

CITY OF MUSKEGON

CITY COMMISSION MEETING

MAY 14, 2013

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. EVIP Employee Compensation Policy. FINANCE
 - C. Time Extension to Pay Outstanding Penalties on Sewer Account. TREASURER
 - D. Concession Contract for Concession Building at Pere Marquette Park. PUBLIC WORKS
 - E. Dog Beach Wear/Dog Beach Surf Shop – Mobile Vending Business/Concession Contract for City of Muskegon Parks. PUBLIC WORKS
 - F. Environmental Program Grass Cutting. PLANNING & ECONOMIC DEVELOPMENT
 - G. Ordinance to Add Electronic Reporting (Safe Reporting) for Resale Licenses. PUBLIC SAFETY
 - H. Emergency Response Plan. PUBLIC SAFETY
- ❑ PUBLIC HEARINGS:
 - A. 2013 – 2014 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES
 - B. Amendments to Downtown Development Plan – Terrace Point Landing, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - C. Amendment to Brownfield Plan – Terrace Point Landing, LLC.

PLANNING & ECONOMIC DEVELOPMENT

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Agreement for Transportation Services with Wakefield Corporation to Provide Senior Transit Services. PUBLIC WORKS

B. Reclassification of Water Filtration Plant Supervisor Position. PUBLIC WORKS

C. Special Event Request Coast West Music Festival. PLANNING & ECONOMIC DEVELOPMENT

D. New Neighborhood Enterprise Zone District. PLANNING & ECONOMIC DEVELOPMENT

☐ **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 CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: May 14, 2013
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the April 23rd City Commission Meeting and the April 30th Special Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 23, 2013

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, MI at 5:30 p.m., Tuesday, April 23, 2013.

Mayor Gawron opened the meeting with a prayer from Mr. George Monroe after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Eric Hood, Willie German, Sue Wierengo, Byron Turnquist, and Lea Markowski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2013-34 HONORS AND AWARDS:

A. 2012 Outstanding Citizenship Awards.

Mayor Gawron congratulated Bob Scolnik, Bonnie Witt, and Pastor Samuel Greer as recipients of the 2012 Outstanding Citizenship Award.

2013-35 INTRODUCTIONS/PRESENTATION:

A. Medication Disposal.

Laura Fitzpatrick from the Muskegon Community Health Project explained the Medication Disposal Program and thanked the City for their involvement.

2013-36 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the April 8th Commission Worksession Meeting, and the April 9th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

E. Environmental Program Terrace Clean-up Contract. PLANNING &

ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The contract for terrace clean-up of public and private properties previously held by Big Sky Field Services, Inc. had expired on March 31, 2013. A request for bids was advertised and six companies placed bids. Pit Crew of Grant, MI is the low bidder for a two-year agreement.

FINANCIAL IMPACT: None, funds budgeted for this activity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve a two-year contract with Pit Crew and to authorize the Mayor and City Clerk to sign the agreements for the terrace clean-up on properties located within the City.

F. Approval of Building Contract for 1500 Leahy. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To award the building contract for the rehabilitation of 1500 Leahy to JD Fisher Builders for the City of Muskegon's Neighborhood Stabilization Program through CNS.

CNS received one bid for the amount of \$82,400; the bid has been reviewed by our spec writer and certified as reasonable "due to the unique characteristics of the structure".

FINANCIAL IMPACT: The funding for this project has been secured through the NSP grant.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To award JD Fisher Builders the rehabilitation contract for 1500 Leahy for the Community and Neighborhood Services office.

G. Citizen's District Council. CITY CLERK

SUMMARY OF REQUEST: To eliminate the position of two representatives from the CDBG Target Area of the CDC since there is no longer a target neighborhood/area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended approval.

H. Aggregates, Highway Maintenance Materials, and Concrete. PUBLIC WORKS

SUMMARY OF REQUEST:

Award bid to supply H1/32FA limestone chip blend to Verplank Trucking Company.

Award bid to supply road slag to Verplank Trucking Company.

Award bid to supply Sylvax patching material to Asphalt Paving.

Award bid for crack sealant to Surface Coatings Co.

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc.

Award bid to supply AE-90 Asphalt Emulsions to Asphalt Materials, Inc.

Award bid to supply screened top soil to Verplank Trucking Company.

Award bid to supply 2NS sand to Yellow Rose Transport.

Award bid to supply 7-sack mix concrete to Port City Redi-Mix.

Award supply of Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride.

FINANCIAL IMPACT: \$402,107 based on quantities requested in bid at 2013 quotes.

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

STAFF RECOMMENDATION: Approval of bids as outlined in Summary of Request.

I. Grant Application Submittal for Ottawa Street Bridge. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize HRC (engineering firm) to submit a grant application on behalf of the City seeking grant funds to rehabilitate/replace the Ottawa Street Bridge in 2016.

FINANCIAL IMPACT: None at this time, however, should the City get the grant it will be incorporated into future budget.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize HRC to submit the application at no cost to the City.

J. Approval of the Use & Maintenance of City-Owned Property at 298 Allen Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the use and maintenance of the City-owned property located at 298 Allen Avenue for a community garden. The property is buildable, and the City would retain the right to sell the property with the community garden members having time to remove the garden prior to any sales.

FINANCIAL IMPACT: The City would save on the cost of maintenance of this property.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and maintenance agreement.

K. Dura Patcher. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one new Dura Patcher trailer mounted patcher and 6,000 gallon emulsion tank from Alta Equipment Company, the lowest responsible bidder.

This machine will mix hot tar and stone together as you fill a pothole for a much more durable and longer-lasting patch.

FINANCIAL IMPACT: \$103,000.

BUDGET ACTION REQUIRED: None, the amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase one new Dura Patcher machine and tank from Alta Equipment Company.

L. Plow Trucks. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase two new International Cab and Chassis trucks, these trucks will replace current fleet vehicles that are approximately 25 years old, unit numbers 40621 and 40622.

FINANCIAL IMPACT: \$158,756.06.

BUDGET ACTION REQUIRED: None, the amount is what was budgeted.

STAFF RECOMMENDATION: Authorize staff to purchase two Cab and Chassis from West Michigan International Trucks.

Motion by Commissioner Turnquist, second by Commissioner Wierengo to approve the Consent Agenda with the exception of items B, C, and D.

ROLL VOTE: Ayes: Hood, Spataro, German, Wierengo, Turnquist, Markowski, and Gawron

Nays: None

MOTION PASSES

2013-37 ITEMS REMOVED FROM THE CONSENT AGENDA:

B. Jay-Boards Concession Contract for City of Muskegon Parks. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement with Jason Gorski of Jay-Boards at Pere Marquette Beach and Harbor Towne Beach located within the City of Muskegon for Stand-up Paddleboard Rentals/Lessons.

FINANCIAL IMPACT: Contract revenue will be 10% of gross receipts, per

Concession Agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into a concession agreement with Jason Gorski of Jay Boards.

C. Bella Dawg Concession Contract for City of Muskegon Parks. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is asking permission to enter into a one-year contractual agreement with Steve Hamstra of Bella Dawg at various City of Muskegon Parks/Facilities located within the City of Muskegon to sell hot dogs and other minor snacks from a mobile cart.

FINANCIAL IMPACT: Contract revenue will be 10% of gross receipts, per Concession Agreement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize DPW staff to enter into a concession agreement with Steve Hamstra of Bella Dawg.

D. Beverage Vending Contract for Parks/Marina Facilities. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to enter into a three-year contractual agreement with Pepsi Beverage Company to provide vending service throughout City Parks and Marina Facilities.

FINANCIAL IMPACT: Commission of 20%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve contract and authorize staff to enter into a three-year agreement with Pepsi Beverage Company.

Motion by Commissioner Turnquist, second by Vice Mayor Spataro to approve the contracts with Jay-Boards Concession, Bella Dawg Concession, and Pepsi Beverage Company.

ROLL VOTE: Ayes: Spataro, German, Wierengo, Turnquist, Markowski, Gawron, and Hood

Nays: None

MOTION PASSES

2013-38 NEW BUSINESS:

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

1770 6TH Street

1597 Park Street

1691 Smith Street (Area 13)

1170 Allen Avenue (Garage Only)

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the 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 Vice Mayor Spataro, second by Commissioner German to concur with the Housing Board of Appeals notice and order to demolish 1770 6th Street, 1597 Park Street, 1691 Smith Street, and 1170 Allen Avenue garage only.

ROLL VOTE: Ayes: German, Wierengo, Turnquist, Markowski, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission commented on dumping at Ruddiman Creek, potholes in various streets, traffic light at Sanford & Laketon, and pedestrian control at Apple & Terrace.

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 7:00 p.m.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

**MUSKEGON CITY COMMISSION
SPECIAL COMMISSION MEETING
APRIL 30, 2013 at 5:30 p.m.
MINUTES**

Present: Mayor Gawron, Vice Mayor Spataro, Commissioners Hood, German, Markowski (arrived 5:50 p.m.), Wierengo, and Turnquist.

Discussion With Consultant for City Manager Recruitment

Andrea Sims, consultant for Waters-Oldani Recruitment, gave each Commissioner the opportunity to state the attributes and characteristics each considered most needed in a City Manager. She will compile the information to create a profile of the best qualified candidate. A brochure will then be created to sell the community and give realistic expectations of the City Manager.

A mass mailing will be sent, use several different websites nationwide. All resumes are to be directed to Ms. Sims who reviews each one. Those with the strongest resumes will receive a questionnaire. Approximately ten to fifteen resumes will be prioritized and forwarded to the Commission in booklet format. The Commissioners will be given a weekend to review the resumes. Once the Commission has narrowed the list of candidates, Ms. Sims will conduct extensive background checks and forward any information gathered.

Desired Attributes in a Candidate

Commissioner German – Would like an experienced individual that can come right in and move the City forward. Must have experience with economic development, public safety and health, have a sense of understanding with urban community development, be able to diversify our police department, and be reflective of the community as a whole.

Commissioner Wierengo – Must be approachable, share with City Commission, listen to ideas, and recognize that the commission has a lot of knowledge.

Commissioner Hood – Wants experience, vision to help develop the downtown area, include urban community in the development, that he/she follows through to make sure those companies issued tax breaks follow their affirmative action plans, and that the Manager shares information with the Commission.

Commissioner Turnquist – Experience is a necessity. Needs to appreciate the asset current department heads are. Have an appreciation that our employees are loyal and very good at their job, but one or two incidences can break that trust. Wants a Manager who can create positive feelings about the city and will continue to work on shared services with other municipalities. The Manager needs to be visible in the community. Wants to see an active recruitment of retail and colleges to the area.

Vice Mayor Spataro – Muskegon is the core City for the County with 39,000 residents. The role that we play is much larger than the size of our city. The relationships we have with surrounding municipalities is important. The City Manager is very visible. We are a very well run

city. A recent study says we are in the top ten for our size population in the State for economic stability. We need someone who is a good Manager but can move the city forward as well. We need to grow our tax base and continue to maintain the sound financial situation we have and continue to grow the city.

Mayor Gawron – Bryon’s willingness to partner with other communities and the citizens has been a great asset for the city. The right candidate needs to be focused on our financial integrity and expertise. Dedication of our staff and a good working relationship is a must. Needs to continue to develop staff talent and teamwork. Needs a good sense of public relations. Should not pander to the Commission, but give straight talk. Must be a strong leader. Someone who can take all the ideas and energy and help drive it. Major areas of concern include budget, ability to drive downtown lakefront and clean-up, retain and expand manufacturing jobs, and expand on our recreational offerings as well.

Commissioner Markowski – The City needs someone who will communicate openly and effectively, makes all the information accessible to Commissioners, and doesn’t let them feel that everything happens in the office. They need to encourage businesses, especially those that offer a good quality of life environmentally.

Ms. Sims – Are you comfortable with a full national recruitment? Yes

Vice Mayor Spataro wants someone who will stay five to ten years.

Commissioner Markowski – They need to be opened to change and making sure it’s positive and well executed.

Commissioner German – They have to have a vision. Communication, relationships, and involving department heads more and their insight.

Ms. Sims – we like to take about 60 days to present candidates. Thorough background checks will be conducted.

Commissioner Markowski – What professions are the best candidates from?

Ms. Sims – Executive Directors, Economic Development, City Managers, Deputies, Assistant, and County Management.

Mayor Gawron asked if Ms. Sims would guide the Commission in an appropriate salary. She indicated she would and the Commission will also know how much the candidates are currently making.

Commissioner Turnquist asked what the triple guarantee is. If the person leaves within a year, they will provide another search for free.

Vice Mayor Spataro – A candidate has to be able to work with bargaining units.

Ms. Sims indicated she would market the city’s strengths including its reasonable size community, high quality of life, there are opportunities to make a difference and see a change.

Discussion about a brochure took place. The brochure is what starts the process of advertising a position. The Commission needs to come to some kind of agreement on how it's going to be put together.

Ms. Sims indicated she will need the Commission's feedback within a week. The proof will be here next Tuesday. The Commission agreed to review the brochure at the Worksession meeting on May 13, 2013.

Mr. Mazade asked who the point of contact should be for the City. He indicated that he didn't believe it should be him.

It was suggested that it should be the City Clerk or City Attorney. The Commission will decide at its Worksession Meeting.

Adjourn 6:41 p.m.

Ann Marie Cummings, MMC
City Clerk

Date: May 14, 2013

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: EVIP Employee Compensation Policy

SUMMARY OF REQUEST: Since the Economic Vitality Incentive Program (EVIP) was introduced in 2011, requirements the City must meet to comply with the program have been changed several times. Some of the most important EVIP issues involve employee compensation and benefit matters. The changing EVIP requirements have created confusion and uncertainty among employees with regard to the City's intentions and employees' future retirement planning. The attached *EVIP Employee Compensation Policy* is intended to clarify the City's approach to achieving EVIP compliance.

FINANCIAL IMPACT: The EVIP program replaced the former statutory revenue sharing program. EVIP revenues currently amount to \$1,033,845 annually for the city – contingent upon the City fully complying with EVIP requirements. Failure to comply with EVIP program requirements would mean loss of some or all of this funding.

BUDGET ACTION REQUIRED: No budget action is required.

STAFF RECOMMENDATION: Approval of the attached *EVIP Employee Compensation Policy*.

COMMITTEE RECOMMENDATION: No committee action was taken.

EVIP Employee Compensation Policy

The employee compensation component of the state's Economic Vitality Incentive Program (EVIP) includes the following criteria related to defined benefit pension plans that local units desiring to qualify for EVIP funding must intend to implement, with any new, modified, or extended contract or employment agreement:

1. For defined benefit pension plans, final average compensation for all employees is to be calculated using a minimum of 3 years of compensation and shall not include more than a total of 240 hours of paid leave. *(City currently meets this criterion with 5 of 6 employee groups.)*
2. Overtime hours shall not be used in computing the final average compensation for an employee. *(City currently meets this criterion with 4 of 6 employee groups.)*
3. For defined benefit pension plans, a maximum multiplier of 1.5% for all employees who are eligible for social security benefits, except, where postemployment health care is not provided, the maximum multiplier shall be 2.25%. *(City does not currently meet this criterion with the 3 employee groups having social security benefits.)*
4. For all employees who are not eligible for social security benefits, a maximum multiplier of 2.25%, except, where postemployment health care is not provided, the maximum multiplier shall be 3.0%. *(City does not currently meet this criterion with the 3 employee groups not having social security benefits.)*

In 2012, the employee compensation component of EVIP was changed to give local units an optional way to qualify for EVIP funding: by certifying to the Michigan Department of Treasury that they are in compliance with 2011 PA 152.

PA 152 is the law that creates a "hard cap" on the amount a public employer may contribute to a medical benefit plan for its employees. PA 152 provides an option to elect an 80% employer contribution cap rather than the hard cap, and it contains a provision allowing local units to opt-out entirely through annual passage of an exemption resolution approved by a 2/3 vote of the governing body. Compliance with PA 152 through any of these avenues now meets the qualification criteria of the employee compensation component of EVIP.

The City of Muskegon's employer cost for employee healthcare currently is below the hard caps established through PA 152 and, so, the City is in compliance with this law and can thereby qualify for EVIP funding through this option.

Given these circumstances, the City's policy with regards to future qualifying for the employee compensation component of the state's Economic Vitality Incentive Program (EVIP) is recommended to be as follows:

1. So long as the City's employer healthcare costs remain under the "hard cap" limits of PA 152, the City intends to qualify for the employee compensation component of EVIP funding by certifying to the Michigan Department of Treasury that the City is in compliance with 2011 PA 152.
2. Notwithstanding the above, the City intends to continue to implement, with any new, modified, or extended contract or employment agreement EVIP employee compensation criteria 1 & 2 (as enumerated above) for employee groups not in compliance with these criteria.
3. Should the City's future employer healthcare costs exceed the "hard cap" limits of PA 152, the City Commission will seek to qualify for the employee compensation component of EVIP funding through one or more of the following:
 - a. By utilizing the "**Employee Compensation Plan Option**" and intending to implement, with any new, modified, or extended contract or employment agreement EVIP employee compensation criteria 1 through 4 (as enumerated above) as well as all other EVIP standards; or,
 - b. By utilizing the "**Public Act 152 of 2011 Option**" and electing the 80% employer healthcare cost contribution cap; or,
 - c. By utilizing the "**Public Act 152 of 2011 Option**" and annually exempting the City from PA 152 by a 2/3's vote of the Commission.
4. Further, in line with the spirit and intent of EVIP and consistent with the closure of the City's defined benefit pension plans to new employees, the Commission will not support future enhancements to defined benefit pension benefit levels or terms of retirement.



AGENDA ITEM NO. _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Deputy Treasurer 

DATE: April 24, 2013

RE: Time Extension to Pay Outstanding Penalties on Sewer Account

SUMMARY OF REQUEST:

Management for the Comfort Inn is requesting additional time to pay outstanding penalties.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:

Memo

To: City of Muskegon Commissioners
From: Kenneth D. Grant 
Date: April 26, 2013
Re: Time Extension to Pay Outstanding Penalties on Sewer Account

Payment Time Extension

The Comfort Inn located at 1675 E Sherman Blvd, will have until October 15, 2013 to pay a minimum of \$1,000.00 per month towards the outstanding balance from the Shut Off Notice dated 4/17/13 beginning May 2013. The amount of the Shut Off Notice is \$5,969.66.

Comfort Inn also agrees to submit payments for their sewer charges on time beginning May 2013. The current sewer charges are due on the second Monday of every month.

The terms of this agreement will be voided if Comfort Inn misses the minimum of \$1000.00 payment towards the outstanding balance and/or if they fail to pay the current bills on time.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: May 14, 2013

SUBJECT: Concession Contract for Concession Building at Pere Marquette Park

SUMMARY OF REQUEST:

Staff is asking permission to enter into 3-year contractual agreement for 2013, 2014 and 2015 with Kenneth L. Huston II of Amazing Gifts Direct, LLC for operating a Concession ("The Island" Concession) at Pere Marquette Park.

FINANCIAL IMPACT:

Contract revenue was \$2,118 for the 2009 operating season, \$3,625 in 2010, \$1,830 in 2011 and \$1,296 in 2012.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize DPW Staff to enter into a 3-year Concession Agreement with Kenneth L. Huston II of Amazing Gifts Direct, LLC for a Concession in the Concession (restroom/lifeguard) Building at Pere Marquette Park for 2013, 2014 and 2015.

