

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 26, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:** ~~Retirement Resolution for Ardath Driscoll~~
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Request from Rolling Thunder to Fly POW/MIA Flags on City Property. CITY MANAGER
 - c. Sale of One-half of a Buildable Lot at 444 Marquette Avenue. PLANNING AND ECONOMIC DEVELOPMENT
 - d. Denial of Vacation of a Portion of McLaren St. PLANNING AND ECONOMIC DEVELOPMENT
 - e. FIRST READING Zoning Ordinance Amendment for Home Occupations. PLANNING AND ECONOMIC DEVELOPMENTS
 - f. FIRST READING Zoning Ordinance Amendment for Adult Foster Care. PLANNING AND ECONOMIC DEVELOPMENT
 - g. Architectural Services for Barrier Free Design House. COMMUNITY AND NEIGHBORHOOD SERVICES
 - h. MDOT Agreement for M - 120 from US-31 to City Limits. ENGINEERING
 - i. Consideration of Bids - Industrial Park Lift Station ENGINEERING
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **NEW BUSINESS:**
 - a. Snowplow Service Contract for Former Muskegon Mall and Surrounding Areas, 2002/2003 Winter Season. DEPARTMENT OF PUBLIC WORKS

- b. Rezoning Request for Property located at 2330 Barclay St.:
PLANNING AND ECONOMIC DEVELOPMENT
- c. Purchase of Car for Community Neighborhood Services Department. COMMUNITY AND NEIGHBORHOOD SERVICES
- d. Concurrence with the Housing Board of Appeals Notice and Order to Demolish. INSPECTIONS
 - a. 15 E. Muskegon
 - b. 1715 Superior
 - c. 1670 Park (Garage)

❑ UNFINISHED BUSINESS:

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

➤ **CLOSED SESSION: Discuss Pending Litigation and Collective Bargaining**

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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

Date: November 26, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, November 12, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 26, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday, November 26, 2002.

Mayor Warmington opened the meeting with a prayer from Pastor Savage of Great Joy World Outreach Church, located at 754 McLaughlin Ave., after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Manager Bryon Mazade, City Attorney John Schrier and City Clerk Gail Kunderling.

2002-128 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, November 12, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes

c. Sale of One-half of a Buildable Lot at 444 Marquette Avenue PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of one-half of a vacant buildable lot (Parcel #24-205-011-0013-00) at 444 Marquette Avenue to Oleavia McDowell, 450 Marquette Ave., Muskegon, MI 49442, conditioned on the extra curb cut between the two houses be closed to discourage front yard parking. The other half of the lot will be joined to the property at 428 Marquette, which is owned by the Community & Neighborhood Services Department and has been developed with an In-Fill house. Approval of this sale will allow the adjacent property owners to expand their current yards (see attached map). Although this sale is not in

accordance with City policy for the sale of buildable lots, unusual circumstances prompted the LRC to recommend approval. The cost of the lot will be \$100 and will be split between the two adjoining property owners.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION: The Land Reutilization committee (LRC) recommended approval of this unusual sale at its October 22, 2002 meeting. The approval was conditioned on Community & Neighborhood Services closing the extra curb cut between the two houses to discourage front yard parking.

d. Denial of Vacation of a Portion of McLaren St. PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request for denial of vacation of the south 108.35 feet of McLaren St., north of Wesley Ave.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the portion of street not be vacated.

COMMITTEE RECOMMENDATION: The Planning Commission recommended denial of the request for vacation of the proposed portion of street at their 11/14 meeting. The vote was unanimous with M. Kleaveland, B. Smith and S. Warmington absent.

f. FIRST READING Zoning Ordinance Amendment for Adult Foster Care PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions), Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Sections 600 (Principal Uses Permitted) and 601 (Special Land Uses Permitted) of Article VI (RT, Two-Family Residential), Sections 700 (Principal Uses Permitted) and 701 (Special Land Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), Sections 800 (Principal Uses Permitted) and 801 (Special Land Uses Permitted) of Article VIII (RM-2, Medium Density, Multiple-Family Residential), Section 900 (Principal Uses Permitted) of Article IX (RM-3, High Density Multiple-Family Residential) and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the City's Zoning Ordinance to amend the regulations of Adult Foster Care Facilities.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of Zoning Ordinance to add the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 11/14 meeting. The vote was unanimous, with S. Warmington, M. Kleaveland and B. Smith absent.

g. Architectural Services for Barrier Free Design House COMMUNITY AND NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To accept the bid by the only proposal received from Destigter/Smith Architects 515 Madison S. E., Grand Rapids, MI for the architectural services to design a totally barrier free home for the City of Muskegon at the cost of \$8,600 plus expenses.

The home will be built at the parcel located at 1938 Hoyt under the City's New Construction Infill program. After the completion of the home the barrier free home will be sold to a qualified buyer.

FINANCIAL IMPACT: The funding for the cost of the design will be allocated from the 2001 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

h. MDOT Agreement for M – 120 from US-31 to City Limits ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the Milling & Resurfacing of that section of M-120 within the City's corporate limits, from Business 31 to the north branch of the Muskegon river, and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: While this is an MDOT project, we are required to participate in the cost to mill and resurface that section of M-120 which is within the City's limits. The City's share is estimated at \$11,950 but not more than 11.25% of eligible cost. The total estimated cost of that portion of the project is estimated a \$106,200.

BUDGET ACTION REQUIRED: None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION: That the agreement and resolution be approved.

i. Consideration of Bids – Industrial Park Lift Station ENGINEERING

SUMMARY OF REQUEST: Jackson Merkey Contractors be awarded the Industrial Park Lift Station contract since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$89,820.00.

FINANCIAL IMPACT: The construction cost of \$89,820.00 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Jackson Merkey Contractors.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda except for items b and e.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSES

2002-129 ITEMS REMOVED FROM AGENDA:

b. Request from Rolling Thunder to Fly POW/MIA Flags on City Property CITY MANAGER

SUMMARY OF REQUEST: Request to continue to fly the POW/MIA Flags on City Property for one year. Authorization was given to fly the flags on City property last year. The policy states that the flag flying period may be up to one year. It also states that the maintenance of the flag is the responsibility of the requesting organization.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request to continue to fly the POW/MIA Flags on the City Property at the following locations for a period of one year:

- a) The Welcome to Muskegon Shoreline Sign (Muskegon & Ninth Streets)
- b) Hackley Park
- c) L.C. Walker Arena (outside)
- d) L.C. Walker Arena (inside)

Staff recommends that the City follow the outline of the policy and require the requesting organization to maintain the flag(s).

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the request to continue to fly the POW/MIA Flags on City Property and require the organization to maintain the flags.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSES

e. FIRST READING Zoning Ordinance Amendment For Home Occupations PLANNING AND ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential), Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) to change the requirements for home occupation businesses.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to add the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at the 11/14 meeting. The vote was unanimous, with S. Warmington, M. Kleaveland, and B. Smith absent.

Motion by Commissioner Schweifler, second by Commissioner Spataro to approve the Request to amend the Zoning Ordinance for Home Occupations and add the proposed language in the articles and sections.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSES

2002-130 NEW BUSINESS:

a. Snowplow Service Contract for Former Muskegon Mall and Surrounding Areas, 2002/2003 Winter Season DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Award to TRI-US Services, Inc., of Kent City, MI the contract to provide snowplowing, deicing and snow removal at Muskegon Mall and surrounding areas during the 2002/2003 winter season.

FINANCIAL IMPACT: Need for service is weather-dependent. No history available.

BUDGET ACTION REQUIRED: "Parking Operations" line item to be added to the General Fund, to which this expense will be charged.

STAFF RECOMMENDATION: Recommend approval.

Motion by Commissioner Larson, second by Commissioner Shepherd to award to TRI-US Services, Inc., of Kent City, MI the contract to provide snowplowing, deicing and snow removal at Muskegon Mall and surrounding areas during the 2002/2003 winter season.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSES

b. Rezoning Request for Property located at 2330 Barclay St. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone property located at 2330 Barclay St. (between Sherman and Hackley), from RM-1 Low Density Multiple-Family Residential to R-1 Single-Family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request due to

compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 11/14 meeting. The vote was unanimous with M. Kleaveland, B. Smith, and S. Warmington absent.

Motion by Commissioner Schweifler, second by Commissioner Gawron to approve the request to rezone property at 2330 Barclay St. (between Sherman and Hackley), from RM-1 Low Density Multiple-Family Residential to R-1 Single-Family Residential.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

c. Purchase of Car for Community Neighborhood Services Department COMMUNITY AND NEIGHBORHOOD SERVICES

Item removed from Agenda by request of Staff.

d. Concurrence with the Housing Board of Appeals Notice and Order to Demolish INSPECTIONS

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structures located at **15 E. Muskegon, 1715 Superior and 1670 Park (Garage)** are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case # & Project Address: 00-100-15 E. Muskegon, Muskegon MI

LOCATION AND OWNERSHIP: This single-family rental unit is located on E. Muskegon in the Jackson Hill Neighborhood, HUD census tracking number 2. The owner is Jerri Oakes of Muskegon MI.

STAFF CORRESPONDENCE ATTACHMENTS: A dangerous building inspection was conducted on 12/4/00. A Notice and Order to repair was issued on 1/10/01. A Notice of HBA Hearing was sent on February 13, 2001. The Board's issued an Order to Demolish on March 7, 2001. Letter to Mr. Farmer dated 3/21/01. The owners filed a TRO in June 2001 and when the case went to court in June 2002 the judge ordered it be heard again before the HBA. At that meeting on July 11, 2002, the case was tabled for 120 days to allow the owner to pull permits and repair. No permits have been pulled and no inspections called for.

Owner Contact: Ms. Oakes has been into the office on a few occasions. She has indicated the need to demolish the structure.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$8,200

ESTIMATED COST TO REPAIR: \$25,000

Case # & Project Address: #202-39, 1670 Park (Garage), Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on the corner of Park and E. Dale in the Nelson Neighborhood. It is owned by William and Cheryl Hendire, same address.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 7/23/02, a notice and order to repair was issued 7/30/02. The owner pulled a permit to repair on 8/26/02 and expired 11/4/02. The case was brought before the HBA in October 2002. The structure was declared on that date and the owner did not attend the meeting. Due to the condition of the garage (it is near collapse) the case is being forwarded to City Commission for their concurrence.

OWNER CONTACT: There has been no contact since pulling the permit in August. No inspections have been requested and the garage appears to be near collapsing.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$14,800 (house and garage)

ESTIMATED COST TO REPAIR: \$4,000

STAFF RECOMMENDATION: To Concur with the Housing Board of Appeals decision to Demolish.

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the findings of the Housing Board of Appeals that the structures located at 15 E. Muskegon, and 1670 Park (Garage) are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days, and to direct administration to obtain bids for the demolition of the structures and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes:, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSES

CASE# & PROJECT ADDRESS: 02-01, 1715 Superior

LOCATION AND OWNERSHIP: This structure is located in the Marsh Neighborhood and is owned by Amy Bradley of Fruitport, MI.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 6/23/98. Some work was done without permits after that time. Another inspection was conducted 1/22/02 after a fire. A Notice and Order to Repair was issued on 1/30/02. No one was present to represent the case before the HBA on 1/7/02 and the structure was declared substandard and dangerous. The owner called the Inspection Dept. after that date and scheduled an interior inspection, which was conducted 3/25/02. On 4/29/02 the owner called the office and inquired on what to do next. She was informed she needed to submit a schedule of repairs

and apply for permits. There has been no contact since that date. The city has had the structure boarded on 3 separate occasions. The case was scheduled to go before City Commission on June 11, 2002, but the owner worked out an agreeable arrangement with the Director of Inspections. A permit was pulled 6/12/02, which expired 9/9/02. The case came back to the HBA in October 2002 and the structure was declared. Since the declaration there has been no contact from the owner and no inspections requested.

OWNER CONTACT: Amy Bradley contacted the office 4/29/02 and inquired on the next step. She was told to apply for permits and submit a timetable for repairs. Her father, Dave Schlieve, pulled a permit on 6/12/02.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$14,600

ESTIMATED COST TO REPAIR: \$20,000

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the findings of the Housing Board of Appeals that the structure located at 1715 Superior, Muskegon is unsafe, substandard, a public nuisance and it be demolished within thirty (30) days, and to direct administration to obtain a bid for the demolition of the structure and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron, Larson

Nays: None

MOTION PASSES

2002-131 PUBLIC PARTICIPATION:

Various comments were heard from the public.

2002-132 CLOSED SESSION: To discuss pending litigation and collective bargaining.

Motion by Commission Schweifler, second by Vice Mayor Buie to close the meeting at 6:31pm and to go into Close Session.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Vice Mayor Buie to go out of closed session at 7:00pm.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSES

Motion by Commissioner Larson, second by Commissioner Schweifler to approve the contract with the Firefighters union.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Shepherd to adopt amendments to Appendix A of the Muskegon City Code concerning the Police and Fire Retirement system.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

Motion by Commissioner Schweifler, second by Commissioner Shepherd to concur with the recommendation of the City Attorney regarding the City versus Dobbin and the City versus Touchtone.

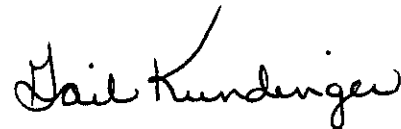
ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSES

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:03pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gail Kunding".

Gail Kunding, MMC

Commission Meeting Date: November 26, 2002

Date: November 18, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbc*
RE: Sale of One-half of a Buildable Lot at 444 Marquette Avenue

SUMMARY OF REQUEST:

To approve the sale one-half of a vacant buildable lot (Parcel #24-205-011-0013-00) at 444 Marquette Avenue to Oleavia McDowell, 450 Marquette Avenue, Muskegon, MI 49442, conditioned on the extra curb cut between the two houses be closed to discourage front yard parking. The other half of the lot will be joined to the property at 428 Marquette, which is owned by the Community & Neighborhood Services Department and has been developed with an In-Fill house. Approval of this sale will allow the adjacent property owners to expand their current yards (see attached map). Although this sale is not in accordance with City policy for the sale of buildable lots, unusual circumstances prompted the LRC to recommend approval. The cost of the lot will be \$100 and will be split between the two adjoining property owners.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign the resolution.

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended approval this unusual sale at it's October 22, 2002 meeting. The approval was conditioned on Community & Neighborhood Services closing the extra curb cut between the two houses to discourage front yard parking.

CITY OF MUSKEGON

RESOLUTION #2002- 128(c)

RESOLUTION APPROVING THE SALE OF A CITY-OWNED BUILDABLE LOT

WHEREAS, the City of Muskegon has received \$50 from Oleavia McDowell, 450 Marquette Avenue, Muskegon, MI 49442 for the purchase of the East one-half vacant, City-owned lot located adjacent to her property at 444 Marquette Avenue (parcel #24-205-011-0013-00);

WHEREAS, the West one-half of the vacant, City-owned lot will be joined to property located at 428 Marquette Avenue, currently owned by Community & Neighborhood Services and the curb cut on this half of the lot will closed;

WHEREAS, this lot is considered buildable under the City's Zoning Ordinance, however the Land Reutilization Committee (LRC) recommends it's sale as an unbuildable lot;

WHEREAS, the sale would enable the City to place this property back on the tax rolls, and would relieve the City of further maintenance;

WHEREAS, the sale of this property would be in accordance with property disposition goals and special recommendation of the Land Reutilization Committee (LRC);

NOW, THEREFORE BE IT RESOLVED, that THE CITY OF MUSKEGON REVISED PLAT OF 1903 E 31.5 FT OF THE W 63 FT LOT 13 BLK 11 be sold to Oleavia McDowell for \$50.

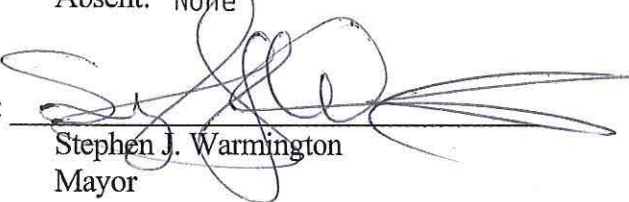
Resolution adopted this 26th day of November, 2002.

Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

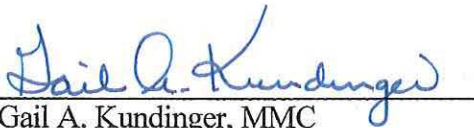
Nays: None

Absent: None

By:


Stephen J. Warmington
Mayor

Attest:


Gail A. Kunding, MMC
Clerk

CERTIFICATION

2002-128(c)

This resolution was adopted at a regular meeting of the City Commission, held on November 26, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

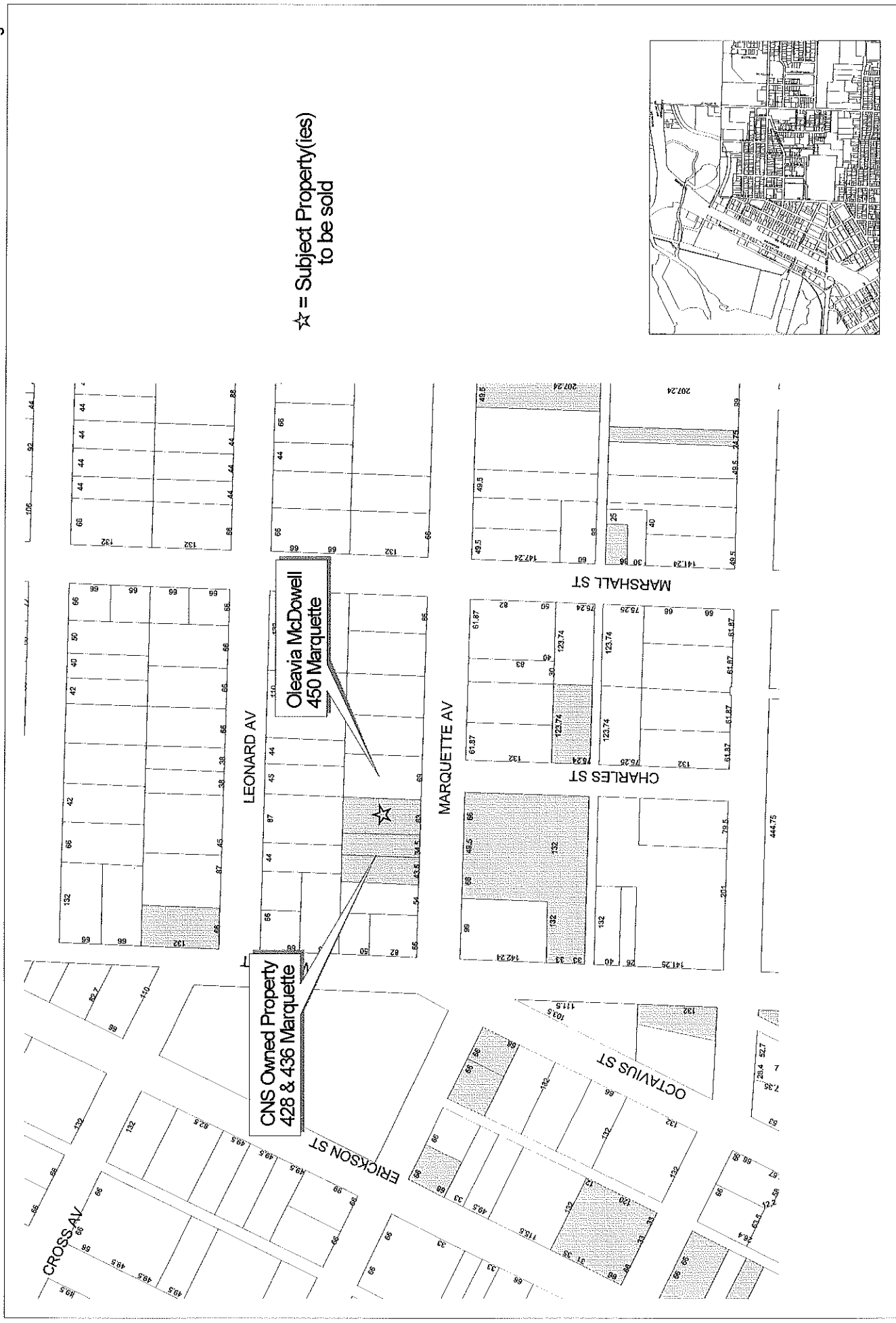
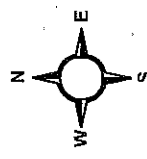
CITY OF MUSKEGON

By



Gail A. Kunderinger, MMC
Clerk

Vacant City-Owned Lot 444 Marquette Avenue



QUIT-CLAIM DEED

2002-128(c)

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, whose address is 933 Terrace Street, Muskegon, MI 49440,

QUIT CLAIMS TO: **OLEAVIA McDOWELL**, of 450 Marquette Avenue, Muskegon, MI 49442,

the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

The E 31.5 feet of the West 63 feet of Lot 13, Block 11, of the
CITY OF MUSKEGON REVISED PLAT OF 1903

for the sum of Fifty and no/100 Dollars (\$50.00)

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

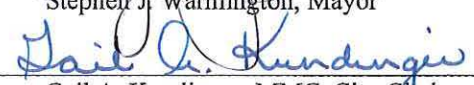
Dated this 6th day of December, 2002

CITY OF MUSKEGON

By


Stephen J. Warmington, Mayor

and


Gail A. Kunder, MMC, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 6th day of December, 2002, by Stephen J. Warmington and Gail A. Kunder, MMC, Mayor and City Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY:

John C. Schrier
Parmenter O'Toole
175 W. Apple Ave., P. O. Box 786
Muskegon, MI 49443-0786
Telephone: 616/722-1621

SEND SUBSEQUENT TAX BILLS TO: Grantee WHEN RECORDED RETURN TO: Grantee


Linda S. Potter

Notary Public, Muskegon County, Michigan
My commission expires: 9-25-06

Commission Meeting Date: November 26, 2002

Date: November 15, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Denial of Vacation of a Portion of McLaren St.

SUMMARY OF REQUEST:

Request for denial of vacation of the south 108.35 feet of McLaren St., north of Wesley Ave.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

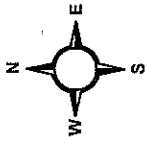
STAFF RECOMMENDATION:

Staff recommends that the portion of street not be vacated.

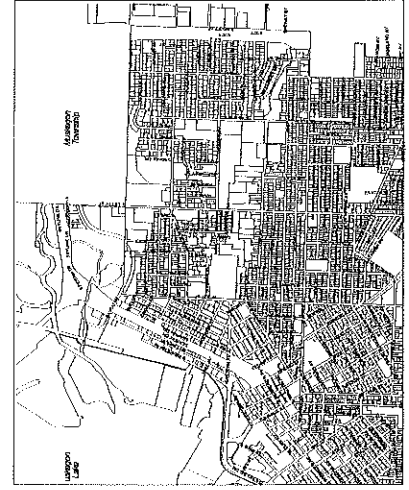
COMMITTEE RECOMMENDATION:

The Planning Commission recommended denial of the request for vacation of the proposed portion of street at their 11/14 meeting. The vote was unanimous with M. Kleaveland, B. Smith and S. Warmington absent.

City of Muskegon Planning Commission Case # 2002-51



 = Subject Property(ies)
 = Notice Area



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

November 14, 2002

Hearing; Case 2002-51: Request to vacate a portion of McLaren St., by the Finlay Group.

BACKGROUND

In February the Planning and City Commissions approved rezoning a large piece of City-owned property in the Jackson Hill neighborhood from R-1, Single-Family Residential and OSR, Open Space Recreation to RT, Two-Family Residential. The City is in the process of selling the property to Finlay Properties, Inc. for development of a 40-unit senior residential complex.

The proposed development would be located on two City-owned pieces of property, which lie on either side of McLaren St., north of Wesley Ave. The applicant is asking to vacate the south 108.35 feet of McLaren St. (directly adjacent to the proposed development) in order to create one contiguous parcel for the development.

The Department of Public Works has stated that there are water, sanitary sewer, and storm sewer utilities in this area of McLaren and that if vacated, a suitable utility easement would need to be retained by the City. The City Engineer has stated "Due to the presence of public utilities, the limitation that vacating 108' would place on snow plowing operation and other traffic related restrictions and the fact that this street provides a convenient access to and from Getty Street to those that reside on the street compel me to recommend against". The Fire Marshal has stated "After a recent overview by the fire department, it has been determined that McLaren Street cannot be vacated. Fire department access must be maintained due to existing structures".

Staff has received comments from one resident along McLaren St., Selby Washington, 536 McLaren St. Mr. Washington stated that he has concerns with only having one way out from his property, and that he does not want to see the portion of street vacated. Staff received a phone call from Tressa Duncan with questions only.

CITY OF MUSKEGON

RESOLUTION #02- 128(d)

RESOLUTION TO DENY VACATATION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate the south 108.35 feet of McLaren St., north of Wesley Ave.; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2002 to consider the petition and subsequently recommended denial of the vacation; and

WHEREAS, due notice had been given of said hearing as well as the November 26, 2002 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission does not deem it advisable for the public interest to vacate and discontinue the portion of public street;

Adopted this 26th day of November, 2002.

Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

Absent: None

By: 

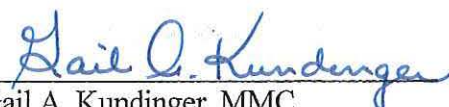
Stephen J. Warmington, Mayor

Attest: 

Gail A. Kunderinger, MMC, City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on November 26, 2002.


Gail A. Kunderinger, MMC
Clerk, City of Muskegon

Commission Meeting Date: November 26, 2002

Date: November 15, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment for Adult Foster Care Facilities

SUMMARY OF REQUEST:

Request to amend Article II (Definitions), Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Sections 600 (Principal Uses Permitted) and 601 (Special Land Uses Permitted) of Article VI (RT, Two-Family Residential), Sections 700 (Principal Uses Permitted) and 701 (Special Land Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), Sections 800 (Principal Uses Permitted) and 801 (Special Land Uses Permitted) of Article VIII (RM-2, Medium Density Multiple-Family Residential), Section 900 (Principal Uses Permitted) of Article IX (RM-3, High Density Multiple-Family Residential) and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the City's Zoning Ordinance to amend the regulations for Adult Foster Care Facilities.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/14 meeting. The vote was unanimous, with S. Warmington, M. Kleaveland and B. Smith absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2093

An ordinance to amend Article II (Definitions), Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Sections 600 (Principal Uses Permitted) and 601 (Special Land Uses Permitted) of Article VI (RT, Two-Family Residential), Sections 700 (Principal Uses Permitted) and 701 (Special Land Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), Sections 800 (Principal Uses Permitted) and 801 (Special Land Uses Permitted) of Article VIII (RM-2, Medium Density Multiple-Family Residential), Section 900 (Principal Uses Permitted) of Article IX (RM-3, High Density Multiple-Family Residential) and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the City's Zoning Ordinance to amend the regulations for Adult Foster Care Facilities

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Article II (Definitions) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

Adult: A person eighteen (18) years of age or older or a person who is placed in an adult foster care family home or an adult foster care small group home pursuant to Section 5 (6) or (8) of 1973 PA 116, MCL 722.115.

Adult Foster Care Home or Facility: (See Foster Care Facilities - Adult)

Foster Care Facilities - Adult [per State Law]

Adult Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults, subject to the Michigan Foster Care Facility Licensing Act, Act 218 of 1979.

Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult Foster Care Small Group Home: An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

Adult Foster Care Large Group Home: An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

Adult Foster Care Congregate Facility: An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Foster Care Facilities - Family:

Foster Family Home: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are given care and supervision for 24 hours a day, or 4 or more days a week, of 2 or more consecutive weeks, unattended by a parent or legal guardian.

Foster Family Group Home: A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

Adult Foster Family Home: Any facility licensed by the State to provide foster care.

Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to replace #3 as follows:

3. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility.

Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to replace #5 as follows:

5. Adult Foster Care Family Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

Section 601 (Special Land Uses Permitted) of Article VI (RT, Two-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to replace #8 as follows:

8. Adult Foster Care Small Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to remove #8 and replace #9 as follows:

8. Foster Care Small Group Homes.

Section 701 (Special Land Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

6. Adult Foster Care Large Group Homes, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

Section 800 (Principal Uses Permitted) of Article VIII (RM-2, Medium Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to remove #3 and replace #4 as follows:

4. Adult Foster Care Large Group Homes.

Section 801 (Special Land Uses Permitted) of Article VIII (RM-2, Medium Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

3. Adult Foster Care Congregate Facilities, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.

Section 900 (Principal Uses Permitted) of Article IV (RM-3, High Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended to remove #4 and replace #5 as follows:

5. Adult Foster Care Family Homes, Adult Foster Care Small Group Homes, Adult Foster Care Large Group Homes, and Adult Foster Care Congregate Facilities.

Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

5. Adult Foster Care Family Homes.

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Buie, Gawron, Larson, Schweifler

Nays: None

Adoption Date: November 26, 2002

Effective Date: December 14, 2002

First Reading: November 26, 2002

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of November, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: 12-3-, 2002.

Gail Kunding
Gail Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 26, 2002, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions), Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Sections 600 (Principal Uses Permitted) and 601 (Special Land Uses Permitted) of Article VI (RT, Two-Family Residential), Sections 700 (Principal Uses Permitted) and 701 (Special Land Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), Sections 800 (Principal Uses Permitted) and 801 (Special Land Uses Permitted) of Article VIII (RM-2, Medium Density Multiple-Family Residential), Section 900 (Principal Uses Permitted) of Article IX (RM-3, High Density Multiple-Family Residential) and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the City's Zoning Ordinance.

The purpose of this amendment was to amend the regulations for Adult Foster Care Facilities in the City of Muskegon.

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

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

Published December 4, 2002

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
Its Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: November 26, 2002

Date: November 19, 2002
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department W.G.
RE: Architectural Services for barrier free design house

SUMMARY OF REQUEST: To accept the bid by the only proposal received from Destigter/Smith Architects 515 Madison S. E., Grand Rapids, Mi for the architectural services to design a totally barrier free home for the City of Muskegon at the cost of \$8,600 plus expenses.

The home will be built at the parcel located at 1938 Hoyt under the City's New Construction Infill program. After the completion of the home the barrier free home will be sold to a qualified buyer.

FINANCIAL IMPACT: The funding for the cost of the design will be allocated from the 2001 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: None

DESTIGTER ■ SMITH

ARCHITECTS

Date: Revised October 19, 2002

Proposal For: **Architectural services for a new barrier
free residence at 1938 Hoyt, Muskegon,
Michigan**

Submitted to: **Mr. Wilmern G. Griffin**
Director of Community and Neighborhood Services
City of Muskegon
933 Terrace Street
P.O. Box 536
Muskegon, Michigan 49443-0536

Submitted By: DESTIGTER ■ SMITH ARCHITECTS
Kim David DeStigter, Architect
515 Madison S.E.
Grand Rapids, Michigan 49503
616-458-5620

DESTIGTER ■ SMITH

ARCHITECTS

Table of Contents

Firm Overview

Project Team

Project Overview

General Items Pertaining to Services

Scope of Services

Fee

Billing Rate Schedule

DESTIGTER ■ SMITH

ARCHITECTS

FIRM OVERVIEW:

DeStigter/Smith Architects is a joint venture between Sole Proprietor Kim David DeStigter, and Michigan Corporation, Designsmiths, Inc., owned by Grace A.M. Smith. The joint venture began in Grand Rapids in 1992 to provide quality design, planning, and architectural services to West Michigan.

Together, Kim and Grace have over 30 years of experience in the practice of architecture, planning, and interior design. Their designs focus on the needs and concerns of the client, the users, the community, and the global environment. As professional problem solvers, we have developed a reputation as good listeners who identify the needs and budgets of our clients then respond with appropriate options and solutions. The leadership team of DeStigter/Smith Architects guides you through planning decisions efficiently and effectively.

Our offices are located in the Heritage Hill Historic District of Grand Rapids. We provide architectural and interior design services, construction administration, construction management, urban planning, master planning, and a variety of consultation services, including code and zoning studies.

PROJECT TEAM:

Kim and Daryl are currently working together on Heron Court Apartments which is a 33 unit apartment complex for disabled residents. 16 of the units are type "A" barrier free units. the complex is composed of a combination of duplex and fourplex buildings with a single family look to them.

Kim DeStigter - Architectural Designer and Project Manager

We believe that Kim can also deliver a strong housing expertise to your project. At the University of Michigan, his Masters concentration was in housing and that interest has continued through today. Over the course of his professional career he has designed many housing units both single family and multi-family and many of those units have been barrier free.

Daryl Domke - Universal Design Consultant

Daryle has worked as a universal design consultant for the past seven years both on his own and for the organization, Disability Advocates. As a quadriplegic and wheelchair user himself, he can identify through personal experience the difficulties that arise in poorly planned buildings.

DESTIGTER ■ SMITH**ARCHITECTS**

PROJECT OVERVIEW:

The City of Muskegon wishes to build a barrier free residence approximately 1,500 s.f. to 1,600 s.f.. The residence will consist of three bedrooms, two full bathrooms, full kitchen, dining room, living space, storage area, and attached car port. The building will be single story with no basement. The location of the is 1938 Hoyt. It is being funded by funds supplied to the City of Muskegon from the U.S. Department of Housing and Urban Development - Home Investment Partnership Program 24 CFR 92. The home is to blend in with the immediate neighborhood.

GENERAL ITEMS PERTAINING TO SERVICES:

- A. Building Floor plans will be drafted in AutoCAD 2000 format.
- B. Information on owner furnished equipment will be provided by the owner. This includes a list of each piece of equipment, its location, dimensions, weight and mechanical and electrical connection requirements.
- C. Contractual Agreement will be American Institute of Architects Document B141-1997 executed before work is commenced.
- D. Owner will furnish the Architect with soil borings and geotechnical engineering report for the site.
- E. Owner will furnish survey including topographic information with one foot contours, spot elevations, boundary, site and street utilities, building location and first floor elevation, trees 6" caliper and greater, walks, drives, and adjacent streets.
- F. Owner will furnish the Architect with the City's Zoning Regulations.
- F. Owner will furnish Architect with program identifying the owners requirements for the design..
- G. The firms liability insurance coverage is \$500,000 per occurrence and \$1,000,000 aggregate.

DESTIGTER ■ SMITH**ARCHITECTS**

SCOPE OF SERVICES:**Architectural Services included in fee estimate:**

1. Provide schematic design and design development options to owner.
2. Design and Construction Documents to be used for building permit.
3. I anticipate handling the structural design myself. If complex issues arise that require a structural engineer's analysis, the owner would be billed for that service at the hourly rate of the engineer. Architect does not anticipate complex structure.
4. Lighting design, electrical layout, and documentation.
5. Materials specifications on the plans.
6. Changes initiated by other than the Architect after approvals have been made by the owner.
7. Bidding phase document clarification and evaluation of bids.
8. Plan review application for the City of Muskegon
9. Construction Observation and Shop drawing review.

Architectural Services not included in fee estimate: May be added at request of owner.

1. Cost Estimates beyond Square Foot Opinion of Probable Cost.
2. Selection of Furniture
3. Electrical Service (by Electrical Contractor) 100 amp.
4. Sizing of Heating and Air Conditioning Equipment and Ducts (by Mechanical Contractor).
5. Sizing of Plumbing lines and Connections (by Plumber)
6. Septic System Design
7. Zoning or planning assistance
8. Landscape design
9. As Built Drawings
10. Fire protection design (Sprinkler System)
11. Multiple Bid Packages

DESTIGTER ■ SMITH**ARCHITECTS**

FEE:**\$8,600.00 plus reimbursable expenses identified below****REIMBURSABLE EXPENSES:**

Reimbursable expenses include long distance telephone charges, CADD plotting, printing, mileage, photography, and other project related expenses.

BILLING RATE SCHEDULE FOR ADDITIONAL SERVICES:**A. Architectural (Hourly Rates)**

1. Principal Architect\$70.00
2. CADD Specialist\$50.00

B. Universal Design Consultant (Hourly Rate)

Daryl Domke\$45.00

C. Engineering (Hourly Rates)

1.0 times rate charged to the Architect by the Engineer.

Thanks for your consideration!

Date: November 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – MDOT Agreement for:
M-120 from US-31BR to City Limits

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the Milling & Resurfacing of that section of M-120 within the City's corporate limits, from business 31 to the north branch of the Muskegon river. And to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

While this is an MDOT project, we are required to participate in the cost to mill and resurface that section of M-120 which is within the City's limits. The City's share is estimated at \$11,950 but not more than 11.25% of eligible cost. The total estimated cost of that portion of the project is estimated at \$106,200.

