

CITY OF MUSKEGON

CITY COMMISSION MEETING

APRIL 8, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Recognition of Dave Alexander.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CITY MANAGER'S REPORT:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. National Bike to Work Week Proclamation. CITY CLERK
 - C. 2014 Water Treatment Chemical Bids. PUBLIC WORKS
 - D. Concession/Vending Contract for City of Muskegon Parks. PUBLIC WORKS
 - E. Jay-Boards Concession Contract for City of Muskegon Parks. PUBLIC WORKS
 - F. Bella Dawg Concession Contract for City of Muskegon Parks. PUBLIC WORKS
 - G. Lease Proposal for MACkiteboarding at Pere Marquette Park. PUBLIC WORKS
 - H. Consideration of Bids for Janitorial Services Contract 2014-2017. ENGINEERING
 - I. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS
 - J. Amendment to the Transient Merchant Ordinance. CITY CLERK

K. **Mobile Food Vending Ordinance.** CITY CLERK

L. **Amendment to Brownfield Plan – Terrace Point Landing, LLC and Downtown Development Authority (DDA) Pass-Through Agreement.**
PLANNING & ECONOMIC DEVELOPMENT

M. **Permanent Traffic Control Order.** PUBLIC WORKS

N. **Muskegon Firefighters Union – Contract Settlement.** CITY MANAGER

O. **LC Walker Arena Management/Operations Costs.** CITY MANAGER

❑ PUBLIC HEARINGS:

❑ COMMUNICATIONS:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

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

1974 Dowd Street

1522 Clinton Street (Garage Only)

1265 Holt Street

912 E. Isabella Avenue

1141 Jefferson Street

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ CLOSED SESSION:

❑ ADJOURNMENT:

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

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Work Session

Date: April 7, 2014

We have a number of items on the agenda, and I thought you could use a little background on them as you prepare for our meeting next week.

1. Work Session

- a. Three Downtown Businesses are asking for outdoor alcohol sales. Smash, Pigeon Hill, and Top Shelf Pizza. All three are located in the downtown, and we believe adding outdoor seating is imperative to the success of our downtown. Additionally, places like Pigeon Hill have been crowded (in a good way) every night since their opening – this would give their business more capacity as the summer season fast approaches.
- b. The Brownfield Redevelopment Authority and the Downtown Development Authority have approved an amendment to the TIF associated with Terrace Point Landing. We are asking the Commission to also approve this change. The developer and the City were expecting certain state programs to fit this project, but in recent weeks we found out that they would not. Accordingly, we need with change in the TIF Plan to keep this project moving forward. Mr. Rooks will attend Monday evening.
- c. We are proposing amendments to the transient merchant ordinance. The changes will remove the daily rates and move to a more seasonal rate. We are also lifting the restriction of 60 days per year. The goal is to attempt to get vendors to commit to Muskegon for the entire season vs one event. An additional change is for parking lot businesses. We are requiring a small administrative fee, and a requirement that they provide restrooms to the people parking in their lots.
- d. We are proposing changes to the mobile food vending ordinance to allow for some food vendors on our commercial corridors, in the downtown, and our industrial parks. There are a number of safeguards in place to make sure that the food vendors are not competing in an unfair way with our established brick/mortar businesses. For example, the vendor fee will be more expensive (\$300/month), and vendors will not be allowed within 150 feet of a brick/mortar restaurant unless they have permission or it is outside of the restaurant's normal operating hours.
- e. We have tentatively settled the firefighter CBA, and we are asking for approval. Our goal entering into the negotiation was to reduce the long-term personnel cost associated with operating a fire department. In previous contracts, the city was able to

eliminate long-term liabilities like retiree health care and pensions. To build on that, our focus was reducing daily operating costs. Accordingly, we were able to come to an agreement that significantly reduces the personnel costs for all new hires as follows:

- i. A reduction in pay equal to 10%, and a pay freeze for 5 years.
- ii. Lengthening the time to reach top pay from 4 years to 8 years.
- iii. Reducing vacation hours significantly.
- iv. Eliminating longevity payments until year 10.

We were also able to negotiate modest pay increases for current firefighters, reduce the amount of unused vacation time that can be rolled into an FAC, changed the scheduling program to help reduce overtime, modified the bereavement policy to reduce time away from the department, agreed to assist with purchasing/maintaining the department's physical fitness equipment, and to modify/reduce the part-time officer program.

- f. We met with LC Walker representatives to discuss the potential of the City increasing its commitment to the management/maintaining of the facility. My eyes were open to a number of items that make this facility a difficult one to cash flow:
 - i. Competition from Lakeshore Skating Center has greatly affected the use of ice time at the LC Walker. Including the time that the Lumberjacks use the ice, only 20% of the rentable/available ice time is used.
 - ii. None of the area high schools use the LC Walker, as there are not locker room facilities for them.
 - iii. It is expensive to remove the ice for special non-hockey events. This makes it difficult to cash flow other types of events regularly. In addition to this expense, most non-ice events require the LC Walker to pay for the act upfront, do all of the marketing, and hope to get reimbursed on ticket sales – all of the risk is with the LC Walker, and not the act/show that is coming to town. Accordingly, the LC Walker has to be very confident that a special event will raise enough revenue to break even, let alone make a profit to apply to other arena expenses.

Accordingly, it's obvious that we need to take a realistic look at the operation of the LC Walker over the coming year and determine, as a community, what we want from the facility, and how much we're willing to invest to get that. I think the facility is still a great asset to our community, but we are going to have to understand what the value of that asset is, who else should be partnering with us to save that asset, and what level of funding we are comfortable contributing to saving that asset.

- g. I plan to make a brief presentation on the Action Plans for the 1 year goals. There is a lot of info, so please go through it and get with me on any question in advance – that way I can gather any needed info. Overall, I think the action plan represents an effective and realistic tool in moving our city forward.

2. Consent Agenda:
 - a. We are recommending that we keep our current janitorial service.
 - b. Both the mobile food vending ordinance and the transient merchant ordinance are on the consent agenda – subject to any changes from the work session.
 - c. There are also a number of other more-routine items on the consent agenda.
3. New Business
 - a. The amendment to the Terrace Point TIF Plan is included here.
 - b. We are recommending that the Commission concur with the HBA on five demolitions.

Other Updates:

1. We are beginning preparations on the FY 2014-15 budget
2. I plan to bring the 3 year action plans to the commission for consideration at the June Commission meeting.
3. As part of the jail construction, their contractor will be undertaking sheet piling installation on April 12-13 from 8a to 6p. This is being done on a weekend to avoid disruptions to the local courts.

Date: April 8, 2014
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the March 25th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 25, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, March 25, 2014.

Mayor Gawron opened the meeting with prayer from Rev. Bill Freeman from the Harbor Unitarian Universalist Congregation after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Willie German, Dan Rinsema-Sybenga, Byron Turnquist, Ken Johnson, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

2014-21 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the March 10th Commission Worksession Meeting, and the March 11th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. 2014 Dozer Rental for Beach Leveling. PUBLIC WORKS

SUMMARY OF REQUEST: Staff is requesting permission to enter into a rental agreement with Contractors Rental Corporation, out of Grand Rapids, MI for a John Deere 850K WLT Cab Dozer for leveling sand at Pere Marquette Beach.

FINANCIAL IMPACT: Estimated cost for the 2014 Dozer rental is \$8,245 (which includes \$450 for delivery and pickup).

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

C. Pothole Wagon. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase one 4-ton asphalt pothole wagon from Falcon Road Maintenance Equipment, the Mi Deal, State Contract holder. This machine will replace the 2000 model that we had to retire from service due to safety issues.

FINANCIAL IMPACT: \$19,407 on State Contract.

BUDGET ACTION REQUIRED: This purchase will be added to the 3rd quarter budget reforecast.

STAFF RECOMMENDATION: Authorize staff to purchase one 4-ton Falcon Pothole Wagon.

D. Rezoning Request for the Properties Located at 2306 and 2320 S. Getty Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties at 2306 and 2320 S. Getty Street from B-4, General Business District to I-2, General Industrial District by Port City Architectural Signage. The company, which is located adjacent to these properties, would like to expand their business and utilize the existing buildings on site.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their March 13th meeting.

