

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 9, 2019 @ 5:30 P.M.

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

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
 - A. 9-1-1 Muskegon Central Dispatch Surcharge Shawn Grabinski**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes City Clerk**
 - B. Request to Rezone 971 & 975 Washington Avenue – SECOND READING
Planning & Economic Development**
 - C. Amendment to the Form Based Code Section of the Zoning Ordinance – SECOND READING Planning & Economic Development**
 - D. Amendment to the Single-Family Residential Section of the Zoning Ordinance – SECOND READING Planning & Economic Development**
 - E. Waiver of Interest and Penalty Associated with Failure to File Property Transfer Affidavits (PTA), Form 2766 Treasurer**
 - F. Resolution to Revoke the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association Treasurer**
 - G. Invest Funds with Cantella & Co. Finance**
 - H. Establish Policy and Application for Sports Leagues and Tournaments
Planning Department**
 - I. Set Sports Leagues and Tournaments Fees Planning Department**
 - J. Request for Skate Park Funds Planning Department**
 - K. 714 Jackson – Demolition of Accessory Structure City Manager**

L. Smart Zone Delinquent Tax Resolution

City Manager

- ☐ **PUBLIC HEARINGS:**
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**
- ☐ **NEW BUSINESS:**

A. LC Walker Arena Restaurant Proposals

City Manager

REMOVED PER STAFF REQUEST

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

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1-22 TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: April 4, 2019

Here is a quick outline of the items on our agendas:

Work Session:

Staff will be presenting their recommendation on the responses to the LC Walker Arena Request for Proposals. A memo from Jake Eckholm is attached. I concur with Jake's recommendation and have verified that the Lumberjack's General Management does as well.

Regular Session:

1. Under Presentations, we will learn about the 911 radio upgrade needs.
2. Under the Consent Agenda, we are asking the Commission to consider the following:
 - a. Approval of meeting minutes from the most-recent City Commission meeting.
 - b. Second reading of the proposed rezoning of the properties that comprise Fatty Lumpkins Sandwich Shack.
 - c. Second reading of an amendment to the form-based code to allow for research and development in certain context areas.
 - d. Second reading of an amendment to the single family zoning ordinance related to short-term vacation rentals.
 - e. Approval of a Resolution waiving the payment of penalties and interest by residents that do not file their property transfer affidavits timely.
 - f. Approval of a Resolution revoking the PILOT for Trinity Village. The property has been foreclosed by MSHDA and will be state-run. The property will become tax-exempt.
 - g. Authorization to list Cantella & co. as an improved investment option for the Finance Department.
 - h. Approval of a policy for sports leagues and tournaments that use city facilities.
 - i. Approval of a fee structure for sports leagues and tournaments that utilize city facilities.

- j. Request disbursement of funds from the City's Skate Park Fund at the Community Foundation.
 - k. Approval of the emergency demolition contract with Melching, Inc. for the accessory structure located at 714 Jackson Street.
 - l. Approval of a Resolution requesting that the county Treasurer foreclose on the Harbor 31 properties that are three or more years delinquent in property tax payments.
3. Under New Business, we are asking the Commission to consider the following:
- a. Acceptance of staff's recommendation regarding the LC walker Arena restaurant request for proposals.

Let me know if you have any questions/comments/concerns

Frank

Date: April 1, 2019
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the March 26, 2019 Regular Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 26, 2019 @ 5:30 P.M.

**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, MI at 5:30 p.m., Tuesday, March 26, 2019, Deacon Bill Cook, St. Mary's, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen J. Gawron, Vice Mayor Eric Hood, Commissioners Ken Johnson, Byron Turnquist, Debra Warren, and Dan Rinsema-Sybenga, City Manager Frank Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Willie German, Jr.

INTRODUCTIONS/PRESENTATION:

A. Introduction of Jake Eckholm and Peter Wills Planning & Economic Development

Leigh Ann Mikesell introduced Jake Eckholm and Peter Wills, two new city employees. Jake Eckholm is the new Economic Development Director and Peter Wills is the new Director of Strategic Initiatives. Both men come to the city with experience that is relevant to their positions.

B. ADA Update EEO/Affirmative Action Director

Dwana Thompson, EEO/Affirmative Action Director outlined some of the efforts that have been made in recent months relevant to the ADA. Mike Franzak, from the Planning Department, reviewed the efforts being made in the planning department to ensure consideration of ADA requirements. Leo Evans, City Engineer, updated the commission on efforts that are ongoing at the Department of Public Works.

2019-23 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the March 11, 2019 Worksession and March 12, 2019 Regular Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display Permit for Muskegon Country Club City Clerk

SUMMARY OF REQUEST: Melrose Pyrotechnics, Inc. is requesting approval of a fireworks display permit for July 3, 2019 at the Muskegon Country Club, 2801 Lakeshore Drive. The Fire Marshall will inspect the fireworks on the day of the event.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of insurance.

C. Community Relations Committee Appointment Recommendations
City Clerk

SUMMARY OF REQUEST: To accept the recommendation to appoint Kimi George to the Historic District Commission and Marty Feriby to the Local Officers Compensation Commission.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the recommendations of the Community Relations Committee and approve the appointments.

D. Rescission of Land Use Restrictions for 350 Shoreline Drive
Planning & Economic Development

SUMMARY OF REQUEST: Authorize the Mayor and Clerk to sign the notice of rescission of land use restrictions for the City owned property located at 350 Shoreline Drive. This document rescinds the previous land use restrictions on the property and will be filed with the new restrictive covenant already approved by the commission at the February 12, 2019 meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize the Mayor and Clerk to sign the rescission of land use restrictions.

E. Demolition Contract for West Shoreline Correctional Facility
Planning & Economic Development

SUMMARY OF REQUEST: Award the demolition of existing buildings at the West Shoreline Correctional Facility to Melching, Inc. Three contractors were

contacted and reviewed the site. All three supplied bids as follows.

Melching \$338,910.10

JMB Demolition \$452,300

Bierlein Companies, Inc. \$838,400

FINANCIAL IMPACT: \$338,910.10

BUDGET ACTION REQUIRED: None. The cost of demolition will be reimbursed by the MEDC grant.

STAFF RECOMMENDATION: Award the project to the low bidder, Melching, Inc.

F. Approval of 2019-2020 Procurement Contracts for CNS

Community & Neighborhood Services

SUMMARY OF REQUEST: To approve the following Trades-Serviced procured through sealed bid proposals producing the lowest responsible bidder with potential for one year extension.

Appraisal: Midwest Real Estate

Building: Midwest Builders

Electrical: Belasco Electric

Foundation Repair: Deitz House Moving Engineers

House Building Spec Writer: Hager Consulting

Interior Cleaning: True Clean Building Services

Property Maintenance: Walker Handyman Enterprises

Lead Assessment & Clearance: AAA Lead Inspections

Mechanical: Bishop Heating and Cooling

Painting: Walker Handyman Enterprises

Title Service: AAA National Title Group

Tree Services: Integrity Tree Services

Tub Glazing: Pro Cleaners

Vinyl Installer: Mark N Tucker LLC

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the procured list of contractors and possible one year extension for Trade Contractors-Service Providers for the Community and Neighborhood Services during 2019.

G. Approval of Sale: City-Owned Home at 1350 Eastwood

Community & Neighborhood Services

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sales transaction with Alexis Eziukwu for the rehabilitated home at 1350 Eastwood Drive: Purchase price \$137,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of affordable homes through the HOME program and provide funding for our Homebuyer's Assistance Program.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

H. Request to Rezone 971 & 975 Washington Avenue

Planning & Economic Development

SUMMARY OF REQUEST: Request the rezone the properties at 971 & 975 Washington Avenue from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge, by Brett Gilbert.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the rezonings.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously (8-0) recommended approval of the rezonings at their March 14 meeting.

SECOND READING REQUIRED

I. Amendment to the Form Based Code Section of the Zoning Ordinance

Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend the zoning ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code.

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the request (8-0), as long as staff recommends a definition for "research and development" that excludes animal testing, noise and odor.

SECOND READING REQUIRED

J. Request to Approve Purchase Agreement 241 and 255 W. Western Avenue
Planning & Economic Development

SUMMARY OF REQUEST: City staff has been working with a housing developer that is interested in creating multifamily housing on these lots. The City Commission authorized the City Manager to negotiate a purchase agreement at the March 7, 2018 meeting.

FINANCIAL IMPACT: Funds from the sale will go into the General Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the purchase agreement.

K. Amendment to the Single-Family Residential Section of the Zoning Ordinance Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend the Single Family Residential section of the zoning ordinance to clarify that short and long term rentals are not prohibited uses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the zoning ordinance amendment.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommend approval of the request (8-0) at their March 14 meeting.

SECOND READING REQUIRED

L. Hartshorn Marina – Resolution of Support for Waterways Program Grant Application and Commitment for Matching Funds
Department of Public Works

SUMMARY OF REQUEST: The Engineering Department would like to apply for a Waterway Program Grant through the Michigan Department of Natural Resources. These funds would be used to complete upgrades and repairs at Hartshorn Marina in conjunction with the recommendations prepared by Abonmarche.

We are proposing a total project funding for this round of \$700,000 of which \$350,000 would be local match and \$350,000 would be funding from MDNR. Funding would be available during the 19-20 budget cycle.

The MDNR application requires a resolution of support and commitment for the matching funds.

FINANCIAL IMPACT: \$350,000 in fiscal year 19/20

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the resolution of support for the Waterways Program Grant application and commit to funding the required match and engineering costs.

M. Sheridan & Olthoff – Resolution of Support for Transportation Economic Development Funding Application and Commitment for Matching Funds
Department of Public Works

SUMMARY OF REQUEST: The Engineering Department would like to apply for Category A Transportation Economic Development funding through the Michigan Department of Transportation. These funds would be used to resurface Sheridan Drive and Olthoff Drive in the industrial park.

Construction is estimated at \$900,000, and the city would be required to provide matching funds of approximately \$250,000 plus engineering costs. Funding is available starting as early as 2019.

The MDOT application requires a resolution of support and commitment for the matching funds.

FINANCIAL IMPACT: \$300,000 split over fiscal year 18/19 and 19/20

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the resolution of support for the Category A Transportation Economic Development application and commit to funding the required match and engineering costs.

N. H91841 Walton Avenue & Marsh Street Department of Public Works

SUMMARY OF REQUEST: To award contract (H 91841) for construction of Marsh Street and Walton Avenue, including paving of existing gravel road with water service improvements.

Seven contractors submitted bids for this project as follows:

McCormick Sand, Inc.	\$159,293.50
Terra Contractors	\$184,209.04
Redline Excavating, LLC	\$170,662.06
Accurate Excavating, LLC	\$168,055.75
Jackson-Merkey Contractors	\$168,233.55
Tiles Excavating, Inc	\$199,795.58
Epic Excavating	\$245,684.10

FINANCIAL IMPACT: \$159,293.50

BUDGET ACTION REQUIRED: None. Initially budgeted for \$150,000.00 from the CIP but will be adjusted in the next budget forecast.

STAFF RECOMMENDATION: Award the project to the low bidder, McCormick Sand, Inc.

O. H91858 Muskegon Avenue and Webster Avenue Re-Paint

Department of Public Works /Engineering

SUMMARY OF REQUEST: To award contract (H91858) for street pavement marking improvements along Muskegon Avenue and Webster Avenue.

One contractor submitted bids for this project as follows:

PK Contracting \$24,761.46

FINANCIAL IMPACT: \$24,761.46

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the project to the low bidder, PK Contracting.

Q. City Hall – Chiller Unit Department of Public Works

SUMMARY OF REQUEST: Authorize staff to direct Trane to complete repairs to the City Hall air conditioning system in the amount of \$8,208.00.

Repairs were identified during the fall shut down period that were required to ensure the system is operating efficiently when restarted.

FINANCIAL IMPACT: \$8,208.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to hire Trane to complete needed air conditioning system repairs.

R. Procurement of Bubbler Control Panels DPW/Filtration

SUMMARY OF REQUEST: Authorize staff to procure six new bubbler control panels from Commerce Controls to replace old panels at the Water Filtration Plant.

FINANCIAL IMPACT: Existing bubbler control panels that provide level indication are old and failing. They are in need of replacement. Commerce Controls has provided instrumentation services at the plant for many years and they will procure parts, build six panels and ship for installation at the cost of \$44,730.00. Plant staff will install the panels.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorization for staff to procure bubble control panels from Commerce Controls at a cost of \$44,730.00

S. Fifth Third Updated Account Resolution Finance

SUMMARY OF REQUEST: The City has used Fifth Third Bank as our primary

depositor bank since 2007. They are asking to update our Treasury Management Agreement and our Account Resolution. There have been many personnel changes at the City since the original agreements were signed.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the updated Account Resolution for Fifth Third Bank and authorize the Clerk to sign.

