

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 10, 2006

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. 22nd Annual Night Out. PUBLIC SAFETY
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Appointment to Muskegon Housing Commission. CITY MANAGER
 - C. FIRST READING: Rezoning Request for Property Located at 65 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - D. Vacation of the East/West Alley in Block 203 of the City of Muskegon Revised Plat of 1903. PLANNING & ECONOMIC DEVELOPMENT
 - E. Vacation of a Portion of East Western Avenue. PLANNING & ECONOMIC DEVELOPMENT
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Clerical/Technical Union Tentative Agreements. ASSISTANT CITY MANAGER
 - B. FIRST READING: Zoning Ordinance Amendment for Outdoor Solid Fuel Heating Appliances. PLANNING & ECONOMIC DEVELOPMENT

C. **FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance.** PLANNING & ECONOMIC DEVELOPMENT

D. **Extending the Deadline for Taking Action on Proposed Mall Historic District.** PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

E. **Release of Funds and Certification for U.S. Department of Housing and Urban Development.** CITY MANAGER

❑ **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:** To discuss pending litigation.

❑ **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 GAIL A. KUNDINGER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

CERTIFICATE OF RECOGNITION

WHEREAS, Muskegon has been selected as a National Award Winner for its outstanding participation in the 22nd Annual National Night Out crime, drug and violence prevention program; and

WHEREAS, Muskegon was one of 186 communities in 5 population categories to be recognized with a National Night Out Award out of more than 10,000 participating communities; and

WHEREAS, the Neighborhood Associations of Muskegon, Consumers Energy and Target Stores assisted in promoting this event of uniting police and community to heighten crime and drug prevention awareness, generate support for and participation in local anticrime programs, strengthen neighborhood spirit and police-community partnerships and send a message to criminals letting them know that neighborhoods are organized and fighting back; and

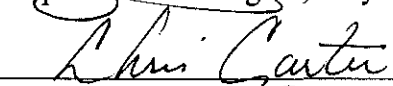
WHEREAS, the benefits our community derives from National Night Out has certainly extended well beyond the one night, and

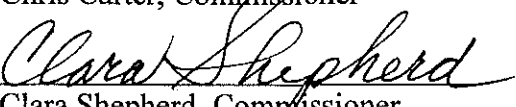
WHEREAS, the Sheldon Park, McLaughlin, Oakview, Marsh Field, Angell and Nims Neighborhood Associations and the East Muskegon Neighborhood Alliance held special events for National Night Out 2005 to bring their residents together to get to know each other and show their solidarity in working to eliminate crime and better their communities.

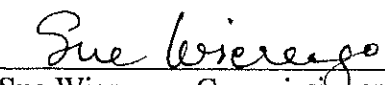
NOW, THEREFORE BE IT RESOLVED THAT, I, Stephen Warmington, by virtue of the authority vested in me as Mayor and speaking on behalf of the entire City Commission and all our citizens, do hereby tender to the Muskegon Neighborhood Associations, Consumers Energy and Target this Certificate of Public Recognition for their outstanding work in bringing this special recognition to Muskegon.

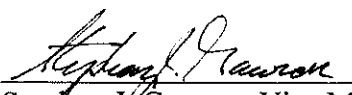
IN WITNESS WHEREOF, we hereunto set our hands and cause the seal of the City of Muskegon to be affixed this 10th day of January, 2006.

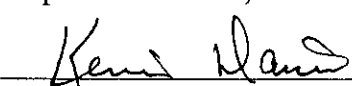

Stephen J. Warmington, Mayor

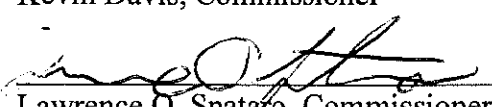

Chris Carter, Commissioner


Clara Shepherd, Commissioner


Sue Wierengo, Commissioner


Stephen J. Gawron, Vice Mayor


Kevin Davis, Commissioner


Lawrence O. Spataro, Commissioner

Date: January 10, 2006
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the December 12th Commission Worksession, and the December 13th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JANUARY 10, 2006

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, January 10, 2006.

Mayor Warmington opened the meeting with a prayer from Pastor David Rogers from the Zion 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, Commissioner Chris Carter, Kevin Davis, Clara Shepherd, Lawrence Spataro, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kunding.

2006-02 HONORS AND AWARDS:

A. 22nd Annual National Night Out. PUBLIC SAFETY

Denny Powers presented certificates to the Neighborhood Associations, Plumbs, Lowe's, Consumers Energy, and Target thanking them for their work and for bringing this recognition to Muskegon.

2006-03 INTRODUCTIONS/PRESENTATION:

Commissioner Shepherd introduced Mrs. Donna Littlejohn, Executive Director and CEO, of the Muskegon Family Care Center.

2006-04 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the December 12th Commission Worksession, and the December 13th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Appointment to Muskegon Housing Commission. CITY MANAGER

SUMMARY OF REQUEST: To confirm the re-appointment of Mary Jo McCann to the Muskegon Housing Commission for a 5-year term, from 2-1-06 to 1-31-11.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City Commission confirms the appointment.

C. FIRST READING: Rezoning Request for Property Located at 65 W. Laketon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the property located at 65 W. Laketon Avenue, from R-1, One Family Residential to B-4, General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 12-15-05 meeting. The vote was unanimous.

D. Vacation of the East/West Alley in Block 203 of the City of Muskegon Revised Plat of 1903. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of the east/west alley in City of Muskegon Revised Plat of 1903, Block 203, bounded by Wood Street, Amity Avenue, Emerald Street and Orchard Avenue.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the alley, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION: The Planning Commission recommended vacation of the alley at their 12-15-05 meeting, with the condition that all utility easement rights be retained. The vote was unanimous.