E. MUFD Fire Apparatus & Equipment Request for a 2014 Spartan Metro-Star Custom Chassis Fire Engine. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the amount of; \$545,678.00 to purchase a **2014 Spartan Metro-Star Custom Chassis Fire Engine** with related tools/equipment. This truck purchase request is to replace the aging/unserviceable Reserve Engine that is now in-service and supports our fleet of frontline Fire Engines. Our current reserve engines are 20 years old, mechanical problems, deteriorating suspension, and visible rust plagues both reserve fire engines.

This selection and request to purchase was achieved by submitting apparatus specification(s) to Houston-Galveston Area Council, which procures competitive pricing for governmental units (*saving the city \$2,000.00, plus staff hours to research*).

In addition to the new fire apparatus the purchase is complete with selected diagnostic tools and maintenance equipment to service this new truck and the three other Spartan Engines that now provide fire services to our city.

FINANCIAL IMPACT: N/A - Budgeted.

BUDGET ACTION REQUIRED:

- 1) The requested new Fire Apparatus was part of the City's fiscal year 2013/14 budget cycle (\$550,000) to enhance front line engine response.
- 2) Funds required to purchase are: \$513,000 from MMRA (Michigan Municipal Risk Association) dividend payment, and the remaining funds of \$37,000 from the fire equipment replacement reserves.
- 3) Selected Payment Option: Discount Payment Program, (1) Pay 100% at signing – potential savings \$8,639.00. In addition to the payment option, purchase the 100% performance bond, cost \$2,311 to assure quality workmanship and acceptance at time of delivery, save an additional \$6,328 off the total purchase price.

STAFF RECOMMENDATION: Staff recommends approval of this purchase with a final cost of: \$539,350.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German to approve the Consent Agenda as presented minus item F.

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

Nays: None

MOTION PASSES

2014-22 ITEM REMOVED FROM THE CONSENT AGENDA:

F. Heritage Square Development LLC – Loan from City. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Heritage Square Development project began several years ago with the construction of four townhouses. However, the project stalled with the recent Recession. In an effort to jump-start the project, City staff has been working with owner, Gary Post, on financing options. An agreement has been reached to loan Mr. Post \$500,000 from the City's "economic development fund" for the construction of two townhouses (just to the west of the existing four units). Mr. Post has signed a letter agreeing to the loan, construction and repayment. In addition, a HOME loan is being considered for one of four new condo units that will be built on the corner of Clay and Second, over four commercial units.

FINANCIAL IMPACT: The City will loan \$500,000 to Mr. Post to complete two townhouses. The funds must be expended by December 2014.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff and the City Attorney to proceed

with the necessary documents to complete the loan transaction with Mr. Post for the construction of two townhouses at Heritage Square (final approval of documents by City Commission); as well as to complete the documents and seek approval (through the Citizen's District Council and City Commission) for use of HOME funds for one condo unit (total of four to be built) to be built over the commercial unit at the corner of Clay and Second.

Motion by Vice Mayor Spataro, second by Commissioner Turnquist to authorize staff and the City Attorney to proceed with the necessary documents to complete the loan transaction with Mr. Post for the construction of two townhouses at Heritage Square as well as to complete the documents and seek approval through the Citizen's District Council for use of HOME funds for one condo unit out of four to be built over the commercial unit at the corner of Clay and Second.

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

Nays: None

MOTION PASSES

2014-23 PUBLIC HEARINGS:

A. Issuance of a Commercial Rehabilitation Certificate for 500 W. Western Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 210 of 2005, as amended, 500 W. Western LLC has requested the issuance of a Commercial Rehabilitation Certificate. The City Commission approved the creation of the Commercial Rehabilitation District on August 27, 2013. The certificate will freeze the taxable value of the building and exempt the new real property investment from local taxes. The school operating tax and the State Education Tax are still levied on the new investment. The company will be investing over \$385,000 in the building and will create up to 60 jobs, which qualifies them for an abatement of 10 years.

FINANCIAL IMPACT: The real property taxes would be frozen at their pre-rehabilitated rate for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Establishment of the Commercial Rehabilitation Certificate.

The Public Hearing opened to hear and consider any comments from the public. Chris Naas, 3277 Northstar Street, Muskegon, explained the request.

Motion by Vice Mayor Spataro, second by Commissioner Hood to close the Public Hearing and establish the Commercial Rehabilitation Certificate for 500 W. Western Avenue.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: Johnson

MOTION PASSES

2014-24 NEW BUSINESS:

A. Approval of Sale of City-Owned Home at 1500 Leahy. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Nakkia Grissom, for the totally rehabilitated home at 1500 Leahy, which is part of the City's Neighborhood Stabilization program through the Michigan State Housing Development Authority Office of Community Development. Ms. Grissom's purchase price for the home is \$70,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through the HOME program to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the Community and Neighborhood Services staff to complete the sale.

Motion by Commissioner German, second by Commissioner Hood to approve the resolution and direct the Community and Neighborhood Services staff to complete the sale of 1500 Leahy.

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

Nays: None

MOTION PASSES

B. Qualified Voter File Windows 7 Upgrade/New Equipment-Grant Agreement. CITY CLERK

SUMMARY OF REQUEST: Staff received notification from the State just today that upgrades to the Qualified Voter File are needed. In order for the State to order equipment on our behalf, a grant must be signed and mailed back no later than April 4, 2014. The agreement is expected to arrive shortly within the mail.

The grant will cover the cost for software and computer equipment for one QVF computer. The City will need to pay for the cost to replace one additional computer estimated to be \$800.

FINANCIAL IMPACT: Approximately \$800.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To authorize staff to sign the documents and make the necessary purchases.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner German to approve the grant agreement for new equipment for Qualified Voter File Windows 7 upgrade.

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

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:53 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: April 8, 2014
To: Honorable Mayor and City Commissioners
From: CITY CLERK'S OFFICE
RE: NATIONAL BIKE TO WORK WEEK
PROCLAMATION

SUMMARY OF REQUEST: The City Commission is asked to adopt the attached proclamation supporting National Bike to Work Week May 12 through May 16, 2014.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached proclamation.

RESOLUTION TO SUPPORT NATIONAL BIKE TO WORK WEEK

WHEREAS, for more than a century, the bicycle has been an important part of the lives of Americans; and

WHEREAS, today, millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness, and provides quality family recreation; and

WHEREAS, “Bike to Work Week” is a nationwide endeavor to educate the public about the benefits of bicycling and to increase awareness of and respect for bicyclists; and

WHEREAS, the City of Muskegon recognizes the benefits of bicycle commuting in providing exercise, decreasing air pollution, conserving fuel, decreasing traffic congestion, decreasing noise pollution, and improving the health of its citizens; and

WHEREAS, the League of Michigan Bicyclists and independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities; and

WHEREAS, bicycle transportation is an integral part of the “multi-modal” transportation system planned for by city, state and local transportation government agencies; and

WHEREAS, we recognize and encourage cycling as an important means of transportation, and support potential new cyclists in joining our community; and

WHEREAS, Ride On! Muskegon County Bikes to Work Week Committee encourage all citizens to ride their bicycles to work, to the store, to the park, around their neighborhoods and with friends and family to promote the personal and societal benefits achieved from bicycling;

NOW THEREFORE I, Stephen J. Gawron, Mayor of the City of Muskegon, do hereby proclaim May 12-16, 2014 as “Bike to Work Week” in Muskegon, MI and encourage its observance to all citizens.

Signed this 8th day of April 2014.

Stephen J. Gawron
Mayor

Date: April 8, 2014
To: Mayor and City Commission
From: Dept of Public Works - Director
RE: 2014 Water Treatment Chemical Bids

SUMMARY OF REQUEST:

Recommend endorsement of lowest responsible bidder to supply sodium hypochlorite for the water filtration plant

FINANCIAL IMPACT:

Annual cost of \$52,207 (based on average annual water pumped to mains).

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends the Mayor and City Commission endorse the low bid received and enter into contract with Alexander Chemical for sodium hypochlorite for one year, beginning April 14, 2014.

NOTICE TO BIDDERS

The cities of Holland, Muskegon, Muskegon Heights, Wyoming and Grand Haven are bidding Liquid Sodium Hypochlorite on a joint bid. The chemical is to be delivered and billed to the facilities and cities as listed on the page titled "Joint Chemical Purchase Delivery and Billing Addresses". The quantities to be delivered to each site and the annual estimated quantities for each site are also listed. All chemicals must conform to NSF standard 60/61 for use in potable drinking water and meet all specifications listed in bid documents. Prices per ton of material are for delivery to any and all of the facilities listed in the Joint Chemical delivery page.

