

**WALKER CITY COMMISSION AGENDA
COMMISSION CHAMBERS
4243 REMEMBRANCE RD. NW
FEBRUARY 23, 2009**

- 7:00 P.M. COMMITTEE OF THE WHOLE MEETING**
Speaker: Art Tanis, 6th District Kent County Commissioner
- 7:30 P.M. PUBLIC HEARING – AMENDMENT of Application for INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE for Rock Interface, located at 2708 Kinney NW.**
- 8:00 P.M. REGULAR COMMISSION MEETING**
1. **CALL TO ORDER**
 2. **INVOCATION** – Commissioner Kent
 3. **PLEDGE OF ALLEGIANCE** (Please Stand)
 4. **ROLL CALL**
 5. **MINUTES**
Approval of 2/9/09 Commission Meeting Minutes
 6. **PUBLIC COMMENT**
This provision is made to encourage the expression of audience questions and concerns. Speakers are asked to identify themselves by name and address. A maximum of 5 minutes will be given. The Commission will assure that a response is made within a reasonable amount of time.
 7. **MAYOR**
 1. Communication
 2. Committee Reports – Emergency Planning Committee Minutes, Zoning Board of Appeals Minutes, Historical Commission Minutes, and Finance Committee Minutes.
 3. Appointments
 8. **CITY MANAGER**
 1. Expenditures in the amount of \$412,873.56
 2. Gypsy Moth Suppression Program Discussion
 9. **RESOLUTIONS**
 1. 09-69 Recreation Department 2009 Revised Park Fees
 2. 09-70 Agreement with Kent County and Kent County Sheriff
 3. 09-71 Resolution to amend Act 198 Certificate for Rock Interface
 10. **ORDINANCES**
 1. 09-564 Second Reading: Adding Section 50-49 o Article 1 of Chapter 50 Tobacco products; violation as a civil infraction.
 2. 09-565 Second Reading: Adding Section 50-66 to Article II of Chapter 50 Careless us of BB handguns;
 3. 09-566 Second Reading: Amendment to Chapter 67, Article IV, Section 23, Entitled “Interference with Natural or Artificial Drains”.

4. 09-567 First Reading: To amend Chapter 82, Vehicle Use Prohibited.
5. 09-568 First Reading: Licensing Revisions to amend Sections 6-6, 6-8, 22-9, 22-13, 38-53, 62-57, and 70-81.

11. **TABLED ITEMS**
12. **PUBLIC COMMENT**
13. **COMMISSIONERS COMMENTS**
14. **CITY MANAGERS COMMENTS**
15. **ADJOURNMENT**

CITY OF WALKER
COMMISSION MINUTES
MONDAY, FEBRUARY 9, 2009 AT 7:00 P.M.
COMMISSION CHAMBERS – 4243 REMEMBRANCE RD

Mayor Ver Heulen called the Committee of the Whole meeting to order at 7:00 P.M.

Gary Carey gave an update on the Historical Commission and the Edison House progress. The proposed architect fee is estimated at \$2000.00 to \$5000.00. The Texas-Holdem Event dates are being worked out for fundraising for the Edison House.

Standale Garden Club would like to adopt the Edison House as a landscape project. However, they will need a water hook up for watering the plants.

Travis Mabry, Engineering Department, reviewed the storm water zone map update. Mr. Mabry also spoke on Ordinance 09-566. This Ordinance revision will clarify the restrictions to building anything in easements and above underground storm sewers.

Motion by Deschaine, seconded by Kent; Carried Unanimously: To take the Public Hearing off the table and open the Public Hearing for Altus industries.

Mr. Craig Venderheide, spoke about what his company does, and the proposed added square footage they would like to construct. They are planning to introduce two new product lines and also increasing their staff. They have two companies, Altus Industries, and Workstuff. They specialize in electronic health records ergonomic products. Motion by Kent, seconded by Parent to close the Public Hearing; Carried Unanimously.

Chief Catherine Garcia, spoke on Ordinance 09-564 – Tobacco products as a civil infraction. By making this a local ordinance, it gives the Police Department more authority to act in these circumstances. Ordinance 09-565, adding Careless use of BB handgun was also discussed. This Ordinance will assist the Police to make an arrest if necessary.

Mayor Ver Heulen called the Commission meeting to order at 8:00 P.M.

INVOCATON by Commissioner Parent

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Ver Heulen, Commissioners: Parent, Kent, Deschaine, Holt, Stek, and Versluis.

ALSO PRESENT: Cathy Vander Meulen, City Manager, Darrel Schmalzel, Assistant City Manager and Jeff Sluggett, City Attorney.

Motion by Parent, seconded by Holt, carried unanimously; to approve the 1/26/09

Commission Meeting minutes.

Motion by Deschaine, seconded by Stek, carried unanimously; to approve the 1/24/09 Budget Workshop Session minutes.

PUBLIC COMMENT: Terri Lyon Carl, 668 Gage; spoke in regards to the property sale on Kingsbury. As a resident in the area, she opposes a liquor store in this area.

Cindy Harper, 691 Kingsbury; spoke in regards to a potential liquor store going into business in her neighborhood.

Motion by Versluis, seconded by Kent, carried unanimously; to approve the expenditures in the amount of \$490,239.08.

City Manager stated the Jail Per Diem Agreement and the Arrest Processing Fee Agreement were pulled from the agenda, for more details to follow.

Motion by Holt, seconded by Stek, carried unanimously; to approve the revised storm water zone map.

Motion by Deschaine, seconded by Holt, carried unanimously; to approve the petition of the Treasurer of the City of Walker to Strike Delinquent Personal Property Taxes from the tax rolls.

Motion by Holt, seconded by Parent, carried unanimously; to approve Resolution 09-66 Stimulus Funding to Local Governments.

Motion by Versluis, seconded by Kent, carried unanimously; to approve Resolution 09-67 Consumers Power Agreement for Blossom trail Plat.

Motion by Parent, seconded by Kent, carried unanimously; to approve Resolution 09-68 Consumers Power Agreement for Richview Estates #3.

Motion by Deschaine, seconded by Versluis, carried unanimously; to approve Second Reading of PR 09-474, rezoning request for 3850 Richmond Ave.

Discussion on PR 09-475:

Frank Wash, Planning Director; spoke in regards to rezoning 765 Kingsbury to C-1. With C-1 zoning, a liquor store is not allowed. If this was a request it would have to go To the Zoning Board of Appeals for approval. Police Chief Garcia, also spoke on the traffic history of this area, and other issues surrounding this area, and would recommend denying this location to be used as a liquor store. The Commission agreed that they do not want to see a liquor store in this location.

Motion by Kent, seconded by Deschaine, carried unanimously; to Table First Reading of PR 09-475 until 3/9/2009 Commission Meeting.

Motion by Parent, seconded by Holt, carried unanimously; to approve First Reading of ORD 09-564 to add section 50-49 to article 1 of Chapter 50.

Motion by Holt, seconded by Parent, carried unanimously; to table ORD 09-565 until Commission meeting 2/23/09, at which we will answer the following three questions:

1. Consider changing from Misdemeanor to Civil Infraction
2. Include Rifles, and possibly paintball guns
3. Investigate how surrounding communities ordinances compare

Motion by Holt, seconded by Versluis, carried unanimously; to approve First Reading of ORD 09-566 – Amendment to Chapter 67, Section 23, Interference with natural or artificial drains. The Commission would like to review the FEMA data before the Second Reading on 2/23/09.

Motion by Kent, seconded by Stek, carried unanimously; to remove Resolution 09-65 from the table.

Motion by Holt, seconded by Deschaine, carried unanimously; to approve Resolution 09-65, Industrial Facilities Exemption Certificate for Altus Industries Inc.

PUBLIC COMMENT: Diane Jedrzejczak spoke of interest to be on a City Committee.

Motion by Kent, seconded by Deschaine, carried unanimously; to adjourn the meeting at 9:40 P.M.

Respectfully submitted,

Sarah Bydalek
City Clerk

**Emergency Planning Committee Meeting
Public Safety Conference Room
February 12, 2009 4:00 P.M.**

The meeting was called to order at 4:00 p.m. in the Public Safety Conference Room.

Members present: Fire Chief Schmidt, Police Chief Garcia, Commissioner Deschaine, Kent County Commissioner Tanis, City Manager Vander Meulen, Sgt Greg Long, Scott Connors, and Mark Koning.

It was discussed that future trainings and classes may also become available to the City.

Fire Chief Schmidt explained that there is a FEMA training being offered to our Fire Chief and Police Chief at no expense to the City. They have a FEMA handbook that they can use as a guide.

Connors stated it would be beneficial to have a ½ day exercise session every other year with all the departments involved.

It was suggested to set up a call list, such as who to call if there was a power outage, or flood. So everyone would have the contact information. This would be a proactive list of who responds to what situation.

City Manager concluded she would like to see a timeline with a list of priorities put together by the departments.

Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Sarah Bydalek
City Clerk

MEETING

CITY OF WALKER

ZONING BOARD OF APPEALS

Thursday, December 11, 2008

7:00 p.m.

The meeting of the Zoning Board of Appeals was called to order by Robert Marz, Chairman at 7:00 p.m. at City Hall 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Robert Marz, Chairman; Roger Crabtree; Charles Deschaine; Brian Boelens; Randy Smith; James Hickey and Beth Rogers. Also present: Jeff Nelson, Building Official; and Bonnie Antcliff, Recording Secretary.

DECISION AND ORDER

Motion

Roger Crabtree moved and Charles Deschaine supported the motion to remove 4143 Tallman Creek from the table.

Motion carried 7 to 0.

Legal Description

Property located at 4143 Tallman Creek Dr., N.W., also known on the tax rolls as 41-13-30-276-023. Hearing requested by Keith Potter.

The applicant's request is to construct a chain link fence in the drainage easement. The easement involves rear and side yard.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted. No citizen appeared with respect to this request. He went on to say that the applicant has a lot of information that she has shared with us from the County. We also have a petition of 41 signatures from the neighbors in favor of this request.

Tim Raymer, owner of adjacent property stated that we have met with the Ordinance Committee and the Zoning Board of Appeals. The ordinance changed in 1998 to prohibit fences but there is no fence permit process in place. There are violations throughout the City. Our neighbor has

complained and that is why we are here. We have discussed this extensively with the Drain Commissioner. Kentwood has changed their ordinance and it now goes through the Engineering Department. He then showed pictures of the property with explanations. This fence is on top of the drainage pipes. The cover to the drain is outside of the fence. The applicant did not feel that this would set a precedent. Two homes share this fence. The Potter's do not have a sump pump because the property drains that well. The drainage pipe is of concrete construction. The company that installed the pipe claims that typically problems with this system would be during the installation and not after. It has been there 12 years with no problem. The City Attorney stated that specific conditions could be imposed if this were granted. We would be agreeable with that. If there is a need to get in there and take the fence out, that would be our responsibility to re-install it at our expense as well as maintenance.

Mrs. Potter thanked the Board for all the time they have spent on this request.

Robert Marz, Chairman stated that the Ordinance Committee did not feel that the ordinance should be changed. They felt this Board should set the standards on a case by case basis.

Charles Deschaine stated he would like to see some sort of gate system installed for easy access should this be approved.

Beth Rogers stated that the applicant has done their homework on this. We have had many meetings on this issue. With the rains that we had this past summer, there was not a problem.

James Hickey stated that if someone does not take care of this drain, the City will be responsible for anything happening there if we grant this variance.

Robert Marz feels that there should be some give and take in these situations. He felt the fence should be gated and not locked.

Randy Smith stated that there are two easements here one on the side and one in back. Do they need two gates? On the west side the fence is in the landscaping. What if another neighbor wants to hook onto this fence? He would like to see a side yard variance but the rear yard fence should be split apart and outside of the easement.

Roger Crabtree asked why is the easement there? Mainly an easement is there for access. If the City needs access, we need the property owners to pay for any damages.

Jeff Nelson stated we need the access to walk through if this is granted. This is an underground pipe with a catch basin so we do not depend so much on surface drainage in this area.

Motion

Charles Deschaine moved and Beth Rogers supported the motion to grant the applicant's request to construct a chain link fence in the drainage easement. The easement involves rear and side yard.

- a. There are exceptional and extraordinary circumstances applicable to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district. The percentage of easement and topography on the property are exceptional.
- b. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Numerous other properties within the same zoning district and City of Walker enjoy the use of fences on their property within drainage easements.
- c. Authorization of the variance will not be of a substantial detriment to adjacent property and will not materially impair the intent and purpose of the ordinances or public interest in that there is no detriment to adjacent property. Property owner is willing to accept responsibility to remove fence if requested for necessary maintenance. This is not a detriment to adjacent property.
- d. The condition or the situation of the piece of property or the intended use of the property for which the variance is sought is not so general or recurrent a nature as to make reasonably practicable for the formulation of a general regulation. The fence allows the owner's and neighbor's dogs to be kept in the back yard which enhances the front of the property. This is not a general problem.
- e. Does not apply.

The Board imposed the following conditions:

1. DPW Department to choose where the gates will be placed.
2. Fence needs to be maintained by property owners.
3. Fence to remain as an open chain link fence.

Motion carried 4 to 3. Brian Boelens, James Hickey & Randy Smith opposed.

DECISION AND ORDER

Motion

Brian Boelens moved and James Hickey supported the motion to remove 3731 Northridge from the table.

Motion carried 7 to 0.

Legal Description

Property located at 3731 Northridge Dr., N.W. also known on the tax rolls as 41-13-05-127-001. Hearing requested by Design Edge.

The applicant's request is to add 4, 4 x 16 ft. signs on the west side of the building with 256 sq. ft. instead of the 80 sq. ft. allowed.

Finding of Facts

Robert Marz, Chairman reviewed the application and site plan submitted. No citizen appeared with respect to this request. When this request was tabled the Board instructed the applicant to bring back samples of the sign and to talk with the Planning Director, Frank Wash.

Charles Deschaine asked the applicant if he had talked to the City Planner and the applicant replied he did not.

Mr. Brown stated that the building inspector told him not to talk to Frank Wash.

Jeff Nelson stated that if this Board directed you to talk to the Planning Department, it should not have been ignored.

Charles Deschaine stated that the Board wanted to hear comments and input from the Planner.

Robert Marz stated that until you speak with the Planner, the Board is not ready to act on this.

Mr. Brown stated that he talked with Jim Hickey and he stated he was aware of this.

Mr Hickey replied that he was aware of the situation because he is chairman of the Planning Commission and we went through this very thoroughly with Roger Lammer and everyone else involved

in the meeting on this building. Mr. Lammers knew what was proposed on the signage there. He should have informed you of this. This is four times the signage that is allowed in the ordinance and that is why Mr. Wash was not in favor of this request. Our new sign ordinance just went into effect a year and a half ago. You need to talk to Frank Wash about this because there are going to be a lot more buildings on Northridge Dr.

Mr. Brown stated that this is exceptional circumstances because our building is like no other because it faces Fruitridge and the setback is 130 ft. and no other building on Northridge will have that. He stated that all he is asking is to have signage so that his customers will know where he is.

Robert Marz stated that it is your right to come here and ask for a variance. If you can meet the conditions you are entitled to a variance. We ask our Department heads their opinion.

Mr. Brown stated that he is now asking for 70 sq. ft. for his section of the building. He went on to say that he believed that the ordinance says he is allowed an 80 sq. ft. tenant sign on that wall.

James Hickey replied you are not allowed any sign on that building.

Mr. Brown replied that this is the front of the building.

Mr. Hickey stated that he did not come to meet with the applicant because any conversation with the applicant should be at this meeting. Secondly, we talked about Roger Lammer, and he set up the whole thing on the signs and the Planning Commission stated when this project was approved that the signage would be on the side, which you were told to talk to Mr. Wash about, or on the front of the building.

Mr. Brown replied this is the front of the building.

Mr. Hickey disagrees that this is the front of the building.

Jeff Nelson stated that the front of the building is the street where the most traffic is.

Roger Crabtree stated that he would like to see Mr. Brown's space with his proposed sign from the road when he comes back to the Board.

Robert Marz stated that just because a staff member recommends denial of an application does not mean that we are automatically going to deny it.

Motion

Roger Crabtree moved and James Hickey supported the motion to table the applicant's request to add 4, 4 x 16 ft. signs on the west side of the building with 256 sq. ft. instead of the 80 sq. ft. allowed so that the applicant can talk to the City Planner before coming back to this Board.