E. Vacation of a Portion of East Western Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for the vacation of E. Western Avenue, between Ottawa and Hall Streets.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of E. Western Avenue, with the condition that all utility easement rights be retained, including the new Muskegon County sewer line easement.

COMMITTEE RECOMMENDATION: The Planning Commission unanimously

recommended the vacation, with the condition as listed above.

Motion by Commissioner Davis, second by Commissioner Carter to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

2006-05 NEW BUSINESS:

A. Clerical/Technical Union Tentative Agreements. ASSISTANT CITY MANAGER

SUMMARY OF REQUEST: To approve the set of tentative agreements reached with the Clerical/Technical Union and amend the Clerical Pension Ordinance accordingly, and to authorize the Mayor to sign a three-year bargaining agreement for the period 1/1/06 to 12/31/08.

FINANCIAL IMPACT:

Union Issues:

Pension

1. Provide a deferred compensation program with a match from \$500 per employee per year.

Wages

1. An across the board 2% pay increase in each of three years and a one time payment of \$100 for all full-time employees covered by the collective bargaining agreement upon signing of the contract.
2. Annual payment of \$150 to bi-lingual Union employees fluent in Spanish.

City Issues:

Insurance

1. Increase co-pays for generic drugs to \$20 and brand name drugs to \$40 for individuals in the traditional plan. If there is no generic brand, then the generic brand co-pay applies.
2. Increase employee premium co-pay to \$20 bi-weekly.
3. Investigate the establishment of an employee health insurance savings account in order to allow employees to contribute pre-tax monies to be used for health and prescription costs after retirement.

Pension

1. Employees hired after January 1, 2006, will participate in a defined contribution retirement plan instead of the defined benefit plan. City shall contribute 3% of pay. If the employee contributes 3% of pay,

the City will match that amount. Employee's contribution shall be fully vested. The City's contribution shall be 20% vested after the first year, 40% vested after the second year, 60% vested after the third year, 80% vested after the fourth year and 100% vested after the fifth year. Current employees will be provided a one time option of rolling over from the defined benefit retirement plan to the defined contribution retirement plan.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the Clerical/Technical Union contract agreement and authorize the Mayor and Clerk to sign the necessary documents.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

B. FIRST READING: Zoning Ordinance Amendment for Outdoor Solid Fuel Heating Appliances. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2311 of Article XXIII (General Provisions) to prohibit outdoor solid fuel heating appliances in all zoning districts.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding outdoor solid fuel heating appliances.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 12/15/05 meeting. The vote was unanimous.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the amendment of Section 2311 of Article XXIII to prohibit outdoor solid fuel heating appliances in all zoning districts.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

C. FIRST READING: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add a definition for "Solid Fuel Heating Appliance".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add a definition for "Solid Fuel Heating Appliance".

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the amendment at their 12/15/05 meeting. The vote was unanimous in favor of the amendment.

Motion by Commissioner Carter, second by Commissioner Davis to approve the amendment of Article II of the Zoning Ordinance to add a definition for "Solid Fuel Heating Appliance".

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

D. Extending the Deadline for Taking Action on Proposed Mall Historic District. PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

SUMMARY OF REQUEST: To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004, but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005. Because that deadline will expire shortly, Staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

Motion by Commissioner Shepherd, second by Commissioner Spataro to approve the extending of the deadline for taking action on the proposed Mall Historic District.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

E. Release of Funds and Certification for U.S. Department of Housing and Urban Development. CITY MANAGER

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the release of funds and certification for the U.S. Department of

Housing and Urban Development.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2006-06 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Davis, second by Commissioner Spataro to go into Closed Session to discuss pending litigation at 6:10 p.m.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

Motion by Commissioner Carter, second by Vice Mayor Gawron to go back into Open Session at 6:33 p.m.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Carter to concur with the City Attorney's recommendation and accept the settlement offer and authorize the Mayor and City Clerk to sign the necessary documents.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:35 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: January 3, 2006

RE: Appointment to Muskegon Housing Commission

SUMMARY OF REQUEST:

To confirm the re-appointment of Mary Jo McCann to the Muskegon Housing Commission for a 5-year term, from 2/1/06 – 1/31/11.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends that the City Commission confirms the appointment.

COMMITTEE RECOMMENDATION:

Commission Meeting Date: January 10, 2006

Date: December 20, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 65 W. Laketon Avenue

SUMMARY OF REQUEST:

Request to rezone the property located at 65 W. Laketon Avenue, from R-1, One Family Residential to B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/15 meeting. The vote was unanimous.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2177

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from R-1 "One Family Residential" to B-4 "General Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from R-1 "One Family Residential" to B-4 "General Business":

CITY OF MUSKEGON DENNIS SMITH & COS SOUTH SIDE ADDLOTS 1-4 & N 19 FT OF LOT 5 BLK 6 ALSO E 1/2 OF VAC N 1/2 OF ALLEY ADJ TH' TO ALSO W 1/2 OF SD VAC ALLEY ADJ TO FOLL S 3 FT OF LOT 14 & N 40 FT LOT 13 BLK 6 ALSO W 1/2 OF SD VAC ALLEY ADJ TO FOLL N 33 FT OF LOT 12 & S 10 FT LOT 13 BLK 6 (ALLEY VAC BY CITY RES 99-65)

This ordinance adopted:

Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

Adoption Date: 1-10-06

Effective Date: 1-24-06

First Reading: 1-10-06

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk

CERTIFICATE (Rezoning of 65 W. Laketon Avenue R-1 to B-4)

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 10th day of January, 2006, 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: January 11, 2006.

