

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**March 11, 2025 @ 5:30 PM**

**MUSKEGON CITY COMMISSION CHAMBERS  
933 TERRACE STREET, MUSKEGON, MI 49440**

### **AGENDA**

- ☐ CALL TO ORDER:
- ☐ PRAYER:
- ☐ PLEDGE OF ALLEGIANCE:
- ☐ ROLL CALL:
- ☐ HONORS, AWARDS, AND PRESENTATIONS:
- ☐ PUBLIC HEARINGS:
  - A. Recommendation of Annual Renewal of Liquor Licenses City Clerk
  - B. Act 425 Shared Jurisdiction Agreement with Fruitport Township Economic Development
- ☐ FEDERAL/STATE/COUNTY OFFICIALS UPDATE:
- ☐ PUBLIC COMMENT ON AGENDA ITEMS:
- ☐ CONSENT AGENDA:
  - A. Approval of Minutes City Clerk
  - B. CivicPlus 311 SeeClickFix Contract Public Works
  - C. Fireworks Display Permit for Boys & Girls Club of the Muskegon Lakeshore City Clerk
  - D. Metro Act permit extension, KEPS Technologies DPW- Engineering
  - E. Amendment to the zoning ordinance - Cottage Court Developments - Second Read Planning
  - F. Amendment to the zoning ordinance - Accessory Commercial Units - Second Read Planning

- G. Western Market User Fees Updates** Economic Development
- H. 2025 Pavement Marking Program** Public Works
- I. Road Maintenance Materials, Aggregates, and Concrete** Public Works
- J. Campbell Field Park Playground Addition** DPW- Parks
- K. Consent for the transfer of deed restrictions on 1275 Dudley** Economic Development
- L. Concur with CRC Recommendation to make Appointments to the Local Development Finance Authority** City Clerk

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

- A. Nelson House Purchase and Redevelopment Agreement Conditions of Sale** Planning

☐ **ANY OTHER BUSINESS:**

☐ **GENERAL PUBLIC COMMENT:**

► 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. ► Limit of 3 minutes to address the Commission.

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

#### **AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY OF MUSKEGON AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES**

To give comment on a live-streamed meeting the city will provide a call-in telephone number to the public to be able to call and give comment. For a public meeting that is not live-streamed, and which a citizen would like to watch and give comment, they must contact the City Clerk's Office with at least a two-business day notice. The participant will then receive a zoom link which will allow them to watch live and give comment. Contact information is below. For more details, please visit:

[www.shorelinecity.com](http://www.shorelinecity.com)

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting with twenty-four (24) hours' notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or by calling the following:

Ann Marie Meisch, MMC. City Clerk. 933 Terrace St. Muskegon, MI 49440. (231)724-6705.

[clerk@shorelinecity.com](mailto:clerk@shorelinecity.com)



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|------------------------|-----|--|----------------------|--|-----|-------------------------------------------------|--|--|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> Recommendation of Annual Renewal of Liquor Licenses |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Submitted by:</b> Ann Meisch, City Clerk                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Department:</b> City Clerk                                     |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Brief Summary:</b><br>To adopt a resolution recommending the State withhold renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon.                                                                                                                                                                                                          |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Detailed Summary &amp; Background:</b><br>These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 20, 2025, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission. |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                                                                                                                   |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                   |    | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |     |   |                        | Yes |  | No                   |  | N/A | X                                               |  |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                   | No |                                                                                                                                                          | N/A | X |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                   |    | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |     |   |                        | Yes |  | No                   |  | N/A | X                                               |  |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                   | No |                                                                                                                                                          | N/A | X |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Recommended Motion:</b><br>Adopt the resolution.                                                                                                                                                                                                                                                                                                                                                                                          |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| <b>Approvals:</b><br><table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> </table>                                                                                                                                                                                                 |                                                                   |    | Immediate Division Head                                                                                                                                  |     |   | Information Technology |     |  | Other Division Heads |  |     | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| Information Technology                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                   |    |                                                                                                                                                          |     |   |                        |     |  |                      |  |     |                                                 |  |  |  |



|               |  |  |  |
|---------------|--|--|--|
| Communication |  |  |  |
| Legal Review  |  |  |  |

**RESOLUTION RECOMMENDING STATE WITHHOLD  
RENEWAL OF LIQUOR LICENSES FOR CODE  
VIOLATIONS**

**Resolution No. 2025-**

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THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that whereas, the following business establishments in the City of Muskegon have liquor licenses and are found to be in violation of Article V, Section 50-146 and 50-147 of the Code of Ordinances of the City of Muskegon:

Dollar General, 1367 E. Apple, Muskegon, MI 49442  
Dollar General, 2160 Henry, Muskegon, MI 49441  
Dollar General, 381 E. Laketon, Muskegon, MI 49442

AND WHEREAS, a hearing was held on March 11, 2025, before the City Commission to allow such licensees an opportunity to refute the determination of the City Commission that such establishments are in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon hereby recommends that these liquor licenses not be approved for renewal, and a copy of this Resolution be sent to the State Liquor Control Commission. If any of these establishments come into compliance by March 20, 2025, they will be removed from this Resolution.

Approved and adopted this 11<sup>th</sup> day of March, 2025.

AYES:

NAYS:

By: \_\_\_\_\_  
Ann Marie Cummings, MMC  
City Clerk

## 2025 Non-Compliance List

| Name                  | ADDRESS                                   | INSPECTION | APPLICATION<br>AND FEE | BUSINESS<br>REGISTERED | TREASURER/<br>INCOME TAX | POLICE |
|-----------------------|-------------------------------------------|------------|------------------------|------------------------|--------------------------|--------|
| DOLLAR GENERAL #7763  | 1367 E. APPLE AVE.<br>MUSKEGON, MI 49442  |            | X                      |                        |                          |        |
| DOLLAR GENERAL #14337 | 2160 HENRY STREET<br>MUSKEGON, MI 49441   |            | X                      |                        |                          |        |
| DOLLAR GENERAL #24748 | 381 E. LAKETON AVE.<br>MUSKEGON, MI 49442 |            | X                      |                        |                          |        |

X - Not in compliance



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Title:</b> Act 425 Shared Jurisdiction Agreement with Fruitport Township |
| <b>Submitted by:</b> Jake Eckholm, Development Services Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Department:</b> Economic Development                                     |
| <b>Brief Summary:</b><br>A portion of the former West Shore Correctional Facility site that we have been infilling as an addition A portion of the former West Shore Correctional Facility site that we have been infilling as an addition<br>to the Port City Industrial Park sits in Fruitport Township. We are proposing a legal agreement that is available for cities per Act 425 which will allow both parties to collect a portion of their millage rates, thereby making development of the site in the City's interest.<br>to the Port City Industrial Park sits in Fruitport Township. We are proposing a legal agreement that is<br>available for cities per Act 425 which will allow both parties to collect a portion of their millage rates,<br>thereby making development of the site in the City's interest.                                                                         |                                                                             |
| <b>Detailed Summary &amp; Background:</b><br>For several years we have focused on attracting businesses to the areas of the industrial park expansion that were already in our corporate limits. Now that we have programmed all of that property it is time to get the remaining 28 acres of the site under our jurisdictional control. The Act 425 Agreement is the most common avenue for two municipal bodies to work out a deal for shared taxes and jurisdictional authority without having to go through the expensive and often contentious annexation process.<br><br>The attached agreement sets the terms, which allows for Fruitport to collect 3.5 mills, and the City of Muskegon to collect the balance of our 12.85 mills less the Fruitport share. It also dictates that we split the burden of any tax abatement on the site, and allows the city to assess it's local income tax. |                                                                             |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br>Progress toward completion of ongoing economic development projects<br><br><b><u>Goal/Action Item:</u></b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                             |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Budgeted Item:</b>                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                       |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--|------------------------|-------------------------------------|-----|-------------------------------------|--|--|---------------|--|--|--------------|-------------------------------------|--|-------------------------------------------------|--|--|--|
| NA                                                                                                                                                                                                                                                                                                                                                                                    | <table><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td><td></td></tr></table>                                    | Yes                                 |  | No                     |                                     | N/A | <input checked="" type="checkbox"/> |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                       | No                                  |  | N/A                    | <input checked="" type="checkbox"/> |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| <b>Fund(s) or Account(s):</b><br>General Fund                                                                                                                                                                                                                                                                                                                                         | <b>Budget Amendment Needed:</b><br><table><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td><td></td></tr></table> | Yes                                 |  | No                     |                                     | N/A | <input checked="" type="checkbox"/> |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                       | No                                  |  | N/A                    | <input checked="" type="checkbox"/> |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| <b>Recommended Motion:</b><br>Motion to Approve the Act 425 Agreement with Fruitport Township as presented and to authorize the Mayor and Clerk to sign.                                                                                                                                                                                                                              |                                                                                                                                                                       |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| <b>Approvals:</b> <table><tr><td>Immediate Division Head</td><td><input checked="" type="checkbox"/></td><td></td></tr><tr><td>Information Technology</td><td></td><td></td></tr><tr><td>Other Division Heads</td><td></td><td></td></tr><tr><td>Communication</td><td></td><td></td></tr><tr><td>Legal Review</td><td><input checked="" type="checkbox"/></td><td></td></tr></table> | Immediate Division Head                                                                                                                                               | <input checked="" type="checkbox"/> |  | Information Technology |                                     |     | Other Division Heads                |  |  | Communication |  |  | Legal Review | <input checked="" type="checkbox"/> |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/>                                                                                                                                   |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Information Technology                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                       |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                       |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Communication                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                       |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |
| Legal Review                                                                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/>                                                                                                                                   |                                     |  |                        |                                     |     |                                     |  |  |               |  |  |              |                                     |  |                                                 |  |  |  |

# **CONTRACT FOR CONDITIONAL TRANSFER OF JURISDICTION**

## **Fruitport Charter Township**

## **City of Muskegon**

THIS CONTRACT, dated March 11, 2025, between the FRUITPORT CHARTER TOWNSHIP, located at 5685 Airline Road, Fruitport, Michigan (“Fruitport”) and the CITY OF MUSKEGON, 933 Terrace Street, Muskegon, Michigan (“Muskegon”) (collectively the “parties”), is entered into by the parties on the following terms:

### **Recitals:**

A. An economic development project, as defined in Act 425 of the Public Acts of 1984 of the State of Michigan (“the Act”), being MCL Section 124.21 et. seq., has commenced on property in Muskegon and additional development is proposed on certain property located in Fruitport and Muskegon and containing the corporate boundary between the parties. The property to be transferred into the corporate boundaries of Muskegon is presently in Fruitport and owned by Muskegon (the “Transferred Area”).

B. The parties have considered in formulating this Contract the following factors which they deem relevant to the economic development project and their decision to enter into this Contract:

(1) Composition of the population; population density; land area and land uses; assessed valuation; topography, natural boundaries, and drainage basins; and the past and probable future growth, including population increase and business, commercial and industrial development in the area to be transferred. Comparative data for the

transferring local unit and the portion of the local unit remaining after transfer of the property shall be considered.

(2) The need for organized community services; the present cost and adequacy of governmental services in the area to be transferred; the probable future needs for services; the practicability of supplying such services in the area to be transferred; the probable effect of the proposed transfer and of alternative courses of action on the cost and adequacy of services in the area to be transferred and on the remaining portion of the local unit from which the area will be transferred; the probable change in taxes and tax rates in the area to be transferred in relation to the benefits expected to accrue from the transfer; and the financial ability of the local unit responsible for services in the area to provide and maintain those services.

(3) The general effect upon the local units of the proposed action; and the relationship of the proposed action to any established city, village, township, county, or regional land use plan.

C. The parties have determined that the economic development project qualifies under the Act as the type of project, which is eligible for the conditional transfer contemplated by this Contract.

THEREFORE, THE PARTIES AGREE:

1. **Transferred Area.** The Transferred Area, which is the subject of this conditional transfer Contract, is described in Exhibit A.

2. **Transfer Of Jurisdiction.** Fruitport hereby transfers and Muskegon consents to the transfer of governmental jurisdiction from Fruitport to Muskegon of the Transferred Area for

the term of this Contract. The Transferred Area shall, for all purposes, be within the jurisdiction of Muskegon.

**3. Services.** The said transfer of jurisdiction shall include the transfer of all governmental powers. Muskegon shall provide all public services to the Transferred Area in connection with its exercise of jurisdiction, except any services provided by other local units of government per mutual aid or automatic aid agreements. Muskegon and Fruitport emphasize the following:

3.1 The Transferred Area is zoned M-1 Commercial-Industrial Park. Muskegon shall have jurisdiction over zoning of and shall have the authority to rezone the Transferred Area.

3.2 The Transferred Area shall receive services on the same basis and for the same fees and to the same extent as Muskegon provides within its legal limits. The rates, fees and charges, if any, for all such services shall be as established by Muskegon.

3.3 Muskegon will provide water and sanitary sewer services on the same basis and for the same fees and to the same extent as other property located within Muskegon.

3.4 The Transferred Area shall be within the legal limits and jurisdiction of Muskegon for purposes of special assessments.

3.5 Any natural persons residing within the Transferred Area shall be entitled to vote on the same basis as all other natural persons residing within Muskegon.

**4. Term.** This Contract shall terminate at 11:59 p.m. on December 31, 2074. However, no later than January 1, 2074 Muskegon and Fruitport shall commence negotiating, in good faith, an extension of this Contract for an additional 50 years. Termination prior to the



conclusion of the term shall occur only for cause as set forth below. Upon expiration of the said term, including any extension, or termination of this Contract for cause pursuant to Paragraph 9.1, jurisdiction over the transferred area shall revert to Fruitport.

5. **Approval of Contract.** Each legislative body shall hold a public hearing pursuant to Section 4 of the Act. In the event either legislative body adopts a resolution calling for a referendum on the transfer, pursuant to Section 5 of the Act, the other party may immediately rescind its offer to enter into the Contract by written notice. In the event petitions are filed under Section 5 of the Act, for referendum, the parties shall each have the same right of rescission.

Upon execution of this Contract, Muskegon shall provide an original of this Contract to the County Clerk of Muskegon County and to the Michigan Secretary of State. This Contract shall become effective on the last date as of which all Parties as shown below have signed this Agreement (“Effective Date”).

Muskegon and Fruitport understand and agree that there may be the need to file additional documents to give full effect and to fully implement this Contract. If requested by one party, the other party shall cooperate in the preparation and execution of any requested documents.

6. **Sharing of Taxes and Revenues.** In connection with the levying of taxes, regardless of the type of tax, the City shall pay to Fruitport a payment in lieu of taxes as follows:

6.1. **Real and Personal Property Tax.** To the extent that any property within the Transferred Area is tax exempt from ad valorem real or personal property taxes, as opposed to having an abatement, Fruitport shall receive no monies for that property.

For Tax Year 2025, Fruitport has levied its tax on the Transferred Area. Fruitport shall collect and keep such amounts, regardless of when and how collected. Fruitport shall timely provide assessment data for the Transferred Area to Muskegon.

For tax year 2026 and thereafter, Muskegon shall levy and collect ad valorem taxes on the Transferred Area and shall issue tax bills for the Transferred Area to that effect. Muskegon shall return to Fruitport an amount equal to 3.5 mills times the taxable value of the Transferred Area. Payments shall be made on or about March 31, 2026 and March 31 in all subsequent Tax Years.

If after the March 31 payment from Muskegon to Fruitport is made and Muskegon is for any reason required to refund all or a portion of those taxes to the property owner, the County of Muskegon, or others, Fruitport shall promptly repay to Muskegon Fruitport's pro rata share of any such tax refund and interest due on the tax refund or Muskegon may deduct the amount from future payments by Muskegon to Fruitport, in Muskegon's sole discretion.

Muskegon shall be entitled to retain any other ad valorem real or personal property, any industrial facilities taxes, payment in lieu of taxes, and any other taxes or fees from and against the Transferred Area, above the 3.5 mills to be paid by Muskegon to Fruitport.

6.2      Tax Abatements. Muskegon may, in its sole discretion, grant tax abatements to any development in the Transferred Area. To the extent that Muskegon grants one or more tax abatements, the tax abatement shall be shared by Muskegon and Fruitport equally (i.e. the percentage reduction granted by Muskegon shall apply equally to the tax receipts of both Muskegon and Fruitport and from the transferred area).

6.3 Local Income Tax. Muskegon shall impose and collect a local income tax on businesses located in the Transferred Area, natural persons working in the Transferred Area, and residents of the Transferred Area. Muskegon shall retain all revenue generated by the Muskegon income tax.

6.4 Revenue. All other revenues of whatever nature, State shared revenues from taxation of any kind, special assessments, fees, charges, or other monies attributable to the Transferred Area shall inure to the benefit of Muskegon.

7. **Muskegon Commitments.** Muskegon shall cooperate with Fruitport to seek and secure available funding, from whatever source, to defray the cost associated with the improvement in the Transferred Area.

8. **Commitments and Representations by Fruitport.**

8.1 Representations Concerning Transferred Property. Fruitport covenants and represents that it has not pledged any revenue from or anticipates any revenue from the Transferred Area to meet any Fruitport obligations or any obligations of any entity that it created or controls, other than as provided in this Contract. Fruitport represents and covenants that there are no special assessments that have been levied against the Transferred Area. Fruitport represents that no entity is collecting any tax increment revenues from the Transferred Area.

8.2 Fruitport agrees to provide to Muskegon copies of all its records as to property taxation, planning and zoning, and all other municipal matters which pertain to the Transferred Area.

8.3 Fruitport certifies to Muskegon that there are no Fruitport employees whose employment terms are or will be affected by this Contract, and no provision need be made for such employees.

**9. Termination for Cause; Annexation; Detachment.**

9.1 Prior to the conclusion of the term of this Contract, termination may occur for failure of either party to perform as required by this Contract. In the event either party determines to invoke its right to terminate the Contract, it shall serve, by first class mail, a notice of intent to terminate, setting forth the reasons therefor. Upon receipt of the said notice, the other party shall have a period of one hundred eighty (180) days to cure any claimed violation of the Contract and thereby avoid termination. In the event of termination before the conclusion of the term of this Contract, the Transferred Area shall be returned to Fruitport and its jurisdiction.

9.2 Prior to the conclusion of the term of this Contract, including any extension, Muskegon and its employees acting in their official capacities shall not, without prior written consent of Fruitport following action by its Township Board, initiate, maintain, encourage, sponsor or otherwise participate in any efforts to annex property from Fruitport's jurisdiction. If a property owner initiates any such action, Muskegon and its employees acting in their official capacities shall maintain a neutral stance with regard to any such actions.

9.3 Prior to the conclusion of the term of this Contract, including any extension, neither Fruitport, nor any employees acting in their official capacities shall, without Muskegon's prior written consent following action by its City Commission, initiate, maintain, encourage, sponsor or otherwise participate in any efforts to detach property from Muskegon's jurisdiction. If a property owner initiates any such action, Fruitport and its officers and employees acting in their official capacities shall maintain a neutral stance with regard to any such actions.

**10. Liability.** Fruitport shall be responsible for any claims relating to municipal jurisdiction and operations in the Transferred Area occurring prior to the Effective Date of this

Contract, regardless of when the claim is made. Muskegon shall assume all liabilities for municipal jurisdiction and operations in the Transferred Area occurring on or after the Effective Date of this Contract.

**12. Governing Law.** This Contract shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

**13. No Third Party Beneficiary.** This Contract shall benefit only the parties to this Contract, and not any third party.

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

*(remainder of this page is intentionally left blank)*

IN WITNESS WHEREOF, the parties have executed this Contract.

Signed in the presence of:

\_\_\_\_\_  
  
\_\_\_\_\_

**CITY OF MUSKEGON**

By \_\_\_\_\_  
Ken Johnson, Its Mayor

and \_\_\_\_\_  
Ann Marie Meisch, Its Clerk

Dated: \_\_\_\_\_

\_\_\_\_\_  
  
\_\_\_\_\_

**TOWNSHIP OF FRUITPORT**

By \_\_\_\_\_  
Todd Dunham, Its Supervisor

and \_\_\_\_\_  
Andrea Anderson, Its Clerk

Dated: \_\_\_\_\_

4892-6466-0687 v4 [60864-232]

## EXHIBIT A

### TRANSFERRED AREA

PARCEL 3A:

#61-15-102-200-0001-00

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2, TOWN 9 NORTH, RANGE 16 WEST, CITY OF MUSKEGON ([SIC] TOWNSHIP OF FRUITPORT), MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 2; THENCE SOUTH 02°39' WEST 1133.35 FEET ALONG THE EAST 1/8TH LINE OF SAID SECTION 2; THENCE NORTH 70°46' WEST 1378.4 FEET ALONG THE NORTHERLY LINE OF LAND THAT WAS CONVEYED TO CONSOLIDATED RAIL CORPORATION; THENCE NORTH 02°01' EAST 674.89 FEET ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 2; THENCE NORTH 89°53' EAST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE PLACE OF BEGINNING.



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                      |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----|------------------------|----|--|----------------------|---|--|---------------|--|--|--------------|--|--|-------------------------------------------------|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                       |  | <b>Title:</b> Approval of Minutes                                                                                                                        |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Submitted by:</b> Ann Meisch, City Clerk                                                                                                                                                                                                                                                                                                          |  | <b>Department:</b> City Clerk                                                                                                                            |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Brief Summary:</b><br>Approve minutes of the February 25, 2025, City Commission Meeting.                                                                                                                                                                                                                                                          |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Detailed Summary &amp; Background:</b>                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                           |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                             |  | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |  | Yes |                        | No |  | N/A                  | X |  |               |  |  |              |  |  |                                                 |  |
| Yes                                                                                                                                                                                                                                                                                                                                                  |  | No                                                                                                                                                       |  | N/A | X                      |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                        |  | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |  | Yes |                        | No |  | N/A                  | X |  |               |  |  |              |  |  |                                                 |  |
| Yes                                                                                                                                                                                                                                                                                                                                                  |  | No                                                                                                                                                       |  | N/A | X                      |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Recommended Motion:</b><br>Approval of the minutes.                                                                                                                                                                                                                                                                                               |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| <b>Approvals:</b> <table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table> |  | Immediate Division Head                                                                                                                                  |  |     | Information Technology |    |  | Other Division Heads |   |  | Communication |  |  | Legal Review |  |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                              |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Information Technology                                                                                                                                                                                                                                                                                                                               |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Communication                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |
| Legal Review                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                          |  |     |                        |    |  |                      |   |  |               |  |  |              |  |  |                                                 |  |



# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**February 25, 2025 @ 5:30 PM**

**MUSKEGON CITY COMMISSION CHAMBERS  
933 TERRACE STREET, MUSKEGON, MI 49440**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, February 25, 2025. Pastor Duane Bennett from the Mount Zion Church of God in Christ, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL**

Present: Mayor Ken Johnson, Vice Mayor Rebecca St. Clair, Commissioners Willie German, Jr., Rachel Gorman, and Jay Kilgo, City Manager Jonathan Seyferth, City Attorney John Schrier, and Deputy City Clerk Linda Potter  
Absent: Commissioners Katrina Kochin and Destinee Keener

#### **2025-15 PUBLIC HEARINGS**

**A. Public Hearing-Brownfield Plan Amendment, Muskegon-Central Park, LLC (Krimson Exploratory Fund, LLC) 1700 Oak Ave.** Economic Development

Muskegon-Central Park, LLC (Krimson Exploratory Fund, LLC) is requesting the approval of their brownfield plan amendment for the site located at 1700 Oak Ave. The Brownfield Plan Amendment will help facilitate the redevelopment of the former Muskegon General Hospital site, located at 1700 Oak Avenue. This amendment will enable the use of Tax Increment Financing (TIF) to reimburse Muskegon-Central Park, LLC (Krimson Exploratory Fund, LLC) for eligible environmental and site redevelopment activities, supporting the creation of new affordable housing units.

The former Muskegon General Hospital has remained vacant and blighted, posing environmental and safety concerns for the surrounding neighborhood. The proposed redevelopment project by Muskegon-Central Park, LLC (Krimson Exploratory Fund, LLC) aims to demolish the obsolete hospital structure and construct six new, three-story multifamily residential buildings. These buildings will provide 144 new rental housing units, designed as affordable workforce

housing for individuals and families earning between 69-77% of Muskegon County's Area Median Income (AMI). The total project investment is estimated at \$21,532,385.

