

CITY OF WHITEHALL
CITY COUNCIL WORK SESSION
405 E. COLBY STREET, WHITEHALL, MI
GARDEN ROOM
July 10, 2018
5:00 p.m.

AGENDA

1. Meeting Called to Order
2. Discussion Items
 - City Charter Amendment – Elected Mayor
 - Rental Inspection Ordinance
3. Informational Items
4. Public Comment *
5. Meeting Adjourned

City of Whitehall, 405 E. Colby Street, Whitehall, MI 49461; 231-894-4048

* PUBLIC COMMENT: Citizens wishing to speak on any subject matter or with regard to items on the agenda should use this opportunity. As a courtesy to the council, come to the podium, state your name, and direct your comments to the board. Please limit comments to three minutes.

Shall the following Sections the Charter of the City of Whitehall be amended as follows:

Sec 3.7 At each regular city election there shall be elected three (3) Council members elected for a term of four (4) years and such additional number as may be required to fill vacancies pursuant to provisions of this charter and who shall receive the next highest number of votes in order, shall be elected for a term of two (2) years.

At each regular city election there shall be elected a Mayor elected for a term of two (2) years. A Council member may choose to run for Mayor without forfeiting the remainder of their term unless successfully elected as Mayor. In such case, provisions of this charter for filling a vacancy shall be followed. No person shall be allowed to simultaneously run for position of Council member and Mayor.

Sec 4.12 The Council shall at its first meeting held following each regular city election, elect one of its members to serve as mayor pro tem...

If these changes are successful in the November 2018 election, they would become effective beginning with the November 2019 election. July 31 is the deadline for including issues on the ballot this November. The terms of Ellie Dennis, Norm Kittleson, Steve Salter, and Kevin Spencer expire in 2019. They would have to decide if they wanted to run for mayor, council, or neither. Debi Hillebrand, Jen Hain, and Virginia DeMumbrum could choose to run for mayor in 2019 without risk of vacating their term prior to 2021.

**CITY OF WHITEHALL
ORDINANCE 18-XX**

**AN ORDINANCE TO AMEND TITLE XI BUSINESS REGULATIONS BY ADOPTING CHAPTER 116
ENTITLED "RENTAL PROPERTY"**

THE CITY OF WHITEHALL ORDAINS:

That Title XI Business Regulations be amended by adopting Chapter 116 "Rental Property" to read as follows:

§116.01 Purpose and Intent

The City of Whitehall recognizes a compelling interest in establishing standards for safe residential rental structures and residential rental units in the City. This ordinance is designed to promote continued maintenance of safe rental properties.

§116.02 Scope

This Article shall apply to any dwelling or part thereof, or any other structure or part thereof, which is occupied by persons other than the owner and the owner's immediate family, pursuant to any oral or written rental or lease agreement, or other valuable compensation for the purpose of residing therein or thereon. Rental units shall include, but not be limited to single family dwellings, multiple family dwellings, rooming houses, boarding house, or any structure, building or property used for residential dwelling purposes.

This Article shall not apply to hospitals; nursing homes; convalescent homes; foster homes; temporary group shelters provided by legal nonprofit agencies which are inspected, certified, and licensed by the State of Michigan; hotels and motels licensed and inspected by the State of Michigan; or apartment complexes under the jurisdiction of a state or federal agency.

§116.03 Registration

- (A) The owner of any rental unit existing as of the effective date of this ordinance, shall be responsible for the registration of each rental unit no later than ninety (90) days after the effective date of this ordinance.
- (B) The owner of any rental unit existing after the effective date of this ordinance shall be responsible for the registration of each rental unit prior to allowing occupancy of any new or converted rental dwelling unit.
- (C) A new owner of a registered rental unit shall be responsible for the submittal of a new registration within thirty (30) days of assuming ownership.
- (D) The owner of any rental unit shall be responsible for submitting any

information changes to an existing registration form.

- (E) Registration forms will be provided by the City.
- (F) It shall be a violation for any owner or agent of the owner to provide inaccurate information for the registration of rental units or fail to provide required information.

§116.04 Certificate of Compliance

- (A) Rental units shall not be occupied without a certificate of compliance. Certificates of compliance shall be valid for three (3) years from the date of issue. Existing occupied rental units that are properly registered will have up to three years to obtain a certificate of compliance.
- (B) Rental units shall be inspected, maintained, and approved under applicable City ordinances prior to the issuance of a Certificate of Compliance.
- (C) The City Council, by separate resolution, shall establish reasonable fees directly associated with actual costs for the administration of this ordinance including but not limited to registration, inspections, subsequent inspections, appeals, and penalties.
- (D) The City shall request permission from the tenant before entering a rental unit. Inspections should occur during normal business hours unless prior arrangements have been made. Upon presentation of a warrant, an inspection may occur without the tenants consent.
- (E) Inspections shall be made on each rental unit every three years or upon the initial registration of a new rental unit; upon receipt of a complaint from an owner or occupant of the rental unit; upon referral from the Police Department, Fire Authority, school official, or any other public agency; upon receipt of knowledge that a rental unit is not registered; or upon evidence of a code violation observed by a City employee.
- (F) The City may require the owner of a leasehold to do one or more of the following: provide the City access to the rental unit if the lease provides the owner a right of entry; provide access to areas other than a rental dwelling or areas open to public view, or both; notify a tenant of the City's request to inspect a rental unit, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a rental unit after the City has requested to inspect that rental unit, the owner shall notify the City of that fact within ten (10) days after the tenant has vacated.
- (G) All units in multiple dwelling complexes shall be inspected except where the owner has a valid certificate of compliance and contacts the City for an inspection within ninety (90) days prior to the expiration of the certificate. In such case, only 50% of the units shall be inspected. The units inspected shall be chosen at random by the inspector. For

each unit where a violation is discovered, an additional unit shall be added to the number of units inspected. This section does not apply to the initial application for a certificate of compliance for a multiple dwelling complex.

- (H) The City shall issue a certificate of compliance for a rental unit when the City finds that the unit complies with the standards set forth in this ordinance, and any applicable City ordinances. No certificate of compliance shall be issued until all fees and debts to the City have been paid in full.
- (I) The City may extend a certificate of compliance for up to four (4) months for the purpose of balancing the inspection workloads and for a valid appeal application.

§116.05 Compliance Standards

All of the following standards shall be met prior to the issuance of a Certificate of Compliance.

- (A) All smoke alarms/detectors required by the building or fire code along with all other smoke alarms/detectors above those minimally required shall be installed in compliance with those codes or the manufacturers recommendations and be fully operational at all times.
- (B) All doors, doorways, and windows designed as a means of egress shall be maintained clear of furniture, debris, and other materials, inside and out, at all time so as to maintain a safe means of egress during an emergency.
- (C) No basement, cellar, or portion thereof shall be used as a habitable bedroom unless it includes a windowed designed as a means of egress that meets building or fire code regulations.
- (D) All doors and windows designed as a means of egress shall be readily operable from the side from which egress is to be made without the need for keys, special knowledge, or special effort.
- (E) All emergency exit signs shall be maintained operable at all times.
- (F) All buildings shall be kept clean of equipment, combustible waste, and vegetation which may be considered a fire hazard.
- (G) All buildings with fuel fired appliances or attached garages shall install carbon monoxide detectors in accordance with manufacturer's recommendation and shall maintain them operable at all times.
- (H) Each residential unit shall have no less than one multi-purpose fire extinguisher located in proximity to an exit; appropriately charged and operational at all times.

§116.06 Suspension

- (A) The City shall suspend a certificate of compliance if the owner has not complied with a complaint notice.
- (B) The complaint notice shall inform the owner that the certificate of compliance has been suspended as of the date of the notice; the reason(s) for the suspension; that it is unlawful for any rental unit to continue to be occupied for more than thirty (30) days after the date of suspension or if substantial and immediate danger to life, health, or safety exists, no occupancy shall occur after the suspension and the rental unit shall be immediately vacated; that any rental unit which is vacant or becomes vacant during the suspension shall not be occupied until the certificate of compliance is reinstated or a new certificate of compliance is issued; failure to comply with the terms of suspension shall be a violation of this ordinance and shall result in immediate action necessary to force compliance; and of possible fees incurred with the suspension.
- (C) The City shall send a copy of the notice of suspension to each dwelling unit. The copy shall be addressed to occupant, sent by regular mail, and posted on the exterior of the dwelling in a conspicuous manner. Failure of an occupant to receive a copy shall not invalidate the suspension.

§116.07 Reinstatement

A suspended certificate of compliance shall be reinstated if the City determines that a rental unit has been brought into compliance with the standards of this ordinance and that any fees assessed under this ordinance have been paid in full. The City shall notify the owner by regular mail of the reinstatement. The reinstatement of a certificate of compliance shall not extend or change the expiration date of the certificate.

§116.08 Appeal

- (A) Suspension of a certificate of compliance may be appealed to the Housing Board of Appeals. An appeal must be filed within fifteen (15) days of the date of any order or ruling being appealed.
- (B) An owner who has been ordered to correct a violation within a specified period of time shall not be held accountable for any time which elapses between the time of filing an appeal and the time a decision is made by the Board. An appeal shall not stay any enforcement action necessary to abate a condition posing a threat of imminent danger to the life, safety, or health of any person or of the public.

§116.09 Housing Board of Appeals

- (A) A Housing Board of Appeals shall be created for the purpose of hearing and deciding appeals concerning the application or interpretation of the provisions of this ordinance.

- (B) The Housing Board of Appeals shall consist of five (5) members appointed by the mayor as confirmed by the City Council. Members shall serve without compensation. Each member of the Board shall be a resident of the City during their entire term. Terms shall be for three years. Terms shall be staggered with two (2) of the initial members appointed to three (3) year terms, two (2) of the initial members appointed to two (2) year terms, and the final member appointed to a one (1) year term.
- (C) The Board will annually elect a chair person and vice-chair person. The City Clerk shall serve as secretary to the Board.
- (D) Meetings of the Board shall be scheduled as needed. All meetings and notices shall comply with the Open Meetings Act.
- (E) The Board may adopt rules of procedure as desired to carry out the responsibilities of this ordinance.
- (F) The Board shall report a summary of its findings and rulings to the City Council annually. The report shall include a summary of the recurrent appeals or problems along with resultant recommendations for modifications to this ordinance.

§116.10 Appeals Standards

- (A) After all evidence and testimony has been presented and considered, the Board shall affirm, modify, or reverse the order or ruling being appealed. Any ruling by the Board shall include reasons for the decision.
- (B) Any decision to reverse or modify any order or ruling may include any necessary special conditions to carry out the intent of the provisions being appealed. The Board shall determine that the decision is necessary to avoid causing undue hardship to the appellant which is not applicable to others to whom the same order or ruling is applied; determine that the order or ruling was an incorrect interpretation of a standard of this ordinance; or determine that an alternate proposed by an appellant meets the minimum standards for housing as expressed in this ordinance.
- (C) Decisions of the Board shall be final, except that an aggrieved party shall have the right to appeal within thirty (30) days following the date of the decision to the Muskegon County Circuit Court

§116.11 Scope of Authority

Nothing in this ordinance shall be construed as to limit the scope of authority otherwise granted to the building official(s) or rental inspector(s) by this ordinance or state adopted statutes or codes.

