

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 23, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Outstanding Citizenship Awards.
 - B. Life Saving Award – Amos Lee Johnson, Jr.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Request to Amend Encroachment Agreement #2007-23(k). ENGINEERING
 - C. Aggregates, Highway Maintenance Materials and Concrete. PUBLIC WORKS
 - D. Consideration of Bids for Janitorial Services Contract 2010-2013. ENGINEERING
 - E. 2010, 2011 and 2012 Street Sweeping Contract. PUBLIC WORKS
 - F. Budgeted Vehicle Replacement - Mowers. PUBLIC WORKS
 - G. Electronic Voter File's Electronic Laptop & Accessories Grant. CITY CLERK
 - H. Support of North Muskegon and Lake Avenue Trail Project. CITY CLERK
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:

A. Liquor License Renewal Resolution – Final Recommendations. CITY CLERK

❑ **NEW BUSINESS:**

A. Michigan Strategic Fund – Christian Care. CITY CLERK

B. 2010 – 2011 CDBG/HOME Recommendations. COMMUNITY & NEIGHBORHOOD SERVICES

C. Police Patrol Contract. CITY MANAGER

D. Standards of Conduct Resolution. CITY MANAGER

E. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 919 Windsor Avenue and 439 Houston Avenue. PUBLIC SAFETY

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

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

❑ **CLOSED SESSION:**

❑ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the March 8th Commission Worksession, and the March 9th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
March 8, 2010
City Commission Chambers
5:30 PM

MINUTES

2010-18

Present: Commissioners Warmington, Carter (arrived 5:33 p.m.), Wierengo, Shepherd, Spataro, Wisneski, and Gawron.

Absent: None.

Liability Claim for 820 Stevens – Blanche & Richard Smith.

On December 18, 2009 the homeowners at 820 Stevens, experienced a sewer backup that has been determined to be caused by a blockage in the City main. Blanche and Richard Smith the homeowners, have filed a liability claim against the City of Muskegon for damages and costs associated with the City main blockage. The Smiths' and MMRMA have agreed on a settlement of this claim for \$18,681. Their homeowners insurance has reimbursed them \$5,000 so the City portion of this claim is \$13,681.

Motion by Spataro, seconded by Gawron to approve the MMRA recommended settlement of \$13,681.

ROLL CALL VOTE:

Ayes: Warmington, Wierengo Wisneski Gawron, Shepherd, and Spataro.

Nays: None.

Absent: Carter.

MOTION PASSES.

Hartshorn Concepts and Phases – West Michigan Shoreline Regional Development Commission and Muskegon Lake Watershed Partnership.

Kathy Evans made a presentation for the Hartshorn Marina Fish and Wildlife Habitat and Public Access Improvement. Phase one and two were reviewed. City Commissioners indicated they approve the plan as presented to date.

L.C. Walker Arena.

Motion by Carter, seconded by Wisneski to advance 2010 L.C. Walker Arena management fees to Walker Arena Management starting in June 2010.

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ROLL CALL VOTE:

Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington.

Nays: None.

MOTION PASSES.

Healthcare and Wellness Program.

Tim Paul, Finance Director, gave an overview of the proposed healthcare and wellness program. This item will be voted on the March 9, 2010 Commission meeting.

Adjournment.

Motion by Carter, seconded by Shepherd to adjourn at 5:52 p.m.

MOTION PASSES

**Ann Marie Becker, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

MARCH 9, 2010

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 9, 2010.

Mayor Warmington opened the meeting with a prayer from Elder George Monroe from Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Steve Wisneski, Clara Shepherd, Lawrence Spataro, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Chris Carter.

2010-19 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the February 19th Goal Setting Meeting and the February 23rd Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

C. Liquor License Transfer Request for 88 Gas & Beer, Inc., 1992 S. Getty Street. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from 88 Gas & Beer, Inc. to transfer ownership of the 2009 SDM License located at 1992 S. Getty, from Raj & Sidhu, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

D. Purchase of 531 Orchard. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the purchase of 531 Orchard from Jay Dee Property LLC of 1375 5th Street, Muskegon, MI 49442 for the appraised price of \$13,000.

After 531 Orchard is obtained, the City will demolish the property as a part of its Operation R & R II Orchard Street Redevelopment program.

FINANCIAL IMPACT: The funding for the purchase will be taken from CDBG program income and the demolition of the property will be funded with Neighborhood Stabilization funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the request to purchase the property.

E. 2010-2011 Healthcare & Wellness Program. FINANCE

SUMMARY OF REQUEST: It is time to renew the City's healthcare coverage for 2010-11. Last year significant changes were made to the healthcare program including introduction of HRA accounts and adoption of Priority Health's "co-pay alignment" program. These measures helped stabilize costs in 2010. However, healthcare costs continue to rise. Renewal premiums for the City's current healthcare program have come in at \$815.85/employee/month, a 9.45% increase over the current rate (\$745.40).

Staff proposes implementation of a formal wellness initiative tied to specific benefit levels. For 2010-11, Wellness Program participation will mean the City will continue to pay HRA deductibles; non-participants will pay the first \$500 (single)/\$1,000 (family) of the deductible. As employee deductible shares increase in future years, a differential will be maintained to incentivize Wellness participation.

FINANCIAL IMPACT: Following is a comparison of current and next year costs for the Priority Health HMO program:

	2009-10	2010-11
Premium	\$8,945	\$9,790
Self-Insured HRA Costs (a)	900	981
Employee Premium Co-pay	(520)	(520)
Net City Cost/EE	9,325	10,251
Number of Covered Employees (b)	234	234
Total Annual City Cost	\$2,182,050	\$2,398,734
(a) Estimated based on YTD experience		
(b) Will likely decrease in 2010-11 due to cutbacks		

BUDGET ACTION REQUIRED: None at this time. Employee and retiree healthcare costs are included in the 2010 budget. Five months of the 2010 budget year will be at the “old” rate and seven months will be at the “new” rate. The net weighted average monthly cost for 2010 is \$9,865/EE vs. a budgeted amount of \$9,842/EE. There are adequate reserves in the General Insurance Fund to cover the difference.

STAFF RECOMMENDATION: Authorize staff to execute documents with Priority Health to renew healthcare coverage and implement the Wellness program outlined herein.

F. Project Safe Neighborhood Subaward Agreement. PUBLIC SAFETY

SUMMARY OF REQUEST: The United States Department of Justice, Office of Justice Programs, has awarded the Muskegon Police Department a \$5,000 grant under the auspices of Project Safe Neighborhoods (PSN). PSN is a nationwide, anti-gun initiative. We have been a member of the PSN Federal Taskforce since its inception. The award money will be utilized to purchase a ProHD CCD Camcorder with accessories. This camcorder will be used to aid us in processing crime scenes.

The award is being administered by Grand Valley State University, who serves as the Primary Awardee. The Director of Public Safety is asking that you authorize him to sign the appropriate grant award documents.