BUDGET ACTION REQUIRED:

None at this time. The City's share of the cost will come out of the Major Street Fund as was budgeted.

STAFF RECOMMENDATION:

That the attached agreement and resolution be approved.

COMMITTEE RECOMMENDATION:

RESOLUTION 2002-128(h)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE MILLING & RESURFACING OF M-120 FROM 31BR THE NORTH BRANCH OF THE MUSKEGON RIVER TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Buie and supported by

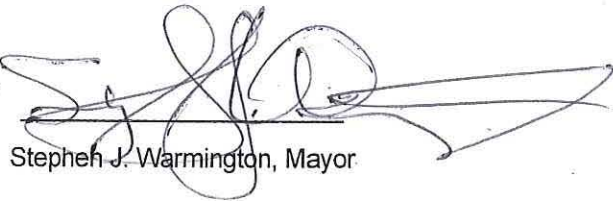
Commissioner Schweifler that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **02-5449** between the Michigan Department of Transportation and the City of Muskegon for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **02-5449** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

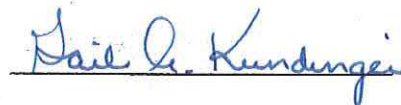
Adopted this 26th day of November, 2002.

BY



Stephen J. Warmington, Mayor

ATTEST



Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on November 26, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By



Gail A. Kunderger, Clerk

NON-FEDERAL AID PROGRESS PAYMENT

DAB

Control Section M 61076

Job Number 60099

Contract 02-5449

THIS CONTRACT is made and entered into this date of JAN 09 2003, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

Milling and bituminous resurfacing work on Highway M-120 from Structure B01 of 61076 which carries Highway M-120 over the Muskegon River to the north CITY limits near Cedar Creek; together with necessary related work, located within the corporate limits of the CITY.

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$106,200; and

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT and construction engineering, and any and all other expenses in connection with any of the above.

RECEIVED
CITY OF MUSKEGON
DEC 09 2002

ENGINEERING DEPT.

2. The cost of alteration, reconstruction and relocation, including plans therefor, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required; therefore, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

DEPARTMENT -	88.75%
CITY -	11.25%

The PROJECT COST and the respective shares of the parties is estimated to be as follows:

DEPARTMENT	\$ 94,250
CITY	<u>\$ 11,950</u>
TOTAL	\$106,200

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made therefore and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition

In the event that Federal funds are received for any portion of the PROJECT COST, the CITY'S share of such PROJECT COST shall be adjusted accordingly.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a

monthly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No monthly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number _____", or "Final Billing". Upon completion of the PROJECT and payment of all items of PROJECT COST, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred as the work on the PROJECT progresses.

8. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its required payments as specified herein.

9. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such moneys thereafter allocated by law to the CITY from the Michigan transportation Fund sufficient moneys to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

10. All of the PROJECT work shall be done by the DEPARTMENT.

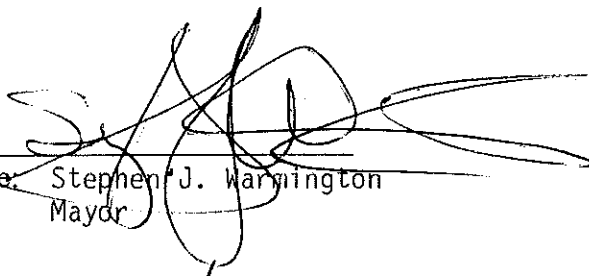
11. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

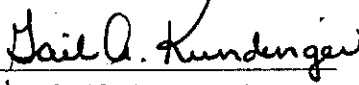
12. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

13. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

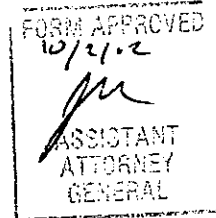
CITY OF MUSKEGON

By 
Title: Stephen J. Warwington
Mayor

By 
Title: Gail A. Kunderger
City Clerk

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Department Director MDOT



APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Date: November 26, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Industrial Park Lift Station

SUMMARY OF REQUEST:

Jackson Merkey Contractors be awarded the Industrial Park Lift Station contract since they were the lowest, see bid tabulation, responsible bidder with a bid price of \$89,820.00.

FINANCIAL IMPACT:

The construction cost of \$89,820.00 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Jackson Merkey Contractors.

COMMITTEE RECOMMENDATION:

INDUSTRIAL PARK LIFT STATION REHABILITATION - S550
BID PROPOSAL
November 12, 2002

ITEM	FELCO CONTRACTORS, INC. 874 PULASKI AVE. MUSKEGON, MI 49441	JACKSON-MERKEY CONTRACTORS 555 E. WESTERN AVE. MUSKEGON, MI 49442
SCHEDULE OF PRICE For the entire work outlined in theses contract documents and the drawing, complete as specified, using equipment and material only of the type and manufacturers where specifically named the following LUMP SUM PRICE OF	\$110,820.00	\$89,835.00

MATERIAL AND EQUIPMENT

The contract documents stipulate that the base Lump Sum bid price shall include materials and equipment selected from the designated items and manufacturers listed therein. This is to establish uniformity in bidding and establish standards of the items named.

Date: November 26, 2002
To: Honorable Mayor and City Commission
From: City Manager
**RE: Request from Rolling Thunder to Fly POW/MIA
Flags on City Property.**

SUMMARY OF REQUEST: Request to continue to fly the POW/MIA Flags on City Property for one year. Authorization was given to fly the flags on City property last year. The policy states that the flag flying period may be up to one year. It also states that the maintenance of the flag is the responsibility of the requesting organization.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATION: To approve the request to continue to fly the POW/MIA Flags on City Property at the following locations for a period of one year:

- a) The Welcome to Muskegon Shoreline Sign (Muskegon & Ninth Streets)
- b) Hackley Park
- c) L.C. Walker Arena (outside)
- d) L.C. Walker Arena (inside)

Staff recommends that the City follow the outline of the policy and require the requesting organization to maintain the flag(s).



ROLLING THUNDER®, INC.
WEST MICHIGAN CHAPTER 4

P. O. Box 443 Muskegon, Michigan 49443

"They Fought For Our Freedom - We're Fighting For Theirs"



Rolling Thunder®, Inc.
West Michigan Chapter 4
PO Box 443
Muskegon, MI. 49443-0443

Muskegon City Commission
933 Terrace Ave.
Muskegon, MI. 49442

November 1, 2002

We would like you to add us to the agenda for the City Commission meeting being conducted on **November 26, 2002.**

The Issue we would like to discuss is the maintenance and care of the five existing POW/MIA Flags located at:

- a) The Welcome to Muskegon Shoreline sign (Muskegon Ave. & Ninth St.)
- b) Hackley Park
- c) City Hall
- d) L.C. Walker Arena (Outside)
- e) L.C. Walker Arena (Inside)

Over the last Twelve Months Rolling Thunder®, Inc. West Michigan Chapter 4 has taken care of the maintenance of these flags. Through an agreement obtained last November with the City of Muskegon.

The purpose of this agreement was to see if another organization would come forward and request that the City fly their Flag because of letting the POW/MIA Flag fly. We hope this has not happened, as we stated at the last meeting that the POW/MIA Flag is a Nationally recognized Flag, and not an organizational Flag, and should not pose a problem.

We will be asking the same thing as we did last November. That the City of Muskegon continue to fly the POW/MIA Flags and to pick up the care and maintenance of the flags.

We have found that approximately Two Flags per year are required for each location with the exception of the one displayed inside the L.C. Walker Arena, which should require no maintenance.

If you were to purchase the Flags through us the total cost per year would be \$212.00.
4) 4 X 6's @ \$29.00 ea. and 4) 3 X 5's. @ \$24.00 ea.

If you have any questions please call Dave Johnson (231) 777-1016

Sincerely


Dave Johnson
Rolling Thunder®, Inc.
West Michigan Chapter 4

Commission Meeting Date: November 26, 2002

Date: November 15, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment For Home Occupations

SUMMARY OF REQUEST:

Request to amend Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential), Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) to change the requirements for home occupation businesses.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to add the proposed language in the articles and sections described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/14 meeting. The vote was unanimous, with S. Warmington, M. Kleaveland, and B. Smith absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2094

An ordinance to amend Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential), Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) to change the requirements for home occupation businesses.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.
 - ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
 - iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the

normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.

- iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
- v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
- vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
- xiv) Activities specifically prohibited (but not limited to) include:
 - (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning

- (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
- xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows. Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following:

4. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:
- a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.

- ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
- iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
- iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
- v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
- vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
- xiv) Activities specifically prohibited (but not limited to) include:

- (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning
 - (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
- xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential) of the Zoning Ordinance of the City of Muskegon is hereby amended as follows:

7. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following:
- a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:

- i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.
- ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
- iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
- iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
- v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
- vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.

xiv) Activities specifically prohibited (but not limited to) include:

- (1) A service or repair of motor vehicles, appliances and other large equipment
- (2) A service or manufacturing process which would normally require industrial zoning
- (3) A commercial food service requiring a license
- (4) A limousine service
- (5) A lodging service including but not limited to, a tourist home, motel or hotel
- (6) A tattoo parlor
- (7) An animal hospital or kennel
- (8) A lawn service

xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.

This ordinance adopted:

Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

Adoption Date: November 26, 2002

Effective Date: December 14, 2002

First Reading: November 26, 2002

Second Reading: N/A

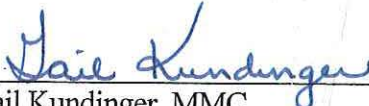
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of November, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 26, 2002.



Gail Kunding, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on November 26, 2002, the City Commission of the City of Muskegon adopted an ordinance to amend Section 400 (Principal Uses Permitted) of Article IV (R-1, Single-Family Residential), Section 600 (Principal Uses Permitted) of Article VI (RT, Two-Family Residential), Section 700 (Principal Uses Permitted) of Article VII (RM-1, Low Density Multiple-Family Residential), and Section 2000 (Principal Uses Permitted) of Article XX (H, Heritage) of the City's Zoning Ordinance.

The purpose of this amendment was to amend the regulations for home occupation businesses in the City of Muskegon and to add home occupations as permitted uses in the H (Heritage) zoning district.

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

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

Published December 4, 2002

CITY OF MUSKEGON

By _____

Gail A. Kunding, MMC
Its City Clerk

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

Account No. 101-80400-5354

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commission
FROM: Department of Public Works
DATE: November 19, 2002
SUBJECT: Snowplowing Services at Muskegon Mall and Surrounding Areas
2002/2003 Winter Season.

SUMMARY OF REQUEST:

Award to TRI-US Services, Inc., of Kent City, MI the contract to provide snowplowing, de-icing and snow removal at Muskegon Mall and surrounding areas during the 2002/2003 winter season.

FINANCIAL IMPACT:

Need for service is weather-dependent. No history available.

BUDGET ACTION REQUIRED:

"Parking Operations" line item to be added to the General Fund, to which this expense will be charged.

STAFF RECOMMENDATION:

Recommend approval.

COMMITTEE RECOMMENDATION:

Affirmative Action
616/724-6703
FAX/722-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/726-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

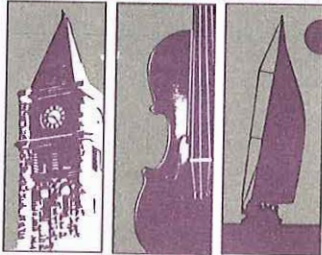
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: November 19, 2002

To: Honorable Mayor and City Commissioners

From: Robert Kuhn, Director of Public Works

Re: Contracting the Snowplowing Services at Muskegon Mall and Surrounding Areas,
2002/2003 Winter Season

TRI-US Services, Inc. of Kent City and Quality Transport, Inc. of Montague recently submitted bids to provide labor, materials, equipment, tools, and traffic control devices, as required, for the snowplowing and de-icing of, and snow removal from, lots, sidewalks and fire lanes throughout the current winter season at the Muskegon Mall and surrounding areas. Service shall commence at a requested start time or within two (2) hours of notification to commence, as issued by the Director of Public Works or designee.

For purposes of this contract, "Muskegon Mall" encompasses designated areas within the block of Third and Terrace Streets, Clay and Morris Avenues; "surrounding areas" will encompass city facilities outside that block, as deemed necessary. The definition of a "normal service" assignment is the plowing and de-icing of all lots, sidewalks and fire lanes, as specified, at the Muskegon Mall. A "special service" assignment consists of the removal of snow or the snowplowing and/or de-icing equal to less than one "normal service" within the Muskegon Mall and any service outside the Muskegon Mall and/or designated intervals. Hourly rates and the cost of materials for each "service" were solicited.

The need for service is dependent upon the weather; this unknown, coupled with no Mall-related winter maintenance history, presents a best-guess scenario. Expenses shall be charged to the general fund.

TRI-US Services, Inc. is our recommendation for this contract for these reasons: there is a considerable difference between the TRI-US per-hour plowing rates of \$255.00 ("normal service") and \$75.00 ("special service") and Quality Transport rates of \$610.00 ("normal service") and \$875.00 ("special service"). Although Quality Transport has larger employee and equipment pools from which to draw and is located within Muskegon County, TRI-US offers a sufficient number of employees and meets the equipment requirements. As the city's street sweeping vendor for many years, and having won the contract over a much larger company, TRI-US has previously met its contractual obligations.

Honorable Mayor and City Commissioners
Page 2
November 19, 2002

Project: Snowplowing Services at Muskegon Mall and Surrounding Areas
2002/2003 Winter Season

Following are the bids, as submitted by TRI-US Services, Inc. and Quality Transport, Inc.

	<u>TRI-US</u>	<u>QUALITY</u>
<u>Normal Service</u>		
Plowing lots, sidewalks, fire lanes	\$255.00 /hour	\$610.00 /hour
De-icing lots, sidewalks, fire lanes	\$ 75.00 /hour	\$ 70.00 /hour
Bulk salt or Calcium Chloride	\$115.00 /ton	\$ 80.00 /ton
Bag salt or "Ice Melt"	\$ 6.50 /80# bag	\$ 40.00 /50# bag

Both companies indicate 4 hours as the estimated time to complete one (1) Normal Service (snowplowing and de-icing) for a 3" snowfall.

<u>Special Service</u>		
Plowing lots, sidewalks, fire lanes	\$ 75.00 /hour	\$875.00 /hour
De-icing lots, sidewalks, fire lanes	\$ 75.00 /hour	\$ 70.00 /hour
Bulk salt or Calcium Chloride	\$115.00 /ton	\$ 80.00 /ton
Bag salt or "Ice Melt"	\$ 6.50 /bag	\$ 40.00 /50# bag
Snow removal of lots and fire lanes	\$100.00 /hour	\$250.00 /hour

/pmb

Commission Meeting Date: November 26, 2002

Date: November 15, 2002
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Rezoning request for property located at 2330 Barclay St.

SUMMARY OF REQUEST:

Request to rezone property located at 2330 Barclay St. (between Sherman and Hackley.), from RM-1 Low Density Multiple-Family Residential, to R-1 Single-Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

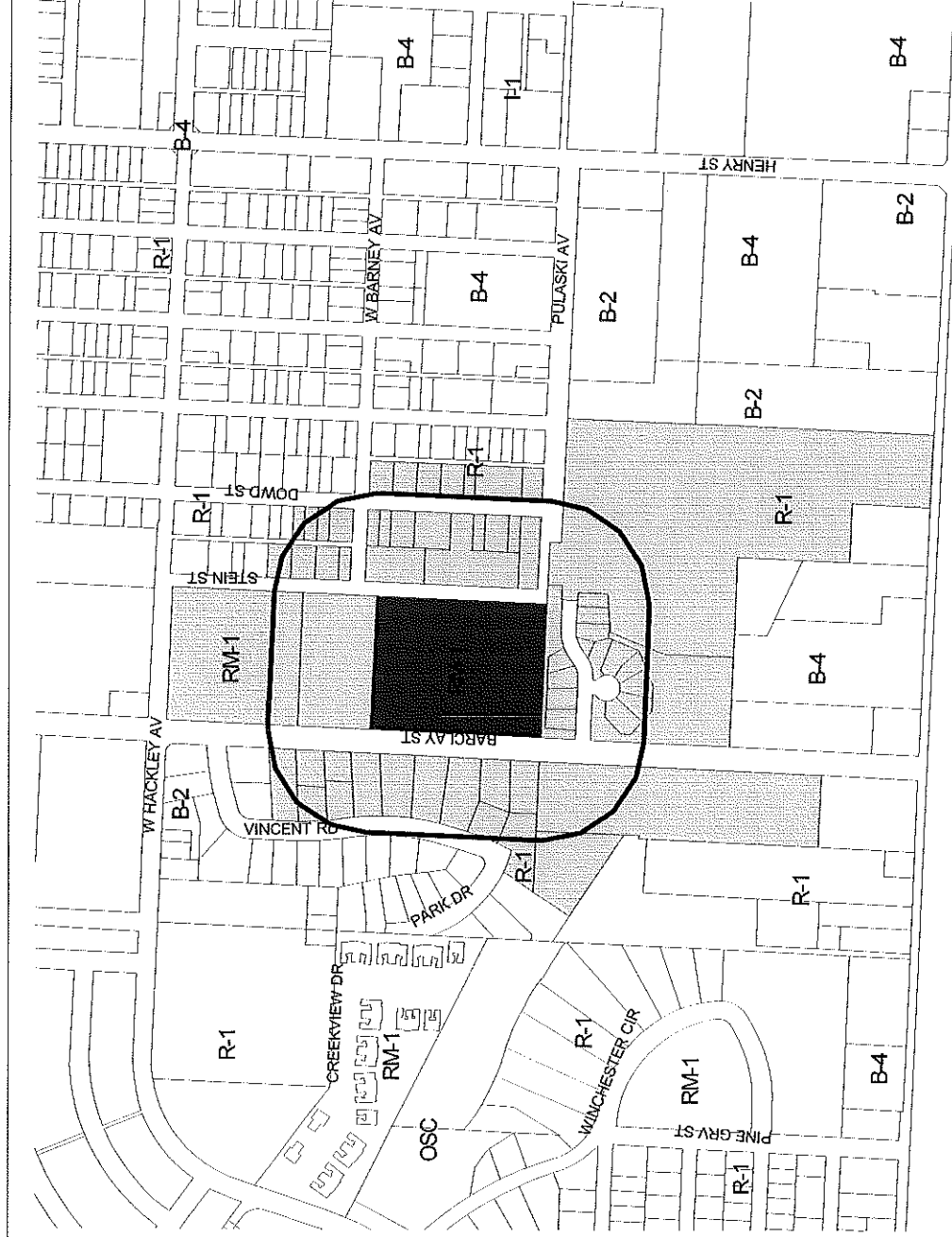
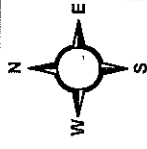
STAFF RECOMMENDATION:

Staff recommends approval of the request due to compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/14 meeting. The vote was unanimous with M. Kleaveland, B. Smith, and S. Warmington absent.