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on January 10, 2006, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from R-1 "One Family Residential" to B-4 "General Business":

CITY OF MUSKEGON DENNIS SMITH & COS SOUTH SIDE ADDLOTS 1-4 & N 19 FT OF LOT 5 BLK 6 ALSO E 1/2 OF VAC N 1/2 OF ALLEY ADJ TH'TO ALSO W 1/2 OF SD VAC ALLEY ADJ TO FOLL S 3 FT OF LOT 14 & N 40 FT LOT 13 BLK 6 ALSO W 1/2 OF SD VAC ALLEY ADJ TO FOLL N 33 FT OF LOT 12 & S 10 FT LOT 13 BLK 6 (ALLEY VAC BY CITY RES 99-65)

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

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

Published 1-14, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

December 15, 2005

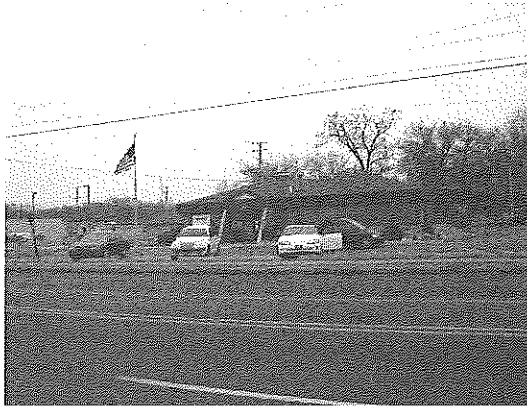
Hearing; Case 2005-51: Request to rezone the property at 65 W. Laketon Avenue from R-1, One Family Residential, to B-4, General Business, by Muskegon Governmental Employees Federal Credit Union.

BACKGROUND

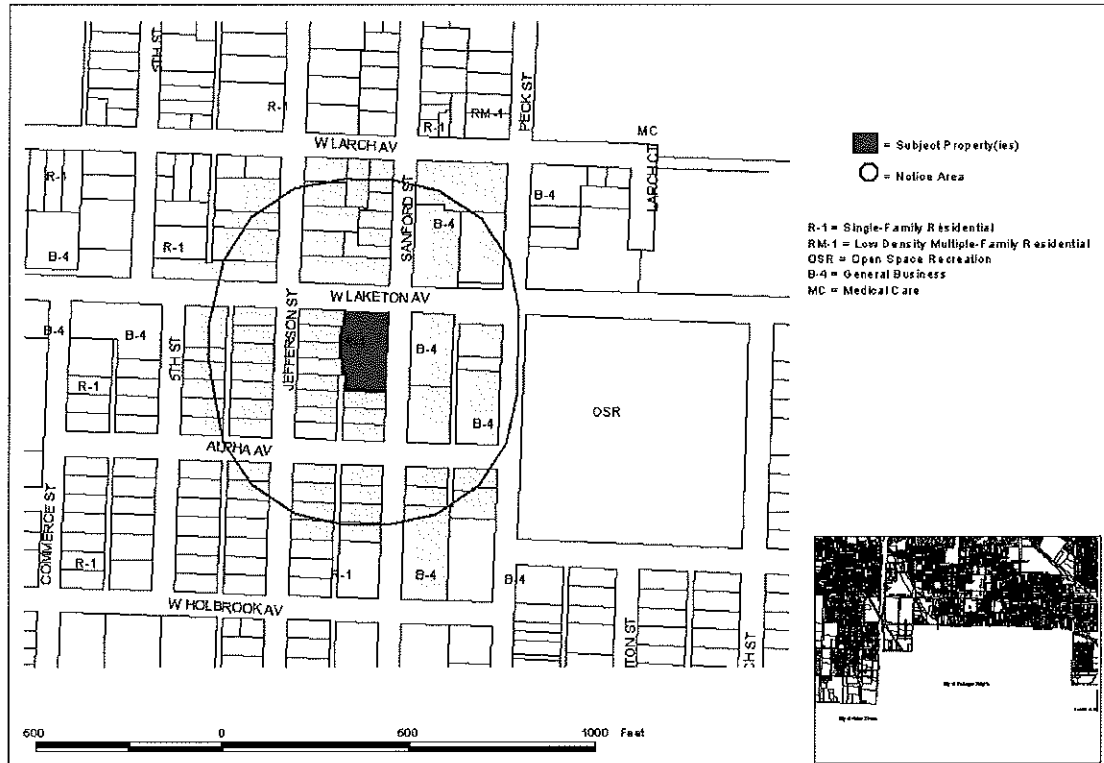
<u>Applicant:</u>	Muskegon Governmental Employees Federal Credit Union
<u>Property Address/Location</u>	65 W. Laketon Avenue
<u>Request:</u>	Rezone from R-1, One Family Residential to B-4, General Business
<u>Present Land Use:</u>	Commercial/Credit Union
<u>Zoning:</u>	R-1, One Family Residential

STAFF OBSERVATIONS

1. The subject property at 65 W. Laketon Avenue has been the home of the credit union since the 1960s. Why it was allowed to located in a residential zoning district is unknown.
2. The improper zoning came to staff's attention recently when the credit union applied for sign permit, and staff routinely checked the zoning on the property.
3. The applicant would like to bring the property into zoning compliance.
4. Properties to the North, South and West are zoned R-1, One Family Residential. To the east, across Sanford Street the zoning is B-4, General Business.
5. The Master Plan states "Implement, through zoning, buffer requirements to mitigate compatibility impacts between residential and non residential uses."
6. The credit union has provided screening and landscaping between their property and the adjacent residential properties.
7. Staff has received an e-mail from Mark Anderson, Proline Construction Services, 1871 Peck Street in favor of the request. .



**City of Muskegon
Planning Commission
Case # 2005-51**



RECOMMENDATION

Staff recommends approval of the request to rezone the subject properties from R-1 to B-4 because the request conforms to the goals and recommendations of the City's 1997 Master Plan.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify the petitioned change in zoning**.
2. **What are the precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.
7. Is the proposed zoning change a "**Spot Zone**"?
 - a. Is the parcel **small in size relative to its surroundings**?
 - b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity**?
 - c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
 - d. A spot zone is **appropriate if it complies with the Master Plan**.