**Eligible Activities:** The plan covers a wide range of eligible activities necessary for site redevelopment, including:

- Demolition of the former hospital building- \$1,417,375
- Asbestos abatement and removal of other hazardous materials- \$621,000
- Site preparation activities, such as grading, clearing, and utility work- \$934,835
- Public infrastructure improvements, including road, sidewalk, and utility upgrades to support the new development- \$2,273,090
- Gap financing assistance to close the housing affordability gap, ensuring the project's financial viability- \$3,500,000
- Brownfield Plan/Work Preparation- \$25,000
- Brownfield Plan/Work Plan Implementation- \$30,000

**Tax Increment Financing (TIF):** The plan allows for the capture of new local and state tax increment revenues generated by the redevelopment to reimburse the developer for eligible costs. The total cost of eligible activities is estimated at \$8,801,300. Authority administrative costs are anticipated to be \$674,440. The capture of TIR for the Local Brownfield Revolving Fund (LBRF) is estimated to be \$1,924,857.

- Local Tax Capture: \$4,373,700
- State Tax Capture: \$4,427,600

The reimbursement period is anticipated to last until 2048, with collection of TIF revenues beginning in 2026.

**Project Timeline:**

- Demolition and Site Preparation: Early 2025
- Construction Start: Mid-2025
- Completion of Construction: Late 2026
- TIF Revenue Collection: Beginning in 2026
- Developer Reimbursement Period: 2026-2048

**Affordable Housing Impact:** The project will provide 144 rental units, addressing approximately 25% of the city's projected rental housing needs for individuals and families earning 51%-80% AMI by 2027.

**Community and Economic Benefits:**

- Elimination of a longstanding blighted and hazardous structure, improving neighborhood safety.
- Creation of new jobs during both the construction and operational phases.
- Increase in property tax revenues to support public services.
- Revitalization of the Oak Avenue corridor, encouraging further private investment in the area.

The developer intends to apply for a PA 210 (Commercial Rehabilitation Exemption Certificate). If the developer is approved, the taxable value of the property will be frozen during the duration of the certificate (1-10 years). The Brownfield Redevelopment Authority approved this Brownfield Plan Amendment on February 10th during their scheduled monthly meeting and recommended moving it forward for final approval by the City Commission.

**STAFF RECOMMENDATION:** I move to close the Public Hearing and approve the Brownfield Plan Amendment for the redevelopment project located at 1700 Oak Ave. and authorize the Mayor and City Clerk to sign the resolution. The Public Hearing opened to hear and consider any comments from the public. No public comments were made.

**Motion by Vice Mayor St.Clair, second by Commissioner German, to close the Public Hearing and approve the Brownfield Plan Amendment for the redevelopment project located at 1700 Oak Ave. and authorize the Mayor and City Clerk to sign the resolution.**

**ROLL VOTE: Ayes: German, Gorman, St.Clair, Johnson, and Kilgo**  
**Nays: None**

**MOTION PASSES**

#### **PUBLIC COMMENT ON AGENDA ITEMS**

Public comments received.

#### **2025-16 CONSENT AGENDA**

##### **A. Approval of Minutes** City Clerk

Approve minutes of the February 10, 2025, Commission Worksession Meeting and the February 11, 2025, City Commission Meeting.

**STAFF RECOMMENDATION:** Approval of the minutes.

##### **B. City of Muskegon 4th of July Fireworks Agreement** DPW- Parks

City of Muskegon 4th of July Fireworks Agreement with Pyrotecnico for a \$40,000 fireworks show at Heritage Landing.

Staff is requesting authorization to enter into an agreement with Pyrotecnico Fireworks for \$40,000 for the annual fireworks show in Muskegon, and approval of the fireworks display permit for Pyrotecnico contingent upon inspection of the fireworks and approval of the insurance. The annual Fireworks contract of \$40,000 will be scheduled for July 4, 2025. The agreement is of the standard form with Pyrotecnico that the City has entered into for the past several years. The show this year is being planned at Heritage Landing out of concern for public safety. We plan to have a DJ start at 8:30 p.m. and the fireworks to set off at 10:30 p.m.

**STAFF RECOMMENDATION:** I move to authorize staff to enter into an agreement with Pyrotecnico Fireworks for \$40,000 for the annual fireworks show in Muskegon, and approval of the fireworks display permit for Pyrotecnico.

#### **D. Use Agreement - Muskegon YMCA** DPW- Parks

Staff is requesting approval of an agreement with the Muskegon YMCA for use of city facilities.

The Muskegon YMCA has requested to run various community programs at Smith-Ryerson and McGraft Parks. This agreement will cover all programs through August 2025.

Specific summer 2025 programs have yet to be finalized, but will be similar to programs run in 2024. For context, last year, the YMCA hosted a full-day summer camp at McGraft Park, with a weekly average of 50 kids. The goal for summer 2025 would be to replicate that success in other parts of the city, Smith-Ryerson, for example, and to bring new types of programs.

Costs are primarily covered by the YMCA, with any City contributions being a part of the approved Recreation Department budget and following the purchasing policy.

**STAFF RECOMMENDATION:** Authorize staff to enter into an agreement with Muskegon YMCA for use of City facilities.

#### **E. Sale of 1325 Terrace** Planning

Staff is requesting approval of a Purchase Agreement for 1325 Terrace. 1325 Terrace was constructed through an agreement with Dave Dusendang to construct infill housing with ARPA funding. The offer is for \$155,200, which is above the listing price of \$149,900; with no seller concessions. The offer includes a \$5,000 appliance package and a \$300 commission, totaling \$155,200.

**STAFF RECOMMENDATION:** To approve the Purchase Agreement for 1325 Terrace.

#### **H. Muskegon Police Department Renovations** Public Safety-Police

Staff is seeking to authorize the award of a construction contract for the renovation of the first floor of the police department.

The police department is seeking to remodel the entire department as a multi-year capital improvement project. FY 24-25 has a budgeted cost of \$286,653.74 to renovate the first floor of the police department. The police department is in need of a remodel due to outdated infrastructure, separated work areas, lack of storage and inadequate work space.

This project received 5 bids for the construction of the renovations with Muskegon Quality Builders coming in at the lowest bid and the only bid within budget. The police department recommends awarding the contract to Muskegon Quality Builders due to their cost and history of professionalism and quality projects.

**STAFF RECOMMENDATION:** I move to award the Police Department - First Floor Renovations construction contract to Muskegon Quality Builders at the cost of \$284,500.

#### **I. 880 First St. Demolition- Asbestos Abatement Proposal** Economic Development

City staff requests approval of Asbestos Abatement Inc.'s proposal for additional abatement work that is required for the demolition of the 880 First St. structure. The City of Muskegon solicited bids from qualified contractors for the demolition of the building located at 880 First St., Muskegon, MI 49440 in July 2024. The scope of work includes complete demolition and removal of the structure, including all foundations and footings, backfilling the site, hydroseeding, and asbestos abatement. The primary objective is to eliminate blight, improve the area's aesthetic appeal, and encourage economic development by preparing the site for future opportunities.

Asbestos Abatement Inc. was awarded the bid by the City Commission on October 8, 2024. They completed the majority of the asbestos abatement but found additional unknown materials located on the roof. Due to the new finding, additional abatement is required before the company can proceed with demolition. Asbestos Abatement Inc. has submitted their abatement proposal for the new materials, which are also attached for your review.

##### **Scope of Work**

- Removal and disposal of asbestos-containing materials in Supplemental Material Testing Report dated 2/19/25
- Required personal air monitoring and clearances included. Continuous third-party air monitoring is **not** included.
- State notifications and permits included.

Price: \$27,400

**STAFF RECOMMENDATION:** I move to approve the proposal from Asbestos Abatement Incorporated for the additional asbestos abatement work required at 880 First St. in the amount of \$27,400 and authorize the City Manager to sign the proposal.

**Motion by Commissioner Kilgo, second by Commissioner Gorman, to approve the Consent Agenda as presented minus items C, F, and G.**

**ROLL VOTE: Ayes: St.Clair, Johnson, Kilgo, German, and Gorman  
Nays: None**

**MOTION PASSES**

### **2025-17 ITEMS REMOVED FROM THE CONSENT AGENDA**

#### **C. City of Muskegon Park Rules** DPW- Parks

Staff seeks approval of the 2025 City of Muskegon Park Rules. The Parks & Recreation Advisory workshopped rules and are recommending the document to be adopted as City of Muskegon Park rules. The rules listed here were unanimously agreed upon via vote. While certain parks may have special rules for their unique park usage (such as Pere Marquette & Hackley Park), these rules will be across the board for all parks both community and neighborhood. Seasonal park rangers will assist enforcement of rules alongside Muskegon Public Safety.

**STAFF RECOMMENDATION:** To adopt the 2025 City of Muskegon Park Rules as presented.

**Motion by Commissioner German, second by Commissioner Kilgo, to adopt the 2025 City of Muskegon Park Rules as presented.**

**Motion by Commissioner German to amend the motion to adopt the 2025 City of Muskegon Park Rules as presented with the removal of item 4 which shall be referred back to the Parks and Recreation Advisory Committee for consideration of designated areas.**

**MOTION FAILS – NO SECOND**

**Motion by Commissioner Kilgo, second by Vice Mayor St.Clair, to amend the City of Muskegon Park Rules number 4 to keep no smoking but remove or vaping from the wordage.**

**(Vote on amendment)**

**ROLL VOTE: Ayes: St.Clair, Johnson, and Kilgo**

**Nays: German and Gorman**  
**MOTION DID NOT PASS**

**(Vote on original motion)**

**ROLL VOTE: Ayes: St.Clair, Johnson, and Gorman**  
**Nays: Kilgo, and German**

**MOTION DID NOT PASS**

**F. Amendment to the zoning ordinance - Cottage Court Developments Planning**

Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.

- A **cottage court development** is a type of housing design that typically consists of a cluster of small, single-story homes or cottages arranged around a shared central courtyard or green space. This design is often used to create a community-oriented environment, where the homes are in close proximity to each other, and the shared space fosters social interaction and a sense of belonging.
- Some key features of a cottage court development include:
  - **Central Courtyard:** The homes are typically arranged around a shared outdoor space, such as a garden, lawn, or courtyard, creating a more communal feel.
  - **Small-Scale Homes:** The individual units, often referred to as cottages, are generally smaller in size and designed to be more affordable or efficient.
  - **Pedestrian-Friendly:** These developments are often designed with pedestrians in mind, with pathways connecting the homes and the central shared space.
  - **Sense of Community:** Because of the proximity and shared spaces, cottage courts are intended to encourage neighborly interaction, fostering a tight-knit community.
- The type of density proposed in these types of developments is similar to the density allowed in the recent zoning reform amendments.
- The zoning amendments proposed would do the following:
  - Create a definition for Cottage Court Developments.
  - Create a section in the zoning ordinance under General Provisions that regulates Cottage Court Developments.
  - Allows Cottage Court Developments as a use by right (under certain conditions) in the following zoning districts: R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR.

The Planning Commission unanimously (7-0, 2 members absent) recommended approval of the ordinance amendments.

**STAFF RECOMMENDATION:** I move to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments as proposed.

**Motion by Commissioner German, second by Commissioner Kilgo, to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments as proposed.**

**ROLL VOTE: Ayes: Johnson, Kilgo, German, Gorman, and St.Clair  
Nays: None**

**MOTION PASSES (REQUIRES SECOND READING)**

**G. Amendment to the zoning ordinance - Accessory Commercial**

**Units** Planning

Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.

- An "accessory commercial unit" (ACU) is a small commercial space, like a retail store or office, that is attached to or built on the same property as a residential dwelling, essentially acting as a secondary business space within a residential neighborhood, similar to how an accessory dwelling unit (ADU) is a secondary living space on a residential lot.
- ACUs are often seen as a way to bring local businesses closer to residents and increase neighborhood vibrancy without significantly altering the character of the area.
- The Future Land Use Map created during the Master Plan process, includes "community node" areas where higher densities and uses should be considered.
- The Master Plan recommends uses such as these in the following sections of the document:
  - [Housing & Neighborhoods](#): Goal 3: Create walkable community nodes within a short distance of all residents. Identify existing or potential community nodes in each city neighborhood to serve as a strong center(s) from which the neighborhood can orient itself and build upon. Update land use regulations to permit better integration of different land uses at identified community nodes.
  - [Economic Development](#): Goal 2: Create viable commercial corridors and community nodes. Simplify zoning regulations to permit flexibility in



business types. The zoning amendments proposed would do the following:

- Create a definition for Accessory Commercial Unit.
- Create an Accessory Commercial Unit Overlay District. ACUs would only be allowed within these boundaries and under these guidelines.

The Planning Commission unanimously (7-0, 2 members absent) recommended approval of the ordinance amendment.

**STAFF RECOMMENDATION:** I move to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units as presented.

**Motion by Commissioner German, second by Vice Mayor St.Clair, to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units as presented.**

**ROLL VOTE: Ayes: Kilgo, German, Gorman, St.Clair, and Johnson**  
**Nays: None**

***MOTION PASSES (REQUIRES SECOND READING)***

### **ANY OTHER BUSINESS**

Commissioner German, in honor of Black History Month, paid tribute to Fredrick Douglas, Dr. Martin Luther King Jr., and Thurgood Marshall, three pioneers who led the way for equality and justice.

Commissioner Kilgo asked that it be explained better to our residents how even and odd parking works.

Vice Mayor St.Clair asked why we don't have signage explaining what our parking rules are.

City Manager Jonathan Seyferth stated we will be putting signage up at the entrances to the City stating our winter parking rules. This is also in the citizen newsletter each fall.

Mayor Johnson asked about giving warnings, regardless of the time, for the first parking offense. He also mentioned that winter parking will be ending in a few days, it ends March 1st.

Commissioner Kilgo asked if staff could share the QR Code with the public so comments, which will be accepted until March 10<sup>th</sup> for the M-46 (Apple Avenue) MDOT Project, could still be made.

Mayor Johnson asked that the design that was presented this week by MDOT be added to our Connect Muskegon page.

Commissioner German asked where the City stands reference the DEI initiative and if we received any letters requesting us to pull back.  
City Manager Jonathan Seyferth answered we have not.  
Mayor Johnson mentioned that in the February Deputy City Managers update, LeighAnn Mikesell shared the Human Resources Progress and that two of the policies were highlighted as models for future development.

### **GENERAL PUBLIC COMMENT**

No public comments were made.

### **2025-18 CLOSED SESSION**

#### **A. Discuss two different attorney client confidential communications** Manager's Office

**Motion by Vice Mayor St.Clair, second by Commissioner Kilgo, to go into Closed Session to consider material exempt from discussion and disclosure by State or Federal Statute, being an attorney client communication.**

**ROLL VOTE: Ayes: Gorman, St.Clair, Johnson, Kilgo, and German**  
**Nays: None**

**MOTION PASSES**

**Motion by Vice Mayor St.Clair, second by Commissioner Kilgo, to come out of Closed Session.**

**ROLL VOTE: Ayes: Johnson, Kilgo, German, Gorman, and St.Clair**  
**Nays: None**

**MOTION PASSES**

### **ADJOURNMENT**

The City Commission meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC City Clerk



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                             |     |   |     |   |     |   |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-----|---|-----|---|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Title:</b> CivicPlus 311 SeeClickFix Contract                                                                                            |     |   |     |   |     |   |  |
| <b>Submitted by:</b> Deborah Sweet, Community Engagement Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Department:</b> Public Works                                                                                                             |     |   |     |   |     |   |  |
| <b>Brief Summary:</b><br>City staff request approval of the CivicPlus SeeClickFix contract for continued use of the resident request and issue reporting system to improve city services and community engagement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |     |   |     |   |     |   |  |
| <b>Detailed Summary &amp; Background:</b><br>SeeClickFix is a platform designed to allow residents to report non-emergency issues (such as potholes, overgrown grass, and park maintenance) directly to the city for resolution. It provides a simple interface for residents to submit requests, track progress, and provide feedback, fostering improved city services and transparency.<br><br>Important Dates: <ul style="list-style-type: none"><li>• One-year Contract Signed: June 24, 2024</li><li>• Contract Renewal: June 25, 2025</li><li>• 60-Day Notice Period Date: April 26, 2025</li><li>• Commission Worksession Presentation: March 10, 2025</li><li>• Requested Approval of Contract at City Commission Meeting: March 11, 2025</li></ul> |                                                                                                                                             |     |   |     |   |     |   |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Enhanced internal and community communication, Increased range of options for communications<br><br><b>Goal/Action Item:</b><br>2027 Goal 3: Community Connection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                             |     |   |     |   |     |   |  |
| <b>Amount Requested:</b><br>\$39,119.04                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td>x</td><td></td></tr></table>           | Yes |   | No  |   | N/A | x |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                             | No  |   | N/A | x |     |   |  |
| <b>Fund(s) or Account(s):</b><br>642-441-801                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td>x</td><td>N/A</td><td></td><td></td></tr></table> | Yes |   | No  | x | N/A |   |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                             | No  | x | N/A |   |     |   |  |
| <b>Recommended Motion:</b><br>To authorize staff to enter into a multiyear contract with CivicPlus for SeeClickFix Request, Marketplace App Annual, and SeeClickFix Connector for Cartegraph OMS, subject to the renewal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                             |     |   |     |   |     |   |  |

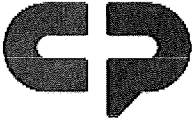
terms.

**Approvals:**

|                         |   |  |
|-------------------------|---|--|
| Immediate Division Head | x |  |
| Information Technology  |   |  |
| Other Division Heads    | x |  |
| Communication           | x |  |
| Legal Review            |   |  |

**Guest(s) Invited / Presenting:**

No

**CivicPlus**

302 South 4th St. Suite 500  
Manhattan, KS 66502  
US

**Quote #:****Date:****Expires On:**

Statement of Work

Q-78309-1

6/18/2024 8:29 AM

6/30/2024

**Client:**

City of Muskegon, MI

**Bill To:**

MUSKEGON, MICHIGAN

| SALESPERSON | Phone | EMAIL                    | DELIVERY METHOD | PAYMENT METHOD |
|-------------|-------|--------------------------|-----------------|----------------|
| Ross Wells  |       | ross.wells@civicplus.com |                 | Net 30         |

## Discount(s)

| QTY  | PRODUCT NAME                           | DESCRIPTION                |
|------|----------------------------------------|----------------------------|
| 1.00 | SeeClickFix Year 1 Annual Fee Discount | Year 1 Annual Fee Discount |
| 1.00 | SeeClickFix Year 1 Annual Fee Discount | Year 1 Annual Fee Discount |
| 1.00 | SeeClickFix Year 1 Annual Fee Discount | Year 1 Annual Fee Discount |

## Recurring Service(s)

| QTY  | PRODUCT NAME                             | DESCRIPTION                                                                                                                                                                                                                                                                          |
|------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.00 | SeeClickFix Connector for Cartegraph OMS | SeeClickFix-hosted integration with Cartegraph OMS <a href="https://www.civicservice.civicplus.help/hc/en-us/articles/360043415454-SeeClickFix-Connect-for-Cartegraph">https://www.civicservice.civicplus.help/hc/en-us/articles/360043415454-SeeClickFix-Connect-for-Cartegraph</a> |
| 1.00 | SeeClickFix Request                      | Unlimited gov user licenses for service request management tool to intake citizen submissions via mobile app. Assign requests internally, resolve issues and measure request performance. Includes support and virtual training services.                                            |
| 1.00 | Marketplace App Annual                   | Marketplace App Annual                                                                                                                                                                                                                                                               |

|                                               |               |
|-----------------------------------------------|---------------|
| List Price - Initial Term Total               | USD 38,441.08 |
| Total Investment - Initial Term               | USD 24,949.42 |
| Annual Recurring Services (Subject to Uplift) | USD 37,119.04 |

|                               |                                                                                        |
|-------------------------------|----------------------------------------------------------------------------------------|
| Initial Term                  | Beginning at signing and ending 6/30/2025,<br>Renewal Term 7/1 each calendar year      |
| Initial Term Invoice Schedule | 100% invoiced on 7/1/2024                                                              |
| Renewal Procedure             | Automatic 1 year renewal term, unless 60<br>days notice provided prior to renewal date |
| Annual Uplift                 | 5% to be applied in year 2                                                             |

This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement and the applicable Solution and Services terms and conditions located at <https://www.civicplus.help/hc/en-us/p/legal-stuff> (collectively, the "Binding Terms"), By signing this SOW, Client expressly agrees to the terms and conditions of the Binding Terms throughout the term of this SOW.

## Acceptance

The undersigned has read and agrees to the following Binding Terms, which are incorporated into this SOW, and have caused this SOW to be executed as of the date signed by the Customer which will be the Effective Date:

For CivicPlus Billing Information, please visit <https://www.civicplus.com/verify/>

Authorized Client Signature

By (please sign):

Jonathan Seyferth

Printed Name:

City Manager

Title:

June 25, 2024

Date:

J.C. Seyferth

Organization Legal Name:

City of Muskegon

Billing Contact:

Deborah Sweet

Title:

Community Engagement Manager

Billing Phone Number:

231-724-6724

Billing Email:

933 Terrace St

Billing Address:

Muskegon, MI 49440

Mailing Address: (If different from above)

PO Number: (Info needed on Invoice (PO or Job#) if required)

CivicPlus

By (please sign):

Amy Vikander

Printed Name:

Amy Vikander

Title:

Senior VP of Customer Success

Date:

6/28/2024

## SeeClickFix Basic Summary | March 4, 2025

SeeClickFix is a platform designed to allow residents to report non-emergency issues (such as potholes, overgrown grass, and park maintenance) directly to the city for resolution. It provides a simple interface for residents to submit requests, track progress, and provide feedback, fostering improved city services and transparency.

### Important Dates:

- One Year Contract Signed: June 24, 2024
- Contract Renewal: June 25, 2025
- 60-Day Notice Period: April 26, 2025
- Commission Worksession Presentation: March 10, 2025
- Requested Approval of Contract at City Commission Meeting: March 11, 2025

### List of Requests in the System:

*\*Indicates a block for 911*

#### Parks & Public Spaces

1. Marina/Launch Ramp Maintenance
2. Park Maintenance
3. Police Report of Graffiti or Vandalism\* (internal use of PD)
4. Report Damaged Public Amenities (benches, trash cans, fountain, etc.)
5. Report Graffiti or Vandalism\*
6. Tree Trimming or Removal Request\*

#### Garbage, Trash, and Recycling

7. Missed Garbage, Yard Waste, or Recycling Pick Up
8. Request Recycle Bin
9. Report Junk Vehicle

#### Animals

10. Animal Control Issues (stray or lost pets)\*
11. Dead Animal Removal

#### Parking

12. Parking Meter Repair
13. Parking Concerns

#### Permits, Zoning & Property

14. Report Building and Code Violations
15. Report Weeds / Trees Overgrown on Private Property
16. Report Private Property Maintenance Issues



**Streets, Alleys, and Sidewalks**

17. Alley or Gravel Road (Grading or Dust Control)
18. Pothole or Manhole
19. Broken Sidewalk
20. Sidewalk Snow Removal
21. Street Snow Removal
22. Street Sweeping
23. Streetlight
24. Street Signage
25. Traffic Signal
26. Alley Snow Removal

**Support Services**

27. Homeless Support
28. Carbon Monoxide or Smoke Alarm
29. Homeowner Help with Repairs
30. Compliment City Services

**Water, Sewer, Drainage**

31. Blocked Storm Drains
32. Flooding\*
33. Sewer Issue (Emergency)
34. Sewer Concern (Non-Emergency)
35. Storm Water Pollution
36. Leaking Water Main or Hydrant
37. Sewer Call\*

**Onboarding Process So Far:****Senior Staff Review and Selection of Division Liaison/Administrator:**

To ensure proper onboarding, senior staff members were selected as liaisons from each division to manage the system's implementation and backend training:

- Public Works: Jacqui Erny
- Public Safety: Emily Morgenstern, Jeremy Velik, Hilarey Travieso, Stephen Hammond
- Development Services: Wendy Webster & Sam Pulos
- Finance & Administrative Services: Sara Hugall
- Manager's Office: Deborah Sweet

#### **Onboarding Process Recap:**

1. Initial Meetings & Email Communication: This group was invited to several meetings and email communications to review and narrow down over 100 potential requests to about 40 for inclusion in SeeClickFix.
2. System Setup (July – October 2024): During this period, the selected requests were created in SeeClickFix, necessary questions and blocks were added, workflows were designed, and tasks assigned to staff members. This phase was labor-intensive but essential to the system's functionality.
3. Manager Training (January 2025): A comprehensive training session was conducted for all staff managing requests, facilitated by SeeClickFix. This training ensured all staff understood how to use the system.
4. Sandbox Testing (February 2025): After manager training, staff tested the system in a sandbox environment through the end of February 2025. This provided the team a chance to familiarize themselves with the platform.
5. Workgroup Testing (March 3, 2025): The system went live for workgroup testing, allowing the selected group to continue testing the tool's features and functionality.
6. Frontline Staff Launch (March 2025): The week of March 10, 2025, we held two Call Taker trainings for staff which were saved and recorded.
7. Marketing and Launch Plan: We used the workgroup testing period to refine the marketing plan, preparing for the transition to a live environment in March 2024, with the goal of a public launch in Summer 2025.