COMMITTEE RECOMMENDATION:

AGENDA ITEM NO._____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: May 14, 2013

SUBJECT: Dog Beach Wear/Dog Beach Surf Shop-Mobile Vending Business/Concession Contract for City of Muskegon Parks.

SUMMARY OF REQUEST:

Staff is asking permission to enter into 1-year contractual agreement with Dan Bailey of Dog Beach Wear/Dog Beach Surf Shop at Pere Marquette Park, located within the City of Muskegon, to sell towels, shirts, lotion, boards, pails, inflatables and other various items as outlined in the attached proposal, from a mobile van.

FINANCIAL IMPACT:

Contract revenue will be 10% of gross receipts, per Mobile Vending Business/Concession Contract.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize DPW staff to enter into a 1-year Mobile Vending Business/Concession Contract with Dan Bailey of Dog Beach Wear/Dog Beach Surf Shop.

COMMITTEE RECOMMENDATION:



beach & more

DOG BEACH SUPPLY SHOP

Colorful
Conditions & More

SHIRTS

BIKES

SOFT BOARDS

SUPPLIES

DOG BEACH SUPPLY SHOP

Doug Sayles, and Ladies and

Sirs;

I
would like to run a mobile vending business on the beach, (actually the edge of parking lot along beach, but i would have Doug Sayles instruct me as my exact boundary). The kiosk will consist of a 1957 Olsen Grumman aluminum step van, painted two tone, encompassed by white washed snow fence ,with white wooden crates for product and display. The overall theme would be 50s/60s beach culture, with small drift wood signs on the snow fence stating products, i.e.; towels,shirts,lotion ,boards, pails,inflatables etc. The van will be legally registered, insured, and in good running order, with a wonderful , cool, trendy appearance .

It will be our intention to be in the same spot most days, as to stay consistent ,and dependable for all our customers, whether they be brand new, return, or friends from word of mouth. As a longtime resident of Bluffton, and Muskegon as a whole, i look forward to meeting new people, providing help to those new to OUR beach, and promoting the gem we have here in Muskegon.

Our products will be but not limited to as follows : Tshirts (all local made, one of a kind designs, such as Pere Marquette beach, dog beach, our beach versions of love Muskegon logo, lighthouse shirt ,and many more, all beautifully designed, some LOCAL tyedye shirts and towels, BUT.... absolutely NO tasteless or otherwise offensive logos or sayings) towels, sand pails,and other beach toys, lotion,flip flops, skim boards (locally made) boogie

5/2/2013

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boards,sunhats,inter-tubes,surf boards,and other beach basics...possibly local made jewellery,but no junk and as earth friendly, water safe (our water being safe) and local beach goods...

Our hours of operation would be basicly 11 to 7, later on those awesome beach days,7 days..taking in account for weather, and personal time,but as a rule about every day. we would be flexable and work with all other venders in good faith, and comply and work closely with Doug Sayles.

In

closing, I want to add my Love for this town is immense . I want people not just to buy something from us, but more importantly, take away a wonderful feeling from "that day at the beach",and "that cool little store" and "that great resturant called dockers" ...I want them to leave with that feeling we all get when we are completely taken by surprise by some place we had never been ,but becomes that place we are definitely going back to .Our goal is to offer value, locally made stuff, and leaving a wonderful impression of our beach, our town, and the region as a whole.

Commission Meeting Date: May 14, 2013

Date: May 3, 2013

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department

RE: Environmental Program Grass Cutting

SUMMARY OF REQUEST:

The contract for grass cutting of City owned vacant property located in the south McLaughlin neighborhood.

FINANCIAL IMPACT:

None - Funds budgeted for this activity.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION:

To approve a 2 year contract with Community encompass/YEP program and to authorize the Mayor and City Clerk to sign the agreements, for the grass mowing of City owned vacant property in the south McLaughlin Neighborhood.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commission
From: Hope Mitchell, Code Coordinator
Date: May 3, 2013
Re: Environmental grass cutting of City owned vacant property in the south McLaughlin neighborhood

Last year our former Mayor Steve Warmington had asked staff to try to work with Community enCompass' YEP program. This contract is only for cutting the grass of certain vacant properties that the City owns in the south McLaughlin neighborhood. Attached you will find a map of the City owned parcels. The parcels that have an "X" on them are already community gardens so they will not be included in this. This contract is for 11 properties. The City reserves the right to sell the properties during the term of this contract. If they are sold; they will no longer be part of the contract.

YEP stands for Youth Employment/Empowerment Program. The ages are high school through 24 years of age.

Two year contract bid tabulations:

Company Name:	Fee to pick up the first ½ ton	Fee to pick up ½ to 1 ton	Fee to pick up 1-2 tons
Pit Crew	\$20.00	\$32.00	\$43.00
Big Sky Field Services Inc	\$35.00	\$45.00	\$55.00
Freelance	\$60.00	\$90.00	\$120.00
Preferred Lawn Care	\$100.00	\$150.00	\$200.00
Ground Control Property MGMT	\$120.00	\$220.00	\$330.00
Son's & Sanford Hauling	\$150.00	\$175.00	\$200.00

Fee to pick up over 2 tons will be determined on a case by case basis.

Commission Meeting Date: May 14, 2013

Date: May 2, 2013

To: Honorable Mayor and City Commissioners

From: Jeffrey A. Lewis, Director of Public Safety

RE: Ordinance to Add Electronic Reporting for Resale Licenses

SUMMARY OF REQUEST:

Chapter 50, Licenses, Code of Ordinances of the City of Muskegon is amended to include the following new Article VI concerning electronic reporting for pawn brokers, second hand or junk dealers and precious metal/gem dealers.

The purpose of this article is to improve the system of reporting to law enforcement officials all items collected by pawn brokers, second hand dealers and precious metal/gem dealers for the purpose of aiding law enforcement in locating and retrieving stolen property.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

To approve the ordinance as presented.

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

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 50, Licenses, Code of Ordinances of the City of Muskegon is amended to include the following new Article VI concerning electronic reporting for pawn brokers, second hand or junk dealers and precious metal/gem dealers.

**Article VI. Electronic Reporting:
Pawn Shops, Second-Hand Dealers and Precious Metal/Gem Dealers**

Sec. 50-201. Purpose of article.

The purpose of this article is to improve the system of reporting to law enforcement officials all items collected by pawn brokers, second hand dealers and precious metal/gem dealers for the purpose of aiding law enforcement in locating and retrieving stolen property.

Sec. 50-202. Electronic Filing Required.

Pursuant to state statutes, MCL §§ 445.404, 445.405, 446.205 and 445.484, second hand or junk dealers, pawnbrokers, and precious metal and gem dealers are all required to keep detailed records of all articles received during the course of business and to send a copy of all such records to local law enforcement.

All such required reports shall be submitted electronically using the services of an electronic reporting service company selected by the City. All such filings shall comply with all requirements regarding the specific information to be supplied and time frame for doing so, as outlined within the applicable state statute. Each transaction report shall include a digital photograph of the article attached to the electronic transfer.

Sec. 50-203. Penalty.

If a pawn broker, secondhand or junk dealer, or a precious metal/gem dealer does not comply with this ordinance and/or any applicable state law, their license may be revoked for a period of up to one year. In addition, violation of this ordinance shall result in the imposition of a civil fine, pursuant to Section 2-204 of the City of Muskegon Code of Ordinances, Schedule of Civil Fines.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Cummings, MMC, Its Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the day of , 2013, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: , 2013

Ann Cummings, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2013, the City Commission of the City of Muskegon adopted an amendment to Chapter 10, Licenses, whereby Article VI was added.

Section 50-201 indicates the purpose of the ordinance is to improve the system for reporting as required by state law for all pawn brokers, second-hand dealers and precious metals/gems dealers.

Section 50-202 requires that the reporting be done electronically using the services of an electronic reporting service company selected by the City, and in compliance with state statute. Each transaction report shall include a digital photograph of the article attached to the electronic transfer.

Section 50-203 indicates that penalties for failure to comply with the electronic reporting ordinance include civil fines pursuant to the fine schedule outlined in Section 2-204 of the Code license revocation for a period up to one year.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2013 By: _____
Ann Cummings, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

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

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 2, Administration, Article V, Civil Infractions, Section 2-204, Schedule of civil fines established, Code of Ordinances of the City of Muskegon is amended as follows to include the fine for violation of Section 50-203, for failure to electronically report all articles received by pawn shows, second-hand dealers and precious gems/metals dealers.

Sec. 2-204. Schedule of civil fines established.

- (a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established by this article. The schedule shall be as follows:

TABLE INSET:

Section	Subject	First Offense	First Repeat*	Second Repeat**
6-2	Animals	\$100.00	\$200.00	\$500.00
10-31	Construction codes	100.00	250.00	500.00
10-102	Dangerous buildings	100.00	250.00	500.00
10-131	Demolition of buildings	100.00	250.00	500.00
10-225	Moving of buildings	100.00	250.00	500.00
10-282	Property maintenance code	100.00	250.00	500.00
14-32	Cemeteries	100.00	250.00	500.00
22-35	Defective alarm systems	100.00	250.00	500.00
26-32	Noise	100.00	250.00	500.00
30-101	Fire codes	100.00	250.00	500.00
34-35	Smoking	25.00	50.00	100.00
38-37	Historic districts	25.00	50.00	100.00
42-32	Fair housing	200.00	300.00	500.00
50-2	Business license	100.00	250.00	500.00
50-203	Electronic filing requirement- pawn shops	100.00	250.00	500.00
54-241	Curfew for underage persons	50.00	100.00	200.00
54-283	Parental responsibility	100.00	250.00	500.00
58-1	Alcoholic beverages in parks or playgrounds	50.00	100.00	200.00
70-3	Solid waste	100.00	250.00	500.00
74-1	Streets, sidewalks and public property	50.00	100.00	200.00
74-116	Street numbers for buildings	25.00	50.00	100.00
78-34	Subdivisions	100.00	250.00	500.00
92-33 (7.18)	Pedestrians remaining in street	25.00	50.00	100.00
92-56	Junk vehicles	100.00	250.00	500.00
94-1	Utilities	100.00	250.00	500.00
98-1	Vegetation	25.00	50.00	100.00
98-38	Noxious weeds	100.00	250.00	500.00
102-1	Vehicles for hire	50.00	100.00	200.00
	Zoning	100.00	250.00	500.00

TABLE INSET:

*	First repeat means a repeat of the offense by the same person or persons in concert within 24 months of the first offense.
**	Second repeat means a repeat of the offense by the same person or persons in concert within 24 months of the first repeat offense.

- _____
- (b) A copy of the schedule, as amended from time to time by ordinance, shall be posted at the bureau.

This ordinance adopted:

Ayes: _____
Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Cummings, MMC, Its Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the day of , 2013, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: , 2013

Ann Cummings, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on _____, 2013, the City Commission of the City of Muskegon adopted an amendment to Chapter 2, Section 2-204 whereby the fine for failure to report electronically as required for all pawn shops, second-hand dealers and precious metals/gems dealers was added. Section 2-204 now reflects that a violation of Section 50-203 shall result in a fine of \$100 for the first offense, \$250 for the first repeat offense and \$500 for the second repeat offense.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: _____, 2013 By: _____
Ann Cummings, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: May 14, 2013

Date: May 2, 2013

To: Honorable Mayor and City Commissioners

From: Jeffrey A. Lewis, Director of Public Safety

RE: Emergency Response Plan

SUMMARY OF REQUEST:

The City of Muskegon has elected to be incorporated into the Muskegon County Emergency Management Program. By becoming part of the county emergency management program, the City of Muskegon and the County of Muskegon have certain responsibilities to each other. This Support Emergency Operations Plan has been developed to identify the responsibilities between the City of Muskegon and the County of Muskegon in regards to pre-disaster emergency management activities.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

To approve the resolution as presented.

**CITY OF MUSKEGON
EMERGENCY OPERATIONS PLAN
CONTACT LIST**

Function	Agency	Contacts	Phone
Direction and Control	Mayor	Stephen Gawron	Office: 231 724-6701 Cell: 231 855-3147
	City Manager	Bryon Mazade	Office: 231 724-6724 Cell: 231 206-6044
	Public Safety Director	Jeff Lewis	Office: 231 724-6954 Cell: 231 215-1607
Fire Services	Acting Ass't Fire Chief	Ken Chudy	Office: 231 724-6795 Cell: 231 206-5270
	Battalion Chief	Gordon Cole	Office: 231 724-6795 Cell: 616 638-4827
	Battalion Chief	Ron Linstrom	Office: 231 724-6795 Cell: 231 206-5269
Law Enforcement	Public Safety Director	Jeff Lewis	Office: 231 724-6954 Cell: 231 215-1607
	Captain	Patrol Services	Office: 231 724-6740 Cell: 231 206-1681
	Captain	Investigative Services	Office: 231 724-6751 Cell: 231 215-0912

Warning and Communications	Executive Director	David McCastle	Office: 231 722-3524 Cell: 231 955-0911
	Operations Manager	Shawn Grabinski	Office: 231 722-3524 Cell: 231 955-0912
Public Information	City Manager	Bryon Mazade	Office: 231 724-6724 Cell: 231 206-6044
Damage Assessment	DPW Director	Al-Shatel Mohammed	Office: 231 724-6994 231 724-6944 Cell: 231 638-0141
Public Works	DPW Director	Al-Shatel Mohammed	Office: 231 724-6994 231 724-6944 Cell: 231 638-0141
	DPW Superintendent	Doug Sayles	Office: 231 724-6993 Cell: 231 855-0330 Pager: 231 339-0417
	DPW Superintendent	David Smith	Office: 231 724-6989 Cell: 231 855-0327 Pager: 231 339-1826
Emergency Medical Services	Operation Manager- Professional Med Team Ambulance	Rich Duell	Office: 231 720-1410 Cell: 231 740-7981
Human Services	Director of Planning	Cathy Brubaker- Clarke	Office: 231 724-6980 Cell: 231 855-0335

CITY OF MUSKEGON

Emergency Management Resolution

A resolution to provide for the mitigation, preparedness, response and recovery from natural and human-made disasters within City of Muskegon by being part of the Muskegon County emergency management program; to appoint the Muskegon County Emergency Services Director as the City of Muskegon emergency management coordinator; to provide for a means for coordinating the resources of the municipality with those of the county; and to provide a means through which the City Council of Muskegon may exercise the authority and discharge the responsibilities vested in them by this resolution and Act No. 390 of the Public Acts of 1976, as amended.

Article 1 - Short Title

Section 101. This resolution shall be known as the "Emergency Management Resolution".

Article 2 - Definitions

Section 201. For the purpose of this resolution, certain words used herein are defined as follows:

- (a) "Act" means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.
- (b) "Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause, including but not limited to, fire, flood, snowstorm, ices storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.
- (c) "Disaster relief force" means all agencies of county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons identified in the Muskegon County Emergency Operations Plan as having duties to perform or those called into duty or working at the direction of a party identified in the plan to perform a specific disaster or emergency related task during a local state of emergency.
- (d) "District Coordinator" means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.
- (e) "Emergency management coordinator" means the person appointed to coordinate all matters pertaining to emergency management within the municipality. The emergency management coordinator for Muskegon is the Muskegon County emergency services Director.
- (f) "Emergency management program" means a program established to coordinate mitigation, preparedness, response and recovery activities for all emergency or disaster situations within a given geographic area made up of one or several political subdivisions. Such a program has an appointed emergency management coordinator and meets the program standards and requirements established by the Department of State Police, Emergency Management Division. The City of Muskegon has elected to be part of the Muskegon County Emergency Management Program.

- (g) "Emergency operations plan" means the plan developed and maintained by county and political subdivisions included in the emergency management program area for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.
- (h) "Governor's state of disaster" means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (i) "Governor's state of emergency" means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans of the county or municipal programs affected.
- (j) "Local state of emergency" means a declaration by the Mayor¹ pursuant to the act and this resolution which implements the response and recovery aspects of the Muskegon County Emergency Operations Plan and authorizes certain actions as described in this resolution.
- (k) "Vital records" means those records that contain information needed to continue the effective functioning of a government entity City of Muskegon and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster situation.

Article 3 - Emergency Management Coordinator; Appointment

Section 301. By the authority of this resolution the Mayor hereby appoints the Muskegon County Emergency Services Director as the emergency management coordinator for the City of Muskegon.² In addition to acting for, and at the direction of, the Chairperson of the Muskegon County Board of Commissioners the Emergency Services Director will also act for, and at the direction of, the Mayor.³

Section 302. A line of succession for the Muskegon County Emergency Services Director has been established and is listed in the City of Muskegon Emergency Operations Plan.

¹ According to Act 390, as amended, sec. 10 (1) (b) any county or municipality that has an appointed emergency management coordinator can declare a local state of emergency. This power is given to the "chief executive official" (see definitions in the act) or the official designated by charter.

² Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements

³ Act 390, as amended, sec. 9 (1-3) states that the appointed county coordinator shall act for and at the direction of the chairperson or county executive. It also says that a coordinator appointed by a municipality shall act for and at the direction of the "chief elected official" (see definitions in the act) or the official designated by the municipal charter.

Article 4 - Emergency Management Coordinator; Duties

Section 401. The Emergency Management Coordinator shall comply with standards and requirements established by the Department of State Police, Emergency Management Division, under the authority of the act, in accomplishing the following.⁴

- (a) Direct and coordinate the development of the Muskegon County Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.
- (b) Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- (c) Identify departments and agencies to be included in the Emergency Operations Plan as disaster relief force.
- (d) Develop and maintain a county Resource Manual.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer personnel.
- (f) Assure the emergency management program meets eligibility requirements for state and federal aid.
- (g) Coordinate and/or conduct training and exercise programs for the disaster relief force within the county and to test the adequacy of the Emergency Operations Plan.
- (h) Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (i) Assist in the development of mutual aid agreements.
- (j) Assist the City of Muskegon municipal liaison with the development of municipal standard operating procedures which are consistent with the county Emergency Operations Plan.
- (k) Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- (l) Coordinate county emergency management activities with those municipalities included in the county emergency management program, other municipalities, the state, and adjacent counties.
- (m) Coordinate all preparedness activities, including maintaining primary and alternate Emergency Operations Centers.
- (n) Identify mitigation opportunities within the county and encourage departments/agencies to implement mitigation measures.

Article 5 - Emergency Management Liaison; Duties

Section 501. By the authority of this resolution the Mayor or other official designated in the municipal charter has appointed a liaison for the purpose of assisting the Muskegon County Emergency Services Director in coordinating the emergency management activities within the municipality. The duties of the liaison are as follows:

⁴ Act 390, as amended, sec. 7a (4) gives the Emergency Management Division the authority to promulgate several standards and requirements.