§116.12 Responsibilities

- (A) It shall ultimately be the responsibility of the owner to keep and maintain each rental unit in compliance with the minimum basic requirements of this ordinance.
- (B) It shall be the responsibility of the tenant(s) to operate with and assist the owner to keep and maintain the rental unit in a safe condition and shall notify the owner of any known deficiencies in compliance with this ordinance.

§116.13 Severability

Should any part of this ordinance be held invalid by a Court of Competent Jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

CERTIFICATE

The foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Whitehall at a regular meeting held on _____. Public notice was given and the meeting was conducted in full compliance with the Open Meetings Act, (PA267, 1976). Minutes of the meeting will be made available as required by the Act, and the ordinance was duly recorded, posted and authenticated by the Mayor and City Clerk as required by the Charter of said City.

Brenda Bourdon, City Clerk

Housing Quality Standards

24 CFR 982.401

Subpart I—Dwelling Unit: Housing Quality Standards, Subsidy Standards, Inspection and Maintenance

- 982.401 Housing quality standards (HQS).
- 982.402 Subsidy standards.
- 982.403 Terminating HAP contract: When unit is too small.
- 982.404 Maintenance: Owner and family responsibility; PHA remedies.
- 982.405 PHA initial and periodic unit inspection.
- 982.406 Enforcement of HQS.

Sec. 982.401 Housing quality standards (HQS).

(a) Performance and acceptability requirements.

- (1) This section states the housing quality standards (HQS) for housing assisted in the programs.
- (2) (i) The HQS consist of:
 - (A) Performance requirements; and
 - (B) Acceptability criteria or HUD approved variations in the acceptability criteria.
- (ii) This section states performance and acceptability criteria for these key aspects of housing quality:
 - (A) Sanitary facilities;
 - (B) Food preparation and refuse disposal;
 - (C) Space and security;
 - (D) Thermal environment;
 - (E) Illumination and electricity;
 - (F) Structure and materials;
 - (G) Interior air quality;
 - (H) Water supply;
 - (I) Lead-based paint;
 - (J) Access;
 - (K) Site and neighborhood;
 - (L) Sanitary condition; and
 - (M) Smoke detectors.
- (3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.
- (4) (i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.
- (ii) **HUD may approve acceptability criteria variations for the following purposes:**
 - (A) Variations which apply standards in **local housing codes** or other codes adopted by the PHA; or
 - (B) Variations because of local climatic or geographical conditions.
- (iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either:
 - (A) Meet or exceed the performance requirements; or
 - (B) Significantly expand affordable housing opportunities for families assisted under the program.

- (iv) HUD will not approve any acceptability criteria variation if HUD believes that such variation is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

(b) Sanitary facilities.--

- (1) *Performance requirements.* The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.
- (2) *Acceptability criteria.*
 - (i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
 - (ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
 - (iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
 - (iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) Food preparation and refuse disposal.

- (1) *Performance requirement.*
 - (i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
 - (ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).
- (2) *Acceptability criteria.*
 - (i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for a tenant-supplied oven and range or stove. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
 - (ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
 - (iii) The dwelling unit must have space for the storage, preparation, and serving of food.
 - (iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

(d) Space and security.-

(1) Performance requirement. The dwelling unit must provide adequate space and security for the family.

(2) Acceptability criteria.

- (i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- (ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- (iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- (iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) Thermal environment.

(1) Performance requirement. The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) Acceptability criteria

- (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- (ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) Illumination and electricity.-

(1) Performance requirement. Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) Acceptability criteria.

- (i) There must be at least one window in the living room and in each sleeping room.
- (ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- (iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

(g) Structure and materials.

- (1) Performance requirement.* The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.
- (2) Acceptability criteria.*
 - (i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
 - (ii) The roof must be structurally sound and weathertight.
 - (iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
 - (iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
 - (v) Elevators must be working and safe.

(h) Interior air quality.

- (1) Performance requirement.* The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.
- (2) Acceptability criteria.*
 - (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
 - (ii) There must be adequate air circulation in the dwelling unit.
 - (iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.
 - (iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

(i) Water supply.

- (1) Performance requirement.* The water supply must be free from contamination.
- (2) Acceptability criteria.* The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

(j) Lead-based paint performance requirement.-

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

- (k) Access performance requirement.** The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(l) Site and Neighborhood.-

- (1) Performance requirement.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.
- (2) Acceptability criteria.* The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(m) Sanitary condition.

- (1) Performance requirement.* The dwelling unit and its equipment must be in sanitary condition.
- (2) Acceptability criteria.* The dwelling unit and its equipment must be free of vermin and rodent infestation.

(n) Smoke detectors performance requirement.

- (1)* Except as provided in paragraph (n)(2) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).
- (2)* For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

Sec. 982.402 Subsidy standards.

(a) Purpose.

- (1) The HA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.
- (2) For each family, the HA determines the appropriate number of bedrooms under the HA subsidy standards (family unit size).
- (3) The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.

(b) Determining family unit size. The following requirements apply when the HA determines family unit size under the HA subsidy standards:

- (1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- (2) The subsidy standards must be consistent with space requirements under the housing quality standards (See Sec. 982.401(d)).
- (3) The subsidy standards must be applied consistently for all families of like size and composition.
- (4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- (5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- (6) Any live-in aide (approved by the HA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
- (7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the HA subsidy standards.
- (8) In determining family unit size for a particular family, the HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such HA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) Effect of family unit size--maximum subsidy in the voucher program. The family unit size, as determined for a family under the PHA subsidy standards, is used to determine the maximum rent subsidy for the family assisted in the voucher program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of

- (1) The payment standard for the family unit size; or
- (2) The payment standard for the unit rented by the family.
- (3) Voucher Program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standards for the family must be the lower of:
 - (i) The payment standards for the family unit size; or
 - (ii) The payment standards for the unit size rented by the family.

(d) Size of unit occupied by family.

- (1) The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.
- (2) The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size.

Sec. 982.403 Terminating HAP contract: When unit is too big or too small.

- (a) Violation of HQS space standards.
 - (1) If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible.
 - (2) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
- (b) Certificate program only--Subsidy too big for family size.
 - (1) Paragraph (b) of this section applies to the tenant-based certificate program.
 - (2) The PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible if:
 - (i) The family is residing in a dwelling unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards; and
 - (ii) The gross rent for the unit (sum of the contract rent plus any utility allowance for the unit size leased) exceeds the FMR/exception rent limit for the family unit size under the PHA subsidy standards.
 - (3) The PHA must notify the family that exceptions to the subsidy standards may be granted, and the circumstances in which the grant of an exception will be considered by the PHA.
 - (4) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
- (c) Termination. When the PHA terminates the HAP contract under paragraph (a) of this section:
 - (1) The PHA must notify the family and the owner of the termination; and
 - (2) The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.
 - (3) The family may move to a new unit in accordance with Sec. 982.314.

Sec. 982.404 Maintenance: Owner and family responsibility; PHA remedies.

- (a) Owner obligation.
 - (1) The owner must maintain the unit in accordance with HQS.
 - (2) If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.
 - (3) The PHA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
 - (4) The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in Sec. 982.404(b) and Sec. 982.551(c)). (However, the PHA may terminate assistance to a family because of HQS breach caused by the family.)

(b) Family obligation.

- (1) The family is responsible for a breach of the HQS that is caused by any of the following:
 - (i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
 - (ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
 - (iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
- (2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).
- (3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with Sec. 982.552.

Sec. 982.405 PHA initial and periodic unit inspection.

- (a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS. (See Sec. 982.305(b)(2) concerning timing of initial inspection by the PHA.)
- (b) The PHA must conduct supervisory quality control HQS inspections.
- (c) In scheduling inspections, the PHA must consider complaints and any other information brought to the attention of the PHA.
- (d) The PHA must notify the owner of defects shown by the inspection.
- (e) The PHA may not charge the family or owner for initial inspection or reinspection of the unit.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26647, May 14, 1999; 64 FR 56914, Oct. 21, 1999]

Sec. 982.406 Enforcement of HQS.

Part 982 does not create any right of the family, or any party other than HUD or the PHA, to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

[60 FR 34695, July 3, 1995, as amended at 60 FR 45661, Sept. 1, 1995]

CITY OF WHITEHALL
CITY COUNCIL MEETING
405 E. COLBY STREET, WHITEHALL, MI
COUNCIL CHAMBERS
July 10, 2018
6:00 p.m.

AGENDA

1. Meeting called to Order
 - A. Pledge of Allegiance
2. Approval of Agenda
3. Special Presentation: ProMed Annual Update
4. Approval of the June 26 Council Meeting Minutes
5. Approval of Accounts Payable
6. Communications: Brooke Bachelder, Central Dispatch, DBN Co., Marina Advisory, Muskegon Area First, Wastewater
7. Public Comment *
8. Messages from the Mayor, Council, and City Manager
9. Unfinished Business
10. New Business
 - A. Resolution 18-25: Defined Contribution Retirement Plan
 - B. Resolution 18-26: Vehicle Purchase
 - C. Trail Maintenance Permit
 - D. Classic Boat and Car Show Request
11. Public Comment *
12. Adjournment

City of Whitehall, 405 E. Colby Street, Whitehall, MI 49461; 231-894-4048

* PUBLIC COMMENT: Citizens wishing to speak on any subject matter or with regard to items on the agenda should use this opportunity. As a courtesy to the council, come to the podium, state your name, and direct your comments to the board. Please limit comments to three minutes.

CITY OF WHITEHALL
COUNCIL MEETING MINUTES
June 26, 2018

PRESENT: Virginia DeMumbrum, Ellie Dennis, Jen Hain, Debi Hillebrand, Norm Kittleson, Steve Salter, Kevin Spencer

ABSENT: None

ALSO PRESENT: City Attorney Sweeting, City Manager Huebler, City Clerk Bourdon

Mayor Hillebrand called the meeting to order at 6:00 p.m. in the Council Chambers.

APPROVAL OF THE AGENDA

Motion by Dennis, seconded by DeMumbrum, CARRIED, to approve the agenda. All yeses

APPROVAL OF THE WORK SESSION AND COUNCIL MINUTES

Motion by Kittleson, seconded by Dennis, CARRIED, to approve the June 12 work session and council meeting minutes. All yeses

APPROVAL OF THE ACCOUNTS PAYABLE

Motion by Hain, seconded by Dennis, CARRIED, to approve the account payables in the amount of \$357,266.59 and checks to be drawn in their several amounts.

Roll Call Vote: Yes – Hain, Dennis, Kittleson, DeMumbrum, Spencer, Salter, and Hillebrand;
No – None; Absent – None

COMMUNICATIONS

Briegel Letter, Central Dispatch

Motion by Dennis, seconded by Kittleson, CARRIED, to move the request for the ramp behind Northland Insurance to Unfinished Business. All yeses.

Motion by Hain, seconded by DeMumbrum, CARRIED, to accept the communications and place them on file. All yeses

PUBLIC COMMENT

Ryan Briegel from Pitkin's Drug commented that he would like the ramp paid for regardless of where the funds come from.

MESSAGES FROM THE MAYOR, COUNCIL, AND CITY MANAGER

City Manager Huebler reported on the Playhouse which included roof, plumbing, and lighting updates and informed council that at the next meeting there will be a bond proposal for the Playhouse in the packet.