T. First Amendment to the Lumberjacks Lease City Manager

SUMMARY OF REQUEST: City staff is requesting approval of amendments to the Lumberjack's lease. The changes are within the original spirit of the agreement approved by commission, but do provide more clarity as we seek to increase sponsorship and lease revenues.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Warren, second by Commissioner Johnson, to approve the consent agenda as presented, except item P.

ROLL VOTE: Ayes: Warren, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2019-24 REMOVED FROM CONSENT:

P. Set Dry Storage User Fee (Catamaran) Department of Public Works

SUMMARY OF REQUEST: Set the dry storage fee (catamaran) at \$995 per post. Posts will be offered on a first come, first served basis, and prior customers will be notified by letter that storage is again being made available. Environmental concerns including high water and impacts to critical dunes have eliminated our ability to provide storage at the water's edge. A small area near the volleyball courts has been identified as a location that could accommodate these boats. Ten posts will be offered on a trial basis for the 2019 season only. No catamaran storage can be provided at Harbour Towne Beach.

FINANCIAL IMPACT: Revenue generated by sale of storage area.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the fee for dry storage.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga,

to approve the fee for dry storage.

ROLL VOTE: Ayes: Rinsema-Sybenga, Johnson, Gawron, Hood, and Warren

Nays: Turnquist

MOTION PASSES

2019-25 PUBLIC HEARINGS:

**A. Establishment of a Commercial Redevelopment District –
351 W Western Ave Planning & Economic Development**

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 351 Phase II, LLC has requested the establishment of a Commercial Redevelopment District. The creation of the district will allow the building owner to apply for a Commercial Facilities Exemption Certificate, which will provide a 50% reduction in the number of mills levied as ad valorem taxes, excluding the State Education Tax.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Establishment of the Commercial Redevelopment District.

PUBLIC HEARING COMMENCED:

No public comments were received.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Hood, to close the public hearing and establish the Commercial Redevelopment District at 351 W. Western Avenue.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Warren

Nays: None

MOTION PASSES

**B. Issuance of a Commercial Facilities Exemption Certificate–351 Phase II, LLC
Planning & Economic Development**

SUMMARY OF REQUEST: Pursuant to Public Act 255 of 1978, as amended, 351 Phase II, LLC has requested the issuance of a Commercial Facilities Exemption Certificate for their project at 351 West Western Avenue. The certificate provides a 50% reduction in the number of mills levied as ad valorem taxes, excluding the State Education Tax, for the commercial portion of the development. The company will be investing \$3,221,802 in the commercial space, which qualifies them for an abatement for 10 years.

FINANCIAL IMPACT: The certificate provides a 50% reduction in the number

of mills levied as ad valorem taxes, excluding the State Education Tax.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Issuance of the Commercial Facilities Exemption Certificate.

PUBLIC HEARING COMMENCED:

Josh and Chris Benedict, owners, spoke about the project.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to close the public hearing and issue the Commercial Facilities Exemption Certificate for 351 W. Western Avenue.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Warren, and Rinsema-Sybenga

Nays: None

MOTION PASSES

2019-26 NEW BUSINESS:

A. Request to Adopt the Proposed Amendments to the Master Land Use Plan
Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to amend the City of Muskegon Master Land Use Plan to revise the 2008 Downtown & Lakeshore Redevelopment Plan Future Land Use Map and include the Imagine Muskegon Lake Plan. The regional entities have been given the required 63 day review time and a public hearing was held at the March 14 Planning Commission meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the Master Plan.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously recommended approval of the Master Plan at their March 14 meeting.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the Master Plan.

Motion to Amend the motion to include language opposing RV camp at Pere Marquette Park at the ovals.

ROLL VOTE: Ayes: Warren, Johnson

Nays: Gawron, Hood, Rinsema-Sybenga, Turnquist

MOTION FAILS

VOTE ON ORIGINAL MOTION:

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Warren, Rinsema-Sybenga, and

Turnquist

Nays: None

MOTION PASSES

B. Concurrence with the Housing Board of Appeals Notice & Order to Demolish 593 W Webster Public Safety

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the structures are unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days or infraction tickets may be issued. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: General Budget

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Turnquist, to concur with the Housing Board of Appeals decision to demolish.

ROLL VOTE: Ayes: Hood, Warren, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

C. Second Quarter 2018-19 Budget Reforecast Finance

SUMMARY OF REQUEST: At this time staff is transmitting the Second Quarter 2018-19 Budget Reforecast which outlines proposed changes to the budget that have come about as a result of changes in revenue projects, policy priorities, labor contracts, updated economic conditions, or other factors.

FINANCIAL IMPACT: A summary of second quarter proposed adjustment to the budget are as follows:

- General Fund revenues are reforecast to be \$291,000 lower than the original budget, largely due to lower projections for building permit revenue. The permit revenues are projected to be down \$700,000 for several reasons including Mercy Health paying up front for several commercial and multi housing projects that are progressing slower than expected to get to the building stage. The income tax revenues are being projected up \$100,000 and several other revenue line items were

adjusted.

- General Fund expenditures are reforecast to be \$403,518 lower than the original budget. Permit revenue was decreased so that decreased our payment to SafeBuilt and police wages are down after retirements and resignations.
- There were several refinements to the Capital Projects budget now that we have actual projects costs and know whether grant funding has been approved the bottom line is a slight decrease in capital expenditures.

BUDGET ACTION REQUIRED: City commission approval of this reforecast will formally amend the City's 2018-19 budget.

STAFF RECOMMENDATION: Approval

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Warren, to approve the Second Quarter 2018-19 Budget Reforecast.

ROLL VOTE: Ayes: Warren, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public Comments were received.

ADJOURNMENT: The City Commission meeting adjourned at 8:25 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC – City Clerk

Commission Meeting Date: April 9, 2019

Date: April 4, 2019
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request to Rezone 971 & 975 Washington Ave – SECOND READING

SUMMARY OF REQUEST:

Request to rezone the properties at 971 & 975 Washington Ave from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge, by Brett Gilbert.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the rezonings

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously (8-0) recommended approval of the rezonings at their March 14 meeting.

STAFF REPORT

March 14, 2019

Hearing, Case 2019-04: Request to rezone the properties at 971 & 975 Washington Ave from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge, by Brett Gilbert.

SUMMARY

1. Both properties are owned by Brett Gilbert, owner of Fatty Lumpkins at 971 Washington Ave. This restaurant was approved as a Special Land Use by the Planning Commission in 2009. Mr Gilbert has since bought the commercial property to the west at 975 Washington Ave and would like to utilize the existing building as an extension of Fatty Lumpkins. Rather than asking for another Special Land Use Permit for the new restaurant space, staff encouraged him to apply for a rezoning, which would allow for the restaurant without a Special Land Use Permit and would also make it easier to develop the properties if there are any future expansions.
2. Form Based Code, Neighborhood Edge is a common zoning designation for commercial properties in this area. Please see the zoning maps on the following page.
3. This zoning designation also allows for residential homes as well, in the event the restaurant moves to another location. Please see the zoning ordinance excerpt on Neighborhood Edge.
4. Both properties meet the minimum size (25' x 100') standards for Neighborhood Edge lots. Both lots are approximately 26' x 127'.

971 / 975 Washington Ave



Zoning Map



Form Based Code, Neighborhood Edge Properties



Aerial Map



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the zoning map of the City to provide for a zone change for 971 & 975 Washington Ave from R-2, Single Family Medium Density Residential to FBC, Neighborhood Edge.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning for 971 & 975 Washington Ave from R-2, Single Family Medium Density Residential to FBC, Neighborhood Edge.

CITY OF MUSKEGON REVISED PLAT OF 1903 E 24 FT OF W 54 FT LOT 1 BLK 479

CITY OF MUSKEGON REVISED PLAT OF 1903 WLY 30 FT LOT 1 BLK 479

This ordinance adopted:

Ayes: _____

Nayes: _____

Adoption Date: _____

Effective Date: _____

First Reading: March 26, 2019

Second Reading: _____

CITY OF MUSKEGON

By: _____

Ann Meisch, MMC
City Clerk

CERTIFICATE (Rezoning 971 & 975 Washington Ave from R-2 to FBC, NE)

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 9th day of April 2019, 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: _____, 2019

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 April 9, 2019, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning for 971 & 975 Washington Ave from R-2 to FBC, NE:

CITY OF MUSKEGON REVISED PLAT OF 1903 E 24 FT OF W 54 FT LOT 1 BLK 479

CITY OF MUSKEGON REVISED PLAT OF 1903 WLY 30 FT LOT 1 BLK 479

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 _____, 2019

CITY OF MUSKEGON

By _____

Ann Meisch, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: April 9, 2019

Date: April 4, 2019
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Form Based Code section of the Zoning Ordinance – SECOND READING

SUMMARY OF REQUEST:

Staff initiated request to amend the zoning ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the request 8-0, as long as staff recommends a definition for “research and development” that excludes animal testing, noise and odor.

Hearing, Case 2019-05: Staff initiated request to amend the zoning ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code.

SUMMARY

1. The Form Based Code allows for Research & Development in the Neighborhood Core Neighborhood Edge Context Areas, as long as they are in a mixed-use or flex building type.
2. Staff is proposing to allow Research & Development in the Downtown and Mainstreet Context Areas because of the low-impact on surrounding uses and possibility of attracting more businesses downtown.
3. Research & Development refers to the work a business conducts for the innovation, introduction and improvement of its products and procedures. It is a series of investigative activities to improve existing products and procedures or to lead to the development of new products and procedures.
4. This use is not nearly as intensive as industrial. Allowing them only in mixed-use and flex buildings would assure that they are a secondary use of a building and not the main tenant.

STAFF'S RECOMMENDATION FOR DEFINITION

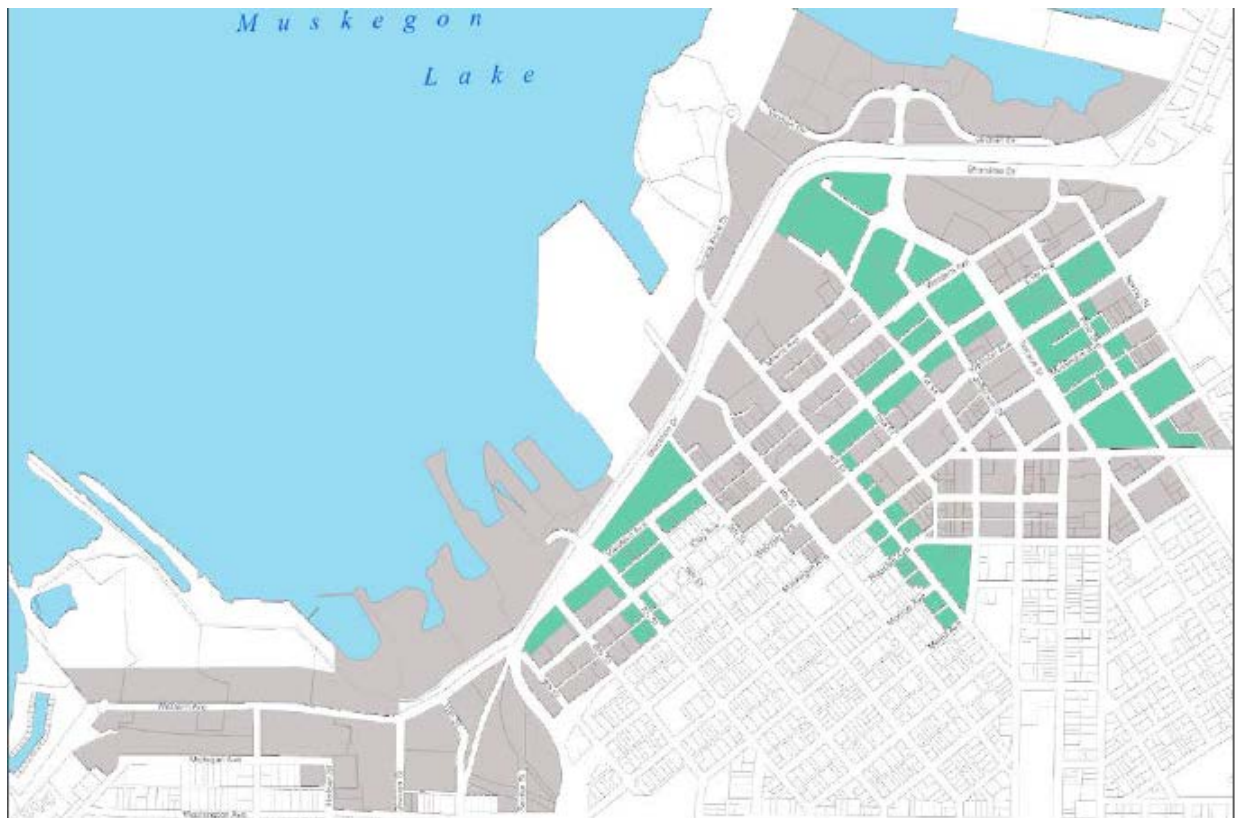
Research and Development:

- The innovation, introduction and improvement of products and procedures. A series of investigative activities to improve existing products and procedures or to lead to the development of new products and procedures. This excludes animal testing and uses that would cause a nuisance due to noise or odor.