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--|------------------------|---|-----|----------------------|--|--|---------------|--|--|--------------|--|--|-------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                       | <b>Title:</b> Fireworks Display Permit for Boys & Girls Club of the Muskegon Lakeshore                                                                   |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Submitted by:</b> Ann Meisch, City Clerk                                                                                                                                                                                                                                                                                                          | <b>Department:</b> City Clerk                                                                                                                            |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Brief Summary:</b><br>Pyrotecnico Fireworks, Inc. is requesting approval of a fireworks display permit for Saturday, May 17, 2025, at Heritage Landing. The Fire Marshall will inspect the fireworks on the day of the event.                                                                                                                     |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Detailed Summary &amp; Background:</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                           |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                             | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           | Yes |  | No                     |   | N/A | X                    |  |  |               |  |  |              |  |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          | No  |  | N/A                    | X |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                        | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> | Yes |  | No                     |   | N/A | X                    |  |  |               |  |  |              |  |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          | No  |  | N/A                    | X |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Recommended Motion:</b><br>Approve the fireworks display permit for Pyrotecnico Fireworks, Inc., contingent upon inspection of the fireworks.                                                                                                                                                                                                     |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Approvals:</b> <table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table> | Immediate Division Head                                                                                                                                  |     |  | Information Technology |   |     | Other Division Heads |  |  | Communication |  |  | Legal Review |  |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Information Technology                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Communication                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Legal Review                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                          |     |  |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                 |

Boys & Girls Club of the Muskegon Lakeshore  
Heritage Landing, 1050 7<sup>th</sup> St, Muskegon MI 49441

Pyrotechnico Fireworks Inc.  
4/5/2024 Michael Falk

No spectators inside  
the **RED** Safety Circle  
during the display.



Launch Location

Setup area: 50' X 50'

Radius from setup area: 210'



# 2025 Application for Fireworks Other Than Consumer or Low Impact

FOR USE BY LEGISLATIVE BODY  
OF CITY, VILLAGE OR TOWNSHIP  
BOARD ONLY

DATE PERMIT(S) EXPIRE:

Authority: 2011 PA 256

The **LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD** will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.

## TYPE OF PERMIT(S) (Select all applicable boxes)

- ☐ Agricultural or Wildlife Fireworks ☐ Articles Pyrotechnic ☒ Display Fireworks
- ☒ Public Display ☐ Private Display
- ☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| NAME OF APPLICANT<br>Pyrotecnico Fireworks, Inc.                                                                                                                                                                                                                                                       |                                                                               | ADDRESS OF APPLICANT<br>299 Wilson Rd, New Castle, PA 16101                                                         | AGE OF APPLICANT 18 YEARS OR OLDER<br>X YES <input type="checkbox"/> NO            |
| NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER<br>Stephen Vitale                                                                                                                                                                                                         |                                                                               | ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER<br>299 Wilson Rd, New Castle, PA 16101 |                                                                                    |
| IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)<br>Michael Falk                                                                                                                                                                                                |                                                                               | ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)<br>4369 E Summit Woods Dr NE, Rockford, MI 49341             | TELEPHONE NUMBER<br>616.427.0377                                                   |
| NAME OF PYROTECHNIC OPERATOR<br>Michael Falk                                                                                                                                                                                                                                                           |                                                                               | ADDRESS OF PYROTECHNIC OPERATOR<br>4369 E Summit Woods Dr NE, Rockford, MI 49341                                    | AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER<br>X YES <input type="checkbox"/> NO |
| NO. YEARS EXPERIENCE<br>35 years                                                                                                                                                                                                                                                                       | NO. DISPLAYS<br>450+ displays                                                 | WHERE<br>Michigan, Indiana, Illinois, Missouri, Texas, Florida, California, Nevada                                  |                                                                                    |
| NAME OF ASSISTANT<br>Matthew Falk                                                                                                                                                                                                                                                                      |                                                                               | ADDRESS OF ASSISTANT<br>4369 E Summit Woods Dr NE, Rockford, MI 49341                                               | AGE OF ASSISTANT 18 YEARS OR OLDER<br>X YES <input type="checkbox"/> NO            |
| NAME OF OTHER ASSISTANT<br>Matthew DeJong                                                                                                                                                                                                                                                              |                                                                               | ADDRESS OF OTHER ASSISTANT<br>4369 E Summit Woods Dr NE, Rockford, MI 49341                                         | AGE OF OTHER ASSISTANT 18 YEARS OR OLDER<br>X YES <input type="checkbox"/> NO      |
| EXACT LOCATION OF PROPOSED DISPLAY<br>Heritage Landing, 1050 – 7 <sup>th</sup> Street, Muskegon MI 49441                                                                                                                                                                                               |                                                                               |                                                                                                                     |                                                                                    |
| DATE OF PROPOSED DISPLAY<br>May 17, 2025                                                                                                                                                                                                                                                               |                                                                               | TIME OF PROPOSED DISPLAY<br>Approx. 10:00 pm                                                                        |                                                                                    |
| MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT<br><br>No storage necessary, delivered on date of display |                                                                               |                                                                                                                     |                                                                                    |
| AMOUNT OF BOND OR INSURANCE (TO BE SET BY LOCAL GOVERNMENT)<br>\$10,000,000.00                                                                                                                                                                                                                         |                                                                               | NAME OF BONDING CORPORATION OR INSURANCE COMPANY<br>Britton-Gallagher & Associates                                  |                                                                                    |
| ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY<br>One Cleveland Center, Floor 30; 1375 East 9 <sup>th</sup> Street, Cleveland, OH 44114                                                                                                                                                           |                                                                               |                                                                                                                     |                                                                                    |
| NUMBER OF FIREWORKS                                                                                                                                                                                                                                                                                    | KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed) |                                                                                                                     |                                                                                    |
| Approximately 2000                                                                                                                                                                                                                                                                                     | Aerial display shells ranging in size from 1 ¼ inches to 3 inches in diameter |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
|                                                                                                                                                                                                                                                                                                        |                                                                               |                                                                                                                     |                                                                                    |
| SIGNATURE OF APPLICANT<br>                                                                                                                                                                                           |                                                                               | DATE<br>February 11, 2025                                                                                           |                                                                                    |

Bureau of Fire Services  
P.O. Box 30700  
Lansing, MI 48909  
(517) 241-8847

|                                                                                       |                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority: 1988 PA 358<br>Compliance: Voluntary<br>Penalty: Permit will not be issued | The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency. |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

*This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.*

|                                                                                                                                        |                      |                           |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------|
| Issued To<br>Pyrotecnico Fireworks, Inc.                                                                                               |                      | Age (18 or over)<br>Yes   |
| Address<br>4369 E Summit Woods Dr NE, Rockford, MI 49341                                                                               |                      |                           |
| Name of Organization, Group, Firm, or Corporation<br>Boys & Girls Club of the Muskegon Lakeshore                                       |                      |                           |
| Address<br>PO Box 1018, Muskegon MI 49443                                                                                              |                      |                           |
| Number and Types of Fireworks<br><br>Approximately 2000 aerial display shells ranging in size from 1 ¼ inches to 3 inches in diameter. |                      |                           |
| Exact Location of Display<br>Heritage Landing, 1050 – 7 <sup>th</sup> Street, Muskegon MI 49441                                        |                      |                           |
| City, Village, Township<br>City of Muskegon, MI                                                                                        | Date<br>May 17, 2025 | Time<br>Approx. 10:00 pm  |
| Bond or Insurance Filed?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                        |                      | Amount<br>\$10,000,000.00 |

Issued by action of the Legislative Body of the

☐ City ☐ Village ☐ Township of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2025  
(Name of City, Village, Township)

\_\_\_\_\_  
(Signature and Title of Legislative Body Representative)

## Instructions for Application for Fireworks Other Than Consumer or Low Impact

Applications shall be submitted to the legislative body of a city, village or township board. A permit may be issued as a result of official action by the legislative body. A permit shall be valid only for use within the limits of the jurisdiction of the legislative body of a city, village or township board.

1. Type of Permit – check all boxes that may apply to the type of permit needed. You may select several permit types depending on your fireworks display. You may check with your legislative body of a city, village or township board for assistance when making your selection. Please review the following definitions to determine which type of permit to select:
  - Agricultural or Wildlife Fireworks – devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the US Department of Interior or Michigan DNR.
  - Articles Pyrotechnic – 1.4G fireworks for professional use only that is classified as UN0431 or UN0432.
  - Display Fireworks – 1.3G fireworks for professional use only
  - Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes – devices with a combination of chemical elements or compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect for pest or animal control.
  - Public Display – a fireworks display that is open to all persons for viewing.
  - Private Display – a fireworks display that is not open to the general public for viewing.
2. Name of applicant – list the name of the applicant. The applicant may be a person representing an organization, group, firm or corporation, or self. If the applicant is also the operator, enter the same name in the operator's section.
3. Address of applicant – complete the address of the applicant; include the street address, city, state and zip code.
4. Name of person or resident agent representing corporation, LLC, DBA or other – list the name of the person or resident agent that represents the corporation, LLC, DBA or other.
5. Address of person or resident agent that represents the corporation, LLC, DBA or other – list the address of the person or resident agent representing the corporation, LLC, DBA or other.
6. Non-resident applicant – list the name of the non-resident applicant. A non-resident applicant shall appoint a Michigan attorney or Michigan resident agent in writing to be the applicant's legal representative upon whom all service of process in any action or proceeding may be served.
7. Name of pyrotechnic operator – list the name of the pyrotechnic operator. The pyrotechnic operator is the person in charge of the display. The legislative body of a city, village or township board shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
8. Address of pyrotechnic operator – list the address of the pyrotechnic operator; include the street address, city, state and zip code.
9. Age of the pyrotechnic operator – list the age of the pyrotechnic operator; the operator must be 18 years of age or older.
10. Name of assistant – list the name of the assistant to the pyrotechnic operator;
11. Address of assistant – list the address of the assistant; include the street address, city, state and zip code. If there is more than one assistant, please list additional assistants on a separate sheet and include the address and age of those additional assistants.
12. Age of assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
13. Name of other assistant – list the name of other assistant to the pyrotechnic operator.
14. Age of other assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
15. Exact location of proposed display – list the address of the exact location of the proposed fireworks display.
16. Date of proposed display – indicate the date of the proposed fireworks display; only one display date can be used per application.
17. Time of proposed display – indicate the time of the proposed fireworks display.
18. Manner and place of storage - indicate the manner and place of storage within the legislative body of a city, village or township board of fireworks that are ready for display, just prior to the display in the area of exhibition. The legislative body of a city, village or township board shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.

19. Amount of bond or insurance - the issuing legislative body of a city, village or township board shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation, or any agent or employee of the applicant. The applicant shall assure the bond or insurance required is provided.
20. Name of bonding corporation or insurance company – provide the name of the bonding corporation or insurance company for which the bond was issued through.
21. Address of bonding corporation or insurance company – list the address of the bonding corporation or insurance company; include the street address, city, state and zip code.
22. Number of fireworks and kind of fireworks to be displayed– indicate the total amount of fireworks proposed for the display or use and a description of the type of fireworks for display; such as 10 aerial bombs, 30 aerial rocket bursts, etc.
23. The application is valid for the calendar year in which the application was received and permit was issued.
24. Permit fees shall be established by the legislative body of a city, village or township board and shall be submitted to and retained by legislative body of a city, village or township board.
25. Permitting will be in compliance with the [Michigan Fireworks Safety Act, PA 256 of 2011](#), [MCL 28.466, Section 16](#).
26. **Mail the application to the legislative body of a city, village or township board within the location jurisdiction of the display.** DO NOT mail the application to the Bureau of Fire Services (BFS). If mailed to the BFS, it will be returned to the sender.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/11/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                       |  |                                                                                                                       |  |                                    |
|-----------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------|--|------------------------------------|
| <b>PRODUCER</b><br>Acrisure Great Lakes Partners Insurance Services<br>223 West Grand River Ave #1<br>Howell MI 48843 |  | <b>CONTACT NAME:</b><br><b>PHONE (A/C, No, Ext):</b> 216-658-7100<br><b>E-MAIL ADDRESS:</b> info@brittongallagher.com |  | <b>FAX (A/C, No):</b> 216-658-7101 |
|                                                                                                                       |  | <b>INSURER(S) AFFORDING COVERAGE</b>                                                                                  |  | <b>NAIC #</b>                      |
|                                                                                                                       |  | INSURER A : Everest Denali Insurance Company                                                                          |  | 16044                              |
|                                                                                                                       |  | INSURER B : Arch Specialty Insurance Company                                                                          |  | 21199                              |
|                                                                                                                       |  | INSURER C : Constitution Insurance Company                                                                            |  | 32190                              |
|                                                                                                                       |  | INSURER D : James River Insurance Company                                                                             |  | 12203                              |
|                                                                                                                       |  | INSURER E : AXIS Surplus Insurance Company                                                                            |  | 26620                              |
|                                                                                                                       |  | INSURER F :                                                                                                           |  |                                    |

**COVERAGES**

CERTIFICATE NUMBER: 1724045816

REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                     | ADDL INSR | SUBR WVD | POLICY NUMBER        | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                  |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|----------------------|-------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D        | <b>GENERAL LIABILITY</b><br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | Y         | Y        | P0000003353          | 11/14/2024              | 10/14/2025              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 3,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>\$ |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS<br><input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> NON-OWNED AUTOS                                                         | Y         | Y        | GCD0010016-241       | 11/14/2024              | 10/14/2025              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                         |
| B        | <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input checked="" type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>                                                                                                                            | Y         | Y        | UXP1035252-05        | 11/14/2024              | 10/14/2025              | EACH OCCURRENCE \$ 4,000,000<br>AGGREGATE \$ 4,000,000<br>\$                                                                                                                                                                            |
| C        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/><br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                | Y/N       | N/A      | 82-872096-04-37 (MI) | 10/14/2024              | 10/14/2025              | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                        |
| E        | Excess Liability #2                                                                                                                                                                                                                                                                                                                   |           |          | P-001-001451057-01   | 11/14/2024              | 10/14/2025              | Each Occ/ Aggregate \$5,000,000<br>Total Limits \$10,000,000                                                                                                                                                                            |

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

Fireworks Display Date: May 17, 2025

Location: Parking lot @ 896 4th Street- Muskegon, MI 49441

Additional Insured: City of Muskegon, MI, Muskegon Country Club; all elected &amp; appointed officials, all employees &amp; volunteers, all boards, commissions, and/or authorities &amp; board members, including employees and volunteers thereof, Boys &amp; Girls Club of the Muskegon Lakeshore, Neal Fitness Center, i'move Physical Therapy, and the County of Muskegon

**CERTIFICATE HOLDER****CANCELLATION**City of Muskegon, MI  
Muskegon City Hall  
933 Terrace Street  
Muskegon MI 49440

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------|------------------------|-------------------------------------|--------------------------|-------------------------------------------------|--------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                | <b>Title:</b> Metro Act permit extension, KEPS Technologies                                                                                                                                                                                                                                                                                                                                                                                                                     |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Submitted by:</b> Joel Brookens, Engineer, Dan VanderHeide, Public Works Director, Ann Meisch, City Clerk                                                                                                                                                                                                  | <b>Department:</b> DPW- Engineering                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Brief Summary:</b><br>Staff requests approval of the included five-year Metro Act permit extension requested by KEPS Technologies Inc, dba <a href="#">ACD.net</a> .                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Detailed Summary &amp; Background:</b><br>KEPS Technologies, Inc dba <a href="#">ACD.net</a> currently holds a Metro Act permit with the City of Muskegon. That agreement expired on 2/10/2025. <a href="#">ACD.net</a> has requested a five year extension, to the date of 2/10/2030.                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br><br><b>Goal/Action Item:</b><br>2027 GOAL 3: COMMUNITY CONNECTION - Strong ties among government and community agencies                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Amount Requested:</b><br>na                                                                                                                                                                                                                                                                                | <b>Budgeted Item:</b> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">No</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><input type="checkbox"/></td> </tr> </table>           | Yes | <input type="checkbox"/> | No                     | <input type="checkbox"/>            | N/A                      | <input checked="" type="checkbox"/>             | <input type="checkbox"/> |
| Yes                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No  | <input type="checkbox"/> | N/A                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                 |                          |
| <b>Fund(s) or Account(s):</b><br>na                                                                                                                                                                                                                                                                           | <b>Budget Amendment Needed:</b> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 15%;">Yes</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">No</td> <td style="width: 15%;"><input type="checkbox"/></td> <td style="width: 15%;">N/A</td> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><input type="checkbox"/></td> </tr> </table> | Yes | <input type="checkbox"/> | No                     | <input type="checkbox"/>            | N/A                      | <input checked="" type="checkbox"/>             | <input type="checkbox"/> |
| Yes                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                        | No  | <input type="checkbox"/> | N/A                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                                                 |                          |
| <b>Recommended Motion:</b><br>I move to approve the included five-year Metro Act permit extension requested by KEPS Technologies Inc, dba <a href="#">ACD.net</a> and authorize the DPW Director to sign.                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |
| <b>Approvals:</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 20%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> </table> | Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                         | x   |                          | Information Technology |                                     |                          | <b>Guest(s) Invited / Presenting:</b><br><br>No |                          |
| Immediate Division Head                                                                                                                                                                                                                                                                                       | x                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |                          |                        |                                     |                          |                                                 |                          |
| Information Technology                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |     |                          |                        |                                     |                          |                                                 |                          |

|                      |   |  |  |
|----------------------|---|--|--|
| Other Division Heads |   |  |  |
| Communication        |   |  |  |
| Legal Review         | x |  |  |

**METRO Act Permit Application Form**  
**Revised April 6, 2012**

**City of Muskegon**

**Name of Local Unit of Government**

**APPLICATION FOR  
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY  
TELECOMMUNICATIONS PROVIDERS  
UNDER  
METROPOLITAN EXTENSION TELECOMMUNICATIONS  
RIGHTS-OF-WAY OVERSIGHT ACT  
2002 PA 48  
MCL SECTIONS 484.3101 TO 484.3120**

**BY**

**KEPS Technologies, Inc. dba ACD.net and ACD Telecom, Inc.  
("APPLICANT")**

**Unfamiliar with METRO Act?--Assistance:** Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Telecommunications Division of the Michigan Public Service Commission at 517-241-6200 or via its web site at [http://www.michigan.gov/mpsc/0,4639,7-159-16372\\_22707---,00.html](http://www.michigan.gov/mpsc/0,4639,7-159-16372_22707---,00.html).

**45 Days to Act—Fines for Failure to Act:** The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

**Where to File:** Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

- Three (3) copies (one of which shall be marked and designated as the master copy) with  
the City Manager, City of Muskegon, 933 Terrace St, Muskegon, MI 49440

# City of Muskegon

Name of local unit of government

## APPLICATION FOR ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY TELECOMMUNICATIONS PROVIDERS

By

KEPS Technologies, Inc. dba ACD.net and ACD Telecom, Inc.  
("APPLICANT")

*This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCL 484.3115(3).*

*This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCL 484.3105(3).*

### 1 GENERAL INFORMATION:

1.1 Date: 1/14/2015

1.2 Applicant's legal name: KEPS Technologies, Inc.  
Mailing Address: ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

Telephone Number: (517) 999-3213

Fax Number: (517) 999-3993

Corporate website: <http://www.acd.net/>

Name and title of Applicant's local manager (and if different) contact person  
regarding this application:

Phil Brown, OSP Engineer

Mailing Address: ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906



Telephone Number: (517) 999-3213  
Fax Number: (517)999-3993  
E-mail Address: [brown.phil@acd.net](mailto:brown.phil@acd.net)

1.3 Type of Entity: (Check one of the following)

- ☒ Corporation  
☐ General Partnership  
☐ Limited Partnership  
☐ Limited Liability Company  
☐ Individual  
☐ Other, please describe: \_\_\_\_\_

1.4 Assumed name for doing business, if any: ACD.net and ACD Telecom, Inc

1.5 Description of Entity: **Competitive Local Exchange Carrier**

1.5.1 Jurisdiction of incorporation/formation; **Michigan**

1.5.2 Date of incorporation/formation; **1987**

1.5.3 If a subsidiary, name of ultimate parent company;

1.5.4 Chairperson, President/CEO, Secretary and Treasurer (and equivalent officials for non-corporate entities).

**CEO Kevin Schoen**

**President Steve Schoen**

**CFO Kirk Shewchuck**

1.6 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Licensing and Regulatory Affairs and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

(See Exhibit E & F)

1.7 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: NO

1.8 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes NO

*If "yes," please describe the circumstances.*

1.9 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.9.1 A felony; NO

1.9.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes ☒ NO

*If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.*

1.10 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain.

1.10.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

*If no financial statements are provided, please explain and provide particulars.*

**Per Section 1.9 KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc. currently holds a Local Exchange License as a Competitive Local Exchange Carrier.**

## **2 DESCRIPTION OF PROJECT:**

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain.

**KEPS currently holds a CELC License (See Exhibit G)**

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

**ACD.net is installing fiber optic cable to provide high speed communications and/or Distributed Antenna Systems**

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing location and depth, if applicable, of facilities to be installed in the public right-of-way).

**(Attached as Exhibit C)**

2.4 Please provide an anticipated or actual construction schedule.

**(Attached as Exhibit B)**

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

**KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc.**

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant. **KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc.**

### **3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:**

*Please provide the following or attach an appropriate exhibit.*

- 3.1 Address of Applicant's nearest local office;  
(See Exhibit A section 3.1)
- 3.2 Location of all records and engineering drawings, if not at local office;  
(See Exhibit A section 3.3.1)
- 3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system;  
(See Exhibit A section 3.3.3)
- 3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:  
(See Exhibit D)
  - 3.4.1 Worker's compensation;
  - 3.4.2 Commercial general liability, including at least:
    - 3.4.2.1 Combined overall limits;
    - 3.4.2.2 Combined single limit for each occurrence of bodily injury;
    - 3.4.2.3 Personal injury;
    - 3.4.2.4 Property damage;
    - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations;
    - 3.4.2.6 Independent contractor liability;
    - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage);
    - 3.4.2.8 Environmental contamination;
  - 3.4.3 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employee, or agents.



3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.