Motion carried 7 to 0.

Motion

James Hickey moved and Randy Smith supported the motion to approve the minutes of the Zoning Board of Appeals minutes of November 13, 2008.

Motion carried 7 to 0.

Motion

Beth Rogers moved and James Hickey supported the motion to appoint Brian Boelens as a full-time member of the Zoning Board of Appeals.

Motion carried 7 to 0.

Motion

Roger Crabtree moved and James Hickey supported the motion to adjourn the Zoning Board of Appeals meeting at 8:25 p.m.

Motion carried 7 to 0.

Roger Crabtree, Secretary

**Walker Historical Commission
4293 Remembrance Road
Walker, MI 49534
Meeting
January 13, 2009
City Hall**

**Gary Carey-Chairman
Carolyn Batema-Treasurer
Judy Powell**

**Donna Meeks-Secretary
Peg Wieber**

Opened meeting at 7:10PM at City Hall

Attended: Donna Meeks, Carolyn Batema, Peg Wieber, Judy Powell, DeRye, Cyndee Stek and Gary Carey

Unattended: Kolenda

Guests: Kenowa Hills High student and two students from GRCC

Old Business

Treasurer Report

Approved Batema and Powell

Secretary Report

December and January minutes to be approved in February

Chairman's Report

- Voting for WHC to be done in February
- Community Development grant approved \$15,000 for Edison House per Stek
- Back door needs to be handicap accessible
- Need to encourage Walker investors
- Pamphlet edited and to be re-edited February meeting
- Carey in contact with Frey Foundation for funds
- Kellogg foundation the largest would be donor
- Past Perfect gave opinion on interior of Edison House
- Committee approved a Texas Holdum Event to obtain funds
- Upright piano donated by Sherry Meines: WHC to move it
- Firehouse Café in Standale Firehouse
- Need to go on a Lowell Museum Tour

Next Meeting February 10th **7PM**

Meeting adjourned 8:55PM per Powell and Batema

Dated: 2/19/2009

Donna Meeks-Secretary

**CITY OF WALKER
FINANCE COMMITTEE MEETING
FEBRUARY 17, 2009
4:00 PM**

Members Present: Mayor Ver Heulen, Commissioner Deschaine, Commissioner Holt, and Commissioner Stek. Also Present: City Manager, and Assistant City Manager.

City Manager Vander Meulen discussed the proposed new accounting software RFP. Ms. Vander Meulen would like approval to move forward with obtaining RFP's from qualified vendors. The committee agreed.

The Court is requesting approval to proceed with various building, security, and technology improvements. The committee agreed to move forward to obtain new proposals, and have the Building Committee review these.

Scott Connors, Engineering and Al Pennington reviewed the current status of the 3 Mile/ Indian Mill Creek/ RR Bridge Project. Discussion was held in regards to considering completion of 3 Mile Road to Peachridge, and possibly to Elmridge. Commissioner Deschaine would like to know more about the future plans of the Railroad over the next five years. Commissioner Deschaine would also like to see an accident report study for 3 Mile Road by the Railroad Bridge. The Finance Committee agreed to move forward with this project, however, they would like the traffic Committee to review this project as well.

City Manager Vander Meulen stated they have four proposals for outsourcing the Payroll. It will take approximately 6 weeks to get this up and running. Ms. Vander Meulen asked for the Committees approval to move forward with outsourcing the payroll function. The Committee agreed.

Discussion was held in regards to combining the Planning and Building departments. Ms. Vander Meulen would like to have Riverhills Consulting help us with this transition. It was agreed to move forward with this plan.

Meeting adjourned at 6:15 p.m.

Respectfully submitted,

Sarah Bydalek
City Clerk

EXPENDITURES FOR 2-23-09

02/18/09

CITY OF WALKER
A/P HISTORICAL CHECK REGISTER WITH G/L ACCOUNT NUMBER

PAGE 1

BY CHECK NUMBER

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110522	02/03/09	K-W	K-W MANUFACTURING COMPANY INC.	SUPPLIES	206093901000	30.88	VEHICLE MAINT-HIGHWAY
						30.88	*
110523	02/11/09	118670	US POSTMASTER	POSTCARD STAMPS	101192730000	405.00	ELECTION
						405.00	*
110524	02/05/09	100208	APWA MIDWEST BRANCH	REGISTRATION (4)	101445961000	50.00	CONNERS-MABRY
110524	02/05/09	100208	APWA MIDWEST BRANCH	REGISTRATION (4)	206463864000	50.00	POSTEMA-KONING
						100.00	*
110525	02/05/09	100225	LEXI SNEXIS INC	1270514-20090131	101300851000	76.25	JANUARY 2009 CONTRACT FEE
						76.25	*
110526	02/05/09	100300	RYLEE'S ACE HARDWARE	ACCT #101056	510780932000	279.74	WIFC JANUARY 2008 STMT
						279.74	*
110527	02/05/09	100360	ADVANCE NEWSPAPER CORP	DS161176	101215903000	334.64	LEGAL NOTICES
						334.64	*
110528	02/05/09	100668	AMERICAN MESSAGING LLC	Z2535538JB	101300851000	63.78	MONTHLY SERVICE
						63.78	*
110529	02/05/09	100812	AT&T YELLOW PAGES	ACCT #2006656104	510780895000	118.24	WIFC INTERNET ADV
						118.24	*
110530	02/05/09	100870	ARROWASTE INC	1784	101265706000	530.25	JANUARY CHARGE
110530	02/05/09	100870	ARROWASTE INC	940672	510780920400	183.75	WIFC TRASH FEBRUARY 2009
						714.00	*
110531	02/05/09	102072	BATTERIES PLUS	31055 FIRE	101335768000	163.85	UNIFORMS-SURVIVOR LED-ORG
110531	02/05/09	102072	BATTERIES PLUS	31248	206463726000	-28.80	CREDIT FROM STATEMENT
110531	02/05/09	102072	BATTERIES PLUS	31248	206463726000	49.99	SUPPLIES
						185.04	*
110532	02/05/09	103033	COLUMBIA PIPE & SUPPLY	8109310	510760932400	80.54	ZAMBONI REFUELING STATION
110532	02/05/09	103033	COLUMBIA PIPE & SUPPLY	8106648	510760932400	77.08	ZAMBONI REFUELING STATION
110532	02/05/09	103033	COLUMBIA PIPE & SUPPLY	8102490	510760932400	17.04	ZAMBONI REFUELING STATION
						174.66	*
110533	02/05/09	103045	COMCAST	ACCT #1720504910013	510780920500	98.73	WIFC CABLE 02/08-03/07/09
						98.73	*
110534	02/05/09	103300	CONSUMERS ENERGY	SIRENS	101335920000	47.42	SIRENS
110534	02/05/09	103300	CONSUMERS ENERGY	TRAFFIC LIGHTS-JAN	202463726000	1,617.97	TRAFFIC LIGHTS-JANUARY
						1,665.39	*
110535	02/05/09	103320	CONSUMERS ENERGY	4243 REMEMBRANCE	101141920000	995.61	COURT
110535	02/05/09	103320	CONSUMERS ENERGY	4243 REMEMBRANCE	101265920000	2,489.02	CITY HALL

02/18/09

CITY OF WALKER
A/P HISTORICAL CHECK REGISTER WITH G/L ACCOUNT NUMBER

PAGE 2

BY CHECK NUMBER

CHECK CHECK VENDOR

EXPENDITURES FOR 2-23-09							
NUMBER	DATE	NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110535	02/05/09	103320	CONSUMERS ENERGY	4243	REMEMBRANCE 101300920000	1,991.22	POLICE
110535	02/05/09	103320	CONSUMERS ENERGY	4243	REMEMBRANCE 101335920000	1,692.53	FIRE
110535	02/05/09	103320	CONSUMERS ENERGY	4243	REMEMBRANCE 101680920000	298.68	REC-PARKS-LIBRARY
110535	02/05/09	103320	CONSUMERS ENERGY	4243	REMEMBRANCE 202463920000	1,792.09	DPW-MAJOR
110535	02/05/09	103320	CONSUMERS ENERGY	4243	REMEMBRANCE 203463920000	696.93	DPW-LOCAL
						9,956.08	*
110536	02/05/09	103390	CPR-COPORATE TECHNOLOGIES LLC	130864		260.00	EMAIL FILTERING
						260.00	*
110537	02/05/09	103925	DESIGN EDGE	5352	CLERKS 101215726000	690.00	SNOW PLOW DECALS
						690.00	*
110538	02/05/09	104526	EMERGENCY VEHICLE SERVICE INC	8281		309.27	VEHICLE MAINT-FIRE
						309.27	*
110539	02/05/09	104700	FAIRCHILD TIRE CO	JANUARY STATEMENT	206093901000	67.50	HIGHWAY
110539	02/05/09	104700	FAIRCHILD TIRE CO	JANUARY STATEMENT	206093903000	190.00	FIRE
						257.50	*
110540	02/05/09	104997	GALLS INCORPORATED	5973429200010	101335768000	140.50	UNIFORMS
110540	02/05/09	104997	GALLS INCORPORATED	5973028300013	101335933000	75.74	MASK BAGS
						216.24	*
110541	02/05/09	105140	GENUINE PARTS-GRAND RAPIDS	1-31-09		877.60	VEHICLE MAINT-POLICE
						877.60	*
110542	02/05/09	105335	CITY OF GRAND RAPIDS	PKING	101101870000	6.00	PKING DOWNTOWN MTING
110542	02/05/09	105335	CITY OF GRAND RAPIDS	AR09002118 TRAF SIG	202482802000	3,346.09	TRAFFIC SIGNAL PROJECT
						3,352.09	*
110543	02/05/09	105635	GRAND VALLEY CONCRETE PRODUCTS	9196552		208.00	MATERIALS-LOCAL STREETS
						208.00	*
110544	02/05/09	106600	JACK DOHENY SUPPLIES, INC.	A32674		723.77	VEHICLE MAINT-HIGHWAY
						723.77	*
110545	02/05/09	106920	JERRY MARVIN BEURKENS PC	PROSECUTOR FEES	101172827000	2,971.00	
						2,971.00	*
110546	02/05/09	106990	KELLER FORD, INC	JANUARY STATEMENT	206093901000	483.80	VEHICLE MAINT-HIGHWAY
110546	02/05/09	106990	KELLER FORD, INC	JANUARY STATEMENT	206093901000	-100.00	VEHICLE MAINT-HIGHWAY
110546	02/05/09	106990	KELLER FORD, INC	JANUARY STATEMENT	206093902000	78.69	VEHICLE MAINT-POLICE
110546	02/05/09	106990	KELLER FORD, INC	JANUARY STATEMENT	206093903000	26.45	VEHICLE MAINT-FIRE
						488.94	*
110547	02/05/09	108055	KENOWA AUTO SUPPLY CORP	JANUARY STATEMENT	206093902000	4.67	VEHICLE MAINT-POLICE
						4.67	*
110548	02/05/09	108151	KENT COUNTY EMERGENCY	3081 PD	101300717000	326.25	1ST QUARTER ASSESSMENT
02/18/09			A/P HISTORICAL	CITY OF WALKER			
			CHECK REGISTER WITH G/L	ACCOUNT NUMBER			
				BY CHECK NUMBER			

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110548	02/05/09	108151	KENT COUNTY EMERGENCY	3080	FIRE 101335958000	93.75	1ST QUARTER ASSESSMENT

EXPENDITURES FOR 2-23-09

110563	02/05/09	118126	FUEL MANAGEMENT SYSTEM	903001	206463751000	3,035.98	FUEL
110563	02/05/09	118126	FUEL MANAGEMENT SYSTEM	902301	206463751000	3,082.93	FUEL
						6,118.91	*
110564	02/05/09	118130	T&W ELECTRONICS INC	61949	101335851000	33.00	RADIO MAINTENANCE
110564	02/05/09	118130	T&W ELECTRONICS INC	61948	101335851000	33.00	RADIO MAINTENANCE
						66.00	*
110565	02/05/09	119082	WEST MICHIGAN DELIVERY SERVICE	MAIL PICKUP-JANUARY	101254960000	160.00	MAIL PICKUP-JANUARY
						160.00	*
110566	02/05/09	119161	WALKER CITY TREASURER	SOFTBALL REGIST	101000680000	500.00	SOFTBALL REG CASH DRAWER
						500.00	*
110567	02/05/09	119163	WALKER ICE AND FITNESS CENTER	2228-1219	101900721000	2,465.00	JANUARY 2009 WIFC DUES
						2,465.00	*
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101141716000	30.00	COURT
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101172716000	10.00	MGRS
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101300716000	35.00	POLICE
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101335716000	5.00	FIRE
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101445716000	15.00	ENGINEERING
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101680716000	30.00	PARKS
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	202463716000	14.00	DPW
110568	02/05/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	203463716000	6.00	DPW
						145.00	*
110569	02/05/09	119420	WEST SHORE SERVICES INC	173262	101335933000	21.50	EQUIP MAINTENANCE
						21.50	*
110570	02/05/09	119620	WINDER POLICE EQUIPMENT CORP	20090311	206093902000	176.49	VEHICLE MAINT-POLICE
						176.49	*
110571	02/05/09	400020	AMERICAN UNITED LIFE	PR 02/05	101000000011	56.60	PR 02/05
						56.60	*
110572	02/05/09	400059	STATE OF MICHIGAN	JAN 2009 SALES TAX	510000210100	1,285.36	JAN 2009 WIFC SALES TAX
						1,285.36	*
110573	02/05/09	400070	WALKER POLICE/FLOWER FUND	PR 02/05	101000000014	22.00	PR 02/05
						22.00	*
110574	02/05/09	400078	BENEFICIAL MICHIGAN INC	PR 02/15	101000000024	75.00	PR 02/15

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CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
						75.00	*
110575	02/05/09	400090	WALKER POLICE ASSOC- WPOA DUES	PR 02/05	101000000008	675.00	PR 02/05
						675.00	*
110576	02/05/09	400091	P. O. A. M.	PR 02/05	101000000019	173.60	PR 02/05
						173.60	*
110577	02/05/09	400092	WALKER FIRE FIGHTERS ASSOC	PR 02/05	101000000016	1,060.00	PR 02/05
						1,060.00	*

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110578	02/05/09	400093	LODGE/T. B. L. DUES	PR 02/05	EXPENDITURES FOR 2-23-09 101000000024	98.58 98.58 *	PR 02/25
110579	02/05/09	400094	W. E. C. O. A. DUES	PR 02/05	101000000008	87.46 87.46 *	PR 02/05
110580	02/05/09	400096	CITY OF WALKER - FLEX	PR 02/05	101000000013	2,796.33 2,796.33 *	PR 02/05
110581	02/05/09	400098	CITY OF WALKER/BIRTHDAY	PR 02/05	101000000025	27.00 27.00 *	PR 02/05
110582	02/05/09	500028	WELLS FARGO HOME MORTGAGE	REF DUPL PAY W08 TAX	000000000170	26.16 26.16 *	REFUND DUPL PAY W08 TAX
110583	02/05/09	500054	CITY OF WALKER INCOME TAX	INC TAX PD W/ PROP T	000000000170	97.97 97.97 *	INC TAX PAID W/ PROP TAX
110584	02/05/09	500571	E-TITLE AGENCY INC	REF OVERPAID W08 TAX	000000000170	5.29 5.29 *	REFUND OVERPAID W08 TAX
110585	02/05/09	BOZEKM	MEGAN BOZEK	MI LEAGE REIMB	510765870000	30.25 30.25 *	JANUARY 2009 MI LEAGE
110586	02/05/09	BROAD	BONNIE BROADWATER	MI LEAGE	101445726000	42.47 42.47 *	MI LEAGE
110587	02/05/09	BYDALE	SARAH BYDALEK	EXPENSES	101215716000	30.00	COPAY REIMBURSEMENT
110587	02/05/09	BYDALE	SARAH BYDALEK	EXPENSES	101215961000	33.50	MI LEAGE
110587	02/05/09	BYDALE	SARAH BYDALEK	EXPENSES	101265930000	31.77 95.27 *	POWER STRIP
110588	02/05/09	DIETRC	CAROL DIETRICH	PRESCRIPTION REIMB	101900716000	30.00 30.00 *	PRESCRIPTION REIMB
110589	02/05/09	FEN	JULIE FEND	MI LEAGE	101141864000	114.77 114.77 *	MI LEAGE
110590	02/05/09	HONHOL	DENNIS HONHOLT	PRESCR REIM	101300716000	30.00	
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						30.00 *	
110591	02/05/09	JAARSM	JAMES JAARSM	DAMAGED MAILBOX	206463726000	20.00 20.00 *	DAMAGED MAILBOX
110592	02/05/09	KNEIDE	DENNIS KNEIBEL	DEDUCTIBLE REIM	101300716000	27.00	1/7/09
110592	02/05/09	KNEIDE	DENNIS KNEIBEL	DEDUCTIBLE REIM	101300716000	25.71 52.71 *	1/9/09
110593	02/05/09	MML	MICH MUNICIPAL LEAGUE	REG-SCHMALZEL	101172864000	150.00 150.00 *	3/3-4/09 LANSING
110594	02/05/09	MOON	MICHAEL MOONEY	IN LIEU OF 2009	101900716000	1,375.00 1,375.00 *	HEALTH CARE IN LIEU OF