Downtown Context Area



Mainstreet Context Area



CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Form Based Code Section of the Zoning Ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Research & Development is allowed as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: March 26, 2019

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 9th day of April, 2019, 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: _____, 2019.

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 April 9, 2019, the City Commission of the City of Muskegon adopted an ordinance to amend the Form Based Code section of the Zoning Ordinance to allow research and development as a permitted use in the Downtown and Mainstreet context areas.

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 _____, 2019.

CITY OF MUSKEGON

By _____
Ann Meisch, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: April 9, 2019

Date: April 4, 2019
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Single Family Residential Section of the Zoning Ordinance - SECOND READING

SUMMARY OF REQUEST:

Staff initiated request to amend the Single Family Residential section of the zoning ordinance to clarify that short and long term rentals are not prohibited uses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the zoning ordinance amendment

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended approval of the request 8-0 at their March 14 meeting.

Hearing, Case 2019-06: Staff initiated request to amend the Single Family Residential section of the zoning ordinance to clarify that short- and long-term rentals are not prohibited uses.

SUMMARY

1. The City Commission recently passed a Short-Term Vacation Rental ordinance (enclosed).
2. Some citizens have complained that the City is not following the zoning ordinance because of Section 400.3.h.xiv(5). See Single Family Residential District attachment. They have claimed that rentals are breaking the rule of prohibiting “lodging services including but not limited to, a tourist home (defined as a bed and breakfast in the ordinance), motel or hotel.” However, this is located in the home occupation section, which also states “the business person operating the home occupation shall reside in the dwelling.” This is not the case with rentals, long or short term, so the City has never considered rentals as home occupations.
3. To clarify and eliminate any confusion, staff is suggesting to amend the ordinance as follows (**additions in bold**):

Home Occupations:

xiv. Activities specifically prohibited (but not limited to) include:

(5) A lodging service including but not limited to, a tourist home, motel or hotel. **This does not include short or long-term rental homes.**

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend the Single Family Residential section of the zoning ordinance to clarify that short and long term rentals are not prohibited uses.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

New Additions in **Bold**:

Section 400:

Home Occupations:

xiv. Activities specifically prohibited (but not limited to) include:

(5) A lodging service including but not limited to, a tourist home, motel or hotel. **This does not include short or long-term rental homes.**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: March 26, 2019

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 9th day of April, 2019, 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: _____, 2019.

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 April 9, 2019, the City Commission of the City of Muskegon adopted an ordinance to amend the Single Family Residential section of the zoning ordinance to clarify that short and long term rentals are not prohibited uses.

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 _____, 2019.

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 NO. _____

CITY COMMISSION MEETING: April 9, 2019

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Sarah Petersen, Treasurer

DATE: April 9, 2019

RE: Waiver of Interest and Penalty Associated with Failure to File
Property Transfer Affidavits (PTA), Form 2766

SUMMARY OF REQUEST:

Adopt the attached resolution to waive interest and penalty associated with failure to file form 2766, Property Transfer Affidavit (PTA). Per MCL211.27b, a municipal unit is required to charge interest and penalties to an owner of a property that does not file a PTA within 45 days of the transfer of ownership. We currently do not charge the penalties or interest to a taxpayer that has not filed the PTA within the 45 day requirement. State statute requires the governing body to pass a resolution in order to waive the penalties and interest.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Adopt the attached resolution to waive penalties and interest associated with untimely filing of Property Transfer Affidavits.

RESOLUTION#

TO WAIVE INTEREST AND PENALTY ASSOCIATED WITH FAILURE TO FILE PROPERTY TRANSFER AFFIDAVITS (PTA)- FORM 2766

WHEREAS, MCL 211.27b requires the levy of interest and penalty upon the buyers of property if a PTA - Form 2766 is not filed within 45 days of all transfers of ownership; and

WHEREAS, MCL 211.27b also provides for the waiver of interest and penalty via a local unit resolution if deemed necessary.

THEREFORE, BE IT RESOLVED that the City of Muskegon, MI has deemed that the waiver of all interest and penalties for all untimely or not-filed PTAs-Form 2766 is necessary.

The foregoing resolution offered by Commissioner_____

Supported by Commissioner_____

Upon Roll Call Vote, the following voted:

Ayes:

Nays:

Resolution adopted on:_____

By: _____

Ann Meisch, MMC, City Clerk

CERTIFICATION

This resolution as adopted at a regular meeting of the City Commission, held on April 9, 2019. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976

CITY OF MUSKEGON

Ann Meisch, MMC, City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING: April 9, 2019

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Sarah Petersen, Treasurer

DATE: April 9, 2019

RE: Resolution to Revoke the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association

SUMMARY OF REQUEST:

Adopt the attached resolution to revoke the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association and terminate the Payment in Lieu of Taxes (PILOT) status on Trinity Village I and Trinity Village II. The City Treasurer has received formal notice from the Michigan State Housing Development Authority that they have foreclosed upon and take possession of the two properties governed by this agreement.

The State has indicated that they intend to pay the outstanding PILOT assessments for the 2018 tax year. Beginning in 2019, these properties will be completely tax exempt as a result of being owned by the State of Michigan.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Adopt the attached resolution to terminate the Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association.

RESOLUTION#

TO REVOKE THE CONTRACT FOR HOUSING EXEMPTION WITH TRINITY VILLAGE LIMITED DIVIDEND HOUSING ASSOCIATION

WHEREAS, A Contract for Housing Exemption was entered into by the City of Muskegon and Trinity Village Limited Dividend Housing Association in order to grant PILOT (Payment in Lieu of Taxes) status to two properties, Trinity Village I and Trinity Village II, in December of 1992; and

WHEREAS, Said Contract for Housing Exemption states that the City of Muskegon is contractually bound by the agreement as long as the Trinity project is financed by a mortgage loan made or insured by the Michigan State Housing Development Authority, provided that said mortgage is not in default; and

WHEREAS, the City of Muskegon has received formal notice from the Michigan State Housing Development Authority that they have foreclosed upon and taken possession of Trinity Village I and Trinity Village II from Trinity Village Limited Dividend Housing Association.

THEREFORE, BE IT RESOLVED that the termination of said Contract for Housing Exemption with Trinity Village Limited Dividend Housing Association is effected and the PILOT status of both properties is revoked.

The foregoing resolution offered by Commissioner _____

Supported by Commissioner _____

Upon Roll Call Vote, the following voted:

Ayes:

Nays:

Resolution adopted on: _____

By: _____

Ann Meisch, MMC, City Clerk

CERTIFICATION

This resolution as adopted at a regular meeting of the City Commission, held on April 9, 2019. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976

CITY OF MUSKEGON

Ann Meisch, MMC, City Clerk

Date: April 2, 2019

To: City Commission

From: Finance Director

RE: Invest funds with Cantella & Co.

SUMMARY OF REQUEST: The Finance department wants authorization to use Cantella & Co. as an investor to diversify our financial portfolio. All investments with this institution will follow all City of Muskegon Financial and Investment policies and guidelines.

FINANCIAL IMPACT: Potential Increase of Interest Revenue

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval to authorize Cantella & Co. as an investment tool for the City of Muskegon.



Municipal Institutional Account Information Form

Entity Name:			
Attention to:		Account Number(s):	
Mailing Address:		Legal Address (if different):	
City, State, Zip:		City, State, Zip:	
State/Country of incorporation and tax residency (if different from the mailing address):			
Tax ID Number:	Phone #:	Fax #:	Email Address:
Representative: <i>Alan Sypp</i>			Rep#:

Custody of Assets

☐ NFS	☒ Pershing	☐ Mutual Fund	☐ Other:
☐ DVP/RVP - Please attach instructions or list the ALERT acronym and ALERT code if you use ALERT.			
ALERT Acronym:	ALERT Code:	Large Trader ID (if applicable):	
☐ Executing Broker DVP/RVP - Please attach instructions and Form 151 (Prime Brokerage Agreement)			

Pursuant to FINRA Rule 2111, we are required to inquire about your financial status, tax status, and investment objectives. We will not require you to provide the above information if you are opening an institutional account within the meaning of FINRA Rule 4512(c).

We certify that the above-named institution qualifies as such under FINRA Rule 4512(c) (please check):

☒ The above entity has total assets of \$50 million or more

From time to time, our registered representatives may make recommendations to buy or sell securities. FINRA Rule 2111 requires that these recommendations be suitable. In order for us to open your account without obtaining detailed financial information and investment objectives, we are obligated to ensure that you are able to evaluate investment risk and make independent judgments about recommendations we make to you.

The following questions apply to the following type(s) of securities (please circle):

Money Market Instruments ☒	Equities ☐	Options ☐	Mutual Funds/UITs ☐	Municipal Bonds ☒
Government Bonds ☒	Corporate Bonds ☒ <i>C.P.</i>	Mortgage-backed securities ☐	Structured Products ☐	Other ☐

Please initial all that apply to you:

Initial	We understand the economic features and the relative complexity of the securities circled above
Initial	We are not relying on Cantella or its representatives to monitor compliance with any applicable statutes or Investment Policy Statements that restrict permissible investments for our account.
Initial	We are capable of independently evaluating investment risks, market value in general, and with regard to particular securities transactions
Initial	We will exercise independent judgment in evaluating recommendations made in connection with these securities and consider ourselves a sophisticated municipal market professional (SMMP) ¹
Initial	We certify that we will not invest any funds through Cantella that are the proceeds of municipal securities or municipal escrow investments as defined by SEC Rule 15Ba1. Neither Cantella nor its representatives will act as our Municipal Advisor.

¹ A sophisticated municipal market professional (SMMP) is an institutional customer that the dealer has a reasonable basis to believe is capable of evaluating investment risks and market value independently in general and with regard to particular municipal securities transactions, and that affirmatively indicates it is exercising independent judgment in evaluating the dealer's recommendations.

Authorized Officers/Traders(If additional Officers/Traders, please print additional copies of this page and complete):

Name:	Name:
Position (CEO, Trustee, etc.):	Position (CEO, Trustee, etc.):
Legal Address of person:	Legal Address of person:
City: State: Zip:	City: State: Zip:
Social Security Number:	Social Security Number:
Date of Birth:	Date of Birth:
Country of Citizenship:	Country of Citizenship:
Citizenship Status:	Citizenship Status:

In order to fulfill our obligations under the USA PATRIOT Act, please supply a document such as the Corporate Resolution, Articles of Incorporation, LLC Operating Agreement, government-issued business license, corporate filing with a state, minutes of a Board Meeting, a copy of a Trust Document, or similar document that confirms the entity name and that the below individuals is authorized to sign on behalf of the entity.

Interested Parties (duplicate statements/confirms):

☐ Statements ☐ Confirmations	☐ Statements ☐ Confirmations
Name:	Name:
Address:	Address:
City, State, Zip:	City, State, Zip:

Substitute Form W-9

Check the appropriate box for federal tax classification; check only one of the seven boxes:

- ☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Trust/estate
☐ Limited Liability Company. Enter the tax classification (C=C corporation, S=S corporation, P= partnership) _____

Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.

- ☒ Other (see Form W-9 instructions) Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3 of the Form W9)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box on page 1. The TIN provided must match the name given to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3 of Form W-9. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3 of Form W-9.

NOTE: If you have any questions on how to complete the W-9, you can request a complete copy of the Form W-9 from your advisor.

Part II Certification

Under penalties of perjury, I certify that:

1. The tax identification number shown on this form is my correct Social Security Number or Taxpayer Identification Number (or I am waiting for a number to be issued to me);
2. I am not subject to backup withholding because (a) I am exempt from backup withholding or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out Item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. If you are an exempt payee (if you are unsure, ask us for a complete set of IRS instructions), enter your exempt payee code (if any) here:

If you are exempt from FATCA reporting (if you are unsure, ask us for a complete set of IRS instructions), enter your exemption from FATCA reporting code (if any) here:

Pre-Dispute Arbitration Agreement

THIS AGREEMENT CONTAINS A PRE-DISPUTE ARBITRATION CLAUSE. BY SIGNING AN ARBITRATION AGREEMENT THE PARTIES AGREE AS FOLLOWS:

- (1) All parties to this Agreement are giving up the right to sue each other in court, including the right to a trial by jury, except as provided by the rules of the arbitration forum in which a claim is filed.
- (2) Arbitration awards are generally final and binding; a party's ability to have a court reverse or modify an arbitration award is very limited.
- (3) The ability of the parties to obtain documents, witness statements and other discovery is generally more limited in arbitration than in court proceedings.
- (4) The arbitrators do not have to explain the reason(s) for their award unless, in an eligible case, a joint request for an explained decision has been submitted by all parties to the panel at least 20 days prior to the first scheduled hearing date.
- (5) The panel of arbitrators may include a minority of arbitrators who were or are affiliated with the securities industry.
- (6) The rules of some arbitration forums may impose time limits for bringing a claim in arbitration. In some cases, a claim that is ineligible for arbitration may be brought in court.
- (7) The rules of the arbitration forum in which the claim is filed, and any amendments thereto, shall be incorporated into this Agreement.