Several council members provided comments.

Motion by Dennis, seconded by DeMumbrum, CARRIED, to appoint Kyle Esh to the Board of Review to finish the term for Dave Moon. All yeses.

UNFINISHED BUSINESS

A. ADA Ramp

Motion by Dennis, seconded by Kittleson, CARRIED, to approve the ramp construction behind Northland Insurance not to exceed \$2,500.

Council Member Dennis spoke in support of financing the ramp because we took something away when the changes were made and we made a commitment to fix it. Kittleson felt that it was the right thing to do and to move forward with the façade grant through TIFA for future financial resources for businesses. Salter is not in support of spending tax dollars for accessibility for private businesses.

Roll Call Vote: Yes – Dennis, Kittleson, DeMumbrum, Spencer, Hain, and Hillebrand;
No – Salter; Absent – None

NEW BUSINESS

A. Resolution 18-21 Assessing Services

Motion by Kittleson, seconded by Hain, CARRIED, to authorize the Mayor, Clerk and City Attorney to sign the contract with the Muskegon County Equalization Department for assessing services.

Roll Call Vote: Yes – Kittleson, Hain, Dennis, DeMumbrum, Spencer, Salter, and Hillebrand;
No – None; Absent – None

B. Resolution 18-22 Compensation Plan

Motion by Hain, seconded by Dennis, CARRIED, to adopt the presented compensation plan with a fixed 25% range between the starting wage and top end, along with a 2.7% cost of living increase for non-union employees.

Roll Call Vote: Yes – Hain, Dennis, Kittleson, DeMumbrum, Spencer, Salter, Hillebrand;
No – None; Absent – None

C. Resolution 18-23 MERS Uniform 457 Supplemental Retirement Program

Motion by Dennis, seconded by DeMumbrum, CARRIED, to approve transitioning the City's 457 Retirement Plan from ICMA-RC to MERS.

Roll Call Vote: Yes – Dennis, DeMumbrum, Hain, Kittleson, Spencer, Salter, and Hillebrand;
No – None; Absent – None

D. Resolution 18-24 Budget Amendment #4

Motion by Kittleson, seconded by Dennis, CARRIED, to approve the budget amendments as presented:

- (1) the local street fund needs to add revenue of \$13,300 for receiving the 2018 METRO funds in June.
- (2) the inspection department has estimated increased permit revenue of \$30,000 and increased contractual expenses to the inspectors of \$29,590.
- (3) the playhouse fund needs to be adjusted to the actual capital project completed subtracting \$145,000 in revenues and \$129,000 in expenses.
- (4) the sewer construction expense is reduced by \$84,900 as the Colby St sewer was not completed.

Roll Call Vote: Yes – Kittleson, Dennis, DeMumbrum, Salter, Hain, Spencer, Hillebrand;
No – None; Absent – None

PUBLIC COMMENT

Barb Brinkman voiced her displeasure of the disrupting noises from the Garden Room.

ADJOURNMENT

Motion by Kittleson, supported by Dennis, CARRIED, that the Council meeting be adjourned at 6:45 p.m. All yeses

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk

CITY OF WHITEHALL
ACCOUNTS PAYABLE
July 10, 2018

June & July 2018 Prepaids

<u>VENDOR NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>Check No.</u>
City of Whitehall-Common Cash	Payroll	\$7,739.06	Transfer
IRS	Payroll	\$1,441.42	EFT
City of Whitehall-Common Cash	Payroll	\$45,172.13	Transfer
IRS	Payroll	\$13,720.04	EFT
Vantagepoint Transfer Agent-457	Payroll	\$3,949.00	6919
MISDU	Payroll	\$90.34	6920
FOP-CD Hammond #99	Payroll	\$69.39	6921
<u>Total Prepaids:</u>		\$72,181.38	

TOTAL ACCOUNTS PAYABLE

\$183,464.60

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DB: Whitehall

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF WHITEHALL
EXP CHECK RUN DATES 07/05/2018 - 07/05/2018
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
CITY OF WHITEHALL ACCOUNTS PAYABLE
COUNCIL MEETING OF JULY 10, 2018

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Vendor Code	Vendor Name	Invoice	Description	Amount
ASPHA	ASPHALT PAVING INC	42469	ASPHALT - 4.19 TONS	270.26
TOTAL FOR: ASPHALT PAVING INC				270.26
ARMST	BRIAN ARMSTRONG	OPTICAL	OPTICAL - BROOK ARMSTRONG	107.00
TOTAL FOR: BRIAN ARMSTRONG				107.00
MISC	BROOKE BACHELDER	2017/2018	SCHOLARSHIP - 2017/2018	500.00
TOTAL FOR: BROOKE BACHELDER				500.00
CHART	CHARTER COMMUNICATIONS	INTERNET	INTERNET	109.98
TOTAL FOR: CHARTER COMMUNICATIONS				109.98
NORTO	CITY OF NORTON SHORES	2018-ANFEE	2018 ANNUAL DUES - COPS BOARD	60.00
TOTAL FOR: CITY OF NORTON SHORES				60.00
CITY	CITY OF WHITEHALL	PETTY CASH STATEMENT	PETTY CASH WATER BILLS	40.99 4,569.12
TOTAL FOR: CITY OF WHITEHALL				4,610.11
BEAMA	CLAIRE BEAMAN	STATEMENT	EXPENSE REIMBURSEMENT - SEATING PLATFORMS - S	405.96
TOTAL FOR: CLAIRE BEAMAN				405.96
CONSU	CONSUMER'S ENERGY	STATEMENT	UTILITIES	8,713.50
TOTAL FOR: CONSUMER'S ENERGY				8,713.50
DOUBE	DOUBLE L ENTERPRISES INC	30546-30633	IRRIGATION STARTUP & REPAIRS - EASTBROOK/TIFA	145.95
TOTAL FOR: DOUBLE L ENTERPRISES INC				145.95
DTE	DTE ENERGY	STATEMENT	UTILITIES	217.96
TOTAL FOR: DTE ENERGY				217.96
ETNA	ETNA SUPPLY INC	S102680414-1026	METER, SENSUS RADIO & SENSUS ANNUAL SUPPORT	4,570.00
		S102680527.001	CEMETERY PARTS - TURN HOUSE	102.80
TOTAL FOR: ETNA SUPPLY INC				4,672.80
FRONT	FRONTIER	STATEMENT	TELEPHONE	134.93
		STATEMENT	TELEPHONE	35.32
TOTAL FOR: FRONTIER				170.25

Vendor Code	Vendor Name	Invoice	Description	Amount
GALLS	GALL'S, LLC	010086920	POLICE UNIFORMS	400.00
TOTAL FOR: GALL'S, LLC				400.00
HAVIL	HAVILAND	282678	CHLORINE - 16 - 15 GAL DRUMS	884.40
TOTAL FOR: HAVILAND				884.40
HOME	HOME SERVICES OF WHITE LAKE	10358	UPS SHIPPING	9.44
TOTAL FOR: HOME SERVICES OF WHITE LAKE				9.44
HUNTS	HUNT'S DO-IT CENTER	STATEMENT	PARTS/SUPPLIES	546.77
TOTAL FOR: HUNT'S DO-IT CENTER				546.77
INFINITY	INFINITY FLOORING AND CABINETS	17003-17004	FLOOR PREP & CARPET/MOULDING INSTALLATION	8,372.18
TOTAL FOR: INFINITY FLOORING AND CABINETS				8,372.18
J&H OIL	J&H OIL COMPANY	6456012	FUEL - 5,003 GALLONS	10,858.65
TOTAL FOR: J&H OIL COMPANY				10,858.65
J&J	J&J FARM SALES	63710	PARTS - SWITCH	17.12
		63916	CUT-OFF SAW	994.94
TOTAL FOR: J&J FARM SALES				1,012.06
JOHN S	JOHN S HYATT AND ASSOCIATES	125403-125395	ROSCOLUX GEL	138.77
TOTAL FOR: JOHN S HYATT AND ASSOCIATES				138.77
VANDER	JOSHUA VANDERPUTTE	STATEMENT	WORK WEAR - JOSHUA VANDERPUTTE	60.38
TOTAL FOR: JOSHUA VANDERPUTTE				60.38
KONICA	KONICA MINOLTA BUSINESS SOLUTIONS	252377355	DIGITAL SUPPORT SERVICE - COPIER	12.00
TOTAL FOR: KONICA MINOLTA BUSINESS SOLUTIONS				12.00
WLBEA	LUDINGTON DAILY NEWS	99196718	PUBLISHING & DEFERMENT AD	690.60
TOTAL FOR: LUDINGTON DAILY NEWS				690.60
MERY	MERCY GENERAL HEALTH PARTNER	4558459V11692	TESTING - THRONE	224.00
TOTAL FOR: MERCY GENERAL HEALTH PARTNER				224.00
MERLE	MERLE BOES INC	8360910	MARINA FUEL	8,602.22
TOTAL FOR: MERLE BOES INC				8,602.22

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EXP CHECK RUN DATES 07/05/2018 - 07/05/2018

DB: Whitehall

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

CITY OF WHITEHALL ACCOUNTS PAYABLE

COUNCIL MEETING OF JULY 10, 2018

Vendor Code	Vendor Name	Invoice	Description	Amount
MMRMA	MI MUNICIPAL RISK MGNT AUTH			
	R0001060-M00010	LIABILITY INSURANCE 7.1.2018-7.1.2019		38,298.00
TOTAL FOR: MI MUNICIPAL RISK MGNT AUTH				38,298.00
MICPA	MICHIGAN ASSOC OF CPAS			
	STATEMENT	MEMBERSHIP DUES - 2018-2019		305.00
TOTAL FOR: MICHIGAN ASSOC OF CPAS				305.00
MML	MICHIGAN MUNICIPAL LEAGUE			
	2018-2019	DUES - 2018-2019		2,185.00
TOTAL FOR: MICHIGAN MUNICIPAL LEAGUE				2,185.00
MMLUNEM	MICHIGAN MUNICIPAL LEAGUE			
	0801-057	QUARTER ENDING JUN-2018		9.99
TOTAL FOR: MICHIGAN MUNICIPAL LEAGUE				9.99
MIPAV	MICHIGAN PAVEMENT MARKINGS LLC			
	WHITE-1801	PAVEMENT MARKINGS		4,897.31
TOTAL FOR: MICHIGAN PAVEMENT MARKINGS LLC				4,897.31
MODEL	MODEL COVERALL SERVICE INC			
	JUN-2018	UNIFORMS - JUN-2018		174.60
TOTAL FOR: MODEL COVERALL SERVICE INC				174.60
MOWHI	MONTAGUE-WHITEHALL ROTARY CLUB			
	STATEMENT	FIREWORKS		2,000.00
TOTAL FOR: MONTAGUE-WHITEHALL ROTARY CLUB				2,000.00
MRWA	MRWA			
	STATEMENT	MEMBERSHIP DUES 2018-2019		690.00
TOTAL FOR: MRWA				690.00
MUSTWP	MUSKEGON CHARTER TOWNSHIP			
	1800010403	JULY 2018 CENTRAL DISPATCH FEES		3,465.00
TOTAL FOR: MUSKEGON CHARTER TOWNSHIP				3,465.00
NEWL	NEW LIFE CARTRIDGES INC			
	29303	PRINTER TONER		81.99
TOTAL FOR: NEW LIFE CARTRIDGES INC				81.99
PITS	PIT STOP			
	A-111553-111554	PORTABLE RESTROOMS		280.00
TOTAL FOR: PIT STOP				280.00
SWEET	RODGER I. SWEETING, ATTORNEY LLP			
	19015	SEMI-ANNUAL RETAINER FOR LEGAL SERVICES		2,750.00
	19016	ATTORNEY FEES		1,710.00
TOTAL FOR: RODGER I. SWEETING, ATTORNEY LLP				4,460.00
FREN	SAMUEL FRENCH INC			
	STATEMENT	ROYALTY - SUMMER SHORTS (LIFE COMES OLD MAID		270.00
TOTAL FOR: SAMUEL FRENCH INC				270.00