Please note that the agreement is for one year beginning **April 14, 2014**.

In addition to the information set forth in the complete bid document, an addendum represents general terms and conditions that may be in addition to the terms and conditions of the liquid sodium hypochlorite bid. The information included in the Bid Document shall take precedence over any provisions stipulated in the addendum.

All bidders are required to submit with their bid proposal a signed copy of the attached "Equal Employment Opportunity Statement".

Bidders must use the bid form furnished as none other may be accepted.

All proposals are to be in sealed envelopes and plainly marked:
"Liquid Sodium Hypochlorite Bid"

Sealed bids will be received until Monday, March 25, 2014@ 2:00 p.m. local time.
Proposals are to be mailed or delivered to the Purchasing Department, Holland Board of Public Works, 625 Hastings Avenue, Holland, MI 49423 Attn: Tamara Poppe

Holland Board of Public Works
Purchasing Department



Alexander
Chemical
Corporation

PRODUCT SPECIFICATION SHEET

Sodium Hypochlorite Solution

Effective 10/17/2003

Revised: 7/15/2004

Chemical Properties:

Chemical formula: NaOCl

Molecular weight: 74.44

Appearance: Bright yellow to yellow-green liquid

Odor: Chlorine odor

pH: 12.5 - 13.5

Solution Strength	Available Chlorine by %Volume	Available Chlorine by % Weight	Specific Gravity @ 60°F
	15.0% – 16.0%	12.45% - 13.15%	1.206 – 1.218
Excess Alkalinity (Typical) *	NaOH%	NaOH Grams/Liter	
	0.3% - 0.5%	3.0gpl – 5.0gpl	

* Excess Alkalinity on finished product is customized to specific customer requirements.

Physical Properties:

Boiling Point, °F: > 212 @ 12.50 Weight % Available Chlorine

Freezing Point, °F: - 11 @ 12.50 % Weight % Available Chlorine

Solubility in Water: Complete

NSF International maximum use for 12.50 Weight% Available Chlorine: 84 milligrams per liter

Manufactured by:

Alexander Chemical Corporation
Kingsbury Industrial Park
Kingsbury, Indiana 46345
800/348-8827

Packaged by:

Alexander Chemical Corporation
6300 Trillium Trail
Mason, Michigan 48854
517/676-8884

CO-OP CHEMICAL PURCHASE
Liquid Sodium Hypochlorite
BID FORM

BID OPENING: Wednesday, March 19, 2014 @ 2:00 p.m. local time (Late bids will not be accepted.) Holland Board of Public Works, 625 Hastings Avenue, Holland, Michigan 49423
Attn: Tamara Poppe

Sealed bids are requested for a one-year term for providing liquid sodium hypochlorite on an "as needed" basis per the specifications contained herein. Quantities stated herein are approximate per year and shall not be considered as minimums or maximums.

<u>ITEM</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>
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Cities of Holland, Wyoming, Muskegon, Muskegon Heights & Grand Haven:	<u>Delivered Cost</u>
1. 3550 Tons Liquid Sodium Hypochlorite,	\$ 131.60/ton
	(\$0.659 /gallon)

Tank Truck

Specify common carrier or company owned truck Our truck

Alexander Chemical Corporation,

Specify Manufacturer A Carus Company Product Name Sodium Hypochlorite

Any and all costs associated with providing the liquid sodium hypochlorite as specified are to be included in the above delivered cost.

BIDDERS ARE REQUIRED TO SUBMIT MATERIAL SAFETY DATA SHEETS AND ANSI/NSF CERTIFICATION WITH THEIR BID. FAILURE TO PROVIDE ALL INFORMATION REQUIRED HEREIN MAY RESULT IN THE BID BEING REJECTED AS NON-RESPONSIVE.

DELIVERY/COMPLETION TIME 1 day F.O.B. Delivered, Freight included. CASH
DISCOUNTS will be allowed for prompt payment as follows: 0 % cash discount if paid within 30 days or less
from delivery and acceptance of goods or completion of service.

I hereby state that: 1) all of the information I have provided is true, accurate and complete, and 2) that I have authority to submit this bid, which will become a binding contract, if accepted by the Cities, 3) that I have not communicated with, nor accepted anything of value from an official or employees of the Cities that would tend to destroy or hinder free competition, and 4) that I have read, and understand and agree to be bound by all of the terms in this bid document.

Alexander Chemical Corporation,
A Carus Company

Name of Company, Corporation, etc.

315 Fifth Street-Peru, IL 61354
Street Name & Number City/State/Zip

Date: **March 17, 2014** Phone: **800-435-6856**

BIDDER SHALL SIGN HERE

By: M. Brown Carver

Name: M. Blouke Carus

Title: Chairman Emeritus

Liquid Sodium Hypochlorite - March 19, 2014

Rowell Chemical KA Steel Chemical Alexander Chemical

Cities of Holland, Wyoming, Muskegon,
Muskegon Heights and Grand Haven
1 Year: ending April 15, 2015

Cost Per Ton:	\$	152.00	\$	156.20	\$	131.60
Cost Per Gallon:		0.764		0.78		0.659
Lead-time ARO		1 - 2 days		1 day		1 day

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 8, 2014

SUBJECT: Concession/Vending Contract for City of Muskegon Parks.

SUMMARY OF REQUEST:

Staff is asking permission to enter into 1-year contractual agreement with Branden M. Reed, per attached proposal, at/between Pere Marquette Beach and Kruse Park, located within the City of Muskegon for selling bottle water and carbonated beverages.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize DPW staff to enter into Concession/Vending agreement with Branden M. Reed.

COMMITTEE RECOMMENDATION:

I, Branden M. Reed, am seeking an approval to receive a vender's license from May of 2014 through September of 2014. With a license, I plan to cell bottled water and carbonated beverages out of a large cooler. I desire to sell these items between the areas of Pier Marquette and Kruse Park. I plan to be open from 11am to 5pm Sunday to Saturday. I am aware that I will need liability insurance as well. Please consider me for approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'B M R', written in a cursive style.

Branden M. Reed

3430 York St.

Muskegon, MI 49441

231-343-0435

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 8, 2014

SUBJECT: Jay-Boards Concession Contract for City of Muskegon Parks.

SUMMARY OF REQUEST:

Staff is asking permission to enter into 1-year contractual agreement with Jason Gorski of Jay-Boards, per attached proposal, at Pere Marquette Beach and Harbor Towne Beach, located within the City of Muskegon for Stand-up Paddleboard Rentals/Lessons.

FINANCIAL IMPACT:

Contract revenue will be 10% of gross receipts, per Concession Agreement. Concession revenue in 2013 was \$472.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize DPW staff to enter into Concession agreement with Jason Gorski of Jay Boards.

COMMITTEE RECOMMENDATION:

**Business Proposal for Stand Up Paddleboard
Rentals and Lessons
at Pere Marquette Beach in Muskegon, Michigan**

I, Jason Gorski would like to conduct a business of Stand Up Paddleboard hourly rentals and Lessons at Pere Marquette Beach during the summer months.

Proposed location A

Primarily the shallow water area between the Coast Guard Pier and the South Break wall. But not just limited to this area if needed south of the break wall to the dog beach. The activity will primarily take place in the water, but the use of the beach to transport Paddleboards from the parking lot to the location will be necessary.

Proposed location B

Harbor Towne Beach area, the shallow water south of the channel entrance to the sand docks.

The business activity would start May 1st 2014 and continue thru September 11th 2017

Hours of operation would be from 7:00 am to 9:00 pm

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 8, 2014

SUBJECT: Bella Dawg Concession Contract for City of Muskegon Parks.

SUMMARY OF REQUEST:

Staff is asking permission to enter into 1-year contractual agreement with Steve Hamstra of Bella Dawg at various City of Muskegon Parks/Facilities, as determined by staff, (see attached proposal) located within the City of Muskegon to sell hot dogs and other minor snacks from a mobile cart.