							EXPENDITURES FOR 2-23-09	
110595	02/05/09	RAISAN	TOM RAISANEN	DEDUCTIBLE 1/2/09	101300716000	27.67	DED	27.67 *
110596	02/05/09	ROCKF	ROCKFORD FIREFIGHTERS ASSOC	ROBINSON-CRAMER	101335961000	800.00	TRAINING	800.00 *
110597	02/05/09	SAINT	ST MARYS HOSPITAL	PR 02/05	101000000024	199.95	PR 02/05	199.95 *
110598	02/05/09	SKIJOH	JOHN SKINNER	DAMAGED MAILBOX	206463726000	5.00	DAMAGED MAILBOX	5.00 *
110599	02/05/09	SLOBOD	MIKE SLOBODNIK	REIMB EXPENSES	510760749000	595.00	CROSS ICE REGIST FEES	
110599	02/05/09	SLOBOD	MIKE SLOBODNIK	REIMB EXPENSES	510765932200	167.47	CARDIO THEATER CD PLAYER	762.47 *
110600	02/05/09	TAXCGF	CITY OF WALKER GENERAL FUND	10/01-01/31/09 DPPT	000000000222	100.49	10/01-01/31/09 DEL PP TAX	100.49 *
110601	02/05/09	TAXGRC	GRAND RAPIDS COMMUNITY COLLEGE	10/01-01/31/09 DPPT	000000000666	59.35	10/01-01/31/09 DEL PP TAX	59.35 *
110602	02/05/09	TAXGVS	GRANDVILLE PUBLIC SCHOOLS	10/01-01/31/09 DPPT	000000000444	746.11	10/01-01/31/09 DEL PP TAX	746.11 *
110603	02/05/09	TAXITP	INTERURBAN TRANSIT	10/01-01/31/09 DPPT	000000000280	31.58	10/01-01/31/09 DEL PP TAX	31.58 *
110604	02/05/09	TAXKCT	KENT COUNTY TREASURER	10/01-01/31/09 DPPT	000000000888	141.86	10/01-01/31/09 DEL PP TAX	141.86 *
110605	02/05/09	TAXKHS	KENOWA HILLS PUBLIC SCHOOLS	10/01-01/31/09 DPPT	000000000333	49.03	10/01-01/31/09 DEL PP TAX	49.03 *
110606	02/05/09	TAXKIS	KENT INTERMEDIATE SCHOOL DIST.	10/01-01/31/09 DPPT	000000000555	155.15	10/01-01/31/09 DEL PP TAX	
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CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
						155.15	*
110607	02/05/09	TAXLIB	KENT DISTRICT LIBRARY	10/01-01/31/09 DPPT	000000000889	17.01	10/01-01/31/09 DEL PP TAX
						17.01	*
110608	02/05/09	TAXSET	KENT COUNTY TREASURER	10/01-01/31/09 DPPT	000000000777	199.42	10/01-01/31/09 DEL PP TAX
						199.42	*
110610	02/12/09	000360	360 SERVICES INTERNATIONAL INC	ASSESSMENT CHG NOTIC	101209731000	3,201.12	POSTAGE
						3,201.12	*
110611	02/12/09	100300	RYLEE'S ACE HARDWARE	1-31-09	101265930000	556.71	BLDG MAINT SUPPLIES
110611	02/12/09	100300	RYLEE'S ACE HARDWARE	1-31-09	101335726000	53.55	FIRE DEPT SUPPLIES
						610.26	*
110612	02/12/09	100310	KENDALL ELECTRIC INC	STATEMENT 1-31-09	101265930000	162.89	BLDG SUPPLIES
110612	02/12/09	100310	KENDALL ELECTRIC INC	STATEMENT 1-31-09	101265988000	183.81	BLDG REPAIRS
						346.70	*

				EXPENDITURES FOR 2-23-09				
110613	02/12/09	100500	ALLIED MUNICIPAL SUPPLY	8117	202463726000	75.65	MATERIALS-MAJOR STREETS	
						75.65	*	
110614	02/12/09	100811	AT&T	7	INVOICES	101141853000	162.72	COURT
110614	02/12/09	100811	AT&T	7	INVOICES	101265853000	1,301.71	CITY HALL
110614	02/12/09	100811	AT&T	7	INVOICES	101300920000	976.28	POLICE
110614	02/12/09	100811	AT&T	7	INVOICES	101335920000	162.71	FIRE
110614	02/12/09	100811	AT&T	7	INVOICES	101680920000	325.43	REC-PARKS-LIBRARY
110614	02/12/09	100811	AT&T	7	INVOICES	202463920000	227.80	DPW
110614	02/12/09	100811	AT&T	7	INVOICES	203463920000	97.63	DPW
						3,254.28	*	
110615	02/12/09	100850	APPLIED IMAGING SYSTEMS	185745	COURT	101141933000	31.50	EQUIP MAINTENANCE
						31.50	*	
110616	02/12/09	102066	BAKER CATERING INC	COMMISSION/STAFF	101900726000	305.81	BUDGET WORKSHOP 1/24/09	
						305.81	*	
110617	02/12/09	102980	CINTAS CORPORATION #301	JANUARY STATEMENT	206463779000	1,221.41	UNIFORM CLEANING	
110617	02/12/09	102980	CINTAS CORPORATION #301	301267472	510780932000	110.47	WIFC FLOOR MATS	
110617	02/12/09	102980	CINTAS CORPORATION #301	301277023	510780932000	110.47	WIFC FLOOR MATS	
						1,442.35	*	
110618	02/12/09	102994	CITY OF GRANDVILLE	JAN COURT	101142703000	26,310.26	PROBATION SHARE JAN 09	
110618	02/12/09	102994	CITY OF GRANDVILLE	JAN COURT	101143703000	1,768.84	DIST CT SHARE JAN 09	
						28,079.10	*	
110619	02/12/09	102999	CLARK HILL	MBC LAND HOLDING	101209826000	414.00	SVC THRU JAN 31	
110619	02/12/09	102999	CLARK HILL	APPLETREE ESTATES	101209826000	46.00	THRU JAN	

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						460.00	*
110620	02/12/09	103300	CONSUMERS ENERGY	4101 LAKE MICHIGAN	101265920000	388.05	4101 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	4101 LAKE MICHIGAN	101335920000	905.45	4101 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	STREETLIGHTS-NPB	101900930000	143.45	NORTH PARK BRIDGE
110620	02/12/09	103300	CONSUMERS ENERGY	4280 LAKE MICHIGAN	494463833000	56.25	4280 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	3975 LAKE MICHIGAN	495463930000	15.00	3975 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	4209 LAKE MICHIGAN	495463930000	420.61	4209 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	4381 LAKE MICHIGAN	495463930000	79.79	4381 LAKE MICHIGAN
110620	02/12/09	103300	CONSUMERS ENERGY	4020 LAKE MICHIGAN	495463930000	175.36	4020 LAKE MICHIGAN
						2,183.96	*
110621	02/12/09	103320	CONSUMERS ENERGY	STREETLIGHTS-JANUARY	101900930000	17,975.53	STREETLIGHTS-JANUARY
110621	02/12/09	103320	CONSUMERS ENERGY	ACCT #100000436285	510780920100	13,253.81	WIFC ELECT 12/27-01/28/09
						31,229.34	*
110622	02/12/09	103330	CONSUMER ENERGY	RICHVIEW ESTATES 3	701000240403	1,263.50	STREET LIGHTS
110622	02/12/09	103330	CONSUMER ENERGY	BLOSSOM TRAIL PLAT	701000240570	976.00	STREET LIGHTS
						2,239.50	*
110623	02/12/09	103925	DESIGN EDGE	5354	206097300000	375.00	NEW POLICE CRUISER
						375.00	*
110624	02/12/09	104186	DOLPHIN CAPTIAL CORP	1284469	510765750000	76.00	WIFC WATER WIZARD
						76.00	*

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110625	02/12/09	104404	EAGLE HOCKEY	329	510770969300	586.93	PRO SHOP-PLAYERS BAG
						586.93	*
110626	02/12/09	104410	EARLE PRESS PRINTING INC	LETTERHEAD	101900726000	176.91	CITY LETTERHEAD MANAGER
						176.91	*
110627	02/12/09	104422	EASTON SPORTS INC	473727-2	510770969300	324.55	PRO SHOP-HOCKEY STICKS
						324.55	*
110628	02/12/09	104442	ECOWATER SYSTEMS	ACCT #119552	510780932000	266.60	SALT FOR WIFC
						266.60	*
110629	02/12/09	104530	EMERSON NETWORK POWER	SI 3313093	101265988000	3,880.00	BLDG REPAIRS
						3,880.00	*
110630	02/12/09	105255	GORDON FOOD SERVICE	CUST #428380029	510775726300	234.56	WIFC JAN 08 STMT-SUPPLIES
110630	02/12/09	105255	GORDON FOOD SERVICE	CUST #428380029	510775969100	1,318.76	WIFC JAN 08 STMT-FOOD
						1,553.32	*
110631	02/12/09	105331	GRAND RAPIDS WATER SYSTEM	DELO WATER/SEWER	810000034000	7,841.84	DELO WATER/SEWER
						7,841.84	*
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	101141920000	20.16	COURT
				CITY OF WALKER			
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110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	101265920000	80.62	CITY HALL
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	101300920000	100.77	POLICE
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	101335920000	134.37	FIRE
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	101680920000	134.37	REC-PARKS-LIBRARY
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	202463920000	141.08	DPW-MAJOR
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4243 REMEMBRANCE	203463920000	60.46	DPW-LOCAL
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	4211 LAKE MICHIGAN	494463833000	57.71	4211 LAKE MICHIGAN
110632	02/12/09	105340	GRAND RAPIDS CITY TREASURER	ACCT #M047694510A	510780920300	1,089.02	WIFC WATER 01/07-02/04/09
						1,818.56	*
110633	02/12/09	105341	GRAND RAPIDS CITY TREASURER	BRI STOL RIDGE II	701000240611	3,850.09	PROGRESS BILL
						3,850.09	*
110634	02/12/09	105421	G. R. CENTRAL IRON & STEEL	131213	206463726000	19.00	SUPPLIES
						19.00	*
110635	02/12/09	105460	GRAND RAPIDS POPCORN	228435	510775726300	87.75	WIFC CONC-SLUSH PUP CUPS
110635	02/12/09	105460	GRAND RAPIDS POPCORN	228435	510775969100	194.50	WIFC CONC-SLUSH PUP BASE
						282.25	*
110636	02/12/09	105542	GRAND RAPIDS PRESS	1000015106 JANUARY	101215903000	168.00	PUBLIC NOTICES
						168.00	*
110637	02/12/09	106360	IAFC MEMBERSHIP	DUES-WALKER	101335958000	204.00	DUES RENEWAL-WALKER
						204.00	*
110638	02/12/09	106471	NORTH AMERICAN SALT	70318508	202478726000	2,675.51	DE-ICER
110638	02/12/09	106471	NORTH AMERICAN SALT	70319231	203478726000	7,827.79	SUPPLIES FOR WINTER MAINT
						10,503.30	*

EXPENDITURES FOR 2-23-09

110639	02/12/09	108060	KENOWA HILLS PUBLIC SCHOOLS	REFUND SOIL EROSION	701000625000	5,000.00	
						5,000.00 *	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101141730000	51.07	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101172730000	54.41	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	NCOA CLERK	101192730000	135.00	FOR ELECTIONS
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101201730000	49.28	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101209730000	52.11	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101215730000	5.65	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101253730000	53.72	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101254730000	55.00	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101300730000	66.39	
110640	02/12/09	108100	KENT COMMUNICATIONS, INC.	POSTAGE & SERVICES	101370730000	30.31	
						552.94 *	
110641	02/12/09	108225	KENT COUNTY ROAD COMMISSION	406026	202463726000	972.44	MATERIALS-MAJOR STREET
110641	02/12/09	108225	KENT COUNTY ROAD COMMISSION	406026	202482802000	1,265.04	TRAFFIC SIGNAL PROJECT
						2,237.48 *	

110642	02/12/09	108260	KENT COUNTY TREASURER	4191 DEC PRISONERS	101141812000	17,239.86	PRISONER CARE
				CITY OF WALKER			
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						17,239.86 *	
110643	02/12/09	109120	MIAM	SMITH - REGISTRATION	101370961000	395.00	MECHANICAL INSPECTOR
						395.00 *	
110644	02/12/09	109653	MICHIGAN ASSOC OF FIRE CHIEFS	REG-WALKER/SCHMIDT	101335961000	340.00	2/27-28/09 WORKSHOP
						340.00 *	
110645	02/12/09	109875	MICHIGAN WOMEN IN MUNICIPAL	2009 DUES-BYDALEK	101215958000	35.00	2009 DUES-SARAH BYDALEK
						35.00 *	
110646	02/12/09	110240	MOORE & BRUGGINK	BRISTOL RIDGE #2	701000240611	419.90	11/29-11/23
						419.90 *	
110647	02/12/09	110285	MOTION INDUSTRIES, INC.	MI 30-882731	101265930000	13.82	BLDG MAINT SUPPLY
						13.82 *	
110648	02/12/09	110523	NATIONAL FIRE PROTECTION ASSOC	4471578X MCCORMACK	101335958000	787.50	SUBSCRIPTIONS
						787.50 *	
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	101265853000	322.49	CITY HALL
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	101300920000	460.71	POLICE
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	101335920000	172.76	FIRE
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	101680920000	23.04	REC-PARKS-LIBRARY
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	202463920000	126.69	DPW
110649	02/12/09	110590	NEXTEL COMMUNICATIONS	514383512-083	203463920000	46.07	DPW
						1,151.76 *	
110650	02/12/09	110730	OCCUPATIONAL HEALTH CENTERS	706549347 ZOLINSKI	206463987000	40.00	RECERTIFICATION
						40.00 *	
110651	02/12/09	110738	OFFICE DEPOT	402534097	101141726000	133.06	COURT
110651	02/12/09	110738	OFFICE DEPOT	402534097	101300726000	445.28	POLICE
110651	02/12/09	110738	OFFICE DEPOT	402534097	101335726000	62.09	FIRE

110651	02/12/09	110738	OFFICE DEPOT	402534097	EXPENDITURES FOR 2-23-09 101900726000	119.99 760.42	GENERAL *
110652	02/12/09	111200	PIAM	SMITH - DUES	101370958000	70.00 70.00	PLUMBING INSPECTORS *
110653	02/12/09	111430	QUAD-TRAN OF MICHIGAN, INC	5371	101141939000	1,788.16 1,788.16	JANUARY DATA PROCESSING *
110654	02/12/09	112843	SPARTAN STORES, INC.	CUST #20070	510775969100	111.05 111.05	WIFC JAN 08 STMT-CON FOOD *
110655	02/12/09	112948	STANDALE HI-TONE CLEANERS	JANUARY-POLICE	101300779000	522.50	UNI FORM CLEANING
110655	02/12/09	112948	STANDALE HI-TONE CLEANERS	JANUARY-FIRE	101335768000	268.70	UNI FORM CLEANING

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BY CHECK NUMBER

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
						791.20	*
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101201726000	6.18	ACCOUNTING
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101209726000	74.47	ASSESSING
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101254726000	420.71	INCOME TAX
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101370726000	35.77	BUILDING
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101690726000	27.08	RECREATION
110656	02/12/09	113010	STAPLES BUSINESS ADVANTAGE	8011705979	101900726000	492.55	GENERAL
						1,056.76	*
110657	02/12/09	115031	STATE OF MICHIGAN	ANNUAL PERMIT FEE	101900987000	3,000.00 3,000.00	STORM WATER DISCHARGE *
110658	02/12/09	116139	STATE OF MICHIGAN	551-305601	101000642000	246.25 246.25	FINGER PRINTING FEES *
110659	02/12/09	119198	WALKER PETTY CASH	PETTY CASH-POLICE	101300717000	15.00	TRAINING
110659	02/12/09	119198	WALKER PETTY CASH	PETTY CASH-POLICE	101300726000	109.86	SUPPLIES
110659	02/12/09	119198	WALKER PETTY CASH	PETTY CASH-POLICE	101300986000	3.38 128.24	PRISONER CARE *
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101141716000	33.00	COURT
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101172716000	20.00	MGRS
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101300716000	143.00	POLICE
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101370716000	10.00	BLDG
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	101445716000	5.00	ENGINEERING
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	202463716000	10.50	DPW
110660	02/12/09	119199	WALKER PETTY CASH	PRESCRIPTION REIMB	203463716000	4.50 226.00	DPW *
110661	02/12/09	119200	WALKER PETTY CASH	PETTY CASH REIMB-TRE	101900962000	159.23 159.23	PETTY CASH REIMB-TREAS *
110662	02/12/09	119350	WEST MICHIGAN DOOR COMPANY	4790-141	101265988000	15.60 15.60	BLDG REPAIRS *
110663	02/12/09	500600	BURDO THOMAS DDS PC	STC REF-415086020748	000000000170	117.34 117.34	STC REF-415086020748 *
110664	02/12/09	500601	AFFORDABLE PLUMBING SERVICES	REF OVERPAID S08 TAX	000000000170	36.49	REFUND OVERPAID S08 TAX

EXPENDITURES FOR 2-23-09

						36.49 *	
110665	02/12/09	500602	CHECK 'N GO	REF OVERPAID W08 TAX	00000000170	10.05	REFUND OVERPAID W08 TAX
						10.05 *	
110666	02/12/09	ANTOR	GREG ANTOR	REIM CO-PAY	101300716000	150.00	1/28/09
						150.00 *	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101101716000	14.25	
				CITY OF WALKER			
02/18/09			A/P HISTORICAL CHECK REGISTER WITH G/L ACCOUNT NUMBER				PAGE 12

BY CHECK NUMBER

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101141716000	23.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101172716000	19.00	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101201716000	9.50	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101209716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101215716000	9.50	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101253716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101254716000	14.25	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101265716000	9.50	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101300716000	180.50	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101335716000	33.25	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101370716000	19.00	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101445716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101680716000	14.25	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101900716000	175.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	101900716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	202463716000	43.23	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	203463716000	18.52	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	206463716000	14.25	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	510760716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	510765716000	4.75	
110667	02/12/09	ASSURA	ASSURANT EMPLOYEE BENEFITS	JAN ADMIN FEES	510780716000	4.75	
						631.75 *	
110670	02/12/09	BAVA	BAVARIAN INN LODGE	RES-SCHMIDT/WALKER	101335961000	525.00	MAFC CONFERENCE
						525.00 *	
110671	02/12/09	CARDIN	GAYLOR CARDINAL	W081191 WYETH	101141808000	225.00	COURT APPOINTED ATTORNEY
						225.00 *	
110672	02/12/09	CAREY	GARY CAREY	REIM EXPENSE	101805726000	85.00	GRANT DATABASE
						85.00 *	
110673	02/12/09	COLE	COLE REAL ESTATE INVESTMENTS	REFUND STORMWATER PE	701000669000	5,000.00	STORMWATER PERMIT
						5,000.00 *	
110674	02/12/09	CORKS	CORK'S FRAME SERVICE	LIFT FOR SIGNS	206463726000	1,000.00	LIFT
						1,000.00 *	
110675	02/12/09	DEGROK	KEVIN DEGROOT	MFIS WINTER CONF	101335961000	243.15	WINTER CONFERENCE EXPENSE
						243.15 *	
110676	02/12/09	ECI	ECI ADVANTAGE	MAGNETIC MEDIA W2	101201726000	1,700.00	2008 FED & STATE FILING
						1,700.00 *	
110677	02/12/09	GIBBS	KELLY SMITH	REIM EXPENSE	101209712000	136.08	BOARD OF REVIEW DINNER

EXPENDITURES FOR 2-23-09

136.08 *

110678 02/12/09 GRI ZZ GRI ZZEL & ASSOCIATES 115513 101254740000 28.00 COLLECTION EXPENSE
 02/18/09 A/P HISTORICAL CHECK REGISTER WITH G/L ACCOUNT NUMBER BY CHECK NUMBER PAGE 13

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110678	02/12/09	GRI ZZ	GRI ZZEL & ASSOCIATES	115590	101254740000	57.85	COLLECTION EXPENSE
110678	02/12/09	GRI ZZ	GRI ZZEL & ASSOCIATES	112153	101254740000	84.15	COLLECTION EXPENSE
						170.00	*
110679	02/12/09	HEARTN	HEARLAND TANNING	WIFC TANNING PRODUCT	510780969400	235.77	WIFC TANNING PRODUCTS
						235.77	*
110680	02/12/09	JENI SO	CRAIG A. JENI SON	W080247 LUSCOMBE	101141808000	450.00	COURT APPOINTED ATTORNEY
						450.00	*
110681	02/12/09	KENT	DANIEL KENT	SEPT-JAN INTERNET	101101740000	125.00	SEPT-JAN INTERNET SVC
						125.00	*
110682	02/12/09	KNEI BE	MARCY KNEI BEL	MRPA CONFERENCE	101690968000	181.73	CONFERENCE EXPENSES
						181.73	*
110683	02/12/09	MACMI L	JULIA KOZMI NSKI	MI LEAGE REIM	101172726000	48.95	TO 2/10/09
						48.95	*
110684	02/12/09	MI CHI S	MI CHIGAN HI STORIC PRESERVATION	ANNUAL MEMBERSHI P	101805726000	150.00	2009
						150.00	*
110685	02/12/09	PARENT AL	PARENT	JAN-FEB AOL	101101740000	51.80	AOL INTERNET SVC
						51.80	*
110686	02/12/09	PI NNAC	PI NNACLE CONSTRUCTION	REFUND SOIL EROSION	701000642000	5,000.00	
						5,000.00	*
110687	02/12/09	SMI TJ0	JOHN SMITH	REIMB-LICENSE RENEW	101370958000	40.00	LICENSE RENEWAL
						40.00	*
110688	02/12/09	SPRUIT	JOHN SPRUIT	CC DEPOSIT REFUND	101000668000	150.00	RENTAL 2-5-09 #2
						150.00	*
110689	02/12/09	TAX188	CITY OF WALKER DDA STREETScape	01/15-01/31/09 P TAX	000000000160	12.96	01/15-01/31/09 PROP TAX
110689	02/12/09	TAX188	CITY OF WALKER DDA STREETScape	01/15-01/31/09 P TAX	000000000160	324.03	01/15-01/31/09 PROP TAX
						336.99	*
110690	02/12/09	TAXCGF	CITY OF WALKER GENERAL FUND	01/15-01/31/09 P TAX	000000000150	1,988.61	01/15-01/31/09 PROP TAX
110690	02/12/09	TAXCGF	CITY OF WALKER GENERAL FUND	01/15-01/31/09 P TAX	000000000210	2,035.51	01/15-01/31/09 PROP TAX
110690	02/12/09	TAXCGF	CITY OF WALKER GENERAL FUND	01/15-01/31/09 P TAX	000000000410	2,039.79	01/15-01/31/09 PROP TAX
						6,063.91	*
110691	02/12/09	TAXCPS	COMSTOCK PARK PUBLIC SCHOOLS	01/15-01/31/09 P TAX	000000000220	5,244.67	01/15-01/31/09 PROP TAX
						5,244.67	*
110692	02/12/09	TAXDOG	KENT COUNTY TREASURER	122 DOG LIC SOLD	000000000140	961.00	DOG LIC #09-32356-32477
						961.00	*
110693	02/12/09	TAXGRC	GRAND RAPIDS COMMUNITY COLLEGE	01/15-01/31/09 P TAX	000000000260	2,721.93	01/15-01/31/09 PROP TAX
			CITY OF WALKER				

BY CHECK NUMBER

CHECK NUMBER	CHECK DATE	VENDOR NUMBER	VENDOR NAME	REFERENCE NUMBER	ACCOUNT NUMBER	GROSS AMOUNT	DESCRIPTION
110693	02/12/09	TAXGRC	GRAND RAPIDS COMMUNITY COLLEGE	01/15-01/31/09 P TAX	000000000460	100.74 2,822.67 *	01/15-01/31/09 PROP TAX
110694	02/12/09	TAXGVS	GRANDVILLE PUBLIC SCHOOLS	01/15-01/31/09 P TAX	000000000240	4,317.69	01/15-01/31/09 PROP TAX
110694	02/12/09	TAXGVS	GRANDVILLE PUBLIC SCHOOLS	01/15-01/31/09 P TAX	000000000440	159.29 4,476.98 *	01/15-01/31/09 PROP TAX
110695	02/12/09	TAXITP	INTERURBAN TRANSIT	01/15-01/31/09 P TAX	000000000280	1,706.42	01/15-01/31/09 PROP TAX
110695	02/12/09	TAXITP	INTERURBAN TRANSIT	01/15-01/31/09 P TAX	000000000480	63.12 1,769.54 *	01/15-01/31/09 PROP TAX
110696	02/12/09	TAXKCT	KENT COUNTY TREASURER	01/15-01/31/09 P TAX	000000000320	85,445.11	01/15-01/31/09 PROP TAX
110696	02/12/09	TAXKCT	KENT COUNTY TREASURER	01/15-01/31/09 P TAX	000000000490	241.35 85,686.46 *	01/15-01/31/09 PROP TAX
110697	02/12/09	TAXKHS	KENOWA HILLS PUBLIC SCHOOLS	01/15-01/31/09 P TAX	000000000230	14,084.26	01/15-01/31/09 PROP TAX
110697	02/12/09	TAXKHS	KENOWA HILLS PUBLIC SCHOOLS	01/15-01/31/09 P TAX	000000000430	688.29 14,772.55 *	01/15-01/31/09 PROP TAX
110698	02/12/09	TAXKIS	KENT INTERMEDIATE SCHOOL DIST.	01/15-01/31/09 P TAX	000000000250	7,146.32	01/15-01/31/09 PROP TAX
110698	02/12/09	TAXKIS	KENT INTERMEDIATE SCHOOL DIST.	01/15-01/31/09 P TAX	000000000450	264.49 7,410.81 *	01/15-01/31/09 PROP TAX
110699	02/12/09	TAXLIB	KENT DISTRICT LIBRARY	01/15-01/31/09 P TAX	000000000330	62,364.28 62,364.28 *	01/15-01/31/09 PROP TAX
110700	02/12/09	TAXREV	CITY OF WALKER REVOLVING FUND	01/15-01/31/09 P TAX	000000000160	1,193.24	01/15-01/31/09 PROP TAX
110700	02/12/09	TAXREV	CITY OF WALKER REVOLVING FUND	01/15-01/31/09 P TAX	000000000160	47.73 1,240.97 *	01/15-01/31/09 PROP TAX
110701	02/12/09	TAXSET	KENT COUNTY TREASURER	01/15-01/31/09 P TAX	000000000270	9,141.89	01/15-01/31/09 PROP TAX
110701	02/12/09	TAXSET	KENT COUNTY TREASURER	01/15-01/31/09 P TAX	000000000470	338.32 9,480.21 *	01/15-01/31/09 PROP TAX
110702	02/12/09	UNI	UNITED PARCEL SERVICE	Y972E5069 DPW	101215730000	24.14 24.14 *	PICKUP FOR DPW
110703	02/12/09	USF	U. S. FINANCIAL LIFE	ANNUAL LIFE INS	101172716000	357.40 357.40 *	VANDERMEULEN
110704	02/12/09	VANDER	CATHY VANDERMEULEN	REIM EXPENSE	101172864000	713.27 713.27 *	ROOM-MI LEAGE-FOOD
110705	02/12/09	WALKE	ROBERT WALKER	FD INSTRUCTOR CONF	101335961000	715.00 715.00 *	CONFERENCE REGISTRATION
110706	02/12/09	WASH	FRANK WASH	PARKING	101801864000	13.50 13.50 *	LANSING
GRAND TOTAL						412,873.56 **	

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Direct Fax (616) 913-1251
E-Mail: JeffSluggett@lwr.com

February 10, 2009

PRIVILEGED & CONFIDENTIAL

Ms. Cathy L. VanderMeulen, City Manager
City of Walker
4243 Remembrance Road, N.W.
Walker, Michigan 49544

Re: Gypsy Moth Eradication Program Special Assessment District

Dear Ms. VanderMeulen:

I am writing to outline various options that may be available to the City if it determines to pay for gypsy moth suppression costs through a special assessment. Before addressing those options, however, it is worth reviewing some recent history with respect to special assessments at the City Commission level.

As you know, this office and the building department recently completed a draft of two ordinances intended to address blight situations. The ordinances (one identifying public nuisances and the other establishing a single-lot special assessment process) were drafted in reliance on Sections 13.7 and 13.8 of the City Charter. Those sections allow the City to bypass certain restrictions on special assessments in order to address public nuisances.¹ With some limitations, those same sections can again be relied on to create a special assessment district for the gypsy moth eradication program.

In our judgment the City Charter and Code provide three options to establish a special assessment district for these purposes.

Public Nuisance

The first option is to rely on language in Section 13.7 of the Charter. That section provides that the City Commission may, **by ordinance**, determine that a nuisance exists, and authorize paying for the abatement of the nuisance through special assessments.

¹ The principal restriction which otherwise applies to special assessments is found in Section 13.3 of the City Charter. That section prohibits the City from proceeding to establish a special assessment district where more than one-half of the affected property owners object in writing (e.g., by filing a petition) to the creation of a special assessment district at or prior to the required hearing on necessity.

The City, as noted above, earlier this year adopted ordinances amending Chapters 50 and 66 of the City Code. The amendments to Chapter 50 prohibited the maintenance of public nuisances and authorized the City to proceed to abate those circumstances (see below). Where the abatement is done at the City's expense, the ordinance authorizes the City to specially assess its costs pursuant to the single-lot assessment process set out in (new) Section 66-26 of the Code.²

The first option, therefore, would be to rely on the new ordinances. Relying on the new ordinances, as presently drafted, however, may pose some difficulties in this situation. Section 50-147 of the Code provides that before the City may proceed to create a special assessment district to pay for the abatement of a public nuisance, it must notify the affected property owners and must give them an opportunity to cure the public nuisance. While this made sense for a blight condition, it seems impractical in this instance. As written, the public nuisance ordinance would require the City to allow any impacted property owner an opportunity to eradicate the gypsy moth larvae on his or her property before the City could legally special assess for the program. It is difficult to imagine how this would be administered.

Traditional Special Assessment

A second option to pay for the gypsy moth program would be to simply treat the eradication program as a traditional public improvement and rely on the general special assessment procedures set out in Chapter 66 of the Code.³ The process is straightforward and includes: adoption by the City Commission of a resolution to make the improvement; the preparation of an estimate of costs, plans and specifications by the City; adoption by the City Commission of a resolution identifying the proposed amounts to be assessed and scheduling a first public hearing; noticing and holding a hearing; adoption of another resolution to tentatively proceed with the creation of the district; preparation of a special assessment roll; holding a second noticed public hearing; and adoption of a final resolution to confirm the special assessment roll.

The principal drawback to proceeding with a traditional special assessment is the language regarding special assessments found in Section 13.3 of the City Charter referenced above (see footnote 1). Theoretically, if the City Commission were to receive written objections from more than 50 percent of the affected property owners, then the ability to specially assess the gypsy moth costs would be, for all intensive purposes, at an end.⁴ The ability of a determined group of property owners to pursue a petition, however, would be severely impacted, in our judgment, due to the significant number of parcels involved.