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Vendor Code	Vendor Name	Invoice	Description	Amount
HUEBL	SCOTT HUEBLER	JUNE-2018	CAR ALLOWANCE - JUNE-2018	300.00
TOTAL FOR: SCOTT HUEBLER				300.00
TROPW	TROPHY CENTER OF WEST MICHIGAN	9644	SAFETY T-SHIRTS	142.50
TOTAL FOR: TROPHY CENTER OF WEST MICHIGAN				142.50
WORKBOX	WORKBOX STAFFING	154019	TEMPORARY SERVICES	1,832.59
TOTAL FOR: WORKBOX STAFFING				1,832.59
WORKP	WORKPLACE HEALTH MUSKEGON	181001-180372	TESTING - THRONE & VANDERPUTTE	96.00
TOTAL FOR: WORKPLACE HEALTH MUSKEGON				96.00
TOTAL - ALL VENDORS				111,283.22

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 101 GENERAL OPERATING FUND					
Dept 000 648					
101-000-080.000	DUE FROM OTHER FUNDS	MI MUNICIPAL RISK MGNT A	07/01/18	R0001060-M0001060	38,298.00
101-000-082.000	DUE FROM OTHER SOURCES	LUDINGTON DAILY NEWS	06/30/18	99196718	238.91
		Total For Dept 000 648			38,536.91
Dept 101 CITY COUNCIL					
101-101-958.000	MEMBERSHIPS & DUES - 2018-2019	MICHIGAN MUNICIPAL LEAGU	07/01/18	2018-2019	2,185.00
		Total For Dept 101 CITY COUNCIL			2,185.00
Dept 111 CITY CLERK					
101-111-905.000	PUBLISHING	LUDINGTON DAILY NEWS	06/30/18	99196718	451.69
		Total For Dept 111 CITY CLERK			451.69
Dept 136 DISTRICT COURT					
101-136-826.000	ATTORNEY FEES	RODGER I. SWEETING, ATTO	06/30/18	19016	1,305.00
		Total For Dept 136 DISTRICT COURT			1,305.00
Dept 172 ADMINISTRATION					
101-172-850.000	TELEPHONE	FRONTIER	06/16/18	STATEMENT	32.15
101-172-935.000	COPIER MAINTENANCE	KONICA MINOLTA BUSINESS	06/16/18	252377355	12.00
101-172-958.000	MEMBERSHIPS & DUES	MICHIGAN ASSOC OF CPAS	07/01/18	STATEMENT	305.00
101-172-962.000	OTHER EXPENSES	NEW LIFE CARTRIDGES INC	06/27/18	29303	81.99
		Total For Dept 172 ADMINISTRATION			431.14
Dept 203 ATTORNEY					
101-203-826.000	ATTORNEY FEES	RODGER I. SWEETING, ATTO	06/30/18	19016	405.00
101-203-826.000	ATTORNEY FEES	RODGER I. SWEETING, ATTO	07/01/18	19015	2,750.00
		Total For Dept 203 ATTORNEY			3,155.00
Dept 265 CITY HALL BLDG & GROUNDS					
101-265-757.000	OPERATING SUPPLIES	CITY OF WHITEHALL	06/30/18	PETTY CASH	5.57
101-265-775.000	REPAIRS & MAINT SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	101.97
101-265-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	678.08
101-265-920.000	PUBLIC UTILITIES	DTE ENERGY	06/30/18	STATEMENT	79.93
101-265-974.000	CAPITAL IMPROVEMENTS	INFINITY FLOORING AND CA	06/29/18	17003-17004	8,372.18
		Total For Dept 265 CITY HALL BLDG & GROUNDS			9,237.73
Dept 276 CEMETERY					
101-276-757.000	OPERATING SUPPLIES	ETNA SUPPLY INC	06/27/18	S102680527.001	102.80
101-276-818.700	CONTRACTUAL SERVICES-TEMPORARY	WORKBOX STAFFING	06/24/18	154019	916.30
101-276-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	394.40
101-276-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	80.76
101-276-932.000	CEMETERY MAINTENANCE	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	89.68
101-276-933.000	EQUIPMENT MAINTENANCE	J&J FARM SALES	06/25/18	63710	8.56
		Total For Dept 276 CEMETERY			1,592.50
Dept 301 POLICE					
101-301-727.000	OFFICE SUPPLIES	CITY OF WHITEHALL	06/30/18	PETTY CASH	28.00
101-301-759.000	POLICE UNIFORMS	GALL'S, LLC	06/10/18	010086920	400.00
101-301-850.000	TELEPHONE	FRONTIER	06/16/18	STATEMENT	32.14
101-301-850.000	DISPATCH	MUSKOGON CHARTER TOWNSHI	07/01/18	1800010403	3,465.00
101-301-958.000	MEMBERSHIPS & DUES	CITY OF NORTON SHORES	07/01/18	2018-ANFEE	60.00

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
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GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 101 GENERAL OPERATING FUND					
Dept 301 POLICE					
Total For Dept 301 POLICE					3,985.14
Dept 446 HIGHWAYS & STREETS					
101-446-757.000	OPERATING SUPPLIES	CITY OF WHITEHALL	06/30/18	PETTY CASH	7.42
Total For Dept 446 HIGHWAYS & STREETS					7.42
Dept 448 STREET LIGHTING					
101-448-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	34.46
Total For Dept 448 STREET LIGHTING					34.46
Dept 751 PARKS DEPARTMENT					
101-751-757.000	OPERATING SUPPLIES	TROPHY CENTER OF WEST MI	06/22/18	9644	142.50
101-751-775.000	REPAIRS & MAINT SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	159.30
101-751-775.000	REPAIRS & MAINT SUPPLIES	J&J FARM SALES	06/25/18	63710	8.56
101-751-818.000	CONTRACTUAL SERVICES	PIT STOP	06/30/18	A-111553-111554-1115	170.00
101-751-818.700	CONTRACTUAL SERVICES-TEMPORARY	WORKBOX STAFFING	06/24/18	154019	916.29
101-751-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	2,132.34
101-751-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	223.56
Total For Dept 751 PARKS DEPARTMENT					3,752.55
Dept 752 PATHWAY					
101-752-818.000	CONTRACTUAL SERVICES	PIT STOP	06/30/18	A-111553-111554-1115	110.00
101-752-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	548.40
Total For Dept 752 PATHWAY					658.40
Dept 777 119 S BALDWIN ST					
101-777-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	101.10
101-777-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	69.74
101-777-920.000	PUBLIC UTILITIES	DTE ENERGY	06/30/18	STATEMENT	34.72
Total For Dept 777 119 S BALDWIN ST					205.56
Dept 851 FRINGE BENEFITS					
101-851-719.450	FRINGE-UNIFORMS	JOSHUA VANDERPUTTE	07/01/18	STATEMENT	60.38
101-851-719.450	FRINGE-UNIFORMS	MODEL COVERALL SERVICE I	06/30/18	JUN-2018	148.80
101-851-719.500	FRINGE-ADMIN CAR ALLOW-JUNE-201	SCOTT HUEBLER	06/30/18	JUNE-2018	300.00
101-851-719.650	FRINGE-OPTICAL	BRIAN ARMSTRONG	07/01/18	OPTICAL	107.00
101-851-719.685	FRINGE-MEDICAL - THRONE	MERCY GENERAL HEALTH PAR	06/26/18	4558459V11692	224.00
101-851-719.685	FRINGE-TESTING-VANDERPUTTE	WORKPLACE HEALTH MUSKEGO	06/30/18	181001-180372	66.00
101-851-719.800	FRINGE-UNEMPLOYMENT EXPENSE	MICHIGAN MUNICIPAL LEAGU	06/30/18	0801-057	9.99
Total For Dept 851 FRINGE BENEFITS					916.17
Dept 896 OTHER EXPENSES					
101-896-962.000	SCHOLARSHIP	BROOKE BACHELDER	06/30/18	2017/2018	500.00
Total For Dept 896 OTHER EXPENSES					500.00
Total For Fund 101 GENERAL OPERATING FUND					66,954.67
Fund 202 MAJOR STREET FUND					
Dept 474 TRAFFIC SERVICES					
202-474-818.000	CONTRACTUAL SERVICES	MICHIGAN PAVEMENT MARKIN	07/02/18	WHITE-1801	4,897.31
Total For Dept 474 TRAFFIC SERVICES					4,897.31

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 202 MAJOR STREET FUND					
			Total For Fund 202 MAJOR STREET FUND		4,897.31
Fund 203 LOCAL STREET FUND					
Dept 463 ROUTINE MAINT					
203-463-757.000	OPERATING SUPPLIES	ASPHALT PAVING INC	06/30/18	42469	67.56
			Total For Dept 463 ROUTINE MAINT		67.56
			Total For Fund 203 LOCAL STREET FUND		67.56
Fund 245 TAX INCREMENT FINANCE AUTHORITY #3					
Dept 000 648					
245-000-818.000	IRRIGATION STARTUP	DOUBLE L ENTERPRISES INC	06/18/18	30546-30633	145.95
245-000-962.000	FIREWORKS	MONTAGUE-WHITEHALL ROTAR	07/01/18	STATEMENT	2,000.00
			Total For Dept 000 648		2,145.95
Dept 300 DOWNTOWN STREETScape					
245-300-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	37.15
245-300-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	249.60
245-300-921.000	ELECTRICAL-PEDESTRIAN LIGHTS	CONSUMER'S ENERGY	06/30/18	STATEMENT	158.47
			Total For Dept 300 DOWNTOWN STREETScape		445.22
Fund 248 LOCAL DEVELOPMENT FINANCE AUTHORITY					
Dept 000 648					
248-000-818.100	C/S-INDUSTRIAL PARK MARKETING	CONSUMER'S ENERGY	06/30/18	STATEMENT	50.37
			Total For Dept 000 648		50.37
			Total For Fund 248 LOCAL DEVELOPMENT FINANCE AU		50.37
Fund 580 PLAYHOUSE					
Dept 000 648					
580-000-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	28.77
580-000-757.000	OPERATING SUPPLIES	JOHN S HYATT AND ASSOCIA	06/21/18	125403-125395	138.77
580-000-757.100	OPERATING - S.S. SET SUPPLIES-M	CLAIRE BEAMAN	07/01/18	STATEMENT	405.96
580-000-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	317.76
580-000-962.100	RIGHTS & ROYALTIES-LIFE COMES O	SAMUEL FRENCH INC	07/01/18	STATEMENT	270.00
			Total For Dept 000 648		1,161.26
			Total For Fund 580 PLAYHOUSE		1,161.26
Fund 590 SEWER FUND					
Dept 562 SEWER CUSTOMER ACCOUNTS					
590-562-850.000	TELEPHONE	CHARTER COMMUNICATIONS	07/01/18	INTERNET	54.99
			Total For Dept 562 SEWER CUSTOMER ACCOUNTS		54.99
Dept 564 SEWER PUMPING					
590-564-719.000	TESTING-THRONE	WORKPLACE HEALTH MUSKEGO	06/30/18	181001-180372	15.00
590-564-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	1,135.63
590-564-920.000	PUBLIC UTILITIES	FRONTIER	06/16/18	STATEMENT	35.32
590-564-920.000	PUBLIC UTILITIES	FRONTIER	07/01/18	STATEMENT	35.32
			Total For Dept 564 SEWER PUMPING		1,221.27