FINANCIAL IMPACT:

Concession revenue is 10% of gross receipts. Commission revenue in 2013 was \$276.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize DPW staff to enter into concession agreement with Steve Hamstra of Bella Dawg.

COMMITTEE RECOMMENDATION:

From: Bella Dog [<mailto:belladog.belladog@aol.com>]
Sent: Thursday, February 27, 2014 3:06 PM
To: Doug Sayles
Subject: hot dog cart proposal 2014

Proposal to Operate A Mobil Food Establishment in the city of Muskegon, MI

My name is Steve Hamstra and I own a mobil hot dog cart, doing business as, Bella Dawg.

I am requesting permission to operate this cart, again in 2014, in the city of Muskegon on the following city owned parks. Pere Marquette park, Margaret Drake Elliot park, Harbour Towne Beach, Kruse park, Lake Michigan park, Jaycees Launch Ramp, McGraft park, Hackley park, Hartshorn Marina, Grand Trunk park and Campbell park. I understand if an event is scheduled I am responsible for getting permission from the person (s) in charge of the event to operate my cart within the events boundaries.

1. I am requesting the ability to operate in the waterfront parks starting as soon as the weather permits through the end of September 2014, or when the weather does not permit appropriate operation to take place any longer.
2. I am requesting permission to operate on Campbell park in the spring (ASAP) through the fall of 2014, the primary focus on Campbell park being baseball games and soccer games in the spring and fall.

This cart's foot print is small (5' x 8') and 100% self contained. The cart is very attractive having a flat top grill and a roll top steamer as well as being 100% stainless steel and covered by an attractive yellow and red umbrella.

I am licensed by the State of Michigan Health Department. We serve quality food in a clean and food safe environment.

The products I offer are grilled all beef hot dogs, a grilled sausage of the day as well as a pulled pork sandwich. I offer an assortment of potato chips, Fritos, Cheetos, Dorritos, Nabisco Oreos, Caramel Corn, Mini Pretzels, Planters Peanuts, Cashews and Honey Roasted Peanuts as well as any other snacks their might be a demand for. I also offer soft drinks(Coke, Diet Coke, Orange Crush & A&W Root Beer) as well as bottled water and Tropicana Orange Juice.

Hours of operation are to be determined.

Thank you for considering this request. Should you have any questions, I can be reached at 616.774.3351
or e-mail me at

belladog.belladog@aol.com

Respectfully Submitted,

Steve Hamstra
Bella Dawg

AGENDA ITEM NO._____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: April 8, 2014

SUBJECT: Lease Proposal for MACkiteboarding at Pere Marquette Park

SUMMARY OF REQUEST:

Staff is asking permission to negotiate 3-year lease agreement (2014, 2015 and 2016) with Steve Negen of MACkiteboarding for a Kiteboard School and Shop in Pere Marquette Park at 1955 Beach Street (former old brown/brick beach house building by Filtration Plant). The negotiations entail “in-kind” services and/or donation to the Pere Marquette Park/Facilities in lieu or in of the standard lease payment or a combination.

FINANCIAL IMPACT:

Revenue of \$2,500 per year, similar to previous agreements, and/or a combination of \$ and “in-kind” services.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to negotiate a three year lease agreement.

COMMITTEE RECOMMENDATION:

MACkiteboarding Lease Proposal

3/27/2014

Property :

1955 Beach St, Muskegon Mi

Rate: \$2,500 per year

Extra – Handicapped Portable Restroom outside of the building

Electric – MACkite will pay all electric bills for the property.

Duration: 3 years – 2014-2016

Steve Negen

President - MACkiteboarding

Date: April 8, 2014
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids for:
Janitorial Services Contract 2014-2017

SUMMARY OF REQUEST:

Award the Janitorial Services Contract to Reliant Professional Cleaning Services out of Grand Haven. The contract would be to clean City Hall DPW next three (3) years, starting May 1st 2014 until April 30th of 2017. Reliant was the lowest responsible bidder with a bid price of \$46,740 per year and \$140,220.00 total contract for three years, see attached tabulation)

FINANCIAL IMPACT:

\$46,740.00 per year.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Award the three year contract to Reliant Professional Cleaning.

COMMITTEE RECOMMENDATION:

**CITY OF MUSKEGON JANITORIAL SERVICES 2014-2017
BID TABULATION 03/25/14**

CONTRACTOR ADDRESS	<i>Goodwill Industries of West Michigan 217 E. Apple Ave., Muskegon, MI 49442</i>					
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT	TOTAL OPT 4 YEAR CONTRACT
PUBLIC SERVICE BUILDING	\$ 16,553.84	\$ 16,680.84	\$ 16,835.84	\$ 16,835.84		
CITY HALL	\$ 50,549.79	\$ 50,954.79	\$ 51,423.79	\$ 51,423.79		
PSB/COST PER MONTH	\$ 1,379.49				\$ 16,553.84	
CH/COST PER MONTH	\$ 4,212.48				\$ 50,549.79	
ALL SITES	\$ 67,103.63	\$ 67,635.63	\$ 68,259.63	\$ 68,259.63	\$ 202,998.89	\$ 271,258.52
CONTRACTOR ADDRESS	<i>Reliant Professional Cleaning 216 N 7th St., Grand Haven, MI 49417</i>					
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT	
PUBLIC SERVICE BUILDING	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,156.00		
CITY HALL	\$ 34,740.00	\$ 34,740.00	\$ 34,740.00	\$ 35,280.00		
PSB/COST PER MONTH	\$ 1,000.00				\$ 12,000.00	
CH/COST PER MONTH	\$ 2,895.00				\$ 34,740.00	
ALL SITES	\$ 46,740.00	\$ 46,740.00	\$ 46,740.00	\$ 47,436.00	\$ 140,220.00	\$ 187,656.00
CONTRACTOR ADDRESS	<i>Truclean Building Services, LLC 450 W. Hackley St., Muskegon, MI 49444</i>					
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT	
PUBLIC SERVICE BUILDING	\$ 16,800.00	\$ 16,800.00	\$ 16,800.00	\$ 17,800.00		
CITY HALL	\$ 31,104.00	\$ 31,104.00	\$ 31,104.00	\$ 32,000.00		
PSB/COST PER MONTH	\$ 1,400.00				\$ 16,800.00	
CH/COST PER MONTH	\$ 2,592.00				\$ 31,104.00	
ALL SITES	\$ 47,904.00	\$ 47,904.00	\$ 47,904.00	\$ 49,800.00	\$ 143,712.00	\$ 193,512.00

AGENDA ITEM NO. _____
CITY COMMISSION MEETING __

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: April 8, 2014
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

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

Award bid to supply road slag to Verplank Trucking Company

Award bid to supply Sylvax patching material to Unique Paving Materials

Award bid for crack sealant to Surface Coatings.

Award bid to supply bituminous products (Base and Top) to Asphalt Paving, Inc.

Award bid to supply AE-90 Asphalt Emulsions to Bit-Mat Products

Award bid to supply screened top soil to Verplank Trucking Company

Award bid to supply 2NS sand to Yellow Rose Transport

Award bid to supply Fill Sand to Accurate Excavators

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

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

FINANCIAL IMPACT:

\$441,348.00 based on quantities requested in bid at 2014 quotes (except concrete mix).

BUDGET ACTION REQUIRED:

None; funds appropriated in several budgets.

STAFF RECOMMENDATION:

Recommend approval of bids as outlined in Summary of Request.

To: The City Commission
From: Mohammed Al-Shatel Director of Public Works
Date: April 8, 2014
Subject: 2014 Aggregates, Highway Maintenance Materials, and Concrete

Purchases will be made from recommended bidder (in bold), contingent upon product availability, timely deliveries, and prices as quoted.

500 ton H1/32FA Limestone Chip Blend (\$17.75 in 2013; \$9,325.00)

Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$18.65 per ton, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$19.95 per ton, delivered

9,000 ton Road Slag 22-A Natural (\$12.65 in 2013; \$65,000.00)

Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$13.00 per ton, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$14.00 per ton, delivered

500 tons SylvaX Patching Materials – UPM-CP-7, or ASTM Specification C-136 #9 or Statite CP-6, or similar product (\$110.00 in 2013; \$51,275.00)

Unique Paving Materials	3993 E. 93 rd Street, Cleveland, OH 44105	\$102.55 per ton, delivered
Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$110.00 per ton, picked up

50,000 pounds Crack Sealant (block form) (\$0.49 in 2013; \$24,500.00)

Surface Coatings, Co.	2280 Auburn Rd, Auburn Hills, MI 48326	\$0.49 per pound, delivered
Sherwin Industries, Inc	2129 West Morgan Ave., Milwaukee, WI 53221	\$0.52 per pound, delivered

200 ton Bituminous Asphalt Base (\$63.00 in 2013; \$12,700.00)

Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$63.50 per ton, picked up
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1,000 ton Bituminous Asphalt Top (\$64.00 in 2013; \$64,500.00)

Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$64.50 per ton, picked up
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AE-90 Asphalt Emulsions (\$2.15 in 2013; \$72,000.00)

Bit-Mat Products	401 Tiernan Rd, Bay City, MI 48706	\$2.40 per gallon, delivered
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500 yards Screened Top Soil (\$7.50 in 2013; \$4,000.00)

Verplank	P.O. Box 8, Ferrysburg, Muskegon, MI 49409	\$8.00 per cubic yard, delivered
Accurate Excavators	2821 Central Rd, Muskegon, MI 49445	\$8.70 per cubic yard, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$10.00 per ton, delivered

500 ton 2NS Sand (\$7.00 in 2013; \$3,750.00)

Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$7.50 per ton, delivered
Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$8.65 per ton, delivered

500 ton Fill Sand (new in 2014)

Accurate Excavators	2821 Central Rd, Muskegon, MI 49445	\$5.20 per cubic yard, delivered
Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$6.28 per ton, delivered

Concrete mix as needed (*7 Sack Mix \$79.00 in 2013, \$83,748.00 using 2013 quantities)

Port City Redi-Mix	\$82.00 per cubic yard, 7 Sack Mix, delivered
1780 Sheridan Road, Muskegon, MI 49442	

Consumers Concrete	\$91.00 per cubic yard, 7 Sack Mix, delivered
4400 E. Evanston Avenue, Muskegon MI 49442	

**The 7-sack mix is the most commonly used product. It should be noted that concrete purchases may include several miscellaneous charges, including, but not limited to, hot water, chloride, small loads, second drops, winter price, and extra unload time.*

85,000 gallons Calcium Chloride 38% (road brine) (\$0.48 in 2013; \$41,650.00)

Great Lakes Chloride	6001 Marsh Road, Shelbyville, MI 49344	\$0.49 per gallon, spread
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15,000 gallons Calcium Chloride 32% (winter salting) (\$0.42 in 2013; \$6,300.00)

Great Lakes Chloride	6001 Marsh Road, Shelbyville, MI 49344	\$0.42 per gallon, storage
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Date: April 7, 2014
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Amendment to the Transient Merchant Ordinance

SUMMARY OF REQUEST: Staff compared the current transient merchant ordinance with several other communities and reviewed comments received by customers and is making the attached recommendations.

Some proposed changes include:

Offering the license as an annual license instead of a daily license currently allowed a maximum of 60 days per calendar year. The current fee is \$30 per day. The proposed fee is \$150 annual fee renewed on May 1st of each year.

The bond amount is proposed to increase from \$500 to \$1000

School sponsored events should not require a permit

Merchants may stay in one location no longer than 45 (current ordinance states 90 days)

Hours shall be set between 9 a.m. and 8 p.m. or sunset (whichever is earlier)

Merchants may not operate within 1,000 feet of any approved special event or leased park unless they have obtained permission from the event sponsor or lessee. The license does not allow for the sale of goods or serves at any city-owned park/facility or farmer's market without a permit from the City.

Residents and businesses selling parking spaces on their property during a City approved special event in the downtown district are required to obtain a license. At least one ADA compliant restroom facility with a hand washing unit must be made available to the public for the first 50 parking spaces being offered on a parcel and two restroom facilities be available on parcels selling 100 or more parking spaces. The license must be prominently displayed at the entrance to the parking facility and if the number of parking spaces meets or exceeds 50, a sign must be prominently displayed indicating to the public that a public restroom is available.

The fee for a license is proposed to be \$25 for the first 50 parking spaces and \$50 for more than 50 parking spots on one parcel.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Adopt the ordinance as presented.

ARTICLE IV. TRANSIENT BUSINESS ACTIVITIES

Sec. 50-101. Application and definitions.

This article applies to transient business activities, such as those carried on by persons soliciting funds, **providing services**, or selling merchandise door-to-door, or in the public, persons temporarily located in malls or shopping centers, parking lots and on vacant lots at various places in the city. The following activities shall be considered transient business activities (even if charitable in nature) and are further defined as follows:

Auctioneer means a person carrying on the business of auctions of tangible personal property, except for an auction house in the city utilized as a permanent establishment for the carrying on of such auctions, or a person operating such an establishment.

Charitable solicitor means a solicitor who goes from place to place, or appears in public, soliciting funds or services on behalf of licensed, registered charitable organizations. A person, in order to qualify as a charitable solicitor, must be able to demonstrate that the charitable organization for which or on whose behalf the charitable solicitor acts is duly licensed or registered by the state, if required by law.

Religious solicitor means a person who carries on the activities of a charitable solicitor, but on behalf of a religious organization duly incorporated or permitted to operate in the state and having one or more established locations or places of worship in the state.

Solicitor means a person who goes from place to place, or house to house, or who stands in any street or public place taking or offering to take orders for merchandise or services to be performed in the future or for the making, manufacturing or repairing of any articles or things. The term "solicitor" does not apply to persons selling or delivering newspapers. The term "solicitor" includes the term "peddler."

Transient merchant means a person who establishes, for a period less than **9045** days, a business activity at any location, building or lot.

(Ord. No. 1166, § 1(5-142), 8-11-1998)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 50-102. Application; activities not covered.

This article shall not apply, nor shall a business registration certificate be required, from the following persons:

- (1) Veterans qualifying for a state peddlers license issued by the county clerk pursuant to Public Act No. 359 of 1921 (MCL 35.441 et seq.);
- (2) Newspaper or literature carriers selling or delivering newspapers or literature to subscribers;
- (3) Farmers, truck gardeners, or their employees or affiliates, selling merchandise and farm products in established farmers markets;
- (4) Persons participating or selling merchandise or food, or advertising, at organized athletic events, conventions, or at community celebrations or events.

(5) School sponsored events

(Ord. No. 1166, § 1(5-143), 8-11-1998)

State law reference(s)--Veteran's license for peddlers, MCL 400.271 et seq.

Sec. 50-103. Location restrictions.

The city commission may restrict locations of transient business activities or types of such activities by resolution or regulation stating the reasons for such restrictions.

(Ord. No. 1166, § 1(5-149), 8-11-1998)

Sec. 50-104. Registration certificate duration.

~~Except in the case of auctioneers, no registration certificate issued under this article shall have a duration of more than 30 days, and no registration certificate shall be issued more than twice per calendar year, and a period of at least 60 days shall pass between the expiration of the first certificate and the issuance of the second.~~ **An annual license renewed on May 1st of each year.**

(Ord. No. 1166, § 1(5-148), 8-11-1998)

Sec. 50-105. Solicitors.

Solicitors shall be required to have a business registration certificate. No such certificate shall be issued for such business activity, however, except where the following requirements are met:

- (1) In the event the solicitation is for advance payment of services or merchandise to be delivered later, the solicitor shall deposit with the city clerk a bond, certified check or cash in the amount of ~~\$500.00~~ **\$1,000.00** in favor of the city, such bond, check or cash (hereinafter "security") to be available for any claim made by any person who has not received the services or merchandise within the time and in the manner promised by the solicitor. The security shall be conditioned upon performance by the solicitor or the company or entity represented by the solicitor in delivering the services or merchandise in accordance with the agreement. Such security shall remain in full force and effect or retained by the city for a period of 90 days after the expiration of the business registration issued to the solicitor.
- (2) All other requirements and information required in connection with the application and issuance of a business registration certificate shall be complied with before issuance.
- (3) No solicitor, except a charitable or religious solicitor, shall represent that any monies received from a customer will be devoted to charitable or religious purposes.

(Ord. No. 1166, § 1(5-144), 8-11-1998)

State law reference(s)--Home solicitation sales, MCL 445.111 et seq.; refund of down payments, MCL 445.141 et seq.; transient merchants, MCL 445.371 et seq.

Sec. 50-106. Charitable and religious solicitors.

Charitable and religious solicitors shall be required to have a business registration certificate, provided that no fee shall be required for such business registration certificate. The applicant shall show, to the satisfaction of the city, the following:

- (1) The charity being represented is fully registered with the state to the extent required by law.
- (2) The religious organization meets the standards set forth in the definitions in section 50-101.
- (3) Any merchandise or services involved in the solicitation are described in full and examples of such merchandise or services are supplied with the application.
- (4) No security shall be required of a charitable or religious solicitor, provided the requirements of this section are met.

(Ord. No. 1166, § 1(5-145), 8-11-1998)

Sec. 50-107. Auctioneers.

Auctioneers shall obtain a separate business registration certificate for each auction held in the city. No auction shall be held at the same location for a period of more than three successive days in one period of 12 months, except that the city clerk may, upon reasonable showing by the auctioneer, provide for repeated licenses at a location of a sale of the contents of an estate or large building or property if the city clerk determines that the sale cannot be completed in one period of three successive days.

(Ord. No. 1166, § 1(5-146), 8-11-1998)

State law reference(s)--Auctioneers and duties upon sales at auctions, MCL 446.51 et seq.; sale by auction, MCL 40.2328.

Sec. 50-108. Display of business registration certificate.

Every person having a registration certificate under this article shall be required to display such registration certificate upon demand of any other person who is approached as a customer, or upon demand of the city clerk, his assistant, or a city police officer. Failure to carry such registration certificate on the person by any solicitor, whether regular, charitable or religious, shall constitute a violation of this chapter.

(Ord. No. 1166, § 1(5-147), 8-11-1998)

Sec. 50-109. Hours of Operation.

No peddler, solicitor, or canvasser shall engage in such business in the City after 8:00 p.m. or sunset, whichever is earlier or before 9:00 a.m.

Sec. 50-110. Restrictions.

Peddlers, solicitors, canvassers shall not operate within 1,000 feet of any City approved special event or leased park, unless the vendor has obtained permission from the event sponsor and or lessee. This license also does not allow for the sale of goods

or services at any city-owned park/facility or Farmer's Market without a permit from the City.

Sec. 50-111. Special Event Parking Downtown.

Residents and businesses selling parking spaces on their property during a City approved special event in the downtown district are required to obtain a license. At least one ADA compliant restroom facility with a hand washing unit must be made available to the public for the first 50 parking spaces being offered on a parcel and two restroom facilities be available on parcels selling 100 or more parking spaces. The license must be prominently displayed at the entrance to the parking facility and if the number of parking spaces meets or exceeds 50, a sign must be prominently displayed indicating to the public that a public restroom is available.

Secs. ~~50-112~~~~50-109~~ 50-109--50-130. Reserved.

Date: April 7, 2014
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Mobile Food Vending Ordinance

SUMMARY OF REQUEST: In consultation with Downtown Muskegon Now, staff has developed a Mobile Food Vending Ordinance for consideration. The proposed monthly fee is \$300. Those established brick and mortar businesses located in the City of Muskegon selling their own goods through the mobile food vending ordinance may pay a monthly fee of \$150.

Mobile food vehicles shall not be left unattended and cannot be parked between the hours of 3 a.m. and 6 a.m. They shall not operate within 1,000 feet of any City approved special event or leased park or Farmer's Market without a permit from the City.

Mobile food vehicles shall not be parked within 150 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business unless permission has been obtained from the restaurant.

Applications will be considered for the following areas: Sherman Blvd, Henry Street, Apple Avenue, Laketon Avenue, Getty Street as well as areas in the downtown area, business district, and industrial parks.

The proposed ordinance is attached.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Adopt the ordinance as presented.

City of Muskegon
Muskegon, Michigan
Ordinance No. _____

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 50, Article VIII, Licenses, Code of Ordinances of the City of Muskegon is added as follows:

Mobile Food Vending Ordinance.

Sec. 50-301. Definitions

Mobile Food Vehicle – A motorized vehicle which may upon issuance of a license by the City Clerk and conformance with the regulations established by this ordinance may temporarily park and engage in the service, sale, or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

Mobile Food Vehicle Vendor – The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor".

Sec. 5-302. Scope

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

Sec. 5-303. License Required

- A. It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.
- B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk.
- C. Proof of insurance in the amount of \$1 million dollars naming the City as additional insured must be provided.
- D. All vendors receiving a license under this ordinance shall pay the monthly fee as set by the fee resolution.

E. A license is valid for one vehicle only and shall not be transferred between vehicles.

Sec. 50-304. Regulations

- A. No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate. The City Commission shall by resolution identify those streets and public areas where parking by mobile food vehicles is permitted.
- B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.
- C. No mobile food stand/vehicle may be larger than ten (10) feet by ten (10) feet nor more than seventy-five (75) square feet in size. A five (5) foot clearance must be maintained on all sides of the stand within the maximum space allotted.
- D. Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- E. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.
- F. Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.
- G. No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- H. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
- I. A mobile food vehicle shall not be parked on the street between the hours of 3 a.m. and 6 a.m. or left unattended and unsecured at any time. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

- J. A vendor shall not operate within 1,000 feet of any City approved special event or leased park, unless the vendor has obtained permission from the event sponsor and or lessee. This license also does not allow for the sale of goods or services at any city-owned park/facility or Farmer's Market without a permit from the City.
- K. The issuance of a mobile food vehicle does not grant or entitle the vendor to the exclusive use of the any service route or parking space to the license holder.
- L. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a special use permit has been obtained to allow for such use.
- M. No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.
- N. Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.
- O. Mobile food vehicles shall not be parked within 150 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business or closer than 50 feet from another approved mobile food vehicle cart/vehicle unless the vendor has obtained permission from the restaurant.
- P. Applications will be considered for the following areas: Sherman Blvd, Henry Street, Apple Avenue, Laketon Avenue, Getty Street as well as areas in the downtown area, business district, and industrial parks.

CITYOFMUSKEGON

By:_____

Ann Marie Cummings, MMC, Its Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County,

Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the _____ day of _____, 2014, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2014

Ann Marie Cummings, MMC
Clerk, City of Muskegon

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

Commission Meeting Date: April 8, 2014

Date: April 1, 2014
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Amendment to Brownfield Plan- Terrace Point
Landing, LLC and Downtown Development
Authority (DDA) Pass-Through Agreement**

SUMMARY OF REQUEST: The Brownfield Plan for Terrace Point Landing, LLC was adopted by the Brownfield Redevelopment Authority (BRA) and the City Commission in 2013 for purposes of reimbursing the developer for “eligible expenses” incurred in association with the project (approximately \$12 million investment overall). In addition, the DDA and City Commission approved the amendment of the DDA Plan to allow for “100% of the difference between the 1988 assessed value and the 2013 assessed value for that parcel and 25% of any increase in the assessed value beyond the 2013 tax year” (“parcel” being that identified for the Terrace Point Landing LLC project). The BRA Plan was forwarded to the Michigan Economic Development Corporation (MEDC) for review and approval. City staff and the developer were notified the week of March 24 that the MEDC was not recommending their participation in the Plan. After several discussions and careful consideration, it was determined that the project can proceed financially without the MEDC participation, providing the BRA tax capture is the full 100% (rather than the 75% originally contemplated).

FINANCIAL IMPACT: Brownfield Tax Increment Financing (100% of the capture) will be used to reimburse the developer for “eligible expenses” incurred in association with development of the Terrace Point Landing project (see estimated tax capture and payment schedule attached). The actual development will generate future property taxes for the City, as well as income tax from those living in the development.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To endorse the BRA and DDA approvals for the BRA amendment and DDA amendment.

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority and Downtown Development Authority met on April 2, 2014 and approved both the BRA Plan amendment and the DDA Plan amendment.

Date: April 8, 2014

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order – Install “1(one) hour parking” signage from 8:30am to 5:30pm, where permissible to install, on Terrace Street, Pine Street, Spring Street, Walton Avenue and Myrtle Avenue per Traffic Control Work Order # 14-(2014)

SUMMARY OF REQUEST:

Authorize staff to install “1 (one) hour parking” signs form 8:30am to 5:30pm on Terrace Street, Pine Street, Spring Street, Walton Avenue and Myrtle Avenue.

FINANCIAL IMPACT:

Cost of signs and man-power to install, if approved.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize DPW staff to install “1 (one) hour parking” signs on Terrace, Pine, Spring Walton and Myrtle Streets/Avenues.

COMMITTEE RECOMMENDATION:

City of Muskegon

Traffic Control Order

No. 14-(2014)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install 1 (one) hour parking limit signage from 8:30am-5:30pm, where permissible to install, on Terrace Street from Apple to Morris, Pine Street from Apple to Muskegon, Spring Street from Myrtle to Muskegon (on the east side only), Walton Avenue from Spring to Pine (on south side only) and Myrtle Avenue from Spring to Pine.*

Location: *Terrace Street from Apple Avenue to Morris Avenue, Pine Street from Apple Avenue to Muskegon Avenue, Spring Street from Myrtle Avenue to Muskegon Avenue, Walton Avenue from Spring Street to Pine Street and Myrtle Avenue from Spring Street to Pine Street.*

Recommendation:

_____ Date: ____/____/____
Director of Public Works

_____ Date: ____/____/____
Police Chief

_____ Date: ____/____/____
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____ By: _____
Traffic Supervisor

Date completed: ____/____/____ By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Frank Peterson, City Manager
DATE: April 7, 2014
RE: Muskegon Firefighters Union – Contract Settlement

SUMMARY OF REQUEST:

The City and MFU have been working on a 5 year agreement for the last two months. We have reached a tentative agreement, and the union had a successful ratification vote in March.

Key points of the agreement are as follows:

1. Duration of 5 years
2. Signing bonus: 1%
3. Wage increases: 1%, 1%, 1%, 1.5%, 1.5% (top pay only)
4. Longevity payments to match MPD patrol division
5. Reduction in new firefighter costs, as follows:
 - a. 10% pay reduction with a 5 year pay freeze
 - b. 8 year wage schedule
 - c. Reduced vacation allowances:
 - i. 1-8 years: 6 days
 - ii. 9-20 years: 9 days
 - iii. 21+ years: 12 days
 - d. No longevity eligibility until year 10
6. Agreement to abide by arbitrator's ruling in the recent trade time grievance, and to set a 1 year rolling window on completing a trade time transaction.
7. Health insurance contribution of 10% - monetary cap has been removed.
8. New scheduling agreement that helps reduce overtime.
9. Certain changes to the bereavement policy to reduce time away – 24/48 hrs of leave, and funeral must be attended.
10. Agreement to contribute up to \$1,000 annually to buy/maintain physical fitness equipment at central station – subject to a 50/50 match.
11. Amendment/reduction of the part time firefighter program.

FINANCIAL IMPACT:

BUDGET ACTION REQUIRED:

STAFF RECOMMENDATION:

To approve the tentative agreement and to authorize the Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION:

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Frank Peterson, City Manager
DATE: April 7, 2014
RE: LC Walker Arena Management/Operations Costs

SUMMARY OF REQUEST:

In response to a request from the city's contracted management firm for the LC Walker Arena, city staff has been working on a plan to identify temporary funding to offset high utility costs for the LC Walker Arena.

The facility was built as a hockey arena, but its high operation costs cannot be sustained by one main hockey tenant alone.

City staff is asking the Commission to approve a one-year agreement with the management company to provide assistance with utilities effective April 1 2014, and expiring March 31, 2015, with stipulations as follows:

1. An increase in the ticket surcharge equal to \$1.00 effective for the 2014-15 Lumberjacks hockey season, with the proceeds dedicated 50/50 to electricity and capital maintenance.
2. City to reimburse the management company 75% of the net utility costs each month, up to \$15,000 monthly.
3. Management Company to provide City with 20 tickets to each home game for the City to use to invite Muskegon youth to the hockey games. Inclusive of all surcharges, the City will be responsible for payment of \$3.00 for each ticket.
4. A plan to be presented to the City Commission prior to December 31, 2014 outlining the long-term viability of the LC Walker Arena, with a recommendation from staff related to the best long-term use of the facility.
5. The City reserves the right to terminate this agreement with 30 days notice.

FINANCIAL IMPACT:

Up to \$45,000 for FY 13-14 and up to \$135,000 for FY 14-15

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the request and authorize the Mayor and Clerk to sign an agreement.

COMMITTEE RECOMMENDATION:

None.

COMMISSION MEETING: 4/22/2014

DATE: 03/31/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN130206

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1974 DOWD ST** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN130206 - 1974 DOWD ST

Location and ownership: This structure is located on Dowd St. between Windsor and Young and is owned by WEXSTAFF JAMES E/TRICIA A.

Staff Correspondence: A dangerous building inspection was conducted on 9/03/2013. The Notice and Order to Repair was issued on 11/01/2013. On 12/5/2013 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 16,300

Estimated cost to repair: \$ 40,500

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

Additional Information (History):

Owner Contact: The owner has made no contact with the City or SAFEbuilt.

Owner Mailings: N&O - signed-James Wexstaff

HBA Meeting - Returned Unclaimed

HBA Determination - Justin Wexstaff

Ocwen Loan Services Mailings:N&O - signed - Earl Hill

HBA Meeting - Earl Hill

HBA Determination - Earl Hill

Permits obtained: The only permit obtained for this property was PE070389 to upgrade the electrical service to 100 amp service due to power surge. This had been obtained 7/31/2007 & finalized 8/2/2007.

**AFTER CONCURRENCE OF THE CITY COMMISSION THE
INTERESTED PARTIES MAY:**

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.



Front of home.



Foundation



Roof-North side of home.



Roof-South side of home.

CITY OF MUSKEGON
CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202
MUSKEGON, MI 49440
(231) 724-6766 (Office)
(231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1974 DOWD ST
09/03/2013

Exterior Inspection noted:

- 1) Deteriorated/Missing Roof/Shingles/Eaves – Needs new roof.
- 2) Foundation is missing in many areas.
- 3) Foundation has large cracks
- 4) Holes in Siding
- 5) Trash all over.
- 6) Need interior inspection.



Building Department Services

11/19/2013

WEXSTAFF JAMES E/TRICIA A
639 S DANGL ROAD
MUSKEGON, MI 49442

RE: 1974 DOWD ST DANGEROUS BUILDING INTERIOR INSPECTION

The SAFEbuilt Building Dept. conducted an interior inspection at 1974 DOWD ST to determine what was needed to bring the building up to code and be able to issue a certificate of occupancy.

Below are the inspection results:

1. All work must be done by a licensed contractor
2. Needs hangers on the carport rafters
3. Needs a new roof
4. Must fix roof rafters
5. Needs insulation to code
6. Needs new drywall
7. House is filled with mold
8. Floor is sagging must fix
9. House is filled with debris
10. House has asbestos siding
11. Must install a vapor barrier in the crawl space and insulate and vent
12. Must fix the damaged foundation
13. House to be rewired to code
14. House to have smoke alarms to code
15. Electric service to meet code
16. Pressure test gas line
17. Inspect and certify HVAC, water heater, chimney
18. Clean ductwork
19. Establish kitchen and bath plumbing to 2009 MDC
20. Inspect and certify all house plumbing when water is established, water distribution plus drain plus vent
21. Provide vacuum breakers for hose spigot

Please contact us if you have any questions and/or concerns. Please note that some or all of the above items will need to have permits taken out before the repairs can be made. I have attached blank permit applications for your convenience.

Thank you.

Kirk Briggs
Building Official

COMMISSION DATE: 4/22/2014

DATE: 03/31/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN130251

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1522 CLINTON ST (GARAGE ONLY)** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN130251 - 1522 CLINTON ST (GARAGE ONLY)

Location and ownership: This structure is located on Clinton St. between E Grand and E. Southern Ave. and is owned by GURWITZ ALAN M.

Staff Correspondence: A dangerous building inspection was conducted on 9/3/2011 & 9/18/2013. The Notice and Order to Repair was issued on 11/1/2013. On 12/5/2013 the HBA declared the structure substandard and dangerous. On 2/4/2014 the HDC concurred with the HBA declaring the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 16,900

Estimated cost to repair: \$ 4,410 (garage only)

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

Additional Information (History):

Owner Contact: The owner has had no contact with staff regarding this case.

Owner Mailings: SAFEbuilt letter - returned unsigned

N&O letter - returned unsigned

HBA Meeting Letter - returned unsigned

HBA Determination - returned unsigned

HDC Meeting - returned unsigned

HDC Determination - returned unsigned

Fifth Third Bank: A representative stated they have no interest in saving the garage.

Permits obtained: 9B1200059 – Reroof dwelling over one layer. Issued 2/27/2012 and finalized 4/1/2013.



Garage roof.



Garage door.



Blue garage only. This is off the alley.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

CITY OF MUSKEGON
CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202
MUSKEGON, MI 49440
(231) 724-6766 (Office)
(231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1522 CLINTON ST (Garage Only)
9/03/2011 & 9/18/2013

Inspection noted:

1. Garage roof is completely deteriorated.
2. Garage has broken windows
3. Garage window glazing is missing
4. Garage siding has holes in it
5. Garage siding is rotted
6. Garage has peeling paint that needs to be scraped and needs to be protected from the weather by properly applied water-resistant paint or waterproof finish
7. Garage roof is close to collapse
8. Garage service door is unsecured
9. Remove the overgrowth from the north side of the structure
10. Permits are required for the repairs or demolition of the structure. Please contact SAFEBuilt to obtain either these permits (231) 724-6715.

John Schultz, Code Compliance Inspector

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

COMMISSION DATE: 4/22/2014

DATE: 03/31/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN130209

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1265 HOLT ST** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN130209 - 1265 HOLT ST

Location and ownership: This structure is located on Holt St. between Hill and Evanston and is owned by CARSON CARLOS/ROBAR ANDREA.

Staff Correspondence: A dangerous building inspection was conducted on 5/15/2013. The Notice and Order to Repair was issued on 9/12/2013. On 3/6/2014 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 3,500

Estimated cost to repair: \$ 33,000

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

Additional Information (History):

Owner Contact: No contact with staff regarding the dangerous building

Owner Mailings: 9/12/2013 = N&O = Card signed - Beneta Ezell

2/18/2014 = HBA Meeting = card not signed & returned

3/14/2014 = HBA Determination - card signed by Beneta Ezell

County Treasurer Notifications: 9/13/2013 - N&O = Card signed by Tony M.

2/18/2014 - HBA Meeting - card signed by Colleen Mars

3/14/2014 - HBA Determination - Card signed by Colleen Mars

Permits obtained: PB130770 – Windows, Drywall, Front flooring, Front porch repair. – Stipulations: need print for porch repair

2/17/14 - no print ever received & he never came in to pick-up electrical permit (in hold file) dj

2/19/14 – Kirk, Building Official for SAFEbuilt noted that no work was being done on the house & had given this to staff to proceed with DB.



If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

CITY OF MUSKEGON/SAFEbuilt
933 Terrace St. Ste 204, P.O. Box 536, Muskegon, MI 49443

FIRE INSPECTION REPORT
05/20/2013

Owner CARSON CARLOS/ROBAR ANDREA
1832 WOOD
MUSKEGON, MI 49442

Property Address 1265 HOLT ST **Parcel #** 24-205-087-0001-10

Inspector: KIRK BRIGGS, KEN MURAR, AND JIM HOPPUS

Date completed: 05/15/2013

DEFICIENCIES:

- REPLACE WINDOWS
- REPLACE DRYWALL
- REPLACE FRONT DOOR
- REPLACE FLOORING
- NEED PERMIT FOR WORK AND THE OLD WORK THAT WAS DONE ON THE PORCH ROOF
- HOUSE TO BE REWIRED TO CODE
- ELECTRIC SERVICE TO BE REPLACED TO CODE
- SMOKE ALARMS TO BE INSTALLED TO CODE
- PRESSURE TEST GAS LINE
- INSPECT AND CERTIFY FURNACE, WATER HEATER, AND CHIMNEYS
- INSPECT AND CERTIFY ALL HOUSE PLUMBING
- CLEAN DUCTWORK

, Building Inspector

Date

COMMISSION DATE: 4/22/2014

DATE: 03/31/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN130222

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **912 E ISABELLA AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN130222 - 912 E ISABELLA AVE

Location and ownership: This structure is located on E. Isabella Ave. between Eastgate and Madison Ave. and is owned by CRAWFORD JAMES.

Staff Correspondence: A dangerous building inspection was conducted on 1/6/2012. The Notice and Order to Repair was issued on 1/17/2014. On 3/6/2014 the HBA declared the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 19,100

Estimated cost to repair: \$ 21,000

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

Additional Information (History):

Owner Contact: On 9/20/2013 Robin Crawford had called SAFEbuilt stating that she would call and set up an inspection the following week when she gets her work schedule. Debi, SAFEbuilt, had updated her phone and mailing address.

Certified mailings:

James Crawford:

9/20/2013 = SB Letter = Letter Returned

11/19/2013 = N&O = Letter Returned

2/18/2014 = HBA Meeting = Letter Returned

3/23/2014 - HBA Determination - Letter Returned

Robin Crawford:

11/19/2013 = N&O = Letter Returned

2/18/2014 = HBA Meeting = Letter Returned

3/23/2014 - HBA Determination - Letter returned

Huntington Natonal Bank:

2/18/2014 = HBA Meeting = Card signed

3/13/2014 - HBA Determination - Renee Mix

Permits obtained: None.



Front



Rear

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

CITY OF MUSKEGON
933 Terrace St, P.O. Box 536, Muskegon, MI49440

CODE VIOLATION INSPECTION

Property Located at:912 E ISABELLA AVE 24-250-000-0157-00

Inspection Completed: 01/06/2012

Property Owner:
CRAWFORD JAMES
912 E ISABELLA AVE
MUSKEGON, MI49442

Violations Noted:

Structural Damage Open Roof System.

**1. All repairs made due to tree damage and open roof structure must meet Michigan Residential code 2009, energy code and lead based paint renovations. This includes any electrical, plumbing and mechanical repairs.
Some repairs could require complete upgrades to MRC 2009 code.**

Henry Faltinowski, Building Inspector

COMMISSION DATE: 4/22/2014

DATE: 03/31/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN130296

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1141 JEFFERSON ST** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN130296 - 1141 JEFFERSON ST

Location and ownership: This structure is located on Jefferson St. between Monroe and Houston and is owned by NC ASSETS INC.

Staff Correspondence: A dangerous building inspection was conducted on 2/18/2013 & 4/19/2013. The Notice and Order to Repair was issued on 1/17/2014. On 3/6/2014 the HBA declared the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 14,300

Estimated cost to repair: \$ 26,000 (exterior only)

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

Additional Information (History):

Owner Contact: None.

Owner Mailings: 1/17/2014 = N&O = Card signed by Sherri Brown

2/18/2014 = HBA Meeting Notice = Card signed-unable to read signature

3/14/2014 = HBA Determination Letter = Card signed-unable to read

Permits obtained: None regarding the Dangerous Building.



Foundation and exposed wood.



Hole in roofing/eave area.



If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the City Commission concurs.

CITY OF MUSKEGON
CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202
MUSKEGON, MI 49440
(231) 724-6766 (Office)
(231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1141 JEFFERSON ST
2/18/2013 & 4/19/2013

Inspection noted:

1. Foundation missing or broken
2. Peeling paint & is not protected from the weather by a properly applied water resistant paint or finish.
3. Steps are not made of proper materials – concrete steps are deteriorated & boards are loose on porch floor.
4. Rotted wood trim, siding, etc. – This is not protected from the weather by a properly applied water resistant paint or finish.
5. Shingles missing-some of the roofing was done without a permit and is not to code.
6. Rotted eaves
7. Broken/boarded windows
8. Holes in wood siding, eaves, etc.
9. West rear light fixture globe is broken or missing.
10. Rear door – not protected from the weather by properly applied water-resistant paint or water proof finish.
11. Screens – all operable window(s) does/do not have a screen must cover the complete bottom sash.
12. Has unguarded side more than 30 inches high from ground or floor, need 36 inch guardrail with balusters no further than 4 inches. A valid permit is required from SAFEbuilt located in City Hall (231) 724-6715.
13. Must install handrails with balusters to code with a permit required by SAFEbuilt.
14. Southside storm door is damaged and is missing the screen or glass and will not latch.
15. Roofing is now blowing off & this will require a permit to repair.
16. This structure is in very poor condition.

BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.