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 65 W. Laketon Avenue from R-1, One Family Residential district to B-4, General Business district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: January 10, 2005

Date: December 19, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Vacation of the east/west alley in Block 203 of the City of Muskegon Revised Plat of 1903

SUMMARY OF REQUEST:

Request for vacation of the east/west alley in City of Muskegon Revised Plat of 1903, Block 203, bounded by Wood St., Amity Ave., Emerald St. and Orchard Ave.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the alley, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the alley at their 12/15 meeting, with the condition that all utility easement rights be retained. The vote was unanimous.

RESOLUTION #2006-04(d)

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the east 120 feet of the east/west alley in Block 203 of the City of Muskegon Revised Plat of 1903, bounded by Wood St., Amity Ave., Emerald St., and Orchard Ave.; and,

WHEREAS, the Planning Commission held a public hearing on December 15, 2005, to consider the petition and, subsequently, recommended the vacation; and,

WHEREAS, due notice had been given of said hearing as well as the January 10, 2006, City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the east/west alley, in Block 203 City of Muskegon Revised Plat of 1903 bounded by Wood St., Amity Ave., Emerald St., and Orchard Ave., County of Muskegon, State of Michigan.

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said alley vacated and discontinued, provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon operating in, over and upon said portion of alley hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the City shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

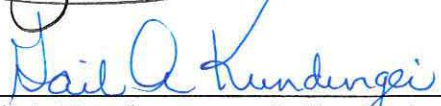
Adopted this 10th day of January, 2006.

Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo,
and Carter

Nays: None

Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Gail A. Kunderger, MMC, City Clerk

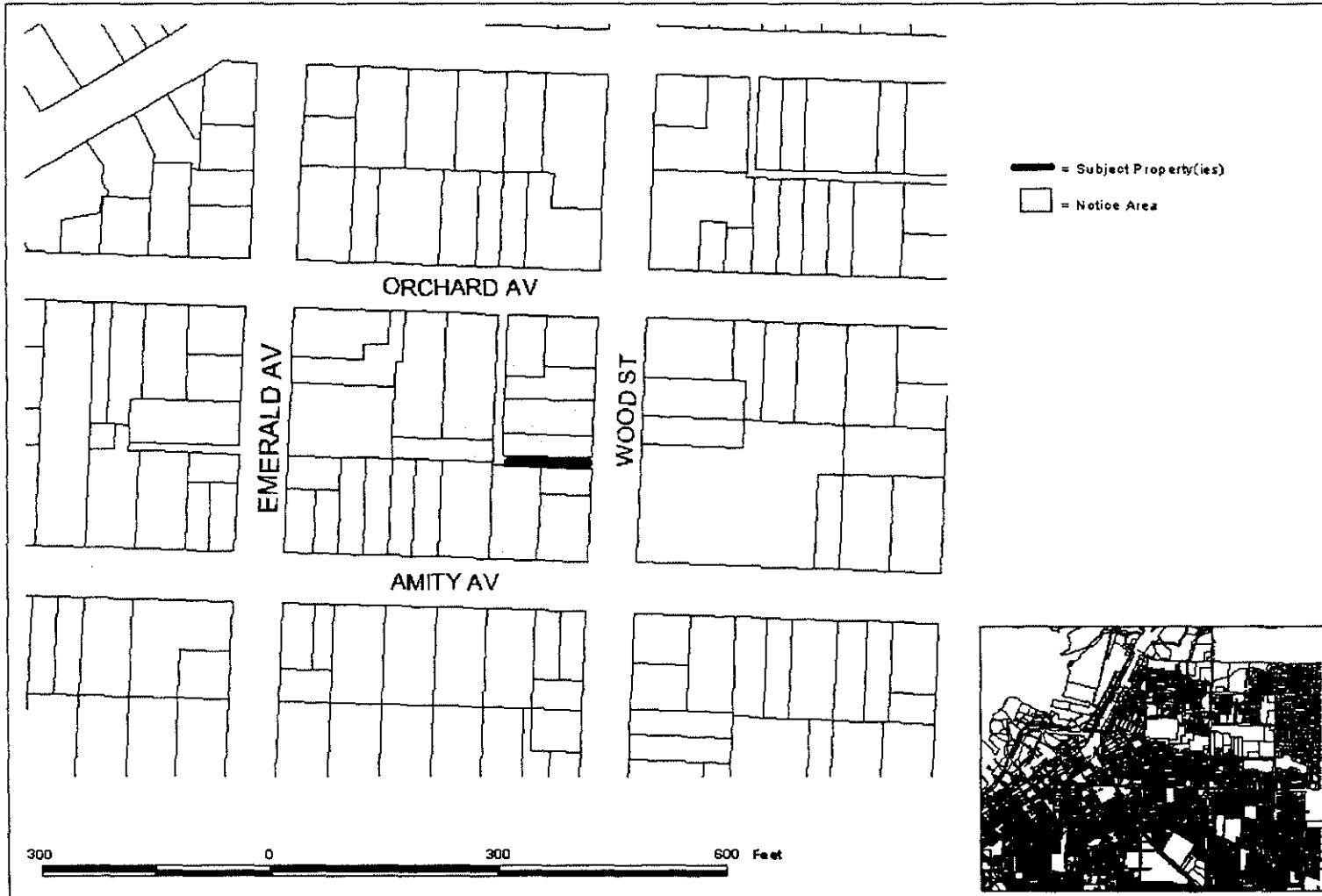
CERTIFICATION (East/West Alley Vacation in Block 203 of the City of Muskegon Revised Plan
of 1903)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by
the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular
meeting held on January 10, 2006.



