of leave as fixed by the

Commission or extended by it upon further application for an extension, reinstate said person in the service in the same kind and grade of work he was performing at the time of his request for leave of absence. The Commission may upon written request of any person who has previously been in the classified service for a continuous period of not less than three years and who shall not have been out of the service for more than one year, and who shall have resigned from the service in good standing, reinstate said person in the service by placing him at the foot of the eligible list applicable to such kind and grade of service.

Section 5. Filling positions, procedure.

The head of any department in which a position is to be filled shall notify the Commission of that fact and in the even the position is to be filled by promotion from one grade of service to another, then the Commission shall certify to the appointing officer the name and address of the person standing highest on the eligible list for promotion, but in the event that the position to be filled is one for which a vacancy exists, then the Commission shall certify to the appointing officer the names and addresses of the three persons standing highest on the eligible list. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, with the consent of said Commission, based upon the written reasons submitted to it, discharge him, or the Commission may transfer him to another department with the consent of the head of such department, but if not discharged prior to the expiration of the period of probation, as hereinafter fixed, his appointment shall be deemed complete.

Section 6. Promotions; regulations authorized.

The Commission shall provide the rides for promotion to all offices in the classified service, based upon merit, efficiency, character, conduct and seniority.

Section 7. Appointive officers; civil service regulations inapplicable.

The following officers and employees shall not be affected by the provisions of the civil service: Officers appointed by the City Commission; directors of the several City departments as in this Charter defined.

Section 8. Temporary appointments; procedure.

To prevent the delay of special business or to meet extraordinary exigencies, the appointing officer of each department with the approval of the Civil Service Commission, may make temporary appointments to remain in force not exceeding sixty days, and only until legal appointments under the provisions of this chapter can be made, provided, however, that no person who does not possess the minimum requirements for such position as may be prescribed by the rules of the Civil Service Commission shall be permitted to serve in such temporary positions. No person shall receive more than one temporary appointment in any one fiscal year. In case of an emergency or in the event of the necessity for filling such positions created by an emergency, an appointment may be made of not to exceed thirty days duration, which appointment shall be immediately reported to the Civil Service Commission.

An appointment or promotion shall not be deemed complete until a period of probation of not to exceed six months has elapsed and a probationer may be discharged or reduced at any time within said period of probation upon written recommendation of the department head with the advice and consent of the Civil Service Commission.

If at any time it shall be deemed necessary by the Municipal Government or any division thereof to reduce the personnel of any department such reduction shall be had by suspending in numerical order, commencing with the probationers, if any, then the last appointee and continuing until such reduction in personnel as may be required by the particular exigencies of the time, shall have been made. Any increase of personnel of such department to the status or number existing prior to said reduction shall be by reinstating the last employee so suspended and continuing in numerical order until all such reinstatements shall have been made.

Section 9. Classified service, unclassified service; composition.

The Civil Service of the City is hereby divided into classified and unclassified service. The unclassified service shall include the several officers and positions hereinbefore described to be excepted from the provisions of this chapter. The classified service shall comprise all positions not specifically included in this Charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, noncompetitive class and labor class. The competitive class shall include all positions and employment for which it is practical to determine the merit of applicants by competitive examination. The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as may be determined by the rules of the Civil Service Commission. The labor class shall include ordinary unskilled labor.

Section 10. Classified service; discharge, suspension, reduction in rank, compensation; hearing required.

No employee under the classified service shall be discharged or reduced in rank or compensation until he has been presented with the reasons for such discharge or reduction specifically stated in writing, and has been given an opportunity to be heard in his own defense and any counsel retained by him may present his cause to the Civil Service Commission. The reasons for such discharge or reduction and any report in writing thereunder by such employee shall be filed with the Civil Service Commission. Any employee of any department in the classified service who is suspended, reduced in rank or dismissed, may appeal to the Civil Service Commission which shall designate the manner, time and place by and at which such appeal shall be heard. All hearings before the said Civil Service Commission shall at all times be open to the public. In the event that the Civil Service Commission shall not sustain the charges made against such employee, the said employee shall thereupon be entitled to resume his position and to receive compensation for the time lost.

Section 11. Civil Service Commission; members, gifts, compensation, etc.; prohibited.

No member of the Civil Service Commission shall receive any money or other valuable consideration from any candidate for appointment, for examination or from any other person for or on account of said candidate, nor shall any officer or employee of the City be permitted to give either directly or indirectly to any person any money or other valuable consideration whatsoever for, or on account of his promotion.

Section 12. Personnel director; appointment authorized; compensation, restriction.

The Civil Service Commission may appoint a personnel director who shall act and serve under the direction of said Commission and at the pleasure of such Commission, and such personnel director may be an employee in the municipal service. The salary of such personnel director, if he is taken from other than a municipal service, shall be fixed by the Commission, but if taken from the municipal service, he shall fill the duties of personnel director without other compensation than that paid him in his other employment.

Section 13. Present employees; appointments, eligibility; examinations waived.

All persons in the employ of the City holding positions in the classified service at the time of the going into effect of the Chapter as such services are defined by this Chapter of the Charter, are hereby declared eligible for permanent appointment without examination or other act on their part.

Section 14. Political, religious, etc., beliefs; discrimination prohibited.

No discrimination shall be exercised, threatened or promised to any person coming under the provisions of this chapter of the Charter because of his political or religious opinions, beliefs or affiliations.

Section 15. Department payrolls; delivery to Commission.

The Commission shall be furnished by each department under its jurisdiction with a copy in duplicate of each payroll on the day designated by the Commission, and the Commission shall examine such copies to determine if all the names and no other names are on said payroll than those on the active list and that they have been properly certified by the Commission.

Section 16. City Commission; civil service, maintenance; annual appropriation required.

The City Commission shall appropriate each year a sufficient sum to carry out the several provisions of the chapter of the Charter.

Section 17. Conflicting provisions repealed.

Any provisions of any chapter or section thereof of the Charter of the City of Muskegon which may be found to be in conflict with any of the provisions of this chapter and the several sections thereof or inconsistent therewith are hereby repealed.

Be It Further Resolved that the following language shall be placed upon the ballot at the election in accordance with the Home Rule Cities Act:

CITY BALLOT PROPOSAL ____

The ballot proposal would eliminate the Muskegon Civil Service System by repealing Muskegon City Charter Chapter XV. Presently, the City Charter provides for a Civil Service System, including the establishment of a Civil Service Commission and the hiring, promotion and discipline process. The amendment would eliminate the Civil Service System and permit the City Commission to establish a personnel system. Shall the Muskegon City Charter be amended to provide that the Muskegon Civil Service System be eliminated?

Be It Further Resolved that the proposed charter amendment, as adopted by the City Commission, shall be published in the Muskegon Chronicle, and a reasonable number of copies be made available before the election.

THIS RESOLUTION ADOPTED:

AYES ____

____

NAYES ____

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CITY OF MUSKEGON

By: ___________________________
Ann Marie Becker, City Clerk

CERTIFICATE

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 ___________ day of ___________, 2009, 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.

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Ann Marie Becker, City Clerk