FINANCIAL IMPACT: None, no matching funds are required.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize the Director of Public Safety to enter into the agreement.

G. City-MDOT Agreement for the Bridge Work on US-31BR over the South Branch of the Muskegon River. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the decks reconstruction of the two bridges on US-31 BR over the south branch of the Muskegon River and to approve the resolution authorizing the Mayor and City Clerk to sign the contracts.

FINANCIAL IMPACT: The City’s required participation on this MDOT project is expected to be \$98,900.

BUDGET ACTION REQUIRED: This project needs to be incorporated into the 2010 CIP budget.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

H. Fireworks Display Permit for West Michigan Burnerz. CITY CLERK

SUMMARY OF REQUEST: West Michigan Burnerz is requesting approval of a fireworks display permit for March 12, 2010, at the L. C. Walker Arena during the Hockey Game. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

I. Community Relations Committee Resignations and Appointments. CITY CLERK

SUMMARY OF REQUEST: To accept the recommendations from the Community Relations Committee made at the meeting held on March 8, 2010, as follows:

Accept resignation from Shontea L. Jenkins from the Civil Service Board

Removal of Muhammad Hakeem from the Citizen's District Council due to requirement of City resident not met at this time.

To table the Civil Service appointment until the next meeting scheduled in April.

To have the Land Reutilization Committee discontinued.

Waive resident requirement for Citizens on the Local Development Finance Authority and include persons with "Interest in the District".

Appointments of Ken Kraus as Citizen to the Downtown Development Association, and T. Arnold Boezaart, Melissa Wickman, Jeffery Burr, Rosie Buchanan as Citizens/Interest in District to the Local Development Finance Authority.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To concur with the Community Relations Committee recommendations.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the Consent Agenda as read minus item B.

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

Nays: None

MOTION PASSES

2010-20 ITEM REMOVED FROM THE CONSENT AGENDA:

B. Gaming License Request for the Greater Muskegon Woman's Club.

CITY CLERK

SUMMARY OF REQUEST: The Greater Muskegon Woman's Club is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Gaming License request for the Greater Muskegon Woman's Club.

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

Nays: None

MOTION PASSES

2010-21 PUBLIC HEARINGS:

A. Recommendation for Annual Renewal of Liquor Licenses. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 22, 2010, they will be removed from this resolution and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from: Michelle Harris, Dockers Restaurant, 3505 Marina View Point; Vincent Stafney, Muskegon Recreation Club, 1763 Lakeshore; Jennifer Osborn, Captain Jack's Bar & Grill, 1601 Beach; and Jason, Walgreens, 840 W. Sherman.

Motion by Vice Mayor Gawron, second by Commissioner Wisneski to close the Public Hearing and adopt the resolution approving the annual renewal of liquor licenses to be in compliance by March 23, 2010.

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

Nays: None

MOTION PASSES

2010-22 NEW BUSINESS:

A. Consideration of Bids for B-241 Heritage Landing Bike Path Extension.
ENGINEERING

SUMMARY OF REQUEST: Award the Heritage Landing Bike Path Extension project to Accurate Excavators out of Muskegon since they were the lowest responsible bidder with a total bid price of \$43,140 (without prevailing wages).

FINANCIAL IMPACT: The construction cost of \$43,140 plus engineering which is estimated at an additional 10%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the construction project to Accurate Excavators.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to award the construction project for the Heritage Landing Bike Path Extension to Accurate Excavators.

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

Nays: None

MOTION PASSES

B. Water Bond Refunding. FINANCE

SUMMARY OF REQUEST: You may recall that in January 2009, the City Commission adopted an ordinance to initiate and authorize the refunding of Series 1999 and Series 1993 water revenue bonds. However, interest rates did not cooperate and the refunding was deemed uneconomical before it could be completed.

Interest rates are again favorable and a recent analysis shows that these bonds can be refunded with projected present value savings to the City of \$299,017. This equates to 4.80% of the outstanding principal. A general rule of thumb is that PV savings should equal at least 2% of bond principal in order to proceed with a refunding.

FINANCIAL IMPACT: A formal analysis of the proposed bond refunding is available.

BUDGET ACTION REQUIRED: None at this time. Interest savings will be reflected in future years' water fund budgets.

STAFF RECOMMENDATION: Adoption of the ordinance which amends the original Commission action and authorizes staff to execute documents to sell the water refunding bonds.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to adopt the ordinance which amends the original Commission action and authorizes staff to execute documents to sell the water refunding bonds.

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

Nays: None

MOTION PASSES

C. Summer Celebration Payment Deferral. CITY MANAGER

SUMMARY OF REQUEST: To consider a request from Summer Celebration for an extension and payment plan for 2009 city services.

FINANCIAL IMPACT: \$66,299.93 due for 2009.

BUDGET ACTION REQUIRED: The lack of payment negatively impacted the 2009 budget.

STAFF RECOMMENDATION: None.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to authorize the Summer Celebration payment deferral.

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

Nays: None

MOTION PASSES

2010-23 ANY OTHER BUSINESS: Some Commissioners requested the City Manager prepare an ethics resolution to be presented at the March 23rd City Commission Meeting.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:06 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Date: March 23, 2009
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request to Amend
Encroachment Agreement #2007-23(k)

SUMMARY OF REQUEST:

WSP on behalf of Federal-Mogul is requesting your permission to amend agreement #2007-23(k) to install two (2) additional monitoring wells in the public R-O-W near the contamination site of Kens Super Serve, 331 West Laketon Ave. (Windsor Ave West of Henry St., and Henry St. between Laketon Ave. and Larch Ave.). This brings the total to five (5) wells at that location (see attached location map). The request was made through the attached encroachment agreement form.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement subject to the supplemental conditions.

COMMITTEE RECOMMENDATION:

SUPPLEMENTAL CONDITIONS

- Grantee shall notify Grantor of the date when the installation of the Wells shall begin and shall allow the City's representative ample time to inspect the site before construction begins.
- After completion of construction, the City shall be contacted for final inspection.
- Grantee shall not disturb any installation in the right of way, including utilities of any kind without prior approval by the City and the affected company.
- Grantee shall use all means necessary, including MISS DIG, to locate and /or have located all existing utilities in the vicinity of the proposed Wells.
- If deemed necessary by the City due to public improvements, Grantee shall relocate or remove the wells as directed by the City within 7-days of notification.
- The grantee shall be fully responsible for the maintenance of the wells and any relocation that might become necessary to facilitate other improvements within the right of way.
- Grantee will not be allowed to close off roadway nor will he be allowed to hinder the traffic flow without prior approval by the City.