Gail Kunding, MMC
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case # 2005-49



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
December 15, 2005

Hearing; Case 2005-49: Request to vacate the alley located in Block 203 bounded by Wood, Amity, Emerald and Orchard, by Douglas H. Conlon.

BACKGROUND

The applicant owns the house located at 861 Wood Street, and the alley in question runs very close to his property line on the south side of his home. His only driveway and parking area is located in and along this alley. He is requesting the vacation of the east-west portion of this alley from Wood Street to the rear of his property only. If this alley is vacated it would provide the property he needs for a proper driveway leading to parking in the rear of his home. Vacation of the alley would also prohibit both auto and foot traffic from traveling down this alley in such close proximity to his home. There is a City-owned parcel that runs parallel to the rear of the properties at 358, 364 and 372 Amity that has the appearance of an alley. Staff is working with Engineering and the City Attorney to officially dedicate this parcel as an alley, so access can be continued to those parcels. (See attached map.)

Engineering, DPW and Fire have all been requested to inspect this alley to determine if problems for access would be created if it was vacated. DPW responded by saying that there are no City-owned utilities located in this portion of the alley, and they have no problems with the vacation. Fire also responded that the vacation was acceptable, since all fire and EMS vehicles would have access through the alternative route, which is the north-south portion of the alley. Engineering has no issues with vacating this portion of the alley. All utility rights should be retained as a condition of approval.



East-west alley as viewed from Wood St.



North-south portion of alley.

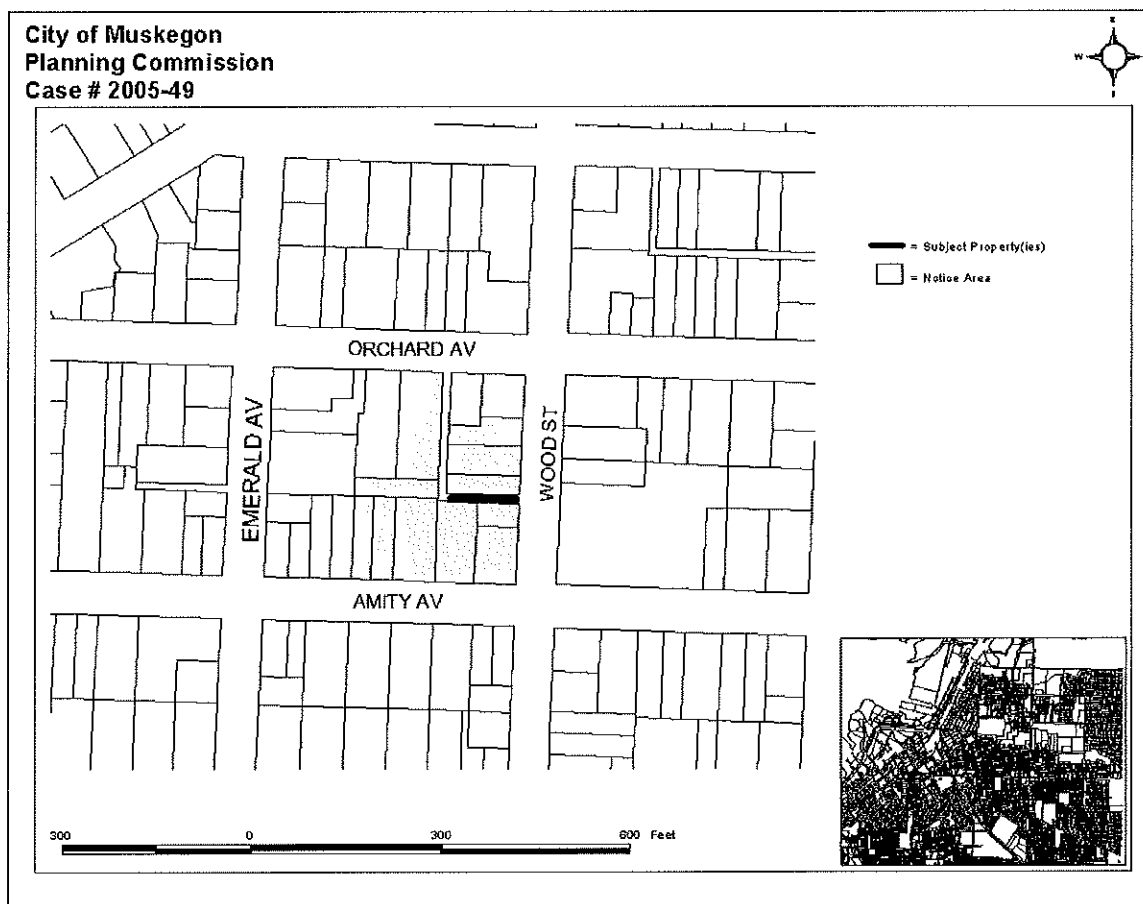
STAFF RECOMMENDATION

Staff recommends approval of the request.

DELIBERATION

I move that the vacation of east-west portion of the alley bounded by Wood Street, Amity Avenue, Emerald Street, and Orchard Avenue be recommended to the City Commission for (approval/denial, based on (compliance/lack of compliance)), with the City's Master Land Use Plan, with the following condition:

1. All utility easements will be retained.



Commission Meeting Date: January 10, 2006

Date: December 16, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *ABC*
RE: Vacation of a portion of E. Western Avenue

SUMMARY OF REQUEST:

Request for the vacation of E. Western Avenue, between Ottawa and Hall Streets.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of E. Western Ave., with the condition that all utility easement rights be retained, including the new Muskegon County sewer line easement.

COMMITTEE RECOMMENDATION:

The Planning Commission unanimously recommended the vacation, with the condition as listed above.