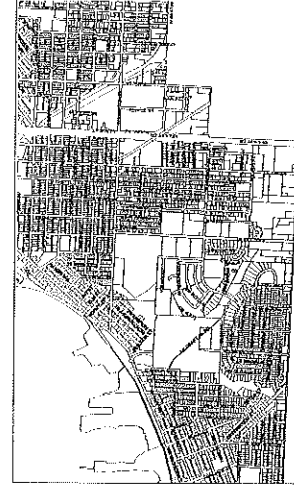
City of Muskegon Planning Commission Case # 2002-53



■ = Subject Property(ies)

○ = Notice Area

R-1 = Single-Family Residential
RM-1 = Low Density Multiple-Family Residential
B-2 = Convenience & Comparison Business
B-4 = General Business
I-1 = Light Industrial
OSC = Open Space Conservation



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

November 14, 2002

Hearing; Case 2002-53: Staff-initiated request to rezone property at 2330 Barclay St. from RM-1, Low Density Multiple-Family Residential to R-1, Single-Family Residential.

BACKGROUND

The subject property is located on Barclay St., between Sherman Blvd. and Hackley Ave. In September of 1998, the City's Master Land Use Map (part of the Master Land Use Plan) was amended to change the designated use from "Quasi-Governmental" to "Single and Two-Family Residential" for a portion of property on Barclay St. which includes the subject property. An excerpt from the staff report for that change is included below:

Case 998-27 Amendment to the City Master Plan

For lands straddling Barclay, North of Sherman and directly South of Hackley.

Portions of this area have been the subject of debate in the past. Most recently, a multi-family development and a charter school have been considered. The multi-family development was delayed until the Master Plan was updated so the consultants could make special analysis and recommendation of the area. The neighborhood, Planning Commission and staff were concerned about additional high-density development in the area. The resultant analysis designated part of the area as "quasi-governmental" and part "multi-family" on the future land use map. Since the denial of a special use permit for a school at the site, staff and the owner are in a difficult position to determine the most appropriate way to proceed with site development.

Issues associated with future land use designation for this area include:

- 1. Sewer capacity in the general area as it relates to the "Clay Hill" phenomenon.*
- 2. The "F" (poorest) level of service evaluation for the Sherman/Barclay intersection.*
- 3. The physical condition of Barclay.*
- 4. The Master Plan objective for additional new, moderate income single-family housing in Muskegon.*
- 5. The Master Plan objective to preservation natural features - mature trees, steep slopes and stream corridors.*
- 6. Neighborhood and community concerns to have a better mix of housing in the area in the form of low-density housing since there is already a large concentration of high density housing close by.*

In light of the issues, it is more appropriate to promote low-density development in the area.

The subject property currently contains the Moose Lodge. The property is listed for sale as the Moose Lodge is planning to cease operations. Staff feels that this is an ideal time to follow the recommendation of the amended Future Land Use Map and to rezone the property to single-family residential. Although several issues have changed since 1998 (the physical condition of Barclay was greatly improved by a road project, and the approval and construction of a lower-density condominium development directly south of the subject property), the overlying issue still remains

in that there is a large density of multi-family housing around the Hackley Ave. and Barclay St. intersection. Therefore, staff is proposing that the property be rezoned to R-1, Single-Family Residential.

Staff has received one phone call from Jack at the Moose Lodge, asking who the applicant is for the request and stating that representatives from the Moose Lodge will be at the meeting with objections to the proposed rezoning.

PHOTOS



ORDINANCE EXCERPTS

ARTICLE VII - RM-1 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

The RM-1 Low Density Multiple Family Residential Districts are designed to provide sites for multiple family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and the lower density One Family and Two Family Residential Districts, and MHP Mobile Home Park Districts.

SECTION 700: PRINCIPAL USES PERMITTED

In an RM-1 Low Density Multiple Family Residential District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. All Principal Uses Permitted in the R One Family and RT Two Family Residential Districts with the lot area, yard, and floor area requirements for one (1) and two (2) family dwellings equal to at least the requirements of the immediately abutting residential district.
2. Multiple dwellings and row houses for any number of families.
3. Accredited fraternity and sorority houses when located not less than twenty (20) feet from any other lot in any residential district.
4. Tourist homes having not more than two (2) guest rooms provided the premises fronts on a street which is officially designated as a major thoroughfare or collector thoroughfare.
5. Rooming houses with a capacity of not more than three (3) roomers.
6. Churches and other facilities normally incidental hereto subject to the following conditions:
...
7. Home occupations of a nonindustrial nature may be permitted subject to the following:
...
8. Congregate living facility for not more than six persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
9. Adult foster care facility for not more than six persons.
10. Accessory buildings and accessory uses customarily incidental to the above Principal Permitted Uses.
11. Uses similar to the above Principal Permitted Uses.

SECTION 701: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Offices and clinics of physicians, dentists, architects, engineers, attorneys, accountants, real estate appraisers, or other professional persons; real estate, insurance, credit service (other than loan) offices and similar businesses supplying services instead of products when determined by the Planning Commission upon application to it, to be consistent with the nature and condition of neighboring uses and structures.
2. Buildings to be used exclusively to house the offices of civic, religious or charitable organizations, the activities of which are conducted by mail, and which are not displaying or handling merchandise or rendering service on the premises.
3. Schools and colleges not involving the use of mechanical equipment except such as is customarily found in dwellings or professional offices provided that any such building shall be located not less than thirty (30) feet from any other lot in any residential district.

4. The office of a resident physician, dentist, architect, engineer, attorney, or similar professional person when located within his dwelling, provided that not more than one (1) person not a resident in said dwelling is employed in such offices.
5. Hospitals, sanitariums, and convalescent or nursing homes.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
7. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
8. Uses similar to the above Special Land Uses Permitted.

SECTION 702: PLANNED UNIT DEVELOPMENT

...

SECTION 703: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupation of a non-industrial nature may be permitted subject to the following:
...
3. Congregate living facility for not more than two persons, provided that such facility shall be at least one thousand five hundred (1,500) feet from any other similar facility.
4. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
5. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
...
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
...
3. Churches and other facilities normally incidental thereto subject to the following conditions:
...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
7. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
...
8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [Amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION

...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

...

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.

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

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2095

An ordinance to amend the zoning map of the City to provide for a zone change for certain property from RM-1 "Low Density Multiple-Family Residential," to R-1 "Single-Family Residential"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described property from RM-1 Low Density Multiple-Family Residential, to R-1 Single-Family Residential:

CITY OF MUSKEGON COM @ CENTER OF SEC 36 T10N R17W TH N 89D 52M E ALG E/ W 1/4 LN 685 FT TH S00D 10M W 730 FT FOR POB TH CONT S 00D 10M W 602.85 TH E 455 FT TH N 595 FT TH W 455 FT TO POB

This ordinance adopted:

Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nayes: None

Adoption Date: November 26, 2002

Effective Date: December 14, 2002

First Reading: November 26, 2002

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of November, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 26, 2002.



Gail Kunding, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on November 26, 2002, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following property from RM-1 "Low Density Multiple-Family Residential," to R-1 "Single-Family Residential."

CITY OF MUSKEGON COM @ CENTER OF SEC 36 T10N R17W TH N 89D 52M E ALG E/ W
1/4 LN 685 FT TH S00D 10M W 730 FT FOR POB TH CONT S 00D 10M W 602.85 TH E 455 FT
TH N 595 FT TH W 455 FT TO POB

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

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

Published December 4, 2002

CITY OF MUSKEGON

By

Gail A. Kunding, MMC
Its City Clerk

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

Account No. 101-80400-5354

DATE: November 19, 2002

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Director of Inspections

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-100; Address: 15 E. Muskegon, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **15 E Muskegon, Muskegon MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-100 – 15 E Muskegon, Muskegon MI

Location and ownership: This single-family rental unit is located on E. Muskegon in the Jackson Hill Neighborhood, HUD census tracking number 2. The owner is Jerri Oakes of Muskegon MI.

Staff Correspondence attachments: A dangerous building inspection was conducted on 12/4/00. A Notice and Order to repair was issued on 1/10/01. A Notice of HBA Hearing was sent on February 13, 2001. The Board's issued an Order to Demolish on March 7, 2001. Letter to Mr. Farmer dated 3/21/01. The owners filed a TRO in June 2001 and when the case went to court in June 2002 the judge ordered it be heard again before the HBA. At that meeting on July 11, 2002, the case was tabled for 120 days to allow the owner to pull permits and repair. No permits have been pulled and no inspections called for.

Owner Contact: Ms. Oakes has been into the office on a few occasions. She has indicated the need to demolish the structure.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$8,200

Estimated cost to repair: \$25,000

Staff Recommendation: To Concur with the Housing Board of Appeals decision to Demolish.

City Commission Recommendation: The Commission will consider this item at it's meeting on Tuesday, November 26, 2002.

W WEBSTER

E MUSKEGON AV

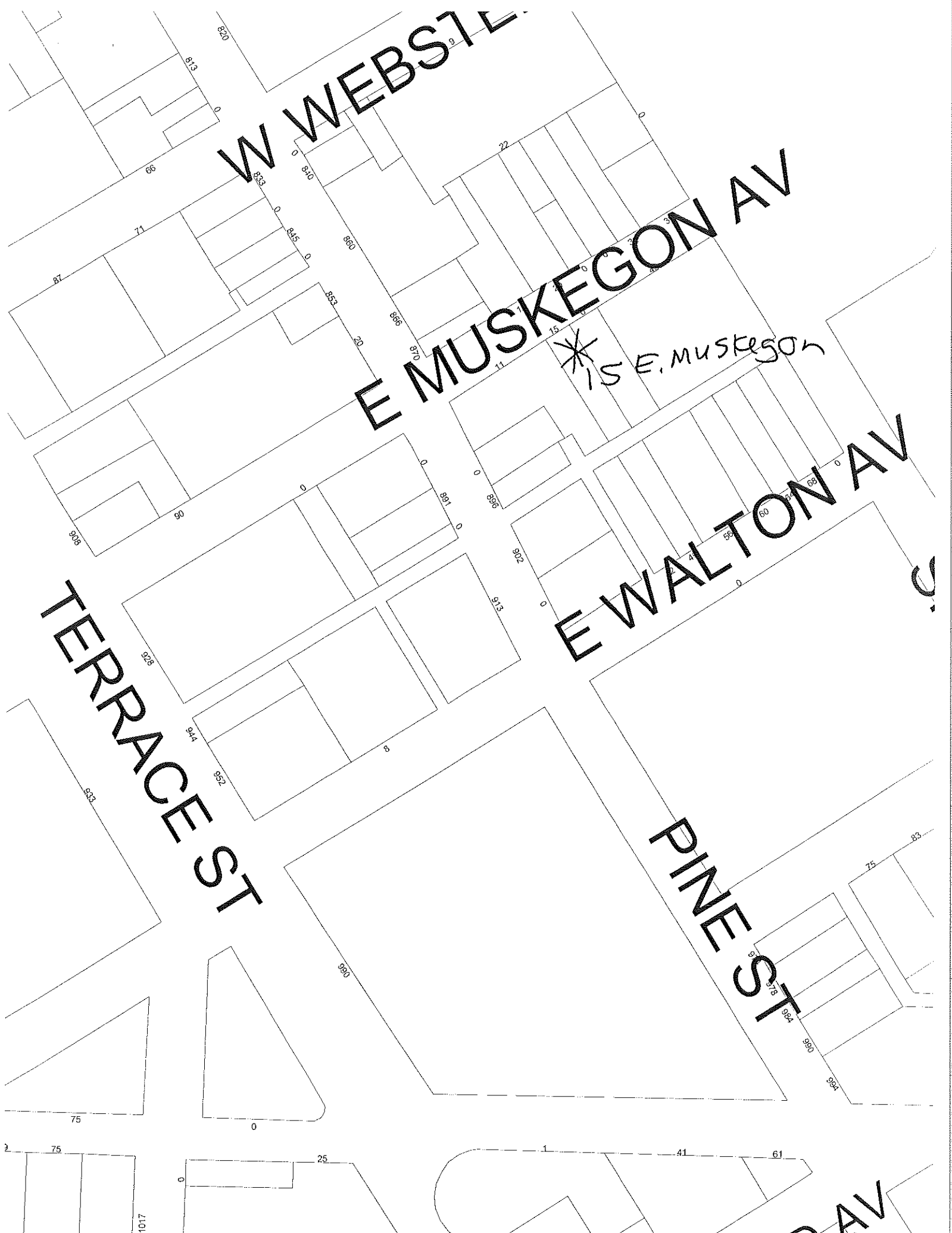
E WALTON AV

TERRACE ST

PINE ST

* IS E. MUSKEGON

AV





15 E. MUSKEGON

1



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100019086
December 22, 2000

1. Beginning Date: February 14, 1949, at 8:00 A.M.

Please See Attached Liber 566, Page 203, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to November 16, 2000, at 8:00 A.M.

Deeds:	Miscellaneous Documents:	Mortgages:
566-203	1063-145	None
1063-146	1063-568	
1392-888	1781-765	
1781-766	3052-613	
	3064-579	

Taxes:

Civil Infractions are unavailable at this time.

Invoice Charges in the amount of \$997.68, due and payable to the City of Muskegon. (Invoice #'s 9810372, 9814852, 9813400, 9816950, 9817477, and 98122387)

Payment of the delinquent Water Usage Bill, due and payable to the City of Muskegon Treasurer in the amount of \$43.74.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$644.71, if paid by December 31, 2000.

Payment of the 2000 Winter Taxes, due and payable to the City of Muskegon Treasurer in the amount of \$487.15, if paid by February 14, 2001.

Note:

No 2000 Summer Taxes were assessed.

New Permanent Parcel No.: 61-24-205-189-0004-00.

2000 State Equalized Value: \$10,800.00.

2000 Taxable Value: \$8,990.00.

Non-Homestead Property.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Pamela Fields Independent Representative for the Estate of Dorothy Hanna, deceased
Probate File No. 9972253-IE

4. No search has been made for any instrument, however designated, which has been filed as a financing statement

pursuant to the Uniform Commercial Code.

5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Kelly Anderson

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: November 14, 2002

15 E. Muskegon
(Address of Property)

TO: All owners and interested parties:

Jerri Oaks, 475 Adams, Muskegon, MI 49442

None
(Other interested parties)

On July 11, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished. The case was delayed being forwarded to the City Commission for 120 days to allow you time to pull permits and complete repairs.

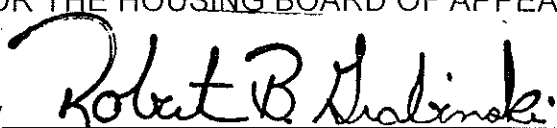
The City Commission will hold a hearing on **November 26, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 26, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

DEPARTMENT,

CITY OF MUSKEGON INSPECTIONS

FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

Incident Report

MUSKEGON POLICE DEPARTMENT

2002-021306-I

Incident No 2002-021306-I	Date & Time Rept 09/05/2002 14:36	Offense: 92002 INCAPICATION		
Occurred From: 09/05/2002 14:36	Occurred Until: 09/05/2002 14:36	Incident Location 15 E MUSKEGON AV		
Current Disp CLOSED	Disposed To CLOSED LORD	Municipality MUSKEGON	District 117	
Disposition Date 09/05/2002	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10649 DIBBLE, JODI LYNN		Investigating Officer		

NOTES

----- [09/05/2002] --- [14:59] -----
CONVEY OCCURED 09/05/02 @ 14:59:03 TO: HACKLEY HOSP

OFFENSE: INTOX Intoxicated Person

=CAD TIMES: 14:36;14:36;14:36;16:07;

PERSONS

Name/Address/Phone	Description
NICKOLOFF, ROBERT KOLI 1158 TERRACE MUSKEGN MI 49444 () - () -	Born 07/21/1962 MALE Hgt. 5' 5" WHITE Wgt. 125 NON-HISP Hair BRO Eyes BRO
VICTIM 92002 INCAPICATION 09/05/2002	
SIKKENGA, BRENDA LEE 569 MARGARET MUSKEGON MI 49442 (231) - () -	Born 02/15/1965 FEMALE Hgt. 4'11" WHITE Wgt. 110 NON-HISP Hair BRO Eyes BRO
VICTIM 92002 INCAPICATION 09/05/2002	

Description/Name/Comments	Make/Model/Stat	Serial No./Qty/Value
---------------------------	-----------------	----------------------

NO PROPERTY

Status/Plate Type/VIN	Reg/Evid/Value	Description
-----------------------	----------------	-------------

NO VEHICLES

Category	Description
----------	-------------

NO M.O. INFORMATION

Incident No	Date & Time Rept	Offense: 92002
2002-021306-I	09/05/2002 14:36	INCAPICATION

N TAKEN FROM WORDPERFECT DOCUMENT 2002021306.001

A While on patrol I noticed a w/m laying on the ground behind 15
R E. Muskegon. I know this to be an abandon house. Ofc. Irvine went
R up to the w/m and woke him up. He then got up and left under his
A own power. As we did this we noticed about 8 other subjects on the
T backporch of the house. As we approached all but three left. We
I were approached by another w/m who told us that they were just
V idiots who go there to get drunk.

E I noticed a w/m laying on the ground. I asked what was wrong
with him and was told that he had been there since 0800 and that he
was drunk. I approached the w/m, later identified as ROBERT, and
noticed that he was breathing. I tried to wake him several times
with no response. I noticed that he had flies crawling in and out
of his mouth and over his closed eyes. I notified CPD that we
would need a Pro-Med. I did not see any wallet in ROBERT's
pockets. Once I learned his last name I recognized him from
previous contacts.

Ofc. Irvine told the other subjects that they had to leave.
A b/m and w/m tried to assist a w/f in getting up. She could not
walk and could not stand. We advised them to sit her back down and
that we would have paramedics look at her also. It was obvious
that the w/f, later identified as BRENDA, had no idea what was
going on.