City of Muskegon
Groundwater Monitoring Well Installation Application and Permit
 (Encroachment Permit Agreement)

Permit Number:	Date issued:	Permit Fee:	Other:
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If applicant hires a contractor to perform work, BOTH shall assume responsibility of the Permittee for the provisions of this Application and Permit

APPLICATION

APPLICANT – Please Print				CONTRACTOR – Please Print			
Name Federal-Mogul Corporation				Name WSP Consulting Engineers, P.C.			
Street 26555 Northwestern Highway				Street 750 Holiday Drive; Suite 410			
City Southfield		State MI		City Pittsburgh		State PA	
		Zip 48033				Zip 15220	
Phone 248-354-8912		Fax 248-354-9499		Phone 412-604-1040		Fax 412-920-7455	

Permittee proposes to install, repair, or maintain groundwater monitoring well(s) ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace, or other property controlled or owned by the City of Muskegon, as described below (Permittee shall attach a site map to scale which shows each monitoring well location):

Street Name & Address/General Description (legal description may be required): MW-34I\D Windsor Avenue west of Henry Street and	Location (Cross streets between which property is located or nearest intersection): MW-35I\D Henry Street see attached map
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Project Description/Purpose: As requested by the Michigan Department of Environmental Quality to determine the extent of the groundwater plume associated with the former Federal-Mogul Piston Rings facility located at 331 West Laketon Avenue

Proposed Start Date: March 29, 2010

Monitoring/Observation Well Information

Drilling Company (if different than Contractor): Stearns Drilling Company	Proposed Well Depth (ft.): approximately 100 feet	Well name or #: MW-34I\D and MW-35I\D
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Purpose of Monitoring Well Installation: ☐ Part 211/213 Site ☒ Part 201 Site ☐ Part 111 Site ☐ Phase II ESA/AAI ☐ BEA
☐ Other (specify)

Applicant/Authorized Agent Signature – If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant.

Name: Stephen J. Kretschman Stephen Kretschman, as an agent for Federal-Mogul Corporation

PERMIT

PERMIT AGREEMENT: This permit is made and entered into by and between the City of Muskegon, a municipal corporation (City), and the Permittee (indicated above). Therefore, the City does hereby grant unto Permittee the privilege of constructing, installing, maintaining, repairing, and performing all necessary functions relating to the monitoring well installation (encroachment), and for that purpose to enter the property, for the term herein stated. This permit shall be effective on the date shown above, and shall not occur before the delivery to the City of the required evidence of insurance coverage and bonding information, and only after approval of this permit by the City Commission, at which time the permit shall become effective. The attached Permit Requirements & Conditions are incorporated herein by reference and constitute an integral part of this permit.

This permit is subject to the following special conditions:

Required Bond Amount: \$ _____

Witnesses:

CITY OF MUSKEGON:

By _____, Mayor

And _____, Clerk

APPLICANT: Stephen J. Kretschman

CONTRACTOR: Federal-Mogul

 WSP Consulting Engineers, P.C. 750 Holiday Drive, Suite 410 Pittsburgh, Pennsylvania 15220 412-604-1040	GROUNDWATER MONITORING LOCATION MAP FEDERAL-MOGUL PISTON RINGS MUSKEGON, MICHIGAN PREPARED FOR FEDERAL-MOGUL SOUTHFIELD, MICHIGAN			DRAWN BY <u>AS - DDL</u> CHECKED <u> </u> APPROVED <u> </u>	SEAL	REV <u> </u> DESCRIPTION	
	PROPERTY OF WSP CONSULTING ENGINEERS P.C. IMPORTANT: THIS DRAWING IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF WSP CONSULTING ENGINEERS P.C. THIS DRAWING IS THE PROPERTY OF WSP CONSULTING ENGINEERS P.C. NOTICE: THIS DRAWING HAS BEEN PROVIDED UNDER THE PROVISIONS OF STATE LAW FOR ANY PERSONS UNLAWFUL REPRODUCTION OF THIS DRAWING. ANY UNLAWFUL REPRODUCTION OF THIS DRAWING WILL BE CONSIDERED TO VIOLATE STATE LAW AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.					DATE <u> </u>	REV <u> </u> DESCRIPTION
						REV <u> </u> DESCRIPTION	
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AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: March 23, 2010
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

SUMMARY OF REQUEST:

Award bid to supply H1 and H2 limestone chip blend to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply road slag to Verplank Trucking Company, PO Box 8, Ferrysburg, MI 49409

Award bid to supply Sylvax patching material (CP-6 alternative) to Asphalt Paving, Inc., 1000 E. Sherman Boulevard, Muskegon MI 49444-0190

Award bid for crack sealant to Lakeshore PLM, Inc., 6818 Harvey Street, Spring Lake, MI 49456

Award bid to supply bituminous asphalt product to Asphalt Paving, Inc., 1000 E. Sherman Boulevard, Muskegon MI 49444-0190

Award bid to supply Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride, 1012 E. Free Soil Rd, Free Soil, MI 49411

Award bid to supply screened top soil to Jackson-Merkey Contractors, Inc., 555 W. Western, Muskegon, MI 49442

Award bid to supply 2NS sand to Jackson-Merkey Contractors, Inc., 555 W. Western, Muskegon, MI 49442

Award bid to supply 7-sack mix concrete to Port City Redi-Mix, 1780 Sheridan Road, Muskegon, MI 49442; contingent upon product availability, timely deliveries, and prices as quoted.

FINANCIAL IMPACT:

\$250,340 based on 2009 quantities at 2010 quotes.

BUDGET ACTION REQUIRED:

None; funds appropriated in several budgets.

STAFF RECOMMENDATION:

To: The City Commission Through The City Manager
From: Robert H. Kuhn, Director of Public Works
Date: March 23, 2010
Subject: 2010 Aggregates, Highway Maintenance Materials, and Concrete

Requests for bids to provide road maintenance materials were solicited in *The Chronicle* and from vendors on file. It is recommended that the vendor in bold print supply Public Works with product as needed in 2010. Funds have been appropriated for these purchases.

500 ton H1 & H2 Limestone Chip Blend (\$16.50 in 2009; \$389.81)

Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$17.00 per ton, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$17.25 per ton, delivered

9,000 ton Road Slag 22-A Natural (\$11.27 in 2009; \$27,518.96)

Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$11.25 per ton, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$12.45 per ton, delivered

500 tons Sylva Patching Materials – UPM-CP-7, or ASTM Specification C-136 #9 or Statite CP-6, or similar product (\$90.00 in 2009; \$23,844.00)

Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$100.00 per ton, delivered
Rieth-Riley Construction Co.	867 Egypt Valley, Ada MI 49301	\$115.00 per ton, delivered

Note: No bids received in response to add. Bids were solicited by telephone from above vendors who are the only known suppliers for product in this area.

50,000 pounds Crack Sealant (block form) (\$0.52 in 2009; \$77,802.24)

Lakeshore PLM, INC.	6818 Harvey Street, Spring Lake, MI	\$0.48 per pound, delivered
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Note: Price quoted in effect until May 1, 2010. After May 1, 2010 bidder reserves the right to raise price based upon actual cost increase, expected to be no more than \$0.015 per pound.