CITY OF MUSKEGON

RESOLUTION #2006- 04(e)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate E. Western Avenue, between Ottawa and Hall Streets; and

WHEREAS, the Planning Commission held a public hearing on December 15, 2005 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the January 10, 2006 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue E. Western Avenue, between Ottawa and Hall Streets; and

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with any fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of street hereby vacated, and it is hereby expressly declared that any such rights shall remain in full force and effect;

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 10th day of January, 2006.

Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo,
and Carter

Nays: None

Absent: None

By: 

Steve Warmington, Mayor

Attest: 

Gail A. Kunding, MMC, City Clerk

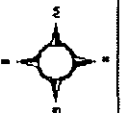
CERTIFICATE (Vacation of E. Western Avenue between Ottawa and Hall Streets)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on January 10, 2006.



Gail Kunderger, MMC
Clerk, City of Muskegon

City of Muskegon
Planning Commission
Case # 2005-45



■ Subject Property(ies)
□ = Notice Area



**Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING**

December 15, 2005

Hearing; Case 2005-45: Staff initiated request to vacate a portion of E. Western Avenue between Ottawa and Hall Streets.

BACKGROUND

This request involves a short section of E. Western Avenue that has now been cut off Ottawa Street that was rerouted due go the new Shoreline Drive extension. This section of street sees very little use, and is unpaved. The properties fronting Muskegon Lake in this area could still be accessed from Hall Street.

The vacation would allow Sportfisherman's easier access to their service area and provide some additional outside parking of boats waiting for service and repair.

Utility rights would need to be retained, since there are several utilities located in this section of E. Western, including City water and sewer. The Department of Public Works and Engineering have no objections to vacating this portion of the street, provided the utility rights are retained. The Fire Department has no objections to vacating this portion of the street.

Muskegon Rag and Metal has access through a driveway off of Ottawa Street. Don Frazier from Sportfisherman's will be in attendance at the meeting to discuss his property situation since the extension of Shoreline Drive.



E. Western looking North behind
Sportfisherman's



E. Western looking South behind
Sportfisherman's

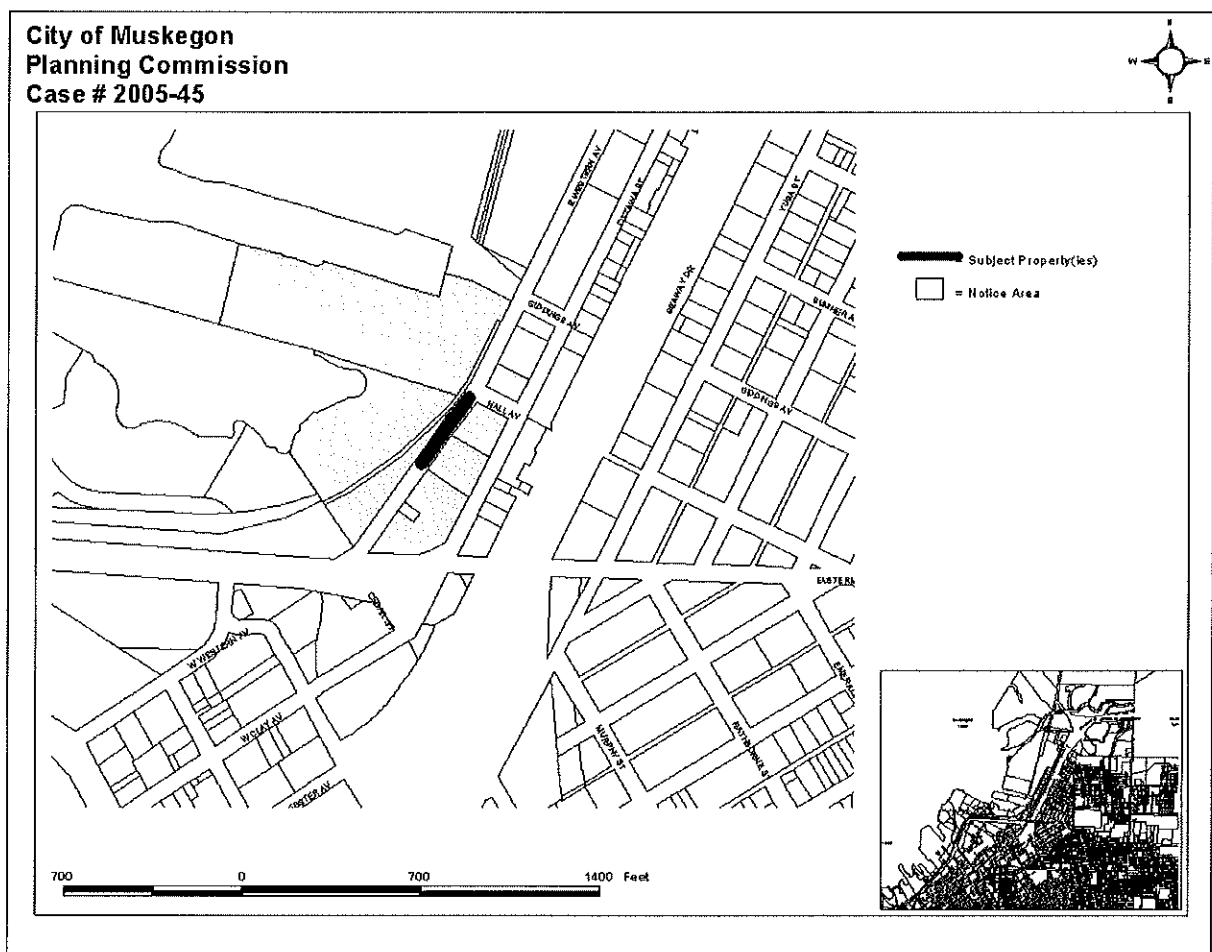
STAFF RECOMMENDATION

Staff recommends approval of the request.

DELIBERATION

I move that the vacation of E. Western Avenue between Ottawa and Hall Streets be recommended to the City Commission for (approval/denial, based on (compliance/lack of compliance), with the City's Master Land Use Plan, with the following condition:

1. All utility easements will be retained.



MEMORANDUM

To: Mayor and City Commission
From: Lee J. Slaughter, Assistant City Manager
Date: December 28, 2005
Re: Clerical/Technical Union Tentative Agreements

SUMMARY OF REQUEST:

To approve the set of tentative agreements reached with the Clerical/Technical Union and to authorize the Mayor to sign a three-year bargaining agreement for the period 1/1/06 to 12/31/08.

FINANCIAL IMPACT:

Union Issues:

Pension

1. Provide a deferred compensation program with a match from \$500 per employee per year.

Wages

1. An across the board 2% pay increase in each of three years and a one time payment of \$100 for all full-time employees covered by the collective bargaining agreement upon signing of the contract.
2. Annual payment of \$150 to bi-lingual Union employees fluent in Spanish.

City Issues:

Insurance

1. Increase co-pays for generic drugs to \$20 and brand name drugs to \$40 for individuals in the traditional plan. If there is no generic brand, then the generic brand co-pay applies.
2. Increase employee premium co-pay to \$20 bi-weekly.
3. Investigate the establishment of an employee health insurance savings account in order to allow employees to contribute pre-tax monies to be used for health and prescription costs after retirement.

Pension

1. Employees hired after January 1, 2006 will participate in a defined contribution retirement plan instead of the defined benefit plan. City shall contribute 3% of pay. If the employee contributes 3% of pay, the City will match that amount. Employee's contribution shall be fully vested. The City's contribution shall be 20% vested after the first year, 40% vested after the second year, 60% vested after the third year, 80% vested after the fourth year and 100% vested after the fifth year. Current employees will be provided a one time option of rolling over from the defined benefit retirement plan to the defined contribution retirement plan.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends approval.

Commission Meeting Date: January 10, 2006

Date: December 20, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment for Outdoor Solid Fuel Heating Appliances

SUMMARY OF REQUEST:

Request to amend Section 23~~3~~1 of Article XXIII (General Provisions) to prohibit outdoor solid fuel heating appliances in all zoning districts.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language regarding outdoor solid fuel heating appliances.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 12/15 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

December 15, 2005

Hearing; Case 2005-53: Staff initiated request to amend Section 2311 (General Provisions, new #9), of Article XXIII of the Zoning Ordinance to prohibit “solid fuel heating appliances” in the City of Muskegon.

BACKGROUND

The City’s Inspection Department began receiving calls regarding installation of the outdoor units late last summer. The interest has undoubtedly been sparked because of rapidly rising natural gas and fuel oil prices and fears of high heating bills to be hitting consumers this winter. The City presently has no ordinance in place that deals with these heating appliances, and so has been forced to allow an proposed appliance to be approved by zoning for the new Wood Trucking building in Seaway Industrial Park.

There are many reasons for concern regarding these devices. The most obvious would be the smoke and air pollution associated with the burning of solid fuels such as wood, coal, corn, pellets, and biomass. Even though most of us aren’t old enough to remember, I am sure you’ve all seen pictures from the past of a smoke haze hanging over the City from wood and coal burning appliances and foundries.

Another factor to be considered regarding these type of heating appliances is the space necessary to store the fuel, such as wood or coal. Many homes in the City are located on 33 ft. lots with very small yard space already, without the addition of the many cords of wood it would take to operate one of these furnaces. If not neatly stacked and cleaned up after, woodpiles can become an eyesore in a hurry, not to mention attracting rodents and insects.

The large heating appliances which are installed outside would be considered to be “accessory structures”, by the zoning ordinance, and the number of them is limited in residential zones. Installation of an outdoor heating appliance could prohibit necessary storage sheds on residential lots.

At the November 22nd City Commission meeting, a moratorium was placed on outdoor solid fuel heating appliances until such time the Planning Commission and City Commission can approve zoning ordinance language regarding these units.

The following approved language was obtained by staff through another municipality who adopted language approved by the Michigan Municipal League. It was also reviewed by the City Attorney and given his approval:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are **bold**.

"Due to the nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, outdoor solid fuel heating appliances are prohibited in all zoning districts in the City of Muskegon."

DELIBERATION

I move that the amendment to Section 2311 (new #9), Article XXIII (General Provisions), to prohibit outdoor "solid fuel heating appliance" in all zoning districts in the City of Muskegon, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2178

An ordinance to amend Section 2311 of Article XXIII (General Provisions) to prohibit outdoor solid fuel heating appliances in all zoning districts.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2311 of Article XXIII (General Provisions) to add ordinance language prohibiting outdoor solid fuel heating appliances in all zoning districts as follows:

9. **"Due to the nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, outdoor solid fuel heating appliances are prohibited in all zoning districts in the City of Muskegon."**

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter,
Davis, and Gawron

Nayes: None

Adoption Date: January 10, 2006

Effective Date: January 26, 2006

First Reading: January 10, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunding
Gail A. Kunding, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of January, 2006, 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: January 11, 2006.

Gail A. Kunding
Gail A. Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 10, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2331 of Article XXIII (General Provisions) to prohibit outdoor solid fuel heating appliances in all zoning districts.

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

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

Published 1-16, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: January 10, 2006

Date: December 20, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Zoning Ordinance Amendment to Article II (Definitions) of the Zoning Ordinance

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add a definition for "Solid Fuel Heating Appliance".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add a definition for "Solid Fuel Heating Appliance".

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the amendment at their 12/15 meeting. The vote was unanimous in favor of the amendment.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2179

An ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Solid Fuel Heating Appliance".