Both subjects were transferred to Hackley Hospital via Pro-
Med. Hospital personal gave both subjects a PBT. ROBERT blew a
.285 and BRENDA blew a .333. I filled out incapacitated person
forms on both subjects and gave them to the doctor. I asked if he
needed me to stand by any longer and was told no. I then cleared.

Dibble 59

System File Branch Inquire Print

INCIDENT LIST:

Agcy	Case #	Offense	Rpt Date	Location
MUPD	2002-016789-I	SUSPICIOUS SITU	07/23/2002	15 E MUSKEGON AU
MUPD	2002-017058-I	DISORDERLY COND	07/25/2002	15 E MUSKEGON AU
MUPD	2002-019656-I	SUSPICIOUS SITU	08/20/2002	15 E MUSKEGON AU
MUPD	2002-021306-I	INCAPICATION	09/05/2002	15 E MUSKEGON AU

F1-Help F2-Choices F3-Del F4-Cont F6-Prev F7-Exit F9-Add F10-Menu ESC-Quit

Intranet

Tools

Departments

Fri, Sep 6

Property Information[New Property Search](#)

Owners Name	OAKES JERRI D
Property Address	15 E MUSKEGON AVE MUSKEGON MI 49440
Owners Address	475 ADAMS AVE MUSKEGON MI 49442
Property Number	24-205-189-0004-00
Map Number	24-31-20-353-002
Class	401
Neighborhood	R06.
Legal Desc	CITY OF MUSKEGON REVISED PLAT OF 1903 E 1/2 LOT 4 BLK 189

[View Mailing Label](#)

2002 City of Muskegon | Comments _____











INCIDENT LIST:

gcy Case #	Offense	Rpt Date	Location
UPD 1996-019014-I	LARCENY - THEFT	07/29/1996	15 MUSKEGON
UPD 1998-016036-I	DISORDERLY PERS	06/28/1998	15 E MUSKEGON AV
UPD 1998-021042-I	BURGLARY-FORCED	08/13/1998	15 E MUSKEGON AV
UPD 1999-009418-I	AGGRAVATED/FELO	04/27/1999	15 MUSKEGON
UPD 1999-026622-I	DAMAGE TO PROPE	09/26/1999	15 E MUSKEGON AV
UPD 1999-028626-I	BURGLARY-FORCED	10/16/1999	15 E MUSKEGON AV
UPD 2000-007974-I	BURG/ENT. W/O A	03/29/2000	15 E MUSKEGON AV
UPD 2000-007981-I	GENERAL NON-CRI	03/29/2000	15 E MUSKEGON AV
UPD 2000-008146-I	LARCENY - OTHER	03/31/2000	15 E MUSKEGON AV
UPD 2000-016658-I	SUSPICIOUS SITU	06/20/2000	15 E MUSKEGON AV
UPD 2000-018508-I	LIQUOR VIOLATIO	07/05/2000	15 E MUSKEGON AV
UPD 2000-018590-I	LOST & FOUND PR	07/06/2000	15 E MUSKEGON AV
UPD 2000-023160-I	OBSTRUCTING JUS	08/14/2000	15 E MUSKEGON AV
UPD 2000-023714-I	NO PERSON SHALL	08/19/2000	15 E MUSKEGON AV
UPD 2000-024884-I	DISORDERLY COND	08/30/2000	15 MUSKEGON AV
UPD 2000-025960-I	SUSPICIOUS SITU	09/09/2000	15 E MUSKEGON AV
UPD 2000-031718-I	WARRANTS	11/11/2000	15 E MUSKEGON AV
UPD 2001-007035-I	HEALTH AND SAFE	04/04/2001	15 E MUSKEGON AV
UPD 2001-022569-I	DRUNKENNESS - E	09/04/2001	15 W MUSKEGON AV
UPD 2001-023043-I	NARCOTICS EQUIP	09/09/2001	15 E MUSKEGON AV
UPD 2002-016789-I	SUSPICIOUS SITU	07/23/2002	15 E MUSKEGON AV
UPD 2002-017058-I	DISORDERLY COND	07/25/2002	15 E MUSKEGON AV

Bob,

These are the reports we
have taken reference 15 E muskegon.
I will be happy to print out
any of the reports you want/need.

Kevin

Incident Report

MUSKEGON POLICE DEPARTMENT

2002-016789-I

Incident No 2002-016789-I	Date & Time Rept 07/23/2002 12:09	Offense: 98007 SUSPICIOUS SITUATIONS		
Occurred From: 07/23/2002 12:09	Occurred Until: 07/23/2002 12:09	Incident Location 15 E MUSKEGON AV		
Current Disp CLOSED	Disposed To CLOSED LORD	Municipality MUSKEGON	District 111	
Disposition Date 07/23/2002	Juveniles Only? NO	TTY Sent? NO	Cancelled?	TTY number
Photos? NO	Consent? NO	Affidavit? NO	Optional Date/Time / / 00:00	
Officer Assigned 10429 ADDICOTT, MICHAEL BRIAN OFF		Investigating Officer		

P	Name/Address/Phone	Description
	NO PERSONS	
	Description/Name/Comments	Make/Model/Stat Serial No./Qty/Value
	NO PROPERTY	
	Status/Plate Type/VIN	Reg/Evid/Value Description
	NO VEHICLES	
	Category	Description
	NO M.O. INFORMATION	

Incident No	Date & Time Rept	Offense: 98007
2002-016789-I	07/23/2002 12:09	SUSPICIOUS SITUATIONS

N
A
R
R
A
T
I
V
E

TAKEN FROM WORDPERFECT DOCUMENT 2002016789.001

A neighbor in the area of 15 E Muskegon Ave, advised me. Subjects continually drink on the back porch of this abandoned house. Liquor bottles are being tossed in the yards. Subjects are urinating in the open.

Unknown who the current owner of 15 E Muskegon Ave is.

Neighbors would appreciate an occasional patrol check and to have the subjects, moved along.

No one was there at this time.

M. Addicott #61

2002-017058-I

PERSONS	Name/Address/Phone		Description	
	ARNOLD, KENNETH 1450 WOODCREEK MUSKEGON MI 49441 (231) 733-9669		#F	Born 07/31/1951 MALE Hgt. 5' 9" BLACK Wgt. 170 NON-HISP Hair BLK Eyes BRO
	ARREST 07/25/2002	89004	WARRANTS	
	CHILDERS, GREGORY LEWIS 431 ORCHARD MUSKEGON MI 49442 (231) 725-7523			Born 12/08/1955 MALE Hgt. 5' 10" BLACK Wgt. 170 NON-HISP Hair BLK Eyes BRO
	OTHER 07/25/2002	5311	DISORDERLY CONDUCT	
	TURNER, CHARLES RAY 31 HOUSTON MUSKEGON MI 49441 () - () -		#2	Born 12/18/1957 MALE Hgt. 5' 9" BLACK Wgt. 150 NON-HISP Hair BLK Eyes BRO
OTHER 07/25/2002	5311	DISORDERLY CONDUCT		
Description/Name/Comments				
NO PROPERTY				
Status/Plate Type/VIN				
NO VEHICLES				
Category				
NO M.O. INFORMATION				

Continued

MUSKEGON POLICE DEPARTMENT

2002-017058-I

Incident No	Date & Time Rept	Offense: 53001
2002-017058-I	07/25/2002 21:29	DISORDERLY CONDUCT

N TAKEN FROM WORDPERFECT DOCUMENT 2002017058.001

A Ofcs were on patrol on police bikes and we were checking on a
R suspicious persons complaint at 15 E Muskegon av.
R Ofcs located Turner, Childers and Arnold sitting on the back
A porch of the address drinking alcohol. Ofcs informed the subjects
T that there had been complaints about the loitering at the house.
I Ofcs advised all the subjects that they should not be hanging out
V there. The subjects were all ran on LEIN and Arnold was found to
E have a warrant out of Calhoun CO for Paternity.

The warrant was confirmed and Calhoun advised that they would be
here in the morning to pick up Arnold.

Ofc Haug transported Arnold to the MCSD and lodged him.

Clear NO further action

J.Geiger #40

231/724-6793
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Nelgh.
Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

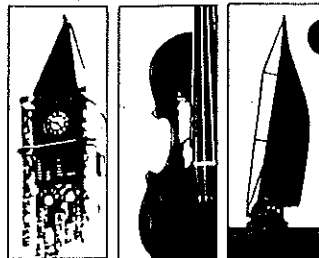
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: August 23, 2001

Jerri D. Oaks
475 Adams
Muskegon, MI 49442

Alfonzo Farmer
475 Adams
Muskegon, MI 49442

Dear Property Owner:

Subject: Board-up: 15 E. Muskegon Ave, Muskegon, MI

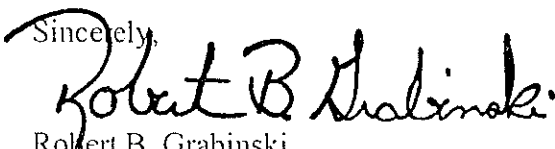
The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. Boarding must be done with exterior grade plywood at least 1/2 inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.

Please note, however, that under City ordinance a property must be boarded up for longer than 180 consecutive days.

As a dangerous building, your structure(s) must be secured by the date of this notice. If the building is not secured within 180 days, Muskegon will take action to have it secured and the owner will be responsible for any unpaid invoices could be sent to a collection agency and a credit rating if not paid.

If you have any questions concerning this matter, please call 231-724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

City of Muskegon, 933 Terrace Street, P.O.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

BU 15 E. MUSK.

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Alfonzo Farmer
Street, Apt. No.; or PO Box No.
475 Adams
City, State, ZIP+4
49442

PS Form 3800, February 2000
See Reverse for Instructions

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on July 11, 2002. The property is described as follows:

* The east ½ of Lot 4 Blk 189 of the revised plat of the City of Muskegon

Also known as: 15 E. Muskegon

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Linda Potter
Linda Potter

Gail A. Kunderger
Gail A. Kunderger, Clerk

Margaret M. Platt
Margaret M. Platt
STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 24th day of July, 2002 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My commission expires: 9-25-02

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO REPAIR OR DEMOLISH

Date of Order: July 16, 2002

Address of the property: 15 E. Muskegon

Description of the structure: The Easterly ½ of lot 4 of Block 189

To: Jerri Oaks, 475 Adams, Muskegon, MI 49442
Owners Name & Address

None

Names & Addresses of Other Interested Parties •

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely manner. Therefore, it is ordered that this case be tabled for 120 days from the date of this letter to allow the owner or interested parties time to pull necessary permits and complete repairs. All said repairs shall be completed within this time frame.

If these conditions are not complied with by the 120 days given, this case will be forwarded to the City Commission for their concurrence to demolish the structure.

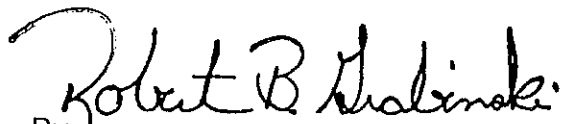
FAILURE TO COMPLY – DEMOLITION ORDER

TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to pull required permits and commence physical repairs as ordered, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

In such case, the Director of Inspections is ordered to place before the Muskegon City Commission, this order and the record in this case to seek concurrence by the City Commission with the decision of this board for demolition, and further, to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

By _____
Robert Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: July 1, 2002

Address of the Property: 15 E. Muskegon Ave.

TO: Jerri Oaks, 475 Adams, Muskegon, MI 49442
[Name & Address of Owner]

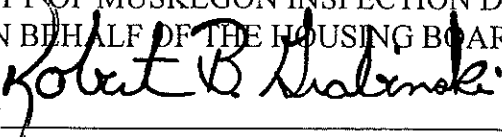
Alfonzo Farmer, 475 Adams, Muskegon, MI 49442
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, July 11, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review the case.

At the hearing on Thursday, July 11, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By 

Robert B. Grabinski, Director of Inspections

NOTICE OF CITY COMMISSION DETERMINATION

Date: May 30, 2001

Address of the Property: 15 E. Muskegon, Muskegon, Michigan

Description of the Structure: The East One-Half (E ½) of Lot Four (4) Block 189 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records

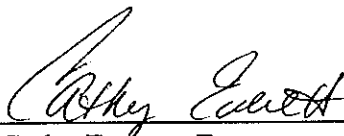
TO: Jerri D. Oaks, 475 Adams, Muskegon MI 49442
[Name & Address of Owner]

Alfonzo Farmer, 475 Adams, Muskegon MI 49442
[Name & Address of other interested parties]

Please take notice that on May 8, 2001, the City Commission determined to concur with the order of the Housing Board of Appeals to demolish the above structure. You are hereby notified that, unless you obtain the issuance of the appropriate demolition permit and demolish the structure within 30 days, the City shall enter upon the property and demolish the said structure.

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

CITY OF MUSKEGON INSPECTION DEPARTMENT

By 
Cathy Everett, Temporary Dept. Secretary

Memo

To: Honorable Mayor and City Commissioners

From: Bob Grabinski, Fire Marshal

CC:

Date: 05/02/01

Re: 15 E. Muskegon

This office completed the inspection of the property on April 11, 2001. Attached to this memo is a copy of the letter and inspection report sent to the property owners. The new inspection increases the cost estimate to repair from the \$7,500.00 for the exterior items to the area of \$25,000.00 to bring the structure to code.

I would also point out the dates indicated in the letter to obtain a permit and submit a schedule for completion of repairs. The date indicated in the letter past with no communication from the property owner, and as of this writing no contact has been made.

For these reasons, staff recommends that you concur with the housing board of appeals and authorize the Mayor and City Clerk to obtain demolition bids on this property.

Affirmative Action
231/724-6703
FAX 722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

April 16, 2001

Mr. Alfonso Farmer & Jerri Oakes
475 Adams
Muskegon MI 49442

Re: 15 E. Muskegon, Muskegon MI

Dear Mr. Farmer:

As you know, on Tuesday, April 10, 2001 the City Commission made the determination to table the above case for 12 days pending an interior inspection that was scheduled for April 11, 2001 @ 9:30 am.

I have enclosed the City Commission Determination Letter and the inspection report for all trade inspectors that was conducted on April 11, 2001. After reviewing the inspection report, please submit a timetable for the repairs to be completed. All the necessary permits must be applied for and all repairs must be inspected upon completion. The timetable and permit requirement must be met by April 23, 2001. Failure to comply will result in this case being heard by the City Commission on May 8, 2001.

Should you have any questions, please call (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

NOTICE OF CITY COMMISSION DETERMINATION

Address of the Property: 15 E Muskegon, Muskegon, Michigan

Description of the Structure: The Easterly 1/2 of Lot 4 of Block 189

TO: Alfonzo Farmer & Jerri D. Oakes, 475 Adams, Muskegon MI 49442
[Name & Address of Owner]

None Known at this time

[Names of Other Interested Parties]

[Addresses]

Please take notice that on Tuesday, April 10, 2001, the City Commission determined to table the case for 12 days pending the scheduled inspection on Wednesday, April 11, 2001 @ 9:30 AM. The case is to be brought back to the city commission if the repairs fail the inspections.

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

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
Dangerous Building
Interior Inspection Report**

**15 E MUSKEGON
4/11/01**

Plumbing/Mechanical:

1. Chimney needs replacement.
2. Main plumbing vent needs support.
3. Furnace is missing.
4. Waste & vent piping is installed improperly.
5. Water piping is undersized.

Electrical:

1. Smoke detectors are missing.
2. Upper rear hall is not lighted.
3. All 3-wire outlets need to be grounded.
4. Provide appliance Circuits in kitchen.
5. Outlets are missing throughout.
6. AC cable deteriorated. Must be replaced.
7. 60 Amp Service must be replaced.
8. Exterior Lights missing.

Building:

1. Siding is missing and/or falling off of home.
2. Chimney is in need of structural rebuild.
3. Foundation wall on the North East side of the basement has severe structural damage. Wall is bowed to critical state. Block must be re-layed with proper reinforcement or engineered design and fixed by a licensed engineer.
4. Basement stairs need repair. Basement stairwell needs proper hand rail and wall repair.
5. Repair all window frames and sills in basement.
6. Seal all open areas in foundation walls.

DATE: April 2, 2001
TO: Honorable Mayor and City Commissioners
FROM: Robert Grabinski, Fire Marshal
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-100; Address: 15 E. Muskegon, Muskegon MI.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **15 E Muskegon, Muskegon MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-100 – 15 E Muskegon, Muskegon MI

Location and ownership: This single-family rental unit is located on E. Muskegon in the Jackson Hill Neighborhood, HUD census tracking number 2. The owner is Alfonzo Farmer and Jerri Oakes of Muskegon MI.

Staff Correspondence attachments: A dangerous building inspection was conducted on 12/4/00. A Notice and Order to repair was issued on 1/10/01. A Notice of HBA Hearing was sent on February 13, 2001. The Board's issued an Order to Demolish on March 7, 2001. Letter to Mr. Farmer dated 3/21/01.

Owner Contact: Mr. Alfonzo Farmer came to the inspection department with copies of quit claim deeds that were not in the title search. It appears that he is part owner with Jerri Oakes. Mr. Farmer was given until April 4, 2001 to comply with the letter dated 3/21/01. There has been no contact from the owner since then.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$10, 800.00

Estimated cost to repair: \$7,500 ^{required} plus cost of interior repairs.

Concurred 5/8/01

CITY OF MUSKEGON

**NOTICE OF HEARING BEFORE THE CITY COMMISSION
FOR FAILURE TO COMPLY WITH OPPORTUNITY TO REPAIR,
AND SEEKING DEMOLITION AND REMOVAL**

Address of the Property: 15 E Muskegon, Muskegon, Michigan

Description of the Structure: The Easterly ½ of Lot 4, Block 189

TO: Alfonzo Farmer & Jerri D. Oakes, 475 Adams, Muskegon MI 49442
[Name & Address of Owner]

None Known at this time
[Names & Addresses of Other Interested Parties]

On March 1 2001, the Housing Board of Appeals issued an order to demolish the above structure, which required the issuance of appropriate permits within 30 days of that order and the commencement of physical demolition within the said 30 days.