**RC Directional Boring**

**Contact Person: Ron Musial Jr.**

**Phone Number: (517) 545-4887**

**Fax Number: (517) 545-0518**

**Cell Number: (517) 404-7707**

**Address: 2000 Country Farm Rd.  
Howell, MI. 48843**

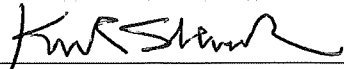
**4 CERTIFICATION:**

*All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.*

**KEPS Technologies Inc. dba ACD.net and ACD Telecom, Inc**

**1/14/2015**

Date

By:   
Print name: Kirk Shewchuck  
Title: CFO

S:\metroapplicationform.doc

# KEPS Technology Contact Exhibit A

---

## **Section 3.1**

KEPS Technology dba ACD.net and ACD Telecom, Inc. Michigan 1800 N. Grand River Avenue Lansing MI 48906

### **Section 3.3.1 Permittee's contact person**

Phil Brown, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)999-3213 Fax: (517)999-3993 Email: [brown.phil@acd.net](mailto:brown.phil@acd.net)

### **Section 3.3.1 Engineering drawings, and As-built plans and related records**

OSP Engineer Phil Brown

1800 N. Grand River Avenue Lansing Michigan 48906

Phone: (517)999-3213

Fax: (517)999-3993

Email: [brown.phil@acd.net](mailto:brown.phil@acd.net)

### **Section 3.3.3 Engineering Contact**

Russell Allswede, 1800 N. Grand River Avenue, Lansing, Michigan 48906. Phone: (517)899-5609 Fax: (517)999-3993 Email: Allswede. [Russell@acd.net](mailto:Russell@acd.net)

### **Section 3.3.4 Construction & Engineering Contact Person**

Russell Allswede Directory of Operations

1800 N. Grand River Avenue Lansing Michigan 48906

Phone: (517)899-5609

Fax: (517)999-3993

Email: Allswede. [Russell@acd.net](mailto:Russell@acd.net)

### **Section 3.1.5 Emergency contact number with 24 hour availability**

(517)999-9999 option #1

## **Exhibit B**

The anticipated construction schedule for this will be set for February 3, 2015 through March 17, 2015. This date varies considering and contingent upon many variables such as approval of pole attachment permits, Make Ready adjustments, MDOT permitting, and other required County; Township; or City permitting, as well as weather.

# Muskegon County

## Route Description

### Scope of work:

ACD proposes to place fiber optic cable within the Road Right-of-Way of Muskegon County for the purpose of enhancing and expanding our fiber network.

ACD proposes to attach supporting strand, fiber optic cable and associated hardware to existing utility poles located in the Road Right-of-Way. ACD will abide by all NESC rules and regulations.

ACD proposes to directionally bore within the Road Right-of-Way for the placement of 1-1/4" DR-11 HDPE conduit containing one fiber optic cable. Minimum depth will be 48". ACD will notify Miss Dig prior to the commencement of any work.

### Location of Work:

Aerial cable will be placed on existing utility poles and within the Road Right-of-Way of the streets listed below:

E. Laketon Ave. between Harvey St. & S. Getty St.

See Maps- 16-627-7975, 16-626-7975, 16-625-7975

Underground cable will be placed within the Road Right-of-Way of the streets listed below:

E. Laketon Ave. & across Harvey St.

See Maps- 16-627-7975

A Grade Level hand hole with dimensions of 24" x 36" x 24" will be placed near the intersection of:

E. Laketon Ave. & Harvey St.



# CERTIFICATE OF LIABILITY INSURANCE

OP ID: AM

DATE (MM/DD/YYYY)

12/24/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                           |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
|---------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------|---------------------|-------------------------------------|-------|-------------------------------------------------|-------|--------------------------------------------------|-------|-------------------|--|-------------------|--|
| <b>PRODUCER</b><br>Lyman & Sheets<br>2213 East Grand River<br>P.O. Box 15127<br>Lansing, MI 48901<br>Michael G. Sheets    |                     | <b>CONTACT NAME:</b> Angela Maldonado<br><b>PHONE (A/C, No, Ext):</b> 517-482-2211<br><b>FAX (A/C, No):</b> 517-371-4881<br><b>E-MAIL:</b> angelam@lymansheets.com<br><b>ADDRESS:</b><br><b>PRODUCER CUSTOMER ID #:</b> ACDNE-1                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURED</b><br>ACD.Net<br>ACD Telecom<br>KEPS Technologies Inc<br>1800 N. Grand River Avenue<br>Lansing, MI 48906-3905 |                     | <b>INSURER(S) AFFORDING COVERAGE</b><br><table border="1"><tr><td><b>INSURER A:</b> Federal Insurance Co.</td><td><b>NAIC #</b> 20281</td></tr><tr><td><b>INSURER B:</b> The Accident Fund</td><td>10166</td></tr><tr><td><b>INSURER C:</b> Auto-Owners Insurance Company</td><td>18988</td></tr><tr><td><b>INSURER D:</b> Westchester Surplus Lines Ins.</td><td>10172</td></tr><tr><td><b>INSURER E:</b></td><td></td></tr><tr><td><b>INSURER F:</b></td><td></td></tr></table> |  | <b>INSURER A:</b> Federal Insurance Co. | <b>NAIC #</b> 20281 | <b>INSURER B:</b> The Accident Fund | 10166 | <b>INSURER C:</b> Auto-Owners Insurance Company | 18988 | <b>INSURER D:</b> Westchester Surplus Lines Ins. | 10172 | <b>INSURER E:</b> |  | <b>INSURER F:</b> |  |
| <b>INSURER A:</b> Federal Insurance Co.                                                                                   | <b>NAIC #</b> 20281 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURER B:</b> The Accident Fund                                                                                       | 10166               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURER C:</b> Auto-Owners Insurance Company                                                                           | 18988               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURER D:</b> Westchester Surplus Lines Ins.                                                                          | 10172               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURER E:</b>                                                                                                         |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |
| <b>INSURER F:</b>                                                                                                         |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                         |                     |                                     |       |                                                 |       |                                                  |       |                   |  |                   |  |

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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

| INSR LTR                                                                                                                                        | TYPE OF INSURANCE                                                                           | ADDL INSR                                             | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------|----------|---------------|-------------------------|-------------------------|---------------------------------------------------------------------------------------------------|
| A                                                                                                                                               | GENERAL LIABILITY                                                                           |                                                       |          | 36000815      | 02/20/2014              | 02/20/2015              | EACH OCCURRENCE \$ 1,000,000                                                                      |
|                                                                                                                                                 | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                            |                                                       |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000                                            |
|                                                                                                                                                 | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR              |                                                       |          |               |                         |                         | MED EXP (Any one person) \$ 10,000                                                                |
|                                                                                                                                                 |                                                                                             |                                                       |          |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                                                |
|                                                                                                                                                 |                                                                                             |                                                       |          |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                                    |
|                                                                                                                                                 |                                                                                             |                                                       |          |               |                         |                         | PRODUCTS - COMP/OP AGG \$ 1,000,000                                                               |
| GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |                                                                                             |                                                       |          |               |                         |                         |                                                                                                   |
| A                                                                                                                                               | AUTOMOBILE LIABILITY                                                                        |                                                       |          | 73583522      | 02/20/2014              | 02/20/2015              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000                                                  |
|                                                                                                                                                 | <input checked="" type="checkbox"/> ANY AUTO                                                |                                                       |          |               |                         |                         | BODILY INJURY (Per person) \$                                                                     |
|                                                                                                                                                 | <input type="checkbox"/> ALL OWNED AUTOS                                                    |                                                       |          |               |                         |                         | BODILY INJURY (Per accident) \$                                                                   |
|                                                                                                                                                 | <input type="checkbox"/> SCHEDULED AUTOS                                                    |                                                       |          |               |                         |                         | PROPERTY DAMAGE (PER ACCIDENT) \$                                                                 |
| A                                                                                                                                               | <input checked="" type="checkbox"/> HIRED AUTOS                                             |                                                       |          | 73583522      | 02/20/2014              | 02/20/2015              | \$                                                                                                |
| A                                                                                                                                               | <input checked="" type="checkbox"/> NON-OWNED AUTOS                                         |                                                       |          | 73583522      | 02/20/2014              | 02/20/2015              | \$                                                                                                |
| C                                                                                                                                               | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR |                                                       |          | 4984742700    | 02/20/2014              | 02/20/2015              | EACH OCCURRENCE \$ 10,000,000                                                                     |
|                                                                                                                                                 | <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE                   |                                                       |          |               |                         |                         | AGGREGATE \$ 10,000,000                                                                           |
|                                                                                                                                                 | <input type="checkbox"/> DEDUCTIBLE                                                         |                                                       |          |               |                         |                         | \$                                                                                                |
|                                                                                                                                                 | <input checked="" type="checkbox"/> RETENTION \$ 10,000                                     |                                                       |          |               |                         |                         | \$                                                                                                |
| B                                                                                                                                               | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                               |                                                       |          | WCV6097262    | 01/01/2015              | 01/01/2016              | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER \$ 500,000 |
|                                                                                                                                                 | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                 | <input type="checkbox"/> Y <input type="checkbox"/> N | N/A      |               |                         |                         | E.L. EACH ACCIDENT \$ 500,000                                                                     |
|                                                                                                                                                 | If yes, describe under DESCRIPTION OF OPERATIONS below                                      |                                                       |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE \$ 500,000                                                             |
|                                                                                                                                                 |                                                                                             |                                                       |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT \$ 500,000                                                            |
| D                                                                                                                                               | Contractors Pollut                                                                          |                                                       |          | G27442420 001 | 04/15/2014              | 04/15/2015              | Pollution 500,000                                                                                 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER****EVIDENC**

Evidence of Coverage

**CANCELLATION**

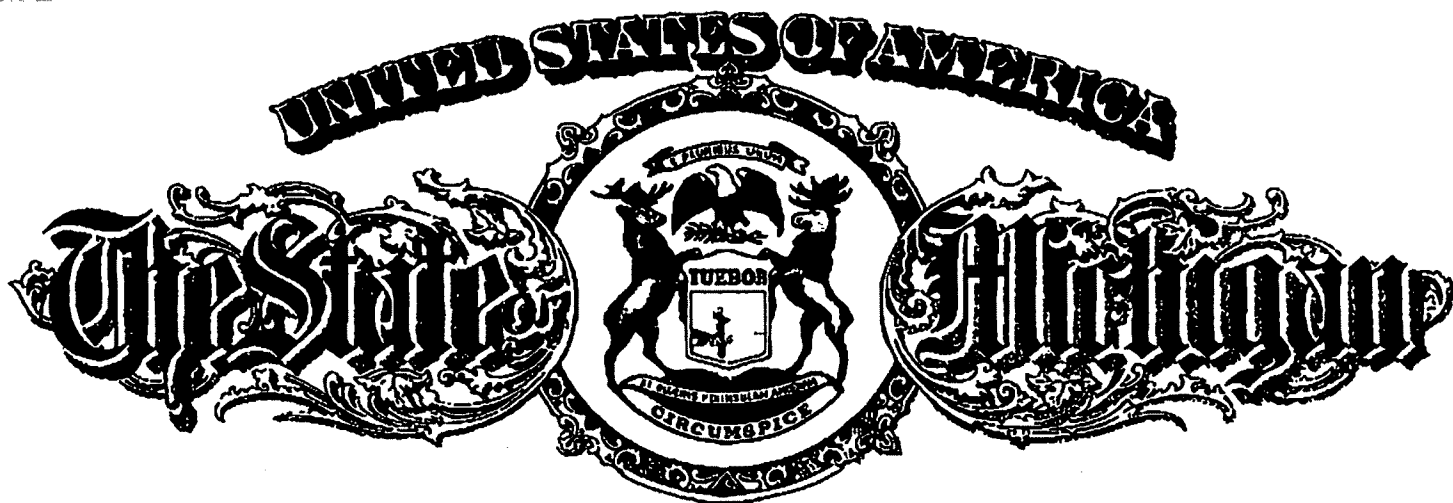
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Michael G Sheets*

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The ACORD name and logo are registered marks of ACORD



**Department of Licensing and Regulatory Affairs**  
**Lansing, Michigan**

*This is to Certify That*

**KEPS TECHNOLOGIES, INC.**

*was validly incorporated on February 14, 1991, as a Michigan profit corporation, and said corporation is validly in existence under the laws of this state.*

*This certificate is issued pursuant to the provisions of 1972 PA 284, as amended, to attest to the fact that the corporation is in good standing in Michigan as of this date and is duly authorized to transact business and for no other purpose.*

*This certificate is in due form, made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.*



Sent by Facsimile Transmission  
537475

*In testimony whereof, I have hereunto set my hand, in the City of Lansing, this 6th day of February, 2014.*

Alan J. Schefke, Director  
Corporations, Securities & Commercial Licensing Bureau

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU  
PROFIT CORPORATION INFORMATION UPDATE**

**2013**

|                                                                                                                                                                                            |                                                    |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> On behalf of the Corporation, I certify that no changes have occurred in required information since the last filed annual report.                      |                                                    |                                                |
| Identification Number<br><b>537475</b>                                                                                                                                                     | Corporation Name<br><b>KEPS TECHNOLOGIES, INC.</b> |                                                |
| Resident agent name and mailing address of the registered office<br><b>STEVEN E. SCHOEN</b><br><br><b>MI</b>                                                                               |                                                    |                                                |
| The address of the registered office<br><b>1800 NCRTH GRAND RIVER AVE</b><br><br><b>LANSING MI 48906</b>                                                                                   |                                                    |                                                |
| Describe the purpose and activities of the corporation during the year covered by this report:<br><br>                                                                                     |                                                    |                                                |
| <b>Electronic Signature</b>                                                                                                                                                                |                                                    |                                                |
| Filed By<br><b>STEVE SCHOEN</b>                                                                                                                                                            | Title<br><b>AUTHORIZED OFFICER OR AGENT</b>        | Phone<br>                                      |
| <input checked="" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein. |                                                    |                                                |
| <b>Payment Information</b>                                                                                                                                                                 |                                                    |                                                |
| Payment Amount<br><b>\$ 25</b>                                                                                                                                                             | Payment Date/Time<br><b>03/29/2013 14:50:34</b>    | Reference Nbr<br><b>71315 6801 537475 2013</b> |

Exhibit F





State of Michigan  
John Engler, Governor

Department of Consumer & Industry Services  
Kathleen M. Wilbur, Director

Public Service Commission

6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909-7721  
Telephone: 517-241-6180  
Web Site: [cis.state.mi.us/mpsc](http://cis.state.mi.us/mpsc)

Commissioners  
Laura Chappelle  
David A. Svanda  
Robert B. Nelson

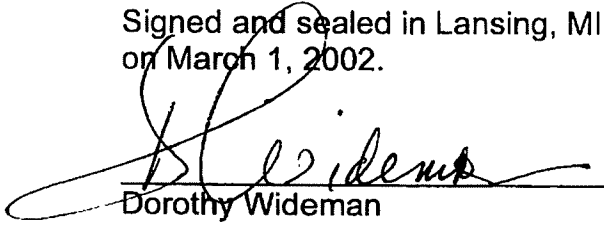
## Basic Local Exchange Service License

I, Dorothy Wideman, Executive Secretary, Michigan Public Service Commission, certify that on January 19, 2000, in Case No. U-12180, the Michigan Public Service Commission granted ACD Telecom, Inc. a permanent license to render basic local exchange service within a specific geographic area, in accordance with the requirements of the Michigan Telecommunications Act, 1991 PA 179 as amended, MCL 484.2101 et seq., and all requirements established by laws, orders, and regulations of the Commission.

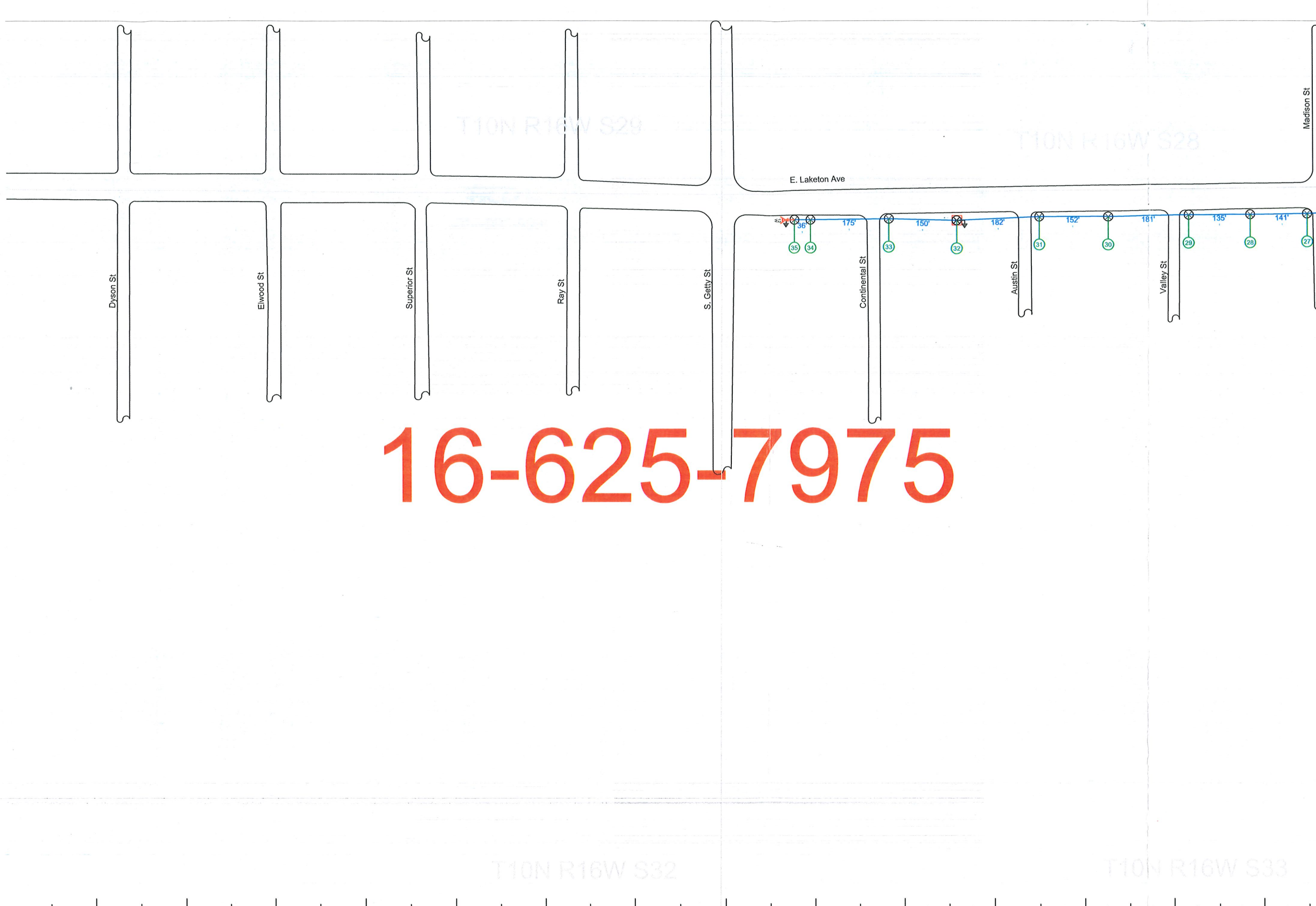
I further certify that on December 3, 2001, Commission staff officially approved the tariffs filed by ACD Telecom, Inc. as a precondition to commencing basic local exchange service in the state of Michigan.

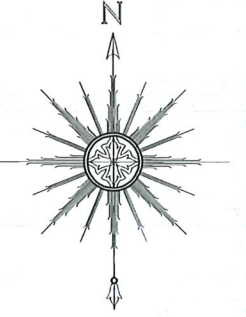
This license cannot be sold or otherwise transferred without prior approval from the Michigan Public Service Commission. ACD Telecom, Inc. may not discontinue basic local exchange service without first complying with the requirements of Section 313 of the Michigan Telecommunications Act, MCL 484.2313.

Signed and sealed in Lansing, MI  
on March 1, 2002.



Dorothy Wideman  
Executive Secretary





**ACD.net**  
517-999-9999

1800 Grand River Ave  
Lansing MI 48906

**PROPRIETARY**  
INFORMATION NOT FOR  
DISCLOSURE

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**DRAWING DISCLAIMER**

Facility Locations are general in nature, ACD.NET will not be held accountable for the accuracy of the information provided on these drawings. Contact the Local ONE CALL AGENCY 72 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:  
MISS DIG  
1-800-482-7171

**Project Manager**  
Walter Steele

**CAD Engineer**  
Nichelle Ortowski

**Permitting Engineer**  
Nichelle Ortowski

**Surveyor**  
Chris Counsellor

| REV # | DESCRIPTION        | BY | DATE    |
|-------|--------------------|----|---------|
| 1     | First Route Design |    | 1/15/15 |
|       |                    |    |         |
|       |                    |    |         |
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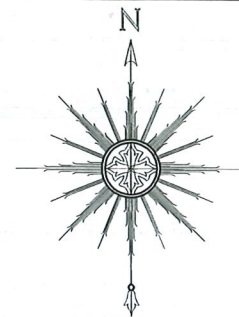
**Exhibit: C**

|             |             |             |
|-------------|-------------|-------------|
| 16-624-7975 | 16-625-7976 | 16-626-7975 |
|             | 16-625-7975 |             |
|             | 16-625-7974 |             |

Page 62 of 119



16-626-7975



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Lansing MI 48906

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**Project Manager**

Walter Steele

**CAD Engineer**

Nichelle Ortowski

**Permitting Engineer**

Nichelle Ortowski

**Surveyor**

Chris Counsellor

**Revisions**

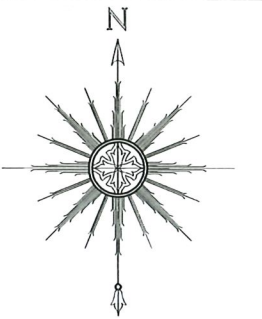
| REV # | DESCRIPTION        | BY | DATE    |
|-------|--------------------|----|---------|
| 1     | First Route Design |    | 1/15/15 |
|       |                    |    |         |
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**Exhibit: c**

|             |             |             |
|-------------|-------------|-------------|
| 16-625-7975 | 16-626-7976 | 16-627-7975 |
|             | 16-626-7975 |             |
|             | 16-626-7974 |             |

|                  |                    |                |                              |                        |
|------------------|--------------------|----------------|------------------------------|------------------------|
| Remarks:         |                    |                |                              |                        |
| SCALE: 1" = 200' | TRS: T10N R16W S28 | T10N R16W S33  |                              |                        |
| COUNTY: Muskegon | TOWNSHIP:          | CITY: Muskegon | PROJECT ID: LC0042529FO19078 | CUSTOMER NUMBER: 42529 |

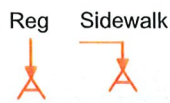




CUSTOMER NUMBER: 42529



Proposed Anchor  
Distance from Pole and  
Direction



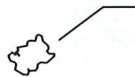
Proposed ACD  
Communications Pole



Proposed ACD NON  
Communications Pole



Proposed Bore Pit  
Location



Bore Pit  
3'X2'X36"

Centerline Marker



Use of Double Dead End



Down Ground



Fiber Count with  
Segment Number



Fiber Route Description

Project Name:  
Segment Name:  
Route Footage:  
Fiber Footage:  
Segment ID:  
NOTES:



Fire Hydrant



Six way Splice Case



Four way Splice Case



Three way Splice Case



Two way Splice Case



Foreign Pole Indicator



NON Transformer Joint  
Use Pole



Transformer Joint Use  
Pole



Man Hole Cover



Make Ready Symbol  
with attachment and sag  
Hights



Attach At:  
Midspan At:

Over Head Guy Marker



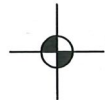
Pole Number Marker



Proposed Riser



TRS Section Corner



Segment Header  
describing a segment of  
a project

SEGMENT HEADER:

Storage Loop, Storage  
footage and Segment



Pole Span Length and  
Segment ID

100'

Storm Drain



Street Light



Fiber Termination Point  
Marker



Communications Tower



Tree and Type  
Description



Underground Notes

- UG NOTES:
- 1) 1 (ONE) 1 1/4" HDPE CONDUIT TO BE BURIED.
  - 2) CONDUIT TO BE BURIED FEET FROM CENTERLINE OF ROAD.
  - 3) CONDUIT TO BE BURIED AT MINIMUM DEPTH.
  - 4) TYPICAL BORE CROSS-SECTION:



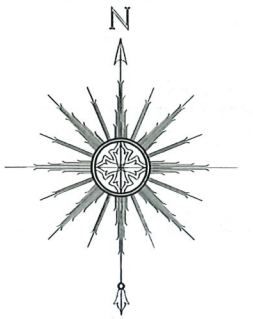
Our Grid Number  
**16-772-8429**

UTM Zone Number EASTING divided by 900 NORTHING divided by 600

Our Grid Number is calculated from the SW Corner of the grid's Longitude and Latitude Converted to the Universal Transverse Mercator Coordinate system. The First two digits represent the zone number in the Northern Hemisphere, the three digit number represents the Easting number divided by 900 and the 4 digit number is the Northing number divided by 600. This makes the size of our grid 900 by 600 Meters.