- (a) Coordinate municipal emergency management activities with those of the county jurisdictions.
- (b) Assist the Muskegon County Emergency Services Director with the development of the county Emergency Operations Plan and the incorporation of municipal resources into the plan.
- (c) Identify municipal departments and agencies to be included in the Emergency Operations Plan as part of the disaster relief force.
- (d) Identify municipal resources and forward information to the county Emergency Services Director for inclusion in the county Resource Manual.
- (e) Coordinate the recruitment, appointment, and utilization of volunteer resources.
- (f) Assist the county Emergency Services Director with administering training programs.
- (g) Coordinate municipal participation in exercises conducted by the county.
- (h) Assist in the development of mutual aid agreements.
- (i) Assist in educating the population as to actions necessary for the protection of life and property in an emergency or disaster.
- (j) Encourage departments/agencies within the municipality to identify and implement procedures to mitigate the effects of potential disasters.
- (k) Assist in the assessment of the nature and scope of the emergency or disaster and collect damage assessment information and forward to the county.
- (l) Coordinate the vital records protection program.
- (m) Develop municipal standard operating procedures for disaster response which are consistent with the Muskegon County Emergency Operations Plan.

Section 502. The Mayor shall appoint a minimum of two persons as successors to the position of the municipal liaison. The line of succession shall be supplied to the county Emergency Management Coordinator.

Article 6 - Mayor Powers; Duties

Section 601. On an annual basis, the Mayor shall review the eligibility and performance of the Emergency Services Director and make recommendations to the City Council⁴.

Section 602. The Mayor shall, review the effectiveness of the Muskegon County Emergency Operations Plan as the plan relates to the municipality once every two years. With the assistance of the municipal liaison, he/she shall make recommendations to the Muskegon County Emergency Services Director of any changes which may be needed. After this review and incorporation of necessary changes, the Mayor shall certify the plan to be current and adequate for the City of Muskegon the ensuing two years.⁵

Section 603. When circumstances within the City of Muskegon indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists the Mayor may declare a local state of emergency.¹ Such a declaration shall be promptly filed with the Muskegon County Emergency Services Office, who shall forward it to the Department of State Police, Emergency Management Division. This

⁵ Rule 4 (c) (d-q) of the administrative rules promulgated for Act 390, sec. 19 states that the plan shall be considered official upon bearing the signature of the chief executive official of the municipality. The plan must be current and adequate (see rule) within two years.

declaration shall not be continued or renewed for a period in excess of 7 days except with the consent of the City Council.⁶

Section 604. If the Mayor invokes such power and authority, he/she shall, as soon as reasonably expedient, convene the City Council for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this resolution shall be construed as abridging or curtailing the powers of the City Council unless specifically provided herein.

Section 605. Mayor may do one or more of the following under a local state of emergency:

- (a) Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.
- (b) Issue directives as to travel restrictions on local roads within the municipality.
- (c) Relieve City of Muskegon employees of normal duties and temporarily reassign them to other duties.
- (d) Activate mutual aid agreements.
- (e) Direct the municipal disaster relief effort in accordance with the county Emergency Operations Plan and municipal standard operating procedures.
- (f) Notify the public and recommend in-place or evacuation or other protective measures.
- (g) Request a state of disaster or emergency declaration from the Governor as described in Article 7.
- (h) When obtaining normal approvals would result in further injury or damage, Mayor may, until Muskegon City Commission convenes, waive procedures and formalities otherwise required pertaining to the following:
 - (1) For a period of up to 7 days, send the disaster relief force and resources to the aid of other communities as provided by mutual aid agreements.
 - (2) For a period of up to 7 days, appropriate and expend funds from the disaster contingency fund created in Article 9. The City of Muskegon does not have a specific disaster contingency fund established.
 - (3) For a period of up to 7 days, make contracts, obtain and distribute equipment, materials, and supplies for disaster purposed.
 - (4) Employ temporary workers.
 - (5) Purchase and distribute supplies, materials, and equipment.
 - (6) Make, amend, or rescind ordinances or rules necessary for emergency management purposes which supplement a rule, order, or directive issued by the Governor or a state agency. Such an ordinance or rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no long be in effect.⁷

Section 606. If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the City of Muskegon within or

⁶ Act 390, as amended, sec. 10 (1) (b) provides for the 7 day limit and disposition of the declaration.

⁷ Act 390, as amended, sec.12 (2) provides this authority.

without the physical limits of the City as ordered by the Governor or the Director of the Department of State Police in accordance with the act.⁸

Article 7 - Governor Declaration Request

Section 701. If a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, and the Mayor determines that the situation is beyond control of the municipality, he/she may request the Governor to declare that a state of disaster or state of emergency exists in the municipality in accordance with the act. This shall be done by immediately contacting the Muskegon County Emergency Services Director. The Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator, in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the state personnel, services, and equipment that will be required for its prevention, mitigation, or relief.⁹

Article 8- Volunteers; Appointment; Reimbursement

Section 801. Each municipal department, commission, board, or other agency of municipal government is authorized to appoint volunteers to augment its personnel in time of emergency to implement emergency functions assigned in the county Emergency Operations Plan. Such individuals are part of the disaster relief force and shall be subject to the rules and operational control set forth by the respective department, commission, board, or agency through which the appointment was made, and shall be reimbursed for all actual and necessary travel and subsistence expenses.¹⁰

Article 9 - Disaster Contingency Fund

Section 901. A disaster contingency fund has not been created in the budget.

Article 10 - Rights of Disaster Relief Force

Section 1001. In accordance with the act, personnel of the disaster relief force while on duty shall have the following rights:

- (a) If they are employees of the municipality, or other governmental agency regardless of where serving, have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.
- (b) If they are not employees of the municipality, or other governmental agency be entitled to the same rights and immunities as are provided for by law.¹⁰

Article 12 - Temporary Seat of Government

Section 1201. The City of Muskegon City Council shall provide for the temporary movement and reestablishment of essential government offices in the event that existing facilities cannot be used.

Article 13 - Liability

Section 1301. As provided for in the act and this resolution, the municipality, or the agents or representatives of the municipality, shall not be liable for personal injury or property damage sustained by the disaster relief force. In addition, any member of the disaster relief force

⁸ Act 390, as amended, sec. 10 (1) (h) provides this authority.

⁹ Act 390, as amended, sec.12 states that the "chief executive official" (see definitions in act) of a county or any municipality may make this request. However, he/she must do this utilizing the procedures set forth in sec. 14 of the act which states that the appointed emergency management coordinator and the district coordinator must jointly assess the situation and make recommendations.

¹⁰ Act 390, as amended, sec. 11 (1) (a-c) discusses disaster relief force rights and duties.

engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act of omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. The right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's compensation law, any pension law, or act of congress will not be effected as a result of said activity.¹¹

Section 1302. As provided for in the act, any person owning or controlling real estate or other premises who voluntarily and without compensation grants the municipality the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons or for any other disaster related function during a declared local state of emergency or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.¹¹

Article 14 - Sovereignty

Section 1401. Should any section, clause, or provision of this resolution be declared by the courts invalid for any reason, such declaration shall not affect the validity of this resolution as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid.

Article 15 - Repeals

Section 1501. All resolutions or parts of resolutions inconsistent herewith are hereby repealed.

Article 16 - Annual Review

Section 1601. This resolution shall be reviewed annually by the Muskegon City Council and changes shall be made if necessary.

Article 17 - Effective Date

Section 1701. This resolution shall have immediate effect.

(The community may choose to adopt either an ordinance or resolution, whichever is the most appropriate procedure within the community, and promulgate it according to normal procedures.)

¹¹ Act 390, as amended, sec. 11 (2-8) discusses liability.

CITY OF MUSKEGON

1.	Major Geographic Features	-2702.4 persons per square mile -1133.4 housing units per square mile -Dense residential, industrial and commercial areas -Lake Michigan shoreline and beach -Costal sand dunes -Muskegon Lake -Muskegon River -4 to 6 small lakes and ponds, 4 to 6 small creeks
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2.	Population Concentrations (including special facilities)	
a.	Group Homes	-The Cove, 1776 Vulcan St. (80 Capacity) -Hume Home of Muskegon, 1244 W. Southern Ave. (34 Capacity) -Lightfoot House, 381 Houston Ave. (16 capacity) -Walker AFC, 125 Delaware Ave. (15 Capacity) -Terrace Manor, 1148 Terrace St. (12 capacity)
b.	Large Apartment Buildings	-Amazon Apartments, 550 W. Western Ave. (118 family units) -Barclay Senior Village, 1931 Barclay St. (70 elderly units) -Barclay Village, 2081 Barclay St. (60 units) -Bayview Tower, 864 Spring St. (200 units) -Hartford Terrace, 1080 Terrace St. (160 elderly) -Hickory Village, 1980 Carriage Rd. (180 elderly units, 124 family units) -Cogic Village, 758 Emerald St. (36 family units) -Christian Manor, 1480 McLaughlin Ave. (42 elderly units) -Glen Oaks Apartments, 410 Glen Oaks Dr. (684 units) -Muskegon Townhouses, 919 Marquette Ave. (267 elderly units) -Nelson Place Apartments, 350 Houston Ave. (101 elderly units) -Pioneer Arbour, 2300 Barclay St. (16 elderly units) -Royale Glen Townhouses, 1085 Royal Glen Dr. (78 family units. -Trinity Manor, 347 Shonat St. (46 elderly units) -Trinity Village Apartments, 2250 Valley St. (60 family units) -Narrow Bridge Apartment, 297 W. Clay Ave. (38 units)

c. Schools	-Muskegon Community College, 221 S. Quarterline Rd. (1184 full-time, 3300 part-time, total staff 444) -Baker College, 1903 Marquette Ave. (2576 full-time, 1552 part-time, 175 staff) -Muskegon High School, 80 W. Southern Ave. (1100 students, 150 staff) -Lakeside Elementary (Muskegon Public Schools), 2312 Denmark St. (600 students, 50 staff) -Steele Middle School (Muskegon Public Schools), 1150 Amity Ave. (625 students, 67 staff) -MCEC (Muskegon Public Schools), 571 E Apple Ave. (200 students, 36 staff) -Glenside School (Head Start), 1213 W. Hackley Ave. (265 students, 20 staff) -Marquette Elementary (Muskegon Public Schools), 480 Bennett St. (575 students, 53 staff) -Moon Elementary (Muskegon Public Schools), 1826 Hoyt St. (420 students, 34 staff) -Nelson Elementary (Muskegon Public Schools), 550 W. Grand Ave. (525 students, 40 staff) -Oakview Elementary (Muskegon Public Schools), (600 students, 35 staff) -Three Oaks Academy (K-8), 1212 Kingsley St. (88 students) -Oak Crest Christian Academy, 1540 Leonard Ave. -Northeast Educational Center, 1001 Wesley Ave. (30 students, 14 staff) -Muskegon Christian Elementary School, 1220 Eastgate St. (253 students, 43 staff) -Wesley School (MAISD), 915 Wesley Ave. (145 students) -Muskegon Catholic High School (K-12), (450 students, 55 staff) -Grace Christian Academy Preschool. 1128 Roberts St. (40 capacity)
d. Large Office Buildings	-Terrace Plaza, 316 Morris Ave. -Michael E. Kobza Hall of Justice, 990 Terrace St. -See 4.g.

e. Other - such as stadiums, concert halls, amusement parks, fairgrounds, correctional facilities, nursing homes, or special populations or large crowd assembly areas	-L.C. Walker Arena, 955 4th St. (6000 Capacity) -Frauenthal Theater, 425 W. Western Ave. (1, 800 capacity) -Beardsley Theater, 425 W. Western Ave. (170 capacity) -Muskegon High School Football Stadium, 80 W. Southern Ave. -McGraft Park Amphitheater, 2204 Wickham -Muskegon Museum of Art, 296 W. Webster Ave. -Heritage Landing, 1051 7th st., (Coast West-July, Lakeshore Art Festival- July, Lakeshore Groove-July, Bike Time- July, Unity Christian Music Festival- August -Muskegon County Museum, 430 W. Clay Ave. -Milwaukee Clipper Museum, Lakeshore & McCracken -Lake Express Car Ferry (Milwaukee-Muskegon), 1918 Lakeshore Dr., (46 cars, 250 passengers) -Port City Princess, 560 Mart St. (150 passengers) -USS Silversides Great Lakes Naval Memorial & Museum, 1346 Bluff Ave. -Muskegon County Jail, 25 W. Walton Ave, (370 W. Walton Ave. (370 capacity) -Muskegon Correctional Facility, 2400 S. Sheridan Rd. (1,306 capacity, 304 staff) -Earnest C. Brooks Correctional Facility, 2500 S. Sheridan Rd. (1,224 capacity, 508 Staff) -West Shoreline Correctional Facility, 2500 S. Sheridan Rd. (960 capacity, shares staff with Brooks Facility) -Christian Care Nursing Center, 1275 Kenneth St. (49 beds) -Deboer Nursing Home, 1684 Vulcun St. (90 beds) -Heartland Health Care Center- Knollview, 1061 W. Hackley Ave. (107 beds) -Heartland Health Care Center, 1380 E. Sherman Blvd. (107 beds) -McAuley Place- A Mercy Living Center, 1380 E. Sherman Blvd. (98 beds) -University Park- A Mercy Living Center, 570 Harvey St. (99 beds) -Muskegon YMCA Child Care, 900 W. Western Ave. (90 capacity) -Muskegon County Club, 2801 Lakeshore Dr. (18 holes) -University Park Golf Course, 2100 Marquette Ave. (9 holes) -Balcom Marina, 2964 Lakeshore Dr. (72 Seasonal and 6 transient slips) -Bluffton Bay Marina, 3040 Lakeshore Dr. (100 slips) -Great Lakes Marina, 1920 Lakeshore Dr. (250 seasonal and 20 transient slips) -Harbor Towne Marina, 3429 Fulton Ave. (242 seasonal and 20 transient slips)
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e. Other (continued)		-Hartshorn Municipal Marina, 920 W. Western Ave. (146 seasonal and 43 transient slips) -Lakeshore Yacht Harbour, 1200 Lakeshore Dr. (63 seasonal slips) -Muskegon Yacht Club, 3198 Edgewater (70 slips) -Pigeon Key Marina, 722 Terrace Point Rd. (112 seasonal and 14 transient slips) -Terrace Point Marina, 722 Terrace Point Rd. (112 seasonal and 14 transient slips) -Torresen Marine, 3126 Lakeshore Dr. (150 seasonal and 10 transient slips) -Holiday Inn, 939 3rd St. (200 rooms) -Shoreline Inn & Suites, 750 Terrace Point Rd. (140 rooms) -Fisherman's Landing, 538 Western Ave. (39 campsites)
f. Major Employers		-County of Muskegon, 990 Terrace St. (1,300 employees) -Mercy General Health Partners, 1500 E. Sherman Blvd., Hackley Hospital, 1700 Clinton St., Muskegon General Hospital, 1700 Oak St. (3300 employees) -Muskegon Public Schools, 80 W. Southern Ave. (150 employees) -Johnson Technology Inc., 2034 Latimer Dr. (510 employees) -ADAC Plasitics Inc., 2050 Port City Blvd. (490 employees) -Muskegon Community College (444 employee) -Brunswick Indoor Recreation Group, (525 W. Laketon Ave. (365 employees) -Holland USA, 1950 Industrial Blvd. (365 employees) -Muskegon City Hall, 933 Terrace St. (315 employees) -Hy-lift, 1185 E. Keating Ave. (300 employees) -West Michigan Steel Foundry, 1148 W. Western Ave. (290 employees) -Michigan Department of Corrections, 2500 S. Sheridan Rd. (1700 employees) -Muskegon Chronicle, 981 3rd St. (260 employees) -Dilesco Corporation, 1806 Beidler St. (250 employees) -Cole's Quality Foods Inc, 1188 Lakeshore Dr. (150 employees) -Baker College, 1903 Marquette Ave. (175 employees) -Pioneer Resources, 1145 E. Wesley (170 employees) -Muskegon YMCA, 900 W. Western Ave. (150 employees) -Reid Tool and Supply Company, 2256 Black Creek Rd. (150 employees)

3.	Population Shifts (location; time; date or season of shift; extent of shift)	
a. Daily		10,365 attend school, 14,942 commute with an average commuting time of 18.3 minutes
b. Weekly		N/A
c. Seasonal		16,105 total housing units: 15510 occupied/595 vacant; of the 595 vacant, 30 are for seasonal recreational or occasional use

4.	Important or Critical Public and Private Facilities	
a. Police Precincts		-City of Muskegon Police Department, 980 Jefferson -Muskegon Central Dispatch, 770 Terrace St. -Muskegon County Sheriff's Department, 25 W. Walton Ave.
b. Fire Stations		-Muskegon Fire Department, 770 Terrace -Marquette Station (MFD), 1477 Marquette Ave. -Robinson Station (MFD), 1836 Robinson St.
c. Public Works Yards		-Muskegon Public Works and Utility Department, 1350 E. Keating Av
d. Pumping Stations		-one
e. Community Shelters		-1 st Congressional Church, 1201 Jefferson St. -American Red Cross Serving Muskegon, 313 W. Webster Ave. -Central United Methodist Church, 1011 Second St. -Community encompass, 19 Hartford Ave. -Community Mental Health Clinical Services, 125 E Southern Ave. -Every Woman's Place, 1221 W. Laketon Ave. -Lakeside Baptist Church, 2250 Denmark St. -Lakeside Elementary, 2312 Denmark St. -Marquette Elementary, 480 Bennett St. -Muskegon High School, 80 W. Southern Ave. -Muskegon Catholic High School, 1145 Lakeside Ave. -Muskegon Rescue Mission, 400 W. Laketon Ave. -Nelson Elementary, 550 W. Grand Ave. -Oakview Elementary, 1420 Madison St. -St. Michael School, 215 W. Dale Ave. -Muskegon Middle School, 1150 Amity Ave. -Wesley School, 915 Wesley Ave. -West Michigan Therapy, 130 E. Apple Ave -West Michigan Veteran's Center, 165 E. Apple Ave. -YMCA of Muskegon, 900 W. Western Ave.

f. Community Medical Facilities, Hospitals	-Mercy General Hospital, 1500 E. Sherman Blvd. -Hackley Campus (Mercy General), 1700 Clinton St. -General Campus (Mercy General), 1700 Clinton St. -Community Mental Health of Muskegon County- The John Halmond Center, 376 E. Apple Ave. -Community Mental Health of Muskegon County- Outpatient/Emergency Services, 125 E. Southern Ave. -Community Mental Health of Muskegon County- Youth Services, 173 E. Southern Ave. -Community Mental Health of Muskegon County- Kenneth L. Brink Residence, 155 E. Southern Ave. -Community Mental Health of Muskegon County- Lifeskills, 97 E. Apple Ave. -Community Mental Health of Muskegon County- Assertive Community Treatment, 1470 Peck St. -Community Mental Health of Muskegon County- Wesley/Roberts Center, 1175 Wesley Ave.
g. Other - i.e. government bldgs, record center, major construction companies, warehouses, demolition companies, heavy equipment rental, emergency equipment and vehicle storage, etc.)	-Muskegon City Hall, 933 Terrace St. -Blind and Physically Handicapped Library, 97 E. Apple Ave. -Hackley Public Library, 316 W. Webster Ave. -Muskegon County Emergency Services, 131 E. Apple Ave. -County of Muskegon Community Corrections, 131 E. Apple Ave.