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
 EXP CHECK RUN DATES 07/05/2018 - 07/05/2018
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID
 CITY OF WHITEHALL ACCOUNTS PAYABLE
 COUNCIL MEETING OF JULY 10, 2018

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 590 SEWER FUND					
Dept 568 SEWER T & D					
590-568-719.000	TESTING--THRONE	WORKPLACE HEALTH MUSKEGO	06/30/18	181001-180372	15.00
			Total For Dept 568 SEWER T & D		15.00
Dept 570 SEWER CONSTRUCTION					
590-570-757.000	OPERATING SUPPLIES	ASPHALT PAVING INC	06/30/18	42469	202.70
			Total For Dept 570 SEWER CONSTRUCTION		202.70
			Total For Fund 590 SEWER FUND		1,493.96
Fund 591 WATER FUND					
Dept 540 WATER ADMINISTRATION					
591-540-957.000	CONFERENCES & WORKSHOPS	MRWA	07/01/18	STATEMENT	690.00
			Total For Dept 540 WATER ADMINISTRATION		690.00
Dept 542 WATER CUSTOMER ACCOUNTS					
591-542-850.000	TELEPHONE	CHARTER COMMUNICATIONS	07/01/18	INTERNET	54.99
			Total For Dept 542 WATER CUSTOMER ACCOUNTS		54.99
Dept 544 METER READING					
591-544-757.000	SENSUS RADIO METER	ETNA SUPPLY INC	07/02/18	S102680414-102656936	150.00
591-544-818.000	SENSUS ANNUAL SUPPORT - AUTOAREA	ETNA SUPPLY INC	07/02/18	S102680414-102656936	2,500.00
			Total For Dept 544 METER READING		2,650.00
Dept 546 WATER SOURCE PLANT					
591-546-757.000	OPERATING SUPPLIES	HAVILAND	06/30/18	282678	884.40
591-546-801.000	PROFESSIONAL SERVICES	HOME SERVICES OF WHITE L	06/30/18	10358	9.44
591-546-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	6,621.99
591-546-920.000	PUBLIC UTILITIES	DTE ENERGY	06/30/18	STATEMENT	32.27
591-546-920.000	PUBLIC UTILITIES	FRONTIER	06/16/18	STATEMENT	35.32
			Total For Dept 546 WATER SOURCE PLANT		7,583.42
Dept 548 WATER T & D					
591-548-775.000	REPAIRS & MAINT SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	24.53
			Total For Dept 548 WATER T & D		24.53
Dept 550 WATER CONSTRUCTION					
591-550-976.000	CAPITAL OUTLAY-METERS	ETNA SUPPLY INC	07/02/18	S102680414-102656936	1,920.00
			Total For Dept 550 WATER CONSTRUCTION		1,920.00
			Total For Fund 591 WATER FUND		12,922.94
Fund 594 MARINA FUND					
Dept 000 648					
594-000-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	60.86
594-000-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	69.58
594-000-955.100	COST OF SALES-UNLEADED 2497G	MERLE BOES INC	06/15/18	8360910	8,602.22
			Total For Dept 000 648		8,732.66
			Total For Fund 594 MARINA FUND		8,732.66
Fund 661 MOTOR POOL FUND					
Dept 000 648					
661-000-111.000	INVENTORY-GASOLINE	J&H OIL COMPANY	06/20/18	6456012	10,858.65

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
EXP CHECK RUN DATES 07/05/2018 - 07/05/2018
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
CITY OF WHITEHALL ACCOUNTS PAYABLE
COUNCIL MEETING OF JULY 10, 2018

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund 661 MOTOR POOL FUND					
Dept 000 648					
661-000-757.000	OPERATING SUPPLIES	HUNT'S DO-IT CENTER	06/30/18	STATEMENT	44.51
661-000-777.000	SMALL TOOLS	J&J FARM SALES	07/02/18	63916	994.94
661-000-818.000	CONTRACTUAL SERVICES	MODEL COVERALL SERVICE I	06/30/18	JUN-2018	25.80
661-000-920.000	PUBLIC UTILITIES	CITY OF WHITEHALL	06/30/18	STATEMENT	77.86
661-000-920.000	PUBLIC UTILITIES	CONSUMER'S ENERGY	06/30/18	STATEMENT	338.52
661-000-920.000	PUBLIC UTILITIES	DTE ENERGY	06/30/18	STATEMENT	71.04
Total For Dept 000 648					12,411.32
Total For Fund 661 MOTOR POOL FUND					
					12,411.32

INVOICE GL DISTRIBUTION REPORT FOR CITY OF WHITEHALL
EXP CHECK RUN DATES 07/05/2018 - 07/05/2018
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
CITY OF WHITEHALL ACCOUNTS PAYABLE
COUNCIL MEETING OF JULY 10, 2018

GL Number	Invoice Line Desc	Vendor	Invoice Date	Invoice	Amount
Fund Totals:					
	Fund 101 GENERAL OPERATING FUND				66,954.67
	Fund 202 MAJOR STREET FUND				4,897.31
	Fund 203 LOCAL STREET FUND				67.56
	Fund 245 TAX INCREMENT FINANCE				2,591.17
	Fund 248 LOCAL DEVELOPMENT FINA				50.37
	Fund 580 PLAYHOUSE				1,161.26
	Fund 590 SEWER FUND				1,493.96
	Fund 591 WATER FUND				12,922.94
	Fund 594 MARINA FUND				8,732.66
	Fund 661 MOTOR POOL FUND				12,411.32
Total For All Funds:					111,283.22

070.0 +
690. +
38,298. +
305. +
4,897.31 +
224. +
2,185. +
3,465. +
8,602.22 +
9.99 +
174.6 +
81.99 +
280. +
2,000. +
1,710. +
142.5 +
40.99 +
60.38 +
4,569.12 +
1,832.59 +
96. +
108,533.22 *

108,533.22 +
2,750. +
111,283.22 *



Whitehall City Council,

Thank you so much for
the scholarship and the
oppurtunity to further
my education. I plan
on attending MCC this Fall,
then transferring to
Grand Valley State
University for photojournalism
Thank you again!

Brooke Bachelder

Muskegon Central Dispatch 9-1-1
BOARD OF DIRECTORS
MEETING MINUTES
May 9, 2018

The May 9, 2018 Muskegon Central Dispatch 9-1-1 Board of Directors meeting held at Muskegon Charter Township Hall was called to order at 1:34 p.m. by Chairman Chandler.

Members present: Anthony Chandler, Director Admin Svcs/Asst to City Admin, City of Norton Shores
Jennifer Hernandez, Township Supervisor, Muskegon Charter Township
Ken Mahoney, County Commissioner, County of Muskegon
Scott Huebler, City Manager, City of Whitehall
Jared Olson, City Manager, City of Roosevelt Park
Jeff Auch, City Manager, City of Montague
Jake Eckholm, City Manager, City of Muskegon Heights

Absent: Sam Janson, City Manager, City of North Muskegon
Chris McIntire, Lieutenant, Michigan State Police
Frank Peterson, City Manager, City of Muskegon
Heidi Tice, Supervisor, Fruitport Charter Township

Staff present: Shawn Grabinski, Executive Director, Muskegon Central Dispatch 9-1-1
Nick Martin, Operations Manager, Muskegon Central Dispatch 9-1-1
Rebecca Injerd, Administrative Assistant, Muskegon Central Dispatch 9-1-1

Others present: None

APPROVAL OF THE AGENDA

Moved by Mr. Eckholm, seconded by Mr. Huebler to approve the May 9, 2018 agenda. Motion carried.

MINUTES OF THE APRIL 11, 2018 MEETING

Moved by Mr. Huebler, seconded by Ms. Hernandez to approve the April 11, 2018 meeting minutes. Motion carried.

REPORTS

APRIL 2018 MONTHLY FINANCIAL REPORTS

Director gave clarification regarding overstated tax revenue. There was a disbursement from the Local Community Stabilization of approximately \$115,000 which was recorded incorrectly under tax revenue. An adjusting journal entry is pending.

Mr. Huebler stated that Whitehall has, in fact, paid the amount that is listed as past due.

Moved by Mr. Auch, seconded by Mr. Eckholm to approve the April 2018 financial reports, as presented. Motion carried.

DIRECTOR'S REPORT

As submitted. Brief update on current staffing and hiring.

RADIO COMMITTEE

No meeting.

OLD BUSINESS

A. SURCHARGE

1. Motorola RFP – Two proposals discussed.
2. Surcharge Rate Schedules (draft) – As presented. Board appreciated detailed charts.

- B. SPACE ANALYSIS – Presented and discussed. Board opinion was that MCD 9-1-1 should include rent as an expense on renovation side and would advise using high estimate (\$1.5 M – \$2 M). Mr. Huebler recalled Mr. Peterson stating at a work session that the City of Muskegon would review the lease between the MCD 9-1-1 and the City of Muskegon. If the space analysis and the BOD determined MCD 9-1-1 current leased space is no longer suitable, then Mr. Peterson or the City of Muskegon, surely wouldn't stand in the way of what is needed for MCD 9-1-1. Director will clarify issues on security and structural issues, among others, with Progressive AE and present final drawings with estimated costs by next Board meeting.

Mr. Huebler commented that Director Grabinski appeared excited about the renovations. Director Grabinski indicated she was not as there are a few challenges with remaining in the current facility. Preferring a new building isn't because of wants or desires but a necessity for current operation and future growth. Although there may be space to move the server room equipment and IS staff in the current building, there would be a significant cost and a certain amount of downtime. The proposed 9-1-1 communication room would expand MCD 911's overall footprint, that finalized expansion wouldn't be conducive to an effective workflow. As suggested by the space analysis the Administrative Assistant would move downstairs. This does not allow for easy communications between the Director and Administrative Assistant, not to mention the amount of time she spends with operations staff. Director Grabinski feels it is a temporary solution that will need to be addressed again within the next 5-10 years. The facility is leased which is problematic for a couple of reasons. First, the anticipated amount of money to renovate a facility that isn't owned by MCD 9-1-1 doesn't make sense when you consider all costs. Ms. Hernandez commented that if she were leasing a home, she surely would not put any significant amount of money into a home she didn't own. Secondly, MCD has experienced first-hand the challenges associated with not owning property with the parcel split of the Creston Tower site. Even with the acquisition of additional space, lease payments would increase. A known fact as we are currently paying additional rent for the Director's office as it wasn't part of the original lease. Director Grabinski had additional concerns about the future of the current location because of the many unknowns about the Fire Department's future. This unknown leads to concerns about functionality/use of the facility if the fire department was to be dissolved. The new tower that would be required for 800 MHz will not fit on the current property. Additional land space is needed because towers inherently have ice loads which fall or break loose. Motorola engineers have indicated there needs to be a safe distance between the building, cars and most importantly the employees

or citizens who walk through the area. With that consideration, additional property would need to be secured from the Harley Dealership.