² In essence the steps involved in a single-lot assessment are: a resolution to tentatively assess is adopted by the City Commission; a special assessment roll is prepared; a hearing is conducted for affected property owners; and the roll is then confirmed.

³ Section 66-2 of the Code expressly identifies the trimming and spraying of trees as a valid public improvement.

⁴ While the City could hypothetically attempt to use one of the other special assessment processes outlined in this letter in the event a protest petition were filed, it is difficult to imagine (politically) the City proceeding after a petition was filed.

Hazardous Conditions

A final option would be to rely on Section 13.8 of the Charter which, as noted above, applies to hazardous conditions on property. Assuming the City Commission concludes that the gypsy moth larvae presents a hazardous condition, this section of the Charter would grant the Commission authority to proceed to order the hazard abated and, if this did not occur, to specially assess the City's costs on an expedited basis. The steps involved with the special assessment would include: having the City Commission (preferably by resolution) determine that a public hazard exists; providing notice to the affected property owners and requiring ". . . [the] owner[s] to . . . remove the nuisance . . .;" if the hazard were not abated, the City could then proceed to order the abatement and have its costs specially assessed against the benefitted properties on the tax roll (after giving the property owners not less than 30 days to pay for the costs).

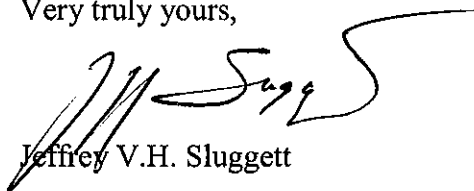
Reliance on Section 13.8 is somewhat problematic in that no process other than what is set out above is provided. Nonetheless, and to ensure that basic due process is afforded to the property owners, if this option were chosen, it would be our recommendation that the notice to abate sent to those property owners also contain notice of the scheduled public hearing and that only after a public hearing had been held would a resolution confirming the special assessment be adopted. Ultimately, as is the case with reliance on Section 13.7 and the new public nuisance ordinance (first option, above), Section 13.8 would require that the City offer property owners an opportunity to abate the nuisance themselves before proceeding to levy special assessments.

I recognize that none of these options is ideal; each contains steps that could affect the practicality of proceeding with a special assessment district for these costs. Unlike the blight situation which relied on Sections 13.7 and 13.8 of the Charter, practically there is no way for private property owners to abate the gypsy moth conditions; yet the first and third options still require that the City make this offer.

Nonetheless, I would recommend that the City consider proceeding through one of the above avenues. The precedent of having the City pay for such costs, particularly where only certain neighborhoods are benefitted, might prove difficult for other projects in the future.

I would be glad to discuss any questions you have regarding this matter at your convenience.

Very truly yours,



Jeffrey V.H. Sluggett

**City of Walker
City Commission
Resolution # 09-69**

At a regular meeting of the City Commission of the City of Walker, Michigan, held in the City Commission Chambers in said City, 4243 Remembrance Rd, NW, on Monday, February 23, 2009, there were:

Present:

Absent: Commissioner Al Parent

A Resolution adopting 2009 Recreation Department fee schedule and repealing the former fee schedule, effective immediately.

Whereas, Michigan law and City ordinances authorize the City to charge for the provision of certain City services; and

Whereas, after a review of certain City costs, the Recreation Department recommends to the City Commission that certain fees be increased.

Now, Therefore, it is resolved that:

The following schedule of fees is adopted effective February 23, 2009.

2009 PROPOSED PARK RENTAL FEES

<u>FACILITY</u>	<u>RESIDENT</u>	<u>NON-RESIDENT</u>
Soccer Fields (nets included)	\$40.00 per hour	\$80.00 per hour
Softball Fields (no bases, unlined)	\$40.00 – 1 ½ hours	\$80.00 – 1 ½ hours
Tennis Courts	\$40.00 per hour	\$80.00 per hour
Volleyball Courts	\$40.00 per hour	\$80.00 per hour

Motion by Commissioner _____, supported by Commissioner _____,

That the above resolution be adopted. Motion _____ and resolution # 09- ____ declared _____.

I, Sarah Bydalek, the duly qualified City Clerk of the City of Walker, Kent County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of said City on the 23rd day of February, 2009. In Witness Whereof, I have hereunto affixed my official signature this 23rd day of February, 2009.

Sarah Bydalek
City Clerk

AGREEMENT REGARDING ARREST PROCESSING FEES

This Agreement dated as of December _____, 2008, sets forth the understanding of the County of Kent (the "County") and the cities of Grand Rapids, Kentwood, Wyoming, Grandville, and Walker (collectively, the "Cities," and individually, the "City") for fees charged for services rendered by the County in fingerprinting and photographing persons placed in the custody of the Kent County Sheriff by the Cities' law enforcement agency ("City Arrestees").

RECITALS

WHEREAS, the County owns and operates various correctional facilities (collectively "Correctional Facilities") in which persons charged with violations of State statutes and City ordinances are housed pending disposition of the charges, and detained after sentencing in certain cases; and

WHEREAS, all such persons must be fingerprinted and photographed; and

WHEREAS, the County incurs costs associated with the fingerprinting and photographing of City Arrestees; and

WHEREAS, the Cities historically had arrangements with the County to pay the County for the use of the County's Correctional Facilities to house, fingerprint and photograph City Arrestees; and

WHEREAS, the Cities and the County recently renegotiated the terms under which the County will house, fingerprint and photograph City Arrestees at the County's Correctional Facilities and the Cities and County have entered into a separate Agreement regarding the costs incurred for the actual housing of City Arrestees and the Cities and County wish to enter into an Agreement regarding the fingerprinting and photographing of City Arrestees;

WHEREAS, the following Agreement carries forward the parties' past practices concerning the billing for and payment of Arrest Processing Fees by and among the parties with an adjustment in the over all amount charged but not the method of distribution of costs among the parties;

IT IS NOW THEREFORE AGREED AS FOLLOWS:

1. Service.

- A. The County, through its Sheriff's Department, will provide fingerprinting and photography services for all City Arrestees brought to the Kent County Correctional Facility by or on behalf of the Cities.
- B. The fingerprints and photographs shall be made available to all Cities that are pressing charges or making a complaint against a City Arrestee. The County shall be responsible for sending copies of fingerprints and photographs to the State Police, Federal Bureau of Investigation, and/or other agencies in accordance with applicable law.

2. **Fee.**

- A. Each City shall pay an "Arrest Processing Fee" to the County for the fingerprinting and photographing of individuals placed into custody of the Kent County Sheriff by that City's law enforcement agency. For each individual placed into custody as a result of charges emanating from multiple jurisdictions or authorities, the Arrest Processing Fee shall be split into equal shares to be paid by City or Cities asserting charges against the individual and also the City that placed the person into custody. If the City placing the person into custody also is asserting City charges against the individual, that City shall have only a single share of the Arrest Processing Fee covering both that City's role as the arresting entity and its role as a charging entity. The proportional shares of the fees shall be determined by the total number of charging jurisdictions (plus the arresting City if not already counted as a charging jurisdiction), not the number of separate charges or offenses. This proportion shall then be applied to the total Arrest Processing Fee amount as determined below to calculate each City's portion of the Arrest Processing Fee. This "Arrest Processing Fee" shall be in addition to fees charged to the Cities for the housing of persons in the custody of the Kent County Sheriff's Department who have been charged with or sentenced for violation of City Ordinances.
- B. From the date of the execution of this Agreement until and including December 31, 2008, the arrest processing fee shall be \$20.08. Effective on January 1, 2009 the fee shall be reduced to \$15.06, which rate shall remain in effect through December 31, 2009.

The fee shall be adjusted on a calendar year basis thereafter, starting on January 1, 2010. The annual increase will be limited to the lesser of the increase in the Consumer Price Index, all urban consumers, or the percentage increase in actual Arrest Processing Costs incurred in the calendar year prior to the year of application of the rate as adjusted by this paragraph.

- C. Arrest Processing Costs. The following expenses directly connected with the fingerprinting and photographing of City Arrestees shall be included in the calculation of the Arrest Processing Fee:
- i) Video imaging equipment for photographs;
 - ii) Fingerprinting equipment;
 - iii) Data links;
 - iv) Associated computer hardware;
 - v) System installation and support services;
 - vi) Salaries and fringe benefits directly attributable to personnel for time actually expended for performance of fingerprinting and photography;
 - vii) Operating supplies for the fingerprinting and photography equipment;

- viii) Postage and telephone charges associated with the transmission of records as required by law; and
- ix) Employee training for the fingerprinting and photography equipment and system.

For purposes of determining annual costs, the cost of equipment and those computer software licensing fees not charged on an annual basis shall be depreciated on a straight line basis determined by the estimated useful life of the equipment or software.

3. Billing.

The Cities will be billed monthly, and payment must be made within thirty (30) days after the date of billing. Interest at the rate of one half (1/2) percent per month or portion thereof shall be added to the balance outstanding, calculated from the due date until paid.

The County will cooperate with the City by responding within thirty (30) days to requests for information.

If there is an error in a billing to the favor of the City, the County will issue a credit to the City, including interest calculated at one half (1/2) percent per month or portion thereof, commencing thirty (30) days from the date when the County receives written notification from the City calling the error to the attention of the County, until issuance of the credit.

The County will ensure that billings will include the name of the person, date of processing, case number if available, and total fee for that month. The parties recognize that this information comes from both County and City sources and agree to cooperate together to ensure that the billings are as complete and accurate as possible.

4. Termination.

The provisions in this Agreement shall be binding upon the County and the Cities.

The County or a City may terminate its participation in this Agreement by providing written notice to the other contracting parties at least ninety (90) days prior to the beginning of the County's fiscal year.

Should any individual City exercise its right to terminate its participation in this Agreement, pursuant to this paragraph, the Agreement shall nonetheless continue in full force and effect as to all other Cities which did not expressly terminate their participation in this Agreement, pursuant to this paragraph.

Should the County exercise its right to terminate its participation in this Agreement as to any individual City, pursuant to this paragraph, the Agreement shall nonetheless continue in full force and effect as between the County and all other Cities as to whom the County did not expressly terminate its participation in this Agreement, pursuant to this paragraph.

All fee adjustments required by this Agreement shall be done and be effective during any termination notice period. After the effective date of termination, the County shall have no further obligation pursuant to this Agreement to provide fingerprinting or photography services for the City whose participation in this Agreement has been terminated. However, irrespective of such termination, the County shall retain all of its obligations established by applicable laws.

5. Effective Date.

This Agreement shall take effect on the most recent date noted on the execution page. Upon taking effect, this Agreement shall supersede and replace any prior Agreement or Memorandum of Understanding entered into jointly by these parties regarding the charges for fingerprinting and photographing City Arrestees.

This Agreement may be executed in counterparts, with the same effect as if all parties had signed one document.

COUNTY OF KENT
A Michigan County

By: _____
Roger Morgan
Its: Chair of the Kent County
Board of Commissioners

Attest: _____
Mary Hollinrake,
County Clerk

Date: _____

Date: _____

By: _____
Larry A. Stelma
Its: Sheriff

CITY OF GRAND RAPIDS

By: _____
George Heartwell, Mayor

Attest: _____
Lauri S. Parks, City Clerk

Date: _____

CITY OF KENTWOOD

By: _____
Richard L. Root, Mayor

Attest: _____
Dan Kasunic, City Clerk

Date: _____

CITY OF WYOMING

By: _____
Carol S. Sheets, Mayor

Attest: _____
Heidi Isakson, City Clerk

Date: _____

CITY OF GRANDVILLE

By: _____
James R. Buck, Mayor

Attest: _____
Mary Meines, City Clerk

Date: _____

CITY OF WALKER

By: _____
Rob VerHeulen, Mayor

Attest: _____
Sarah Bydalek, City Clerk

Date: _____

AGREEMENT REGARDING JAIL PER DIEM FEE

This Agreement dated as of December _____, 2008, sets forth the understanding of the County of Kent (the "County") and the cities of Grand Rapids, Kentwood, Wyoming, Grandville, and Walker (collectively, the "Cities," and individually, the "City") for fees charged for the housing of persons in the custody of the Kent County Sheriff who have been charged with or sentenced for violation of City ordinances ("City Ordinance Violators").

RECITALS

WHEREAS, the County owns and operates various correctional facilities (collectively "Correctional Facilities") in which persons charged with violations of State statutes and City ordinances are housed pending disposition of the charges, and detained after sentencing in certain cases; and

WHEREAS, the County incurs costs associated with the Correctional Facilities; and

WHEREAS, the Cities historically had arrangements with the County to pay the County for the use of the County's Correctional Facilities to house City Ordinance Violators; and

WHEREAS, the Cities and the County recently renegotiated the terms under which the County will house City Ordinance Violators at the County's Correctional Facilities and the Cities and County wish to enter into an Agreement regarding the housing of City Ordinance Violators;

IT IS NOW THEREFORE AGREED AS FOLLOWS:

1. **Use of Facilities.**

The Correctional Facilities will be made available for the processing and housing of City Ordinance Violators, subject to availability of space and the control of the Correctional Facilities by the Kent County Sheriff, and further subject to any current and future agreements for allocation of capacity in the Correctional Facilities among the Courts with jurisdiction within Kent County. The Cities are under no obligation to use the Correctional Facilities to house City Ordinance Violators.

2. **Compensation.**

- A. The Cities shall pay a daily or per diem fee to the County for the processing and housing of persons in the custody of the Kent County Sheriff who have been charged with or sentenced for violation of City Ordinances, as set forth in this Agreement.
- B. The per diem fee charged to a City for each City Ordinance Violator shall be determined by multiplying the City's per diem fee (as determined below) by the sum of the number of days, or any portion of which, the City Ordinance Violator

was in the custody of the Sheriff, minus one day ("City Ordinance Violator Days").

Notwithstanding the preceding sentence, the City shall be charged for a minimum of one day for each City Ordinance Violator who enters the custody of the Sheriff. The fee charged to the City shall be adjusted by any applicable work release credit and the pro-rata allocation for multiple charges as described below.

For purposes of calculating the per diem fee, total annual City Ordinance Violator Days shall be the cumulative sum of the number of the City's Ordinance Violators (regardless of the nature of the charge or offense) physically present in County facilities or facilities under contract with the County at 12:00 a.m. each day.

C. Calculation of Per Diem Fee.

- i) From the date of the execution of this Agreement until and including December 31, 2008, the per diem fee shall be \$47.80.
- ii) From January 1, 2009 until and including December 31, 2009, the per diem fee shall be \$35.85.
- iii) Effective on each January 1, starting January 1, 2010, the per diem fee for each City shall be the prior calendar year's per diem fee for that City, increased by the lesser of the increase in the Consumer Price Index, all urban consumers, or the percentage increase in actual Correctional Facility Costs incurred in the calendar year prior to the year of application.
- iv) Actual Correctional Facility Costs are defined as follows:
 - a) Expenditures. All expenditures directly connected with, or properly allocated to, the housing of inmates shall be included in the calculation of the per diem fee, and shall include but not be limited to:
 - (1) Salaries;
 - (2) Fringe Benefits;
 - (3) Operating Supplies;
 - (4) Legal Services;
 - (5) Janitorial Services;
 - (6) Health Services (see subparagraph b below);
 - (7) Utilities;
 - (8) Repairs and Maintenance;
 - (9) Prisoner's Board at other facilities;
 - (10) Travel;
 - (11) Grounds Care;
 - (12) Equipment Rental;
 - (13) Employee Training;

- (14) Depreciation of capital improvements purchased from general purpose funds of the County, which shall be calculated on a straight line, forty year basis;
- (15) Central service cost allocation from Sheriff's administrative staff and central support staff;
- (16) Payments to the County Loss Fund and/or for liability and property insurance; and
- (17) Interest Expenses.

b) Health Services. To the extent that medical expenses are covered by fixed price contract, or are performed with existing County staff, no separate billings will be sent to the City. However, if an inmate charged with a City Ordinance Violation requires medical treatment or prescriptions not provided for under a fixed fee contract or in the County's facilities, the City will be billed separately for that inmate's care in addition to other fees for inmates. If the inmate's medical condition does not require immediate treatment, the City will be consulted before the County incurs expenses for medical treatment or prescriptions not provided for under a fixed fee contract or in the County's facilities, and the City will be given the opportunity to make other arrangements for the inmate. Those costs individually billed will not be included within the calculation of overall health services expenses for calculation of the per diem fee.

c) Credits.

(1) "Arrest Processing Expenses," as defined in the "Agreement Regarding Arrest Processing Fees" between these parties, shall not be included within expenditures used to calculate the per diem fee under this Agreement.

(2) "Special Millage." For purposes of determining the per diem fee charged to the City, a portion of the revenue collected county-wide from the special corrections millage levy, calculated as follows, shall be deducted from the total expenditures:

$$\frac{[\text{Total Expenses of Correctional Facility}/(\text{Total Expenses of Correctional Facility} + \text{Total Expenses of Juvenile Detention})]}{[\text{Total Special Millage Received}]} = \text{Applicable Tax Credit}$$

(3) For purposes of determining the per diem fee charged to each City, there shall be deducted from total expenditures any revenues received from inmates for their board and medical care, except for work release credits which are dealt with elsewhere in this Agreement.

- v) In addition to any increase required under paragraph 2(C)(iii) above, the rate for each City in effect in any calendar year after 2009 shall be increased by 5% for each full 2% increase in the average number of City Ordinance Violator Days ("COVD") over the average for the preceding five years.

[See Exhibit A, attached.]

D. Adjustments -- Multiple Charges:

- i) Some inmates are housed awaiting trial or are serving a sentence for a combination of City Ordinance Violations and state or federal offenses. The per diem charged to the City for such person shall be determined by dividing the per diem fee for that person as calculated above by the number of the different jurisdictions charging for the offenses for which that person is housed on a particular day and applying that fraction as an adjustment multiplier to the per diem fee calculated above.
- ii) Fees for medical treatment or prescriptions not provided for under a fixed fee contract or in the County's Correctional Facilities shall be paid by the City as described in paragraph 2(C)(iv)(b) above. However, if the person is held on charges by multiple jurisdictions, the City's portion of the medical treatment and/or prescription costs shall be determined by dividing the separate medical billing for the person by the number of the different jurisdictions charging for offenses for which that person is housed on the days on which such treatment was rendered.
- iii) The City shall cooperate with the County to ensure that information concerning sentencing and release for City Ordinance Violations is promptly communicated to the Sheriff's Department. If the City fails to provide notice to the County that a City Ordinance Violator is no longer being housed as a result of City Ordinance Violations, the City shall continue to remain liable to the County for its share of the per diem fees until such notice is given to the County.

3. **Billing.**

The Cities will be billed monthly, and payment must be made within thirty (30) days after the date of billing. Interest at the rate of one half (1/2) percent per month or portion thereof shall be added to the balance outstanding, calculated from the due date until paid.

The County will cooperate with the City by responding within thirty (30) days to requests for information.

If there is an error in a billing to the favor of the City, the County will issue a credit to the City, including interest calculated at one half (1/2) percent per month or portion thereof,

commencing thirty (30) days from the date when the County receives written notification from the City calling the error to the attention of the County, until issuance of the credit.

Monthly billings will be calculated as provided above, but based upon the per diem rates for that calendar year.

The County will ensure that billings will include the name of the person, charge date, and time of intake and release, description of charges, case number if available, and fee for that month for a particular inmate. The parties recognize that this information comes from both County and City sources and agree to cooperate together to ensure that the billings are as complete and accurate as possible.

4. **Work Release.**

Credit shall be given against the billing for a particular inmate who participates in the work release program, in an amount equal to the actual fee collected from the inmate.

5. **Termination.**

The provisions in this Agreement shall be binding upon the County and the Cities.

The County or a City may terminate its participation in this Agreement by providing written notice to the other contracting parties at least ninety (90) days prior to the beginning of the County's fiscal year.

Should any individual City exercise its right to terminate its participation in this Agreement, pursuant to this paragraph, the Agreement shall nonetheless continue in full force and effect as to all other Cities which did not expressly terminate their participation in this Agreement, pursuant to this paragraph.

Should the County exercise its right to terminate its participation in this Agreement as to any individual City, pursuant to this paragraph, the Agreement shall nonetheless continue in full force and effect as between the County and all other Cities as to whom the County did not expressly terminate its participation in this Agreement, pursuant to this paragraph.

If such notice of termination is given, the annual adjustment for the year in which the notice is given will be determined in accordance with the methodology in this Agreement. Furthermore, if such notice of termination is given, the County shall have the right to continue to charge the Cities for housing of persons in the custody of the Kent County Sheriff who have been charged with or sentenced for violation of City Ordinances, as may be provided by law. However, irrespective of such termination, the County shall retain all of its obligations established by applicable laws.

6. **Effective Date.**

This Agreement shall take effect on the most recent date noted on the execution page. Upon taking effect, this Agreement shall supersede and replace any prior Agreement or Memorandum of Understanding entered into jointly by these parties regarding the per diem fee for the processing and housing of City Ordinance Violators.

This Agreement may be executed in counterparts, with the same effect as if all parties had signed one document.

COUNTY OF KENT
A Michigan County

By: _____
Roger Morgan
Its: Chair of the Kent County
Board of Commissioners

Attest: _____
Mary Hollinrake,
County Clerk

Date: _____

Date: _____

By: _____
Larry A. Stelma
Its: Sheriff

CITY OF GRAND RAPIDS

By: _____
George Heartwell, Mayor

Attest: _____
Lauri S. Parks, City Clerk

Date: _____

CITY OF KENTWOOD

By: _____
Richard L. Root, Mayor

Attest: _____
Dan Kasunic, City Clerk

Date: _____

CITY OF WYOMING

By: _____
Carol S. Sheets, Mayor

Attest: _____
Heidi Isakson, City Clerk

Date: _____

CITY OF GRANDVILLE

By: _____
James R. Buck, Mayor

Attest: _____
Mary Meines, City Clerk

Date: _____

CITY OF WALKER

By: _____
Rob VerHeulen, Mayor

Attest: _____
Sarah Bydalek, City Clerk

Date: _____

EXHIBIT A

A. Current City Ordinance Violator Days (COVD).

The sum of *City Ordinance Violator Days* for the recently completed year.

B. Rolling Five-Year Average of City Ordinance Violator Days (COVD Average).

The rolling average of *City Ordinance Violator Days* for the immediately preceding five years.

C. Current Increase in City Ordinance Violator Days Above the Rolling Five-Year Average of City Ordinance Violator Days (COVD Increase).

The *Current Increase in City Ordinance Violator Days Above the Rolling Five-Year Average of City Ordinance Violator Days* (COVD Increase) is calculated by subtracting the *COVD Average* from the *COVD*.

$$C = A - B$$

D. Current Increase in City Ordinance Violator Days Above the Rolling Five-Year Average of City Ordinance Violator Days Percentage (COVD Percentage).

The *Current Increase in City Ordinance Violator Days Above the Rolling Five-Year Average of City Ordinance Violator Days Percentage* (COVD Percentage) is calculated by dividing the *COVD Increase* by the *COVD Average*.

$$D\% = C / B$$

E. Calculation of Jail Per Diem Fee.

The *COVD Percentage* is used to calculate the proper Jail Per Diem Fee for years 2010 and after. (As used below, the term "cost adjustment" means the lesser of the increase in the Consumer Price Index, all urban consumers, or the percentage increase in actual Correctional Facility Costs incurred in the calendar year prior to the year of application.)

<u>Year</u>	<u>Jail Per Diem Fee</u>
2008	\$47.80
2009	\$35.85
<u>2010</u>	
COVD Percentage (D) = less than 2.000%	(2009 cost adjustment x \$35.85)
COVD Percentage (D) = 2.000% to 3.999%	(2009 cost adjustment x \$38.24)
COVD Percentage (D) = 4.000% to 5.999%	(2009 cost adjustment x \$40.63)
COVD Percentage (D) = 6.000% to 7.999%	(2009 cost adjustment x \$43.02)
COVD Percentage (D) = 8.000% to 9.999%	(2009 cost adjustment x \$45.41)
COVD Percentage (D) = 10.000% or more	(2009 cost adjustment x \$47.80)

2011

COVD Percentage (D) = less than 2.000%	(2010 cost adjustment x 2009 cost adjustment x \$35.85)
COVD Percentage (D) = 2.000% to 3.999%	(2010 cost adjustment x 2009 cost adjustment x \$38.24)
COVD Percentage (D) = 4.000% to 5.999%	(2010 cost adjustment x 2009 cost adjustment x \$40.63)
COVD Percentage (D) = 6.000% to 7.999%	(2010 cost adjustment x 2009 cost adjustment x \$43.02)
COVD Percentage (D) = 8.000% to 9.999%	(2010 cost adjustment x 2009 cost adjustment x \$45.41)
COVD Percentage (D) = 10.000% or more	(2010 cost adjustment x 2009 cost adjustment x \$47.80)

2012 and beyond

COVD Percentage (D) = less than 2.000%	(cost adjustments from 2009 through preceeding year x \$35.85)
COVD Percentage (D) = 2.000% to 3.999%	(cost adjustments from 2009 through preceeding year x \$38.24)
COVD Percentage (D) = 4.000% to 5.999%	(cost adjustments from 2009 through preceeding year x \$40.63)
COVD Percentage (D) = 6.000% to 7.999%	(cost adjustments from 2009 through preceeding year x \$43.02)
COVD Percentage (D) = 8.000% to 9.999%	(cost adjustments from 2009 through preceeding year x \$45.41)
COVD Percentage (D) = 10.000% or more	(cost adjustments from 2009 through preceeding year x \$47.80)

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**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following resolution:

RESOLUTION NO. _____

**A RESOLUTION APPROVING AGREEMENTS WITH KENT COUNTY AND
THE KENT COUNTY SHERIFF**

- A. The Cities of Grand Rapids, Grandville, Kentwood, Walker and Wyoming have negotiated agreements on jail per diem fees and arrest processing fees with the County of Kent and the Kent County Sheriff.
- B. Under the terms of the proposed agreements the cities will receive a 25% reduction in costs, resulting in significant savings to the cities.
- C. The City of Walker desires to approve the agreements.

NOW, THEREFORE, IT IS RESOLVED:

- 1. The City Commission hereby adopts and approves the agreements with the County of Kent and the Kent County Sheriff regarding jail per diem fees and arrest processing fees and authorizes the Mayor and Clerk to sign the agreements on behalf of the City, subject to the review and approval of the agreements by the Mayor.
- 2. All conflicting resolutions and parts of resolutions are repealed to the extent of such conflict.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION NO. _____ ADOPTED.

Sarah Bydalek, City Clerk

I certify the foregoing to be a true copy of a resolution adopted at a meeting of the City Commission of the City Walker on February __, 2009.

Sarah Bydalek
City Clerk

Rock Interface originally filed an application for an abatement for 22,000 of Personal Property and 378,000 Real Property. They were granted an exemption on October 13, 2008 for 400,000. The final costs are 414,000. The Personal portion of the abatement has increased from 22,000 to 36,000 so we need to amend the abatement to 414,000.

Please let me know if you have any questions

Christina Trotter

CITY OF WALKER

NOTICE OF HEARING

(UNDER ACT 198, PUBLIC ACTS OF MICHIGAN, 1974)

PLEASE TAKE NOTICE that the City Commission of the City of Walker will hold a hearing on Monday, February 23, 2009 at 7:30 p.m., local time, at the Walker City Commission Chambers, 4243 Remembrance Rd., NW, Walker, Michigan, for the purpose of hearing all interested persons concerning the **amendment** of application for an **Industrial Facilities Exemption Certificate** for Rock Interface, located at 2708 Kinney NW, Walker, MI, under the provisions of Act 198 of the Public Acts of Michigan of 1974 (Plant Rehabilitation and Industrial Development Districts Act) for:

AN AMENDED INDUSTRIAL DEVELOPMENT CERTIFICATE FOR
ROCK INTERFACE
Cert. No 2008-477

ANY OWNER of said real estate, or any resident, or taxpayer of the City of Walker, may appear at this hearing and give testimony.

Sarah Bydalek, City Clerk

CITY OF WALKER
 Estimated Property Tax Savings on Abated Real Property Taxes
 for Rock Interface

2008 Millage Rates:		Actual Summer	Estimated Winter	Annual Millage	Walker Millage
Abated		23.28655	0.99685	24.28340	0.66800
Non-Abated		40.57310	1.99370	42.56680	1.33600

Year	Annual Taxable Value	ABATED Annual Tax	NON-ABATED Annual Tax	Annual Property Tax Savings	Reduction in Walker Tax if Abated Granted
Year 1	189,000	\$4,589.56	\$8,045.13	\$3,455.57	\$126.25
Year 2	193,725	\$4,704.30	\$8,246.25	\$3,541.95	\$129.41
Year 3	198,568	\$4,821.91	\$8,452.40	\$3,630.49	\$132.65
Year 4	203,532	\$4,942.45	\$8,663.71	\$3,721.26	\$135.96
Year 5	208,620	\$5,066.00	\$8,880.29	\$3,814.29	\$139.36
Year 6	213,836	\$5,192.67	\$9,102.31	\$3,909.64	\$142.84
Year 7	219,182	\$5,322.48	\$9,329.88	\$4,007.40	\$146.42
Year 8	224,662	\$5,455.56	\$9,563.14	\$4,107.58	\$150.08
Year 9	230,279	\$5,591.96	\$9,802.24	\$4,210.28	\$153.82
Year 10	236,036	\$5,731.76	\$10,047.30	\$4,315.54	\$157.67
Year 11	241,937	\$5,875.05	\$10,298.48	\$4,423.43	\$161.62
Year 12	247,985	\$6,021.92	\$10,555.93	\$4,534.01	\$165.66
		<u>\$63,315.62</u>	<u>\$110,987.06</u>	<u>\$47,671.44</u>	<u>\$1,741.74</u>

This spreadsheet strictly uses the 2008 millage rates and does not take into account any possible changes in millage rates in the future years.
 This spreadsheet assumes a 2.5% annual increase to the property's taxable value.

CITY OF WALKER
 Estimated Property Tax Savings on Abated Personal Property Taxes
 for Rock interface

2008 Millage Rates:		Actual Summer	Estimated Winter	Annual Millage	Walker Millage
Abated		8.28655	0.99685	9.28340	0.66800
Non-Abated		16.57310	1.99370	18.56680	1.33600

Year	Annual Taxable Value	ABATED Annual Tax	NON-ABATED Annual Tax	Annual Property Tax Savings	Reduction in Walker Tax if Abated Granted
Year 1	16,000	\$148.53	\$297.07	\$148.54	\$10.69
Year 2	13,700	\$127.18	\$254.37	\$127.19	\$9.15
Year 3	12,100	\$112.33	\$224.66	\$112.33	\$8.09
Year 4	10,800	\$100.26	\$200.52	\$100.26	\$7.22
Year 5	9,700	\$90.05	\$180.10	\$90.05	\$6.48
Year 6	8,800	\$81.69	\$163.39	\$81.70	\$5.88
Year 7	8,100	\$75.20	\$150.39	\$75.19	\$5.41
Year 8	7,600	\$70.55	\$141.11	\$70.56	\$5.07
Year 9	6,800	\$63.13	\$126.25	\$63.12	\$4.54
Year 10	6,500	\$60.34	\$120.68	\$60.34	\$4.34
Year 11	5,900	\$54.77	\$109.54	\$54.77	\$3.94
Year 12	5,600	\$51.99	\$103.97	\$51.98	\$3.74
		<u>\$1,036.02</u>	<u>\$2,072.05</u>	<u>\$1,036.03</u>	<u>\$74.55</u>

This spreadsheet strictly uses the 2008 millage rates and does not take into account any possible changes in millage rates in the future years.

NOTE: Beginning in the 2008 property tax year, personal property that is classified as "industrial" is exempt from the 18 mills of school operating tax and the 6 mills of State Education Tax (SET).

CITY OF WALKER
RESOLUTION TO AMEND ACT 198 CERTIFICATE
FOR
ROCK INTERFACE

WHEREAS, the Walker City Commission granted an Act 198 to ROCK INTERFACE 2708 Kinney NW, Walker, Michigan, and

WHEREAS, the personal portion of the investment of Certificate #2008-477 will exceed the amount approved, and

NOW, THEREFORE, BE IT RESOLVED, that the Walker City Commission approve the requested increase of the Certificate from \$400,000 (200,000 AV) to \$414,000 (207,000 AV)

Motion by Commissioner _____ supported by Commissioner _____, that the above resolution be adopted.