Our Match Lines can be found  
in the lower right hand corner  
and represents the  
neighboring grid numbers.

|               |                |               |
|---------------|----------------|---------------|
| West Grid No. | North Grid No. | East Grid No. |
|               | Grid Number    |               |
|               | South Grid No. |               |



**ACD.net**  
517-999-9999

1800 Grand River Ave  
Lansing MI 48906

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MISS DIG  
1-800-482-7171

**Project Manager**

**CAD Engineer**

**Permitting Engineer**

**Surveyor**

## SYMBOL SHEET

SCALE: 1" = 200'

TRS:

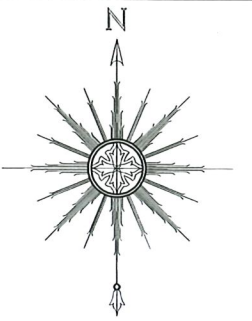
COUNTY: Muskegon

TOWNSHIP:

CITY: Muskegon

PROJECT ID: LC042529FO19078

CUSTOMER NUMBER:



1800 Grand River Ave  
Lansing MI 48906

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## Project Manager

## Walter Steele

## CAD Engineer

Nichelle Ortowski

Permitting Engineer

Nichelle Ortowski

Surveyor

Chris Counseller

## Revisions

|       |                    |    |         |
|-------|--------------------|----|---------|
| REV # | DESCRIPTION        | BY | DATE    |
| 1     | First Route Design |    | 1/15/15 |

Exhibit: C

### Grid Key

Page 66 of 119

16-625-7976

16-626-7976

16-627-7976

16-625-7975

16-626-7975

16-627-7975





2/18/2025

City of Muskegon  
933 Terrace Street  
Muskegon, Michigan, 49440

### **METRO ACT RIGHT OF WAY PERMIT EXTENSION**

Dear Jonathan Seyferth, City Manager:

At this time, KEPS Technologies, Inc. dba ACD.net would like to extend the existing METRO Act we have with your municipality. Our current agreement expires on 2/10/2025. We would like to extend that to 2/10/2030.

If you are in agreement with this extension, please sign this agreement on the lines provided below and return within 30 days to KEPS Technologies, Inc. dba ACD.net at the address listed on the letterhead or emailed to [osp@acd.net](mailto:osp@acd.net).

Additional information regarding this renewal request and other METRO Act information, may be found at <http://www.michigan.gov/mpsc/>.

If you have any questions, please contact the Permitting Department at 517-999-9999 or at [OSP@acd.net](mailto:OSP@acd.net).

Thank you for your time and cooperation in this matter that both benefits you and your constituents.

Agreed to on behalf of  
City of Muskegon

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

KEPS Technologies, Inc. dba ACD.net  
acknowledges receipt of this Permit  
Extension granted by

Name: Steve Schoen

Signature: \_\_\_\_\_

Its: Vice President

Date: 2/18/2025

KEPS Technologies, Inc. d/b/a ACD.net  
1800 N. Grand River Ave.  
Lansing, MI 48906

517.999.9999



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Title:</b> Amendment to the zoning ordinance - Cottage Court Developments - Second Read |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Department:</b> Planning                                                                |
| <b>Brief Summary:</b><br>Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                            |
| <b>Detailed Summary &amp; Background:</b> <ul style="list-style-type: none"><li>• A <b>cottage court development</b> is a type of housing design that typically consists of a cluster of small, single-story homes or cottages arranged around a shared central courtyard or green space. This design is often used to create a community-oriented environment, where the homes are in close proximity to each other, and the shared space fosters social interaction and a sense of belonging.</li><li>• Some key features of a cottage court development include:<ul style="list-style-type: none"><li>○ <b>Central Courtyard:</b> The homes are typically arranged around a shared outdoor space, such as a garden, lawn, or courtyard, creating a more communal feel.</li><li>○ <b>Small-Scale Homes:</b> The individual units, often referred to as cottages, are generally smaller in size and designed to be more affordable or efficient.</li><li>○ <b>Pedestrian-Friendly:</b> These developments are often designed with pedestrians in mind, with pathways connecting the homes and the central shared space.</li><li>○ <b>Sense of Community:</b> Because of the proximity and shared spaces, cottage courts are intended to encourage neighborly interaction, fostering a tight-knit community.</li></ul></li><li>• The type of density proposed in these types of developments is similar to the density allowed in the recent zoning reform amendments.</li><li>• The zoning amendments proposed would do the following:<ul style="list-style-type: none"><li>○ Create a definition for Cottage Court Developments.</li><li>○ Create a section in the zoning ordinance under General Provisions that regulates Cottage Court Developments.</li><li>○ Allows Cottage Court Developments as a use by right (under certain conditions) in the following zoning districts: R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR.</li></ul></li></ul> <p>The Planning Commission unanimously (7-0, 2 members absent) recommended approval of the ordinance amendments.</p> |                                                                                            |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                            |



**Goal/Action Item:**

2027 Goal 2: Economic Development Housing and Business

**Amount Requested:**

N/A

**Budgeted Item:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

**Fund(s) or Account(s):**

N/A

**Budget Amendment Needed:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

**Recommended Motion:**

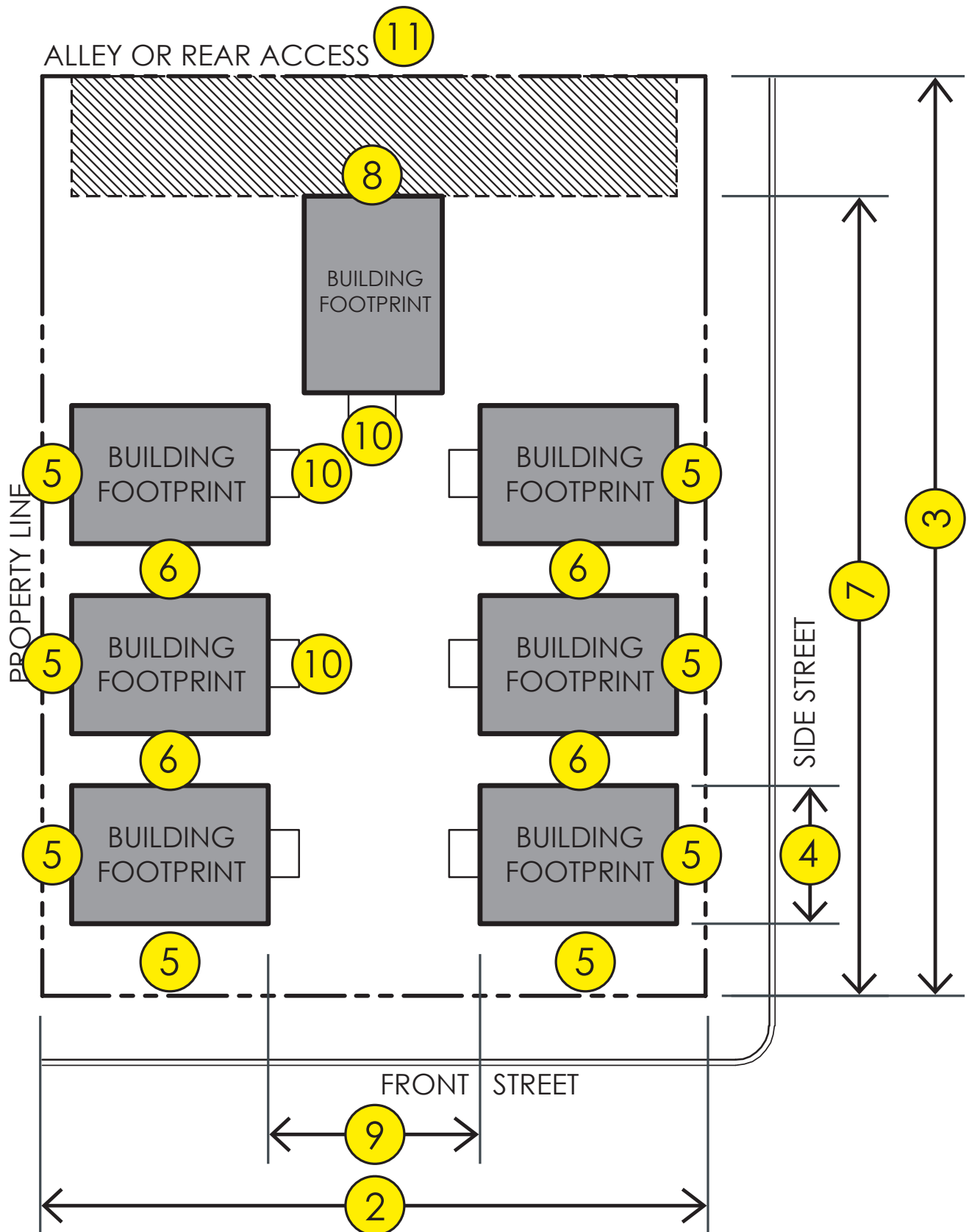
I move to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments as proposed.

**Approvals:**

|                         |   |  |
|-------------------------|---|--|
| Immediate Division Head | X |  |
| Information Technology  |   |  |
| Other Division Heads    |   |  |
| Communication           |   |  |
| Legal Review            |   |  |

**Guest(s) Invited / Presenting:**

No



## PLANNING COMMISSION EXCERPTS

### Examples of Cottage Court Developments



#### Proposed definition in Article II (definitions):

Cottage Court Development: A group (3-10 units) of small, detached housing units arranged around and accessed from entrances facing a shared open space visible from the street.

#### Proposed amendment to Section 2318: Cottage Court Developments (Currently a blank section in General Provisions):

Cottage court developments are permitted in the R zoning district and the Form Based Code zoning district's FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR context areas with the following conditions:

1. The lot shall not contain fewer than three (3) nor more than ten (10) detached housing units.
2. Lot width:
  - Minimum lot width: 110 feet
  - Maximum lot width: 150 feet
3. Lot depth:
  - Minimum lot depth: 100 feet
  - Maximum lot depth: 220 feet

4. Height limit: 1.5 stories or 24 feet
5. Setbacks: front, side, and rear setbacks shall meet those of the underlying zoning district.
6. Setbacks between units: 10 feet
7. Parking Setback: 40 feet from the front property line.
8. The provided off-street parking cannot be directly adjacent to the required shared open space.
9. The cottage court development must contain a common, shared open space that is at least twenty (20) feet but no more than sixty (60) feet in width and landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material.
10. All housing units that do not front on a street must front and have their main entrance face the shared open space.
11. The lot must be serviced by an alley at the side or rear of the lot or, if an alley is not available, from a single drive approach on a side street. If both an alley and side street is not available, parking may be accessed from a single drive approach on a front street.
12. All units must meet the living area standards listed in Section 2319, and each unit shall not exceed a maximum building footprint of 30'x30'.
13. Building facades facing streets or the shared open space shall have 10% to 50% of the facade be windows between the adjacent grade and the cornice expression line or eave.
14. Accessory dwelling units are not permitted in cottage court developments.

Proposed amendments to R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR zoning districts:

Cottage court developments would be listed as a principal use permitted, as allowed in Section 2318 (Cottage Court Developments), in these zoning districts.

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Section 2318: Cottage Court Developments (Currently a blank section in General Provisions):

Cottage court developments are permitted in the R zoning district and the Form Based Code zoning district's FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR context areas with the following conditions:

1. The lot shall not contain fewer than three (3) nor more than ten (10) detached housing units.
2. Lot width:
  - Minimum lot width: 110 feet
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4. Height limit: 1.5 stories or 24 feet
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7. Parking Setback: 40 feet from the front property line.
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9. The cottage court development must contain a common, shared open space that is at least twenty (20) feet but no more than sixty (60) feet in width and landscaped in grass, ground cover, perennials, and/or other natural, living, landscape material.
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14. Accessory dwelling units are not permitted in cottage court developments.

Amendments to R, FBC-NE, FBC-UR, LFBC-LMR, and LFBC-LR zoning districts:

Cottage court developments would be listed as a principal use permitted, as allowed in Section 2318 (Cottage Court Developments), in these zoning districts.

This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of February 2025, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2025.

\_\_\_\_\_  
Ann Meisch, 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**

Please take notice that on February 25, 2025, the City Commission of the City of Muskegon adopted an ordinance to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for cottage court developments.

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

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

Published \_\_\_\_\_, 2025.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Title:</b> Amendment to the zoning ordinance - Accessory Commercial Units - Second Read |
| <b>Submitted by:</b> Mike Franzak, Planning Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Department:</b> Planning                                                                |
| <b>Brief Summary:</b><br>Staff-initiated request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                            |
| <b>Detailed Summary &amp; Background:</b> <ul style="list-style-type: none"><li>• An "accessory commercial unit" (ACU) is a small commercial space, like a retail store or office, that is attached to or built on the same property as a residential dwelling, essentially acting as a secondary business space within a residential neighborhood, similar to how an accessory dwelling unit (ADU) is a secondary living space on a residential lot.</li><li>• ACUs are often seen as a way to bring local businesses closer to residents and increase neighborhood vibrancy without significantly altering the character of the area.</li><li>• The Future Land Use Map created during the Master Plan process, includes "community node" areas where higher densities and uses should be considered.</li><li>• The Master Plan recommends uses such as these in the following sections of the document:<ul style="list-style-type: none"><li>◦ <a href="#">Housing &amp; Neighborhoods</a>: Goal 3: Create walkable community nodes within a short distance of all residents. Identify existing or potential community nodes in each city neighborhood to serve as a strong center(s) from which the neighborhood can orient itself and build upon. Update land use regulations to permit better integration of different land uses at identified community nodes.</li></ul></li><li>• <a href="#">Economic Development</a>: Goal 2: Create viable commercial corridors and community nodes. Simplify zoning regulations to permit flexibility in business typesThe zoning amendments proposed would do the following:<ul style="list-style-type: none"><li>◦ Create a definition for Accessory Commercial Unit.</li><li>◦ Create an Accessory Commercial Unit Overlay District. ACUs would only be allowed within these boundaries and under these guidelines.</li></ul></li></ul> <p>The Planning Commission unanimously (7-0, 2 members absent) recommended approval of the ordinance amendment.</p> |                                                                                            |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Micro-commercial areas in neighborhoods<br>Neighborhood commercial center development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                            |

**Goal/Action Item:**

2027 Goal 2: Economic Development Housing and Business

**Amount Requested:**

N/A

**Budgeted Item:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

**Fund(s) or Account(s):**

N/A

**Budget Amendment Needed:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

**Recommended Motion:**

I move to approve the request to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units as presented.

**Approvals:**

|                         |   |  |
|-------------------------|---|--|
| Immediate Division Head | X |  |
| Information Technology  |   |  |
| Other Division Heads    |   |  |
| Communication           |   |  |
| Legal Review            |   |  |

**Guest(s) Invited / Presenting:**

No



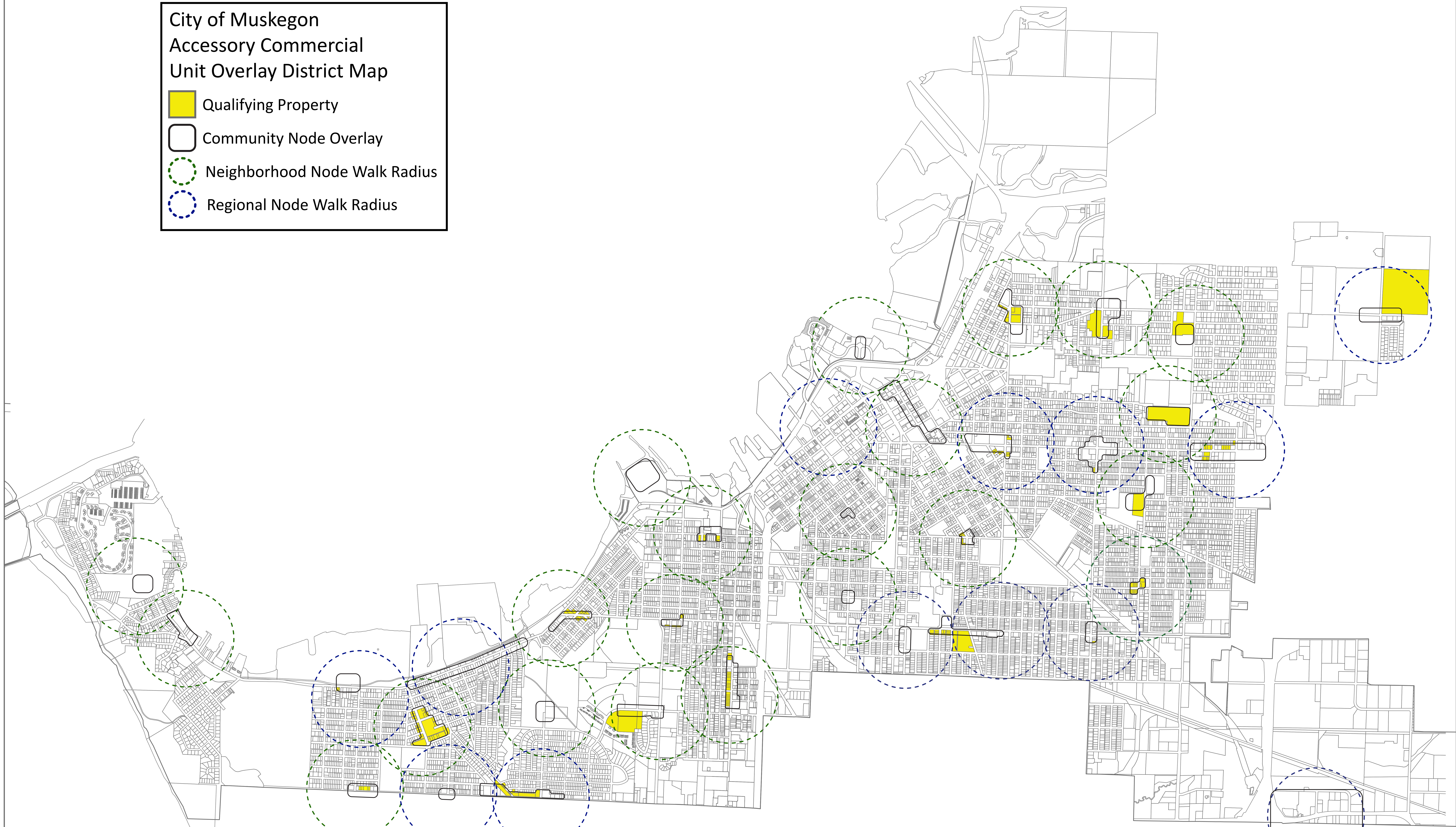
City of Muskegon  
Accessory Commercial  
Unit Overlay District Map

Qualifying Property

Community Node Overlay

Neighborhood Node Walk Radius

Regional Node Walk Radius





## PLANNING COMMISSION EXCERPT

### Examples of Accessory Commercial Units



#### Amendments to Article II (Definitions):

Accessory Commercial Unit (ACU): A smaller, secondary attached building intended for commercial use on a property that, but is accessory to the primary residential use of the property.

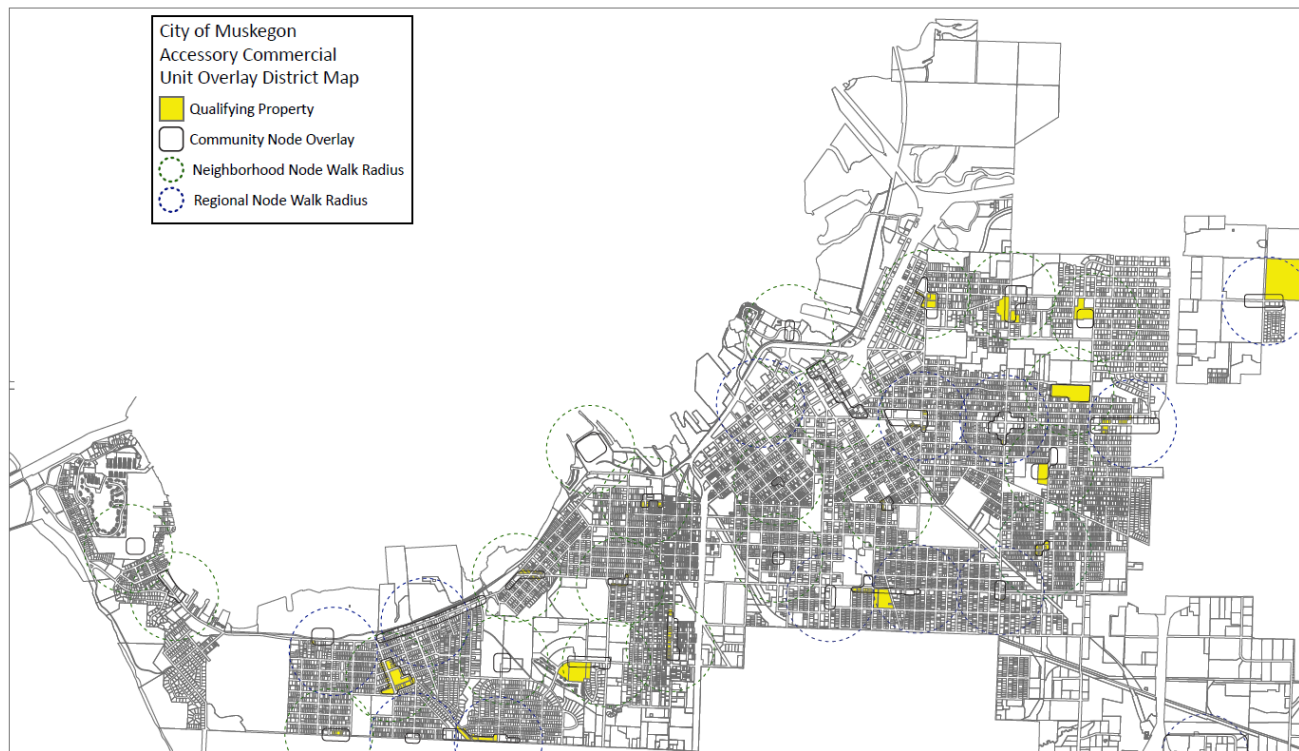
#### Proposed amendment to Section 2328: Accessory Commercial Unit Overlay District (Currently a blank section in General Provisions):

Accessory Commercial Units are allowed as a special land use permitted within the Accessory Commercial Unit Overlay District with the following conditions:

1. The property is located within the boundaries identified in Figure 23-4.
2. The underlying zoning of the property is R, Neighborhood Residential.
3. The principal use of the property is residential.

4. A special land use permit is issued, following the guidelines of Section 2332.
5. Permitted Uses:
  - a. Retail (excluding alcohol sales)
  - b. Office
  - c. Personal service
  - d. Gallery/museum
6. Building Requirements:
  - a. Minimum building size of 200 square feet and receive a certificate of occupancy from the Building Inspections Department.
  - b. The footprint of the ACU must be smaller than the footprint of the principal structure on the property.
  - c. The ACU must meet the required front build-to-zone of 5 to 30 feet.
  - d. The ACU must be attached to the principal structure on the property.
  - e. Design requirements for the ACU must meet the Storefront Building Type Frontage Option of the Retail Building Type Facade Composition Requirements in 2006.09 of the Form Based Code.

Figure 23-4: Accessory Commercial Unit Overlay District Map (based on the Community Node Overlay in the Master Plan's Future Land Use Map).



CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

*Amendments to Article II (Definitions):*

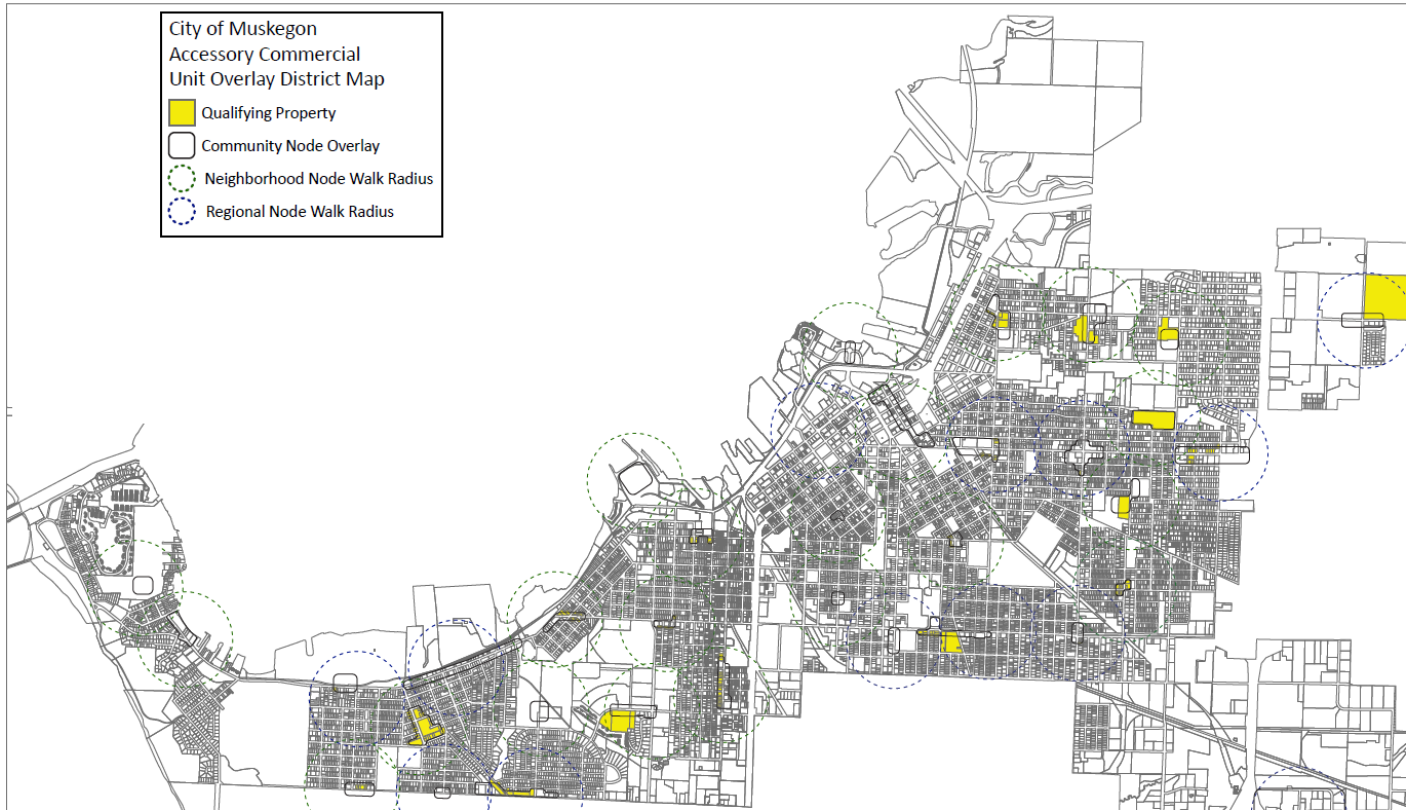
Accessory Commercial Unit (ACU): A smaller, secondary attached building intended for commercial use on a property that, but is accessory to the primary residential use of the property.

*Proposed amendment to Section 2328: Accessory Commercial Unit Overlay District (Currently a blank section in General Provisions):*

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2. The underlying zoning of the property is R, Neighborhood Residential.
3. The principal use of the property is residential.
4. A special land use permit is issued, following the guidelines of Section 2332.
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  - b. The footprint of the ACU must be smaller than the footprint of the principal structure on the property.
  - c. The ACU must meet the required front build-to-zone of 5 to 30 feet.
  - d. The ACU must be attached to the principal structure on the property.
  - e. Design requirements for the ACU must meet the Storefront Building Type Frontage Option of the Retail Building Type Facade Composition Requirements in 2006.09 of the Form Based Code.

Figure 23-4: Accessory Commercial Unit Overlay District Map.



This ordinance adopted:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Adoption Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Meisch, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 25th day of February 2025, 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 the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2006, and that minutes were kept and will be or have been made available as required thereby.

DATED: \_\_\_\_\_, 2025.

\_\_\_\_\_  
Ann Meisch, 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**

Please take notice that on February 25, 2025, the City Commission of the City of Muskegon adopted an ordinance to amend Section 400 and Articles II and XX of the zoning ordinance to create regulations that allow for accessory commercial units.

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

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

Published \_\_\_\_\_, 2025.

CITY OF MUSKEGON

By \_\_\_\_\_

Ann Meisch, MMC

City Clerk

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

Account No. 101-80400-5354



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Title:</b> Western Market User Fees Updates |
| <b>Submitted by:</b> Contessa Alexander, Development Analyst, Jocelyn Hines, Development Analyst                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Department:</b> Economic Development        |
| <b>Brief Summary:</b><br>The Economic Development Department is requesting an update to the Western Market User Fees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                |
| <b>Detailed Summary &amp; Background:</b><br>The Economic Development Department is requesting an update to the Western Market User Fees. An initial presentation on these proposed updates was provided to the City Commission at the March 10, 2025, work session.<br>In 2024, adjustments were made to better accommodate vendors and ensure the long-term sustainability of the Western Market. To further streamline operations and account for rising maintenance costs, we are proposing the following updates: <ul style="list-style-type: none"><li>• Eliminating air conditioning and additional electricity fees</li><li>• Introducing common area maintenance (CAM) fees to help cover public space upkeep, utilities, and restroom facilities</li></ul> |                                                |
| <b>Fee Schedule Comparison:</b><br>2024/2025 Previous User Fees: <ul style="list-style-type: none"><li>• Extra Electricity: \$75</li><li>• Air Conditioning: \$300</li></ul><br>2025 Proposed User Fees: <ul style="list-style-type: none"><li>• <del>Extra Electricity: \$75</del></li><li>• <del>Air Conditioning: \$300</del></li><li>• Chalet Rental Fees:<ul style="list-style-type: none"><li>○ 90 sq. ft. – \$1,450 (3+ years: \$1,750)</li><li>○ 120 sq. ft. – \$1,925 (3+ years: \$2,325)</li><li>○ 150 sq. ft. – \$2,350 (3+ years: \$2,825)</li></ul></li><li>• Common Area Maintenance (CAM) Fees: \$52.94/month</li></ul>                                                                                                                               |                                                |
| The Economic Development Department seeks Commission approval to update the Western Market User Fees as outlined above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                |
| <b>Goal/Focus Area/Action Item Addressed:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                |

**Key Focus Areas:**

Micro-commercial areas in neighborhoods

Neighborhood commercial center development

Progress toward completion of ongoing economic development projects

**Goal/Action Item:**

2027 Goal 2: Economic Development Housing and Business - Improved customer service and streamlined business development processes

**Amount Requested:**

N/A

**Budgeted Item:**

|     |   |    |  |     |  |  |
|-----|---|----|--|-----|--|--|
| Yes | X | No |  | N/A |  |  |
|-----|---|----|--|-----|--|--|

**Fund(s) or Account(s):**

252-807-801 Budgeted Contractual

252-807-920 Electricity

**Budget Amendment Needed:**

|     |  |    |  |     |   |  |
|-----|--|----|--|-----|---|--|
| Yes |  | No |  | N/A | X |  |
|-----|--|----|--|-----|---|--|

**Recommended Motion:**

I move to approve the changes in Western Market User Fees by eliminating the air conditioning and extra electricity fees and adding the CAM fees.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

No



## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |     |   |     |   |     |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-----|---|-----|--|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Title:</b> 2025 Pavement Marking Program                                                                                                 |     |   |     |   |     |  |  |
| <b>Submitted by:</b> Todd Myers, Deputy Director of Public Works                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Department:</b> Public Works                                                                                                             |     |   |     |   |     |  |  |
| <b>Brief Summary:</b><br>Staff is requesting approval of a contract with Michigan Pavement Markings, LLC in the amount of \$33,300.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             |     |   |     |   |     |  |  |
| <b>Detailed Summary &amp; Background:</b><br>Muskegon County typically receives bids annually for pavement marking work throughout the county and also for various individual communities within the county. DPW provided the county with approximate quantities for various items of work including all the "usual" line-type markings. In addition, the county also received bid prices for "special" such as turn arrows, crosswalks, stop bars, etc.<br><br>Based on the estimated quantities and prices received, DPW is anticipating an approximate annual amount of \$33,300 which is comparable to amounts in past years. This includes the prices directly provided by Michigan Pavement Markings, a 10% contingency since these items are difficult to quantify exactly, and \$3,000 in funds for the "special" markings as needed. |                                                                                                                                             |     |   |     |   |     |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b><u>Key Focus Areas:</u></b><br><br><b><u>Goal/Action Item:</u></b><br>2027 GOAL 4: FINANCIAL INFRASTRUCTURE - Maximized efficient use of existing infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                             |     |   |     |   |     |  |  |
| <b>Amount Requested:</b><br>\$33,300                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td>X</td><td>No</td><td></td><td>N/A</td><td></td><td></td></tr></table>           | Yes | X | No  |   | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | X                                                                                                                                           | No  |   | N/A |   |     |  |  |
| <b>Fund(s) or Account(s):</b><br>202 (Major Streets)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td>X</td><td>N/A</td><td></td><td></td></tr></table> | Yes |   | No  | X | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                             | No  | X | N/A |   |     |  |  |
| <b>Recommended Motion:</b><br>I move to authorize staff to enter into a three-year contract with Michigan Pavement Markings in a first year amount of \$33,300.00 for pavement marking work within the City of Muskegon as directed by the Muskegon Department of Public Works.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                             |     |   |     |   |     |  |  |
| <b>Approvals:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Guest(s) Invited / Presenting:</b>                                                                                                       |     |   |     |   |     |  |  |

|                         |   |  |    |
|-------------------------|---|--|----|
| Immediate Division Head | X |  | No |
| Information Technology  |   |  |    |
| Other Division Heads    |   |  |    |
| Communication           |   |  |    |
| Legal Review            |   |  |    |

**Muskegon County Road Commission**  
**BID OPENING OF THURSDAY, FEBRUARY 20, 2025**  
**3:00 p.m.**

**PAVEMENT MARKING PROGRAM**

| CONTRACTOR           | AS READ                          | AS TABULATED           | TOTAL        |
|----------------------|----------------------------------|------------------------|--------------|
| MPM                  | Striping: \$270,535.64 Total Bid | Striping: \$270,535.64 | \$306,534.39 |
|                      | Specialty: Per Unit Price        | Specialty: 35,998.75   |              |
| m+m Pavement Marking | Striping: \$292,454.44 Total Bid | Striping: \$292,454.45 | \$345,091.45 |
|                      | Specialty: Per Unit Price        | Specialty: 52,637.00   |              |
| PK Contracting       | Striping: \$285,177.00 Total Bid | Striping: \$285,177.01 | \$324,185.21 |
|                      | Specialty: Per Unit Price        | Specialty: 39,008.20   |              |
|                      | Striping:                        | Striping:              |              |
|                      | Specialty:                       | Specialty:             |              |
|                      | Striping:                        | Striping:              |              |
|                      | Specialty:                       | Specialty:             |              |
|                      | Striping:                        | Striping:              |              |
|                      | Specialty:                       | Specialty:             |              |
|                      | Striping:                        | Striping:              |              |
|                      | Specialty:                       | Specialty:             |              |

**BID FORM  
2025 STRIPING**

**CITY OF MUSKEGON**

| ITEM            | UNIT | ESTIMATED QUANTITY | UNIT PRICE<br>WATERBORNE | AMOUNT    |
|-----------------|------|--------------------|--------------------------|-----------|
| 4" SOLID YELLOW | FEET | 300,000            | 0.06                     | 18,000.00 |
| 4" SKIP YELLOW  | FEET | 45,000             | 0.065                    | 2925.00   |
| 4" SOLID WHITE  | FEET | 100,000            | 0.06                     | 6000.00   |
| 4" SKIP WHITE   | FEET | 10,000             | 0.065                    | 650.00    |

TOTAL BID: \$ 27,575.00 *OK*  
*ej*

| ITEM            | UNIT | ESTIMATED QUANTITY | UNIT PRICE<br>REMOVAL |  |
|-----------------|------|--------------------|-----------------------|--|
| 4" SOLID YELLOW | FEET |                    | 0.50                  |  |
| 4" SKIP YELLOW  | FEET |                    | 0.50                  |  |
| 4" SOLID WHITE  | FEET |                    | 0.50                  |  |
| 4" SKIP WHITE   | FEET |                    | 0.50                  |  |

Michigan Pavement Markings LLC  
Name of Firm

P.O. Box 9673  
Address

Wyoming MI Zip 49509  
Telephone:

616-260-7828

*Shannon Nielsen*  
Signature of Individual Submitting Bid

Shannon Nielsen  
Type Above Name

President  
Title of Above

2-20-25  
Date



**BID FORM  
2025 SPECIAL PAVEMENT MARKINGS**

**CITY OF MUSKEGON**

| ITEM                                                                                     | UNIT | ESTIMATED QUANTITY | UNIT PRICE |
|------------------------------------------------------------------------------------------|------|--------------------|------------|
| ONLY                                                                                     | EACH |                    | 40.00      |
| LEFT TURN (LT)                                                                           | EACH |                    | 40.00      |
| LEFT TURN/THRU (LT/TH)                                                                   | EACH |                    | 70.00      |
| THRU                                                                                     | EACH |                    | 40.00      |
| THRU/RIGHT TURN (TH/RT)                                                                  | EACH |                    | 70.00      |
| RIGHT TURN (RT)                                                                          | EACH |                    | 40.00      |
| CENTERLINE ONLY (CL)                                                                     | EACH |                    | —          |
| CHEVRON MARKING (6" WIDE)                                                                | FEET |                    | 0.75       |
| WHITE DOTS (4" WIDE)                                                                     | FEET |                    | 0.75       |
| SCHOOL                                                                                   | EACH |                    | 100.00     |
| RR (COMPLETE SYMBOL, INCLUDING STOP BAR, X AND RR, SURROUNDED BY TWO TRANSVERSE BANDS) * | EACH |                    | 150.00     |
| 6" CROSSWALK (6" CW)                                                                     | FEET |                    | 0.75       |
| 12" CROSSWALK (12" CW)                                                                   | FEET |                    | 1.50       |
| STOP BAR 24" (24" SB)                                                                    | FEET |                    | 2.00       |
| STOP BAR 12" (12" SB)                                                                    | FEET |                    | 1.50       |
| STOP BAR 18" (18" SB)                                                                    | FEET |                    | 1.75       |

\* Reserves the right to specify standard or narrow RR markings

SAME AS MUSKEGON COUNTY or page 5

Name of Firm

Address

Zip

Telephone

Signature of Individual Submitting Bid

Type Above Name & Title

Date:



## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

KNOW ALL MEN BY THESE PRESENTS, that:

1. Employers Mutual Casualty Company, an Iowa Corporation
2. EMCASCO Insurance Company, an Iowa Corporation
3. Union Insurance Company of Providence, an Iowa Corporation
4. Illinois EMCASCO Insurance Company, an Iowa Corporation
5. Dakota Fire Insurance Company, a North Dakota Corporation
6. EMC Property & Casualty Company, an Iowa Corporation

hereinafter referred to severally as "Company" and collectively as "Companies", each does, by these presents, make, constitute and appoint:

**LAURA J. NORTHOUSE**

its true and lawful attorney-in-fact, with full power and authority conferred to sign, seal, and execute the Bid Bond

In an amount not exceeding Ten Million Dollars .....\$10,000,000.00

and to bind each Company thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of each such Company, and all of the acts of said attorney pursuant to the authority hereby given are hereby ratified and confirmed.

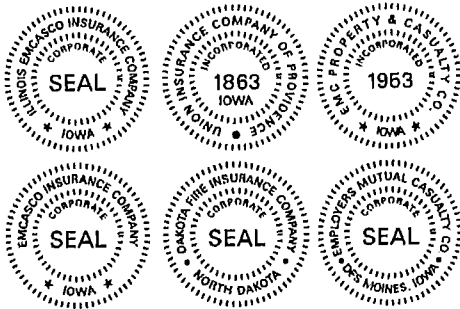
## AUTHORITY FOR POWER OF ATTORNEY

This Power-of-Attorney is made and executed pursuant to and by the authority of the following resolution of the Boards of Directors of each of the Companies at the first regularly scheduled meeting of each company duly called and held in 1999:

**RESOLVED:** The President and Chief Executive Officer, any Vice President, the Treasurer and the Secretary of Employers Mutual Casualty Company shall have power and authority to (1) appoint attorneys-in-fact and authorize them to execute on behalf of each Company and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof; and (2) to remove any such attorney-in-fact at any time and revoke the power and authority given to him or her. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power-of-attorney issued to them, to execute and deliver on behalf of the Company, and to attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and any such instrument executed by any such attorney-in-fact shall be fully and in all respects binding upon the Company. Certification as to the validity of any power-of-attorney authorized herein made by an officer of Employers Mutual Casualty Company shall be fully and in all respects binding upon this Company. The facsimile or mechanically reproduced signature of such officer, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power-of-attorney of the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS THEREOF, the Companies have caused these presents to be signed for each by their officers as shown, and the Corporate seals to be hereto affixed this 22nd day of September, 2022.

Seals



*Scott R. Jean*  
 Scott R. Jean, President & CEO  
 of Company 1; Chairman, President  
 & CEO of Companies 2, 3, 4, 5 & 6

*Todd Strother*  
 Todd Strother, Executive Vice President  
 Chief Legal Officer & Secretary of  
 Companies 1, 2, 3, 4, 5 & 6

On this 22nd day of September, 2022 before me a Notary Public in and for the State of Iowa, personally appeared Scott R. Jean and Todd Strother, who, being by me duly sworn, did say that they are, and are known to me to be the CEO, Chairman, President, Executive Vice President, Chief Legal Officer and/or Secretary, respectively, of each of the Companies above; that the seals affixed to this instrument are the seals of said corporations; that said instrument was signed and sealed on behalf of each of the Companies by authority of their respective Boards of Directors; and that the said Scott R. Jean and Todd Strother, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed, and the voluntary act and deed of each of the Companies.

My Commission Expires October 10, 2025.

*Kathy Loveridge*  
 Notary Public in and for the State of Iowa

## CERTIFICATE

I, Ryan J. Springer, Vice President of the Companies, do hereby certify that the foregoing resolution of the Boards of Directors by each of the Companies, and this Power of Attorney issued pursuant thereto on 22nd day of September, 2022, are true and correct and are still in full force and effect.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 19th day of February, 2025.

*Ryan J. Springer*  
 Vice President

TO: BOARD OF COUNTY ROAD COMMISSIONERS  
COUNTY OF MUSKEGON  
7700 EAST APPLE AVENUE  
MUSKEGON, MI 49442

Gentlemen:

The undersigned has examined the plans, specifications and the location of the work described herein and is fully informed as to the nature of the work and the conditions relating to its performance and understands that the quantities shown are approximate only and are subject to either increase or decrease.

The undersigned hereby proposes to furnish all necessary equipment, tools, apparatus and other means of painting, do all work including maintaining traffic, furnish all the materials; and for the unit prices or lump sums named in the itemized bid to complete the work herein described in strict conformity with the requirements of the 2020 Standard Specifications for Construction of the Michigan Department of Transportation and such other special provisions and supplemental specifications as may be part of this proposal.

The undersigned further propose to do such extra work as may be authorized by the Board of County Road Commissioners, County of Muskegon, prices for which are not included in the itemized bid. Compensation shall be made on the basis agreed upon before such extra work is begun.

The undersigned enclosed a certified or cashier's check on an open, solvent bank or bid bond in the amount of not less than 5% of bid, payable to the Board of County Road Commissioners, County of Muskegon, as a guarantee of good faith. If the undersigned is the successful bidder and fails to enter into a contract or to furnish satisfactory bonds and/or insurance to the Board of County Road Commissioners, County of Muskegon within 15 days after being furnished the necessary contract and bond forms, said check shall be forfeited to the Muskegon County Road Commission as liquidated damages. It is understood that the check of the successful bidder shall not be returned until the contract has been executed, and that the proposal guarantees of all bidders except the successful bidder will be returned promptly.

MICHIGAN PAVEMENT MARKING, LLC.

Name of Firm

P.O. Box 9673

Address

Wyoming, MI Zip 49509

Telephone: 616 - 261-3111



Signature of Individual Submitting Bid

SHANNON NIELSEN PRESIDENT

Type Above Name & Title

Date: 2-20-25

snmpm33@gmail.com 3  
Email



# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                              |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------|---|-----|------------------------|----|---|-------------------------------------------------|--|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                               |   | <b>Title:</b> Road Maintenance Materials, Aggregates, and Concrete                                                                                       |   |     |                        |    |   |                                                 |  |  |
| <b>Submitted by:</b> Joe Buthker, DPW Superintendent                                                                                                                                                                                                                                                                                                         |   | <b>Department:</b> Public Works                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| <b>Brief Summary:</b><br>Staff requests authorization to purchase road maintenance materials, aggregates, and ready-mixed concrete from selected bidders.                                                                                                                                                                                                    |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| <b>Detailed Summary &amp; Background:</b><br>Bids were solicited for road maintenance materials, aggregates, and ready-mixed concrete for purchase in 2025. Purchases will be made from the recommended bidders highlighted in yellow on the attached bid tabs. Purchases are contingent upon product availability, timely deliveries, and prices as quoted. |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Decrease infrastructure burden on residents, Sustainability in financial practices and infrastructure<br><br><b>Goal/Action Item:</b><br>2027 Goal 4: Financial Infrastructure                                                                                               |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| <b>Amount Requested:</b><br>Variable                                                                                                                                                                                                                                                                                                                         |   | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td>X</td> <td>No</td> <td></td> <td>N/A</td> <td></td> <td></td> </tr> </table>           |   | Yes | X                      | No |   | N/A                                             |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                          | X | No                                                                                                                                                       |   | N/A |                        |    |   |                                                 |  |  |
| <b>Fund(s) or Account(s):</b><br>101, 202, 203, 590, 591                                                                                                                                                                                                                                                                                                     |   | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td>X</td> <td>N/A</td> <td></td> <td></td> </tr> </table> |   | Yes |                        | No | X | N/A                                             |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                          |   | No                                                                                                                                                       | X | N/A |                        |    |   |                                                 |  |  |
| <b>Recommended Motion:</b><br>I move to approve purchases of road maintenance materials, aggregates, and ready-mixed concrete for 2025 from the selected bidders as shown within budgeted amounts.                                                                                                                                                           |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| <b>Approvals:</b><br><table border="1"> <tr> <td>Immediate Division Head</td> <td>X</td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> </table>                                                                                                                                                                             |   | Immediate Division Head                                                                                                                                  | X |     | Information Technology |    |   | <b>Guest(s) Invited / Presenting:</b><br><br>No |  |  |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                      | X |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |
| Information Technology                                                                                                                                                                                                                                                                                                                                       |   |                                                                                                                                                          |   |     |                        |    |   |                                                 |  |  |

|                      |  |  |  |
|----------------------|--|--|--|
| Other Division Heads |  |  |  |
| Communication        |  |  |  |
| Legal Review         |  |  |  |

**Highway Maintenance Materials  
BID TABULATION  
February 27, 2025**

| Contractor<br>Address<br>City/St<br>Phone |        |      |                      | MICHIGAN PAVING MATERIALS |                | BIT-MAT PRODUCTS  |                | SHERWIN INDUSTRIES INC |                | ASPHALT PAVING INC |                | GREAT LAKES CHLORIDE |                |
|-------------------------------------------|--------|------|----------------------|---------------------------|----------------|-------------------|----------------|------------------------|----------------|--------------------|----------------|----------------------|----------------|
|                                           |        |      |                      | 1950 WILLIAMS ST          |                | 401 TIERNAN RD    |                | 2129 W MORGAN AVE      |                | 45 S GETTY         |                | PO BOX 634           |                |
|                                           |        |      |                      | ALMA MI 48801             |                | BAY CITY MI 48706 |                | MILWAUKEE WI 53221     |                | MUSKEGON MI        |                | GRAND HAVEN MI 49417 |                |
|                                           |        |      |                      | 989-600-4253              |                | 989-684-0341      |                | 414-281-6400           |                | 231-531-8054       |                | 574-527-0287         |                |
| DESCRIPTION                               | QTY    | UNIT | Deliver<br>or Pickup | UNIT PRICE                | TOTAL<br>PRICE | UNIT PRICE        | TOTAL<br>PRICE | UNIT PRICE             | TOTAL<br>PRICE | UNIT PRICE         | TOTAL<br>PRICE | UNIT PRICE           | TOTAL<br>PRICE |
| 1 38% Liquid Calcium Chloride             | 40,000 | GAL  | DEL                  |                           | \$0.00         |                   | \$0.00         |                        | \$0.00         |                    | \$0.00         | \$0.79               | \$31,400.00    |
| 2 32% Liquid Calcium Chloride             | 15,000 | GAL  | DEL                  |                           | \$0.00         |                   | \$0.00         |                        | \$0.00         |                    | \$0.00         | \$0.67               | \$10,080.00    |
| 3 Hot Mix Asphalt, 3C Base                | 200    | TON  | PU                   |                           | \$0.00         |                   | \$0.00         |                        | \$0.00         | \$80.00            | \$16,000.00    |                      | \$0.00         |
| 4 Hot Mix Asphalt, 4C Top                 | 2000   | TON  | PU                   | \$85.00                   | \$170,000.00   |                   | \$0.00         |                        | \$0.00         | \$80.00            | \$160,000.00   |                      | \$0.00         |
| 5 Sylvox Patching Materials               | 200    | TON  | DEL                  |                           | \$0.00         |                   | \$0.00         |                        | \$0.00         |                    | \$0.00         |                      | \$0.00         |
|                                           |        |      | PU                   |                           | \$0.00         |                   | \$0.00         |                        | \$0.00         | \$160.00           | \$32,000.00    |                      | \$0.00         |
| 6 AE90 Asphalt Emulsion                   | 20,000 | GAL  | DEL                  | \$2.79                    | \$55,800.00    | \$3.65            | \$73,000.00    |                        | \$0.00         |                    | \$0.00         |                      | \$0.00         |
| 7 Crack Sealant                           | 50,000 | LBS  | DEL                  |                           | \$0.00         |                   | \$0.00         | \$0.588                | \$29,400.00    |                    | \$0.00         |                      | \$0.00         |
|                                           |        |      | PU                   |                           | \$0.00         |                   | \$0.00         | \$0.588                | \$29,400.00    |                    | \$0.00         |                      | \$0.00         |
| 8 Mastic                                  | 80,000 | LBS  | DEL                  |                           | \$0.00         |                   | \$0.00         | \$0.850                | \$68,000.00    |                    | \$0.00         |                      | \$0.00         |
|                                           |        |      | DEL                  |                           | \$0.00         |                   | \$0.00         | \$0.790                | \$63,200.00    |                    | \$0.00         |                      | \$0.00         |
|                                           | 60     | DAYS | DEL                  |                           | \$0.00         |                   | \$0.00         | \$7,400.000            | \$444,000.00   |                    | \$0.00         |                      | \$0.00         |

| Contractor<br>Address<br>City/St<br>Phone |        |      |                      | UNIQUE PAVING      |                |            |                |            |                |            |                |            |                |
|-------------------------------------------|--------|------|----------------------|--------------------|----------------|------------|----------------|------------|----------------|------------|----------------|------------|----------------|
|                                           |        |      |                      | 3993 E 93RD ST     |                |            |                |            |                |            |                |            |                |
|                                           |        |      |                      | CLEVELAND OH 44105 |                |            |                |            |                |            |                |            |                |
|                                           |        |      |                      | 216-441-4880       |                |            |                |            |                |            |                |            |                |
| DESCRIPTION                               | QTY    | UNIT | Deliver<br>or Pickup | UNIT PRICE         | TOTAL<br>PRICE | UNIT PRICE | TOTAL<br>PRICE | UNIT PRICE | TOTAL<br>PRICE | UNIT PRICE | TOTAL<br>PRICE | UNIT PRICE | TOTAL<br>PRICE |
| 1 38% Liquid Calcium Chloride             | 40,000 | GAL  | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 2 32% Liquid Calcium Chloride             | 15,000 | GAL  | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 3 Hot Mix Asphalt, 3C Base                | 200    | TON  | PU                   |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 4 Hot Mix Asphalt, 4C Top                 | 2000   | TON  | PU                   |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 5 Sylvox Patching Materials               | 200    | TON  | DEL                  | \$150.00           | \$30,000.00    |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
|                                           |        |      | PU                   | \$124.00           | \$24,800.00    |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 6 AE90 Asphalt Emulsion                   | 20,000 | GAL  | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 7 Crack Sealant                           | 50,000 | LBS  | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
|                                           |        |      | PU                   |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
| 8 Mastic                                  | 80,000 | LBS  | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
|                                           |        |      | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |
|                                           | 60     | DAYS | DEL                  |                    | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |            | \$0.00         |

**Aggregates  
BID TABULATION  
February 27, 2025**

| Contractor<br>Address<br>City/St<br>Phone |          |      |                      | ACCURATE EXCAVATORS, LLC |             | STONECO              |             | YELLOW ROSE TRANSPORT |              |
|-------------------------------------------|----------|------|----------------------|--------------------------|-------------|----------------------|-------------|-----------------------|--------------|
|                                           |          |      |                      | 2821 CENTRAL AVE         |             | 4880 36TH ST STE 200 |             | 16861 120TH AVE       |              |
|                                           |          |      |                      | MUSKEGON MI 49445        |             | GRAND RAPIDS MI      |             | NUNICA MI             |              |
|                                           |          |      |                      | 231-766-0557             |             | 517-243-3537         |             | 616-534-0077          |              |
| DESCRIPTION                               | QUANTITY | UNIT | Deliver<br>or Pickup | UNIT<br>PRICE            | TOTAL PRICE | UNIT<br>PRICE        | TOTAL PRICE | UNIT<br>PRICE         | TOTAL PRICE  |
| 1 32FA/H1 (Coarse stone-sand)             | 250      | TON  | DEL                  |                          | \$0.00      |                      | \$0.00      | \$29.40               | \$7,350.00   |
|                                           |          |      | PU                   |                          | \$0.00      |                      | \$0.00      |                       | \$0.00       |
|                                           |          |      | DEL                  |                          | \$0.00      |                      | \$0.00      | \$20.45               | \$102,250.00 |
| 2 Road Slag, 22A                          | 5,000    | TON  | DEL                  |                          | \$0.00      |                      | \$0.00      | \$16.00               | \$4,000.00   |
| 3 Natural Road Gravel, 22A, 23A           | 250      | TON  | DEL                  |                          | \$0.00      |                      | \$0.00      | \$10.30               | \$2,575.00   |
|                                           |          |      | PU                   |                          | \$0.00      | \$10.30              | \$2,575.00  |                       | \$0.00       |
|                                           |          |      | DEL                  |                          | \$0.00      |                      | \$0.00      | \$13.50               | \$3,375.00   |
| 4 2NS Sand/Torpedo Sand                   | 250      | TON  | DEL                  |                          | \$0.00      |                      | \$0.00      | \$9.25                | \$2,312.50   |
|                                           |          |      | PU                   |                          | \$0.00      | \$9.25               | \$2,312.50  |                       | \$0.00       |
|                                           |          |      | DEL                  | \$11.95                  | \$5,975.00  |                      | \$0.00      | \$12.00               | \$6,000.00   |
| 5 Screened Top Soil                       | 500      | CYD  | PU                   | \$10.00                  | \$5,000.00  |                      | \$0.00      |                       | \$0.00       |
|                                           |          |      | DEL                  | \$8.00                   | \$16,000.00 |                      | \$0.00      | \$12.00               | \$24,000.00  |
|                                           |          |      | PU                   | \$3.25                   | \$6,500.00  | \$4.35               | \$8,700.00  |                       | \$0.00       |

| Contractor<br>Address<br>City/St<br>Phone      |          |      |                      | MCCORMICK SAND INC |             | VERPLANK TRUCKING     |              | MARJO CONSTRUCTION |              |
|------------------------------------------------|----------|------|----------------------|--------------------|-------------|-----------------------|--------------|--------------------|--------------|
|                                                |          |      |                      | 5430 RUSSELL RD    |             | PO BOX 8 705 W 2ND ST |              | 2635 WILSON AVE SW |              |
|                                                |          |      |                      | TWIN LAKE MI       |             | FERRYSBURG MI         |              | GRAND RAPIDS MI    |              |
|                                                |          |      |                      | 231-766-0466       |             | 231-206-5404          |              | 616-791-9451       |              |
| DESCRIPTION                                    | QUANTITY | UNIT | Deliver<br>or Pickup | UNIT<br>PRICE      | TOTAL PRICE | UNIT<br>PRICE         | TOTAL PRICE  | UNIT<br>PRICE      | TOTAL PRICE  |
| 1 32FA/H1 (Coarse stone-sand)                  | 250      | TON  | DEL                  |                    | \$0.00      | \$31.50               | \$7,875.00   |                    | \$0.00       |
|                                                |          |      | PU                   |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      | \$21.00               | \$105,000.00 | \$27.59            | \$137,950.00 |
| 2 Road Slag, 22A                               | 5,000    | TON  | DEL                  |                    | \$0.00      | \$17.00               | \$4,250.00   | \$16.52            | \$4,130.00   |
|                                                |          |      | PU                   |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      | \$14.25               | \$3,562.50   | \$14.64            | \$3,660.00   |
| 3 Natural Road Gravel, 22A, 23A                | 250      | TON  | PU                   |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  | \$18.15            | \$9,075.00  | \$12.00               | \$6,000.00   | \$17.66            | \$8,830.00   |
| 4 2NS Sand/Torpedo Sand                        | 250      | TON  | PU                   | \$14.00            | \$7,000.00  |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      | \$10.50               | \$21,000.00  | \$9.71             | \$19,420.00  |
|                                                |          |      | PU                   | \$4.75             | \$9,500.00  |                       | \$0.00       |                    | \$0.00       |
| 5 Screened Top Soil                            | 500      | CYD  | DEL                  |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | PU                   |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
| 6 Fill Sand (Class II or IIIA, Not Beach Sand) | 2,000    | CYD  | DEL                  |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | PU                   |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |
|                                                |          |      | DEL                  |                    | \$0.00      |                       | \$0.00       |                    | \$0.00       |



**Concrete  
BID TABULATION  
February 27, 2025**

\*Bid selection based on 7-sack mix which is the most commonly used product, inclusion of other charges for "multiple drop locations" and "small load charges".  
It should also be noted that concrete purchases may include several miscellaneous charges, including, but not limited to, hot water, chloride, winter price, and extra unload time.

|             |                                 |            | Contractor | HIGH GRADE CONCRETE | CONSUMERS CONCRETE    | PORT CITY REDI MIX |
|-------------|---------------------------------|------------|------------|---------------------|-----------------------|--------------------|
|             |                                 |            | Address    | 767 E SHERMAN       |                       | 1780 S SHERIDAN    |
|             |                                 |            | City/St    | MUSKEGON MI         |                       | MUSKEGON MI        |
|             |                                 |            | Phone      | 231-206-4646        | 269-760-3805          | 231-777-2777       |
| DESCRIPTION |                                 | UNIT       |            | UNIT PRICE          | UNIT PRICE            | UNIT PRICE         |
| 1           | 5 Sack Mix                      | CU.YD.     |            | \$136.00            | \$148.00              | \$142.00           |
| 2           | 6 Sack Mix                      | CU.YD.     |            | \$145.00            | \$148.00              | \$150.00           |
| 3           | 7 Sack Mix*                     | CU.YD.     |            | \$154.00            | \$162.00              | \$158.00           |
| 4           | 9 Sack Mix                      | CU.YD.     |            | \$163.00            | \$176.00              | \$174.00           |
| 5           | Minimum Load                    | # CU YD    |            |                     | 2                     | 2                  |
| 6           | Small Load charge, add          | CU.YD.     | 4 - 5      | \$75.00             | \$100.00              | \$110.00           |
|             |                                 | CU.YD.     | 3 - 4      | \$90.00             | \$150.00              | \$160.00           |
|             |                                 | CU.YD.     | 2 - 3      | \$110.00            | \$150.00              | \$160.00           |
|             |                                 | CU.YD.     | 1 - 2      | \$130.00            | \$200.00              |                    |
| 7           | Separate location drop charge   | per drop   |            |                     | \$100.00              | \$60.00            |
| 8           | Extra Unloading Time            | \$ per min |            |                     | \$150.00              | \$1.67             |
|             | Winter Price from Dec to March  | CY         |            | \$12.00             | \$13.00               | \$12.00            |
|             | Winter Price from Nov and April | CY         |            | \$6.00              | \$6.50                | \$7.00             |
|             | Chloride - 1%                   | CU.YD.     |            | \$2.75              | \$3.00                | \$3.25             |
|             | Chloride - 2%                   | CU.YD.     |            | \$5.50              | \$6.00                | \$6.50             |
|             | Other charges                   |            |            |                     | FUEL SURCHARGE: 12.50 |                    |



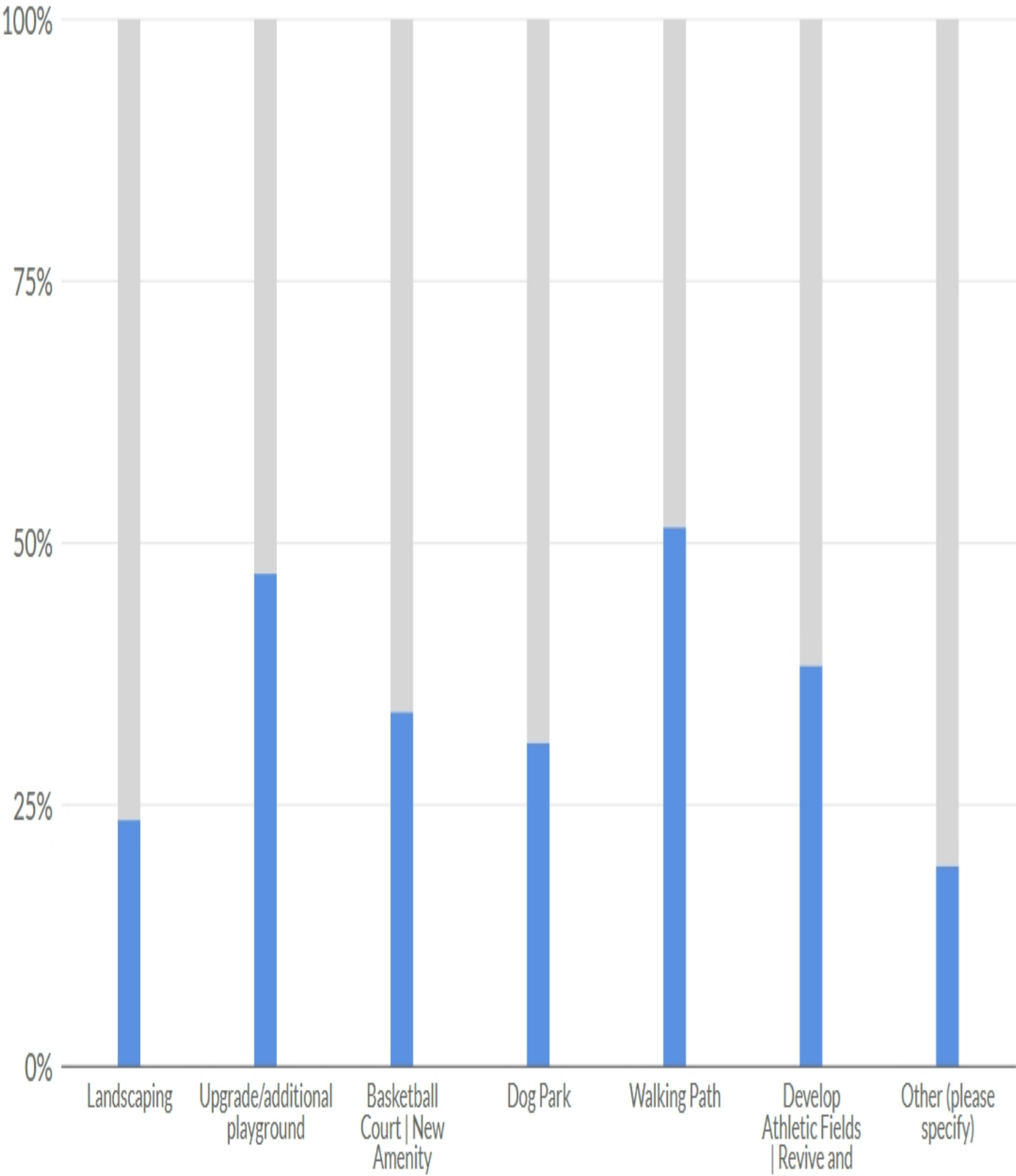
## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                              |     |   |     |  |     |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|-----|--|-----|--|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Title:</b> Campbell Field Park Playground Addition                                                                                                                                                                                                                                                                                                                        |     |   |     |  |     |  |  |
| <b>Submitted by:</b> Kyle Karczewski, Parks and Recreation Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Department:</b> DPW- Parks                                                                                                                                                                                                                                                                                                                                                |     |   |     |  |     |  |  |
| <b>Brief Summary:</b><br>Staff requests approval of the Sinclair Recreation proposal for a GameTime playground installation at Campbell Field Park for \$110,000.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                              |     |   |     |  |     |  |  |
| <b>Detailed Summary &amp; Background:</b><br><p>In January, the Parks &amp; Recreation Department posted a bid document to solicit proposals for a Campbell Field Park playground addition. The additional playground amenity was deemed a big priority for this park through the master planning process. Residents wanted more activities for older kids, as the small play system currently at Campbell is only for ages 2-5.</p> <p>We received several proposals at the target cost of \$110,000, and staff recommends selecting Sinclair Recreation's proposal for a GameTime system for \$110,000. Game Time playgrounds are robust and easy to repair, and Sinclair has proven themselves to be very easy to work with and professional. This was budgeted and planned through our master planning process and capital improvement plan, and this very playground is what was used to create the graphics shown in the Campbell Field Master Planning documents.</p> <p><b>Sinclair Recreation - \$110,000</b><br/>         WeBuildFun - \$109,732<br/>         Midwest Recreation - \$105,838<br/>         Kinetic Recreation - \$109,516<br/>         Snider Recreation - \$109,856<br/>         Great Lakes Recreation - \$110,000</p> |                                                                                                                                                                                                                                                                                                                                                                              |     |   |     |  |     |  |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Enhanced Parks and Recreation Department and Services<br><br><b>Goal/Action Item:</b><br>2027 Goal 1: Destination Community & Quality of Life                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                              |     |   |     |  |     |  |  |
| <b>Amount Requested:</b><br>\$110,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Budgeted Item:</b><br><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 12.5%;">Yes</td> <td style="width: 12.5%;">x</td> <td style="width: 12.5%;">No</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;">N/A</td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table> | Yes | x | No  |  | N/A |  |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | x                                                                                                                                                                                                                                                                                                                                                                            | No  |   | N/A |  |     |  |  |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Budget Amendment Needed:</b>                                                                                                                                                                                                                                                                                                                                              |     |   |     |  |     |  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---|------------------------|---|-----|----------------------|--|--|---------------|--|--|--------------|--|--|----------------------------------------------------------------------------------|
| 445-901-735-092338                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 16.6%; text-align: center;">Yes</td> <td style="width: 16.6%;"></td> <td style="width: 16.6%; text-align: center;">No</td> <td style="width: 16.6%; text-align: center;">x</td> <td style="width: 16.6%; text-align: center;">N/A</td> <td style="width: 16.6%;"></td> </tr> </table> | Yes |   | No                     | x | N/A |                      |  |  |               |  |  |              |  |  |                                                                                  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                 | No  | x | N/A                    |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| <p><b>Recommended Motion:</b><br/>         To authorize staff to contract with Sinclair Recreation in the amount of \$110,000 for a new playground and installation at Campbell Field Park.</p>                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| <p><b>Approvals:</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Immediate Division Head</td> <td style="width: 10%; text-align: center;">x</td> <td style="width: 57%;"></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table> | Immediate Division Head                                                                                                                                                                                                                                                                                                                                                         | x   |   | Information Technology |   |     | Other Division Heads |  |  | Communication |  |  | Legal Review |  |  | <p><b>Guest(s) Invited / Presenting:</b></p> <p style="margin-top: 20px;">No</p> |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | x                                                                                                                                                                                                                                                                                                                                                                               |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| Information Technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| Communication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |
| Legal Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                 |     |   |                        |   |     |                      |  |  |               |  |  |              |  |  |                                                                                  |

Campbell Field |If you could add something new to the park, what would it be? Select all that apply.







**EXISTING PARKING LOT**  
-Paving is in poor condition.



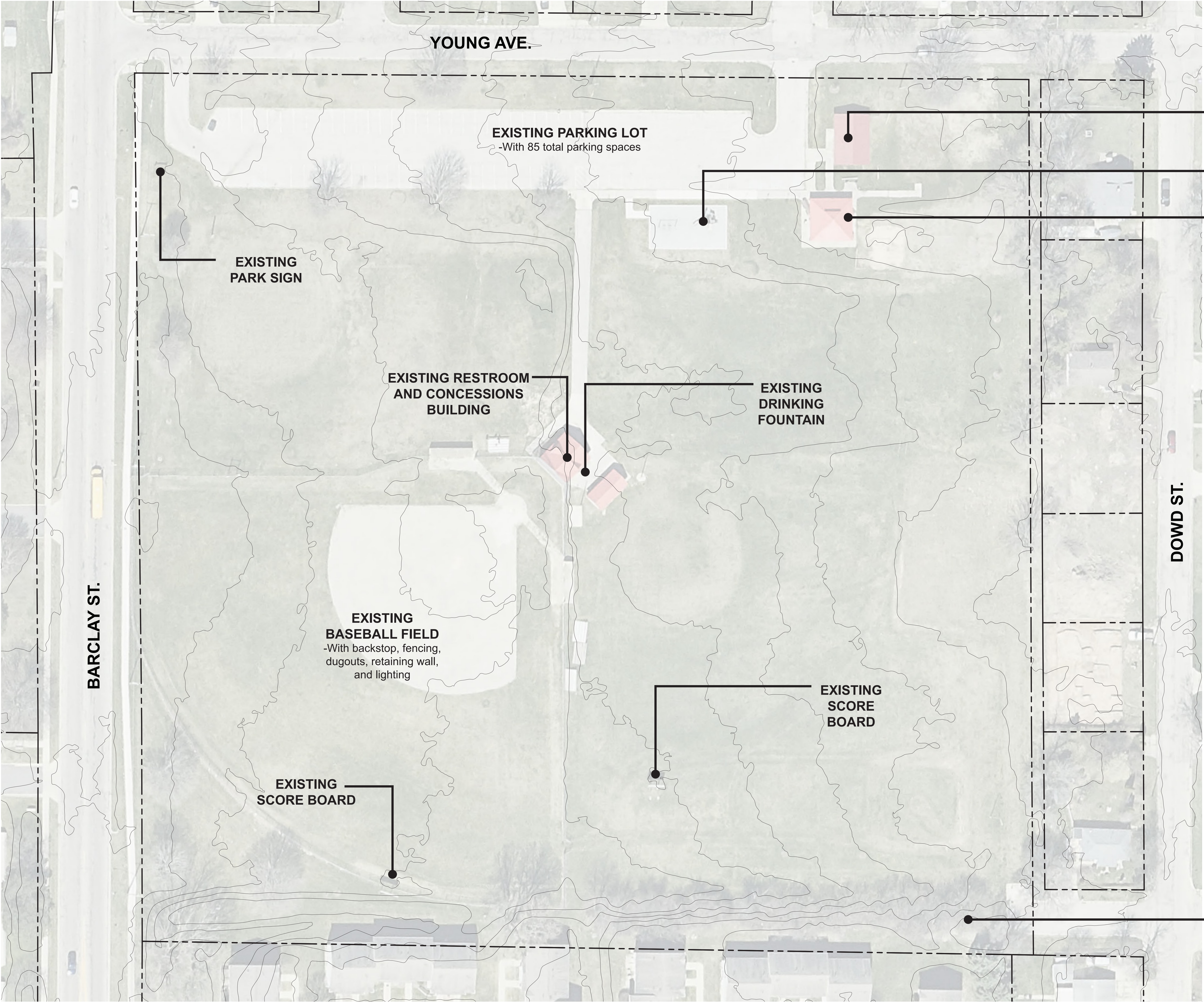
**EXISTING PLAYGROUND**  
-Newly replaced playground, lacks diversity of play opportunities.



**EXISTING FIELDS**  
-Due to soil type, this is not a preferred area for sports fields, therefore other passive recreation options were evaluated.



**EXISTING SHELTER AND BUILDINGS**  
-Existing structures are in moderate condition and can be reused with minimal updates.



**EXISTING STORAGE BUILDING**

**EXISTING PLAYGROUND**

**EXISTING PICNIC SHELTER**

**EXISTING TREES**



**PHASE 1:** Located inside the red dashed line.  
**PHASE 2:** Surrounding the red dashed line

EXISTING PARKING LOT

IMPROVED PARK SIGN

BIKE RACK

GRILL

SEAT WALL

BASKETBALL  
-6', 8', 10' hoops

PICNIC SHELTER  
-30 X 30' hipped roof structure

EXISTING BITUMINOUS  
TRAIL TO REMAIN

EXISTING RESTROOM  
AND CONCESSIONS  
BUILDING TO REMAIN  
- Phase 2

STORY BOOK  
STATIONS  
-10 unique story book stations,  
some including bench seating

CONCRETE PATIO  
-With picnic tables and space  
to set up temporary movie  
screen or other community  
events

PATHWAYS  
-Crushed stone 6' wide.

NEIGHBORHOOD  
CONNECTION

EXISTING STORAGE  
BUILDING  
-Renovate for parks and  
recreation satellite office.

EXPANDED PLAYGROUND  
- Includes inclusive see saw, rope  
spinner, slide, arch swing, and  
benches.  
- Safety surface to be wood fiber.

EXISTING PICNIC SHELTER  
-Repair eaves and paint.

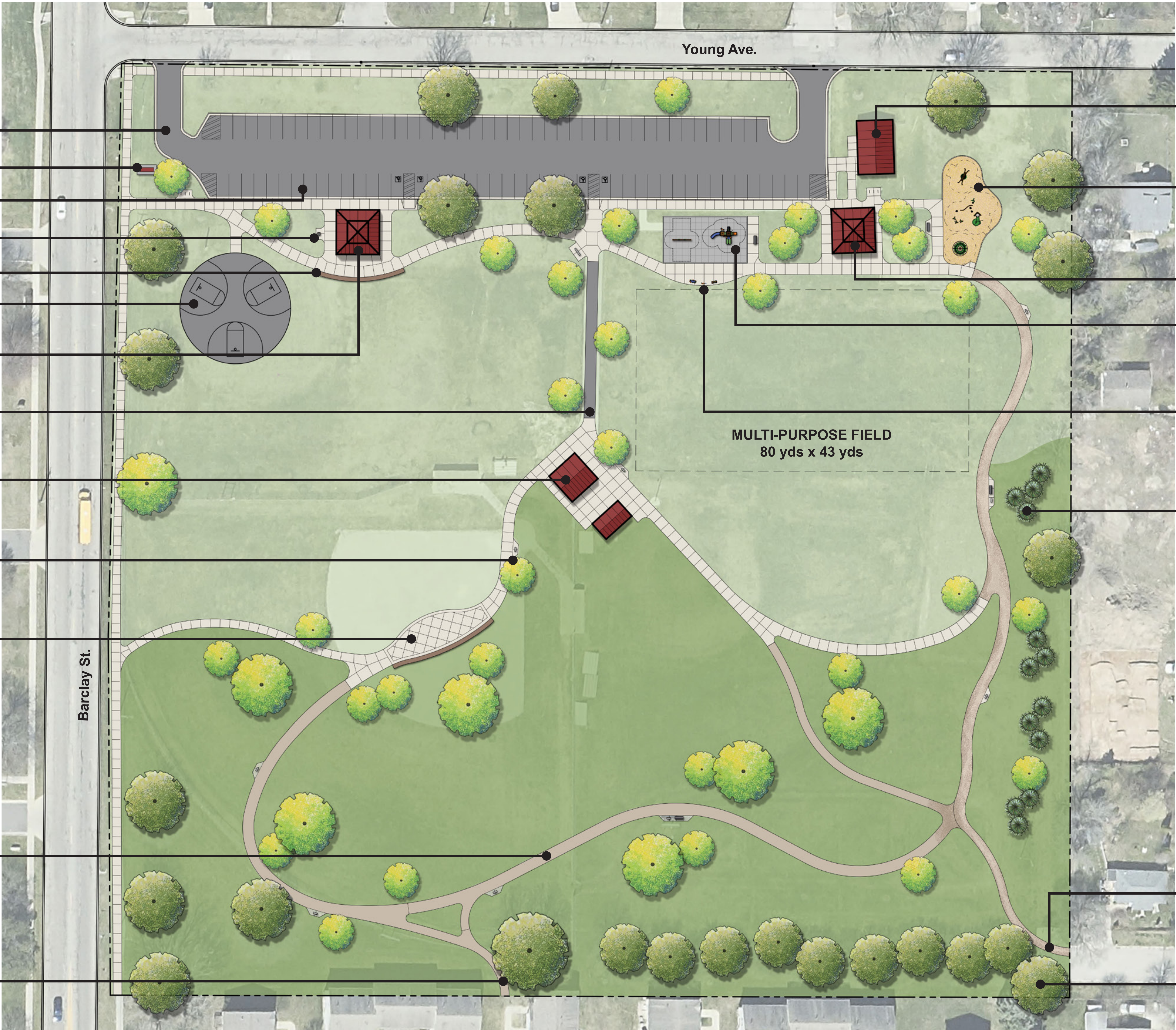
EXISTING PLAYGROUND TO  
REMAIN  
- Improve with seating for  
parents.

MUSICAL INSTRUMENTS

PERIMETER PLANTINGS

NEIGHBORHOOD  
CONNECTION

EXISTING TREES TO  
REMAIN









SHELTER EXAMPLE



UNIQUE SEATING EXAMPLES



NATIVE PLANTING EXAMPLES



FITNESS STATION EXAMPLES



PLAY EQUIPMENT EXAMPLES







City of Muskegon  
Campbell Park - Option One

H





City of Muskegon  
Campbell Park - Option One



**BID FORM**

Total cost of materials, installation and site work

\$ 110,000.00 TOTAL

Bidding two options - both at \$110,000.00 each

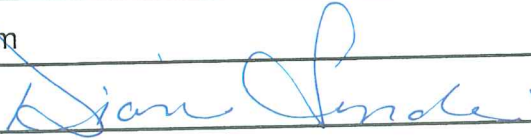
**Company Name:** Sinclair Recreation

**Address:** 176 E. Lakewood Blvd., Holland, MI 49424

**Phone:** 616-836-2447 cell or office at: 800-444-4954

**Email:** diane@sinclair-rec.com

**Signature/Date:** 2-25-2025



**Title:** President

**Printed Name:** Diane Sinclair





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                          |  |                                                                                                                                                                     |  |
|--------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>PRODUCER</b><br>Brown & Brown Insurance Services, Inc.<br>2851 Charlevoix Dr SE<br>Suite 220<br>Grand Rapids MI 49546 |  | <b>CONTACT NAME:</b> Courtney Granzow<br><b>PHONE (A/C, No, Ext):</b> (616) 949-0490<br><b>FAX (A/C, No):</b><br><b>E-MAIL ADDRESS:</b> courtney.granzow@bbrown.com |  |
| <b>INSURED</b><br>Sinclair Recreation, LLC<br>176 E. Lakewood Blvd.<br>Holland MI 49424                                  |  | <b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A: State Automobile Mutual Insurance Company<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F:  |  |
|                                                                                                                          |  | <b>NAIC #</b><br>25135                                                                                                                                              |  |

## COVERAGES

CERTIFICATE NUMBER: 2024 Master COI

REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                             | ADDL INSD                                                                 | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                                                       |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------|---------------|-------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br><input type="checkbox"/> OTHER: |                                                                           |          | PBP2911240    | 04/01/2024              | 04/01/2025              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000<br>MED EXP (Any one person) \$ 10,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG \$ 2,000,000<br>Employment Practices \$ 100,000 |
|          | <input checked="" type="checkbox"/> AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br>OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br>HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY                                                                                       |                                                                           |          | 10169358CA    | 04/01/2024              | 04/01/2025              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>Underinsured motorist \$                                                                                        |
|          | <input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR<br>EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$                                                                                                                                             |                                                                           |          | PBP2911240    | 04/01/2024              | 04/01/2025              | COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000<br>EACH OCCURRENCE \$ 5,000,000<br>AGGREGATE \$<br>PER STATUTE <input checked="" type="checkbox"/> OTH-ER <input type="checkbox"/>                                                                                          |
|          | <input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                    | Y/N<br><input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A |          | WCP2304517    | 04/01/2024              | 04/01/2025              | E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                                                                                                                                       |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

FOR INSURED PURPOSES

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               |     |                                     |     |                                     |     |                                     |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|-----|-------------------------------------|-----|-------------------------------------|--|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Title:</b> Consent for the transfer of deed restrictions on 1275 Dudley                                                                                                    |     |                                     |     |                                     |     |                                     |  |
| <b>Submitted by:</b> Jake Eckholm, Development Services Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Department:</b> Economic Development                                                                                                                                       |     |                                     |     |                                     |     |                                     |  |
| <b>Brief Summary:</b><br>Lawrence Baker purchased the vacant lot at 1275 Dudley from the City of Muskegon in 2005, and has not built on it. He is requesting permission to sell it to a buyer who plans to build 2 homes on the lot, rather than the City of Muskegon reclaiming the lot through reverter clauses in the deed restrictions. The buyer has agreed to comply with our existing lot sale infill policy, including placing reverter clauses to the City in the new deed.                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                               |     |                                     |     |                                     |     |                                     |  |
| <b>Detailed Summary &amp; Background:</b><br>In 2005, Lawrence Baker purchased the vacant lot from the City of Muskegon for \$11,000 with the intention of building a custom home on the site. The buyer did not move forward, and the City never exercised its reverter on the lot. Mr. Baker has remained tax current, and now has a buyer in Joanna Gergely. Mrs. Gergely and her family vacation in West Michigan and are interested in building a home on the lot for themselves, and then splitting it and building another for sale home. Mrs. Gergely has agreed to include the same deed restrictions that our current lot sale policy dictates, and to have both homes built within the timeline laid out in the policy. This is an efficient option for staff and the attorney's office, avoiding the need to revert the lot and then resell it. |                                                                                                                                                                               |     |                                     |     |                                     |     |                                     |  |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types<br>Progress toward completion of ongoing economic development projects<br><br><b>Goal/Action Item:</b><br>2027 Goal 2: Economic Development Housing and Business                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                               |     |                                     |     |                                     |     |                                     |  |
| <b>Amount Requested:</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Budgeted Item:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td></td><td>N/A</td><td><input checked="" type="checkbox"/></td><td></td></tr></table>           | Yes |                                     | No  |                                     | N/A | <input checked="" type="checkbox"/> |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                               | No  |                                     | N/A | <input checked="" type="checkbox"/> |     |                                     |  |
| <b>Fund(s) or Account(s):</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Budget Amendment Needed:</b> <table border="1"><tr><td>Yes</td><td></td><td>No</td><td><input checked="" type="checkbox"/></td><td>N/A</td><td></td><td></td></tr></table> | Yes |                                     | No  | <input checked="" type="checkbox"/> | N/A |                                     |  |
| Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                               | No  | <input checked="" type="checkbox"/> | N/A |                                     |     |                                     |  |
| <b>Recommended Motion:</b><br>Motion to waive the City's reversionary interest in the deed for 1275 Dudley Ave., contingent on and simultaneous with the execution of a new deed by Mr. Baker that includes identical reversionary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                               |     |                                     |     |                                     |     |                                     |  |

language to ensure the property will revert to the City if the conditions in the reversionary language are not satisfied.

**Approvals:**

|                         |                                     |  |
|-------------------------|-------------------------------------|--|
| Immediate Division Head | <input checked="" type="checkbox"/> |  |
| Information Technology  | <input type="checkbox"/>            |  |
| Other Division Heads    | <input type="checkbox"/>            |  |
| Communication           | <input type="checkbox"/>            |  |
| Legal Review            | <input checked="" type="checkbox"/> |  |

**Guest(s) Invited / Presenting:**

Yes





# Agenda Item Review Form

## Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----|-----|------------------------|--|-----|----------------------|--|--|---------------|--|--|--------------|--|--|-------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                          | <b>Title:</b> Concur with CRC Recommendation to make Appointments to the Local Development Finance Authority                                             |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Submitted by:</b> Ann Meisch, City Clerk                                                                                                                                                                                                                                                                                                             | <b>Department:</b> City Clerk                                                                                                                            |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Brief Summary:</b><br>To concur with Community Relations Committee recommendation to reappoint Matthew Cortez and appoint Catherine Emery to the Local Development Finance Authority as the Muskegon Public School District Representatives.                                                                                                         |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Detailed Summary &amp; Background:</b>                                                                                                                                                                                                                                                                                                               |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Goal/Focus Area/Action Item Addressed:</b>                                                                                                                                                                                                                                                                                                           |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b><u>Key Focus Areas:</u></b>                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b><u>Goal/Action Item:</u></b>                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Amount Requested:</b>                                                                                                                                                                                                                                                                                                                                | <b>Budgeted Item:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table>           |                         | Yes |     | No                     |  | N/A | X                    |  |  |               |  |  |              |  |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                          | No                      |     | N/A | X                      |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Fund(s) or Account(s):</b>                                                                                                                                                                                                                                                                                                                           | <b>Budget Amendment Needed:</b><br><table border="1"> <tr> <td>Yes</td> <td></td> <td>No</td> <td></td> <td>N/A</td> <td>X</td> <td></td> </tr> </table> |                         | Yes |     | No                     |  | N/A | X                    |  |  |               |  |  |              |  |  |                                                 |
| Yes                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                          | No                      |     | N/A | X                      |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Recommended Motion:</b><br>To appoint Matthew Cortez and Catherine Emery to the Local Development Finance Authority as the Muskegon Public School District Representatives.                                                                                                                                                                          |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| <b>Approvals:</b><br><table border="1"> <tr> <td>Immediate Division Head</td> <td></td> <td></td> </tr> <tr> <td>Information Technology</td> <td></td> <td></td> </tr> <tr> <td>Other Division Heads</td> <td></td> <td></td> </tr> <tr> <td>Communication</td> <td></td> <td></td> </tr> <tr> <td>Legal Review</td> <td></td> <td></td> </tr> </table> |                                                                                                                                                          | Immediate Division Head |     |     | Information Technology |  |     | Other Division Heads |  |  | Communication |  |  | Legal Review |  |  | <b>Guest(s) Invited / Presenting:</b><br><br>No |
| Immediate Division Head                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Information Technology                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Other Division Heads                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Communication                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |
| Legal Review                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                          |                         |     |     |                        |  |     |                      |  |  |               |  |  |              |  |  |                                                 |





## Agenda Item Review Form

### Muskegon City Commission

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Commission Meeting Date:</b> March 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Title:</b> Nelson House Purchase and Redevelopment Agreement Conditions of Sale |
| <b>Submitted by:</b> Jamie Pesch, Planner                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Department:</b> Planning                                                        |
| <b>Brief Summary:</b><br>Following direction from the City Commission at the January worksession, staff has revised the conditions for the purchase and redevelopment of the Nelson House and is proposing to begin the process of listing the house with a realtor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                    |
| <b>Detailed Summary &amp; Background:</b><br>Initial approval of the Purchase and Redevelopment Request for Bids was granted by the City Commission at their September 9 <sup>th</sup> , 2024 meeting. No bids were received for the Nelson House at the close of the bid period in November 2024, and following further direction from the Commission, staff is proposing a number of changes to the conditions to broaden interest in the house. These changes include: <ul style="list-style-type: none"><li>• Retaining the requirement for owner-occupancy in perpetuity but removing the restriction to single family occupancy to allow for a total unit count that complies with local zoning regulations (up to four units).</li><li>• Setting a reserve price of _____ based on the average of a series of Comparative Market Analysis for the house in its present condition.</li><li>• Waiving the City's water and sewer connection fees for the future buyer.</li><li>• Extending the project completion timeline from 12 months to 24 months.</li><li>• Extending the start date for exterior work from 90 days to 120 days after closing, and for interior work from 150 days to 180 days after closing.</li></ul> <p>Staff is also proposing to formally list the Nelson House with a realtor. To date, the house has only been made available for purchase directly from the City of Muskegon via last year's bid proposal process, and listing through a realtor is anticipated to increase the pool of potential buyers.</p> <p>Lastly, staff will be gathering estimates for roof replacement, publishing a request for bids for the same, and returning at a later date to seek approval of a selected contractor to complete the work. This work will also involve addressing any identified structural deficiencies within the existing roof framing.</p> |                                                                                    |
| <b>Goal/Focus Area/Action Item Addressed:</b><br><br><b>Key Focus Areas:</b><br>Diverse housing types                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                    |



**Goal/Action Item:**

2027 Goal 2: Economic Development Housing and Business

**Amount Requested:****Budgeted Item:**

|     |  |    |  |     |  |
|-----|--|----|--|-----|--|
| Yes |  | No |  | N/A |  |
|-----|--|----|--|-----|--|

**Fund(s) or Account(s):****Budget Amendment Needed:**

|     |  |    |  |     |  |
|-----|--|----|--|-----|--|
| Yes |  | No |  | N/A |  |
|-----|--|----|--|-----|--|

**Recommended Motion:**

I move to approve the changes to the Nelson House Purchase and Redevelopment Conditions of Sale and authorize staff to begin the process of listing the house with a realtor.

**Approvals:**

|                         |  |  |
|-------------------------|--|--|
| Immediate Division Head |  |  |
| Information Technology  |  |  |
| Other Division Heads    |  |  |
| Communication           |  |  |
| Legal Review            |  |  |

**Guest(s) Invited / Presenting:**

No

# **CITY OF MUSKEGON**

## **Nelson House Purchase and Redevelopment Conditions of Sale**

### **Introduction:**

The City of Muskegon is seeking a qualified buyer for the purchase and redevelopment of the structure located at 382 West Muskegon Avenue, Muskegon, MI 49440, commonly known as the Nelson House. This project involves acquisition and complete renovation of the structure for the purpose of utilization as an owner-occupied home. The goal of this project is to preserve the historically significant structure, enhance the area's aesthetic appeal, and to increase owner-occupied housing stock in the community.

### **Project Description:**

The City of Muskegon Development Services Division is seeking a qualified buyer that can demonstrate financial capability to complete the remodeling and occupancy of the Subject Property. This Division is responsible for managing the city's Community Neighborhood Services, Planning Department, and Economic Development initiatives. These departments oversee zoning, site plans, and business development services, ensuring compliance with city regulations and fostering community growth.

### **Buyer Requirements:**

#### **1. Proof of Financing and Purchase Price Offer:**

- Prospective Buyers shall include the price offered for the Subject Property, method of payment (cash/loan) and proof of financing or capability to achieve financing.

#### **2. Exterior Renovation Plan:**

- The City has not completed a formal inspection of the Subject Property's exterior. Stabilization of the exterior to prevent further deterioration should be a priority.
- Buyer shall be responsible for any necessary removals (siding, etc.)
- Specific timeline for commencement for exterior renovations will be dictated in a Purchase and Development agreement approved by the City Commission, but shall commence no later than 120 days after closing.

#### **3. Interior Renovation Plan:**

- Prospective Buyers shall submit a proposed timeline and detailed scope of renovation from a licensed contractor with their purchase offer.
- Specific timeline for commencement of interior renovations will be dictated in a Purchase and Development agreement approved by the City Commission, but shall commence no later than 180 days after closing.
- City of Muskegon water and sewer connection fees will be waived.

## Subject Property Information

### 382 W. Muskegon Avenue Muskegon, MI

#### General Information:

The Subject Property is a historic single family home that was relocated in July 2024 to the parcel at 382 W. Muskegon Avenue in Downtown Muskegon, Michigan. The home sits in the City of Muskegon's Houston Historic District, and all exterior changes to the Subject Property require the review and approval of the Historic District Commission. The Subject Property features a new concrete block foundation and contains an unfinished, insulated basement with an egress window. Asbestos abatement and removal has been completed within the structure, a report of which is available to prospective Buyers or their representatives for review at City Hall.

|                  |                                            |
|------------------|--------------------------------------------|
| Owner            | City of Muskegon                           |
| Owner Address    | 933 Terrace Street, Muskegon, MI 49443     |
| Property Address | 382 W. Muskegon Avenue, Muskegon, MI 49440 |
| Property Number  | 61-24-205-336-0008-00                      |
| Parcel Size      | ~81' x ~133' (10,700 square feet approx.)  |
| House Size       | 7,000 gross square feet (approx.)          |
| Year Built       | 1869 approx.                               |
| Occupancy        | Not occupied                               |

#### Proposal Submission Requirements:

Purchase offers must clearly state the name, address, phone number, and email address of the prospective Buyer. By submitting a purchase offer, prospective Buyers acknowledge that any agreement for sale of the Subject Property shall require:

- **Reserve Price:** The City of Muskegon has set a reserve price of [REDACTED] for the Subject Property. This was determined through averaging a series of Comparative Market Analysis for the Subject Property in its present condition. These analysis are available to Prospective Buyers or their representatives for review at City Hall.
- **Commitment to Owner-Occupy:** The City Commission and the community at large have prioritized increasing the number of owner-occupiers in the City of Muskegon. The successful Buyer will commit in their purchase offer and in the Purchase and Development Agreement to establish the Subject Property as their primary residence upon project completion. The City intends to file a deed restriction requiring owner-occupancy at the Subject Property in perpetuity to the extent permissible by law. This requirement does not preclude the successful Buyer from establishing additional housing units at the Subject Property provided any additional units meet all applicable local zoning regulations including, but not limited, to maximum unit counts and minimum unit sizes.
- **Work Timeline:** The successful Buyer will accept and comply with the development milestone requirements as reflected in the Purchase and Development Agreement.



Namely, exterior stabilization to be commenced within 120 days of closing and interior renovations commenced within 180 days of closing. Project completion and occupancy should not exceed a total project timeline of 24 months.

- **Reverter Clause:** The successful Buyer will accept and acknowledge that the City of Muskegon will include a “reverter clause” in the Purchase and Development Agreement which will allow for “claw back” of the Subject Property in the event the Buyer is not making adequate progress or is otherwise in breach of the Agreement.
- **Project Budget:** Prospective Buyers will provide a total cost estimate for all anticipated renovations along with evidence of financial capability to perform said improvements.
- **Contractor Information:** Prospective Buyers will provide license information, at least one sample project, and references for the general contractor that will complete the project on the Buyer’s behalf.
- **Compliance with City Goals:** Attention is called to the fact that the City requires that the contractor employ local trades and laborers insofar as possible; the goals established are 14% minority and 7% female participation in each trade. The contractor must ensure employees and applicants for employment are not discriminated against based on race, creed, color, religion, sex, national origin, handicapped condition, or veteran status, and that all pertinent regulations are complied with. The City of Muskegon reserves the right to reject any or all purchase offers or to waive any informalities or irregularities in the offers.

### **Purchase Offer Deadline:**

Purchase offers are due by 5:00 p.m. local time within 90 days following the Subject Property’s official listing for sale by the City of Muskegon’s selected real estate agent. All purchase offers and supporting documents must be submitted to the City of Muskegon’s selected real estate agent.

### **Questions:**

Please direct all questions to:

- The City of Muskegon’s selected real estate agent.

### **Important Considerations:**

- **Site Visits:** Prospective Buyers and their contractor are **REQUIRED** to visit the Subject Property before submitting their purchase offers to fully understand the scope of the project. Prospective Buyers must contact the City of Muskegon’s selected real estate agent to coordinate site access. There is no limit to the number of visits but there will be no exploratory demolition permitted.
- **Permits and Licenses:** The successful Buyer will be responsible for obtaining all necessary permits and licenses to complete the renovations.
- **Safety and Environmental Compliance:** Prospective Buyers must adhere to all safety and environmental regulations throughout any site visits.