NEW BUSINESS

A. LEIN guidelines

1. 700-08 Media Protection
2. 700-09 Media Disposal
3. 700-10 User Account/Access Validation
4. 700-11 Security Incident Response

Moved by Mr. Eckholm, seconded by Mr. Huebler to approve the LEIN Guidelines 700-08 Media Protection, 700-09 Media Disposal, 700-10 User Account/Access Validation, and 700-11 Security Incident Response. Motion carried.

COMMENT

ADMINISTRATIVE

Mr. Eckholm requested that The Director notify the Board after receiving final numbers from Progressive AE, rather than waiting until next Board Meeting. His concern was to communicate with council as necessary.

PUBLIC

None.

NEXT MEETING

The next scheduled meeting is 1:30 p.m. on Wednesday, June 13, 2018 at Montague City Hall.

ADJOURNMENT

The meeting adjourned at 2:07 p.m.

Respectfully submitted,

Rebecca Injerd, Administrative Assistant

Date

Anthony Chandler, Chairman

Date

July 5, 2018

City of Whitehall
City Council
405 E. Colby
Whitehall, MI 49461

Dear City Council Member:

Thank you for your recent majority yes votes on the ramp behind 101 E. Colby.

We are very happy that you had a chance to review all previous emails that explained the dilemma we faced.

The new ramp was installed July 2 and it looks great. We know it will be used and the employees and owners of Northland Insurance are very happy.

Thank you all for serving this great City of Whitehall.

Sincerely,

Ryan Briegel/Don Nordlund
DBN Co.

CITY OF WHITEHALL
Marina Advisory Committee
June 11, 2018

Present

J. Holmstrom, G. Johnson, G. Langlois, M. Morin, S. Salter

Absent

K. Spencer

The meeting was called to order by City Manager Huebler at 5:32 p.m.

Election of Chair

Huebler commented that the Committee bylaws require the election of a chair at the first meeting of each even numbered year.

Motion by Holmstrom, seconded by Johnson, CARRIED, to nominate Salter for Chair. Hearing no other nominations, a unanimous ballot was cast for Salter.

Approval of Agenda

Motion by Holmstrom, seconded by Langlois, CARRIED 5-0, to approve the agenda as submitted.

Approval of Minutes

Motion by Langlois, seconded by Morin, CARRIED 5-0, to approve the October 2017 minutes as presented.

Communications

Debbie Martin will be appointed tomorrow night to complete the term of Mac Hatch.

Marina Managers Report

Bourdon reported that we have twelve seasonal boaters with ten slips available. We have a 4.3 out of 5.0 customer satisfaction rating on Google. The one negative review was a non-boater upset they could not use the bathrooms and laundry facilities. The WiFi out on the docks is a little spotty at times. Staff is having trouble operating the new sewage pump out.

Holmstrom asked about replacing the fuel tank blocks; cutting down the sumac trees growing along the shore; getting a new "open" flag and perhaps even a city flag with the new logo; purchasing bikes for the boaters; purchasing mugs and other logo items for sale; and installing blowers to keep the weeds out.

Unfinished Business

New Business

A. FY 2018/19 Budget

Huebler provided a brief over view of next fiscal year' budget as adopted by the City Council. The Committee concurred, that despite the negative operating budget, the marina provides a valuable service to the City.

B. Meeting Dates/Times

Huebler suggested setting 5:30 p.m. on the third Wednesday of May and September as the regular meeting dates rather than calling on availability every spring and fall. The Committee prefers the availability calls.

Public Comment

Adjournment

Motion by Langlois, seconded by Johnson, CARRIED 5-0, to adjourn at 6:08 p.m.



Muskegon Area First

MINUTES

Muskegon Area First

Meeting: Board of Directors

Date: 15-May-18

Time: 10:00 AM

Present: A. Chandler, J. Olson, Jonathan W., Rich H., Scott H., D. Nesbary, J. Statler, Frank P., Jake E., C. Larsen

Staff: D. Todd, P. Poort, C. Brubaker-Clarke

Guest: Erin Kuhn, West Michigan Shoreline Regional Development Commission

Excused S. Olsen, M. Olthoff, D. Therrian, D. Hazeckamp, S. Janson, C. Schmitigal, C. Achterhoff

TOPIC	SPEAKER	DISCUSSION	ACTION
Called to Order	A. Chandler	Anthony Chandler called the meeting to order at 10:04 a.m.	None.
Minutes	D. Nesbary	Dale Nesbary presented the minutes from March 20, 2018. No corrections were made.	Moved by F. Peterson, supported by J. Wilson to approve minutes as presented. Motion Carried.
Treasurer's report	S. Kehoe	Darryl Todd reported that MAF is 58% through the 2018 FY. Second Quarter billings were submitted and we have collected 61% of budgeted revenues from municipalities (some municipalities such as the County makes an annual payment) and 61% from non-municipalities. We have restricted contributions and misc. income total \$11,724.32. MAF will be the fiduciary for the 2018 Business Resource Connect, which received grants of \$3,500 from Blue Cross/Blue Shield and Michigan Manufacturers Technology Center. Total income is \$142,563.88. Expenses are tracking at 56% YTD. Reduced wage/benefits payments continue to be a savings. We will need to revisit the budget for adjustments in the near future. A \$5,000 payment to Bonner Advisory for EDO assessment consultation will be made from the fund balance. YTD expenses as of April 30th are \$112,575.72 and net ordinary income is \$18,738.16. Overall budget is on track. MAF reported deposit balance is \$168,561.97. The Certificate of Deposit with Community Shores has a balance of \$30,925.58 which will be reduced by this payment and future payments to Bonner Advisory.	Moved by F. Peterson, supported by R. Houtteman to approve minutes as presented. Motion Carried.
Presentations	Erin Kuhn, West Michigan Shoreline Regional Development Commission	Erin Kuhn gave an update on the findings from the Regional Asset Management Pilot report released from the the 21st Century Infrastructure Commission. Some of the findings include the need to invest in replacing aging water, sewer, stormwater infrastructure; expand business development by ensuring access to tailored energy services; and meet the need to provide a more robust transit network for urban and rural areas. The investment gap needed to meet these needs and more would be \$4 billion/year over the next 20 years. Further discussion involved public transportation in Muskegon County and the importance of routes to align with business needs.	Several questions were asked by board members. Cindy Larsen to draft a position on public transportation simply for potential talking points, not for MAF to ascribe a formal position at this point. A request will be made to invite MATS to an upcoming MAF BOD meeting to learn more about its position with to developing more business friendly routes.

TOPIC	SPEAKER	DISCUSSION	ACTION
President's Report	D. Todd	Darryl Todd informed the BOD that 4 retention calls were completed in March 2018. Four other follow-up visits to companies were made during this time as well. He added that some activities MAF engaged in during the month of February included: Project Chipper - Twp has to rezone the proposed site at the County Wastewater facility to industrial; Pigeon Hill .	None.
Unfinished Business	None	None	None.
New Business	None	None	None.
Other	D. Todd	2018 Business Resource Connect - Darryl Todd informed the BOD that this year's event will be on June 12th from 8 am - 11:30 am at the Muskegon Innovation Hub. This year's keynote speaker will be Rob Ptacek of Competitive Edge Training who will discuss using corporate culture as way recruit and retain talent. Breakout sessions will cover Marketing/Networking, Entrepreneurialism & Business Basics, Strategic Planning for Growth, Employee Safety, Workforce Development, Internships, and Apprenticeship workshops.	None.
Adjourn		The meeting adjourned at 11:31 a.m.	Next Board Meeting: June 19, 2018 at 10:00 a.m.

Respectfully submitted, D. Todd

Muskegon Municipal Wastewater Management Committee
January 18, 2018
Muskegon Charter Township

Members Present

Jerry Sanders-Muskegon Township
Jerry Bartozek -Norton Shores
Scott Huebler-City of Whitehall
Kim Arter-Laketon Township
Dave Geyer-Roosevelt Park
Randy Phillips – City of N. Muskegon
Heidi Tice – Fruitport Township

John Holter-Egelston Township
LeighAnn Mikesell-Muskegon
Jeff Auch – City of Montague
Jake Eckholm-Muskegon Heights
Tony Barnes-Dalton Township
Marcia Jeske – Fruitport Township
Chris Hall – Laketon Township

Others Present

Dave Johnson-Muskegon County
Kelly Sluyter- Muskegon Township

Scott Huebler called the meeting to order at 1:30p.m. at Muskegon Charter Township

1. Approval of Minutes of the November 16, 2017 Meeting

A motion was made by John Holter to accept the minutes of the November 2017 Meeting as presented. The motion was supported by Tony Barnes, and carried.

Approval of Minutes of the September 13, 2017 Meeting

A motion was made by Jeff Auch to accept the minutes of the September 2017 Meeting as presented. The motion was supported by John Holter, and carried.

2. Directors Report – Dave Johnson

Director Johnson reported operating expenditures after the first two months of the 2018 fiscal year are \$1,137,945, or 6.7% of the FY2018 budget. Revenues for the same period are \$2,719,600, or 14% of the budget. DJ reported that they had a wonderful average corn yield of 178 bu/acre, which is a wastewater record. Cell Two Improvements: Replacement of transformer due to an arc flash otherwise on schedule and issued Grand River's overall work a certificate of substantial completion. Michigan Adventures sewer connection was discussed as to how progress with the parks portion was going, Tony Barnes was questioning where they were pulling permits from for the work they are doing? Consumers Energy honored the County with an award for their Demand Response Program as we cut our power by 36,092 kWh in the course of the 2017 Demand Response Program, more than any other participant in the program. Wildlife Habitat Council has been involved in a Certificate Program and we have made our way up to "Gold" level certification, which is the highest level achievable.

Statistical Comparisons: December saw 10.8MGD, 3.6% lower than the same period last year. Hauled waste flow for December was 3.8 MG, 17% lower than it was at this time last year. The volume of water in the storage lagoons near the end of December was 2,429 MG, exactly the same as it was at this time last year.

3. Community Development

3.1. Marketing & Development

Jonathon Wilson was away at a conference. One question was brought up about How the County got possession of the HealthWest Homes?

4. Unfinished Business

4.1 Expansion - Coopersville

It was discussed that we are still in ongoing discussions with FairLife and progress is moving forward. Pre-engineering is near completion.

5. New Business

Election of new Vice Chair -

Scott Huebler recommended and expressed that Jake Eckholm showed interest in position.

Jake Eckholm accepted the nomination. A motion was made by Tony Barnes to Elect Jake Eckholm for Vice Chair Position. The motion was supported by Marcia Jeske, and carried.

Election of Replacement Secretary

Scott Huebler recommended & expressed that Marcia Jeske would be a great fit.