5.	Vital or Critical Infrastructure	
a. Roads, Railroads, Bridges	- US-31 - US-31 Business Route - M-46 - B-72 - CSX Railroad - CSX Bridge over Muskegon River North Branch - CSX Bridge over Muskegon River South Branch	
b. Dams, Power Stations, Water Treatment Plants, Sanitary Life Stations, etc.	-B.C. Cobb Gas & Coal Generating Plant, 101 SR-120 -Water Filtration Plant, 1900 Beach St. -City of Muskegon Water and Sewer Maintenance, 1350 E. Keating Ave. -Sanitary Lift Stations: Three -Consumers Energy Power Line	

c. Other - (i.e. airports, pipelines, bus terminals, train stations, military bases, marine passenger ferry services, etc.)	-Greyhound Bus Terminal, 351 Morris Ave. -Muskegon Area Transit System, 2624 Morris Ave. -Oil Pipeline -United States Coast Guard Station, 1555 Beach St. -United States Army Reserve Center, 1430 Parslow St.
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6.	Socio-Economic Profile of Sector		
a. Total Population (day)			41,290
b. Total Population (night)			38,401
c. Peak Population (seasonal)			38,600
d. Percent over 65			11.6
e. Percent under 18			23.3
f. Percent Below Poverty Level			31.7
g. Percent with Disability or Mobility Limitation			22.9
h. Estimated Property Insurance Coverage (Real and Personal Equalized Valuations)	Agricultural: Commerical: Residential: Utility (Personal): Industrial: Total:	\$181,300.00 \$170,333,334.00 \$326,496,700.00 \$29,104,300.00 \$146,720,500.00 \$582,836,134.00	
i. Flood Insurance Coverage	Total losses since 1/1/78: Total payments since 1/1/78: Policies In-Force: Total Insurance In-Force:	23 \$31,589.69 28 \$5,000,000.00	
j. Location of Floodplains	Floodplains along Lake Michigan shoreline, Muskegon Lake shoreline, Muskegon River, Ryerson Creek, Ruddiman Lagoon, and Four Mile Creek		
k. Percent that are Homeowners			50

7.	Emergency Warning System Coverage	
a. Siren Locations and/or Description of Warning System	-None Identified	
b. Percent of Population Covered by Warning Sirens or System	N/A	

CITY OF MUSKEGON

Support Emergency Operations Plan

**A support Plan to Muskegon County Emergency Operations
Plan/Emergency Action Guidelines**

Date
May 14, 2013

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SIGNATURE PAGE

Date:

To all Recipients:

Transmitted herewith is the Support Emergency Operations Plan for the City of Muskegon in support to the Muskegon County Emergency Operations Plan. The plan provides a framework for the City of Muskegon to use in performing emergency functions before, during, and after a natural disaster, technological incident or a hostile attack.

This plan was adopted by the City of Muskegon City Council under Resolution No. < > dated < >. It supersedes all previous plans.

Signature of Chief Executive Official

Date

CITY OF MUSKEGON

INTRODUCTION TO THE PLAN

I. Purpose

The City of Muskegon has elected to be incorporated into the Muskegon County Emergency Management Program. By becoming part of the county emergency management program, the City of Muskegon and the County of Muskegon have certain responsibilities to each other. This Support Emergency Operations Plan has been developed to identify the responsibilities between the City of Muskegon and the County of Muskegon in regards to pre-disaster emergency management activities. It also provides for the Muskegon government agencies to respond to various types of emergencies or disasters that affect the community. This support plan is to be used in concurrence with the County Emergency Operations Plan as it is a supporting document. The support plan will be maintained in accordance with the standards of current Muskegon Emergency Operations Plan. Review of this support plan shall be accomplished concurrently with the county plan.

II. Scope

This plan is a flexible document in which changes from the content of the plan may occur due to unique nature of emergencies. Each agency that has a supported role in this plan or its elements has developed Standard Operating Procedures (SOP) which provides systematic instructions for accomplishing assigned functions. In addition, to support emergency preparedness and response efforts, the local government also conducts other activities such as personnel training, participating in exercises, encouraging chronic disease prevention techniques; educate the public on awareness activities, and use of appropriate land use planning decisions for mitigation and prevention purposes as well. Through this plan, the City of Muskegon continues to implement the National Incident Management System, participating in efforts to provide an effective and efficient incident management operation.

III. Plan Maintenance and Implementation

The plan has been developed together with local community, and county officials to ensure consistency within the county emergency management program documents. The plan is required to approved by City of Muskegon Mayor every four years, or whenever the CEO changes and is to be forwarded to the County Emergency Services Office. Upon approval, it will be implemented, tested through exercises in concurrence with County officials, and review/updated to maintain currentness with the County Emergency Operations Plan.

This plan has been provided to all municipal agencies, elected officials, the county emergency management office and the MSP/EMHSD district coordinator.

IV. Emergency Management Program Oversight

The City of Muskegon has appointed the Director of Public Safety to serve as the municipal emergency management liaison responsible for working with the County Emergency Services Director in matters pertaining to emergency management for the municipality. Pursuant the requirements in P.A. 390, of 1976, as amended, Section 19, Muskegon County has adopted a resolution that incorporates the City of Muskegon into its emergency management program, necessary for disaster assistance.

CITY OF MUSKEGON

BASIC INFORMATION

I. Community Profile

The City of Muskegon is situated in the south west portion of Muskegon County. The community has a population of 38,401 residents. Of this number, approximately 22.9 percent are identified as individuals with special/functional needs. Many of these individuals reside in congregate care centers, but others reside in non-group homes where help is provided as needed or on-call. The City's major industries are medical services and automotive manufacturing employing approximately 5,000 people. Due to these industries, the City is concerned with potential displaced citizens, closed streets and bridges dividing the community and presenting general public health/safety concerns.

According to the County's Hazard Mitigation Plan, the community is most vulnerable to: Severe Weather events including high winds, snow/ice/sleet storms, hazardous chemical incidents at both fixed sites and during transportation on rail and highways. Areas within the community which are more of a concern as a result of these hazards include: Residents located on the western end of Muskegon near Lake Michigan and the Industrial Park located on the eastern most portion of Muskegon. More information regarding hazard vulnerability can be found in the County's Hazard Mitigation Plan/Analysis.

Within the community, there are nineteen (19) sites that contain extremely hazardous materials. Pursuant to SARA Title III, off-site emergency response plans have been developed by the LEPC to prepare the fire department(s) to respond to the specific hazardous materials on the sites. In addition, the owners of the site(s) have reported the types of hazardous material that is housed on-site, as required by the Emergency Planning and Community Right-To-Know Act.

II. Emergency Management Authority

Pursuant to P.A. 390 of 1976, as amended, the municipal CEO may declare a local state of emergency for the City of Muskegon. In the CEO's absence, pursuant to local legislation, the Mayor is authorized to declare the local state of emergency as well. Upon a declaration, PA 390 also authorizes the CEO to issue directives, such as restrictions to travel on local roads. The local declaration activates this emergency plan as well as the emergency operations center to conduct activities to ensure the safety of people, property, and the environment.

Since the City of Muskegon has been a recipient of federal preparedness assistance, a resolution has been adopted by the local government for establishing the National Incident Management System as the standard for incident management for all-hazards. Through the adoption, the City continues to implement the concepts of the NIMS through training, planning, and exercising activities.

III. Response Resources

The City of Muskegon maintains four (4) full-time departments responsible for providing public safety and welfare to the community. Each department is comprised of qualified emergency personnel, and maintains equipment capable of responding to emergencies. A list of resources that the departments use for emergency situations can be requested through the municipal emergency management liaison. Under circumstances, if the incident requires additional resources beyond the capability of the City of Muskegon, the CEO may enact mutual aid, or it may be necessary to request county assistance through proper procedures.

IV. Emergency Management Organization

The City of Muskegon emergency management organization consists of seven (7) departments responsible for conducting activities in response to emergencies within the community. These seven (7) departments have been assigned to specific emergency functions for which the municipality has identified necessary in order to provide an effective response to secure the safety of people, property, and the environment. Each agency is responsible for implementing pre-disaster activities to help prevent and/or prepare for various hazards that the community is vulnerable to such as: chronic diseases, flooding, hazardous material spills, inclement weather, tornadoes, and public disturbance to name a few; a more profound list can be found in the County's Hazard Mitigation Plan/Analysis. Prevention and preparedness activities include: awareness training, exercising, hygienic practices to prevent spreading of infectious diseases, stockpiling equipment, and educating people to self care for themselves in an emergency.

The CEO serves as the incident manager for municipal coordination. At his/her side includes the emergency management liaison, a planning chief, finance chief, operations chief, and logistics chief. The operations chief is responsible for coordinating the individual emergency functions assigned by agencies.

The table lists the functions, assigned agencies, primary point of contact, and phone number.

Function	Agency	Primary Contact	Phone
Direction and Control			
Fire Services			
Law Enforcement			
Warning and Communications			
Public Information			
Damage Assessment			
Public Works			
Emergency Medical Services			
Human Services			

Line of Succession

The following is a list of the 2nd and 3rd alternates for each agency identified in the plan to maintain the emergency tasks assigned.

Agency	2 nd Alternate	3 rd Alternate

CITY OF MUSKEGON

GENERAL EMERGENCY MANAGEMENT GUIDELINES

The following guidelines are general to the municipality, all agencies, and individuals who have a role in responding to an emergency within the community and coordinated by the City of Muskegon. Being that emergency planning is a work in progress guidelines are continuously reviewed and modified due to the situation and complexity of incidents.

- a) Report to the local emergency operations center when activated for scheduled exercises or disasters, or delegate another individual to staff the EOC and implement the plan.
- b) Implement mutual aid agreements or contracts with other organizations to supplement local resources that have been exhausted.
- c) Ensure compliance with this plan and the County Emergency Plan, and any pertinent procedures and documents issued, which impact the provision of emergency services in the municipality.
- d) Train department emergency personnel in emergency management functions and NIMS/ICS concepts.
- e) Assists in the development, review and maintenance of the plan and of the County EOP.
- f) Develop and maintain standard operating procedures for specific functions or actions identified in the plan.
- g) Maintain a list of resources available by the departments/agencies.
- h) Protect records and other resources deemed essential for continuing government functions and each agency's emergency operations in accordance to procedures and policies.
- i) Establish mutual aid agreements and/or contracts with other jurisdictions/entities to supplement municipal resources.
- j) Establish a system of coordination, such as the incident command system, within the EOC. Field operations, however, are required to use the incident command system.
- k) Participate in the review and update of this emergency operations plan, in accordance to a schedule identified by the municipal emergency management liaison and the county emergency management coordinator.
- l) Adapt and provide printed emergency management materials and verbal messages to those who are vision impaired, non-English speaking, or deaf/hard of hearing.
- m) Conduct pre-disaster public awareness activities including education classes, self-care guidelines, communications plans, and protocols.
- n) Make recommendations to the CEO regarding protective actions.
- o) Utilize ETeam or other systems to record and log significant events throughout the duration of the emergency, as well as the decisions made by the incident commander and municipal CEO.
- p) Continuously conduct emergency planning activities as it is a work-in-progress, periodically being reviewed and updated.
- q) All emergency response agencies are considered to be available to respond.

CITY OF MUSKEGON

EMERGENCY RESPONSE PROCEDURES

The following are procedures that the City of Muskegon conducts and coordinates with the county in response to a local state of emergency.

- a) Assure that the municipal emergency response agencies, elected officials and the county emergency management coordinator are notified of the situation.
- b) Municipal agencies assess the nature and scope of the emergency or disaster.
- c) If the situation can be handled locally, do so, using the following sequenced guidelines.
 - a. The emergency management liaison advises the CEO and coordinates all emergency response actions.
 - b. The CEO declares a local state of emergency and notifies the county emergency management coordinator of this action.
 - c. A local state of emergency declaration is forwarded to the county office.
 - d. The emergency management liaison activates the emergency operations center. The EOC is located at Muskegon City Hall. If this location is unavailable an alternate location is at Muskegon Fire Station located at 770 Terrace.
 - e. Emergency response agencies are notified through telephone communications by the municipal emergency management liaison to report to the EOC.
 - f. The CEO directs departments/agencies to respond to the emergency situation in accordance to each agency's functional guidelines indicated in the attachments to this plan.
 - g. The CEO issues directives as to travel restrictions on local roads and recommends protective actions from the commanding agency. Protective action recommendations will be based on weather forecasting and if the incident complexity increases due to inability to respond rapidly and with a "ready" supply of resources to mitigate the incident.
 - h. Notify the public of the situation, through the Public Information Official, and take appropriate actions.
 - i. Keep the county emergency management coordinator informed of the situation and actions taken.
- d) If municipal resources become exhausted or if special resources are needed, request county assistance through the county emergency management coordinator.
- e) If assistance is requested, the county emergency management coordinator assesses the situation and makes recommendations on the type/level of assistance. The County will also take the following steps:
 - 1. Activate the County Emergency Operations Center
 - 2. Activate the County Emergency Operations Plan/Emergency Action Guidelines
 - 3. Respond with county resources as requested

4. Activate mutual aid agreements
 5. Coordinate county resources with municipal resources
 6. Notify MSP/EMHSD District Coordinator.
 7. Develop a jurisdiction situation report and a damage and injury assessment report and submit to the MSP/EMHSD.
 8. Assist the municipality with prioritizing and allocating resources.
- f) If county resources are exhausted, the county makes a request to the Governor to declare a state of emergency or state of disaster in accordance with procedures set forth in PA 390, as amended. The county shall not request state assistance or a declaration of a state of disaster or a state of emergency unless requested to do so by the CEO of the City of Muskegon if the situation occurs solely within the confines of the municipality.
- g) If state assistance is requested, the MSP/EMHSD District Coordinator, in conjunction with the county emergency management coordinator and municipal emergency management liaison, assess the disaster or emergency situation and recommends the necessary resources that are required for its prevention, mitigation, or relief efforts.
- h) After completing the assessment the MSP/EMHSD District Coordinator immediately notifies the State Director of Emergency Management and Homeland Security of the situation.
- i) The State Director of Emergency Management and Homeland Security notifies the Governor and makes recommendations.
- j) If state assistance is granted, procedures are followed in accordance to the Michigan Emergency Management Plan and the County Emergency Operations Plan.

ADDENDA

CITY OF MUSKEGON

EMERGENCY ACTION GUIDELINES

The following attachments provide guidelines for each function that has been assigned to the agencies in response to an emergency or disaster situation.

Attachment A: Direction and Control
Attachment B: Fire Services
Attachment C: Law Enforcement
Attachment D: Warning and Communications
Attachment E: Public Information
Attachment F: Damage Assessment
Attachment G: Public Works
Attachment H: Emergency Medical Services
Attachment I: Human Services

Each agency assigned is responsible for maintaining the guidelines, as well as approving any changes to the guidelines or changes to the official responsible for implementation.

DIRECTION AND CONTROL

The **Executive Office** with support from the Emergency Management Liaison, is responsible for directing and controlling emergency management operations. The following guidelines represent a checklist of actions that the CEO and liaison must consider for providing an effective response to an emergency or disaster situation.

Functional Guidelines:

- a) Issue orders and directives, i.e., travel restrictions, and recommend protective actions to be taken by the general public.
- b) Declare a local state of emergency or disaster and notify the county emergency services office.
- c) Generate and disseminate information to the public via the Public Information Officer.
- d) Provide for continuity of operations.
- e) Activates and maintains the local emergency operations center.
- f) Seek federal post-disaster funds, as available, as well as pre-disaster assistance.
- g) Maintain record of activity regarding decisions on emergency actions.
- h) Review and evaluate assessment data.
- i) Maintain liaison with state and federal officials.
- j) Coordinate with County officials in response and recovery efforts.
- k) Coordinate and conduct information sharing activities to identify potential and enacted WMD or terrorism activities, and mobilize and direct resources in response to such incidents.
- l) Prepares and maintains an emergency plan for the municipality subject to the direction of the elected officials; reviews and updates as required.
- m) Develops and maintains a trained staff and current emergency response checklists appropriate for the emergency needs and resources of the community.
- n) Coordinate with State and federal officials in collecting and sharing terrorism related information.

The executive official has reviewed and approves the assigned guidelines. These will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

FIRE SERVICES

The **Fire Department** is responsible for fire service activities. The following guidelines represent a checklist of actions that department officials must consider for providing an effective response to an emergency or disaster situation.

Functional Guidelines:

- a) Provide command level representatives to the EOC and Unified Incident Command Post, when activated.
- b) Coordinates fire and search and rescue services with appropriate personnel at the County Emergency Management Agency; including assistance to regional specialty teams such as, but not limited to the Regional Response Team, MUSAR, and BOMB Squad.
- c) Coordinates with County EMC and the State of Michigan in the decontamination and monitoring of affected citizens and emergency workers after exposure to CBRNE hazards.
- d) Assumes primary responsibility for emergency alerting of the public.
- e) Assists with evacuation of affected citizens, especially those who are institutionalized, immobilized or injured.
- f) Provides resources for fire services response and rescue operations.
- g) Assists in salvage operations and debris clearance.
- h) Advises elected officials about fire and rescue activities.
- i) Conduct safety analysis of the emergency , inform and recommend corrections to the CEO.
- j) Respond to hazardous materials spills in accordance to the procedures in Appendix 1.
- k) Assist in search and rescue operations.
- l) Assist in searching for bombs and/or explosive devices in connection with WMD events.

The fire services official has reviewed and approves the assigned guidelines. These will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

FIRE SERVICES

HAZMAT RESPONSE GUIDELINES

The **Fire Department** is responsible for the response to hazardous materials spills. Response will be acted in accordance to the following procedures.

- a) Assume incident command upon arrival at the scene.
- b) Establish scene security or coordinate with other available agencies to establish scene security.
- c) Monitor and evaluate environmental health risks or hazards from hazardous materials releases.
- d) Inspect possible sources of contamination.
- e) Provide technical assistance and liaison with other appropriate agencies or organizations for the remediation of hazardous waste releases and other contamination sources.
- f) Disseminate information to the Emergency Operations Center Public Information Officer on hazardous material releases issues
- g) Makes protective action recommendations based on severity and complexity of incident type.
- h) Ensure PPE is fit tested to responders.
- i) Prior to proceeding with cleanup, analyze and evaluate the safetiness of the spill and containation by a certified Safety Officer/technician.
- j) Decontaminate equipment and gear.

The fire services official has reviewed and approves the assigned guidelines. These will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

LAW ENFORCEMENT

The **Police Department** is responsible for law enforcement activities. The following guidelines represent a checklist of actions that department officials must consider for providing an effective response to an emergency or disaster situation.

Functional Guidelines:

- a) Develops and maintains procedures for the Police Department.
- b) Coordinates security and law enforcement services; with appropriate personnel at the County Emergency Operations Center.
- c) Establishes security and protection of critical facilities.
- d) Provides traffic and access control in and around affected areas.
- e) Assists with emergency alerting and notification of threatened population.
- f) Assists with the evacuation of affected citizens, especially those who are institutionalized, immobilized or injured.
- g) In cooperation with the Fire Department, performs search and rescue operations.
- h) Implement any curfews ordered by the CEO.
- i) Provides access control to affected areas.
- j) Provide emergency assistance to persons with special/functional needs.
- k) Assists the medical examiner with mortuary services.
- l) Coordinate urban search and rescue activities.
- m) Investigate incident and provide intelligence information to state and federal officials.

The law enforcement official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

WARNING AND COMMUNICATIONS

Muskegon County Central Dispatch is responsible for warning and communications activities. The following guidelines represent a checklist of actions that department officials must follow for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Warn the following individuals via telephone, cellular phones and pagers:
 - Municipal chief executive.
 - Municipal Emergency Management Liaison.
 - County Emergency Management Coordinator.
 - Municipal Emergency Operations Center representatives.
- b) Ensure all agencies represented in the municipal Emergency Operations Center have communications both to their staff at their department offices and their staff at the incident site. This equipment consists of radios, telephone and cellular phone.
- c) Establish communications with the county Emergency Operations Center if activated. The communications equipment available consists of radios, telephone, cellular phone and LEIN (Law Enforcement Information Network).
- d) Establish communications with the Incident Command Post, if established.
- e) Activate the public warning system in accordance to the procedures listed in Appendix D-1.
- f) Ensure the public warning system provides notification to special needs populations identified in the community, i.e., elderly, hearing impaired, non-English speaking and others. The system consists of door-to-door, First Call (CPD), Nixle (MPD) and news media notifications. Contact and warn special facilities and locations, such as schools, hospitals, nursing homes, major industries, institutions, and place of public assembly. The methods of warning and contacting these locations consist of personal contact, telephone, cellular phone and First Call.

The Muskegon County Central Dispatch official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

PUBLIC INFORMATION

The **City Manager's Office** is responsible for public information activities. The following guidelines represent a checklist of actions that the Public Information Official must consider for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Function as the sole point of contact for the news media and public officials.
- b) Collect information from municipal emergency response agencies located in the emergency operations center and other locations.
- c) Prepare news releases to be disseminated to the local media.
- d) Conduct press tours of disaster area(s) within the community.
- e) Establish a Public Information Center at 933 Terrace St. to become the central point from which news releases are issued.
- f) Establish and maintain contact with the County Public Information Official if the County's Emergency Operations Plan is activated.
- g) Coordinate public information activities with the county Public Information Officer if the County Emergency Operations Center is activated.
- h) Assist the county in establishing a joint information center (JIC).
- i) Assist the county with establishing a Rumor Control Center.
- j) Assist the municipal emergency management liaison in developing and distributing education material on the hazards that face the municipality.
- k) Develop and maintain Emergency/Public Information procedures.
- l) Maintain a log and file of all information released to the media.

The City Manager official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

DAMAGE ASSESSMENT

The **Department of Public Works** is responsible for damage assessment activities. The following guidelines represent a checklist of actions that department officials must consider for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Record initial information from first responders such as law enforcement, fire services and public works.
- b) If necessary, activate the damage assessment team which consists of the following agencies:
 - 1. Department of Public Works- responsible for public damage assessment
 - 2. Safebuilt- responsible for individual damage assessment
- c) Provide information to the municipal Emergency Management Liaison. The Liaison will then provide assessment data to the county for preparation of a jurisdictional situation report via ETeam.
- d) If the situation warrants, assist the municipal CEO with the preparation of a local state of emergency declaration and forward to the County Emergency Management Coordinator.
- e) Prepare a request for county assistance in conjunction with the municipal emergency management liaison.
- f) Plot damage assessment information on status boards in the municipal Emergency Operations Center.
- g) Record all expenditures for municipal personnel, equipment, supplies, services, etc., and track resources being used.
- h) Prepare reports for the municipal public information official.
- i) Collect information and forward to the County so that the county can complete the Damage and Injury Assessment information through the jurisdiction's situational report via ETeam.

The Public Works official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

PUBLIC WORKS

The **Public Works Department** is responsible for damage assessment activities. The following guidelines represent a checklist of actions that department officials must consider for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Maintain transportation routes.
- b) If necessary, coordinate activities designed to control the flow of flood water, including sandbagging, emergency diking, and pumping operations.
- c) Coordinate travel restrictions/road closures within the municipality.
- d) Identify evacuation routes.
- e) Provide emergency generators and lighting.
- f) Assist with traffic control.
- g) Assist with access control.
- h) Assist with urban search and rescue activities, i.e., persons trapped in damaged buildings or under heavy debris/objects, etc...
- i) Assist private utilities with the shutdown and restoration of gas and electric services.
- j) Assist with transportation of essential goods, i.e., food, medical supplies, etc...
- k) As necessary, establish a staging area for public works.
- l) Report damage information to the Damage Assessment Team.
- m) If necessary, assist with damage surveys for the federal public assistance grant program.
- n) If the county Emergency Operations Center is activated, establish and maintain contact with the person representing public works.
- o) Notify Law Enforcement of the location(s) of disabled vehicles.
- p) Inspect critical infrastructure and other public utilities for safety.

The Public Works official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

PUBLIC WORKS

HAZMAT RESPONSE GUIDELINES

The **Public Works Department** will support the Fire Department in response efforts according to the following:

- a) Assist the fire department in the cleanup of contaminated soils and transport to appropriate dump sites.
- b) Evaluates inland waters conditions and makes recommendations to fire chief on response actions.
- c) Provides heavy equipment and diking materials to support the Fire Department's response hazardous materials incidents.
- d) Advise the incident commander of any safety concerns.
- e) Ensure personnel use adequate personal protection equipment.
- f) Decontaminate equipment and gear.

The public works official has reviewed and approves these guidelines. These will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

EMERGENCY MEDICAL SERVICES

The **Professional Medical Team** is responsible for emergency medical service activities. The following guidelines represent a checklist of actions that agency officials must consider for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Evacuate nursing homes, hospitals, and other medical facilities.
- b) Assist with animal and pet control.
- c) Assist with decontamination
- d) Coordinate emergency medical care to victims.
- e) Establish a staging area for emergency medical equipment.
- f) Identify a facility to be used as a temporary morgue if necessary.
- g) Coordinate with hospitals and shelter managers to staff medical teams at shelters.
- h) When appropriate, coordinate field units' participation in damage assessment activities.
- i) Ensure that emergency medical teams responding on-scene have established an on-scene medical command post and a medical commander.

The emergency medical official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

HUMAN SERVICES

Planning serve as the Human Services Liaison and is responsible for human services activities. The liaison will coordinate and/or keep informed human services activities occurring within the municipality, with the County Human Services Department. The following guidelines represent a checklist of actions that the liaison must consider for providing an effective response to an emergency or disaster situation.

Emergency Guidelines:

- a) Coordinate activities of municipal agencies/departments which provide human service type services.
- b) Coordinate the provision of transportation for evacuation.
- c) Open and manage shelters in the municipality.
- d) Set up canteen to feed emergency workers in the municipality.
- e) Provide food and clothing to municipality workers and victims of disaster residing in the municipality.
- f) Assist the county with establishing a Rumor Control Center.
- g) Arrange for provision of Crisis Counseling or Critical Incident Stress Debriefing (CISD) for both victims and identified disaster workers.
- h) If the County Emergency Operations Center is activated, establish and maintain contact with the person representing Human Services. If the county Emergency Operations Center is not activated, establish and maintain contact with the county Human Services Official directly at the county Department of Human Services.
- i) Coordinate with ARC and other pertinent organizations for the distribution of emergency clothing for disaster victims.
- j) Coordinate efforts to provide transportation for disaster victims. (Consider local school buses, council on aging, canoe liveries, USFS, volunteers, etc.)

The emergency medical official has reviewed and approves the assigned responsibilities. These responsibilities will be maintained in accordance to the standards of the current county emergency plan.

Signature of official

date

RESOURCES AND SUPPORT SERVICES

TRANSPORTATION RESOURCES	TYPE
<Name>, <Contact>	<animals/specials needs>

SHELTERS	MAXIMUM OCCUPANCY
<Name>, <location>, <Contact>, <maximum occupancy>	

FOOD AND FAMILY CARE RESOURCES	TYPE OF SERVICE
<Name>, <Contact>, <location>	<food>, <clothing>, <counseling>

[illegible]

Commission Meeting Date: May 14, 2013

Date: May 6, 2013

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE: Public Hearing for 2013 – 2014 Action Plan

SUMMARY OF REQUEST: To conduct a public hearing of the 2013 – 2014 Action Plan for public comments.

FINANCIAL IMPACT: Action Plan establishes the 2013-2014 Community Development Block Grant and HOME budgets.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To receive comments about the proposed 2013 – 2014 Action Plan at the public Commission meeting.

Commission Meeting Date: May 14, 2013

Date: April 10, 2013
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Public Hearing for Amendments to Downtown
Development Plan- Terrace Point Landing, LLC**

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting amendments for the Downtown Development Authority (DDA) Plan. The amendments are for the inclusion of property owned by Terrace Point Landing, LLC in the DDA Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into a residential/commercial project will add to the future tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: A notice of the public hearing has been sent to taxing jurisdictions, the MDEQ, MEDC, and the Michigan Strategic Fund, as well as being published twice in MLIVE, mailed to all property owner within the DDA and posted in 20 "conspicuous and public places" within the DDA . In addition, the DDA Board approved the Plan amendment on April 9, 2013 and further recommends that the Muskegon City Commission approve the Plan amendment.

City of Muskegon
County of Muskegon, Michigan

ORDINANCE NO. _____

AN ORDINANCE APPROVING AMENDMENTS TO
THE DOWNTOWN DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN OF THE CITY OF MUSKEGON
DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the City of Muskegon Downtown Development Authority (the "Authority") has previously prepared and approved a Downtown Development Plan and Tax Increment Financing Plan ("the Plan") for the Development Area described in the Plan, which was approved by the City Commission on July 12, 1988, pursuant to Ordinance No. 969; and,

WHEREAS, the City Commission has approved amendments to the Plan on March 31, 1989 ("the 1989 Amendment") pursuant to Ordinance No. 982; and WHEREAS, The City Commission approved amendments to the Plan on August 28, 2001 pursuant to Ordinance No. 2050; and,

WHEREAS, the Authority has prepared and recommended for approval an amendment, attached hereto as Exhibit A (the "Plan Amendment"), to the Plan; and,

WHEREAS, on May 14, 2013 the City Commission held a public hearing on the Plan Amendment pursuant to Act 197, Public Acts of Michigan, 1975, as amended ("the Act"); and,

WHEREAS, the purpose of the amendment is to amend the Development Plan and Tax Increment Financing Plan to limit the captured assessed value for Parcel #61-24-205-558-0001-00 to 100% of the difference between the 1988 assessed value and the 2013 assessed value for that parcel and 25% of any increase in the assessed value beyond the 2013 tax year value; and,

WHEREAS the City has published the Notice of Public Hearing twice in MLIVE, has posted the Notice of Public Hearing in 20 conspicuous and public places, has mailed the Notice of Public Hearing to all property owners within the DDA and has mailed by certified mail the Notice of Public Hearing to the governing bodies of each taxing jurisdiction in which the Development Area is located and given them an opportunity at the public hearing to express their views and recommendations regarding the Plan Amendment.

NOW, THEREFORE, THE CITY OF MUSKEGON ORDAINS:

1. Findings

(a) The development plan portion of the Plan, as amended by the Plan Amendment, meets the requirements set forth in Section 17(2) of the Act, and the tax increment financing plan portion of the Plan, as amended by the Plan Amendment, meets the requirements set forth in Section 14(2) of the Act.

(b) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.

(c) The development is reasonable and necessary to carry out the purposes of the Act.

(d) Any land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of the Act.

(e) The Plan, as amended by the Plan Amendment, is in reasonable accord with the master plan of the City.

(f) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.

(g) Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, as amended by the Plan Amendment, are reasonably necessary for the Plan, as amended by the Plan Amendment, and for the City.

2. Public Purpose. The City Commission hereby determines that the Plan, as amended by the Plan Amendment, constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the Plan, as amended by the Plan Amendment.

4. Approval and Adoption of Plan Amendment. The Plan Amendment is hereby approved and adopted. A copy of the Plan, the Plan Amendment, and all later amendments thereto shall be maintained on file in the City Clerk's office.

5. Amendment to Ordinance No. 969; Conflict and Severability. Ordinance No. 969 is hereby amended by this ordinance. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of the Ordinance are, to the extent of such conflict, hereby repealed. Each section of the Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of the Ordinance.

6. Paragraph Headings. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of the Ordinance.

7. Publication and Recordation. The Ordinance shall be published in full promptly after its adoption in the Muskegon Chronicle, a newspaper of general circulation in the City, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the City, which recording shall be authenticated by the signature of the City Clerk.

8. Effective Date. The Ordinance is hereby determined by the City Commission to be immediately necessary for the interests of the City and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, on May 14, 2013.

AYES: Members _____

NAYS: Members _____

ABSENT: Members _____

ORDINANCE DECLARED ADOPTED.

EFFECTIVE DATE: _____

CITY OF MUSKEGON

By _____
Ann Marie Cummings, City Clerk

I hereby certify that the foregoing is a true and complete copy of Ordinance No. _____ adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on May 14, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Cummings, City Clerk

**DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN
FOR THE
MUSKEGON DOWNTOWN DEVELOPMENT DISTRICT**

**Prepared by the
Muskegon Downtown Development Authority**

**Adopted by the
Muskegon Downtown Development Authority
on December 2, 1988**

**Adopted by the
Muskegon City Commission
on December 27, 1988
and Revised March 31, 1989 and May , 2013**

used pursuant to Section C of this Tax Increment Financing Plan.

The Muskegon City Commission must approve any amounts for bonded indebtedness, or indebtedness to be incurred by the DDA and/or the City of Muskegon for all bond issues or loans including payments of capitalized interest, principal and required reserves.

E. Duration of Plan

The tax increment financing plan shall last thirty years except as the same may be amended or modified from time to time by the City Commission of the City of Muskegon upon recommendation of the DDA and upon notice and upon public hearing and amendment as required by the Act. Various projects within the Plan may be undertaken in phases other than those set forth in the Plan, depending on the urgency and opportunities presented from time to time. If the projects are not undertaken as described in the Plan, however, an amendment to the Plan will be required, with a public hearing and approval by the City Commission.

F. Estimated Impact of Tax Increment Financing on Assessed Values of All Taxing Jurisdictions In Which the Development Area is Located

The overall impact of the Development Plan is expected to generate increased economic activity in the Development Area, the City of Muskegon and Muskegon County at large. This increase in activity will, in turn, generate additional amounts of tax revenue to local taxing jurisdictions through increases in assessed valuations of real and personal property and from increases in personal income of new employment within the Development Area, the City of Muskegon, other neighboring communities, and throughout Muskegon County.

As identified earlier under Section 8 of this Plan, and Exhibits 10 & 11, the expected increases in assessed valuation for new construction and improvements to existing buildings in the Development Area have been estimated for 1988 through 2018.

For purposes of determining the estimated impact of this tax increment financing plan upon those taxing jurisdictions within the Development Area, estimates of captured assessed values were used along with current 1988 tax millage allocations to determine tax increment revenue amounts that would be shifted from these jurisdictions to the DDA to finance the project activities called for in this Development Plan. These estimated amounts are shown in Exhibit 11 according to each taxing unit operating the Development Area.

G. Use of the Captured Assessed Values

All of the captured assessed values in the Development Area will be used by the Authority to finance the specific objectives contained in the Development Plan.==

Notwithstanding the preceding sentence, for the real and personal property associated with Parcel #61-24-205-558-0001-00, the captured assessed value shall be limited to: (i) 100% of the difference between the 1988 assessed value and the 2013 assessed value for that parcel; and (ii) 25% of any increase in the assessed value

beyond the 2013 tax year value.

H. Compliance with Section 15 of the DDA Act and Reports

The Plan shall at all times comply with the provisions of Section 15 of the DDA Act and, pursuant thereto, the DDA shall submit annually to the Muskegon City Commission a report on the status of the tax increment financing account. Such report shall comply with the requirements of Section 15(3) of the DDA Act, a copy of which is provided under Exhibit 12.

I. Budget, Fund Handling and Auditing Costs

In addition to any budget set forth in this Plan, the DDA shall prepare and submit for approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of City departments.

Before the budget may be adopted by the board, it shall be approved by the City Commission. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in the Act or by the City Commission. The City Commission may assess a reasonable prorated share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

J. Expense Publication

All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

Commission Meeting Date: May 14, 2013

Date: April 29, 2013
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Public Hearing for Amendment to Brownfield
Plan- Terrace Point Landing, LLC**

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting the amendment for the Brownfield Plan. The amendments are for the inclusion of property owned by Terrace Point Landing, LLC in the Brownfield Plan.

FINANCIAL IMPACT: Brownfield Tax increment Financing will be used to reimburse the developer for "eligible expenses" incurred in association with development of the Terrace Point Landing project. Terrace Point Landing, LLC cost for the development of the property is approximately \$12 million in private investment, resulting in a substantial increase in the local and school taxes generated by the property.

"Eligible Expenses" would be reimbursed starting in 2012, including the payment of 5% interest annually. The estimated tax capture and payment schedule is included as Attachment U-3 in the proposed Brownfield Plan Amendment.

After all eligible costs incurred by the various parties are reimbursed (estimated to be in 2024), the BRA is authorized to continue to capture local taxes for five more years for deposit into a Local Site Remediation Revolving Fund.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for May 14, 2013 at their April 9, 2013 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on April 9, 2013 and further recommends that the Muskegon City Commission approve the Plan amendment.

RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT

Terrace Point Landing, LLC

City of Muskegon

County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 14th day of May 2013, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____:

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add Terrace Point Landing, LLC; and

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

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 10 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on May 14, 2013.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. That the Brownfield Plan constitutes a public purpose under Act 381.
2. That the Brownfield Plan meets all the requirements of Section 13(1) of Act 381.
3. That the proposed method of financing the costs of the eligible activities, as identified in the Brownfield Plan and defined in Act 381, is feasible and the Authority has the authority to arrange the financing.
4. That the costs of the eligible activities proposed in the Brownfield Plan are reasonable and necessary to carry out the purposes of Act 381.
5. That the amount of captured taxable value estimated to result from the adoption of the Brownfield Plan is reasonable.
6. That the Brownfield Plan in the form presented is approved and is effective immediately.
7. That all resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

Be It Further Resolved that the Mayor and City Clerk are hereby
authorized to execute all documents necessary or appropriate to implement the
provisions of the Brownfield Plan.

AYES: Members

NAYS:

Members_____

RESOLUTION DECLARED ADOPTED.

Ann Marie Cummings, City Clerk

Stephen J. Gawron, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on May 14, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Ann Marie Cummings, City Clerk

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT
AUTHORITY**

BROWNFIELD PLAN AMENDMENT

***TERRACE POINT LANDING
REDEVELOPMENT PROJECT***

April 9, 2013

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT
AUTHORITY**

BROWNFIELD PLAN AMENDMENT

***TERRACE POINT LANDING
REDEVELOPMENT PROJECT***

Original Plan Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on **February 23, 1998**, with amendments approved 8/10/98; 6/13/00; 4/15/03; 7/7/03; 4/20/04; 6/21/04; 9/8/04; 9/5/06; 2/23/07; 5/15/07, 11/12/07, and 5/13/08.

Original Plan Approved by the City Commission of the City of Muskegon on **April 14, 1998**, with amendments approved 8/11/98; 7/11/00; 5/27/03; 8/12/03; 5/25/04; 7/13/04; 7/27/04; 10/12/04; 10/24/06; 3/27/07; 6/12/07; 1/8/08, and 5/13/08.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

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I. INTRODUCTION

In order to promote the revitalization of commercial, industrial, and residential properties within the boundaries of the City of Muskegon (the “City”), the City established the City of Muskegon Brownfield Redevelopment Authority (the “Authority”) pursuant to the Brownfield Redevelopment Financing Act, P.A. 381 of 1996, as amended (“Act 381”), and a resolution adopted by the Muskegon City Commission on February 10, 1998. Terms defined in Act 381 and applicable sections of the statute are noted in *italics* throughout this document.