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) is hereby amended to include the following definitions for "Solid Fuel Heating Appliance":

Solid Fuel Heating Appliance - Heating appliances that are intended to burn solid fuels, such as wood, coal, or any other biomass fuel. Solid fuel heating appliance does not include solid fuel fired cooking appliances."

This ordinance adopted:

Ayes: Spataro, Warmington, Wierengo, Carter, Davis,
Gawron, and Shepherd

Nayes: None

Adoption Date: January 10, 2006

Effective Date: January ³¹~~26~~, 2006

First Reading: January 10, 2006

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of January, 2006, 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: January 11, 2006.

Gail A. Kunderger
Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 10, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Solid Fuel Heating Appliance".

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

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

Published 1-21, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunder, MMC
City Clerk

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

Account No. 101-80400-5354

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on January 10, 2006, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) of the Zoning Ordinance to add a definition for "Antique Shop".

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

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

Published 1-16, 2006

CITY OF MUSKEGON

By _____
Gail A. Kunder, MMC
City Clerk

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

Account No. 101-80400-5354

*Correction
republished
1-21-06*

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

December 15, 2005

Hearing; Case 2005-54: Staff initiated request to amend Article II (Definitions) of the Zoning Ordinance to add the definition for “Solid Fuel Heating Appliance”.

In order to differentiate these heating appliances from, for example, an outdoor fire pit or cooking grills, it is necessary to add a definition to the zoning ordinance. The following definitions comes from the State of Michigan Building Code:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are **bold**.

Solid Fuel Heating Appliance - Heating appliances that are intended to burn solid fuels, such as wood, coal, or any other biomass fuel. Solid fuel heating appliance does not include solid fuel fired cooking appliances."

DELIBERATION

I move that the amendment to Article II (Definitions), of the Zoning Ordinance to add a definitions for “Solid Fuel Heating Appliance”, be recommended to the City Commission for (approval/denial).

Date: January 6, 2006
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Extending the deadline for taking action on proposed
Mall Historic District

SUMMARY OF REQUEST:

To extend the deadline for taking action on the proposed Mall Historic District. A public hearing was held on January 21, 2004 but no action was taken. This public hearing triggered an automatic one-year deadline for taking action. City Commission extended this deadline for one year in January of 2005. Because that deadline will expire shortly, Staff is requesting that the City Commission extend the deadline for one more year.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution extending the time period to take action on whether or not to designate the Mall buildings as a historic district.

COMMITTEE RECOMMENDATION:

Resolution No. 2006-05 (d)

MUSKEGON CITY COMMISSION
RESOLUTION TO EXTEND THE DEADLINE FOR CONSIDERATION OF THE POTENTIAL
MALL HISTORIC DESIGNATION

WHEREAS, the Muskegon City Commission previously designated a historic district study committee to conduct basic research, inventory, and determine the historic significance of a resource or resources within a proposed historic district located in the mall, described as: CITY OF MUSKEGON REVISED PLAT OF 1903, Lot 16 EXC SWLY 8 FT, BLK 565 (Daniels); CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 17, BLK 565 (Century Club); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 18, BLK 565 (Savings and Loan/ GTE); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 8, BLK 311 (National City); CITY OF MUSKEGON REVISED PLAT OF 1903, LOT 11, BLK 310, AND THE E 35 FT OF N 10 FT OF VAC FIRST ST AND N ½ OF VAC E/W ALLEY ADJ. TO SD PROP (Hackley Bank);

WHEREAS, the one year deadline to take action will expire on January 24, 2006, and

WHEREAS, under state statute in establishing an historic district (section 399.203 of Public Act 169), the local legislative body may extend the deadline for taking action on whether or not to designate a historic district,

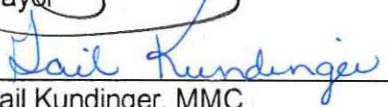
NOW THEREFORE BE IT RESOLVED, that the deadline for taking action on whether or not to designate this specific proposed historic district be extended for one year to expire on January 10, 2007.

Adopted this 10th day of January, 2006.

Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd,
and Spataro

Nays: None

Absent: None


Stephen J. Warmington
Mayor

Gail Kunding, MMC
City Clerk

CERTIFICATION

2006-05 (d)

I attest that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a meeting held on January 10, 2006.



Gail Kunding, MCC
Clerk

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 11/30/2004)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) ECONOMIC DEVELOPMENT INITIATIVE GRANT	2. HUD/State Identification Number B-05-SP-MI-0502	3. Recipient Identification Number (optional) N/A
4. OMB Catalog Number(s) 14-246	5. Name and address of responsible entity CITY OF MUSKEGON 933 TERRACE ST MUSKEGON, MI 49440	
6. For information about this request, contact (name & phone number) DR. ALAN STEINMAN (616) 331-3854 or WILMERN GRIFFIN (231) 724-6963	7. Name and address of recipient (if different than responsible entity) GRAND VALLEY STATE UNIVERSITY ANNIS WATER RESOURCE INSTITUTE 740 W. SHORELINE DRIVE MUSKEGON, MI 49441	
8. HUD or State Agency and office unit to receive request DETROIT		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) BUILDING REHABILITATION (GRAND VALLEY STATE UNIVERSITY ANNIS WATER RESOURCE INSTITUTE)	10. Location (Street address, city, county, State) 740 W. SHORELINE DRIVE MUSKEGON, MI 49441
--	--

11. Program Activity/Project Description

- THE ACTIVITIES BUILDING REHABILITATION
1. CONSTRUCT 8' FENCE
 2. REPLACE ROOF
 3. RAHABILITATION OF FIELD STATION AND REPLACE SIDEWALK
 4. PROJECT PLANNING: PREPARATION OF A MASTER PLAN

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal ☐ did ☐ did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

CITY MANAGER

Date signed

JANUARY 06, 2006

Address of Certifying Officer

933 TERRACE ST
MUSKEGON, MI 49440

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)