Marcia Jeske accepted the nomination. A motion was made by Tony Barnes to Elect Marcia Jeske for the Secretary position. The motion was supported by Jake Eckholm, and carried.

6. Community Updates/Information/Public Comment –

Location for 2018 Waste Water Committee Meeting were discussed and a recommendation to continue holding all meetings at Muskegon Charter Township was made. A motion was made by Jake Eckholm to continue holding all meetings at Muskegon Charter Township for 2018. The motion was supported by John Holter, and carried.

7. Adjournment - Meeting was adjourned at 2:10pm by Scott Huebler

CITY OF WHITEHALL
RESOLUTION 18-25
DEFINED CONTRIBUTION RETIREMENT PLAN

- WHEREAS, the City provides retirement benefits to its full time employees as managed by the Municipal Employees Retirement System (MERS).
- WHEREAS, Employees hired prior to 2014 receive a defined benefit retirement plan – the benefit received by the employee upon retirement is a fixed known amount whereas the contribution paid by the City is an unknown amount that fluctuates with financial markets and continues following the retirement of that employee.
- WHEREAS, to address growing legacy costs and unfunded liabilities, the City switched to a hybrid retirement plan (defined benefit and defined contribution) in 2014 as the only option then offered by MERS.
- WHEREAS, MERS now offers a defined contribution plan where employees receiving a fixed percent of their wages into a retirement account with the City's contribution ending upon retirement.
- WHEREAS, city employees covered under the latest Teamsters Local Union 214 Collective Bargaining Agreement hired after July 1, 2017 will be enrolled in the MERS Defined Contribution Plan.
- WHEREAS, the City Manager and Finance Officer are recommending that all other City employees be included in the defined contribution plan.

NOW, THEREFORE, LET IT BE RESOLVED

That the City Council hereby approves the MERS Defined Contribution Plan Adoption Agreement as attached to and considered a part of this Resolution.

Moved by _____, seconded by _____, and thereafter adopted by the City Council of the City of Whitehall, at a regular meeting held July 10, 2018 at 6:00 p.m. (_____yes, _____no, _____absent).

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk

MERS Defined Contribution Plan Adoption Agreement



1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 517.703.9711

www.mersofmich.com

The Employer, a participating municipality or court within the state of Michigan that has adopted MERS coverage, hereby establishes the following Defined Contribution Plan provided by MERS of Michigan, as authorized by 1996 PA 220 in accordance with the MERS Plan Document.

I. Employer Name City of Whitehall **Municipality #:** 6105

If new to MERS, provide your municipality's/court's fiscal year: _____ through _____.
(Month) (Month)

II. Effective Date

Check one:

A. ☒ If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of July, 2017.

☐ This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible employee shall be credited as follows (choose one):

☐ Vesting credit from date of hire ☐ No vesting credit

☒ This division is for new hires, rehires, and transfers of current Defined Benefit* division # 01,02,10,11,20 and/or current Hybrid division # HA

Closing this division will change future invoices to a flat dollar amount instead of a percentage of payroll, as provided in your most recent annual actuarial valuation. (The amount may be adjusted for any benefit modifications that may have taken place since then.)

Current active (defined benefit or hybrid) employees (select one of the following and see Plan Document, Section 64 for more information):

☐ Will have a one-time opportunity to convert the value of their current defined benefit from the existing defined benefit or hybrid plan into the new Defined Contribution Plan as a lump sum, or continue accruing service in the Defined Benefit. (Complete *MERS Defined Contribution Conversion Addendum*.)

☐ Will have a one-time opportunity to cease service accrual in the current plan and transfer to the new Defined Contribution plan for future service accrual, or continue accruing service in the Defined Benefit. The deadline for employees to make their election is: ____/____/____

☐ Will be required to cease service accrual in Defined Benefit and will transfer to Defined Contribution for future service accrual.

** By completing the section above, the Employer acknowledges receiving Projection Study results and understands the municipality's obligation to continue funding the liability associated with the closed Defined Benefit division.*

B. ☐ If this is an **amendment** of an existing Adoption Agreement (existing division number _____), the effective date shall be the first day of _____, 20____.

Note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

MERS Defined Contribution Plan Adoption Agreement

- C. ☐ If this is to **separate employees** from an existing Defined Contribution division (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.
- D. ☐ If this is to **merge division(s)** _____ into division(s) _____, the effective date shall be the first of _____, 20____.

III. Eligible Employees

Only those Employees eligible for MERS membership may participate in the MERS Defined Contribution Plan. A copy of ALL employee enrollment forms must be submitted to MERS. The following groups of employees are eligible to participate:

All new hires after 07/01/2017

(Name of Defined Contribution division – e.g. All Full Time Employees, or General After 7/01/13)

To further define eligibility, (check all that apply):

- ☐ **Probationary periods** are allowed in one-month increments, no longer than 12 months. During this introductory period the Employer will not report or make contributions for this period, including retroactively. Service will begin after the probationary period has been satisfied. The probationary period will be _____ month(s).
- ☐ **Temporary employees** in a position normally requiring less than a total of 12 whole months of work in the position may be *excluded* from membership. These employees must be notified in writing by the participating municipality that they are excluded from membership within 10 business days of date of hire or execution of this Agreement. The temporary exclusion period will be _____ month(s).

MERS Defined Contribution Plan Adoption Agreement

IV. Provisions

1. Vesting (Check one):

- ☐ Immediate
- ☒ Cliff Vesting (fully vested after below number years of service)
☐ 1 year ☐ 2 years ☐ 3 years ☐ 4 years ☒ 5 years
- ☐ Graded Vesting
_____ % after 1 year of service
_____ % after 2 years of service
_____ % after 3 years of service (min 25%)
_____ % after 4 years of service (min 50%)
_____ % after 5 years of service (min 75%)
_____ % after 6 years of service (min 100%)

Vesting will be credited using (check one):

- ☒ Elapsed time method – Employees will be credited with one vesting year for each 12 months of continuous employment from the date of hire.
- ☐ Hours reported method – Employees will be credited with one vesting year for each calendar year in which _____ hours are worked

In the event of disability or death, an employee's (or his/her beneficiary's) entire employer contribution account shall be 100% vested, to the extent that the balance of such account has not previously been forfeited.

Normal Retirement Age (presumed to be age 60 unless otherwise specified) _____

If an employee is still employed with the municipality at the age specified here, their entire employer contribution balance will become 100% vested regardless of years of service.

2. Contributions

- a. Will be remitted according to Employer's payroll withholding which represents the actual period amounts are withheld from employee paychecks, or within the month during which amounts are withheld (check one):
- ☐ Weekly
- ☐ Bi-Weekly (every other week)
- ☐ Semi-Monthly (twice each month)
- ☒ Monthly
- ☐ Other (must specify) _____
- b. Required Employee Contribution Structure to DC (subject to Internal Revenue Code 415(c) limitations)
- ☒ Employees are required to contribute per payroll period, the percentage 0 % OR flat dollar amount \$ _____
- ☐ Employees are required to contribute within the following range for each payroll:
Percentage range from _____ % to _____ % OR
dollar amount range \$ _____ to \$ _____
- ☐ Direct Required Employee Contributions pre-tax
- c. Post-tax voluntary employee contributions are allowable into a Defined Contribution account subject to Section 415(c) limitations of the Internal Revenue Code.

MERS Defined Contribution Plan Adoption Agreement

- d. The Participating Employer may make matching contributions and/or non-matching contributions into the Defined Contribution plan based on an employee's voluntary election into the MERS 457 (or any other 457 qualified plan where MERS is the Defined Contribution administrator). Check *Matching*, *Non-Matching*, or *both* as applicable below:

☐ **Matching Contributions**

Employer Contributions shall be made to match all or a portion of an employee's compensation deferred into this Program. The Employer elects the following matching contribution formula (check and complete **Percentage** or **Flat Dollar** and **Employer Cap**, if applicable, below):

- ☐ **Percentage:** For each payroll period in which the employee deferred compensation into the Program, the Employer will contribute _____.%
- For example, if an Employer elects a 50% match, then for every \$10 the employee defers to the Program, the Employer will contribute \$5 to the Program.*
- ☐ **Flat Dollar:** For each payroll period in which the employee deferred at least \$ _____ to the Program, the Participating Employer will contribute \$ _____ per payroll period.

Employer Cap: The Employer elects to establish a cap on its matching contributions, so that the match amount cannot exceed a certain amount. The Employer hereby elects the following cap on its percentage matching contribution:

- ☐ **Flat Dollar Cap:** In no event will matching contributions made on behalf of a employee exceed a flat dollar amount equal to \$ _____ per _____ (pay period / year / etc.)
- ☐ **Cap Equal to Percentage of Total Compensation:** In no event will matching contributions made on behalf of an employee exceed _____% of the employee's IRC Section 401(a)(17) includable compensation (gross income from the Employer).

☒ **Non-Matching Contributions**

The Employer hereby elects to make contributions to the Program without regard to an employee's contribution to the Program. The Employer elects the following contribution formula (check one):

- ☐ **Annual Contributions:** A one-time annual contribution of \$ _____ OR _____% of compensation per employee.
- ☒ \$ _____ or 8.00 % of compensation per employee for each payroll period.

3. **Compensation**

Employers may designate the definition of compensation per division participating in Defined Contribution pursuant to section 49 of the MERS Plan Document (check one):

- ☐ Medicare taxable wages reported in Box 5 of Form W-2
- ☐ All income subject to income tax reported in Box 1 of Form W-2, plus elective deferrals

MERS Defined Contribution Plan Adoption Agreement

- ☒ Compensation, for retirement purposes, is defined as base wages. Any of the following may be included:
- ☐ Longevity pay
 - ☐ Overtime pay
 - ☐ Shift differentials
 - ☐ Pay for periods of absence from work by reason of vacation, holiday, and sickness
 - ☐ Workers' compensation weekly benefits (if reported and are higher than regular earnings)
 - ☐ A member's pre-tax contributions to a plan established under Section 125 of the IRC
 - ☐ Transcript fees paid to a court reporter
 - ☐ A taxable car allowance
 - ☐ Short term or long term disability payments
 - ☐ Payments for achievement of established annual (or similar period) performance goals
 - ☐ Payment for attainment of educational degrees from accredited colleges, universities, or for acquisition of job-related certifications
 - ☐ Lump sum payments attributable to the member's personal service rendered during the FAC period
 - ☐ Other: _____
 - ☐ Other 2: _____

NOTE: In either of the above elections, an employee's compensation shall not exceed the annual limit under section 401(a)(17) of the Internal Revenue Code.

4. **Loans:** ☐ shall be permitted ☒ shall not be permitted
If Loans are elected, please complete and attach the *MERS Defined Contribution Loan Addendum*.
5. **Rollovers** from qualified plans are permitted and the plan will account separately for pre-tax and post-tax contributions and earnings thereon.

V. Appointing MERS as the Plan Administrator

The Employer hereby agrees to the provisions of this *MERS Defined Contribution Plan Adoption Agreement* and appoints MERS as the Plan Administrator pursuant to the terms and conditions of the Plan. The Employer also agrees that in the event of any conflict between the MERS Plan Document and the MERS Defined Contribution Plan Adoption Agreement, the provisions of the Plan Document control.