The major purpose of this Brownfield Plan (“Plan”) is to promote the redevelopment of *eligible properties* within the City that are impacted by the presence of hazardous substances in concentrations that exceed Michigan’s Part 201 Generic Cleanup Criteria (“*facilities*”) or that have been determined to be Functionally Obsolete or Blighted. Inclusion of property within this Plan can facilitate financing of environmental response activities, infrastructure improvements, demolition, lead or asbestos abatement, and site preparation activities at *eligible properties*; and may also provide other incentives to eligible taxpayers willing to invest in revitalization of *eligible properties*. By facilitating redevelopment of underutilized *eligible properties*, the Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

This Plan is intended to be a living document, which can be amended as necessary to achieve the purposes of Act 381. It is specifically anticipated that properties will be continually added to the Plan as new projects are identified. The Plan contains general provisions applicable to the Plan, as well as property-specific information for each project. The applicable Sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains the information required by Section 13(1) of Act 381, as amended. Additional information is available from the Muskegon City Manager or the Director of Planning and Economic Development.

II. GENERAL PROVISIONS

A. Costs of the Brownfield Plan (Section 13(1)(a))

Any site-specific costs of implementing this Plan are described in the site-specific section of the Plan. Site-specific sources of funding may include tax increment financing revenue generated from new development on eligible brownfield properties, state and federal grant or loan funds, and/or private parties. Where private parties finance the costs of eligible activities under the Plan, tax increment revenues may be used to reimburse the private parties. The initial costs related to preparation of the Brownfield Plan were funded by the City’s general fund. Subsequent amendments to the Plan may be funded by the person requesting inclusion of a project in the Plan, and if eligible, may be reimbursed through tax increment financing.

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority with fees charged to applicants to be included in the Plan, and any eligible tax increment revenues collected pursuant to the Plan, in accordance with the provisions of Act 381, including, but not limited to:

- i) the cost of financial tracking and auditing the funds of the Authority,
- ii) costs for amending and/or updating this Plan, and
- iii) costs for Plan implementation

Tax increment revenues that may be generated and captured by this Plan are identified in the site-specific sections of this Plan.

B. Method for Financing Costs of Plan (Section 13(1)(d) and (e))

The City or Brownfield Authority may incur some debt on a site-specific basis. Please refer to the site-specific section of this Plan for details on any debt to be incurred by the City or Authority. When a property proposed for inclusion in the Plan is in an area where tax increment financing is a viable option, the Authority intends to enter into Development Agreements with the property owners/developers of properties included in the Plan to reimburse them for the costs of eligible activities undertaken pursuant to this Plan. Financing arrangements will be specified in a Development and Reimbursement Agreement, and also identified in the Site Specific section of the Plan.

C. Duration of the Brownfield Plan (Section 13(1)(f))

The duration of this Plan is expected to be 35 years. It is estimated that the initial site roads and related infrastructure associated with the Project (defined below) will be completed by 2014/2015 and it is estimated that it could take up to 30 years to recapture eligible costs through tax increment revenues. In addition, once all activity costs are reimbursed, funds may be captured for the local site remediation revolving fund, if available. Therefore, the duration of capture for the Project (defined below) will begin no later than 2015 and will continue until such time that all the eligible activities undertaken in this Plan are reimbursed, but in no event will the Plan exceed the maximum duration provided for in (MCLA 125.2663(1)(22)). The total costs of *eligible activities* include the cost of principal and interest on any note or obligation issued by the Authority to pay for the costs of *eligible activities*, the cost of principal and interest otherwise incurred to pay for eligible activities, the reasonable costs of a work plan or remedial action plan and the costs of preparation of Brownfield Plans and amendments.

**D. Displacement/Relocation of Individuals on Eligible Properties
(Section 13(1)(i),(j)(k)(l))**

At this time, *eligible properties* identified in this Plan do not contain existing residences, Therefore the provisions of Section 13(1)(i-l) are not applicable at this time.

E. Local Site Remediation Revolving Fund (Section 8; Section 13(1)(m))

Whenever this Plan includes a property for which taxes will be captured through the tax increment financing authority provided by Act 381, it is the Authority's intent to establish

and fund a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in *Section 13(5) of Act 381*. Section 13(5) authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan, provided that the time frame allowed by Act 381 for tax capture is sufficient to accommodate capture to capitalize a Fund. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible environmental response activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

The Revolving Fund may be used to reimburse the Authority, the City, and private parties for the costs of eligible activities at *eligible properties* and other costs as permitted by Act 381. It may also be used for eligible activities on *an eligible property* for which there is no ability to capture tax increment revenues. The establishment of this Revolving Fund will provide additional flexibility to the Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

III. SITE SPECIFIC PROVISIONS

T. TERRACE POINT LANDING REDEVELOPMENT PROJECT

1. Eligibility and Project Description(Sec. 13(1)(h))

Project Description

The *eligible property* comprising the Terrace Point Landing Redevelopment Project included in this Plan is approximately 11 acres of vacant land located at the end of Terrace Point Road in downtown Muskegon, Michigan (see Attachment U-1). The parcel number/legal description of the *eligible property* is:

Parcel #61-24-205-558-0001-00; Legal description as follows:

CITY OF MUSKEGON REVISED PLAT OF 1903 THAT PART OF BLK 558 AS RECORDED IN L 3 OF PLATS P 71 MUSKEGON COUNTY MI INCLUDING ALL LANDS MADE BY LAND-FILL WHICH MAY HAVE BEEN SUBSQUEOUS LANDS AT THE TIME OF THE DEDICATION OF SD REVISED PLAT OF 1903 DESC AS FOLS: COM @ INT NELY LN TERRACE ST BEING SWLY LN BLK 557 EXTND TO CL VAC WATER ST TH N 62D 44M 00S W ALNG NELY LN SD TERRACE ST EXTND 381.45 FT TH WLY ALNG NLY LN SD TERRACE ST ALNG ARC OF A 302.48 FT R CURVE TO LT A DIST OF 269.86 FT TO LN BET LOTS 5 & 6 SD BLK 558 (LC SD CURVE BEARS N 88D 17M 30S W 261 FT CENTRAL ANGLE SD CURVE 51D 07M 00S) TH N 46D 09M 15S W ALNG SD LN BET LOTS 5 & 6 A DIST 534.25 FT TO POB THIS DESC TH N 27D 25M 55S E 925.82 FT TO A POINT HEREINAFTER REFERRED TO AS "POINT A" TH CONT N 27D 25M 55S E 5 FT M/L TO SHORE MUSKEGON LAKE TH NWLY & SWLY ALNG SHORE MUSKEGON LAKE 1350 FT M/L TO SD LN BET LOTS 5 & 6 SD BLK TH S 46D 09M 15S E ALNG SD LN BET LOTS 5 & 6 A DIST 820 FT M/L TO POB EXC PART TH'OF INCLUDED IN FOL DESC PARCEL THAT PART BLKS 558 & 563 DESC AS FOL COM @ INT NELY LN TERRACE ST BEING SWLY LN BLK 557 EXTND TO CL VAC WATER ST TH N 62D 44M 00S W ALNG NELY LN SD TERRACE ST EXTND 381.45 FT TH WLY ALNG NLY LN SD TERRACE ST ALNG ARC OF A 302.48 FT R CURVE TO LT A DIST 477.51 FT (LC SD CURVE BEARS S 72D 02M 30S W 429.45 FT CENTRAL ANGLE SD CURVE IS 90D 27M 00S) TH S 26D 49M 00S W ALNG NELY LN SD TERRACE ST 225.07 FT TO A POINT

*City of Muskegon Brownfield Plan Amendment
Terrace Point Landing Redevelopment Project*

HEREINAFTER REFERRED TO AS POB FOR EASEMENT TH NLY ALNG ARC OF A 517 FT R CURVE TO RT A DIST 705.40 FT (LC SD CURVE BEARS N 23 D 29M 25S W 651.95 FT CENTRAL ANGLE SD CURVE IS 78D 10M 34S) TH N 15D 35M 52S E 187.25 FT TH ELY NLY & WLY ALNG ARC OF A 75 FT R CURVE TO LT A DIST 232.88 FT (LC SD CURVE BEARS N 18D 20M 25S W 149.98 FT CENTRAL ANGLE SD CURVE IS 177D 54M 42S) TO POB THIS DESC TH SWLY ALNG ARC OF A 75 FT R CURVE TO LT A DIST 105.61 FT (LC SD CUVE BEARS S 32D 21M 55S W 97.10 FT CENTRAL ANGLE SD CURVE IS 80D 40M 47S) TH N 61D 06M 15S W 139.74 FT TH SWLY ALNG ARC OF 172 FT R CRUVE TO RT A DIST 89.56 FT (LC SD CURVE BEARS S 58D 58M 45S W 88.55 FT CENTRAL ANGLE SD CURVE IS 29D 50M 00S) TH S 73D 53M 45S W 127.91 FT TH N 16D 06M 15S W 75 FT TH S 73D 53M 45S W 110 FT TH N 16D 06M 15S W 250 FT M/L TO WATER'S EDGE MUSKEGON LAKE TO A POINT HEREINAFTER REFFERED TO AS "POINT A" TH RECOM AT POB TH N 17D 17M 45S W 326.55 FT TH N 66D 15M 15S W 275 FT M/L TO WATER'S EDGE MUSKEGON LAKE TH SWLY ALNG SD WATER'S EDGE MUSKEGON LAKE 350 FT M/L TO ABOVE MENTIONED "POINT A" EXC THAT PART OF BLK 558 AS RECORDED IN L 3 OF PLATS P 71 MUSKEGON COUNTY MI INCLUDING ALL LANDS MADE BY LAND-FILL WHICH MAY HAVE BEEN SUBSQUEOUS LANDS AT THE TIME OF THE DEDICATION OF SD REVISED PLAT OF 1903 DESC AS FOLS: COM @ WESTERNMOST CRNR MUSKEGON LAKESHORE SMARTZONE CONDOMINIUM SUBDIVISION NO. 100 AS AMENDED: TH N 27 DEG 25 MIN 55 SEC E 198.94 FT ALNG THE WLY LN OF SD CONDO TO POB TH N 62 DEG 05 MIN 15 SEC W 106.63 FT TH S 27 DEG 54 MIN 45 SEC W 61.66 FT TO THE NTHLY LINE OF TERRACE PT DR TH NWLY ALNG SD LINE 91.59 FT ALNG A 75.00 FT RAD CURVE TO THE LEFT THE LONG CHORD OF WHICH BEARS N 62 DEG 02 MIN 15 SEC W 86.00 FT TH N 27 DEG 54 MIN 45 SEC E 127.66 FT TH S 62 DEG 05 MIN 15 SEC E 192.07 FT TO THE WLY LINE OF SD CONDOMINIUM TH S 27 DEG 25 MIN 55 SEC W 66.00 FT ALNG SD LN TO POB.

This *eligible property* includes all real and new personal property.

The Terrace Point Landing Redevelopment Project (the "Project") will redevelop the contaminated vacant former Continental Motors property located at the end of Terrace Point Road in downtown Muskegon (the "Property"). The Project will involve baseline environmental assessment activities, due care and additional response activities to address the existing contamination at the site, as well as site preparation and infrastructure improvements to prepare the site for residential construction. The Property will be redeveloped for construction of up to seventy (70) residential site condominiums along Muskegon Lake. Site improvements for the Project will include new utilities, sidewalks, streets, landscaping and shoreline improvements. Additional improvements may include the construction of a pool and beach area. A proposed site plan is included in Attachment U-2.

The private capital investment to complete the Project, including roads, infrastructure and 70 new homes, is estimated to be approximately \$10 million with approximately \$2 million required to address the existing contamination and site improvements. The Project will likely result in 30 or more construction jobs during the estimated 36 to 48 months of construction.

Eligible Activities, Financing, Cost of Plan (Sec. 13(1) (a),(b),(c),(d),(g))

Eligible activities include baseline environmental assessment activities, due care, additional response activities, site preparation and infrastructure improvements (see chart below).

Eligible Activities

Baseline Environmental Assessment Activities	\$ 45,000
Due Care Activities	\$ 297,500
Additional Response Activities	\$ 16,800
Site Preparation	\$ 780,000
Infrastructure Improvements	<u>\$ 583,000</u>
Sub-total	\$ 1,722,300

Contingency (15%)	\$ 258,345
Brownfield Plan/Work Plan Preparation and Development	\$ 20,000

**Total Eligible Activities
to be paid for under this Plan \$ 2,000,645**

The eligible activities described above will occur on the Property and are further described as follows:

1. Baseline Environmental Assessment Activities: Phase I and II Environmental Site Assessments and Baseline Environmental Assessments will be completed on behalf of future owner(s)/operator(s) to provide an exemption from liability for existing contamination. The testing will also be used to determine the extent of the contamination and to develop a Due Care Plan.
2. Due Care Activities: Due Care Activities will include the installation of a one foot cap of clean fill over impacted soils in greenspace on the Property. The estimated cost includes the cost for hydroseeding the fill material.
3. Additional Response Activities: Additional Response Activities will include the removal and proper disposal of impacted soil during construction of the site condos, utilities and certain infrastructure.
4. Site Preparation: Site Preparation on the Property will include clearing and grubbing, debris removal, grading, sub-base and compaction for infrastructure, soil and erosion control, installation or repair of a seawall, dewatering and storm water detention controls.
5. Infrastructure Improvements: Infrastructure Improvements will include the construction of storm sewers, water service, sanitary sewer, streets, sidewalks, curbs and gutters and landscaping.
6. Brownfield/Work Plan Preparation and Development: Costs incurred to prepare and develop this brownfield plan and a work plan, as required per Act 381 of 1996, as amended.

It is intended that the above eligible activities will be reimbursed with interest at 5%. An estimate of the captured taxable value and tax increment revenues, which includes the impact on the taxing jurisdictions, is attached as Attachment U-3.

The cost to conduct the Project eligible activities included in this Plan will be initially provided by Terrace Point Landing, LLC and they will seek reimbursement for eligible activities through tax increment financing from local and state taxes. The Downtown Development Authority Tax Increment Financing Plan was amended to capture only the first 25% of incremental capture from the Property. It is intended that the Authority will capture 100% of the remaining *captured taxable value* from the Property to reimburse

the developer for *eligible activities* incurred for the Project. No advances via bond or notes will be made from the City for this Plan.

The Property has been determined to be *eligible property* as defined by Act 381 through information obtained from a Phase I Environmental Site Assessment (ESA), Phase II ESA, and Baseline Environmental Assessment (BEA) conducted by Marshall & Associates in 2009.

Analyses of soil and groundwater samples conducted on the Property identified contamination at concentrations above the Part 201 Generic Residential Cleanup Criteria (cadmium, iron, lead, chromium, nickel and cyanide). A BEA was completed for the Property in June 2009. The BEA concludes that the Property is a Part 201 “facility” resulting from impact by contamination related to historic uses. See Attachment U-4 for “facility” confirmation reports.

Effective Date of Inclusion in Brownfield Plan

The Terrace Point Landing Redevelopment Project was added to this Plan on _____.

ATTACHMENT U-1

SITE MAP

**TERRACE POINT LANDING REDEVELOPMENT
PROJECT**

ATTACHMENT U-2

PROPOSED SITE PLAN

**TERRACE POINT LANDING REDEVELOPMENT
PROJECT**

ATTACHMENT U-3

TAX INCREMENT FINANCING TABLE
TERRACE POINT LANDING REDEVELOPMENT
PROJECT

Jurisdiction - TIF

Terrace Point Penninsula
(Site Condos)
Brownfield TIF Capture from Parkland Muskegon Property

Point Landing, LLC

Reimbursement under Public Act 381	
Related Activities	\$1,577,450
Activities	\$423,195
	\$1,718,437
Revolving Fund Capture	\$833,308
TIF Capture	\$4,552,390

	Year 1 (2013)	Year 2 (2014)	Year 3 (2015)	Year 4 (2016)	Year 5 (2017)	Year 6 (2018)	Year 7 (2019)	Year 8 (2020)	Year 9 (2021)	Year 10 (2022)	Year 11 (2023)	Year 12 (2024)	Year 13 (2025)
(TV):	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
Non-Homestead: (1)	\$0	\$0	\$0	\$545,000	\$1,098,175	\$1,659,648	\$2,167,042	\$2,199,548	\$2,232,541	\$2,266,029	\$2,300,020	\$2,334,520	\$2,369,538
Land	\$0	\$0	\$662,500	\$1,325,000	\$1,987,500	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000
House (Homestead)	\$0	\$0	\$0	\$545,000	\$1,098,175	\$1,659,648	\$2,167,042	\$2,199,548	\$2,232,541	\$2,266,029	\$2,300,020	\$2,334,520	\$2,369,538
LE VALUE	\$0	\$0	\$662,500	\$2,415,000	\$4,183,850	\$5,909,295	\$6,924,085	\$6,989,096	\$7,055,082	\$7,122,059	\$7,190,040	\$7,259,040	\$7,329,076
	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841

	Millage Rates (2)	
	16.55	\$ - \$ - \$ - \$ 9.020 \$ 18.175 \$ 27.467 \$ 35.865 \$ 36.403 \$ 36.949 \$ 37.503 \$ 38.065 \$ 38.636 \$ 39.216

ET)	6.00000	\$ - \$ - \$ 3.975 \$ 11.220 \$ 18.514 \$ 25.498 \$ 28.542 \$ 28.737 \$ 28.935 \$ 29.136 \$ 29.340 \$ 29.547 \$ 29.757
)		\$ - \$ - \$ (1.988) \$ (5.610) \$ (9.257) \$ (12.749) \$ (14.271) \$ (14.369) \$ (14.468) \$ (14.568) \$ (14.670) \$ (14.774) \$ (14.879)
	18.00000	\$ - \$ - \$ 11.925 \$ 33.660 \$ 55.542 \$ 76.494 \$ 85.627 \$ 86.212 \$ 86.806 \$ 87.409 \$ 88.020 \$ 88.641 \$ 89.272
	24.00000	\$ - \$ - \$ 13.913 \$ 39.270 \$ 64.799 \$ 89.243 \$ 99.898 \$ 100.581 \$ 101.273 \$ 101.977 \$ 102.690 \$ 103.415 \$ 104.150
apture		\$ - \$ - \$ 13.913 \$ 53.183 \$ 117.982 \$ 207.224 \$ 307.122 \$ 407.703 \$ 508.976 \$ 610.953 \$ 713.643 \$ 817.058 \$ 921.208

	3.75800	\$ - \$ - \$ 2.490 \$ 7.027 \$ 11.596 \$ 15.970 \$ 17.877 \$ 17.999 \$ 18.123 \$ 18.249 \$ 18.377 \$ 18.506 \$ 18.638
	2.20370	\$ - \$ - \$ 1.460 \$ 4.121 \$ 6.800 \$ 9.365 \$ 10.483 \$ 10.555 \$ 10.627 \$ 10.701 \$ 10.776 \$ 10.852 \$ 10.929
	12.07490	\$ - \$ - \$ 8.000 \$ 22.580 \$ 37.259 \$ 51.314 \$ 57.441 \$ 57.833 \$ 58.232 \$ 58.636 \$ 59.046 \$ 59.463 \$ 59.886
	0.99730	\$ - \$ - \$.661 \$ 1.865 \$ 3.077 \$ 4.238 \$ 4.744 \$ 4.777 \$ 4.810 \$ 4.843 \$ 4.877 \$ 4.911 \$ 4.946
	2.40000	\$ - \$ - \$ 1.590 \$ 4.488 \$ 7.406 \$ 10.199 \$ 11.417 \$ 11.495 \$ 11.574 \$ 11.654 \$ 11.736 \$ 11.819 \$ 11.903
	5.69840	\$ - \$ - \$ 3.775 \$ 10.656 \$ 17.583 \$ 24.216 \$ 27.108 \$ 27.293 \$ 27.481 \$ 27.672 \$ 27.865 \$ 28.062 \$ 28.261
URE	27.1323	\$ - \$ - \$ 17.975 \$ 50.737 \$ 83.721 \$ 115.303 \$ 129.069 \$ 129.951 \$ 130.847 \$ 131.755 \$ 132.677 \$ 133.614 \$ 134.564
apture		\$ - \$ - \$ 17.975 \$ 68.713 \$ 152.434 \$ 267.737 \$ 396.806 \$ 526.758 \$ 657.604 \$ 789.360 \$ 922.037 \$ 1,055.651 \$ 1,190.214

EARLY TAX CAPTURE	51.13230	\$ - \$ - \$ 31.888 \$ 99.027 \$ 166.695 \$ 232.012 \$ 264.832 \$ 266.934 \$ 269.069 \$ 271.235 \$ 273.433 \$ 275.665 \$ 277.930
LY TAX CAPTURE (75%) (4)		\$ - \$ - \$ 23.916 \$ 74.270 \$ 125.022 \$ 174.009 \$ 198.624 \$ 200.201 \$ 201.801 \$ 203.426 \$ 205.075 \$ 206.749 \$ 208.447
Revolving Fund		\$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ -

is increased 1% per year for inflation.
ture does not include any debt. All millage rates are

new homes are subject to NEZ (Neighborhood
years beginning 2014)

5% of tax increment on Property and Brownfield Plan
remaining available increment generated.

Interest rate	5.00%	MSF Costs	\$ 1,577,450	78.8%
		MDEQ Costs	\$ 423,195	21.2%
			\$ 2,000,645	

al Costs	\$ 1,577,450	\$ 1,656,323	\$ 1,739,139	\$ 1,826,096	\$ 1,897,601	\$ 1,930,993	\$ 1,924,038	\$ 1,876,178	\$ 1,805,547	\$ 1,730,080	\$ 1,649,513	\$ 1,563,574	\$ 1,471,972
ement	\$ -	\$ -	\$ -	\$ 8,227	\$ 23,222	\$ 38,319	\$ 52,774	\$ 59,075	\$ 59,479	\$ 59,888	\$ 60,304	\$ 60,726	\$ 61,155
ement	\$ -	\$ -	\$ -	\$ 10,630	\$ 30,004	\$ 49,509	\$ 68,185	\$ 76,326	\$ 76,847	\$ 77,377	\$ 77,914	\$ 78,459	\$ 79,013
ement	\$ -	\$ -	\$ -	\$ -	\$ 5,334	\$ 10,748	\$ 16,243	\$ 21,209	\$ 21,527	\$ 21,850	\$ 22,177	\$ 22,510	\$ 22,848
Environmental Costs	\$ 1,577,450	\$ 1,656,323	\$ 1,739,139	\$ 1,807,239	\$ 1,839,041	\$ 1,832,417	\$ 1,786,836	\$ 1,719,569	\$ 1,647,695	\$ 1,570,965	\$ 1,489,118	\$ 1,401,878	\$ 1,308,957
	\$ 78,873	\$ 82,816	\$ 86,957	\$ 90,362	\$ 91,952	\$ 91,621	\$ 89,342	\$ 85,978	\$ 82,385	\$ 78,548	\$ 74,456	\$ 70,094	\$ 65,448
Costs	\$ 423,195	\$ 444,355	\$ 466,572	\$ 489,901	\$ 509,084	\$ 518,043	\$ 516,177	\$ 503,337	\$ 484,389	\$ 464,142	\$ 442,528	\$ 419,472	\$ 394,898
ement	\$ -	\$ -	\$ -	\$ 2,207	\$ 6,230	\$ 10,280	\$ 14,158	\$ 15,848	\$ 15,957	\$ 16,067	\$ 16,178	\$ 16,292	\$ 16,406
ement	\$ -	\$ -	\$ -	\$ 2,852	\$ 8,049	\$ 13,282	\$ 18,292	\$ 20,476	\$ 20,616	\$ 20,758	\$ 20,903	\$ 21,049	\$ 21,197
ement	\$ -	\$ -	\$ -	\$ -	\$ 1,431	\$ 2,883	\$ 4,358	\$ 5,690	\$ 5,775	\$ 5,862	\$ 5,950	\$ 6,039	\$ 6,130
Environmental Costs	\$ 423,195	\$ 444,355	\$ 466,572	\$ 484,842	\$ 493,374	\$ 491,597	\$ 479,369	\$ 461,322	\$ 442,040	\$ 421,455	\$ 399,497	\$ 376,093	\$ 351,164
	\$ 21,160	\$ 22,218	\$ 23,329	\$ 24,242	\$ 24,669	\$ 24,580	\$ 23,968	\$ 23,066	\$ 22,102	\$ 21,073	\$ 19,975	\$ 18,805	\$ 17,558
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
sement	\$ -	\$ -	\$ -	\$ 23,916	\$ 74,270	\$ 125,022	\$ 174,009	\$ 198,624	\$ 200,201	\$ 201,801	\$ 203,426	\$ 205,075	\$ 206,749

Terrace Point Penninsula
(Site Condos)
Brownfield TIF Capture from Parkland Muskegon Property

NEZ Phase out															
Year 15 (2027)	Year 16 (2028)	Year 17 (2029)	Year 18 (2030)	Year 19 (2031)	Year 20 (2032)	Year 21 (2033)	Year 22 (2034)	Year 23 (2035)	Year 24 (2036)	Year 25 (2037)	Year 26 (2038)	Year 27 (2039)	Year 28 (2040)	Year 29 (2041)	Year 30 (2042)
\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000
\$2,441,157	\$2,477,774	\$2,514,941	\$2,552,665	\$2,590,955	\$2,629,820	\$2,669,267	\$2,709,306	\$2,749,945	\$2,791,195	\$2,833,063	\$2,875,558	\$2,918,692	\$2,962,472	\$3,006,909	\$3,052,013
\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000	\$2,590,000
\$2,441,157	\$2,477,774	\$2,514,941	\$2,552,665	\$2,590,955	\$2,629,820	\$2,669,267	\$2,709,306	\$2,749,945	\$2,791,195	\$2,833,063	\$2,875,558	\$2,918,692	\$2,962,472	\$3,006,909	\$3,052,013
\$7,472,314	\$7,545,549	\$7,619,882	\$7,695,330	\$7,771,910	\$7,849,639	\$7,928,534	\$8,008,612	\$8,089,891	\$8,172,389	\$8,256,125	\$8,341,117	\$8,427,384	\$8,514,944	\$8,603,819	\$8,694,026
\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841	\$1,841

40,401																Total Project Capture
30,187	\$ 45,273	\$ 45,719	\$ 46,172	\$ 46,631	\$ 47,098	\$ 47,571	\$ 48,052	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 649,877
(15,093)	\$(22,637)	\$(22,860)	\$(23,086)	\$(23,316)	\$(23,549)	\$(23,786)	\$(24,026)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$(324,938)
90,561	\$ 135,820	\$ 137,158	\$ 138,516	\$ 139,894	\$ 141,294	\$ 142,714	\$ 144,155	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,949,630
105,654	\$ 158,457	\$ 160,018	\$ 161,602	\$ 163,210	\$ 164,842	\$ 166,499	\$ 168,181	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,274,568
1,131,759	\$ 1,290,216	\$ 1,450,233	\$ 1,611,835	\$ 1,775,045	\$ 1,939,888	\$ 2,106,387	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	\$ 2,274,568	
18,907	\$ 24,864	\$ 26,273	\$ 27,720	\$ 29,207	\$ 29,499	\$ 29,795	\$ 30,096	\$ 30,402	\$ 30,712	\$ 31,027	\$ 31,346	\$ 31,670	\$ 31,999	\$ 32,333	\$ 32,672	\$ 652,146
11,087	\$ 14,581	\$ 15,406	\$ 16,255	\$ 17,127	\$ 17,298	\$ 17,472	\$ 17,649	\$ 17,828	\$ 18,009	\$ 18,194	\$ 18,381	\$ 18,571	\$ 18,764	\$ 18,960	\$ 19,159	\$ 382,420
60,751	\$ 79,892	\$ 84,417	\$ 89,067	\$ 93,845	\$ 94,784	\$ 95,736	\$ 96,703	\$ 97,685	\$ 98,681	\$ 99,692	\$ 100,718	\$ 101,760	\$ 102,817	\$ 103,890	\$ 104,979	\$ 2,095,423
5,018	\$ 6,599	\$ 6,972	\$ 7,356	\$ 7,751	\$ 7,828	\$ 7,907	\$ 7,987	\$ 8,068	\$ 8,150	\$ 8,234	\$ 8,319	\$ 8,405	\$ 8,492	\$ 8,581	\$ 8,671	\$ 173,067
12,075	\$ 15,879	\$ 16,779	\$ 17,703	\$ 18,653	\$ 18,839	\$ 19,028	\$ 19,221	\$ 19,416	\$ 19,614	\$ 19,815	\$ 20,019	\$ 20,226	\$ 20,436	\$ 20,649	\$ 20,866	\$ 416,485
28,670	\$ 37,703	\$ 39,838	\$ 42,033	\$ 44,287	\$ 44,730	\$ 45,180	\$ 45,636	\$ 46,099	\$ 46,570	\$ 47,047	\$ 47,531	\$ 48,023	\$ 48,522	\$ 49,028	\$ 49,542	\$ 988,874
136,507	\$ 179,518	\$ 189,686	\$ 200,135	\$ 210,870	\$ 212,979	\$ 215,119	\$ 217,292	\$ 219,497	\$ 221,736	\$ 224,008	\$ 226,314	\$ 228,654	\$ 231,030	\$ 233,441	\$ 235,889	\$ 4,708,416
1,462,249	\$ 1,641,767	\$ 1,831,453	\$ 2,031,587	\$ 2,242,457	\$ 2,455,436	\$ 2,670,555	\$ 2,887,847	\$ 3,107,345	\$ 3,329,080	\$ 3,553,088	\$ 3,779,402	\$ 4,008,056	\$ 4,239,086	\$ 4,472,527	\$ 4,708,416	
282,562	\$ 337,974	\$ 349,703	\$ 361,736	\$ 374,080	\$ 377,821	\$ 381,619	\$ 385,473	\$ 219,497	\$ 221,736	\$ 224,008	\$ 226,314	\$ 228,654	\$ 231,030	\$ 233,441	\$ 235,889	\$ 7,380,487
211,922	\$ 253,481	\$ 262,278	\$ 271,302	\$ 280,560	\$ 283,366	\$ 286,214	\$ 289,105	\$ 164,623	\$ 166,302	\$ 168,006	\$ 169,735	\$ 171,491	\$ 173,273	\$ 175,081	\$ 176,917	\$ 5,535,365
-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 164,642	\$ 164,623	\$ 166,302	\$ 168,006	\$ 169,735	\$ -	\$ -	\$ -	\$ 833,308

Total Reimbursement															
1,270,553	\$ 1,160,081	\$ 1,042,636	\$ 884,912	\$ 712,020	\$ 523,011	\$ 316,888	\$ 98,135	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
62,031	\$ 62,479	\$ 93,704	\$ 94,627	\$ 95,564	\$ 96,515	\$ 97,480	\$ 42,816	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
80,145	\$ 80,724	\$ 106,158	\$ 112,171	\$ 118,350	\$ 124,698	\$ 125,946	\$ 55,319	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23,538	\$ 23,891	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1,104,839	\$ 992,986	\$ 842,774	\$ 678,114	\$ 498,106	\$ 301,798	\$ 93,462	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
55,242	\$ 49,649	\$ 42,139	\$ 33,906	\$ 24,905	\$ 15,090	\$ 4,673	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
340,861	\$ 311,224	\$ 279,716	\$ 237,402	\$ 191,019	\$ 140,312	\$ 85,014	\$ 26,328	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
16,642	\$ 16,762	\$ 25,139	\$ 25,386	\$ 25,638	\$ 25,893	\$ 26,152	\$ 11,487	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21,501	\$ 21,656	\$ 28,480	\$ 30,093	\$ 31,751	\$ 33,454	\$ 33,788	\$ 14,841	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6,315	\$ 6,410	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
296,404	\$ 266,396	\$ 226,098	\$ 181,923	\$ 133,631	\$ 80,966	\$ 25,074	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
14,820	\$ 13,320	\$ 11,305	\$ 9,096	\$ 6,682	\$ 4,048	\$ 1,254	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
210,172	\$ 211,922	\$ 253,481	\$ 262,278	\$ 271,302	\$ 280,560	\$ 283,366	\$ 124,462	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

ATTACHMENT U-4

FACILITY CONFIRMATION

TERRACE POINT LANDING REDEVELOPMENT

PROJECT

Date: May 14, 2013

To: Honorable Mayor and City Commissioners

From: DPW

RE: Agreement for Transportation Services with Wakefield Corporation
to provide senior transit services

SUMMARY OF REQUEST:

Authorize the mayor and City Clerk to sign the attached agreement for transportation services for senior transit services with Wakefield Corporation out of Muskegon. The proposed agreement is for a one year term starting the first of July, 2013 and ending at the end of June 2014.

FINANCIAL IMPACT:

The estimated cost for the proposed agreement is \$44,000; \$40,000 of which to subsidize up to 8000 rides for the City's senior citizens and the remaining amount is to cover staff's cost of administering the program.

BUDGET ACTION REQUIRED:

Should this request be approved, it will have to be a part of the proposed 2013/2014 budget.

STAFF RECOMMENDATION:

Authorize the mayor and clerk to sign the attached agreement and direct staff to incorporate into the 2013/2014 budget.

COMMITTEE RECOMMENDATION:

AGREEMENT FOR TRANSPORTATION SERVICES FOR SENIOR CITIZENS

THIS AGREEMENT is made between the CITY OF MUSKEGON, ("City") and Wakefield Leasing Corp., a Michigan corporation ("Wakefield") to be effective July 1, 2013.

RECITALS:

- A. City has provided transportation services to senior citizens who reside within the corporate boundaries of the City.
- B. City has determined that it can no longer provide transportation services to senior citizens who reside in the City.
- C. City requested proposals seeking a public/private partnership for the providing of transportation services to citizens who reside in the City. See Exhibit A.
- D. Wakefield submitted a proposal, which has been accepted by the City. See Exhibit B.

THE PARTIES THEREFORE AGREE:

1.0 SERVICES TO BE PROVIDED BY WAKEFIELD

1.1 Wakefield agrees to provide transportation services to Eligible Senior Citizens. Both the location where an Eligible Senior Citizen is picked up and dropped off must be within the Service Area. Every time an Eligible Senior Citizen enters and exits a vehicle shall be considered a "Ride". For instance, if an Eligible Senior Citizen enters a vehicle at Point A and exits the vehicle at Point B, that shall be considered one Ride. If Eligible Citizens gets back into the same or a different vehicle at Point B and returns to Point A or goes to Point C, that shall be considered a second "Ride". If more than one Eligible Senior Citizens is in the same vehicle, it shall be considered one "Ride".

1.2 Wakefield shall operate a system for Eligible Senior Citizens to arrange transportation, shall dispatch vehicles and provide transportation services pursuant to this Agreement 24 hours per day, 7 days a week.

1.3 Service shall be provided in the area bounded by the City limits on the North, the City limits on the West, Seminole Avenue on the South and Sheridan Road on the East ("Service Area"). The Service Area is more specifically described on the map attached as Exhibit C.

1.4 Wakefield shall not transport an Eligible Senior Citizen to or from an establishment in the Service Area whose primary source of revenue is the sale of alcoholic beverages.

1.5 Wakefield shall insure that a criminal background check and driving record background check is performed no less frequently than annually on any driver that transports an Eligible Senior Citizen. Drivers of Eligible Senior Citizens may not:

1.5.1 have an alcohol related driving conviction within the last 5 years;

1.5.2 ever been convicted of a sexually related offense, any assaultive offense, any theft offense, any home invasion offense, any crime containing an element of dishonesty or false statement, or a crime containing an element of theft; or

1.5.3 convicted of any felony within the last five years.

1.6 If Wakefield dispatches a driver to a location to transport an Eligible Senior Citizen and the Eligible Senior Citizen is not there, Wakefield will attempt to contact the Eligible Senior Citizen. If the Eligible Senior Citizen does not appear within 5 minutes the driver may leave and Wakefield shall notify City and the City shall be charged for such.

2.0 SERVICES TO BE PROVIDED BY CITY

2.1 City shall screen and approve Eligible Senior Citizens. City shall provide to Eligible Senior Citizens a pass card containing a unique identification number and a copy of the ridership rules.

2.2 City shall provide to Wakefield a list of approved Eligible Senior Citizens, including their unique identification number. If an Eligible Senior Citizen loses their eligibility to participate, City shall notify Wakefield of such.

3.0 OBLIGATIONS OF ELIGIBLE SENIOR CITIZENS

3.1 An Eligible Senior Citizen must request service from Wakefield 24 hours in advance.

3.2 In order to cancel a ride, an Eligible Senior Citizen shall notify Wakefield at least 1 hour in advance of the time the Eligible Senior Citizen is to be picked up.

3.3 If an Eligible Senior Citizen fails to cancel as provided in paragraph 3.2 on 3 or more occasions in a 12 month period, the individual shall no longer be eligible to use the services provided by this Agreement. The loss of eligibility shall be communicated by City to both the former Eligible Senior Citizen and Wakefield.

4.0 COMPENSATION FOR SERVICES.

4.1 City shall pay Wakefield as follows:

4.1.1 \$5,000 on July 1, 2013;

4.1.2 \$5,000 after Wakefield has provided 1 ride to Eligible Senior Citizens but no sooner than August 1, 2013;

4.1.3 \$10,000 after Wakefield has provided 2,000 rides to Eligible Senior Citizens;

4.1.4 \$10,000 after Wakefield has provided 4,000 rides to Eligible Senior Citizens; and

4.1.5 \$10,000 after Wakefield has provided 6,000 rides to Eligible Senior Citizens.

A "Ride" is from one location to a second location regardless of the number of Eligible Senior Citizens in the vehicle.

4.2 Wakefield may charge an Eligible Senior Citizen up to \$3.50 per ride in the Service Area. The amount charged to one or more Eligible Senior Citizen(s) may not exceed the amount shown on the taxi cab meter.

4.3 Under no circumstances shall the City be obligated to pay more than \$40,000 for all services provided July 1, 2013 and June 30, 2014.

5.0 **TERM AND TERMINATION.**

5.1 The term of this agreement is one (1) year, beginning July 1, 2013 and ending June 30, 2014. However, Wakefield's obligation to provide transportation to Eligible Senior Citizens under this contract shall be fulfilled once Wakefield provides 8,000 trips between July 1, 2013 and June 30, 2014.

5.2 Either party reserves the right to terminate this agreement on 30 days notice or in the event of a material breach of the terms and conditions hereof by the other.

6. **INSURANCE.**

6.1 **HOLD HARMLESS.** To the fullest extent permitted by law, Wakefield agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees, volunteers, and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers, or others working on behalf of the City, arising out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to City's employees, agents, subcontractors, assigns and successors.

6.2 INSURANCE REQUIREMENT. Wakefield shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to City.

6.2.1. Workers' Compensation Insurance. Wakefield shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.

6.2.2 Vehicle Liability Insurance. Wakefield shall procure and maintain during the term of this Agreement, Vehicle Liability Insurance in accordance with applicable statutes of the State of Michigan.

6.2.3. Commercial General Liability Insurance. Wakefield shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and/or aggregate combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all explosion, Collapse and Underground (SCU) exclusions, if applicable.

6.2.4 Additional Insured. Commercial General Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds": The City, all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. The endorsement adding the City as additional insured shall read exactly as follows: "The City of Muskegon is hereby added as an additional insured..."

6.2.4 Cancellation Notice. Workers' Compensation Insurance and Commercial General Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON DEPARTMENT OF PUBLIC WORKS."

6.2.6. Proof of Insurance Coverage. Wakefield shall provide the City at the time the contracts are returned for execution, certificates and policies endorsing the City as additional insured as listed below:

- i. Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance, if applicable;
- ii. Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

iii. If so requested, Certified Copies of all policies mentioned above will be furnished.

6.2.6 If any of the above coverages expire during the term of this contract, Wakefield shall deliver renewal certificates and/or policies to City at least ten (10) days prior to the expiration date.

7.0 GENERAL CONDITIONS.

7.1 **COORDINATION.** Wakefield and the Director of the Department of Public Works shall coordinate the services provided by this Agreement and shall cooperatively work to solve any problems that arise during the term of this Agreement.

7.2 **EXPENSES.** All expenses (fuel, vehicle purchase, vehicle repair, etc.,) relating to transporting Eligible Senior Citizens shall be borne by Wakefield.

7.3 **RECORD KEEPING.** Wakefield shall maintain records of services, as provided above. Wakefield shall provide verification to the City's Director of Public Works City on a monthly basis, using the invoice attached as Exhibit D.

7.4 **COUNTERPARTS.** This agreement may be executed in multiple counterparts. Any copy of this agreement may be relied upon as the original. Amendments to this agreement must be in writing on documents of equal dignity with this agreement.

IN WITNESS WHEREOF, the parties execute this agreement this ____ day of _____, 2013.

CITY OF MUSKEGON

By _____
Stephen J. Gawron, Mayor

And _____
Ann Marie Cummings, Clerk

WAKEFIELD LEASING CORP.

By Brenda Wakefield
Brenda Wakefield
Its President

By _____
Tiffany Southland
Its _____

EXHIBIT A – REQUEST FOR PROPOSALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

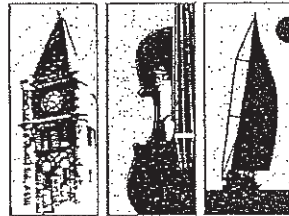
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

December 19, 2012

To All Interested Parties:

Background

The City of Muskegon is seeking proposals from qualified public, private or not-for-profit agencies to provide door-to-door weekday transportation services for senior citizen residents of the City. Historically, the City has provided this service directly to residents. However, due to budget constraints, the City can no longer fully fund this program and is seeking proposals to potentially replace the service on a contractual-partnership basis.

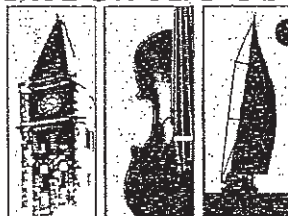
Aside from the few mandatory program requirements as outlined below, this RFP does not include detailed service specifications that respondents are required to adhere to. Rather, the RFP includes a description of service levels historically provided and asks respondents to propose innovative alternative approaches to providing a cost-effective replacement senior transit service within the City.

This RFP acknowledges that some level of subsidy from the City will be necessary to provide these services. Respondents are asked to provide at least two alternate proposals based on: 1) \$25,000 annual subsidy from City and, 2) \$40,000 annual subsidy from City. *It is not required that respondents meet or exceed current service levels.*

MANDATORY PROGRAM REQUIREMENTS (These criteria must be met for proposal to be considered.)	
Insurance Required	Minimum \$1.0 million/occurrence General Liability and Motor Vehicle Liability Insurance; Workers Compensation Insurance, in accordance with state law.
Rider Eligibility	The program is to be restricted to Senior Citizen (62+) Residents of Muskegon
Maximum Rider Fare	\$5.00 one-way
Door-to-Door Service	The program should provide for pickup/drop-off of riders at their place of residence
Restrictions	The program is intended to provide general transportation services – i.e. not restricted to medical trips.

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
<http://www.shorelinecity.com>

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

CURRENT PROGRAM DESCRIPTION	
(This information is provided as general guidance.)	
A. Service Area:	
Southern Boundary	Seminole Avenue
Northern Boundary	City Limits
Western Boundary	City Limits (Lake Michigan)
Eastern Boundary	Sheridan Road
B. Eligible Riders	Senior Citizen (62+) Residents of Muskegon
C. Hours of Operation	M-F (8:00 AM-3:30 PM)
D. Fare per Ride	\$3.00 one-way
E. Ride Schedule	Rides must be scheduled 1 day in advance
F. Total Number of Individual Riders Served (most recent year)	201
G. Total Annual Rides Provided (most recent year)	6,699

Selection Process

A committee comprised of City Commissioners, City staff and current senior transit users will review and rank the responses to this RFP. Depending on the number and quality of the responses received, the committee will select 1-5 RFP respondents to take part in interviews to more fully explain their proposal(s), describe their organization's experience and strengths and, answer specific questions from the committee.

At the conclusion of interviews, the committee will select a preferred service provider to recommend to the City Commission for negotiation of a contract. Selection criteria include (but are not limited to) the following factors:

- Background and experience in providing transportation services
- Financial stability of organization
- Quality of response to this RFP
- Age and quality of vehicle fleet
- Screening/selection process for drivers
- References
- Proposals' demonstrated overall cost-effectiveness and level of innovation in meeting the city's needs

It is anticipated the selection process will be completed no later than March 1, 2013.

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536

<http://www.shorelinecity.com>



RFP Response

Responses to this RFP are due by 5:00PM Friday, January 18, 2013. Late submissions will not be accepted. Responses should be mailed to or dropped off at the Muskegon City Clerk's Office:

Muskegon City Clerk
933 Terrace Street
Muskegon, MI 49440

Response should be sealed and clearly marked on the outside **Senior Transit RFP**.

A pre-RFP meeting will be held at 2:00PM Friday January 11, 2013 to answer questions and provide clarification. This meeting will be held in Room 103 on the first floor of City Hall (933 Terrace Street). Attendance is encouraged, but not required.

There are no specific requirements as to the format of your response other than addressing your service proposals in line with the two alternate levels of City subsidy (\$25,000 and \$40,000) and the mandatory program requirements noted above. *In other words, the committee will be looking for the biggest bang for its buck.* Your response should strive to demonstrate to the committee the highest level of service you can responsibly provide assuming the two city subsidy levels and a rider fare no greater than \$5.00 per one-way trip.

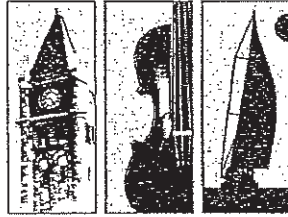
Other

The City of Muskegon reserves the right to accept or reject proposals submitted in response to this RFP for any reason whatsoever.

The city intends, but does not guarantee, that a contract for senior transit services will be entered into as a result of this RFP.

Questions concerning this RFP or the City's Senior Transit Program may be directed to Mr. Mohammed Al-Shatel (231) 724-6944.

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

Mailing List for RFP	
MATS 2624 Sixth Street Muskegon, MI 49444	Port City Cab 770 West Sherman Blvd Muskegon, MI 49441
Pioneer Resources 1700 South Sheridan Muskegon, MI 49442	Yellow Cab 770 West Sherman Blvd Muskegon, MI 49441
American Cancer Society 1383 East Laketon Ave Muskegon, MI 49442	Busy Bee Taxi 2390 South Getty Street Muskegon, MI
American Red Cross 313 West Webster Avenue Muskegon, MI 49440	Blue City Taxi 625 Lake Forest Lane Muskegon, MI 49441
Chariots of Fire 3650 South Brook Road Muskegon, MI 49444	Tanglewood Senior Services 560 Seminole Road Muskegon, MI 49441
Total Care Transportation 2010 South Getty Street Muskegon, MI 49442	Amb-Care of West Michigan 1244 Wood Street Muskegon, MI 49442
	Love, Inc. 2735 East Apple Ave. Suite A Muskegon, MI 49442

EXHIBIT B – PROPOSAL



PORT CITY CAB: Muskegon
YELLOW CAB: Muskegon
PORT CITY SERVICES

770 West Sherman Blvd
Muskegon, MI 49441
(231)739-7161
(231)739-TAXI
(231) 722-2150

Website: www.portcitycab.com

Dear City Commisioners, City Staff and Senior Transit Clients,

Port City Cab Co. and Yellow Cab Co. of Muskegon have been providing door to door Transportation in Muskegon. since 1950. In 63 years we have provided thousands of Rides for our community. We operate 24/7 every day of the year.

We have experienced dispatchers and drivers. We have updated radio system as of December 2012. Our dispatchers are always in contact with drivers. Our fleet is Maintained daily by our on site mechanic. Our drivers must pass a background check, And driving record check. Drivers must read a safety packet. New drivers train with an Experienced service driver. Many of our drivers are cleared with the Transportation Security Administration (TSA) as we deliver goods to airports throughout Michigan.

We also were regulated by the City of Muskegon since 1950 until deregulation. We Always passed the inspections and had insurance up to date.

We are financially stable since operating for 63 years. We have an excellent credit Rating available upon request. We are fully insured.

We operate 24/7 therefore rides can be scheduled any time. One day notice would be Appreciated. We can accommodate late notice or on-demand if needed.

Our proposal:

City Subsidy \$40,000 would be \$3.50 one way charge to passenger

City Subsidy \$25,000 would be \$5.00 one way charge to passenger

We do have meters in our vehicles therefore if the fare on the meter is less than the Proposed price passenger would be charged the meter fare. Passengers could also split The fare if they were going from same pickup and drop-off. Our service has always been door to door 24/7 every day including holidays.

We certainly hope you will consider our Company to provide this service. Please Contact Brenda Wakefield at 231-343-4383 with any questions. Thank You.

Sincerely,

Brenda Wakefield
Wakefield Leasing Corp.
Port City Cab Co.
Yellow Cab Co.

EXHIBIT C – SERVICE AREA



Address **Muskegon, MI**

Service area bounded by City limits on North,
City limits on West, Seminole Avenue on
South and Sheridan Rd on East

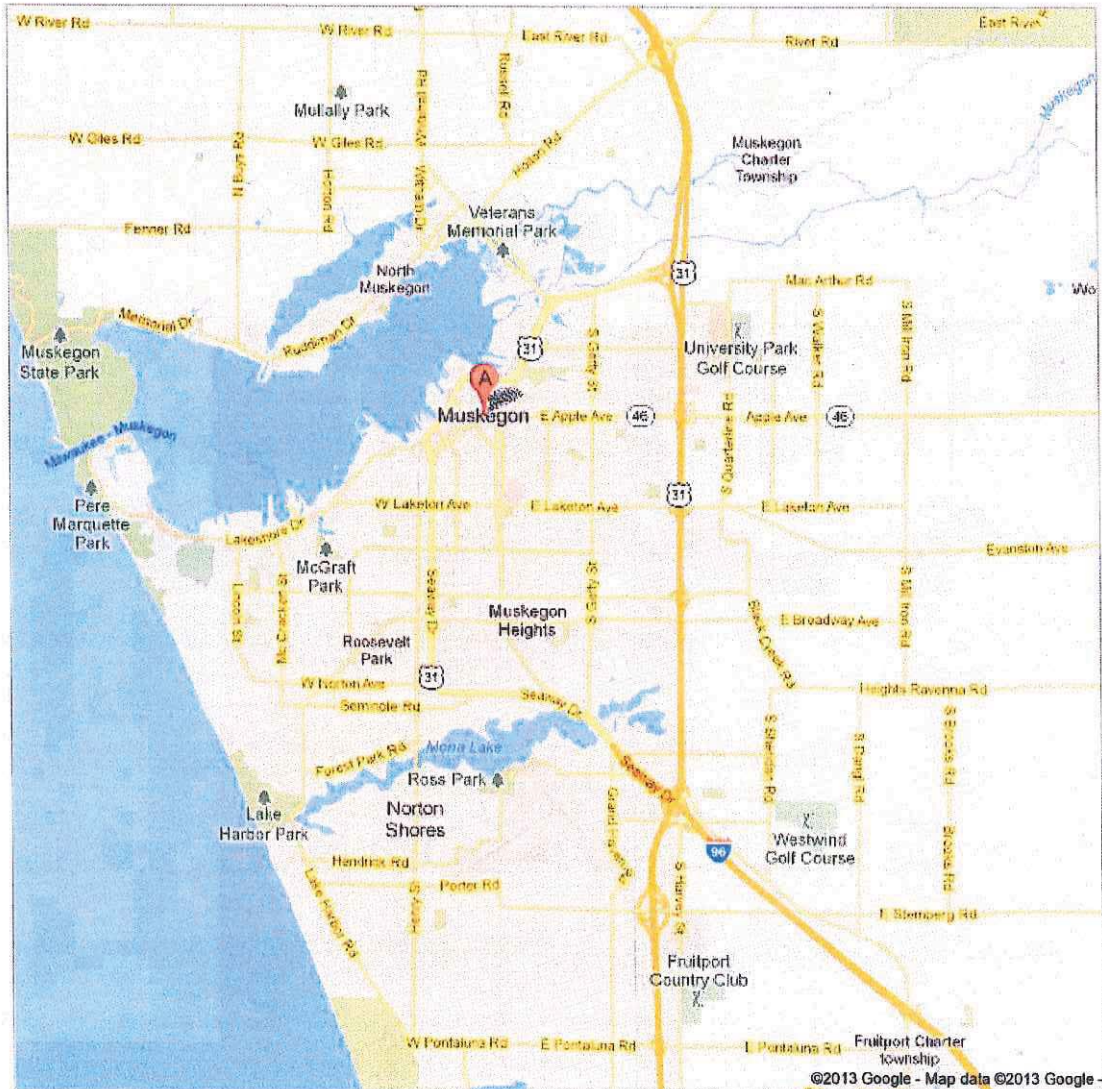


EXHIBIT D -- INVOICE

EXHIBIT D - INVOICE
SAMPLE



Port City Cab Muskegon

Yellow Cab Muskegon

770 West Sherman Blvd
Muskegon, MI 49441

(231) 722-2150

Taxi Service Log

04-2013



City of Musk Senior Transit

Slips	Date	Name	ID #	SSN	Pickup	Delivery	Amount
1	4/25/2013	Mary Smith	78100	One Way	1250 Henry St	Meijer	\$0.00

Total Due \$0.00

Date: May 14, 2013

To: Honorable Mayor and City Commissioners

From: DPW

RE: Reclassification of Water Filtration Plant Supervisor Position

SUMMARY OF REQUEST:

Change the classification of the Filtration Plant Supervisor Position from Range IIIB Range IIIA. The requested change, if approved, we feel will enhance the City's ability to attract more qualified candidates to fill the soon to be vacant position as a result of the resignation of current supervisor.

FINANCIAL IMPACT:

An increase of \$5,485 per year which is the difference between Range IIIB (\$55,998 - \$74,664) & IIIA (\$60,234 - \$80,149).

BUDGET ACTION REQUIRED:

None at this time

STAFF RECOMMENDATION:

Approve the reclassification of the Filtration Plant Supervisor Position from Range IIIB to Range IIIA.

COMMITTEE RECOMMENDATION:

CITY COMMISSION MEETING DATE
May 14, 2013

Date: April 25, 2013

To: Honorable Mayor and City Commissioners

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

Re: Special Event Request – Coast West Music Festival

SUMMARY OF REQUEST: The Festival Group of Muskegon County has filed a special event application for the first “Coast West Music Festival” to be held at Heritage Landing, July 1 – 6, 2013. There is one request on their application that requires City Commission approval, and that is to keep one of the beer tents open until midnight, rather than 11:00. They will still turn the music off at 11:00 to comply with the noise ordinance. The later closing time will allow time for people to leave gradually, rather than a mass of people at once, when the music ends.

City approval would be given contingent on a letter of support from Muskegon County, since it is a County park.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION: N/A



May 2, 2013

Nick Bessinger
Executive Director
Muskegon Festival Group, Inc.
2340 Glade St Box 2
Muskegon, Michigan 49444

Re: Coast West Music Festival Extended Hours Request

Dear Mr. Bessinger:

Regarding the request by Muskegon Festival Group to extend the operational hours of the Coast West Music Festival by one hour to 12:00 a.m. during the duration of the festival, July 1-6, 2013, the County of Muskegon has no objection to this request, provided the request has also been approved by the City of Muskegon.

If this is the case, please send a copy of the letter of approval from the City of Muskegon to my attention.

Thank you,

Robert M. Lukens
Community Development Director

RECEIVED
MAY 07 2013
CITY OF MUSKEGON
PLANNING DEPARTMENT

AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – May 14, 2013

TO: Honorable Mayor & City Commissioners

FROM: Planning Department

DATE: May 7, 2013

SUBJECT: New Neighborhood Enterprise Zone district

SUMMARY OF REQUEST

To establish a new Neighborhood Enterprise Zone (NEZ) district within the City limits. The new location is at the Terrace Point Condominium project site. Properties located in NEZ districts are eligible to apply for NEZ certificates, which will lower the property taxes with new construction.

FINANCIAL IMPACT

For those properties that are approved for a Neighborhood Enterprise Zone Certificate, taxation will be 50% of the State average for up to 12 years, depending on investment levels.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approval of the new NEZ districts.

COMMITTEE RECOMMENDATION

None.

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION TO EXPAND THE NEIGHBORHOOD ENTERPRIZE ZONE
DISTRICTS WITHIN THE CITY OF MUSKEGON**

WHEREAS, the City of Muskegon currently has established Neighborhood Enterprise Zone districts within the City, and;

WHEREAS, the City of Muskegon would like to expand the current Neighborhood Enterprise Zone districts to a new location within the City, and;

WHEREAS, the new district boundaries will include the property known as "Terrace Point Condominiums," as shown in Attachment A, and;

WHEREAS, the total square footage of Neighborhood Enterprise Zone districts in Muskegon will not exceed 15% of the total square footage of the City;

NOW, THEREFORE, BE IT RESOLVED that the new Neighborhood Enterprise Zone districts in the City of Muskegon have been approved.

Adopted this, 14th day of May, 2013.

Ayes:

Nays:

Absent:

By: _____
Stephen Gawron, Mayor

Attest: _____
Ann Cummings
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 May 14, 2013.

By: _____
Ann Cummings
City Clerk

ATTACHMENT A