You have not satisfied the requirements for repair set forth in the Order of the Housing Board of Appeals; therefore, the order of the Housing Board of Appeals constitutes an order to demolish and remove the structure(s). You are hereby notified that on Tuesday, April 10, 20 01, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, the City Commission will hold a hearing to determine whether to concur with the Housing Board of Appeals decision to demolish and remove the structure. You may appear at that time to show cause why the structure should not be demolished. You are entitled to have counsel of your choice present, if you desire. City Commission may concur in demolition, or disapprove or modify the Housing Board of Appeals decision.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

March 21, 2001

Alfonzo Farmer
475 Adams
Muskegon MI 49442

Re: 15 E Muskegon, Muskegon MI

Dear Mr. Farmer:

This is to confirm our telephone conversation regarding the above captioned property. You must comply with the following by Wednesday, April 4, 2001:

1. An interior inspection needs to be scheduled.
2. All necessary permits must be applied for.
3. Schedule of repairs and completion dates must be submitted.

Failure to comply will result in this dangerous building case being heard at the City Commission Meeting to be noticed to you. At the meeting, the Commission will be asked to concur with the Housing Board of Appeals decision for demolition of the structures.

Should you have any questions, please contact me at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: March 7, 2001

To: Pamela Fields, 1817 Jefferson St., Muskegon MI 49441
Owners Name & Address

None known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday March 1, 2000, does hereby order that the following structure(s) located at 15 E Muskegon, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The Structure located on the easterly ½ of lot 4, block 189

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

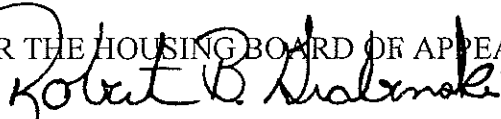
The director of inspections is ordered to delay for 30 days placing before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Address of the Property: 15 E Muskegon MI, Muskegon, Michigan

Description of the Structure: The Easterly 1/2 of Lot 4 of Block 189

TO: Pamela Fields, 1817 Jefferson, Muskegon MI 49441
[Name & Address of Owner]

None Known at this time
[Names & Address of Other Interested Parties]

Please take notice that on Thursday, March 1, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m. and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a structure issued by the City of Muskegon Inspection Services Department on 1/10/01.

At the hearing on Thursday, March 1, 2001 at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: 01/10/01

Address of the Property: 15 E Muskegon Ave., Muskegon, Michigan

Description of the Structure: The Easterly 1/2 of lot 4 of block 189

TO: Pamela Fields, 1817 Jefferson St., Muskegon MI 49441
[Name and address of Owner]

None known at this time.
[Names and Addresses of Other Interested Parties]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

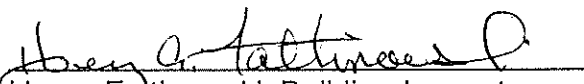
**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

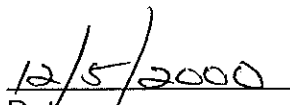
**15 EAST MUSKEGON
12/4/00**

Inspection Noted:

1. Chimney stack is missing brick and mortar is falling apart.
2. Unsupported connection on vent stack.
3. Improper step flashing on roof, verticle walls and chimney
4. Numerous broken out windows.
5. Siding is ripped off and/or falling off home. Siding is deteriorating due to exposure of weather with no protection.
6. Front porch is sagging. Need structural investigation on flooring.
7. Back porch steps are cracked and unstable.
8. Large amounts of peeling paint on soffitt.
9. An interior inspection is required by the building, plumbing, mechanical and electrical inspectors before any necessary permits or certificate of occupancy will be issued.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Fajtinowski, Building Inspector


Date

#00-100 – 15 E. Muskegon – Jerri Oaks, 475 Adams, Muskegon

Jerri Oaks was present to represent this case. Bob Grabinski gave a history of this case. The owner had a TRO, they had a hearing in front of the judge, and he remanded it back to the HBA because of notification issues. The process is started over at this point. There has not been any work done. Ms. Oaks stated she has materials – siding, windows, and doors and she has contractors ready to work. She stated there has been some interior work done such as painting. She stated that she wants to know what it is she is appealing. Mr. Grabinski stated Judge Marietti retains control over this property and his judgement was that the city may reinstate demolition proceedings beginning with a re-hearing of this matter before the HBA. Nick Kroes stated that the board wants to know how long she needs to complete repairs on the house. She stated that she has contacted a mason and engineer and should have answers soon as to when they can begin work. She stated her engineer is Walter Nebadoom and his co-worker. She also stated she has lost a lot of money with the whole ordeal. Mr. Grabinski stated Walter is not a licensed engineer. She needs a licensed engineer for this project and specific dates as to when the work can be completed. Ms. Shepherd commented that when the city is sued people don't realize all the money that is spent on attorneys and staff and she understands Ms. Oaks problem. She suggested 30 days to complete the repairs. Ms. Oaks stated she just wants to get to work, she's been on hold for a whole year, but there is no way she can do the repairs in 30 days. Ms. Shepherd stated that the board needs to give a deadline before it goes to the next level. Nick Kroes asked about tabling the case for 30 days. Mr. Borgman asked for staff recommendation.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, but delay forwarding to city commission for their concurrence for 120 days. If there is significant progress in that time the case will not move forward. If after 120 days the progress is not significant the case will move forward to city commission.

A motion to accept staff recommendation was made by Randy Mackie and seconded by Clara Shepherd.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
Jerry Bever
Jon Rolewicz
Nick Kroes
Clara Shepherd
The motion carried.

NAYES:

EXCUSED:

John Warner

ABSENT:

DATE: November 19, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-39 Address: 1670 Park (Garage).

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1670 Park (Garage) is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #02-39, 1670 Park (Garage), Muskegon, MI

Location and ownership: This structure is located on the corner of Park and E. Dale in the Nelson Neighborhood. It is owned by William and Cheryl Hendire, same address.

Staff Correspondence: A dangerous building inspection was conducted on 7/23/02, a notice and order to repair was issued 7/30/02. The owner pulled a permit to repair on 8/26/02 and expired 11/4/02. The case was brought before the HBA in October 2002. The structure was declared on that date and the owner did not attend the meeting. Due to the condition of the garage (it is near collapse) the case is being forwarded to City Commission for their concurrence.

Owner Contact: There has been no contact since pulling the permit in August. No inspections have been requested and the garage appears to be near collapsing.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$14,800 (house and garage)

Estimated cost to repair: \$4,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 26, 2002.

W GRAND AV

8TH ST

W SOUTHERN AV

W FOREST AV

PARK ST

7TH ST

STU ST

W LAKETON AV

RVIEW ST



* 1670 Park



1670 Park

For The Inspection Department
City of Muskegon

File #: 421035

FROM CITY ASSESSOR'S RECORDS

OWNER: William Hendire
PROPERTY: 1670 Park
PARCEL NO: 24-205-439-0007-00
DESCRIPTION: W 80 ft. Lot 7 Blk 439

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1424
PAGE: 623
DATE OF DEED: January 7, 1988

GRANTOR NAME & ADDRESS: Janice J. Cherney and Vicki Hardenburgh,
536 Oakwood, Muskegon, MI 49444

GRANTEE NAME & ADDRESS: Vicki Hardenburgh, Robert Martin, Wendy
Martin and Diana Easley, 9274 W. 124th Str, Grant, MI; 9456 Oaklane,
Montague, MI; 1508 Ninth, Lot 67, Rock Springs, Wyoming and 536 Oakwood,
Muskegon, MI

LIENS OR MORTGAGES: None

TODAY'S DATE: July 31, 2002

EFFECTIVE DATE: July 2, 2002 at 8:00 AM

Abstracted by:

Julie Ann Cook
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

Grant
49327
mont
49437
wy-82901

Start

Building Permit Application

Street Address:	1670 PARK ST				
Property Number:	24-205-439-0007-00				
Owners Name:	HENDRIE WILLIAM LEE/CHERYL ANN				
Owners Address:	1670 PARK ST MUSKEGON MI 49441				
Permit No:	BD-02-8434				
Requested by:	Owner				
Contractor:	N/A				
Architect:	N/A				
Category:	BUILDING				
Permit Type:	ROOFING				
Type of Building:	R				
Description:	REPLACE ROOF AND REPAIR WALLS AND WINDOW				
Dates:	App Date: 08/19/2002 Issue Date: 08/26/2002				
Value:	\$400.00				
<table border="1"><thead><tr><th>Item</th><th>Quantity</th></tr></thead><tbody><tr><td>Building Permit Fee</td><td>23.5</td></tr></tbody></table>		Item	Quantity	Building Permit Fee	23.5
Item	Quantity				
Building Permit Fee	23.5				

This application has been approved

Approved: Yes No

By:

Henry Faltinowski ▾

Note:

Date:

09/04/2002

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*1670 Park
(GARAGE)*

7/25/02

Inspection noted:

1. Windows broken and must be repaired.
2. Roof structure failed and must be repaired or replaced.
3. Windows broken and must be replaced.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

7-25-02
DATE

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: July 30, 2002

Address of the Property: 1670 Park (Garage), Muskegon, Michigan

TO: William Hendire, 1670 Park, Muskegon, MI 49441
[Name & Address of Owner]

None
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. ☒ Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. ☐ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

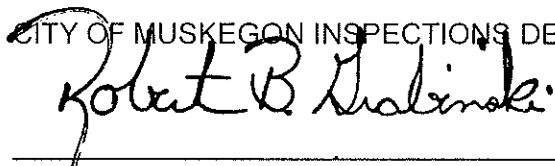
FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1670 Park (Garage) Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: October 7, 2002

To: William Hendire, 1670 Park, Muskegon, MI 49441
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 3, 2002 does hereby order that the following structure(s) located at 1670 Park (Garage), Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

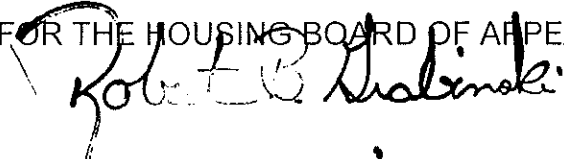
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

Administrative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

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

Police Dept.
231/724-6750
FAX/722-5140

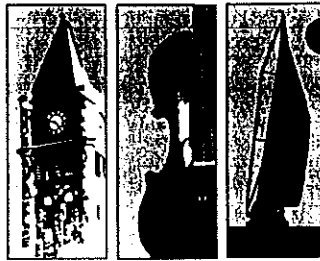
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

November 15, 2002

Janice Cherney & Vicki Hardenburgh, 536 Oakwood, Muskegon, MI 49444
Wendy Martin, 9456 Oaklane Dr, Montague, MI 49437
Robert Martin, 1508 Ninth, Lot 67, Rock Springs, WY 82901
Diana Easley, 124TH St. Grant, MI 49327

Re: **1670 Park St. (Garage)**

To Whom It May Concern:

Upon receipt of the title search on the address above, you are being sent notices which previously were sent to William & Cheryl Hendrie who live at this address.

The case has gone before the Housing Board of Appeals and they declared the garage a dangerous structure, but the owner had pulled a permit and had until November 4, 2002 to complete the repairs.

Due to the potential collapse of the garage and the dangerous situation, it is being forwarded to the City Commission as soon as possible. All notices, including the hearing date, are enclosed also.

If you have any questions or concerns, please call the Inspection Department at 231-724-6715.

Sincerely,


Robert B. Grabinski
Director of Inspections

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: November 15, 2002

1670 Park (Garage)
(Address of Property)

TO: All owners and interested parties:

William & Cheryl Hendrie, 1670 Park, Muskegon, MI 49441

Janice Cherney & Vicki Hardenburgh, 536 Oakwood, Muskegon, MI 49444
(Other interested parties)

Wendy Martin, 9456 Oaklane Dr, Montague, MI 49437

Robert Martin, 1508 Ninth, Lot 67, Rock Springs, WY 82901

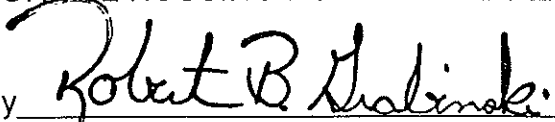
Diana Easley, 124TH St. Grant, MI 49327

On October 3, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished. A permit was pulled to repair on 8/19/02 and the repairs were to be finished by 11/4/02 with a final inspection conducted by that date also. Due these conditions not being met, the case is being forwarded to the City Commission for their concurrence to demolish the structure.

The City Commission will hold a hearing on **November 26, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 26, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

#02-037 – 159 Larch (Garage) – Robert Fitzpatrick, same address

Mr. Fitzpatrick was not present for the meeting. He has pulled a permit to repair the roof. He called the office and stated he will be calling for a final inspection within two weeks.

Staff Recommendation: Table the case 30 days to allow the owner time to finish repairs and call for final inspection.

A motion was made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

#02-39 – 1670 Park (Garage) – William Hendire, same address

Mr. Hendire was not present at the meeting and there has been no contact with the Inspection Department.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes

Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

#02-035 – 1733 Sixth (Garage) – Joseph Ciezak, same address

Mr. Ciezak contacted the Inspection Department and stated the garage has been demolished.

#02-041 – 56 E. Walton (Open Basement) – Joe Lance, 860 Glenwood, Muskegon, MI 49445

John Jonivan, Mr. Lance's son-in-law, was present. He stated Mr. Lance is getting too old to take care of things, but they have an estimate from Press's to demolish the basement.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, and forward to city commission for their concurrence.

Motion made by Clara Shepherd, supported by Randy Mackie to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

Old Business: After the meeting Beth Gubocki questioned what Mr. Grabinski said about the illegal addition. She said her Father had permits and she didn't know why he thought it was illegal. Mr. Grabinski stated that it wasn't really illegal, it just wasn't constructed to meet code requirements. Clara Shepherd stated that the commission might be more favorable to her case and she still has

DATE: November 19, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-01 Address: 1715 Superior.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1715 Superior** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 02-01, 1715 Superior

Location and ownership: This structure is located in the Marsh Neighborhood and is owned by Amy Bradley of Fruitport, MI.

Staff Correspondence: A dangerous building inspection was conducted on 6/23/98. Some work was done without permits after that time. Another inspection was conducted 1/22/02 after a fire. A Notice and Order to Repair was issued on 1/30/02. No one was present to represent the case before the HBA on 3/7/02 and the structure was declared substandard and dangerous. The owner called the Inspection Dept. after that date and scheduled an interior inspection, which was conducted 3/25/02. On 4/29/02 the owner called the office and inquired on what to do next. She was informed she needed to submit a schedule of repairs and apply for permits. There has been no contact since that date. The city has had the structure boarded on 3 separate occasions. The case was scheduled to go before City Commission on June 11, 2002, but the owner worked out an agreeable arrangement with the Director of Inspections. A permit was pulled 6/12/02 which expired 9/9/02. The case came back to the HBA in October 2002 and the structure was declared. Since the declaration there has been no contact from the owner and no inspections requested.

Owner Contact: Amy Bradley contacted the office 4/29/02 and inquired on the next step. She was told to apply for permits and submit a timetable for repairs. Her father, Dave Schlieuwe, pulled a permit on 6/12/02.

Financial Impact: CDBG

Budget action required: None

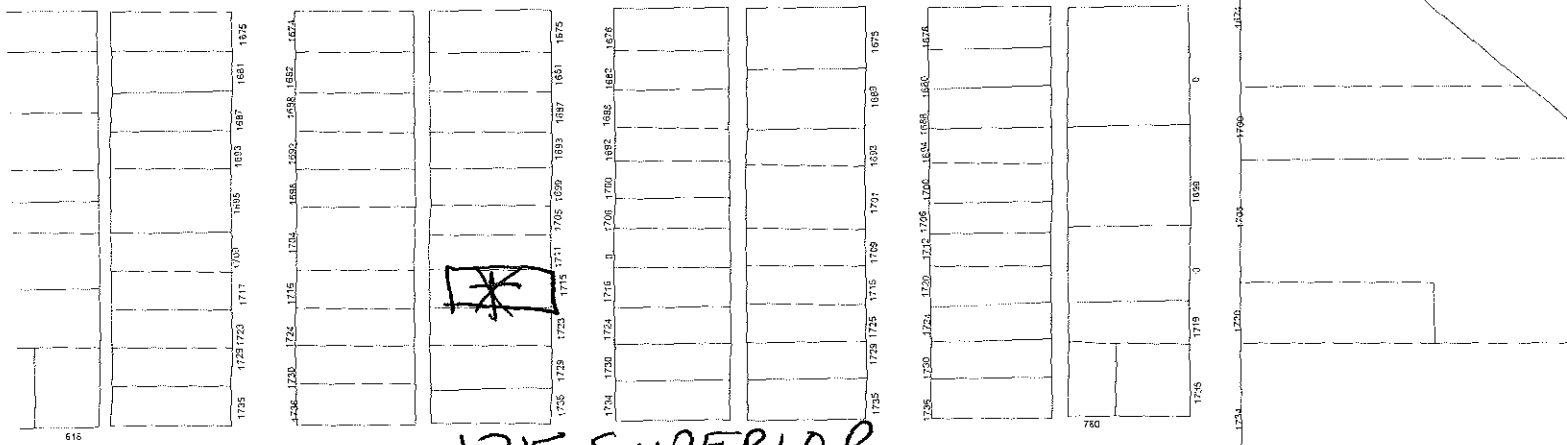
State Equalized value: \$14,600

Estimated cost to repair: \$20,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, November 26, 2002.