VI. Modification of the terms of the Adoption Agreement

If the Employer desires to amend any of its elections contained in this Adoption Agreement, including attachments, the Governing Body or Chief Judge, by resolution or official action accepted by MERS, must adopt a new Adoption Agreement. The amendment of the new Agreement is not effective until approved by MERS.

VII. Enforcement

1. The Employer acknowledges that the Michigan Constitution of 1963, Article 9, Section 24, provides that accrued financial benefits arising under a public Employer's retirement plan are a contractual obligation of the Employer that may not be diminished or impaired.

MERS Defined Contribution Plan Adoption Agreement

2. The Employer agrees that, pursuant to the Michigan Constitution, its obligations to pay required contributions are contractual obligations to its employees and to MERS and may be enforced in a court of competent jurisdiction;
3. The Employer acknowledges that employee contributions (if any) and employer contributions must be submitted in accordance with the *MERS Reporting and Contribution Enforcement Policy*, the terms of which are incorporated herein by reference;
4. The Employer acknowledges that late or missed contributions will be required to be made up, including any applicable gains, pursuant to the Internal Revenue Code;
5. Should the Employer fail to make its required contribution(s) when due, MERS may implement any applicable interest charges and penalties pursuant to the *MERS Reporting and Contribution Enforcement Policy* and Plan Document Section 79, and take any appropriate legal action, including but not limited to filing a lawsuit and reporting the entity to the Treasurer of the State of Michigan in accordance with MCL 141.1544(d), Section 44 of PA 436 of 2012, as may be amended.
6. It is expressly agreed and understood as an integral and non-severable part of this Agreement that Section 43 of the Plan Document shall not apply to this Agreement and its administration or interpretation. In the event any alteration of the terms or conditions of this Agreement is made or occurs, under Section 43 or other plan provision or law, MERS and the Retirement Board, as sole trustee and fiduciary of the MERS plan and its trust reserves, and whose authority is non-delegable, shall have no obligation or duty to administer (or to have administered) the MERS Defined Contribution Plan, to authorize the transfer of any defined benefit assets to the MERS Defined Contribution Plan, or to continue administration by MERS or any third-party administrator of the MERS Defined Contribution Plan.

VIII. Execution

Authorized Designee of Governing Body of Municipality or Chief Judge of Court

The foregoing Adoption Agreement is hereby approved by Whitehall City Council on
the ____ day of _____, 20____. (Name of Approving Employer)

Authorized signature: _____

Title: _____

Witness signature: _____

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: _____, 20____ Signature: _____
(Authorized MERS Signatory)

CITY OF WHITEHALL
RESOLUTION 18-26
Vehicle Purchase

WHEREAS, The City is in need of replacing the 2003 Ford Crown Victoria Police Interceptor used primarily by the Public Works Director.

WHEREAS, City Ordinance §32.04 allows for the purchase of used equipment after obtaining comparable costs.

WHEREAS, the City budgeted \$15,000 for a new vehicle.

WHEREAS, Public Works Director Armstrong and DPW Crew Leader Bond have reviewed a number of comparable vehicles and costs from various local automobile dealers ranging in price from \$13,713 to \$17,995

WHEREAS, Armstrong and Bond recommend purchasing a 2012 Ford Explorer from Great Lakes Ford for \$13,713.

NOW, THEREFORE, LET IT BE RESOLVED

That the Whitehall City Council does hereby approve the purchase of the 2012 Ford Explorer as recommended.

Moved by _____, seconded by _____, and thereafter adopted by the City Council of the City of Whitehall, at a regular meeting held July 10, 2018 at 6:00 p.m.

(___ yes, ___ no, ___ absent).

Debra Hillebrand, Mayor

Brenda Bourdon, City Clerk

TRAIL MAINTENANCE PERMIT

THIS PERMIT, is granted this _____ day of _____,

by City of Whitehall to the
(Landowner)

WEST SHORE SNOWMOBILE COUNCIL
(Trail Sponsor)

for trail use on the following described premises situated in the
County of MUSKEGON, State of Michigan:

Legal description of land to be used for trail proposed.

Township of _____

Section. _____

SUBJECT TO:

1. This permit shall terminate upon sale of this land, or upon notification in writing to the trail sponsor.
2. The right-of-way snowmobile route shall be open to the general public for snowmobile use.
3. The trail will be marked by appropriate signs which will be removed at the landowners request after permit expiration.
4. This permit remains in effect until W.S.S.C. is notified. This permit is subject to renewal by mutual agreement between the parties and the signing of a new permit.

5. Special conditions:

This permit pertains to the bike / snowmobile trail within the city limits of the City of Whitehall.

Date: _____

(Landowner's Signature)

Oscar Reed
(Trail Sponsor's Signature)

Oscar Reed, WSSC Treas.

PA. # 231-744-5731

Act No. 177
Public Acts of 1974
Approved by Governor
June 23, 1974

STATE OF MICHIGAN
77TH LEGISLATURE
REGULAR SESSION OF 1974

Introduced by Senators Lodge, Bouwsma, Novak, Faxon, McCauley, McCollough and Hart

ENROLLED SENATE BILL No. 1196

AN ACT to amend the title and section 1 of Act No. 201 of the Public Acts of 1953, entitled as amended "An act restricting suits by persons coming upon the property of another for the purpose of hunting, fishing, trapping, camping, hiking, sightseeing, or other similar outdoor recreational use; and to declare the limited liability of owners of property within this state," being section 3000.201 of the Compiled Laws of 1970.

The People of the State of Michigan enact:

Section 1. The title and section 1 of Act No. 201 of the Public Acts of 1953, being section 3000.201 of the Compiled Laws of 1970, are amended to read as follows:

TITLE

An act restricting suits by persons coming upon the property of another for certain purposes; and to declare the liability of owners of property within this state.

Sec. 1 No cause of action shall arise for injuries to any person who is on land of another without paying to such other person a valuable consideration for the purpose of fishing, hunting, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use, with or without permission, against the owner, tenant, or lessee of said premises unless the injuries were caused by the gross negligence or wilful and wanton misconduct of the owner, tenant, or lessee.

This act is ordered to take immediate effect.

Scott K. Huebler

From: Rodger Sweeting <risweeting@aol.com>
Sent: Wednesday, June 27, 2018 4:50 PM
To: Brenda J. Bourdon
Cc: Scott K. Huebler
Subject: Re: Legal review

The PA they provide was repealed and replaced but still reads much the same. It purports to limit liability for injury for ordinary accidents or negligence so long as we aren't taking \$\$ to ride. I would change the name of the document to trail maintenance permit for clarity.

Section 324.73301



friendly link



Printer Friendly

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT) Act 451 of 1994

324.73301 Liability of landowner, tenant, or lessee for injuries to persons on property for purpose of outdoor recreation or trail use, using Michigan trailway or other public trail, gleaning agricultural or farm products, fishing or hunting, or picking and purchasing agricultural or farm products at farm or "u-pick" operation; definition.

Sec. 73301.

(1) Except as otherwise provided in this section, a cause of action does not arise for injuries to a person who is on the land of another without paying to the owner, tenant, or lessee of the land a valuable consideration for the purpose of fishing, hunting, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use or trail use, with or without permission, against the owner, tenant, or lessee of the land unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(2) A cause of action does not arise for injuries to a person who is on the land of another without paying to the owner, tenant, or lessee of the land a valuable consideration for the purpose of entering or exiting from or using a Michigan trailway as designated under part 721 or other public trail, with or without permission, against the owner, tenant, or lessee of the land unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee. For purposes of this subsection, a Michigan trailway or public trail may be located on land of any size including, but not limited to, urban, suburban, subdivided, and rural land.

(3) A cause of action does not arise, for injuries to a person, against a person, other than a for-profit legal entity, with whom the owner, tenant, or lessee of land contracts to construct, maintain, or operate a trail or other land improvement used by the injured person as described in subsections (1) and (2), unless the injuries were caused by the gross negligence or willful and wanton misconduct of the person, other than a for-profit legal entity, with whom the owner, tenant, or lessee contracts.

(4) A cause of action does not arise against the owner, tenant, or lessee of land or premises for injuries to a person who is on that land or premises for the purpose of gleaning agricultural or farm products, unless that

person's injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(5) A cause of action does not arise against the owner, tenant, or lessee of a farm used in the production of agricultural goods as defined by section 35(1)(h) of the former single business tax act, 1975 PA 228, or by section 207(1)(d) of the Michigan business tax act, 2007 PA 36, MCL [208.1207](#), for injuries to a person who is on that farm and has paid the owner, tenant, or lessee valuable consideration for the purpose of fishing or hunting, unless that person's injuries were caused by a condition that involved an unreasonable risk of harm and all of the following apply:

- (a) The owner, tenant, or lessee knew or had reason to know of the condition or risk.
- (b) The owner, tenant, or lessee failed to exercise reasonable care to make the condition safe, or to warn the person of the condition or risk.
- (c) The person injured did not know or did not have reason to know of the condition or risk.

(6) A cause of action does not arise against the owner, tenant, or lessee of land or premises for injuries to a person, other than an employee or contractor of the owner, tenant, or lessee, who is on the land or premises for the purpose of picking and purchasing agricultural or farm products at a farm or "u-pick" operation, unless the person's injuries were caused by a condition that involved an unreasonable risk of harm and all of the following apply:

- (a) The owner, tenant, or lessee knew or had reason to know of the condition or risk.
- (b) The owner, tenant, or lessee failed to exercise reasonable care to make the condition safe, or to warn the person of the condition or risk.
- (c) The person injured did not know or did not have reason to know of the condition or risk.

(7) As used in this section, "agricultural or farm products" means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary, including, but not limited to, trees and firewood.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 2007, Act 174, Imd. Eff. Dec. 21, 2007 ;-- Am. 2017, Act 39, Eff. Aug. 21, 2017

Popular Name: Act 451

Popular Name: NREPA

Rodger I Sweeting (P-44625)

Attorney At Law

Rodger I Sweeting, PLC

[110 W. Colby](#)

[Whitehall, MI 49461](#)

Ph: [231.894.5631](#)

Fax: [231.894.2012](#)

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On Jun 27, 2018, at 3:59 PM, Brenda J. Bourdon <Bourdon@cityofwhitehall.org> wrote:

Hi Rodger:

Could you take a look at the attached and let us know if you see any issues with it.

Thanks!

Brenda Bourdon

City Clerk

Ph. 231-894-4048

Fx. 231-893-4708

<image003.jpg>

<KM_36818062716060.pdf>

WEST MICHIGAN "OLD SPECKLED HEN" MG CAR CLUB



May 18, 2018

To whom it may concern:

The West Michigan Old Speckled Hen MG Car Club is organizing the White Lake Classic Boat and Car Show at Goodrich Park in Whitehall on July 28, 2018 in cooperation with the White Lake Area Chamber of Commerce.

We are asking to lift the no wake zone in front of the Whitehall Municipal Marina on Saturday, July 28 so that boat demonstrations can be made by antique boats and the Vietnam era patrol boat from Operation Black Sheep. We would also like to close off the main marina parking lot by the pavilion and marina office on the day of show for display of boats on trailers and cars.

Thank you for your consideration,

White Lake Classic Boat and Car Show
Noel and Amy Harrington
Vice Presidents, West Michigan Old Speckled Hen MG Car Club

REQUESTING
NOON TO 2:00 P.M.

Google Maps