No person shall bring a putative or certified class action to arbitration, nor seek to enforce any pre-dispute arbitration agreement against any person who has initiated in court a putative class action; or who is a member of a putative class who has not opted out of the class with respect to any claims encompassed by the putative class action until: (i) the class certification is denied; or (ii) the class is decertified; or (iii) the customer is excluded from the class by the court. Such forbearance to enforce an agreement to arbitrate shall not constitute a waiver of any rights under this agreement except to the extent stated herein.

The Parties agree that any and all disputes or controversies relating to the subject matter of this Agreement, or in any way arising out of this Agreement, including discovery disputes, that cannot be settled among the Parties, shall be submitted to binding arbitration in accordance with the rules, then in effect, of the Financial Industry Regulatory Authority ("FINRA"), or its successor. All awards and decisions of the arbitrator(s) shall be final and judgment upon the award may be entered in any court of competent jurisdiction.

The above information is accurate to the best of my knowledge. I further acknowledge that this agreement contains a pre-dispute arbitration clause located on this page in the preceding paragraphs and I have received a copy.

_____ Customer Signature	_____ Date	_____ Title	
_____ Customer Signature	_____ Date	_____ Title	
_____ Customer Signature	_____ Date	_____ Title	
_____ Customer Signature	_____ Date	_____ Title	
_____ Representative Signature	_____ Date	_____ Principal Signature	_____ Date



Pershing Customer Due Diligence Certification Form

Account number(s): _____

Last Name of Person Opening Account <i>City of Muskegon</i>	First Name	Middle Initial
Name and type of Legal Entity		

If the entity qualifies for full exemption per 31 CFR 1010.230(e)(2), please complete Section 1. For all other accounts, including fully exempt accounts, please complete Section 2 and 3. Section 3 alone may be used for subsequent account openings where the CDD form is already on file.

Section 1: If fully exempt, please select the reason(s) below. Additional information is required for verification.

- ☐ Financial institution regulated by a federal functional regulator (e.g., federally regulated bank, broker or dealer in securities, mutual fund, futures commission merchant, or introducing broker in commodities) or by a state bank regulator, a bank holding company or savings and loan holding company, or an insurance company regulated by a state regulator (please provide website address/FDIC number/ CRD number) _____
- ☐ Entity registered with the SEC under the Securities Exchange Act of 1934 (please provide SEC number) _____
- ☐ Registered investment company (please provide SEC number) _____
- ☐ SEC-registered exchange or clearing agency (please provide SEC number) _____
- ☐ Pooled investment vehicle managed by a financial institution who is exempt based on the above exclusion (U.S. regulated)
- ☐ Non-U.S. financial institution established in a jurisdiction where the regulator maintains beneficial ownership information regarding such institution
- ☐ Publicly held company whose common stock (or analogous equity interests) are listed on the NYSE, American, or NASDAQ stock exchange (a "Listed Entity") (please provide symbol/ticker) _____
- ☐ Entity organized under US law or any U.S. state's law at least 51% of whose common stock (or analogous equity interests) are held by a Listed Entity (please provide symbol/ticker) _____
- ☐ Financial market utility designated by the U.S. Financial Stability Oversight Council under Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act
- ☒ Domestic government agency or instrumentality, or a legal entity that exercises governmental authority on behalf of U.S. or any state or political subdivision

Section 2: Beneficial Ownership and Controlling Person Information: New Accounts and Updates to Existing Accounts

Beneficial Owner: Please provide the following information for an individual(s), if any, who, directly or indirectly, through any contract arrangement, understanding, relationship, or otherwise owns 25% or more of the equity interests of the legal entity listed above. For foreign accounts, please include additional pages to document all individuals who have 10% or more ownership.

If no individual meets the definition above, please initial here: _____

For foreign accounts only, please initial that no individual owns more than 10% here: _____

Controlling Person: Please provide identifying information for a minimum of one person with significant responsibility to control, manage, or direct the legal entity. This person could also be defined as a beneficial owner. Such examples are CEO, CFO, Managing Member, Partner, President, etc.

Control Person (Required, may be beneficial owner)

Last Name:	Middle Initial:	First Name:	Date of Birth
Address:	City:	State:	Zip/Postal Code:
Country:	SSN(or other similar number):	Passport Number (Or other similar identification number for foreign individuals):	
Title		Country of Issuance:	Expiration Date:
Are you an employee of Cantella & Co., Inc? ☒ No ☐ Yes	Are you related to a Cantella & Co., employee? ☐ No ☐ Yes If yes list name and relationship: Name: _____ Relationship: _____		Are you an employee of another Broker Dealer? ☐ No ☐ Yes If yes. list name of Broker/Dealer: _____
Are you a senior officer, director or 10% or more shareholder of a publicly traded company? ☐ No ☐ Yes If yes list trading symbol: _____	Is any owner a Politically Exposed Person? (either a senior military, governmental, or political official in a non-U.S. country, closely associated with, or an immediate family member of such an official) ☐ No ☐ Yes If yes, please contact Compliance.		

Beneficial Owner or Additional Control Person (If required)

Last Name:	Middle Initial	First Name:	Date of Birth
Address:	City:	State:	Zip/Postal Code:
Country:	SSN(or other similar number):	Passport Number (Or other similar identification number for foreign individuals):	
Title		Country of Issuance:	Expiration Date:
Are you an employee of Cantella & Co., Inc? ☐ No ☐ Yes	Are you related to a Cantella & Co., employee? ☐ No ☐ Yes If yes list name and relationship: Name: _____ Relationship: _____		Are you an employee of another Broker Dealer? ☐ No ☐ Yes If yes. list name of Broker/Dealer: _____
Are you a senior officer, director or 10% or more shareholder of a publicly traded company? ☐ No ☐ Yes If yes list trading symbol: _____	Is any owner a Politically Exposed Person? (either a senior military, governmental, or political official in a non-U.S. country, closely associated with, or an immediate family member of such an official) ☐ No ☐ Yes If yes, please contact Compliance.		

Beneficial Owner or Additional Control Person (If required)

Last Name:	Middle Initial:	First Name:	Date of Birth
Address:	City:	State:	Zip/Postal Code:
Country:	SSN(or other similar number):	Passport Number (Or other similar identification number for foreign individuals):	
Title		Country of Issuance:	Expiration Date:
Are you an employee of Cantella & Co., Inc? ☐ No ☐ Yes	Are you related to a Cantella & Co., employee? ☐ No ☐ Yes If yes list name and relationship: Name: _____ Relationship: _____		Are you an employee of another Broker Dealer? ☐ No ☐ Yes If yes. list name of Broker/Dealer: _____
Are you a senior officer, director or 10% or more shareholder of a publicly traded company? ☐ No ☐ Yes If yes list trading symbol: _____	Is any owner a Politically Exposed Person? (either a senior military, governmental, or political official in a non-U.S. country, closely associated with, or an immediate family member of such an official) ☐ No ☐ Yes If yes, please contact Compliance.		

Beneficial Owner or Additional Control Person (If required)

Last Name:	Middle Initial:	First Name:	Date of Birth
Address:	City:	State:	Zip/Postal Code:
Country:	SSN(or other similar number):	Passport Number (Or other similar identification number for foreign individuals):	
Title		Country of Issuance:	Expiration Date:
Are you an employee of Cantella & Co., Inc? ☐ No ☒ Yes	Are you related to a Cantella & Co., employee? ☐ No ☐ Yes If yes list name and relationship: Name: _____ Relationship: _____	Are you an employee of another Broker Dealer? ☐ No ☐ Yes If yes. list name of Broker/Dealer: _____	
Are you a senior officer, director or 10% or more shareholder of a publicly traded company? ☐ No ☐ Yes If yes list trading symbol: _____	Is any owner a Politically Exposed Person? (either a senior military, governmental, or political official in a non-U.S. country, closely associated with, or an immediate family member of such an official) ☐ No ☐ Yes If yes, please contact Compliance.		

Beneficial Owner or Additional Control Person (If required)

Last Name:	Middle Initial:	First Name:	Date of Birth
Address:	City:	State:	Zip/Postal Code:
Country:	SSN(or other similar number):	Passport Number (Or other similar identification number for foreign individuals):	
Title		Country of Issuance:	Expiration Date:
Are you an employee of Cantella & Co., Inc? ☐ No ☐ Yes	Are you related to a Cantella & Co., employee? ☐ No ☐ Yes If yes list name and relationship: Name: _____ Relationship: _____	Are you an employee of another Broker Dealer? ☐ No ☐ Yes If yes. list name of Broker/Dealer: _____	
Are you a senior officer, director or 10% or more shareholder of a publicly traded company? ☐ No ☐ Yes If yes list trading symbol: _____	Is any owner a Politically Exposed Person? (either a senior military, governmental, or political official in a non-U.S. country, closely associated with, or an immediate family member of such an official) ☐ No ☐ Yes If yes, please contact Compliance.		

I, _____ (name of person authorized on this account), hereby certify, to the best of my knowledge, that the information provided above is complete and accurate.

Signature: _____ Title: _____ Date: _____

Section 3: Representative Affirmation

I certify that the entity above has provided complete and accurate information as to their exempt status, control persons and beneficial owners. If this form is being used to establish a new account for an existing client, I certify that this information remains accurate based on my conversation with the client. If any of this information has changed since the last submission of the form, the client must sign a new Customer Due Diligence Form to disclose the updated information.

Rep Signature: _____ Date: _____

Date verified with client: _____

CDD on file under existing Account #: _____

Reviewed by Home Office Supervisor: _____ Date: _____

Non-Corporate Resolution

STEP 1. IDENTIFICATION OF QUALIFIED INTERMEDIARY/WITHHOLDING ENTITY

Legal Name of Organization	
Type of Organization	Account Number (if assigned) —

Be it resolved that each of the following has been duly elected or appointed and is now legally holding the title set opposite his/her name.

Name of Authorized Person	Title
Name of Authorized Person	Title
Name of Authorized Person	Title

STEP 2. CERTIFICATION

I HEREBY CERTIFY that at a meeting, duly called, of the Board of Directors of _____, a Organization, at which said meeting a quorum was present and acting throughout, the following preamble and resolution was adopted and ever since has been and now is in full force and effect.

WHEREAS this Organization is duly authorized and permitted by its Charter and Bylaws to:

- Engage in cash and/or margin transactions in any and all forms of securities including, but not limited to, stocks, options, mutual funds, stock options, stock index options, short sales, foreign currency options and debt instrument options, bonds, bond debentures, annuities, notes, scrips, participation certificates, rights to subscribe, warrants, certificates of deposit, mortgages, choses in action, evidences of indebtedness, commercial paper certificates or indebtedness, and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise.
- Receive on behalf of the Organization or deliver to the Organization or third parties, including but not limited to the President, Vice President, Treasurer or any other authorized officer or person listed in Step 3 below giving such instruction, monies, stocks, bonds, and other securities. To sell, assign, and endorse for transfer, certificates representing stocks, bonds, or other securities now registered or hereafter registered in the name of the Organization.
- Establish and maintain an asset management account with debit card, check writing and margin privileges, from which account funds are directly spent, the responsibility for which is entirely that of the Organization.
- Borrow money or make any contract the effect of which is to borrow money, and secure such obligations by mortgages or other liens upon Organization property; borrow, guarantee and/or pledge any Organization assets as collateral, as the case may be, with respect to a loan; guarantee a borrowing of money or to make any contract the effect of which is to guarantee a borrowing, and secure such obligations by mortgages or other liens upon any Organization property.

Unless indicated otherwise here, the Organization will be assumed to have all powers listed above.

LIST ANY POWERS NOT AUTHORIZED HERE: _____

NOW THEREFORE BE IT RESOLVED that this Organization opened an account or accounts in its name with

Name of Introducing Firm

and that the individuals named in Step 3 below ("Authorized Person") or any one of them acting individually, may, on behalf of this Organization, be and they hereby are and each of them hereby is authorized and empowered to (1) give written or oral orders in the said account or accounts for the purchase, sale, or other disposition of stocks, bonds, and other securities, (2) deliver to and receive from Pershing LLC (Pershing), on behalf of this Organization monies, stocks, bonds, and other securities, (3) establish and maintain an asset management account with debit card, check writing and margin privileges from which account funds are directly spent with each authorized person as indicated in the separate asset management account agreement having check writing and debit card privileges, (4) order the transfer or delivery of funds, monies or securities to any other person whatsoever, including the President, Vice President, Treasurer or any other authorized officers or persons indicated below giving such instructions, (5) sign acknowledgements of the correctness of all statements of accounts, and (6) make, execute, and deliver under the organizational seal any and all written endorsements, releases and documents necessary or proper to effectuate the authority hereby conferred; the within authorization to each of said officers to remain in full force and effect until written notice of the revocation thereof shall have been received by

and Pershing.

Name of Introducing Firm



Account Number

[illegible]

I FURTHER CERTIFY that the following are the names, titles and signatures of the officers (or others) authorized by the foregoing resolution to act for this Organization:

Printed Name	Date
Title	
Signature	

Printed Name	Date
Title	
Signature	
	

Printed Name	Date
Title	
Signature	
	

Printed Name	Date
	/ / — —
Title	
Signature	
	

Printed Name	Date
Title	
Signature	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal, if any, of said Organization

this _____ day of _____, 20____.

[AFFIX COMPANY SEAL HERE IF ORGANIZATION USES A SEAL]

This individual may or may not be listed in the authorized persons box above.

STEP 4. ADDITIONAL CERTIFICATION

Managing Member Printed Name	Date
Title	
Signature	

ACH Authorization Agreement Instructions

This form is used to request ACH Standing Instructions linking your brokerage account and your bank account.

Please be aware that the use of this form will result in unfettered, bidirectional access between the brokerage and bank/credit union accounts. No additional paperwork, with the exception of an IRA Distribution Form to move money from a Pershing as Custodian Retirement Account, will be required to move funds between the bank account and brokerage account. No notice is given to the bank account holder that funds are being removed from the account.

As You Complete This Form:

- Please refer to the included instructions. Incorrectly completing this form may result in incorrect processing.
- If you are requesting a Periodic Distribution out of your Pershing as Custodian Retirement account, please ensure to complete the IRA Distribution Form
- Please be certain the proper supporting documentation for the bank account is enclosed with the completed paperwork

After Completing This Form:

- Please return the completed ACH Authorization Agreement form to your investment professional or financial organization. This request must be processed within 30 days of your signature and date.
- You may keep a copy of the form for your reference.

Step 1. Account Information.

Please ensure the Pershing account number is listed in step one. A completed ACH Authorization Agreement is required for each brokerage account. Step 1 also requires the brokerage account title to be populated.

Step 2 .Bank/Credit Union Information.

This section indicates if the bank details are initial ACH set up or an adjustment of previous instructions. It is important to note that the approval process is not impacted by the selection made here.

The ABA(routing number), DDA(bank account number), bank name and account type are required fields that must be filled out. Note that in some cases the bank provides a separate ABA for ACH, which is often printed beside or below the logo on a check. Please review the supporting document carefully to ensure you provide the correct ABA.

Step 3. Type of Request.

Options for distribution type, contribution type, frequency, dollar amount and start date are only required for periodic asset movements. (Note: Periodic Purchase of Mutual Funds, SRS, brings funds in to pay for applicable systematic mutual fund purchases the day before settlement. No dollar amount or start date is required if this option is selected in contribution type. This feature is not available for any Retirement Plan which is not eligible for the participant current year IRA contribution type.)

Clients with Retirement Plans eligible for the current year IRA contribution type should be aware that this type will only allow the contribution limit, which is based on the clients age, to be pulled over. Once that limit has been reached, the system may reduce the final allowable contribution or not pull funds to cover the mutual fund trade.

Step 4. Attaching Supporting Documentation and Signatures.

Acceptable supporting documentation for the bank account includes micro encoded check, deposit slip, or account statement (including the full account name, full account number and bank name, or a letter written by an employee of the bank providing the full account name, number and routing number). This letter must be on bank letterhead, signed by an employee of your bank. This provision is in place to protect your accounts against fraud.

Checks numbered under 100, starter, bill pay, or printer checks are unable to be accepted as support of the bank account.

Additional supporting documentation may be requested in order to activate the link between the two accounts. This documentation could include, but is not limited to: trust documents, death certificates (in cases where one party on a joint account is deceased), and bank letters (confirming signing authority on bank accounts which are entities).

All parties on both the bank and brokerage accounts are required to sign this form on the same page. The signature and submission of this form is implicit authorization to move funds both to and from the linked bank account with no additional scrutiny from your financial professional or Pershing. No additional paperwork is required, with the exception of IRA Distribution forms in some cases. ACH link requests between unrelated accounts will not be honored.

ACH Authorization Agreement

Please complete the following fields to begin the electronic transfer of funds between your brokerage account and your bank/credit union account. You may begin depositing funds into your brokerage account from your bank/credit union account or send payments to your bank/credit union account from your brokerage account. All transactions are processed through the Automated Clearing House (ACH) system.

STEP 1. ACCOUNT INFORMATION

Brokerage Account Number	Brokerage Account Holder's Name(s)
--------------------------	------------------------------------

STEP 2. BANK/CREDIT UNION ACCOUNT INFORMATION

- ☐ Set up new instructions.
☐ Replace existing instructions.

ABA Number	DDA Number	
Bank/Credit Union Name		
City	State	Zip/Postal Code

Account Type: ☐ Checking ☐ Savings

STEP 3. TYPE OF REQUEST

Please complete all applicable sections.

Standing Instructions Only

☒ Standing instructions only (no assets will be moved at this time).

Distribution Type

- ☐ Periodic distributions to bank account (Pay Principal).
☐ Income distributions to bank account.

Contribution Type

- ☐ Periodic purchase of mutual funds (SRS). ACH is contingent upon the execution of periodic mutual fund purchases.
☐ Periodic deposits to brokerage account.

**A DISTRIBUTION
REQUEST FORM
IS REQUIRED FOR
RETIREMENT
ACCOUNTS.**

For applicable Pershing retirement accounts only:

- | | | |
|---|---|---|
| ☐ Participant current year | ☐ Employer prior year | ☐ Qualified matching |
| ☐ Employee deferral current year | ☐ Employer matching current year | ☐ Qualified non-elective |
| ☐ Employee deferral prior year | ☐ Employer matching prior year | ☐ Voluntary after tax |
| ☐ Employer current year | | |

Frequency

- | | |
|--|--|
| ☐ Monthly - Occurs every month | ☐ Quarterly - Occurs every 3 months |
| ☐ Semi-monthly - Occurs twice a month | ☐ Semi-annually - Occurs twice a year |
| ☐ Bi-monthly - Occurs every other month | ☐ Annually - Occurs once a year |

Amount for Periodic Deposits and Principal Distributions

Dollar Amount (leave blank for Income Distributions or Required Minimum Distribution)	Start Date
---	------------



PCPRACH

ACH Authorization Agreement

Account Number

Voided Check

Attach an original or copy of a voided check here.

Jane Doe
123 Anywhere Street
Anytown, NY

101

Pay to the Order of \$

Dollars

MY BANK USA

Memo

123456789

:

12345678910

:

0101

Bank Routing
Number

Checking Account
Number

Check Number

WE CANNOT ACCEPT
STARTER CHECKS OR
COUNTER CHECKS
(OR CHECK NUMBERS
BELOW 100).

IF A VOIDED CHECK
IS NOT AVAILABLE,
PLEASE ATTACH A MICR
ENCODED DEPOSIT SLIP
OR BANK STATEMENT
THAT INCLUDES FULL
BANK NAME, FULL
ACCOUNT NAME
AND FULL ACCOUNT
NUMBER, OR A LETTER
FROM THE BANK,
ON LETTERHEAD
AND SIGNED BY A
BANK EMPLOYEE,
CONFIRMING THE BANK
ACCOUNT OWNERSHIP,
NUMBER AND ROUTING
INFORMATION.

STEP 4. SIGNATURE

I/we hereby authorize Pershing LLC to initiate credit/debit entries to the above referenced bank/credit union account (the "Bank Account"). This authority remains in full force and effect until Pershing has received written notification of its termination to afford Pershing a reasonable opportunity to act. We may authorize payments for purchasing securities via the Systematic Reinvestment System (SRS).

I/we represent and warrant that each of us is an owner of the Bank Account and that each of us has full authority to cause funds to be withdrawn from the Bank Account and credited to the Pershing account identified in Step 1. I/we understand that Pershing is relying upon this representation in agreeing to permit the movement of funds via ACH between my/our Pershing account and the Bank Account.

Print Name	Date
Signature X	
Print Name	Date
Signature X	
Print Name	Date
Signature X	
Print Name	Date
Signature X	

ALL REGISTERED
OWNERS ON YOUR
BROKERAGE ACCOUNT
AND U.S. BANK,
CREDIT UNION OR
OTHER FINANCIAL
INSTITUTION
ACCOUNT ARE
REQUIRED TO SIGN
THE SAME FORM.

FOR BUSINESS (E.G.,
CORPORATIONS,
LIMITED LIABILITY
COMPANIES,
PARTNERSHIPS,
ETC.) AND TRUST
ACCOUNTS, SEPARATE
SUPPORTING
DOCUMENTATION
CONFIRMING
THE SIGNATURE
AUTHORITY FOR BOTH
THE BROKERAGE AND
BANK ACCOUNTS ARE
REQUIRED.

Online Access and Electronic Delivery Form

Financial Organization Name

You may use this form to:

- Create a User ID and temporary password for online access
- Link additional accounts to an existing User ID
- Provide instructions to establish electronic delivery (e-delivery) of brokerage account communications
- Change delivery instructions for accounts linked to an existing User ID

YOUR FINANCIAL ORGANIZATION WILL PROVIDE YOU WITH THE NAME OF THE WEBSITE THROUGH WHICH YOU WILL ACCESS YOUR ACCOUNTS.

STEP 1. ACCOUNT OWNER INFORMATION

Primary Account Owner Name	
Mother's Maiden Name	Account Owner's Date of Birth - -
Email address	
If You Have an Existing User ID, Please Provide it Here	

ALL FIELDS ARE REQUIRED.

ONE VALID EMAIL ADDRESS MUST BE PROVIDED FOR DELIVERY OF NOTIFICATION EMAILS.

NOTICES RELATED TO ONLINE ACTIVITY MAY BE SENT TO THIS EMAIL ADDRESS.

If you are requesting a new User ID, indicate your first and second choices below. User IDs must have a minimum of 7 and maximum of 15 characters, are NOT case sensitive, and should consist of letters and numbers only.

User ID Desired (first choice)	User ID Desired (second choice)
--------------------------------	---------------------------------

STEP 2. ELECTRONIC DELIVERY PREFERENCES

Your account statements and the other documents below will be sent via electronic delivery (e-delivery) for all accounts linked to this user ID. This means that instead of receiving them on paper, you must access your documents online. You may update your preferences online, where you can also choose e-delivery for tax documents.¹ You must read and agree to the Electronic Delivery Agreement in Step 4 and sign in Step 5.

We will default to eDelivery of the following unless checked below:

- ☐ Paper account statements
- ☐ Paper account notifications²
- ☐ Paper trade confirmation/advices
- ☐ Paper Quarterly Performance Reports³

Proxy, Shareholder and Reorganization Materials delivery preferences

- ☐ Check this box to receive Proxy, Shareholder and Reorganization Material communications via e-delivery for the primary account. You must choose a four-digit PIN and write this number in the space provided below. You must read and agree to the Electronic Delivery Agreement in Step 4 and sign in Step 5.⁴

Four-Digit PIN

| | | |

¹ Tax documents are also available via electronic delivery; however, enrollment must be done online by the account owner. Please contact your financial organization for assistance.

² Please contact your financial organization for a list of the specific notifications eligible for electronic delivery.

³ Please contact your financial organization to confirm availability of Quarterly Performance Reports for your account(s).

⁴ A four-digit PIN is required for electronic delivery of proxy communications. For managed accounts, changes to delivery preferences for proxy and shareholder communications may need to be initiated by your advisor or money manager.



Account Number

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Maynard Keynes".

2. The second part of the document is an introduction. It discusses the importance of the state in the development of the economy and the role of the state in the development of the economy.

3. The third part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

4. The fourth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

5. The fifth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

6. The sixth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

7. The seventh part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

8. The eighth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

9. The ninth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

10. The tenth part of the document is a chapter on the role of the state in the development of the economy. It discusses the role of the state in the development of the economy and the role of the state in the development of the economy.

"You" means the account owner(s) of the account.

"Authorized User" means a person that you have authorized to be provided an additional user ID which enables access to your account online.

“Website” means the website maintained by Pershing LLC on behalf of your financial organization that enables you to access your account information and perform other activities.

You expressly agree and acknowledge that your use and any authorized users' use of the website is subject to the terms and conditions of use that are posted on the website, including without limitation any disclaimers of warranties and other notices therein. Such terms and conditions may be amended from time to time by posting them on the website. Continued use of the website by you or your authorized users will constitute your acceptance of the then-current terms and conditions.

You agree that you are solely responsible for: (a) safeguarding and keeping confidential your password and user IDs that you and your authorized users use to access the website and any information that is retrieved from the website. You agree that you and your authorized users will only access the website from devices with industry standard anti-virus/anti-malware protection. You agree to accept responsibility for all activities that occur under such user ID(s) or password(s).

You agree to immediately notify your financial institution if: (i) the passwords or user IDs are lost or stolen, or (ii) you become aware of any unauthorized use of the passwords, user IDs, or access to your accounts that may be related to your use of the website. You agree that the providers of the website are not liable for any loss or damage arising from any activity that occurs via the use of your password and/or user ID.

By signing below you represent that you have read and understand Step 4, Investor Terms and Conditions.

Print name	Date
Signature	

EACH ACCOUNT
OWNER MUST SIGN
THIS FORM.

Print name	Date
Signature	

Print name	Date
Signature	

Print name	Date
Signature	

Provide Access to: ☐ DEFAULT/NetXInvestor ☐ Other Profile:

Date: 4/9/2019

To: Honorable Mayor and City Commissioners

From: Planning Department

RE: Establish Policy and Application for Sports Leagues and Tournaments

SUMMARY OF REQUEST:

Approve the establishment of a policy and application for sports leagues and tournaments using city parks and facilities. The policy is similar to the special event policy, provides consistency for users of city facilities, and informs applicants of rules and regulations that must be followed.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approve the policy and application.

CITY OF MUSKEGON SPORT LEAGUE AND TOURNAMENT POLICY

2019

The City of Muskegon has many fine parks and facilities available for your team. A Sports Leagues and Tournaments Application is required for any sport league or tournament using City property. While there are several City departments involved in the approval process, this policy centralizes the administration of special events with the City's Planning Department.



For events where alcohol is served, applicants must also obtain approval from the State of Michigan Liquor Control Commission and the Muskegon Police Department, in addition to completing the Special Event Application. Liquor license approval is a separate process from the Sports Leagues and Tournaments Application, with its own fees and regulations. The final authority for signing special liquor licenses is with the Public Safety Director. For State of Michigan liquor license regulations and information, please visit the State of Michigan's website at www.michigan.gov/lara.

SPORT LEAGUE AND TOURNAMENT APPLICATION PROCEDURE

I. Application (Application) Submission & Fee Schedule

All Applications shall be filed with the Planning Department at least thirty (30) days prior to the start of the season. The non-refundable application fee must be paid at the time the application is submitted.

Application fee schedule:

Application Fee to be paid by each separate league	\$100 to be submitted 30 days or more prior to the start of the season
Tournament Fee	\$40 fee for each tournament
Park Use Fee	\$40 per league/club/school
Cleaning Deposit	\$100

Application fees may be waived for Veterans groups or school groups for schools located within the city limits. Note your request for waived fees on your application, and city staff will review.

Cleaning deposit will be refunded within 30 days if proper clean-up was completed and no damage occurred. If paid by credit card, refund will be credited to same card. Additional charges for damage or excessive wear may also be applied if conditions warrant. Cleaning supplies will not be supplied by the city.

The Application shall be submitted in writing and must be on the appropriate form. **The application fee must be paid at the time of Application submission.** The cleaning deposit must be paid upon event approval (we will send you an invoice). Fees for additional city services will be invoiced at the end of the season or tournament. The *CITY OF MUSKEGON SPORTS LEAGUES AND TOURNAMENTS APPLICATION* form can be found on the City's website at www.muskegon-mi.gov, or you may call 231.724.6702 to have one mailed/e-mailed to you, or visit the Planning Department on the 2nd floor of City Hall, Monday – Friday from 8:30 am. until 5:00 p.m. excluding holidays.

II. Event Requirements

All permittees must adhere to the following rules and regulations. Failure to do so may result in the applicant being held responsible for any damages, forfeiture of all or part of your deposit, and/or denial of future applications.

(a) **Public Safety Personnel.** While the presence of public safety personnel (police/fire/medical) may not be required at all special events, it shall be the discretion of the Public Safety Director as to whether or not, and how many, city police and/or fire officials may be required. The applicant/organization will be responsible for payment of public safety personnel service. See Fee Schedule (Section V, page 5) for fee estimates. If an event is cancelled with less than 72 hours' notice, the applicant/organization will be responsible for paying two hours' pay per officer, per contract requirements. Applicants are not allowed to provide their own public safety staff (police/fire/medical) without prior approval of the City of Muskegon's Public Safety Director.

(b) **Restroom Facilities.** All outdoor events shall provide adequate restroom facilities (*i.e.* portable toilets) including handicapped-accessible facilities per ADA requirements. Restroom placement shall not impede sidewalk traffic.

(c) **Digging & Staking.** Digging or staking into paved areas, including roadways, sidewalks, and public parking areas, is not permitted. Digging or staking into non-paved ground shall be cleared through Miss Dig in order to avoid damage to underground utilities. The Applicant Organization is responsible for contacting Miss Dig (1-800-482-7171, or dial 811) a minimum of 5 *working days* prior to event set-up. The applicant will also be responsible for paying an electrician to locate underground utility lines, if required. The Applicant Organization will be responsible for the cost of any damages to underground utilities, including irrigation lines, caused by digging or staking.

(d) **Electrical and Water Hook-up.** The applicant must adapt to electrical power available on-site, or provide their own generator. When using City electrical panels, the applicant shall read the meter before and after the event, and report those numbers to the City's special event coordinator upon request. City fire hydrants may be used as a water source for a fee [see Fee Schedule (Section V, page 5) for cost]. It is the responsibility of the applicant to provide acceptable hoses for potable water usage, which meet Health Department requirements.

(e) **Inspections.** The event location is subject to all building, plumbing, mechanical, electrical, and fire codes. It is the permittee's responsibility to schedule an inspection by any and all required inspectors and pay the required inspection fee(s). The City's building inspection department (SAFEbuilt), requires an inspection of assembly tents. See Fee Schedule (Section V, page 5) for costs. For events having multiple tents, contact the City's Building Official for inspection fees.

(f) **Food trucks.** Any food trucks or vendors using deep fryers and/or propane cylinders must be inspected and approved by the Fire Marshal's office prior to participation in a special event. These vendors are required to have no less than a 5 lb ABC-type fire extinguisher which has a current inspection tag and a class K type fire extinguisher for any deep-frying equipment wherein oils and/or grease is used as a medium. Contact the Fire Marshall for an inspection at (231) 724-6793.

(g) **Event Set-up and Tear-down.** For events utilizing any public roadway, no tents, booths, vendors, or equipment shall be set up in the roadway prior to 6:00 p.m. the day before the event. All signs, tents, booths, vendors, and equipment must be removed from the roadway prior to 6:00 a.m. the day after the event.

(h) **Site Clean-up and Trash Disposal.** The Applicant shall be responsible for clean-up of City facilities after the event. This includes the removal of trash from the site (do not leave full trash cans on site). Applicants shall provide their own Dumpster. The City shall have the right to enforce cleanup measures, including but not limited to entry and cleaning of property by City personnel with costs charged to the owner, occupant, or applicant. City staff may require a walk-through after the event to ensure satisfactory clean-up.

(i) **Merchandise Sales.** Sales of all merchandise for Special Events must be out of the public right-of-way, unless prior authorization is received.

(j) **Compliance with all regulations.** Special Event applicants/organizations are responsible to ensure that all applicable laws and ordinances are followed. Failure to comply with all city

ordinances, rules and regulations may result in the denial of future special event requests and/or the forfeiture of your deposit.

III. Special Event Application Processing

(a) **Application Intake.** Planning Department staff shall be responsible for intake of Sport League and Tournament Applications and dissemination to appropriate City staff for review and approval. The application fee must be submitted with the application. Liquor license applications shall be filed with the Public Safety Director.

(b) **Approval.** The City will issue an approval or denial no later than 30 days after the application date whenever possible. Preliminary approval may be given to allow the applicant to advertise the event, with final details to be worked out with staff. An approval letter will be issued, listing conditions of approval.

(c) **Application Denial.** Where City staff reviews an Application and denies same, it shall state in writing the reasons for the denial. An appeal of that decision may be made to the City Commission, whose decision shall be final.

(d) **Unpaid Invoices Due the City.** Any past due fees/invoices owed to the City may result in denial of the application and/or future requests.

(e) **Meetings with Staff.** City staff will meet with applicants to discuss event details if needed. Contact the City's special event coordinator in the Planning Department to request a meeting. There may also be instances where City staff requires a meeting with the applicant. Failure to attend a requested meeting may result in denial of the application.

(f) **Site Plan.** The City may require submittal of a site plan showing the event grounds and the location of tents, vendors, portable toilets, and other structures.

IV. Fee Schedule (Use of City Equipment, Labor Charges, Liquor Licenses, Inspections, Park use fees)

ITEM / SERVICE	RENTAL FEE (plus labor if necessary)
55-gallon metal trash can	\$5.00 each
Plastic trash bags (1 case)	\$40.00 per case or actual cost
Snow fence (wood)	\$30.00 per roll
Fence posts	\$3.00 per post
Picnic tables	\$10.00 each
Fire hydrant use (installation & removal of hydrant tree, water testing, and water usage)	\$100.00 flat rate per hydrant
DPW/Parks personnel labor costs (Transportation of Barricades/Cones/tables, etc)	\$60.00/hour Truck/ trailer rental may also be charged
PUBLIC SAFETY SERVICES / FEES	
NOTE: Liquor License fees are lowest when applied for at least 45 days in advance of the event date. <i>Liquor licenses will not be issued within 15 days of an event.</i>	
Special liquor license (non-profit)/New event	\$150.00 (if applied for at least 45 days in advance of event)
Special liquor license (non-profit)/Return event Organization located outside City of Muskegon	\$125.00 (if applied for at least 45 days in advance of event)
Special liquor license/Return event, in-City rate	\$ 75.00 (if applied for at least 45 days in advance of event)
Special liquor license (all) within 15-44 days of event	\$250.00
Liquor license/Temporary authorization - existing business/club	\$40.00 (\$60 if within 44-15 days of event)
Public safety labor charges (police/fire/medical)	\$60.00 per hour (time and ½)
Public safety labor charges (police/fire/medical)	\$120.00 per hour (triple time/holidays)
INSPECTIONS	
Inspection of assembly tent	\$50.00 (if multiple tents, contact building official for fees)
Electrical or plumbing inspections	Contact the building inspection department to see if these are required
Fire Department inspection of food trucks	Included with application fee
PARK USE FEES - SPECIAL EVENTS	
Hackley Park exclusive use fee	\$200 if utilizing the entire park (includes the stage)
Hackley Park stage use fee	\$50 if using only the stage area
Harbour Towne Beach user fee	\$1500.00 per event
Lakeshore Trail bicycle/walking path	\$200 per event
Pere Marquette Park user fees (applicable Memorial Day through Labor Day)	
Events less than 100 people	\$100 per event
Events with 100 - 250 people	\$200 per event
Events with 250 - 500 people	\$350 per event
Events with 500 - 2000 people	\$500 per event
Events over 2000 people	\$1500.00 per event
Parking spaces for event use	\$10 per parking space reserved
Exclusive use fee of Ovals parking lot area	\$200 per event

Date: 4/9/2019

To: Honorable Mayor and City Commissioners

From: Planning Department

RE: Set Sports Leagues and Tournament Fees

SUMMARY OF REQUEST:

Set the fees for sports leagues and tournaments using city parks and facilities as follows.

Application Fee to be paid by each separate league	\$100 to be submitted 30 days or more prior to the start of the season
Tournament Fee	\$40 fee for each tournament
Park Use Fee	\$40 per league/club/school
Cleaning Deposit	\$100

Application fees *may* be waived for Veterans groups or school groups for schools located within the city limits. Groups are directed to note their requests for waived fees on their applications, and city staff will review.

FINANCIAL IMPACT:

Revenue generated by fees.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Approve the fees for sports leagues and tournaments.

2019 CITY OF MUSKEGON SPORTS LEAGUES AND TOURNAMENTS APPLICATION

An application is required for any league or tournament using City property. The application and fee must be submitted to the City of Muskegon Planning Department at least 30 days prior to the first practice, game or tournament. In addition, any events where alcohol is served will require a *temporary liquor license*, which is handled through the Muskegon Police Department. Contact the Police Department at 231.724.6750 for liquor license fees and requirements.

**Return completed application with payment to the City of Muskegon Planning Department,
P.O. Box 536, 933 Terrace St., Muskegon, MI 49443-0536. Telephone: 231.724.6702**

► SPORTS LEAGUES AND TOURNAMENTS FEES

Application Fee to be paid by each separate league	\$100 to be submitted 30 days or more prior to the start of the season
Tournament Fee	\$40 fee for each tournament
Park Use Fee	\$40 per league/club/school
Cleaning Deposit	\$100

Application fees *may* be waived for Veterans groups or school groups for schools located within the city limits. Note your request for waived fees on your application, and city staff will review. Cleaning deposit will be refunded within 30 days if proper clean-up was completed and no damage occurred. If paid by credit card, refund will be credited to same card. Additional charges for damage or excessive wear may also be applied if conditions warrant. Cleaning supplies will not be supplied by the city.

► I. LEAGUE OR TOURNAMENT SUMMARY

Each league will submit a schedule showing which days they will use city facilities, the time frames the facilities are used, and the start and end dates of the leagues/tournaments. For each tournament, dates and times that facilities are needed must be listed. Attach a separate sheet if necessary or use the blank space at the bottom of this page.

TYPE OF SPORT	
PRACTICE DATE(S)	
TOURNAMENT DATE(S)	
USE TIME(S)	START: END:
LOCATION	

Additional space for continuing above info if needed:

► II. APPLICANT INFORMATION

ORGANIZATION NAME	
APPLICANT'S NAME/ RESPONSIBLE PARTY	
ORGANIZATION / APPLICANT ADDRESS /CITY/ STATE/ ZIP	
APPLICANT PHONE NO(s).	
APPLICANT E-MAIL ADDRESS	
CONTACT NAME & PHONE NUMBER DURING EVENT	Representative must be on site and available during event hours

► III. ALCOHOL SERVICE

Will there be alcohol sold/served?

☐
☐

NO (proceed to Section IV, Event Site Details)
YES (complete remainder of Section III, below)

Applicant must contact the Muskegon Police Department to apply for a separate liquor license. The liquor license application also requires State of Michigan approval so it is imperative that you get this done early. No liquor license will be issued within 14 days of an event date.

Name of non-profit organization you are partnering with for the liquor license:	
Contact person at non-profit organization (name & phone number):	

► IV. TOURNAMENT DETAILS

Provide a detailed description of your tournament. Use additional sheet if necessary:	
Number of people expected at site _____	Is this new/ first-time? No ____ Yes ____
Will there be food concessions at the site?	No ____ Yes ____ ** **Contact Fire Marshall for requirements
Will there be emergency medical services present? (Other municipalities may not provide services in the City)	No ____ Yes ____ Provider:
Will you have your own security present?	No ____ Yes ____ Provider:
Will there be assembly tents erected at the site?	No ____ Yes ____ If yes, contact the building inspection department to schedule an inspection for any tents over 400 square feet

► V. CITY EQUIPMENT REQUESTED

Indicate the number of each item you're requesting below. **There are additional fees if you require City staff to transport the items.** Labor charges start at \$60/hour per person. Larger items may require 2 people to move/transport. Leagues will be invoiced for fees at the close of the season.

ITEM	QUANTITY	ITEM	QUANTITY
Wooden picnic tables (\$10 each)		Fire hydrant use (\$100 per hydrant)	
55-gallon metal trash cans (\$5 each)		Wood snow fence (\$30/roll)	
Trash bags (\$50 per case)		Fence posts (\$3 per post)	
Check one: I request that City staff deliver the above items to the site (for an additional fee): _____ I agree to pick up and return the above items from/to the Public Works building: _____			
The 2 items listed at right are available for your use free of charge, as long as they are picked up and returned to the City's Public Works building. →		No Parking signs	
		Safety Vests	
Are you requesting any other City services or equipment? (use of water, electric, etc) No ____ Yes ____ *			
* List other services here:			

► VI. LIABILITY WAIVER

PARTICIPANTS voluntarily agree, understand and recognize that PARTICIPANTS will have no right to make a claim or file a lawsuit against the CITY arising out of the use of City property.

PARTICIPANTS agree to use City facilities at his/her own Risk, exercising his/her own free choice to participate voluntarily in this activity, and PARTICIPANTS assume responsibility for any and all such risks and dangers.

► VII. REQUIREMENTS OF THE SPORT LEAGUE PERMIT

1. Applicant shall comply with all rules and regulations of the City of Muskegon Sport League and Tournament Policy.
2. Applicant shall comply with all City of Muskegon Ordinances.
3. The applicant organization will save the City of Muskegon harmless from all claims.
4. City staff may require a meeting with applicant organization to help clarify requests for services.
5. Grounds will be left clean and free of litter. Failure of the applicant to satisfactorily clean the site may result in the City cleaning the site and billing the applicant for its services.
6. The City reserves the right to deny changes to the application once final approval is given.
7. Failure to provide any requested information in a timely manner or providing false information may result in denial or revocation of the special event permit.

► Failure to comply with any requirements of the Sport League and Tournament Permit may result in the forfeiture of your deposit and/or the denial of future requests.

With my signature, I certify that I have read and agree to the City of Muskegon Sport League and Tournament Policy and all items listed on this application. I agree to abide by all applicable ordinances & regulations.

Signature of Applicant

Date

Thank you for helping us help you make your event safe and successful.

Date: 4/9/2019
To: Honorable Mayor and City Commissioners
From: Planning Department
RE: Request for Skate Park Funds

SUMMARY OF REQUEST:

Authorize the mayor and clerk to sign the resolution requesting distribution of funds from the City of Muskegon Parks Fund at the Community Foundation for Muskegon County. The Planning Department is requesting \$2,000 to cover costs for surveying the property where we propose to locate a future skate park. These funds were originally targeted for the development of a new skate park within the city.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize the mayor and clerk to sign the resolution.

**COMMUNITY FOUNDATION *for* MUSKEGON COUNTY
ORGANIZATION ENDOWMENT FUND AGREEMENT**

**City of Muskegon Parks Fund
Amendment**

AGREEMENT made April 9, 2018, between the City of Muskegon (the "Donor") and the Community Foundation *for* Muskegon County (the "Foundation"), a Michigan non-profit corporation.

This Amendment supersedes entirely the prior Muskegon Skate Park Fund Agreement between the Donor and the Foundation dated June 28, 2016. The purpose of this Amendment is to change the fund to an Organization Endowment Fund, and to change the name of the Fund. Agreement language has been updated to be consistent with current agreements.

This agreement is made with reference to the following facts:

- A. The Donor is presently a qualified tax-exempt organization (as defined herein).
 - B. The Foundation is a publicly-supported community foundation, meeting the public support test of IRC §509(a) and organized and operated exclusively for charitable purposes as provided in IRC §501(c)(3).
 - C. The Donor desires to establish a permanent Endowment Fund with the Foundation which shall be known as the **City of Muskegon Parks Fund** (the "Fund").
 - D. The Foundation, pursuant to the terms of this agreement and the restrictions imposed hereby, desires to accept the initial contribution of Donor as well as any subsequent donations to the Fund, and to administer and distribute the same in accordance with the terms and conditions of this agreement.
1. **Establishment of Fund.** The Foundation acknowledges the balance of the Fund as of December 31, 2017 was \$9,860.56.
 2. **Property of the Fund.** The Fund shall include the property received to establish the Fund, such property as may later be transferred to the Foundation by Donor or from any other source for inclusion in the Fund and accepted by the Foundation, and all undistributed income from the Fund. The Fund shall be the Foundation's property held by it in its corporate capacity and shall not be deemed a trust Fund held by it in a trustee capacity. The Foundation shall have the ultimate authority and control over all property in the Fund, and the income derived therefrom, in accordance with the Articles of Incorporation and Bylaws of the Foundation (as they may be amended from time to time), and the terms of this Agreement applied in a manner not inconsistent with said Articles and Bylaws.
 3. **Designation of Purposes.** The Fund shall be used for the general support of parks and recreation within the City of Muskegon.
 4. **Distributions of Income.** All or a portion of the spendable income (as defined herein) of the Fund shall be distributed to Donor upon the written request of Donor, which may be submitted periodically to the Foundation. The request shall include a Board of Directors' written resolution or minutes from a meeting approving the request for a distribution from the Fund.

5. **Other Distributions.** Distributions in excess of the spendable income of the Fund may be made to the Donor as the Foundation's Board of Trustees determines. Recommendations for such distributions may be made from time to time to the Foundation by the Donor's Board of Directors as provided in Paragraph 4 above. Excess distributions may be made only from the portion of the Fund's balance which represents contributions made by the Donor plus allocated investment realized/unrealized gains and/or losses to such portion. Recommendations of the Donor's Board shall be solely advisory and not binding on the Foundation.
6. **Successors to the Donor.**
 - a. The Fund will continue for the exclusive use and benefit of the successor or surviving organization if the Donor merges or consolidates with another entity which is also a qualified tax-exempt organization under the Internal Revenue Code.
 - b. Upon dissolution of the Donor, the Fund shall continue for the benefit of such other qualified tax-exempt organization as identified by the Donor's Board of Directors, providing such identification is consistent with the charitable purposes of the Foundation. Any designation made under this section shall be in writing and shall be delivered by the Donor to the Foundation prior to the filing of legal dissolution of the Donor.
 - c. If Donor fails to identify such other qualified tax-exempt organization or such identification is not consistent with the tax-exempt status of the Foundation, the Fund shall become a part of the Unrestricted Endowment of the Foundation.
7. **Variance.**
 - a. This Agreement is subject to the Foundation's authority to vary the terms of the gift as stated in Article VIII, Section (8) of the Foundation's Bylaws.
 - b. The Foundation shall promptly notify the Donor of any decision made to exercise the variance power. Notification of the exercise of the power shall be delivered in writing to the last known address of the Donor within 30 days following the Board's decision. The Foundation shall also notify the Donor if it becomes aware of any other action instituted or proposed by any person to vary the purposes, uses or method of administration of the Fund.
 - c. If the Foundation ceases to be a qualified tax-exempt organization or if the Foundation proposes to dissolve, the assets of the Fund shall, after payment or making provision for payment of any liabilities properly chargeable to the Fund, be distributed to Donor. If Donor is not then a qualified tax-exempt organization, said assets shall be distributed in such manner and to such organization or organizations in Muskegon County as satisfies the requirements of a qualified tax-exempt organization and serves purposes similar to those of the Donor.
8. **Definitions and Construction.**
 - a. As used in this agreement:
 - i. "Qualified tax-exempt organization" means an organization described in §501(c)(3) and which is other than a private foundation under §509(a) of the Internal Revenue Code, and a governmental entity or an affiliated entity exercising an essential governmental function.
 - ii. References to any provision of the Internal Revenue Code shall be deemed references to the U.S. Internal Revenue Code of 1986 as the same may be amended from time to time and the corresponding provision of any future U.S. Internal Revenue Code.

- iii. "Spendable income" means the amount determined under the spending rule policy being used by the Foundation for its component Funds (less fees).
- b. It is intended that the Fund shall be a component part of the Foundation and that nothing in this agreement shall affect the status of the Foundation as an entity which is a qualified charitable organization. This agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform to the requirements of the Internal Revenue Code and any regulations issued pursuant thereto applicable to the intended status of the Foundation.
- c. Foundation will charge an annual administrative fee to the Fund, currently 0.5% of the average fund balance. Foundation also may charge an extra-ordinary fee, reasonable in amount, for services to the Fund which are requested by the Donor and are a significant and unusual administrative or economic burden to the Foundation. During any quarter that the Fund balance is less than \$10,000, a \$50 service fee may be charged. Fees are deducted from the Fund. If Donor transfers property to the Fund on any day after the first day of the Foundation's fiscal year, only a pro-rata portion of the annual fee will be charged against the Fund. Donor further understands the fee schedule is subject to modification and may periodically be evaluated and adjusted by the Foundation's Board of Directors.
9. **Gift Acknowledgments**. The Foundation shall make all Donor information with respect to the Fund available to Donor during normal business hours of the Foundation, or online, with authorization, but not limited to, name, address, amount of gift and restrictions on gift, if any.
10. **Copies of Agreement**. The Donor and the Foundation may furnish copies of this agreement to other potential Donors to the Fund to demonstrate the protocol and procedures that have been put in place with regard to the administration and disbursement of the Fund.

The Parties execute this Agreement by its duly authorized officers effective as of the day and year above as evidence of their agreement.

City of Muskegon

By: _____

Steve Gawron, Mayor

Community Foundation for Muskegon County

By: _____

Chris A. McGuigan, President/CEO

City of Muskegon

RESOLUTION

REQUEST FOR CITY OF MUSKEGON PARKS FUNDS

WHEREAS, Muskegon City Commissioners have established a fund at the Community Foundation for Muskegon County to promote a future skate park within our great city; and

WHEREAS, Muskegon City Commissioners desire to construct a skate park for our residents and visitors; and

WHEREAS, Muskegon City Commissioners understand the need to conduct preliminary design activities in preparation for a fundraising campaign; and

NOW, THEREFORE LET IT BE RESOLVED, that Muskegon City Commissioners request \$2,000 from the City of Muskegon Parks Funds at the Community Foundation for Muskegon County for surveying activities.

Dated this _____ of _____ 20__.

Stephen J. Gawron
Mayor

Ann Marie Meisch
City Clerk

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Frank Peterson, City Manager
DATE: April 4, 2019
RE: 714 Jackson – Demolition of Accessory Structure

SUMMARY OF REQUEST:

The City currently owns the Froebel School property as a result of tax foreclosure. Sometime this winter, significant damage was done to an accessory structure. The structure previously housed the school's boiler. The damage has left the structure dangerous. Staff ordered an emergency demolition from Melching, Inc.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To accept the bid of \$10,000 from Melching, Inc. to secure the structure, conduct asbestos testing and abatement, and complete the demolition at 714 Jackson.

COMMITTEE RECOMMENDATION:

DEMOLITION AGREEMENT

THIS AGREEMENT, made this April 3, 2019 by and between:
Melching Inc.

(a corporation organized and existing under the law of the State of Michigan);
hereinafter called the "Contractor," and the City of Muskegon, Michigan,
hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **417 JACKSON AVE (Boiler Room)**
Slab on grade foundation, walls, roof and contents
as well as required supplemental work for the completion of this project, all in
strict accordance with the Contract, including all Addenda. **All shrubbery and
fences that belong with this property will remain as well as all concrete for
the public sidewalk & drive approach.**

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$10,000.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

Expedited Demo Contract
Execution of contract to begin 10 days after date of contract
Request for Proposal
Signed Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

AS WELL AS APPENDIX A REQUIREMENTS: Per The Michigan Land Bank
Fast Track Authority and the City of Muskegon. Appendix is attached.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to
be executed on the day and year first written above.

ATTEST:

CONTRACTOR:

BY: _____

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, _____, certify that I am the _____
of the Corporation named as contractor herein;

That _____, who signed this Agreement on behalf of the
Contractor, was then _____ of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body. And is within the scope of its corporate powers.

Signed:

(CORPORATE SEAL)

Printed Name and Title

ATTEST:

CITY OF MUSKEGON

BY: _____
Frank Peterson, City Manager

Ann Marie Meisch, MMC City Clerk



Date: April 2, 2019 Invoice/Proposal Number: _____

To: City of Muskegon
Safebuilt
933 Terrace St, Suite 204
Muskegon, MI
Attention; Lance Bonifield

Project: Demolish Boiler house and out building
417 Jackson Ave
Muskegon, MI

Phone: (231) 724 - 6715 Fax: _____

Description:

Perform Asbestos Survey of Boiler House
Provide closure of opening of wall to prevent entry until demolition
Acquire permits and provide notifications as needed
Abate Asbestos as identified in the Survey
Demolish the structure including the concrete slab
Dispose of all Demolition materials
Grade the area
Provide topsoil and seed

Original Work Order Amount: \$10,000

Special Notes / Changes:

This proposal assumes minimal asbestos abatement based on a quick visual inspection. If Abatement costs exceed \$1,000 a change order will be submitted to cover the additional costs

Proposal / Invoice Total: Ten Thousand Dollars \$10,000

Authorized By: _____

Submitted By: *Jon Callow*

TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE FOR COMPLETED WORK OR PHASE OF COMPLETED WORK A SERVICE CHARGE OF 1.5% WILL BE ADDED TO PAST DUE ACCOUNTS. FAILURE TO PAY PAST DUE AMOUNTS WILL RESULT IN YOUR BEING LIABLE FOR ALL OF MELCHING INC'S. COLLECTION FEES, ATTORNEY FEES AND/OR COURT COSTS REQUIRED TO COLLECT PAST DUE AMOUNTS AND AS RELATED TO THE CONSTRUCTION LIEN ACT. CHANGES TO THESE TERMS MUST BE IN WRITING.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Frank Peterson, City Manager

DATE: April 4, 2019

RE: Smart Zone Delinquent Tax Resolution

SUMMARY OF REQUEST:

At the annual goal setting session, the Commission directed staff to prepare a resolution asking the Muskegon County Treasurer to discontinue the practice of issuing delinquent tax payment plans for the properties located in the Smart Zone. Staff has prepared the resolution and is seeking approval.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the Resolution and authorize staff to present it to the Muskegon County Treasurer's Office.

COMMITTEE RECOMMENDATION:

RESOLUTION

Demanding Foreclosure of Harbor 31 Business Park Properties

WHEREAS, for the past eleven years the City of Muskegon has had an activated SmartZone in the area commonly known as the Harbor 31 Business Park; and

WHEREAS, the City of Muskegon and Grand Valley State University have made significant investments in the SmartZone in the form of infrastructure and business incubation facilities; and

WHEREAS, the operation and installation costs of these facilities were to be repaid with Tax Increment Financing capture from development and new tax base within the SmartZone; and

WHEREAS, the private owners of several parcels within the SmartZone have not only failed to develop the properties into active uses, but have become delinquent in due payment of property taxes owed to the City and other taxing authorities; and

WHEREAS, between the properties located in the SmartZone with parcel numbers 24-607-000-0004-00, 24-607-000-0005-00, 24-607-000-0006-00, 24-607-000-0007-00, 24-607-000-0010-00, 24-607-000-0011-00, 24-607-000-0012-00, 24-607-000-0013-00, 24-607-000-0014-00, 24-607-000-0015-00, 24-607-000-0016-00 **\$612,335.04** in delinquent taxes is owed; and

WHEREAS, the City of Muskegon is annually paying in excess of \$480,000 due to lack of development and eligible TIF revenues on these properties in the SmartZone;

WHEREAS, the Treasurer of the County of Muskegon has on multiple occasions created payment arrangements with the owners of the aforementioned parcels to collect payment of due taxes for all taxing authorities, and the owners have not honored said arrangements,

NOW, THEREFORE, BE IT RESOLVED, I, STEPHEN J. GAWRON, by the virtue of the authority vested in me as Mayor of the City of Muskegon and with support of the duly elected Commission, do hereby demand that the Treasurer of the County of Muskegon begin tax foreclosure proceedings on the aforementioned parcels, and offer right of first refusal to purchase these sites to the City of Muskegon pursuant to the laws of the State of Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of April, 2019.

Stephen J. Gawron
Mayor, City of Muskegon

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Frank Peterson, City Manager

DATE: April 4, 2019

RE: LC Walker Arena Restaurant Proposals

SUMMARY OF REQUEST:

Economic Development Staff has reviewed the proposals and made a written recommendation. Staff is requesting permission to implement the action steps of that recommendation. Staff would return to a subsequent City Commission meeting to present lease terms for the accepted proposal(s).

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To accept the staff recommendation and authorize staff to implement the action steps.

COMMITTEE RECOMMENDATION:

Memo

To: Frank Peterson, City Manager

From: Jake Eckholm, Director of Economic Development

cc: LeighAnn Mikesell, Director of Municipal Services

Date: 3/15/2019

Re: LC Walker Arena Restaurant RFP Responses

The City of Muskegon has received three (3) responses to our Request for Proposals regarding the new restaurant/craft alcohol establishment in the Western Avenue frontage portions of the LC Walker Arena. After reviewing the applications pursuant to the Evaluation Criteria stated in the RFP, I offer the following findings for your consideration.

- **Wonderland Distilling** submitted a very well detailed proposal that calls for the installation of a cocktail bar/tasting room with an eatery component that featured upscale small plate menu items such as charcuterie, tenderloin and chicken sliders, and fresh mozzarella with oil and herbs. Their design featured an outdoorsman theme in line with their product brand. Additionally, they wish to feature a partnership with a new non-profit organization that seeks to provide opportunity to budding entrepreneurs from minority and marginalized communities, specifically utilizing minority chefs and culinary artists to create and provide a secondary rotating food menu. The development is requesting that the City frontload an investment of \$300,000 of their \$654,000 anticipated buildout, citing non-tenant related costs, with them repaying \$100,000 as a loan. This would result in the city contributing \$200,000 as a direct investment toward this respondent option, with a proposed timeline for project completion 7 months after approval. Wonderland is proposing a total rental rate of \$8 per square foot. The concept includes approximately 2,200 sf of indoor space and 460 sf of outdoor patio space (plus an option on 470 sf of additional patio space). The \$8 rate would apply to the 2,200 sf of interior space – resulting in annual rent of \$17,600. The City's expected \$200,000 direct investment would be repaid in approximately 12 years.
- **The Fan Cave** submitted a short proposal for a partial portion of the development area purveyed in the RFP to place a retail specialty/craft beer location. The business model

calls for sales of individual cans and bottles of craft beers and ciders in a “build your own 6-pack” fashion, as well as 10-15 tap handles serving unique and specialty craft beers. They propose to utilize the arena’s liquor license, and on-site consumption of these beverages would also be possible in a lounge area featuring televisions and a large display of the Muskegon Sports Hall of Fame memorabilia currently housed in the arena. The projected buildout costs of \$150,000 would be privately funded by the owners of The Fan Cave; the proposal requests no public funds, but does ask that the space be provided in “white box” form. It is likely that we will have some limited expenditures in creating the white box – mostly related to ensuring that utilities are available in the space. The respondents wish to begin buildout immediately upon approval with a summer 2019 opening. The respondents have indicated that they would be willing to relocate their proposed location to allow the arena to attract additional proposals for the remaining Western Avenue frontage. The group did not propose a specific rental rate. Using a \$10 per square foot assumption, and a rental space of 1,100 sf, we can expect to recoup \$11,000 per year. Costs associated with providing white box space are unknown, but estimated at \$25,000-\$30,000; this would result in a payback of less than three years.

- **Sports Bar Concept Submission:** This proposal was well-detailed and specifically calls for the development of a sports bar and full menu restaurant location that encompasses the development space, with room for a third party micro-distillery tasting room and retail location. The proposed design calls for a first story dining room and an optional second story mezzanine dining space with a local sports theme that incorporates some of the local memorabilia previously found in the LC Walker Arena. The second floor is likely to come in a second phase. The conceptual menu items in the proposal are eclectic, ranging from gourmet salads to wings, burgers, and old fashioned milk shakes that would seem to carry a more mid-market price point. The proposal from this respondent calls for completely private financing with no public contribution specified. They reference preferring a leasing relationship consistent with other current tenants in the arena space. The respondent references starting immediately if approved, with a goal to open before the end of summer 2019. They have been in contact with the arena’s other major tenants – including sports teams and restaurants – and they indicate an ability to work together to build on the momentum at the arena. The proposed space calls for 2,181 sf of indoor rented space as well as access to patio seating for approximately 70 people. Based on an \$8/sf rental rate, the city can expect \$17,448 in annual rent. The city can expect to have some costs associated with providing utilities to the lease space. Using a \$50,000 assumption, the city’s return on its investment would be approximately three years.

In addition to these summaries, it is relevant to note that all three submissions call for indoor/outdoor seating options as requested in the RFP scope. All three respondents are groups comprised of local Muskegon area entrepreneurs, with all three having experience on their teams in the food service and entertainment industries. All three would be expected to contribute to common area maintenance, and would be expected to be responsible for any property taxes allocated to their space.

After reviewing all three submitted proposals, the **Sports Bar Concept Submission** is the proposal that staff recommends to occupy the space as designated in the RFP. Their submission kept with the requested theme while also specifically attempting to collaborate and

involve third parties to diversify the offerings in the space and open it to other developers. Collectively the group responsible for this submission has significantly more food service and entertainment management experience than the others, and is currently operating several other highly-successful establishments in the Muskegon area. They call for no public money in their proposal, and their menu and theme offerings are the most eclectic – likely to appeal to a broad range of demographics present in our community.

While the recommended development is the clear choice for this specific RFP and space, it is important to highlight that all of the concepts have a place in the downtown/midtown areas of Muskegon, and staff would like to reach out and work with these developers after this process is complete to assist them in finding locations in the community as follows:

1. Connect Wonderland Distilling with downtown building owners to determine if their concept is a good fit for their space. Specific opportunities include the first floor of Lakeview Lofts Phase 1, The Leonard, Highpoint Flats, and The Ameribank.
2. We have already reached out to the Muskegon Farmers Market and Kitchen 242, and believe there is a great partnership opportunity for the non-profit mentioned in the Wonderland proposal. There is also support from staff to identify/provide space adjacent to the city's kitchen incubator to support and restaurant entrepreneurs in Muskegon. Kitchen 242 and other city-owned assets are logical tools for this organization as they work to assist these budding businesses.
3. The Fan Cave would be a welcome amenity in our downtown. Similar – but smaller – locations described above for Wonderland Distilling could be identified for the Fan Cave.

Staff is seeking permission to undertake the following:

1. Select the proposal from Andrew Harris, Jennifer Harris, Andrew Price, and James Curtis as the top choice for the LC walker Arena.
2. Work directly with the developers to finalize their proposal – related to theme, footprint, lease conditions, and collaboration opportunities.
3. Make a staff determination as to what to do with the remaining 700-1,000 square feet of leasable space along Western Avenue, with the goal of either operating a concept internally as part of the arena's concession operations or moving forward with the Fan Cave concept proposed by Matthew Gongalski.

Respectfully,



Jake Eckholm
Director of Economic Development