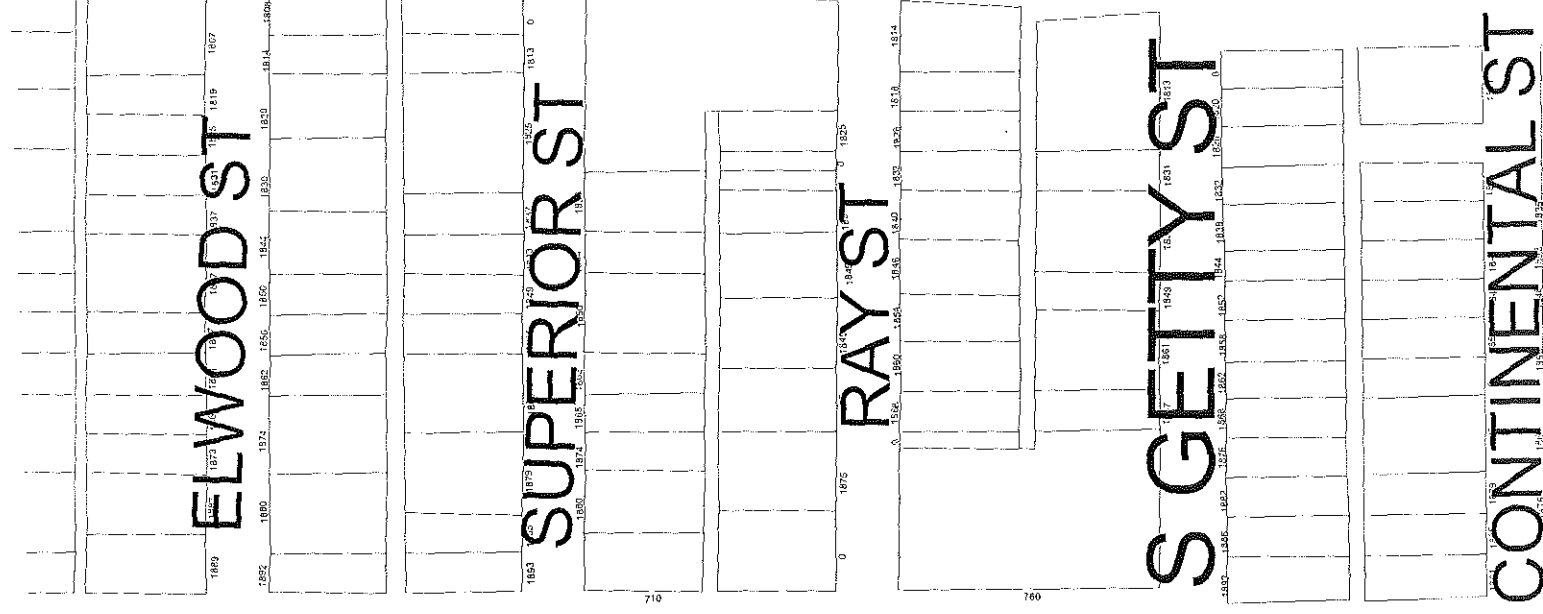
AV



1715 SUPERIOR

RACE AV

N AV



ELWOOD ST

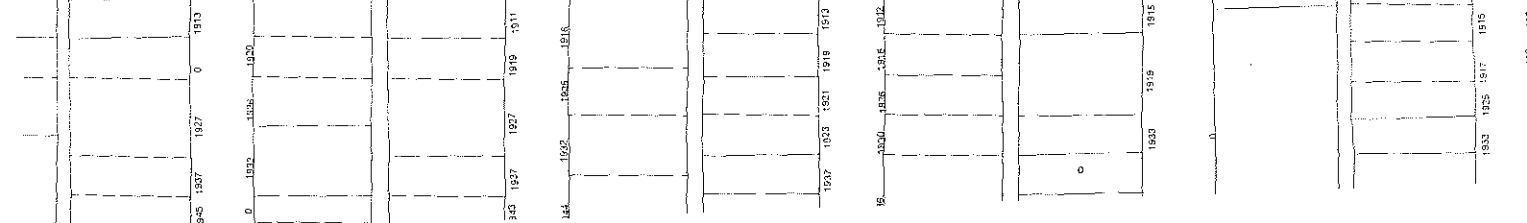
SUPERIOR ST

RAY ST

S GETTYS ST

CONTINENTAL ST

OK AV





1715 Superior





Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100222980

January 25, 2002

1. Beginning Date: 12/16/97, at 8:00 A.M.

Please See Attached Liber 2048, Page 366, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 1/4/2002, at 8:00 A.M.

Documents		
Deeds:	Liber 3153, Page 835.	Mortgages:
Liber 2048, Page 366.		

Taxes:

Payment of the delinquent water and sewer usage, due and payable to the City of Muskegon in the amount of \$132.60, if paid by January 31, 2002.

Invoices due and payable to the Muskegon County 60th District Court in the amount of \$882.50.

- 1998 taxes SOLD TO STATE. The amount necessary to redeem in January is \$860.97.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,248.60, if redeemed by January 31, 2002.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$679.41, if paid by January 31, 2002.

Payment of the 2001 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$699.90, if paid by February 14, 2002. Note: Included in this amount is a delinquent water and sewer bill in the amount of \$88.20.

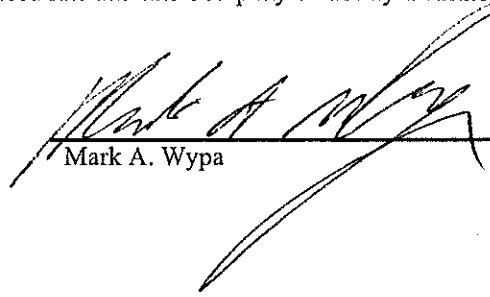
Note:

No 2001 Summer taxes were assessed.
Permanent Parcel No.: 61-24-185-110-0015-00.
2001 State Equalized Value: \$14,000.00.
2001 Taxable Value: \$11,003.00.
Non-Homestead Property.

- 3 We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Amy Bradley

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.



Mark A. Wypa

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: November 14, 2002

1715 Superior
(Address of Property)

TO: All owners and interested parties:

Amy Bradley, 4920 S. Brooks Rd. Fruitport, 49415

Dave Schliewe, 1705 Superior, Muskegon, MI 49442
(Other interested parties)

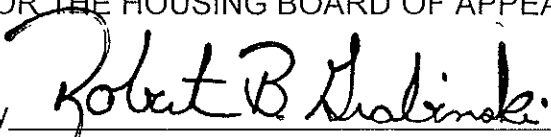
Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On October 3, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **November 26, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on November 26, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: October 7, 2002

To: Amy Bradley, 4920 S. Brooks Rd., Fruitport, MI 49415
Owners Name & Address

Dave Schlieve, 1705 Superior, Muskegon, MI 49442
Names & Addresses of Other Interested Parties

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 3, 2002 does hereby order that the following structure(s) located at 1715 Superior, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

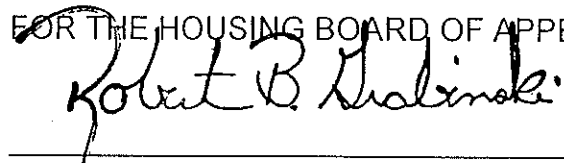
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" and "G".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

NOTICE OF HEARING

Date: September 19, 2002

Address of the Property: 1715 Superior

TO: Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
[Name & Address of Owner]

Dave Schlieve, 1705 Superior, Muskegon, MI 49442
[Names & Addresses of Other Interested Parties]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

Please take notice that on Thursday, October 3, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing to review the status of repairs on the structure.

At the hearing on Thursday, October 3, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

BUILDING PERMIT

CITY OF MUSKEGON

DATE June 12 20 02 PERMIT NO. 02-0414

LOCATION 1715 Superior (NO.) (STREET) OWNER Amy Bradley

CONTRACTORS NAME Home owner

DESCRIPTION OF WORK SIDING + Dry wall

EXPIRES: September 9, 2002

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM OF THREE CALL INSPECTIONS REQUIRED FOR ALL CONSTRUCTION WORK:

1. FOUNDATIONS OR FOOTINGS.
2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY TO LATH).
3. FINAL INSPECTION BEFORE OCCUPANCY.

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

THIS PERMIT WILL BECOME NULL AND VOID IF WORK IS NOT STARTED WITHIN TIME LIMITS SET BY THE CITY OF MUSKEGON HOUSING BOARD OF APPEALS. IT EXPIRES ON THE DATE NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

PERMIT APPLICATION

Date 6-12-02

City of Muskegon
933 Terrace St. P.O. Box 536
Muskegon, MI 49443-0536
(231)724-6758

Permit # 02-0414

I. JOB LOCATION

Job Address <u>1715 Superior</u>		Has a plan review been completed for this project? YES ☐ NO ☐ NOT REQUIRED ☒	
Name of Owner/Agent <u>Amy Bradley</u>		Owner Telephone	
Owner Address <u>4920 S. BROOKS</u>	City <u>Fruitport</u>	State	Zip Code <u>49415</u>

II. CONTRACTOR /OWNER INFORMATION

☐ Contractor ☒ Homeowner	Name <u>Dave Schlieve</u>	License Number	Expiration Date
Address (Street & Name)		City	State
Telephone Number ()		Federal employer ID Number (or reason for exemption)	MESC Employer Number (or reason for exemption)
Workers Compensation Insurance Carrier (or reason for exemption)		Contractor information registered with the City of Muskegon YES ☐ NO ☐	

III. ARCHITECT OR ENGINEER

Name (Company or Individual)			License Number	
Address	City	State	Zip code	Telephone Number

IV. TYPE OF JOB

Class of work (check all that apply)				
NEW BUILDING ☐	ADDITION ☐	ALTERATION ☐	REPAIR ☒	
RESIDENTIAL ☒	COMMERCIAL ☐	INDUSTRIAL ☐	OTHER ☐	
Description of work <u>Repair per DB List - Expires Sept-9-20</u>				

V. FEE - Enter the value of the proposed project.

State the total cost of the improvement, including excavation, building, plumbing, electrical, mechanical and architectural costs	\$ <u>3500.</u>	Permit Fee <u>97.25</u>
---	-----------------	----------------------------

Separate permits are required for Plumbing, Mechanical, and Electrical work.

NO WORK IS TO START PRIOR TO THE ISSUANCE OF BUILDING PERMIT
(PROJECTS STARTED WITHOUT A PERMIT MAY BE SUBJECT TO INVESTIGATION FEES)

Received By <u>LG</u>	Approved
--------------------------	----------

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

VI. APPLICANT SIGNATURE

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.	
Signature of licensee or property owner <u>[Signature]</u>	Date <u>6-12-02</u>

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

1715 Superior
(Address of Property)

TO: All owners and interested parties:

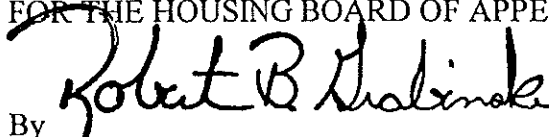
Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
(Name of Owner)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On March 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on June 11, 2002, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

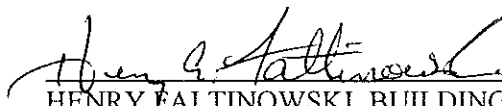
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
Home Had Fire
1715 Superior
3/25/02

Inspection noted:

1. Dryer vent needs to be installed to code. Bath needs exhaust to code.
2. Duct work and furnace need to be cleaned.
3. Furnace needs to be certified and gas pipe tested.
4. Tub and shower valve needs to be anti-scald. All fixtures need to be cleaned and in working condition.
5. Water pipe installed to code.
6. Drains in working condition and to code.
7. Check water service and sewer main.
8. All floor joists that are damaged must be replaced or sistered to bearing points. Proper column support is needed on make-shift beams.
9. Replace all interior ceiling covering and insulation damaged by fire.
10. All smoke damage to be sealed with approved method.
11. Hot water heater is not properly wired.
12. Smoke detectors required.
13. Front porch lights not mounted on box.
14. Furnace improperly wired.
15. Incandescent fixture not permitted in front bedroom closet.

NOTE: COULD NOT SEE WHOLE HOUSE DUE TO LARGE AMOUNT OF GARBAGE IN HOUSE.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY ALTINOWSKI, BUILDING INSPECTOR DATE 4/11/2002

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS

Date: March 12, 2002

To: Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, March 7, 2002 does hereby order that the following structure(s) located at 1715 Superior, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive, flowing style. The first letter of "Robert" is a large, stylized capital "R". The signature is positioned above a horizontal line.

Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: February 26, 2002

Address of the Property: 1715 Superior, Muskegon MI

Description of the Structure: Castenholz Sub. Div of Blks 100, 101, & 103 to 120 inclusive, Blk 110 Lot 15

TO: Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, March 7, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order issued 1/30/02.

At the hearing on Thursday, March 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

DATE: January 30, 2002

Address of the Property: 1715 Superior, Muskegon, Michigan

TO: Amy Bradley, 4920 S. Brooks, Fruitport, MI 49415
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Interested Parties)

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1715 Superior,** Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

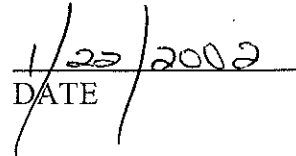
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
HOME HAD FIRE
1715 Superior
1/22/02

Inspection noted:

1. An interior inspection is required by all trade inspectors (this includes Plumbing, Mechanical, Electrical and Building) before any permits or certificates of occupancy will be issued.
2. Repair – replace all damaged roofing and siding on home.
3. Repair all foundation walls – tuck pointing.
4. Replace basement window frames – rotting.
5. Garage siding rotting, has peeling paint, unprotected.
6. Garage doors damaged need repair or replaced.
7. Large amount of debris left in open garage.
8. Broken out windows in garage and home need to be replaced.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

DANGEROUS BUILDING INSPECTION

1715 SUPERIOR

8/22/97

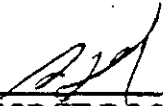
APPROXIMATELY 20 FT X 40 FT 1 1/2 STORY WOOD FRAME HOUSE AND GARAGE.

1. FRONT PORCH MISSING SIDING AND UNPROTECTED WOOD EXPOSED TO GRADE.
2. CONSTRUCTION WITH OUT A PERMIT.
3. NEW WINDOWS DO NOT MEET CODE.

GARAGE:

4. OVER HEAD DOOR BROKEN WITH A SECTION MISSING.
5. SIDING MISSING.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


GEORGE DOOD, BUILDING INSPECTOR

8/22/97
DATE

CONCURRED IN:


JERRY MCINTYRE, BUILDING OFFICIAL

BUILDING INSPECTION

1715 SUPERIOR

10/14/97

11:00
Thursday

Structural

1. Front porch requires footing. *NO*
2. Front porch has missing siding and unprotected wood exposed to grade. *NO*
3. Construction done without a permit being issued; new windows do not meet egress code.
4. Handrail required on stairs.
5. Basement walls bow in approximately 4". *OK*
6. Floor joist under living room needs proper support. *NO*
7. Floor joist in basement needs proper support. *OK*
8. Floor joist cut and split needs repair. *OK*
9. Holes in block need repair and tuckpointing.
10. Smoke detectors required per CABO I & II Family Code, 1995 Edition, Section 316. *NA*
11. Rear porch guardrail needs to be finished. *OK*
12. Garage overhead door broken with a section missing. *NO*
13. Siding missing on garage. *NO*

Electrical

1. Service drop pulled loose from building. *OK*
 2. Service not properly grounded. *OK*
 3. Exterior lights not mounted on boxes. *NA*
 4. Front porch lights not mounted on box. *NA*
 5. Kitchen outlets not GFI protected. *OK*
 6. Service not mounted on wall. *NO*
 7. Furnace improperly wired.
 8. Dryer improperly wired. *OK*
 9. Miscellaneous wires hanging down in basement. *NO*
 10. Open junction boxes in basement. *OK*
 11. Feeders to garage improperly wired. *NA*
 12. Bathroom plug not GFI protected. *OK*
 13. Incandescent fixture not permitted in front bedroom. *NO*
- h.w. h. not wired properly*

733-1829

Plumbing/Mechanical

1. Toilet needs new tank kit. *OK*
2. Kitchen sink needs faucets replaced. *OK*
3. Water piping to laundry sink needs to be secured to wall or sink. *OK*
4. Furnace needs to be certified safe for operation by licensed mechanical contractor. *OK*

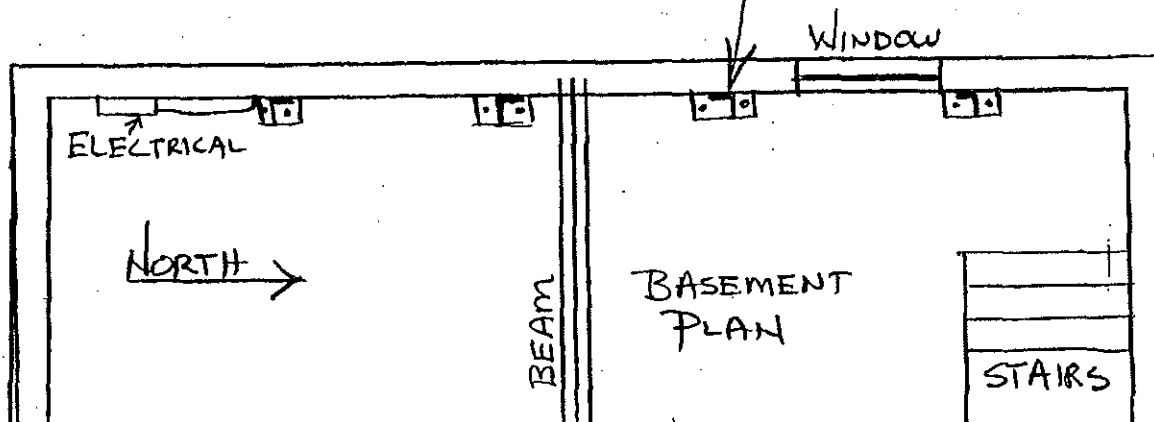
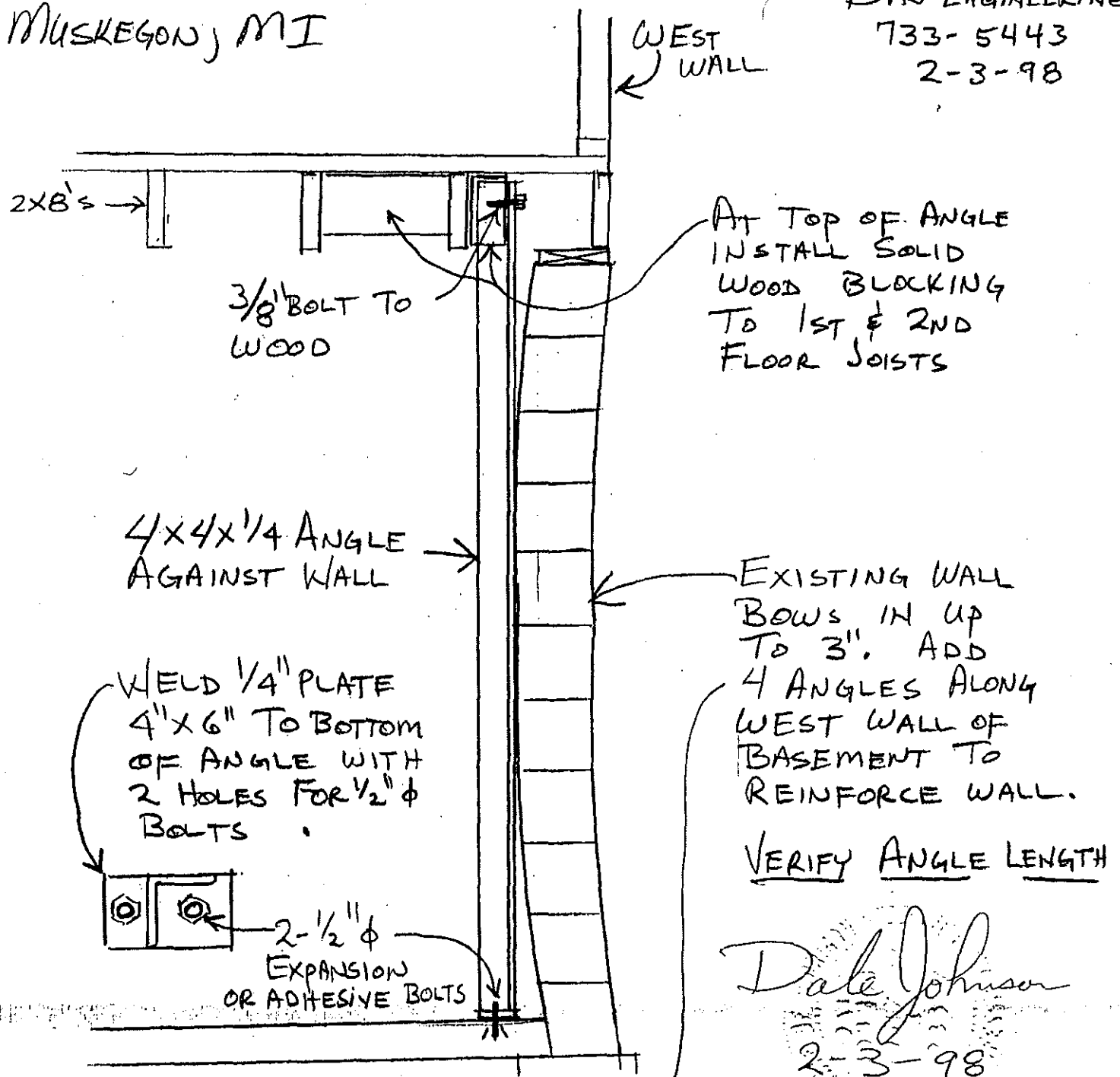
5. Furnace vent pipe needs screws in pipe connections. *OK*
6. Plastic dryer vent pipe is not to code-must be replaced.
7. CPVC pipe coming off water heater not to code; must be hard piped first 18" off water heater. *OK*
8. Chimney needs to be certified safe by licensed contractor./