200 ton Bituminous Asphalt 4:12, Base (\$62.00 in 2009; \$1,613.65)

Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$59.00 per ton, picked up
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1,000 ton Bituminous Asphalt 4:12, Top (\$63.00 in 2009; \$38,338.80)

Asphalt Paving, Inc.	1000 E. Sherman Boulevard, Muskegon MI 49444-0190	\$60.00 per ton, picked up
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85,000 gallons Calcium Chloride 38% (road brine) (\$0.47 in 2009; \$17,706.78)

Great Lakes Chloride 1012 E. Freesoil, Free Soil, MI 49660 **\$0.47 per gallon, spread**

15,000 gallons Calcium Chloride 32% (winter salting) (\$0.41 in 2009; \$2,712.47)

Great Lakes Chloride 1012 E. Freesoil, Free Soil, MI 49660 **\$0.37 per gallon, storage**

500 yards Screened Top Soil (\$9.13 in 2009; \$3,900.00)

Jackson-Merkey	555 W. Western, Muskegon, MI 49442	\$9.75 per cubic yard, delivered
Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$9.00 per cubic yard, delivered
Felco Contractors, Inc.	856 Pulaski Ave., Muskegon, MI 49441	\$10.00 per cubic yard, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$12.95 per ton, delivered

Note: Past experience with top soil from Verplank has shown their product contains more clay which increases staff time to spread product. Prior use of the product has also generated complaints from citizens.

500 ton 2NS Sand (\$6.40 in 2009; \$1,952.70)

Jackson-Merkey	555 W. Western, Muskegon, MI 49442	\$4.16 per ton, delivered
Yellow Rose Transport	3531 Busch Dr., Grandville, MI 49418	\$6.75 per ton, delivered
Verplank Trucking Co.	PO Box 8, Ferrysburg, MI 49409	\$6.75 per ton, delivered

Concrete mix as needed (7 Sack Mix \$81.00* in 2009, \$54,560.25)

Port City Redi-Mix **\$81.00 per cubic yard, 7 Sack Mix, delivered**
1780 Sheridan Road, Muskegon, MI 49442

Consumers Concrete \$80.00 per cubic yard, 7 Sack Mix, delivered
4400 E. Evanston Avenue, Muskegon MI 49442

Note: Consumers Concrete's bid includes \$30.00 charge for each separate location drop, which makes their bid higher over the course of the year.

**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. Purchases will be made from recommended bidder, contingent upon product availability, timely deliveries, and prices as quoted.*

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids for:
Janitorial Services Contract 2010-2013

SUMMARY OF REQUEST:

Award the Janitorial Services Contract to Reliant Professional Cleaning Services out of Grand Haven. The contract is to clean City Hall, DPW, and the Filtration Plant for the next three (3) years starting May 1st 2010 until April 30th of 2013 with an option of a 4th year. Reliant Professional Cleaning Services was the lowest responsible bidder, see attached tabulation sheet, with a bid price as follows:

	YEAR 1	YEAR 2	YEAR 3	TOTAL
PUBLIC SERVICE BUILDING	12,804.00	12,804.00	12,804.00	\$38,412.00
CITY HALL / POLICE DEPT	36,564.00	36,564.00	36,564.00	\$109,692.00
WATER FILTRATION PLANT	12,420.00	12,420.00	12,420.00	\$37,260.00
ALL SITES	\$61,788.00	\$61,788.00	\$61,788.00	\$185,364.00

FINANCIAL IMPACT:

The above stated annual costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Award the three year contract to Reliant Professional Cleaning.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON JANITORIAL SERVICES 2010-2013

BID TABULATION 03/16/10

CONTRACTOR ADDRESS	RELIANT PROFESSIONAL CLEANING 216 N SEVENTH ST GRAND HAVEN MI 49417				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	\$ 12,804.00	\$ 12,804.00	\$ 12,804.00	\$ 12,804.00	\$ 38,412.00
CITY HALL	\$ 36,564.00	\$ 36,564.00	\$ 36,564.00	\$ 36,564.00	\$ 109,692.00
WATER FILTRATION PLANT	\$ 12,420.00	\$ 12,420.00	\$ 12,420.00	\$ 12,420.00	\$ 37,260.00
ALL SITES	\$ 61,788.00	\$ 61,788.00	\$ 61,788.00	\$ 61,788.00	\$ 185,364.00
CONTRACTOR ADDRESS	CSM SERVICES 3536 HIGHLAND DR. HUDSONVILLE MI 49426				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	INFORMATION NOT PROVIDED BY CONTRACTOR				
CITY HALL					
WATER FILTRATION PLANT					
ALL SITES	\$ 70,364.00	\$ 70,364.00	\$ 70,364.00	\$ -	\$ 211,092.00
CONTRACTOR ADDRESS	PROFESSIONAL JANITORIAL SERVICES, INC 1370 WALKER RD MUSKEGON MI 49442				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	\$ 13,335.24	\$ 14,001.96	\$ 14,702.04	\$ 14,702.04	\$ 56,741.28
CITY HALL	\$ 43,223.40	\$ 45,384.60	\$ 47,653.80	\$ 47,653.80	\$ 136,261.80
WATER FILTRATION PLANT	\$ 16,657.20	\$ 17,490.12	\$ 18,364.68	\$ 18,364.68	\$ 52,512.00
ALL SITES	\$ 73,215.84	\$ 76,876.68	\$ 80,720.52	\$ 80,720.52	\$ 230,813.04
CONTRACTOR ADDRESS	EDWARDS JANITORIAL SERVICE 661 SCENIC DR. N. MUSKEGON, MI 49445				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	\$ 16,157.56	\$ 16,157.56	\$ 16,157.56	\$ 16,157.56	\$ 48,472.68
CITY HALL	\$ 58,208.52	\$ 58,208.52	\$ 58,208.52	\$ 58,208.52	\$ 174,625.56
WATER FILTRATION PLANT	\$ 12,712.00	\$ 12,712.00	\$ 12,712.00	\$ 12,712.00	\$ 38,136.00
ALL SITES	\$ 87,078.08	\$ 87,078.08	\$ 87,078.08	\$ 87,078.08	\$ 261,234.24
CONTRACTOR ADDRESS	GOODWILL INDUSTRIES 271 E APPLE AVE MUAKEGON MI 49442				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	\$ 16,645.44	\$ 16,645.44	\$ 16,645.44	\$ 16,645.44	\$ 49,936.32
CITY HALL	\$ 59,558.52	\$ 59,558.52	\$ 59,558.52	\$ 59,558.52	\$ 178,675.56
WATER FILTRATION PLANT	\$ 17,745.48	\$ 17,745.48	\$ 17,745.48	\$ 17,745.48	\$ 53,236.44
ALL SITES	\$ 93,949.44	\$ 93,949.44	\$ 93,949.44	\$ 93,949.44	\$ 281,848.32
CONTRACTOR ADDRESS	HARAMBEE ENTERPRISES, INC. 450 WEST HACKLEY AVE, STE A MUSKEGON HEIGHTS MI 49444				
ITEM OF WORK	YEAR 1	YEAR 2	YEAR 3	YEAR 4 (OPT)	TOTAL 3 YR CONTRACT
PUBLIC SERVICE BUILDING	INFORMATION NOT PROVIDED BY CONTRACTOR				
CITY HALL					
WATER FILTRATION PLANT					
ALL SITES	\$ 191,404.17	\$ 191,404.17	\$ 191,404.17	\$ 191,404.17	\$ 574,212.51

Agenda Item No. _____

Date: March 23, 2010
To: Honorable Mayor and City Commission
From: Robert H. Kuhn, Director of Public Works
RE: 2010, 2011 and 2012 Street Sweeping Contract

SUMMARY OF REQUEST:

To award three-year contract to provide four (4) annual street sweepings to Tri-Us Services, Inc., 78 N. Ball Creek Rd., Kent City, Michigan.

FINANCIAL IMPACT:

\$139,700.50 each year; \$419,101.50 over the course of the contract. Excludes special requests charged at \$100/hour.

BUDGET ACTION REQUIRED:

None; monies appropriated in Highway and state trunkline budgets.

STAFF RECOMMENDATION:

Approval of this request.



Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: Robert H. Kuhn, Director of Public Works
Subject: 2010, 2011, 2012 Street Sweeping Contract

Two bid proposals to provide street sweeping services for years 2010, 2011 and 2012 were received as the result of solicitation in *The Chronicle*: Tri-Us Services, Inc., 78 N. Ball Creek Road, Kent City, Michigan and Sanisweep, Inc., 0-3450 Riverhill Drive NW, Grand Rapids, Michigan.

Four annual sweeps are required of 358.62 miles of non-trunkline curbed and uncurbed paved streets and paved shoulders and 25.60 miles of trunkline (city portions of Apple Avenue and Seaway Drive) curbed and uncurbed paved streets and paved shoulders. Vendor must also perform special sweeping requests as solicited.

Tri-Us Services, Inc. bid \$139,700.50 X 3 years = \$419,101.50

Annual breakdown

358.62 non-trunkline curb miles 4 sweeps per year	\$127,310.10
25.60 trunkline curb miles 4 sweeps per year	\$ 12,390.40
\$100.00 per hour, special requests	

Sanisweep, Inc. bid \$190,057.60 X 3 years = \$570,172.80

Annual breakdown

358.62 non-trunkline curb miles 4 sweeps per year	\$172,137.60
25.60 trunkline curb miles 4 sweeps per year	\$ 17,920.00
\$130.00 per hour, special requests	

Funds to cover all expenses are budgeted. Trunkline expenses are reimbursed by the state.

It is our recommendation that the contract be awarded to Tri-Us Services, Inc. In addition to being the low bidder, Tri-Us has provided satisfactory service the past thirteen (13) years.

Date: 03/23/10
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase One Groundsmaster 3280 two wheel drive and one 3280 Groundsmaster four wheel drive mowers.

FINANCIAL IMPACT: Cost \$35,137.06

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 03/23/10

Re: Budgeted Vehicle Replacement

The Equipment Division had scheduled the replacement of two 72" commercial riding lawn mowers for 2010. One will be four wheel drive and used primarily on Seaway Drive. The other will be two wheel drive and used throughout the City's Park system. The mowers that we are replacing are eleven and fifteen years old respectively.

The statewide purchasing contract is administrated through local dealers. Spartan Distributors, out of Sparta, Michigan has the State Contract for Toro mowers and submitted the only bid.

In accordance with established purchasing policy, I am requesting permission to purchase one Groundsmaster 3280 two wheel drive and one Groundsmaster 3280 four wheel drive mower from Spartan distributors.

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Electronic Voter File's Electronic Laptop & Accessories Grant

SUMMARY OF REQUEST: Under the Help America Vote Act, the State of Michigan is offering a grant for fifteen electronic pollbook laptops & accessories at no cost to the City. Under this grant, the City needs to commit to using the electronic pollbooks at each election. This new technology has been piloted in several communities with great success.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Acceptance of the grant.

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Support of North Muskegon and Lake Ave Trail Project

SUMMARY OF REQUEST: The City of North Muskegon is applying for a Michigan Department of Transportation Enhancement grant. They are requesting that the City of Muskegon submit the attached letter of support.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: Staff has reviewed the request and has no objections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

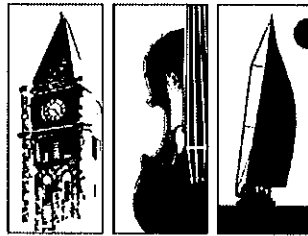
Public Works
(231)724-4100
FAX (231)722-4188

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

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

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

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

March 23, 2010

To Whom It May Concern:

We are pleased to offer our support for the North Muskegon Center St and Lake Ave Trail project. This project has been in discussion for some time, and we are pleased to see it come to fruition.

We believe this trail is important in the regional trail system that includes the Muskegon Shoreline Trail, the Musketawa Trail and the planned Berry Junction Trail. Being a part of this opportunity to provide the citizens of North Muskegon and the surrounding area with a first rate trail system to pass by would be great for the community.

The Muskegon area is blessed with abundant natural resources. The lakes, parks, beaches and rivers that run around and through the area are a beautiful sight that should be offered to all who care to enjoy them. This trail will encourage local and area residents to get up, get out and enjoy all that this region has to offer.

We offer our best wishes to all those who support and are involved with the trail, and we look forward to the day when we can enjoy this noteworthy addition to the neighborhood.

Sincerely,

Stephen J. Warmington
Mayor

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

<http://www.shorelinecity.com>

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Liquor License Renewal Resolution – Final Recommendations

SUMMARY OF REQUEST: To adopt the final resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances.

Many businesses on the attached list are found to owe taxes to the City. As instructed by the City Commission, representatives of these businesses may be present at the meeting having made payment arrangements and asking the City Commission for leniency.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: To adopt a final recommendation to be forwarded to the Liquor Control Commission.

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

Resolution No. 2010-21(a)

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

AND WHEREAS, a hearing was held on March 9, 2010, before the City Commission to allow such licensees an opportunity to refute the determination of the City Commission that such establishments are in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission; and

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

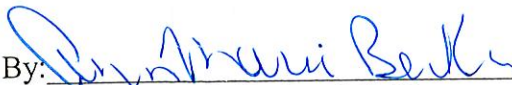
NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon hereby recommends that these liquor licenses not be approved for renewal, and a copy of this Resolution be sent to the State Liquor Control Commission. If any of these establishments come into compliance before March 23, 2010, they will be removed from this Resolution.

Approved and adopted this 9th day of March, 2010.

AYES: Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

NAYS: None

ABSENT: Carter

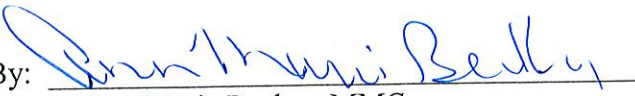
By: 
Ann Marie Becker, MMC
City Clerk

Name	Address	Money Owed	Occupancy Permit
Captain Jack's Bar & Grill	1601 Beach	X	
Dockers Fish House & Lounge	3505 Marina View Pt.	X	
Dreamer's	978 Pine	X	
Lakeshore Tavern	1963 Lakeshore		X
Muskegon Recreation Club	1763 Lakeshore	X	
The Flamingo II	1161 - 1163 E. Laketon	X	X
Walgreen's	1000 S. Getty		X
Walgreen's	840 W. Sherman		X

CERTIFICATION
2010-21(a)

This resolution was adopted at a regular meeting of the City Commission, held on March 9, 2010. 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

By: 
Ann Marie Becker, MMC
City Clerk

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Michigan Strategic Fund – Christian Care

SUMMARY OF REQUEST: The Michigan Strategic Fund is considering an application from Christian Care for issuance of tax exempt bonds by the Fund for a project in Muskegon Township. Christian Care is currently located in the City of Muskegon and moving the company will be a loss of 20 full-time positions within the City. If the City Commission wishes to raise an objection, a certified resolution stating such must be forwarded the Michigan Strategic Fund.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: None.



MICHIGAN STRATEGIC FUND

300 N. WASHINGTON SQ.
LANSING, MI 48913

March 10, 2010

MSF BOARD

D. GREGORY MAIN
President and Chair
Michigan Economic
Development Corporation

LINDA EWING
United Auto Workers

JAMES HERBERT
Neogen Corporation

PAUL E. HODGES, III

GEORGE W. JACKSON, JR.
Detroit Economic
Growth Corporation

ROBERT KLEINE
Michigan Department
of Treasury

MITCHELL A. MONDRY
M Group, LLC

JAMES G. PETCOFF
JPFS, LLC

STANLEY PRUSS
Michigan Department
of Energy, Labor &
Economic Growth

RICHARD E. RASSEL
Butzel Long

CHARLES ROTHSTEIN
Beringea LLC

Ms. Ann Becker, City Clerk
City of Muskegon
933 Terrace Street
Muskegon, MI 49440

Dear Ms. Becker:

The Michigan Strategic Fund (the "Fund") is currently considering an application from Christian Care (the "Company") for the issuance of tax exempt bonds by the Fund for a Project in Muskegon Charter Township, Muskegon, Michigan.

Currently, the Company is located in Muskegon, Muskegon County, and, therefore, the Company will be moving to Muskegon Charter Township, Muskegon County, with an attendant transfer of more than 20 full-time persons.

Section 12a of the Michigan Strategic Fund Act, 1984 PA 270 (the "Act") requires that this notification be provided to you as a municipality from which employment of 20 or more full-time persons will be transferred should financing be provided under the Act. Section 12a states as follows:

"The fund shall not provide a loan, loan insurance, or guarantee for a public work which assists a project or exercise any of its power in relation to a project if completion of the project will cause the transfer of employment of more than 20 full-time persons from 1 or more municipalities of the state to the municipality for which the loan, loan insurance, or guarantee is provided or in which the project is located unless all of the following are met:

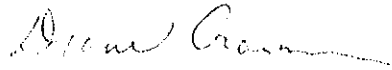
- a) The fund provides information to each municipality from which such employment is to be transferred.

Ms. Ann Becker
Page Two
March 10, 2010

b) If any notified municipality objects within 30 days to the transfer of employment, the board votes by majority vote of its members to enter the transaction notwithstanding the employment transfer and the objections to the transfer."

Should the City of Muskegon desire to raise any objection, you should send a certified resolution of the City Council setting out the objection to me. If there is no objection, please send me a transmittal confirming there is no objection as soon as possible.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Cranmer".

Diane Cranmer
Private Activity Bond Specialist –
Authorized Michigan Strategic Fund Officer

cc: Tim Konieczny, Esq.
Andrew Hakken, Esq.
Jan Clark

Commission Meeting Date: March 23, 2010

Date: March 17, 2010

To: Honorable Mayor and City Commission

From: Community and Neighborhood Services Department

RE: 2010 – 2011 CDBG/HOME Recommendations.

SUMMARY OF REQUEST: To accept the recommendations of the Administration and Citizen's District Council in regards to the 2010 – 2011 CDBG/HOME anticipated entitlement. The Commission is scheduled to make their preliminary decision regarding the 2010-2011 CDBG/HOME allocation entitlement during the City Commission meeting scheduled for March 23, 2010, with final determination at the April 13th meeting.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the acceptance of the recommendations of the Administration and Citizen's District Council and to make their preliminary recommendations.

COMMITTEE RECOMMENDATION: The Citizen District Council has made their recommendations. (See attached spreadsheet and memo.)

Community Development Block Grant 2010 - 2011

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Preliminary Rec.	City Comm Final Determination
American Red Cross	Senior Transportation*	\$5,000	\$0	\$3,500		
Community enCompass	Healthy Neighborhood Project*	\$6,000	\$0	\$3,500		
HealthCARE	Health Outreach*	\$3,813	\$0	\$3,500		
Legal Aid	Foreclosure Legal Services*	\$16,500	\$0	\$3,500		
Legal Aid	Housing Related Legal Services*	\$5,500	\$0	\$3,500		
Love INC	Handicap Ramps*	\$5,000	\$0	\$3,500		
Muskegon Community Health Project	Uninsured Diabetes Outreach*	\$5,000	\$0	\$3,500		
Muskegon Main Street	Downtown Economic Development*	\$10,000	\$0	\$3,500		
PBMS Veterans Resource Services	Veteran Support Services*	\$0	\$0			
West Michigan Veterans	Food Bank*	\$5,000	\$0	\$3,500		
COM - Affirmative Action	Affirmative Action	\$10,000	\$10,000	\$10,000		
COM - Affirmative Action	Summer Internships	\$10,000	\$0	\$10,000		
COM - CNS	CDBG Admin **	\$182,000	\$175,000	\$175,000		
COM - CNS	Emergency Repair	\$200,000	\$200,000	\$200,000		
COM - CNS	Delivery Service	\$80,000	\$65,000	\$65,000		
COM - CNS	Vinyl Siding	\$150,000	\$150,000	\$150,000		
COM - DPW	Senior Transit*	\$66,985	\$45,000	\$45,000		
COM - Engineering	Street Construction	\$65,000	\$0	\$0		
COM - Finance	Fire Station Bond Repayment	\$159,453	\$159,453	\$159,453		
COM - Inspections	Dangerous Bldgs - Demolition & Board Ups	\$60,000	\$50,000	\$50,000		
COM - Leisure Services	Youth Recreation*	\$103,000	\$70,000	\$70,000		
COM - Planning	Code Enforcement	\$57,675	\$47,500	\$47,500		
COM - Planning Comm Economic Dev	Façade	\$30,000	\$20,000	\$20,000		
Total CDBG Request		\$1,235,926	\$991,953	\$1,033,453	\$0	\$0
Total CDBG Allocated		\$999,433	\$999,433	\$999,433	\$999,433	\$999,433
Expected program income		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Total		\$1,049,433	\$1,049,433	\$1,049,433	\$1,049,433	\$1,049,433
Allocated/Request Difference		(\$186,493)	\$57,480	\$15,980	\$1,049,433	\$1,049,433
Total Amt of Public Service*		\$231,798	\$115,000	\$146,500	\$0	\$0
Public Service mandated Amt <= to 15%		\$157,415	\$157,415	\$157,415	\$157,415	\$157,415
Difference		(\$74,383)	\$42,415	\$10,915	\$157,415	\$157,415
Total Amt of City Administration Request**		\$182,000	\$175,000	\$175,000	\$0	\$0
Administrative mandated Amt < 20%		\$209,887	\$209,887	\$209,887	\$209,887	\$209,887
Difference		\$27,887	\$34,887	\$34,887	\$209,887	\$209,887

NOTE:

* Public Service

** City CDBG Administration

HOME Grant 2010 - 2011

Organization/Agency	Activity	Amount Requested	Administration Recommendation	CDC Rec	City Commission Preliminary Rec.	City Comm Final Determination
Community enCompass	Housing Transition Asst****	\$70,000	\$32,500	\$32,500		
Muskegon County Habitat for Humanity	Infrastructure/construction (3 homes)****	\$56,650	\$45,000	\$56,650		
Neighborhood Investment Corporation	Home purchase rehab loans****	\$75,000	\$30,000	\$18,350		
COM - CNS	HOME Administration***	\$30,000	\$30,000	\$30,000		
COM - CNS	HOME Rental Rehabilitation	\$65,000	\$60,000	\$60,000		
COM - CNS	HOME Sr Weatherization/Energy Cons	\$150,000	\$120,000	\$60,000		
Total HOME Request		\$446,650	\$317,500	\$257,500	\$0	\$0
Total HOME Allocated		\$322,469	\$322,469	\$322,469	\$322,469	\$322,469
(+) Program Income		\$0	\$0	\$0	\$0	\$0
Total		\$322,469	\$322,469	\$322,469	\$322,469	\$322,469
Allocated/Request Difference		(\$124,181)	\$4,969	\$64,969	\$322,469	\$322,469
Total Amt of HOME Administration***		\$30,000	\$30,000	\$30,000	\$0	\$0
Total Amt mandated Amt = 10%		\$32,247	\$32,247	\$32,247	\$32,247	\$32,247
Difference		\$2,247	\$2,247	\$2,247	\$32,247	\$32,247
Total Amt of HOME CHDO request****		\$201,650	\$107,500	\$107,500	\$0	\$0
Total Amt mandated 15%		\$48,370	\$48,370	\$48,370	\$48,370	\$48,370
Difference		(\$153,280)	(\$59,130)	(\$59,130)	\$48,370	\$48,370

NOTE:

*** Home Administration

**** CHDO Request

MEMO



**Community and
Neighborhood Services**
City of Muskegon
933 Terrace Street
Second Floor
Muskegon, MI 49442
Ph: 231-724-6717
Fax: 231-726-2501

Date: March 16, 2010
To: City Commission & Mayor
From: Citizen's District Council
Re: 2010 – 2011 CDBG/HOME Grant Recommendations

The CDC wants the City Commission to know their reasoning for differing with the Administration Recommendations.

For CDBG, Administration recommended no funding for the nine public service agencies. There is a City policy stating a minimum of \$25,000 must be provided to the public service organizations collectively. The CDC recommends \$3,500 for each of the nine agencies.

For Affirmative Action, Summer Internships, Administration recommended no funding. The CDC feels this is a project worth funding since CDBG is for low/mod-income usage and this program falls under that category. Four low-income students would benefit from this program.

For Leisure Services, Administration recommended funding at \$70,000 and the CDC agrees. However, the CDC wants it know that a tax was passed in the 1990's, which the tax payers are still paying, that said the City would give \$170,000 to youth recreation.

These recommendations will still leave CDBG a cushion of \$15,980.

Under the HOME requests, Administration recommended only funding \$32,000 to Habitat for Humanity. The CDC recommends funding Habitat for Humanity at the full request of \$56,650 because this is a very low cost to build three houses to benefit low-income families.

For Neighborhood Investment Corporation Administration recommended funding \$30,000. The CDC recommends decreasing the funding to \$18,350. At their presentation Tim Burgess, Executive Director for NIC, said they were having difficulty this year finding appropriate properties for their program.

For the CNS Senior Weatherization/Energy Conservation request, Administration recommended funding at \$120,000. The CDC recommends this be cut to \$60,000 because this is a duplicated service that MOCAP also offers.

These recommendations will still leave HOME a cushion of \$64,969.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: March 23, 2010

RE: Police Patrol Contract

SUMMARY OF REQUEST:

To ratify a collective bargaining agreement with the Police Patrol Union (Police Officers Labor Council) for years 2010 and 2011.

FINANCIAL IMPACT:

Provided in separate summary.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request and authorize the Mayor and Clerk to execute the agreement.

COMMITTEE RECOMMENDATION:

None.

Date: March 23, 2010
To: Honorable Mayor and City Commissioners
From: City Manager's Office
RE: Standards of Conduct Resolution

SUMMARY OF REQUEST: A proposed Standards of Conduct Resolution is attached for the City Commission's consideration.

FINANCIAL IMPACT: None.

STAFF RECOMMENDATION: None.

Resolution City of Muskegon Elected Officials Standards of Conduct

WHEREAS, It is paramount to the City of Muskegon that all elected officials avoid conflicts between their private interests and those of the general public who they serve; and

WHEREAS, To enhance the faith of the people and the integrity and impartiality of elected officials, the City intends to establish standards for the conduct of elected officials; and

WHEREAS, Elected officials should avoid conduct which undermines public trust by creating in the minds of reasonable and impartial observers the perception that government office has been used improperly; and

WHEREAS, Elected officials servants should not engage in any conduct which could create in the mind of a reasonable observer the belief that persons will receive better or different service if they provide personal benefits or political support to an elected official; and

WHEREAS, Soliciting a gift or loan of money, goods, services or other items of value for the benefit of an elected official is prohibited. This prohibition does not include inexpensive unsolicited gifts or items received during the normal course of conducting city business.

NOW THEREFORE BE IT RESOLVED that City of Muskegon elected officials should not use, nor allow others to use the authority, title or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests.

Dated this 23rd day of March 2010.

Stephen J. Warmington
Mayor

Ann Marie Becker, MMC
City Clerk

DATE: 03/12/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090114

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 **919 WINDSOR AVE Area 12** 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: # EN090114 - 919 WINDSOR AVE

Location and ownership: This structure is located on Windsor between Hudson and Kinsey Streets and is owned by KENNISTON DAVID.

Staff Correspondence: A dangerous building inspection was conducted on 05/01/09. The Notice and Order to Repair was issued on 05/09/09. On 07/02/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 07/02/09. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$16,000 (Entire property)

Estimated cost to repair: \$30,000 (Exterior Only)

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

SUMMARY FOR: 919 WINDSOR AVE

This is a single family wood framed structure. This building is currently exposed to the weather and shows signs of structural members rotting away. The building currently has siding that is incomplete. The garage for this building is currently in a state of structural failure. This property represents a current blighting influence on the neighborhood and can only continue to deteriorate.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Monday, May 4, 2009

Enforcement # EN090114 **Property Address** 919 WINDSOR AVE
Parcel #24-175-000-0076-00 **Owner** KENNISTON DAVID

Inspector: Henry Faltinowski

Date completed: 05/01/2009

DEFICIENCIES:

Uncorrected

1. Replace all damaged roof covering missing fascia on roof system of home.
2. Replace all missing, damaged siding, remove all rotted siding.
3. Replace rim joists that are rotted.
4. Replace all damaged windows and doors.
5. Replace garage roof covering.
6. Rebuild garage to MRC 2006 code structurally failing.
7. Request interior inspection by trade inspectors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

919 Windsor 5/1/2009





919 Windsor



DATE: 03/12/2010
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090232

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 **439 HOUSTON AVE Area 10** 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: # EN090232 - 439 HOUSTON AVE

Location and ownership: This structure is located on Houston between Seventh and Sixth Streets and is owned by SZCZESNY JAMIN P.

Staff Correspondence: A dangerous building inspection was conducted on 09/21/09. The Notice and Order to Repair was issued on 09/24/09. On 11/05/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 11/05/09. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$30,300 (Entire property)

Estimated cost to repair: \$5,000 (Exterior only)

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

SUMMARY FOR: 439 HOUSTON AVE

This is a two story wood framed, single family dwelling. This structure is currently vacant and partially exposed to the weather. Permits were issued in 2006 to renovate this building, but were allowed to expire in 2007. Since that time it appears that the project has been abandoned. This building if allowed to remain in this condition will continue to deteriorate.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Monday, September 21, 2009

Enforcement # EN090232 **Property Address** 439 HOUSTON AVE
Parcel #24-205-370-0002-00 **Owner** SZCZESNY JAMIN P

Inspector: Henry Faltinowski

Date completed: 09/21/2009

DEFICIENCIES:

Uncorrected

1. Exterior of home has incomplete window installation exposed osb is deteriorated.
2. Large area of exterior siding has peeling paint.
3. Bilco door is fall of debris; rotting wood.
4. Permits on home have expired.
5. Interior inspection by trade inspectors requested.

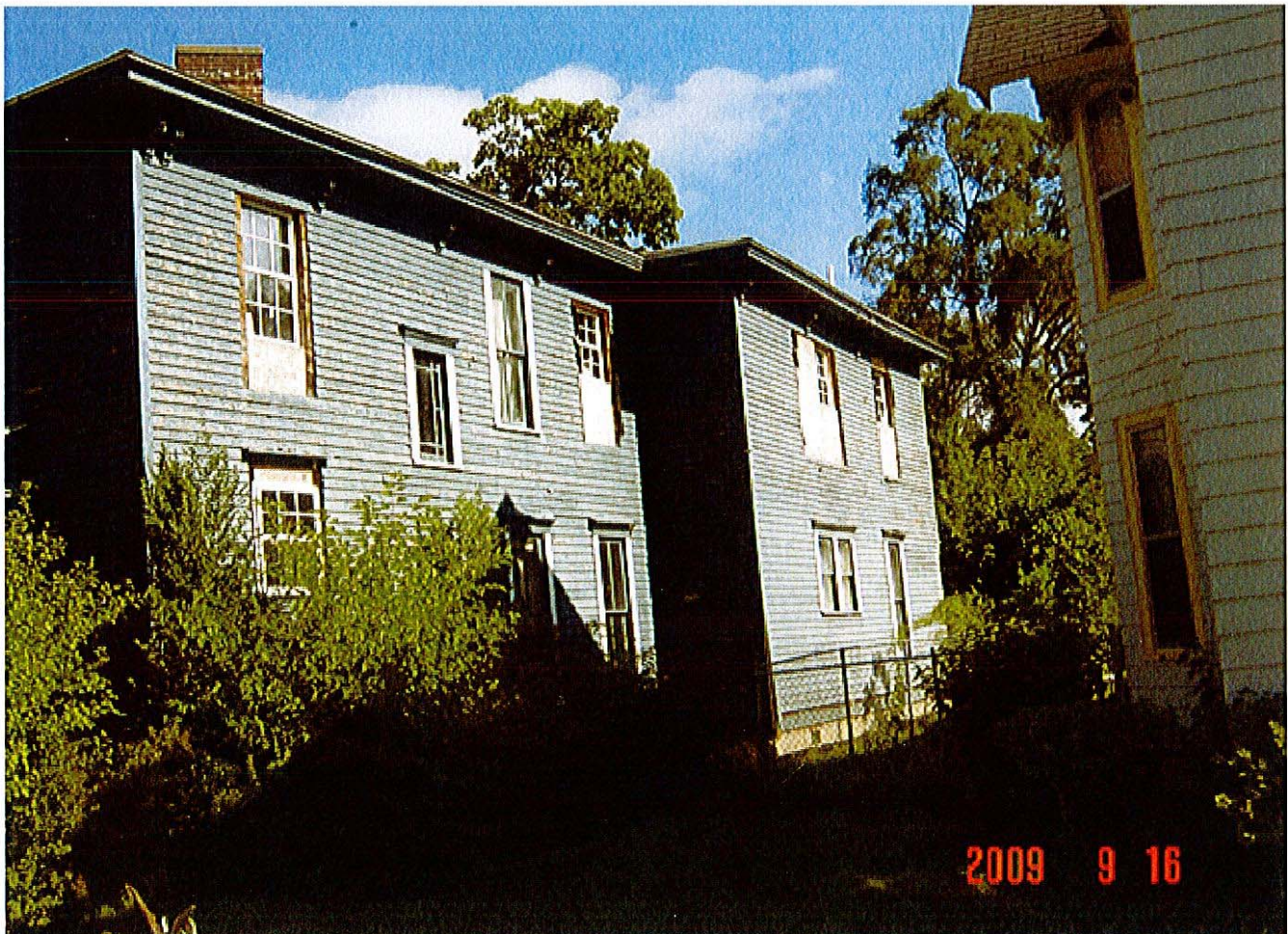
Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

Henry Faltinowski, Building Inspector

Date

P.B 439 Houston





439 Houston