AYES:
NAYS:
ABSENT:

MOTION _____ and resolution declared _____.

Date: February 23, 2009

Sarah Bydalek, City Clerk

I, Sarah Bydalek, the duly qualified City Clerk of the City of Walker, Kent County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of said City on the 23rd day of February, 2009.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 24th day of February, 2009.

seal

Sarah Bydalek, City Clerk

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 09-564

AN ORDINANCE TO AMEND THE CITY OF WALKER CODE OF ORDINANCES
BY ADDING SECTION 50-49 TO ARTICLE I OF CHAPTER 50.
THE CITY OF WALKER ORDAINS:

Section 1. Amendment. That Article I of Chapter 50 of the City of Walker Code of Ordinances is amended to add Section 50-49 to read as follows:

Sec. 50-49. Tobacco products; violation as civil infraction.

- (a) It shall be unlawful for any person to sell, give, or furnish cigarettes or other tobacco products to a minor, meaning an individual less than 18 years of age, within the limits of the city.
 - (1) It is an affirmative defense to a charge under this subsection (a) that the defendant had in force at the time of the violation and continues to have in force a written policy to prevent the sale of tobacco products to persons under 18 years of age and that the defendant enforced and continues to enforce the policy.
 - (2) This subsection 50-49(a) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.
- (b) It shall be unlawful for any person under the age of 18 years to purchase or possess cigarettes or other tobacco products or to use cigarettes or other tobacco products in a public place within the limits of the city.
 - (1) This subsection 50-49(b) does not apply to a minor participating in any of the following:
 - (a) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - (b) An undercover operation in which the minor purchases or receives a tobacco product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
 - (c) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL

333.6103, and with the prior approval of the state police or a local police agency.

- (2) This subsection 50-49(b) does not apply to the handling or transportation of a tobacco product by a minor under the terms of that minor's employment.
- (c) A person who violates this section is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this section shall be subject to increased fines as provides by subsection 1-11(c)(2) of this Code.
- (d) No part of this section shall be construed so as to interfere with the right of parents or legal guardians in the rearing and management of their minor children or wards within the bounds of their private premises.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is determined to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 3. Effective Date. This Ordinance becomes effective immediately upon publication in a newspaper in general circulation within the City of Walker.

First Reading: February 9, 2009

Second Reading: February 23, 2009

Effective Date:

Robert J. VerHeulen, Mayor

Sarah Bydalek, City Clerk

MEMORANDUM

TO: Mayor VerHeulen and City Commissioners

FROM: Jeff Sluggett

DATE: February 18, 2009

RE: BB Gun Ordinance

At the last City Commission meeting there was a lengthy discussion relative to the first reading of the BB handgun ordinance amendment. The principal issues concerned whether the ordinance ought to be limited to “BB handguns” (and if so, why) and whether violations of the ordinance ought to be designated a civil infraction rather than a misdemeanor. I promised to speak with the Chief and report back to the Commission with our (collective) thoughts.¹

Attached is a brief memorandum prepared by another attorney in the firm addressing the questions outlined above. Based on her analysis it is my recommendation that the Commission table further action at its meeting on February 23rd. In lieu of taking any formal action, we recommend that the Commission discuss and identify which particular types of “pellet guns,” broadly defined, the City wishes to allow and which it wishes to prohibit.²

As the attached memorandum notes, the City Code as currently drafted appears to prohibit the discharge of any type of pellet gun other than a BB gun. Thus, albeit based on a technical reading of the Code, paintball guns, airsoft guns, etc. are already banned in the City. The only exceptions of which we are aware are, in fact, BB guns. The types of guns to exempt from a general prohibition and the types of guns which should be subject to this proposed ordinance are fundamental questions to be answered before a revision to the ordinance can properly be prepared.

¹ The Chief and I did speak preliminarily last week. She has not, however, had the benefit of reviewing the attached memorandum and will not return until February 24th. This, too, is another reason why we are recommending that the Commission table action at this time.

² Another alternative would be to refer this matter back to the Ordinance Committee for such a review.

MEMORANDUM

TO: JVHS

FROM: CR

DATE: February 18, 2009

RE: Walker; Ordinance No. 09-565 (BB Guns)

1. The existing City weapon ordinance (§50-61 et seq.) prohibits the discharge of all firearms except BB guns. Section 50-61 of the City Code defines a “firearm” as any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion, except a .177 caliber BB gun.¹ Section 50-63 et seq. prohibits the discharge of firearms in the City, with limited exceptions applying to crop damage, deer damage, deer hunting, and firing ranges. Thus, I believe that the existing City weapon ordinance can be construed to prohibit the discharge of pellet guns, paintball guns, and airsoft guns in the City. It does not, however, prohibit the discharge of BB guns.

2. If the BB gun ordinance is revised to apply to “pellet guns” rather than BB guns alone, it will conflict with the existing City Code provisions. As stated in paragraph 1, the existing Code provisions prohibit the discharge of pellet guns in the City. Thus, to the extent the BB gun ordinance is drafted to permit the discharge of “pellet guns” (except where the gun is discharged in a willful, negligent, reckless, or careless manner, the ordinance will conflict with the existing Code provisions.

3. Other municipalities treat similar offenses as misdemeanors. The cities of Wyoming, Grandville and Kentwood treat weapons offenses as misdemeanors. And their weapons ordinances appear to apply to BB guns as well as other firearms.

4. Michigan law authorizes diversion programs for certain defendants charged with misdemeanors.

- With regard to *offenders under the age of 17*, the Juvenile Diversion Act, Public Act 13 of 1988, permits the City to (1) release a juvenile into the custody of his or her parent, guardian, or custodian and discontinue the investigation or (2) forego prosecution and enter into an agreement in which the minor and the minor’s parent, guardian or custodian agree to work with a person or public or private organization or agency that will assist the minor and the minor’s family in resolving the problem that initiated the investigation.

¹ It is our understanding that all BB guns are .177 caliber and thus, no BB gun would be considered a “firearm” under §50-61.

- With regard to *first-time offenders who commit a crime between the ages of 17 and 21*, the Holmes Youthful Trainee Act, MCL 762.11 *et seq.*, allows the court to dismiss the charge against the defendant upon successful completion of probation.
- Both *juvenile adjudications and adult convictions can be expunged* under certain circumstances.

03637 (505) 444052.2

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 09-565

AN ORDINANCE TO AMEND THE CITY OF WALKER CODE OF ORDINANCES
BY ADDING SECTION 50-66 TO ARTICLE II OF CHAPTER 50.

THE CITY OF WALKER ORDAINS:

Section 1. Amendment. That Article II of Chapter 50 of the City of Walker Code of Ordinances is amended to add Section 50-66 to read as follows:

Sec. 50-66. Careless use of BB handgun; misdemeanor.

(a) For purposes of this section, a BB handgun means a handgun designed and manufactured exclusively for propelling, on any one manipulation of the trigger, a single BB not exceeding .177 caliber, by means of spring, gas or air.

(b) No person shall, because of carelessness, recklessness or negligence, but not wilfully or wantonly, cause or allow any BB handgun under his control to be discharged resulting in the destruction or injury of another's property of another, whether real or personal.

(c) No person shall, because of carelessness, recklessness or negligence, but not wilfully or wantonly, cause or allow any BB handgun under his control to be discharged resulting in injury to another person.

(d) A violation of any provision of this section is a misdemeanor punishable by a fine not to exceed \$500.00 (plus costs of prosecution) or by imprisonment not to exceed 90 days, or by both a fine and imprisonment. Each day on which a violation continues constitutes a separate offense.

Section 2. Severability. The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is determined to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication in a newspaper in general circulation within the City of Walker.

First Reading: February 9, 2009 Tabled until February 23, 2009

First Reading: February 23, 2009

Second Reading: March 9, 2009

Effective Date: March 17, 2009

Robert J. VerHeulen, Mayor

Sarah Bydalek, City Clerk

03637 (505) 392989.1

Sec. 67-23. Interference with natural or ~~artificial~~ **constructed** drains.

(1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, ~~or drainage way~~ **floodplain, or flood prone area** without first submitting a stormwater plan to the city and receiving approval of that plan. Any deviation from the approved plan is a violation of this chapter. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.

~~(2)~~ (4) No filling, blocking, ~~or fencing or above-surface-vegetation-planting~~ shall take place within a **natural or constructed floodway floodplain or flood prone area**. This prohibition includes the placement of leaves, twigs, grass clippings, or other biodegradable substances. **Vegetative plantings and temporary structures that do not materially impact the floodplain or flood prone area are permissible. Federal Emergency Management Agency identified floodplains may be subject to additional federal and/or state regulations, which may take precedence over this ordinance.**

~~(3)~~ (2) For an **natural or constructed** overland flow-way.

(a) Silt screen fences shall not be permitted below the top of the bank of a water body channel.

(b) ~~Except as otherwise provided in subsection 94-337(f) of the City Code, chain link f~~ Fences shall **not** be permitted ~~if the city determines that the fence will not obstruct or divert the flow of water~~ **below the top of a water body channel or within any designated easements.**

~~(c) If a fence is removed by the city for drain access or drain maintenance, the fence shall be replaced by the owner of the fence at the owner's expense.~~

~~(d)~~ No shrubs or trees shall be planted ~~below the top of the bank of a water body~~ **in a manner that materially impedes the flow of stormwater.**

(d) No permanent structures shall be allowed below the top of a water body channel or within any designated easements. Temporary structures that do not materially impede the flow of stormwater are permissible.

~~(4)~~ (3) ~~Shrubs, trees, or other aboveground vegetation shall not be planted over t~~ **The top of ground above** an underground storm sewer ~~or over the top of~~ **and** the easement within which the storm sewer has been installed **shall be kept clear of any items which may interfere with the maintenance of or access to the underground storm sewer. Prohibited items include, but are not limited to, permanent structures, temporary structures, fences, fill, shrubs, and trees. The placement of leaves, twigs, grass clippings, or other biodegradable substances in this area shall also be prohibited.**

(5) If an object located within any natural or constructed drain is removed by the city for drain access or drain maintenance, it may be replaced at the owner's expense. The replacement of nonconforming objects are only permitted in accordance with the variance procedures of the Zoning Board of Appeals.

(Ord. No. 03-500, § 1, 4-28-03)

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 67, ARTICLE IV,
SECTION 23 OF THE CODE OF ORDINANCES, CITY OF
WALKER, MICHIGAN, ENTITLED "INTERFERENCE
WITH NATURAL OR ARTIFICIAL DRAINS"**

The City of Walker Ordains:

Section 1. Amendment of Chapter 67. Chapter 67, Article IV, Section 23 of the Code of Ordinances, City of Walker, Michigan, is amended read in its entirety as follows:

Sec. 67-23. Interference with natural or constructed drains.

- (1) It shall be unlawful for any person to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, floodplain, or flood prone area without first submitting a stormwater plan to the city and receiving approval of that plan. Any deviation from the approved plan is a violation of this chapter. This section shall not prohibit, however, necessary emergency action so as to prevent or mitigate drainage that would be injurious to the environment, the public health, safety, or welfare.
- (2) For a natural or constructed overland flow-way.
 - (a) Silt screen fences shall not be permitted below the top of the bank of a water body channel.
 - (b) Fences shall not be permitted below the top of a water body channel or within any designated easements.
 - (c) No shrubs or trees shall be planted in a manner that materially impedes the flow of stormwater.
 - (d) No permanent structures shall be allowed below the top of a water body channel or within any designated easements. Temporary structures that do not materially impede the flow of stormwater are permissible.
- (3) The ground above an underground storm sewer and the easement within which the storm sewer has been installed shall be kept clear of any items which may interfere with the

maintenance of or access to the underground storm sewer. Prohibited items include, but are not limited to, permanent structures, temporary structures, fences, fill, shrubs, and trees. The placement of leaves, twigs, grass clippings, or other biodegradable substances in this area shall also be prohibited.

(4) No filling, blocking, or fencing shall take place within a natural or constructed floodplain or flood prone area. This prohibition includes the placement of leaves, twigs, grass clippings, or other biodegradable substances. Vegetative plantings and temporary structures that do not materially impact the floodplain or flood prone area are permissible. Federal Emergency Management Agency identified floodplains may be subject to additional federal and/or state regulations, which may take precedence over this ordinance.

(5) If an object located within any natural or constructed drain is removed by the city for drain access or drain maintenance, it may be replaced at the owner's expense. The replacement of nonconforming objects are only permitted in accordance with the variance procedures of the Zoning Board of Appeals.

Section 2. Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect upon its publication.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance No. _____ Adopted.

Robert VerHeulen, Mayor

Sarah Bydalek, Clerk

CERTIFICATION

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on _____, 2009.

Sarah Bydalek, Clerk

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following ordinance:

ORDINANCE NO. 09-567

**AN ORDINANCE TO AMEND CHAPTER 82, ARTICLE VIII OF
THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN
ENTITLED “VEHICLES”**

The City of Walker ordains:

Section 1. Amendment of Chapter 82, Article VIII. Chapter 82, Article VIII of the Code of Ordinances, City of Walker, Michigan, is amended to read in its entirety as follows:

ARTICLE VIII. VEHICLES

Sec. 82-130. Authorizing or permitting unlicensed driver to operate vehicle prohibited.

- (a) A person shall not knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person who is unlicensed to drive such vehicle.
- (b) A violation of this section is punishable as a misdemeanor.

Sec. 82-131. City Vehicles.

- (a) *Definitions.*

“City vehicle” means a vehicle, including a motor vehicle, or equipment that is owned, operated or controlled by the City of Walker, or a vehicle of a City employee used in the performance of official duties. City vehicles include without limitation, motor vehicles used for fire, emergency, or law enforcement purposes, and vehicles and equipment used for the construction, maintenance and/or repair of City streets. City vehicles do not include vehicles owned or operated by public utility companies.

“City street” means any street, highway, alley, avenue, right of way or public place, square, bridge, viaduct, underpass, overpass, tunnel or causeway in the City, dedicated or devoted to public use and under the jurisdiction of the City of Walker.

- (b) *City Vehicles.* Notwithstanding any City Code provisions prohibiting or limiting the operation of vehicles or motor vehicles on City streets, City vehicles may be operated on City streets, in compliance with applicable local, state and federal laws, including traffic and vehicle code requirements.

Section 2. Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unlawful shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect upon its publication.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance No. _____ Adopted.

Robert VerHeulen, Mayor

Sarah Bydalek, Clerk

CERTIFICATION

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on _____, 2009.

Sarah Bydalek, Clerk

**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 6-6, 6-8, 22-9, 22-13, 38-53, 62-56, 62-57, [AND]70-81 {~~AND 70-82~~} OF THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN

The City of Walker {~~Ordains~~} [**ordains**]:

Section 1. Amendment of Section 6-6. That Section 6-6 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall engage in the business of selling {~~any~~} alcoholic liquor for consumption on the premises in any establishment in the city without first obtaining a [**business**] license {~~therefore and paying an annual license fee of \$100.00; provided, however, that the annual fee for the sale of beer and wine only, for consumption on the premises, shall be \$50.00.~~} [**and paying any applicable fee in accordance with Chapter 22, Article I of this Code.**] Licenses required by this section are not transferable.

Section 2. Amendment of Section 6-8. That Section 6-8 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) *Sunday, 2:00 a.m.--12:00* {~~midnight~~} [**Noon**]. Except as provided in this subsection, no alcoholic liquor shall be sold at retail for consumption off the premises or on the premises of an establishment between the hours of 2:00 a.m. and 12:00 {~~midnight~~} [**noon**] on any Sunday.

(1) Alcoholic liquor may be sold after 12:00 noon on Sundays for consumption on the premises of an establishment, licensed under the state liquor control act {~~, and possessing a permit as provided in this chapter,~~} [**and**] in which the gross receipts derived from the sale of food and other goods and services by such licensee at such establishment during its last full fiscal year exceed 60 percent of the total gross receipts of such licensee at such establishment.

(2) "Food and other goods and services" as used in this section shall not include beer, wine or any other alcoholic beverage.

{~~— (3) — Any person desiring to engage in the sale of alcoholic liquor on Sundays for consumption on the premises of an establishment shall file an application, in duplicate, with the city clerk requesting the approval of the city commission for a Sunday liquor sales permit. Such application shall be accompanied by financial statements for such establishment covering its last full fiscal year preceding the date of the application or a report as specified in subsection (a)(4).~~}

~~The annual fee for such permit shall be \$25.00 in addition to the license fee specified in section 6-6.}~~

~~{ (4) On April 1 of each year, persons holding permits to sell alcoholic liquor on Sundays for consumption on the premises of an establishment under this section shall submit to the city clerk an annual report showing the gross receipts of the establishment, the receipts derived from the sale of food and other goods and services, and any other information the city clerk deems necessary to determine whether or not the permit holder is complying with the requirements of this section. Such report and information shall be certified by the permit holder as being true and complete. }~~

~~{ (5) Permits issued under this section shall expire one year after their issuance. Permit holders may file an application with the city clerk requesting the city commission to renew its permit 30 days before the expiration of such permit. }~~

~~{ (6) The city commission reserves the right to revoke this section or modify it by imposing additional standards at any time. }~~

(b) *December 24--December 26.* No alcoholic liquor shall be sold at retail between the hours of 9:00 p.m. on December 24 and 7:00 a.m. on December 26. When December 26 falls on Sunday, such hours shall be extended to 7:00 a.m. on December 27.

~~(c) { *Election days.* No alcoholic liquor shall be sold at retail on any city or state primary or general election day between the hours of 2:00 a.m. and the closing of the polls. } { (d) } *State regulations.* Wherever closing hours established by the state liquor control commission or by the statutes of the state are more restrictive than provided in this section, the closing hours shall be as provided by such regulations or state statutes.~~

Section 3. Amendment of Section 22-9. That Section 22-9 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) *Formal application required.* Every person required to procure a license under the provisions of any ordinance or law of the city shall submit an application for such license to the city license officer. The application shall be:

(1) A written statement upon forms approved by ~~{ resolution of }~~ the city ~~{ commission }~~ and provided by the city license officer. Such form shall include an affidavit to be sworn to by the applicant before a notary public of this state and shall require the disclosure of all information necessary for compliance with section 22-8 and of any other information which the city license officer shall find to be reasonably necessary for the fair administration of this chapter.

(2) Accompanied by the payment ~~{ amount }~~ of ~~{ the }~~ [any] fees ~~{, if any,}~~ [required] for such license.

(b) *Initial license.* In order to obtain a license pursuant to this article ~~{ effective as of July 1, 2001 }~~ as required by section 22-2, an applicant shall submit an application ~~{ not later than May }~~

31, 2001. If an applicant fails to file its application on or before May 31, 2001, the city license officer shall not be required to approve or disapprove the license before July 1, 2001. } [to the City.]

(c) *Issuance of receipts.* Whenever a license cannot be issued at the time the application for the license is made, the city license officer shall issue a receipt to the applicant for the money paid in advance and such receipt shall not be construed as the approval of the city license officer for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

(d) *Renewal license procedure.* An applicant for {the} renewal of a license shall submit an application for such license to the city license officer in accordance with the provisions of subsection 22-9(a) above. {An application} [Licenses issued July 1, 2009] shall remain in effect until [December 31, 2010. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants] for renewal of a license {shall be submitted not later than June 15 of each year.} [must submit applications by the preceding December 1.] If an applicant fails to file its application for renewal on or before {June 15,} [December 1,] the city license officer shall not be required to approve or disapprove the license before the expiration of the current license.

(e) *Nonapproval of license.* The license officer shall, upon disapproving any application submitted under the provisions of this article, refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the city. In no case where an applicant is indebted in any manner to the city shall he be entitled to a credit or a rebate.

(f) *Compliance with chapter pending legal action.* When the issuance of a license is denied and an action is instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same.

(g) *Right of appeal.* Any person aggrieved by the action of the city license officer in the denial of an application for a license as provided in this article, or in the decision with reference to the revocation of a license as provided in section 22-14(c), shall have the right of appeal to the city commission. Such appeal shall be made by filing with the city commission, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city commission shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in section 22-14(c). The decision and order of the city commission on such appeal shall be final and conclusive.

Section 4. Amendment of Section 22-13. That Section 22-13 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

{A#} [Except as provided for in subsection 22-9(d), all] business licenses issued under the provisions of this article shall be annual licenses and shall be valid from the date of issuance to the following {June 30} [December 31] (unless earlier revoked). Licenses [or permits] issued

pursuant to other ~~{city ordinances}~~ [articles of the City Code] shall expire as provided by such ordinances.

Section 5. Amendment of Section 38-53. That Section ~~{22}~~~~[38]~~-~~{43}~~~~[53]~~ of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) Prior to the construction, installation or modification necessary to install a self-service gasoline station, and before the installation of any self-service product dispensing device, application for a ~~{permit}~~~~[license]~~ shall be made to the building official. Such application shall contain a plan or layout of the proposed construction, together with the specifications of all equipment to be used; shall indicate distances between pumps, between pump islands and between any dispensing device and the nearest building, property line and public right-of-way; and shall be signed by the owner of the property or by the operator. The application shall be accompanied by a fee of \$~~{40.00}~~~~[20.00]~~ for each product dispensing hose to be used for self-service operations, which fee shall be in addition to any necessary building permit fee required by the building code. If the building official determines that the proposed self-service gasoline station, as described in the application or as modified, complies with the terms of this article, he shall ~~{grant the building permit and notify the city clerk, who shall issue a}~~ [approve the] license ~~{to}~~~~[for]~~ the applicant.

(b)~~{—All licenses issued prior to November 1, 1992,} shall remain in effect until {June 30, 1993.}~~
Commencing on July 1, ~~{1993,}~~~~[2009,]~~ all licenses shall authorize the operation of the self-service gasoline station from the date of issuance or ~~{July}~~~~[the following January]~~ 1, whichever is later, until ~~{June 30 of}~~ the following ~~{year.}~~~~[December 31.]~~

(c) Not later than June 1, ~~{1993, and each June 1 thereafter,}~~~~[2009,]~~ the owner or operator shall file a license application with the city clerk. That application shall specify any changes in the operation or ownership of the self-service gasoline station from the original and shall be accompanied by a fee of \$~~{40.00}~~~~[20.00]~~ for each product dispensing hose. If, after inspection, the building official determines that the operation of the self-service gasoline station complies with this article, the city clerk shall issue a license ~~{from July 1 or the date of issuance, whichever is later, until June 30 of the following year.}~~~~[which expires on the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1.]~~

~~{(d) Notwithstanding any other provision in this section, the application fee shall be pro-rated for any license issued for less than 12 months.}~~

Section 6. Amendment of Section 62-56. That Section 62-56 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall engage in the business of collecting, transporting, delivering or disposing of solid waste in the city without first obtaining~~[, in addition to a general business license as provided for in Chapter 22, Article I of this Code,]~~ a waste hauler license issued by the city clerk in accordance with sections 62-57 and 62-58.~~{Waste hauler}~~ [Commencing on July 1,

2009, all licenses shall ~~{be valid only from July 1 or}~~ **authorize the operation of the self-service gasoline station from** the date of issuance ~~{, whichever is later, to the following June 30 (unless earlier revoked).}~~ **or the following January 1, whichever is later, until the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1.** It shall be an express condition of each license that the waste hauler shall comply with all provisions of this article.

Section 7. Amendment of Section 62-57. That Section 62-57 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Every person required to obtain a waste hauler license shall make application to the city clerk on forms provided by or prescribed by the city clerk. The application shall require such **insurance information and other** information as will enable the city ~~{manager}~~ to determine whether the applicant, if licensed, will serve the public in a fair, ~~{honest,}~~ **reliable, and** safe ~~{and competent}~~ manner and in compliance with the requirements of this article, other provisions of this Code, and all other applicable laws, statutes, ordinances, rules and regulations.

Section 8. Amendment of Section 70-81. That Section 70-81 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall operate or cause to be operated any motor vehicle for the purpose of moving, removing or plowing snow or ice in the city, unless a current **snowplow license and business** license has been issued for **each** such vehicle in accordance with the provisions of this division **and Chapter 22, Article I of this Code**; provided that, no ~~{such}~~ **snowplow license or business** license shall be required with respect to plowing or removing snow or ice from premises owned by or leased to the person operating such vehicle.

Section 9. Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

Section 10. Effective Date. This Ordinance shall take effect upon its publication.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance No. ____ Adopted.

{=} _____

Robert VerHeulen, Mayor

=}
Sarah Bydalek, Clerk

CERTIFICATION

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on _____, {~~200~~.} [2009.]

{=}_____
—
Sarah Bydalek, Clerk

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**CITY COMMISSION
CITY OF WALKER
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following ordinance:

ORDINANCE NO. 09-568

AN ORDINANCE TO AMEND SECTIONS 6-6, 6-8, 22-9, 22-13, 38-53, 62-56, 62-57, AND 70-81 OF THE CODE OF ORDINANCES, CITY OF WALKER, MICHIGAN

The City of Walker ordains:

Section 1. Amendment of Section 6-6. That Section 6-6 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall engage in the business of selling alcoholic liquor for consumption on the premises in any establishment in the city without first obtaining a business license and paying any applicable fee in accordance with Chapter 22, Article I of this Code. Licenses required by this section are not transferable.

Section 2. Amendment of Section 6-8. That Section 6-8 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) *Sunday, 2:00 a.m.--12:00 Noon.* Except as provided in this subsection, no alcoholic liquor shall be sold at retail for consumption off the premises or on the premises of an establishment between the hours of 2:00 a.m. and 12:00 noon on any Sunday.

(1) Alcoholic liquor may be sold after 12:00 noon on Sundays for consumption on the premises of an establishment, licensed under the state liquor control act and in which the gross receipts derived from the sale of food and other goods and services by such licensee at such establishment during its last full fiscal year exceed 60 percent of the total gross receipts of such licensee at such establishment.

(2) "Food and other goods and services" as used in this section shall not include beer, wine or any other alcoholic beverage.

(b) *December 24--December 26.* No alcoholic liquor shall be sold at retail between the hours of 9:00 p.m. on December 24 and 7:00 a.m. on December 26. When December 26 falls on Sunday, such hours shall be extended to 7:00 a.m. on December 27.

(c) *State regulations.* Wherever closing hours established by the state liquor control commission or by the statutes of the state are more restrictive than provided in this section, the closing hours shall be as provided by such regulations or state statutes.

Section 3. Amendment of Section 22-9. That Section 22-9 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) *Formal application required.* Every person required to procure a license under the provisions of any ordinance or law of the city shall submit an application for such license to the city license officer. The application shall be:

(1) A written statement upon forms approved by the city and provided by the city license officer. Such form shall include an affidavit to be sworn to by the applicant before a notary public of this state and shall require the disclosure of all information necessary for compliance with section 22-8 and of any other information which the city license officer shall find to be reasonably necessary for the fair administration of this chapter.

(2) Accompanied by the payment of any fees required for such license.

(b) *Initial license.* In order to obtain a license pursuant to this article as required by section 22-2, an applicant shall submit an application to the City.

(c) *Issuance of receipts.* Whenever a license cannot be issued at the time the application for the license is made, the city license officer shall issue a receipt to the applicant for the money paid in advance and such receipt shall not be construed as the approval of the city license officer for the issuance of a license, nor shall it entitle or authorize the applicant to open or maintain any business contrary to the provisions of this chapter.

(d) *Renewal license procedure.* An applicant for renewal of a license shall submit an application for such license to the city license officer in accordance with the provisions of subsection 22-9(a) above. Licenses issued July 1, 2009 shall remain in effect until December 31, 2010. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1. If an applicant fails to file its application for renewal on or before December 1, the city license officer shall not be required to approve or disapprove the license before the expiration of the current license.

(e) *Nonapproval of license.* The license officer shall, upon disapproving any application submitted under the provisions of this article, refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the city. In no case where an applicant is indebted in any manner to the city shall he be entitled to a credit or a rebate.

(f) *Compliance with chapter pending legal action.* When the issuance of a license is denied and an action is instituted by the applicant to compel its issuance, such applicant shall not engage in the business for which the license was refused unless a license be issued to him pursuant to a judgment ordering the same.

(g) *Right of appeal.* Any person aggrieved by the action of the city license officer in the denial of an application for a license as provided in this article, or in the decision with reference to the revocation of a license as provided in section 22-14(c), shall have the right of appeal to the city

commission. Such appeal shall be made by filing with the city commission, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The city commission shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided in section 22-14(c). The decision and order of the city commission on such appeal shall be final and conclusive.

Section 4. Amendment of Section 22-13. That Section 22-13 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Except as provided for in subsection 22-9(d), all business licenses issued under the provisions of this article shall be annual licenses and shall be valid from the date of issuance to the following December 31 (unless earlier revoked). Licenses or permits issued pursuant to other articles of the City Code shall expire as provided by such ordinances.

Section 5. Amendment of Section 38-53. That Section 38-53 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

(a) Prior to the construction, installation or modification necessary to install a self-service gasoline station, and before the installation of any self-service product dispensing device, application for a license shall be made to the building official. Such application shall contain a plan or layout of the proposed construction, together with the specifications of all equipment to be used; shall indicate distances between pumps, between pump islands and between any dispensing device and the nearest building, property line and public right-of-way; and shall be signed by the owner of the property or by the operator. The application shall be accompanied by a fee of \$20.00 for each product dispensing hose to be used for self-service operations, which fee shall be in addition to any necessary building permit fee required by the building code. If the building official determines that the proposed self-service gasoline station, as described in the application or as modified, complies with the terms of this article, he shall approve the license for the applicant.

(b) Commencing on July 1, 2009, all licenses shall authorize the operation of the self-service gasoline station from the date of issuance or the following January 1, whichever is later, until the following December 31.

(c) Not later than June 1, 2009, the owner or operator shall file a license application with the city clerk. That application shall specify any changes in the operation or ownership of the self-service gasoline station from the original and shall be accompanied by a fee of \$20.00 for each product dispensing hose. If, after inspection, the building official determines that the operation of the self-service gasoline station complies with this article, the city clerk shall issue a license which expires on the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1.

Section 6. Amendment of Section 62-56. That Section 62-56 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall engage in the business of collecting, transporting, delivering or disposing of solid waste in the city without first obtaining, in addition to a general business license as provided for in Chapter 22, Article I of this Code, a waste hauler license issued by the city clerk in accordance with sections 62-57 and 62-58. Commencing on July 1, 2009, all licenses shall authorize the operation of the self-service gasoline station from the date of issuance or the following January 1, whichever is later, until the following December 31. Thereafter, annual licenses shall be issued for the period of January 1 until December 31 (calendar year) and applicants for renewal of a license must submit applications by the preceding December 1. It shall be an express condition of each license that the waste hauler shall comply with all provisions of this article.

Section 7. Amendment of Section 62-57. That Section 62-57 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

Every person required to obtain a waste hauler license shall make application to the city clerk on forms provided by or prescribed by the city clerk. The application shall require such insurance information and other information as will enable the city to determine whether the applicant, if licensed, will serve the public in a fair, reliable, and safe manner and in compliance with the requirements of this article, other provisions of this Code, and all other applicable laws, statutes, ordinances, rules and regulations.

Section 8. Amendment of Section 70-81. That Section 70-81 of the Code of Ordinances, City of Walker, Michigan, is amended to read as follows:

No person shall operate or cause to be operated any motor vehicle for the purpose of moving, removing or plowing snow or ice in the city, unless a current snowplow license and business license has been issued for each such vehicle in accordance with the provisions of this division and Chapter 22, Article I of this Code; provided that, no snowplow license or business license shall be required with respect to plowing or removing snow or ice from premises owned by or leased to the person operating such vehicle.

Section 9. Severability. The phrases, sentences, sections and provisions of this Ordinance are severable. The findings that any portion is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this ordinance.

Section 10. Effective Date. This Ordinance shall take effect upon its publication.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance No. 09-568 Adopted.

Robert VerHeulen, Mayor

Sarah Bydalek, Clerk

CERTIFICATION

I, Sarah Bydalek, the Clerk of the City of Walker, certify that the foregoing is a true and accurate copy of an ordinance adopted by the City Commission of the City of Walker at a regular meeting held on _____, 2009.

Sarah Bydalek, Clerk