George Dood
GEORGE DOOD,
BUILDING INSPECTOR

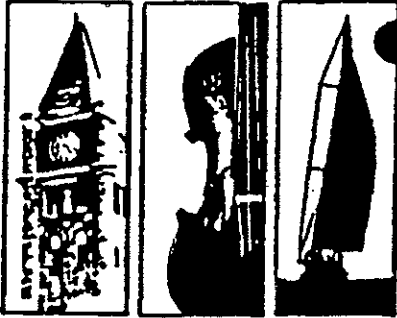
10-20-97
DATE

1115 SUPERIOR
MUSKEGON, MI

DAJ ENGINEERING
733-5443
2-3-98



MUSKEGON



West Michigan's Shoreline City

FAX COVER SHEET

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

Phone: (616) 224-6747
Fax: (616) 726-2501

To: DAVE SCHLIEVE
From: JERRY MCINTYRE
Date: 6-23-98

Total number of pages sent, including cover sheet: 2

Please phone to verify receiving document: _____

Please review and phone/fax comments, etc.: _____

For your information only: _____

INSTRUCTIONS:

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

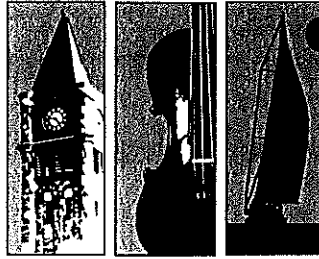
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

BUILDING INSPECTION 1715 SUPERIOR

6-23-1998

1. Front porch requires footing
2. Front porch has missing siding and unprotected wood exposed to grade.
3. Handrail on stairs not installed correctly.
4. Garage overhead door broken with a section missing.
5. Siding missing on garage.
6. Exterior lights not mounted in boxes.
7. Service panel not mounted securely to wall.
8. Feeders to garage not wired properly.
9. Incandescent light fixture not permitted in front bedroom closet.
10. Chimney needs to be certified safe by licensed contractor.

This is the list that is remaining. The one item I did not insert in the list is the hardwired smoke detectors we discussed on the phone. When the smoke detectors are completed and brought up to the codes' minimum requirements, we will issue a temporary occupancy for another 30 days. The thirty days will begin upon the date of issuance for the temporary occupancy. At the end of the extended time, another inspection will be made to make sure all items on the list are complete.

Jerry McIntyre

Building Official

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

#02-01-1715 Superior – Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI

Mr. Grabinski gave a history of this case. The permit issued expired 9/9/02. The exterior has been sided and is cleaned, but the Inspection office is not aware of any other work being done off the inspection report.

Dave Schlieve, Amy Bradley's Father, was present and he stated this house has been a family project. He also stated the tenant left her belongings and he was waiting for her to come and get them because a friend told him to be careful about removing her things. He has sided, installed new windows, painted with KILZ and cleaned the yard. He has an electrical contractor giving him a bid within a week. He doesn't think there is anything wrong with the plumbing, but will get a plumber in to check it. He thinks 30 days is enough time to get done. He plans to sell the house and is asking for more time.

Mr. Grabinski questioned Mr. Schlieve on the fact that being a landlord and realtor, he should have knowledge about removing the tenant's belongings instead of listening to a friend. The interior inspection shows plumbing is required. There is not a need to have a plumber come and look at things. The report shows specific things that have to be repaired. The other issue is the value on the construction permit (\$3500). After listening to the amount of work done, this will be looked into.

John Warner questioned the bowed wall in the basement. Mr. Schlieve stated a structural engineer showed them how to fix that and it was repaired. Mr. Grabinski stated the diagram is from 1997 dangerous building case that was resolved before he was in his present position. It came back as a dangerous building after the fire in January 2002.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, and forward to city commission for their concurrence.

A motion was made by Jerry Bever and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

#02-019 – 1526 Terrace – Matthew Goodno, same address

Mr. Goodno was present to represent this case. He was given 90 days in July and since then he stated he has tuckpointed the walls, fixed the siding that was hanging, removed the boards off the windows, put the handrails up, GFI put in and the furnace has been fixed with conduit. He has an estimate of \$8250 on the roof and is trying to save the money to have it repaired.

Mr. Borgman stated this case is back before the board because there has been no contact with the Inspection Dept. Mr. Goodno said he got the list and was just working off that to get things done. He also stated that he needs at least until the spring or summer to get the roof done. It is not leaking and he can't get a loan to fix it. The upstairs is not rented out.

Mr. Grabinski stated the electrical work required a permit and one was not pulled. If a permit had been pulled we would have had contact. Mr. Goodno stated he didn't realize the importance of keeping in contact, he just thought he had to get the work done. Mr. Grabinski replied contact is very important, otherwise the house could be torn down. The problem now is the roof and how Mr. Goodno can get the money to repair it. Mr. Grabinski asked for a date from Mr. Goodno and assurance that the roof is not presently leaking. Mr. Goodno stated he hopes to have the roof done by summer and the roof does not leak. It did leak at one time on the north side, but that is fixed.

Staff Recommendation: Table this case until the November meeting. If permits have been pulled, all repairs complete except roof, and an inspection done by that date, table the case until August 2003. If the roof is repaired the case will not be brought back in August.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 11/26/03

To: Mayor Warmington and City Commissioners
From: Lee J. Slaughter, Assistant City Manager
Date: November 19, 2002
Re: Firefighters Contract

SUMMARY OF REQUEST

Staff recommends approval of the set of tentative agreements reached with the Firefighters union. The union has ratified and agreed to all TA's.

FINANCIAL IMPACT

The overall financial packet is little over 12% of payroll. The packet includes four major economic issues:

Wages:

Contract Yrs.	<u>2002</u>	<u>2003</u>	<u>2004</u>
	3.00%	2.00%	3.00%

Multiplier:

Increased from 2.5% to 2.6%, effective 1/1/03

Pension: Increased from 80% to 85% of FAC at the time of retirement, effective 1/1/03.

Insurance: Major Medical benefit increased from \$100,000 to \$250,000, effective 1/1/03.

BUDGET ACTION

None.

STAFF RECOMMENDATION

Staff recommends approval.

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

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

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

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

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

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

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

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

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

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

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

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

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

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

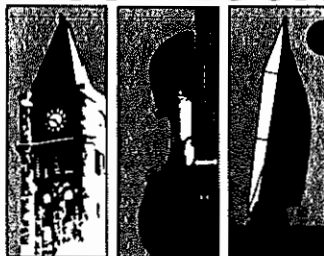
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

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

MUSKEGON



West Michigan's Shoreline City

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Lee J. Slaughter, Assistant City Manager
DATE: November 19, 2002
RE: Tentative Agreement Reached with the Firefighters Union

Attached please find a set of the Tentative Agreements reached with the Firefighters union.

BACKGROUND:

The union contract expired December 31, 2001. To expedite the negotiation process and ensure a descent [timely] arrival at a contract, we began formal negotiations with the union in mid August of 2001 and it continued [stop and go] through until last week. While contract negotiations are never quite as smooth as we would like them to be, negotiations with the firefighters union this last time was particularly frustrating and unnecessarily challenging. This was largely due to the *sense of being "special"* in the aftermath of 9/11 and numerous delay tactics by the union legal counsel apparently due to some contractual challenges with the union.

We are pleased that this is finally behind us. This issue will be discussed further in Closed Session on Tuesday, November 26, 2002. Please feel free to contact John Schrier, Bryon Mazade, or myself if you have questions.

Thank you.

C: John Schrier
Bryon Mazade
Pat Simpson
Tim Paul

CITY OF MUSKEGON
AND
MUSKEGON FIREFIGHTERS UNION

TENTATIVE AGREEMENTS

1. Article 13 (Sick Leave) – Revise to clarify that when the City keeps an employee on the payroll and upon payment by the worker's comp carrier for wages for the same time period, the City shall withhold from the employee's payroll the amount of the double payment. Union to provide language, which is attached.
2. Article 15 (Insurance) – Effective January 1, 2003 City proposes to require that all prescriptions for retirees be for generic brands, except where not available.
3. Article 15 (Insurance) – Effective January 1, 2003 City proposes to require mandatory use of mail order prescription for retirees, except where not available.
4. Article 15 (Insurance) – Effective January 1, 2003 City proposes that health insurance and prescription insurance for retirees be coordinated with Medicare in such a way as to require federal payment first.
5. Article 15 (Insurance) – Effective June 1, 2002 City to pay the full cost of health insurance, so long as premium does not exceed \$400 per month. To the extent that the premium exceeds \$400 per month, the balance shall be paid for by the employee to a maximum of \$10 bi-weekly. Language to clarify right to HMO coverage.
6. Article 15 (Insurance) – For current employees and those retiring after January 1, 2003, the major medical benefit lifetime cap is increased to \$250,000. The cap for current retirees shall remain at \$100,000.
7. Effective January 1, 2003, modify the prescription drug co-pay for employees and retirees in the traditional plan to \$10 for generic drugs and \$20 for name brand drugs. For employees in the HMO, the HMO shall determine the co-pay. For employees who retire after January 1, 2003, the retiree prescription co-pay shall be the same as the employees have, but not to exceed \$30 per drug.
8. Article 32 (Promotions) – Language relating to promotions to be included.
9. Duration - 3 year contract.
10. Article 8 (Wages) – 3% - 2% - 3%. The 2003 and 2004 raises have been reduced by 1% each year to contribute to the cost of the pension enhancement.

11. Article 24 (Pension) – Effective January 1, 2003, the multiplier is increased to 2.6. If Social Security becomes available to members of the bargaining unit, contract shall be re-opened for pension issues.
12. Article 24 (Pension) – Effective January 1, 2003 the cap is increased to 85% of FAC at the time of retirement.

Article XIII (e) to be modified to read:

An employee disabled and absent from duty as a result of a work-related injury or illness shall receive straight time salary for his/her classification without deduction from that employee's accumulated sick leave for the period of disability and absence from work, but not to exceed 15 calendar days commencing with the date of injury or illness which results in disability. All workers' compensation indemnity benefits received during the 15 calendar day period shall be supplemented by the City to a sum which equals the straight time salary of the employee. The employee, in conjunction with this benefit, shall elect, in writing, on a form to be provided by the City whether he/she wishes to receive workers' compensation benefits only or workers' compensation benefits supplemented by use of the employee's accumulated sick leave as provided herein during the period of disability. That election shall be made as soon as reasonably practicable but not later than the 15th calendar day following the employee's absence from work caused by the disability. In the event no election is made within the specified time frame, the employee will receive only workers' compensation benefits during the period of disability. The form for election will include written consent from the employee for a deduction from gross wages, which shall be a single deduction for the full amount of any overpayment.

The City shall use its best efforts to process the employee's reporting of the injury and all claims and notice forms to the City's workers' compensation insurance carrier or self-insured fund administrator in the event the employee elects to receive workers' compensation benefits during this period. However, in the event the employee receives duplicate benefits in both wages and workers' compensation indemnity during this 15 day period, any overpayment will be reimbursed to the City by deduction from that employee's wage entitlement in full a sum equal to that permitted by MCL 408.477(2). The City's bi-weekly pay rate consisting of 14 days and the workers' compensation indemnity rate based upon a 7-day week shall be factored for purposes of the calculation.

Sub paragraph to be added (n):

In the event an employee is offered and returns to perform favored work or light duty on account of a work-related injury or illness on a 40 hour per week assignment, that employee will be entitled to all economic benefits including vacation, personal leave, if any, and overtime, if any, as established for existing employees working in 40 hour per week assignments. In the event an employee fails to receive in that 40 hour per week assignment wages equal to the average weekly wage earned at the time of injury and properly used to calculate weekly workers' compensation indemnity benefits, that employee shall receive partial workers' compensation indemnity benefits as provided by the Workers' Compensation Disability Act of this state.

PARMENTER O'TOOLE

Attorneys at Law

175 West Apple Avenue ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

November 21, 2002

Mr. Timothy Paul
Finance Director
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

Re: Police/Fire Retirement System

Dear Mr. Paul:

Enclosed are an Ordinance and Notice of Adoption relating to the firefighters' collective bargaining agreement.

If you have any questions or concerns, please let me know.

Very truly yours,



John C. Schrier

Direct: 231-722-5401

Fax: 231-728-2206

E-mail Address: jcs@parmenterlaw.com

JCS/jey

Enclosures

c: Lee Slaughter

CITY OF MUSKEGON
Ordinance No. 2096

An ordinance amending the Police and Fire Retirement System Ordinance of the
City of Muskegon.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Muskegon is hereby amended as follows:

1. Section 15 of Appendix A of the Code of Ordinances is amended to read as follows:

Upon his retirement as provided in section 12, 13 or 14, a member or former member shall be paid a level straight life pension terminating upon his death or he may elect, within the ninety-day period immediately preceding or the twenty-day period immediate following the date his retirement begins, to be paid his pension under an optional form of payment provided in section 16 in lieu of a level straight life pension. Subject to section 23, the amount of the level straight life pension shall be:

<u>Retirement Date</u>	<u>Factor</u>	<u>Maximum Years of Credited Service</u>	<u>Maximum Pension Amount</u>
Fire Chief			
Before 7/1/85	2.0%	25 Years	70% of budgeted Firefighter Compensation
Between 7/1/85 and 12/31/89	2.0%	35 Years	75% of Budgeted Firefighter Compensation
On or After 1/1/90	2.3%	35 Years	75% of Budgeted Firefighter Compensation
On or After 1/1/92	2.3%	35 years	80% of Fire Chief's Final Average Compensation
On or After 1/1/96	2.5%	32 years	80% of Final Average Compensation

Firefighters

Before 7/1/85	2.0%	25 Years	70% of Budgeted Firefighter Compensation
Between 7/1/85 and 12/31/87	2.0%	25 Years	70% of Budgeted Firefighter Compensation
Between 1/1/87 and 12/31/89	2.0%	35 Years	75% of Budgeted Firefighter Compensation
Between 1/1/90 and 12/31/92	2.3%	35 Years	75% of Budgeted Firefighter Compensation
On or After 1/1/93	2.3%	35 Years	75% of Member's Final Average Compensation
On or After 1/1/96	2.5%	32 Years	80% of Member's Final Average Compensation
On or After 1/1/03	2.6%	No Limit	85% of Member's Final Average Compensation

Police Chief, Assistant Police Chief, and Police Command

Before 7/1/85	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 7/1/85 and 12/31/90	2.0%	35 Years	75% of Budgeted Patrolmen Compensation
Between 1/1/91 and 12/31/97	2.3%	35 Years	80% of Final Average Compensation
On or After 1/1/98	2.5%	35 Years	80% of Final Average Compensation

Police Patrol

Before 12/31/90	2.0%	25 Years	70% of Budgeted Patrolmen Compensation
Between 1/1/91 and 6/30/93	2.2%	No Limit	70% of the Officer's Final Average Compensation

Between 7/1/93 and 12/31/94	2.3%	No Limit	70% of the Officer's Final Average Compensation
Between 1/1/95 and 12/31/98	2.3%	No Limit	75% of the Officer's Final Average Compensation
On or after 1/1/99	2.5%	No Limit	75% of the Officer's Final Average Compensation

"Budgeted firefighter compensation" and "budgeted patrolmen compensation" shall mean that amount fixed in the City budget for the fiscal year the employee terminates employment with a deferred pension or retires pursuant to Section 12 or 13. Ordinance No. 1028 shall not result in an increase or decrease of benefits for an employee or retiree except as pertains to the maximum benefit increase for the Fire Chief.

This ordinance adopted:

Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington
Nays: None

Adoption Date: November 26, 2002
Effective Date: December 14, 2002
First Reading: November 26, 2002
Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 26th day of November, 2002, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public

notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: November 26, 2002



Gail A. Kunderger, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on November 26, 2002, the City Commission of the City of Muskegon adopted amendments to Appendix A of the Muskegon City Code concerning the Police and Fire Retirement system, summarized as follows:

1. Section 15 is amended to provide for retirement benefit formula and maximum benefits for firefighters.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: December 4, 2002

By Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE