

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 22, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:** Cindy Kody
- ❑ **INTRODUCTIONS/PRESENTATION:**
- ❑ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Sale of an Unbuildable Vacant Lot at the Rear of 2371 Crozier. PLANNING & ECONOMIC DEVELOPMENT
 - C. Nine Month Extension to Complete Construction of Home. PLANNING & ECONOMIC DEVELOPMENT
 - D. Approval of a Neighborhood Enterprise Zone Certificate for 476 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - E. Amendment to the Purchase Agreement for 1259 Marquette. PLANNING & ECONOMIC DEVELOPMENT
 - F. FIRST READING: Rezoning Request for Property Located at 2170 Beidler and 714 W. Hackley Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - G. FIRST READING: Rezoning Request for Properties Located at 599, 545, 925, and 635 Ottawa Street; and 535, 575, and 630 E. Western Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - H. FIRST READING: Rezoning Request for Property Located at 896 Home Street. PLANNING & ECONOMIC DEVELOPMENT
 - I. SECOND READING: Defined Contribution Retirement Plan for New Hires (Fire, Non-Union). FINANCE
- ❑ **PUBLIC HEARINGS:**
 - A. Request for an Industrial Facilities Exemption Certificate – ADAC

Plastics. PLANNING & ECONOMIC DEVELOPMENT

B. Spreading of the Special Assessment Roll for Fifth Street, Campus to Merrill. ENGINEERING

C. Spreading of the Special Assessment Roll for Ireland Avenue, Franklin to Davis. ENGINEERING

D. Spreading of the Special Assessment Roll for Franklin Street, Laketon to Ireland. ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 765 Washington. PUBLIC SAFETY

❑ NEW BUSINESS:

A. Resolution Supporting Regional Collaboration. CITY MANAGER

B. Move of Non-Union Employees to Municipal Employees' Retirement System of Michigan. FINANCE

C. Amendment to Arena Operations Management Contract. FINANCE

D. Sewer Rate Adjustment. FINANCE

E. Sale of Water to Idlewild Resort in Norton Shores. PUBLIC WORKS

F. Consideration of Bids: Street Lights along Shoreline Drive. ENGINEERING

G. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

209 & 211 Merrill - Area 10

235 Monroe – Area 10

642 McLaughlin – Garage

1120 Jefferson – Area 10

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

➤ Fill out a request to speak form attached to the agenda or located in the back of the room.

➤ Submit the form to the City Clerk.

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

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

❑ 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 22, 2005
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the November 7th Community Relations Committee and Commission Worksession, and the November 8th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 22, 2005

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, November 22, 2005.

Mayor Warmington opened the meeting with a prayer from Commissioner Clara Shepherd after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Bill Larson, Commissioner Chris Carter, Kevin Davis, Stephen Gawron, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Gail Kundinger.

2005-106 HONORS AND AWARDS: Vice Mayor Bill Larson presented a plaque to Cindy Kody in honor of the late Bill Kody who saved the lives of the duck hunters on Muskegon River from drowning.

2005-107 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the November 7th Community Relations Committee and Commission Worksession, and the November 8th Regular Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Sale of an Unbuildable Vacant Lot at the Rear of 2371 Crozier. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant unbuildable lot at the rear of 2371 Crozier to Union Federal Bank of Indianapolis, 7500 W. Jefferson Blvd., Fort Wayne, IN. The property is being offered to Union Federal Bank of Indianapolis, to help clear the property title, for \$100. According to the County Treasurer, the property taxes for the lot went unpaid from 1994 – 1999. The

property went up for tax sale and the City obtained the lot in 2000 from the State. A local title office issued a warranty deed for the property and included the City owned portion in the deed in 2001. After that, the properties were combined, even though there were two different property owners. This will remove the City's name from the property and clear the title.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed in order to clear this up.

C. Nine Month Extension to Complete Construction of Home. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a nine-month extension to allow Bill Ingalls time to complete the construction of a single-family home on Harrison Court. Mr. Ingalls purchased the property to construct four single-family homes on it and has completed three of them. The City has customarily granted extensions to parties who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Ingalls has worked with staff to submit an alternative plan to complete construction of a home on the property and feels that the nine month extension will allow enough time for this plan to be completed. Mr. Ingalls is working with Tom Blake of Nexes Realty to market the property.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution.

D. Approval of a Neighborhood Enterprise Zone Certificate for 476 W. Muskegon Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Jessica Elsey to rehabilitate a home in the Nelson neighborhood at 476 W. Muskegon Ave. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be \$5,000. The replacements of all windows, vent and repair roof, and remodel the front porch. The applicant has met local and state requirements for the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next six years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the NEZ certificate.

E. Amendment to the Purchase Agreement for 1259 Marquette.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the amendment of the purchase agreement for the sale of a vacant buildable lot at 1259 Marquette St. (Parcel #24-611-000-0482-00) to Garry & Earnestine Gaines, 881 Getty St., Muskegon, and MI. The lot is being offered to Garry & Earnestine Gaines for \$9,000. Garry & Earnestine Gaines will be constructing a two-story, 3 bedroom, single-family home with an attached garage, which will comply with the City's Policy for Sale of City-Owned Residential Property. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, and our price is set at \$9,000 which is 75% of that amount. The closing of the property must take place before or on January 13, 2006 and the seller will not be held liable for any real estate commissions claimed by a realtor in connection with this transaction. The amendment is needed because the buyers are no longer working with a realtor. They are also working with a new builder for the construction and financing of the home.

FINANCIAL IMPACT: The sale of this lot for construction of one new home will generate additional tax revenue for the City and will place the property 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 said resolution and deed.

F. FIRST READING: Rezoning Request for Property Located at 2170 Beidler and 714 W. Hackley Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 2170 Beidler St. and 714 W. Hackley Ave., from R-1, One Family Residential to B-2 Convenience and Comparison Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 11/10 meeting. The vote was unanimous with J. Aslakson and T. Michalski absent.

G. FIRST READING: Rezoning Request for Properties Located at 599, 545, 925, and 635 Ottawa Street; and 535, 575, and 630 E. Western Avenue.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 599, 545, 625, Ottawa and 535, 575 and 630 E. Western Ave., from B-4, General Business to WM, Waterfront Marine.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 11/10 meeting. The vote was unanimous with J. Aslakson and T. Michalski absent.

H. FIRST READING: Rezoning Request for Property Located at 896 Home Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone the properties located at 896 Home St. from R-1 One Family Residential to RM-3 High Density Multiple-family Residential.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION: The Planning Commission voted to recommend denial of the request at their 11/10/05 meeting. The vote was unanimous with J. Aslakson and T. Michalski absent.

I. SECOND READING: Defined Contribution Retirement Plan for New Hires (Fire, Non-Union). FINANCE

SUMMARY OF REQUEST: The City Commission has previously approved a contract with the firefighters union that includes provision for new hires to be members of a defined contribution retirement program in lieu of membership in the defined benefit police and fire retirement system. The new fire DC plan calls for a fixed city contribution of 10% and an employee contribution of 6% of wages. Present employees may also join the DC plan on an elective basis during a window period.

We are also recommending at this time implementation of a similar plan for new non-union employees. The outline of the program is the same except for lower contribution rates (6% city; 3% employee) reflecting the fact that these employees are covered by social security (fire employees are not).

Approval of the resolutions and ordinance amendments is the final step in putting in place the mechanics of these new programs.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs. We are negotiating similar arrangements for other employee groups.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Davis to approve the

Consent Agenda as read.

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

Nays: None

MOTION PASSES

2005-108 PUBLIC HEARINGS:

A. Request for an Industrial Facilities Exemption Certificate – ADAC Plastics. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974 as amended, ADAC Plastics, 1801 Keating, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1801 Keating, Muskegon. The total capital investment is approximately \$666,454.00 in personal property and \$33,409.00 in real property. This request qualifies ADAC Plastics for a term of twelve (12) years for real property and nine (9) years for personal property.

FINANCIAL IMPACT: The City will capture certain additional property taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and nine (9) years for personal property.

The Public Hearing opened at 5:45 p.m. to hear and consider any comments from the public. Comments were heard from Jackie Darnell, Muskegon County NAACP President, 541 E. Hackley.

Motion by Commissioner Spataro, second by Commissioner Gawron to close the Public Hearing at 5:50 p.m. and approve the request for an Industrial Facilities Exemption Certificate for ADAC Plastic.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Fifth Street, Campus to Merrill. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Fifth St., from Campus Ave. to Merrill Ave., and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$49,344 would be spread against the twenty-seven (27) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:51 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Shepherd to close the Public Hearing at 5:54 p.m. and approve the spreading of the special assessment roll for Fifth Street, Campus to Merrill.

ROLL CALL: Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, and Spataro

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Ireland Avenue, Franklin to Davis. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Ireland Ave., Franklin to Davis St. and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$25,995.57 would be spread against the twenty-nine (29) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:55 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Davis, second by Commissioner Carter to close the Public Hearing at 5:57 p.m. and approve the spreading of the special assessment roll for Ireland Avenue, Franklin to Davis.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll for Franklin Street, Laketon to Ireland. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Franklin St., Laketon to Ireland and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$19,645.76 would be spread against the eleven (11) parcels abutting the project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 6:00 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Carter to close the Public Hearing at 6:02 p.m. and approve the spreading of the special assessment roll for Franklin Street, Laketon to Ireland.

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

Nays: None

MOTION PASSES

2005-109 UNFINISHED BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish 765 Washington. PUBLIC SAFETY

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 765 Washington – Area 12 is unsafe, substandard, a public nuisance and that it be demolished within thirty ((30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: General fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals notice and order to demolish the structure at 765 Washington.

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

Nays: None

MOTION PASSES

2005-110 NEW BUSINESS:

A. Resolution Supporting Regional Collaboration. CITY MANAGER

SUMMARY OF REQUEST: To approve a resolution that supports regional collaboration efforts. This resolution is necessary for One Muskegon to pursue state funding through the Centers for Regional Excellence for our local efforts.

FINANCIAL IMPACT: Collaborative efforts may save the City money in the future.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

Motion by Commissioner Gawron, second by Commissioner Shepherd to approve the resolution supporting regional collaboration.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

B. Move of Non-Union Employees to Municipal Employees' Retirement System of Michigan. FINANCE

SUMMARY OF REQUEST: MERS (Municipal Employees' Retirement System of Michigan) is a statewide intergovernmental cooperative established for the purpose of providing cost-effective pension plan administration. The City's pension boards have explored moving to MERS on two separate occasions in the last few years, but could not reach consensus. At this time staff is proposing, that effective January 1, 2006, pension administration and management of pension-plan assets for current non-union employees (51 employees) be moved to MERS.

FINANCIAL IMPACT: Staff believes that MERS offers the most cost-effective alternative for pension administration. We expect to achieve administrative savings by moving the non-union employees to MERS and the potential is for greater savings should other employee groups opt to switch to MERS. The computed first year (2006) contribution rate for the MERS program is 5.71%, which compares favorably to the budgeted contribution rate of 7.86%

BUDGET ACTION REQUIRED: None. As noted, the computed contribution rate for MERS is within the budgeted cost for pension expense for the affected employees.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the move of non-union employees to Municipal Employees' Retirement System of Michigan.

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

Nays: None

MOTION PASSES

C. Amendment to Arena Operations Management Contract. FINANCE

SUMMARY OF REQUEST: Approval of an amendment to the arena management contract. The current arena operations contract with AMG did not anticipate a second major building tenant. The introduction of professional basketball last

year required and amendment to reimburse the arena manager for the additional costs associated with basketball (set-up, security, etc.). This proposed amendment for the 2005-06 season is similar to last year's agreement with the exception that the maximum per game payment is reduced from \$4,000 to \$2,900, reflecting the fact that the basketball team has assumed responsibility for floor set-up/take-down. The overall arena management agreement is set to expire in June 2006. Addressing issues raised by a second major tenant will be an important consideration in the next contract.

FINANCIAL IMPACT: The direct impact of this agreement (and of the basketball generally) on arena financial operations will be determined by attendance figures. Over 24 home games, average attendance will need to be about 1,450 for the city to cover the cost of this contract and the ice rental loss associated with basketball. This is about the same breakeven point as last year. Staff believes having professional basketball at the arena has benefits that extend beyond arena operations (downtown activity, etc.) that make this a prudent risk for the city to take.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of amendment.

Motion by Commissioner Gawron, second by Commissioner Spataro to approve the amendment to the Arena Operations Management Contract.

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

Nays: None

MOTION PASSES

D. Sewer Rate Adjustment. FINANCE

SUMMARY OF REQUEST: At the time the 2006 budget was adopted, staff noted that it appeared a sixteen percent sewer rate increase would be needed to offset the impacts of the Sappi downsizing. Based on the additional information that has become available since budget adoption, it still appears that a sixteen percent increase is needed. Historical and projected financial data for the sewer fund indicates the need for the 16% percent increase to take effect January 1, 2006. The rate adjustment will move residential sewer rates from \$1.32/hcft to \$1.53/hcft and commercial/industrial rates from \$1.66 to \$1.93. The impact on a typical household using 15,000 gallons of water will be an additional \$4.20/month \$12.60/quarter).

FINANCIAL IMPACT: The sewer rate adjustments will generate an estimated \$672,000 additional full-year revenue for the city's sewer fund.

BUDGET ACTION REQUIRED: None at this time. Adoption of these fee adjustments will help the city attain its 2006 budgeted revenue estimates.

STAFF RECOMMENDATION: Adoption of the fee adjustment resolution.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve

the sewer rate fee increase.

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

Nays: None

MOTION PASSES

E. Sale of Water to Idlewild Resort in Norton Shores. PUBLIC WORKS

SUMMARY OF REQUEST: Nugent Sand Company (NSC) has requested permission to purchase water from the City of Muskegon via the City of Norton Shores on a temporary basis.

FINANCIAL IMPACT: The City of Muskegon will be paid an annual readiness to serve fee of \$1,600 (with allowance for future adjustments) plus a water rate based on 1.35 of the water used. These provisions will be in place until such time as the City of Norton Shores builds their own system to handle this water demand.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends that the City of Muskegon City Commission approve the documents for the temporary sale of water to Idlewild Resort.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the sale of water to Idlewild Resort in Norton Shores.

ROLL VOTE: Ayes: Davis, Gawron, Larson, shepherd, Spataro, Warmington, and Carter

Nays: None

MOTION PASSES

F. Consideration of Bids: Street Lights along Shoreline Drive. ENGINEERING

SUMMARY OF REQUEST: As per your directions, bids were solicited and received to install approximately twenty (20) street lights along Shoreline Dr., between Ottawa & First as well as Terrace Street between Morris & Shoreline Dr. John Howell of Lansing, Michigan submitted the lowest bid of \$70,000 (\$3,500 per light). Windemuller (Montague, MI) submitted the only other bid of \$94,000. Your authorization to enter into a contract with John Howell is requested should it be your desire for the City to be the owner of those lights.

FINANCIAL IMPACT: The installation cost of \$70,000 plus any direct expenses to Consumer Energy to provide the energy source which is estimated at \$5,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Authorize staff to enter into a contract with John R. Howell.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the bid and enter into a contract with John R. Howell for street lights along

Shoreline Drive and Terrace.

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

Nays: Larson

MOTION PASSES

G. Concurrence With the Housing Board of Appeals Notice and Order to Demolish 209 & 211 Merrill, 235 Monroe, 642 McLaughlin – Garage, and 1120 Jefferson. PUBLIC SAFETY

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the above mentioned structures 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 these structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: CDGB Funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 209 & 211 Merrill, 235 Monroe, and 642 McLaughlin – garage only.

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

Nays: None

MOTION PASSES

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 1120 Jefferson.

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

Nays: None

MOTION PASSES

2005-111 ANY OTHER BUSINESS:

a. Letter to Nugent Sand.

Motion by Commissioner Davis, second by Commissioner Carter to request staff to write a letter in opposition of additional sand mining of 23 acres of land.

ROLL VOTE: Ayes: Gawron, Larson, Shepherd, Spataro, Carter, and Davis

Nays: None

Absent: Warmington (stepped out of the room)

MOTION PASSES

b. Solid Fuel Heating Appliance.

Motion by Commissioner Spataro, second by Commissioner Gawron to direct staff to not take any applications and let the Planning Commission come up with regulations.

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

Nays: None

MOTION PASSES

2005-112 PUBLIC PARTICIPATION: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 7:10 p.m.

Respectfully submitted,



Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: November 22, 2005

Date: November 9, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of an unbuildable Vacant Lot at the rear of 2371 Crozier

SUMMARY OF REQUEST:

To approve the sale of a vacant unbuildable lot at the rear of 2371 Crozier to Union Federal Bank of Indianapolis, 7500 W Jefferson Blvd., Fort Wayne, IN. The property is being offered to Union Federal Bank of Indianapolis to help clear the property title for \$100. According to the County Treasurer, the property taxes for the lot went unpaid from 1994-1999. The property went up for tax sale and the City obtained the lot in 2000 from the State. A local title office issued a warranty deed for the property and included the City owned portion in the deed in 2001. After that, the properties were combined, even though; there were two different property owners. This will remove the City's name from the property and clear the title.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution and deed in order to clear this up.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2005-107(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF AN UNBUILDABLE LOT AT THE REAR OF 2371 CROZIER IN THE LAKESIDE NEIGHBORHOOD FOR \$100.

WHEREAS, Union Federal Bank of Indianapolis has placed a \$100 deposit for the parcel designated as the South 49.19 feet of Lot 4, located adjacent to 2371 Crozier; and

WHEREAS, the price for parcel is set by the City at \$100; and

WHEREAS, the sale would clear up the title for 2371 Crozier, which has the South 49.19 feet of Lot 4 already combined with it; and

WHEREAS, the sale is consistent with City policy regarding the disposition of unbuildable lots.

NOW THEREFORE BE IT RESOLVED, that the parcel's South 49.19 feet of Lot 4, located adjacent to 2371 Crozier be sold to Union Federal Bank of Indianapolis for \$100.

**CITY OF MUSKEGON LIBERTY SUB DIV OF PART OF BLOCK 669 THE
SOUTH 49.19 FEET OF LOT 4 BLOCK 1**

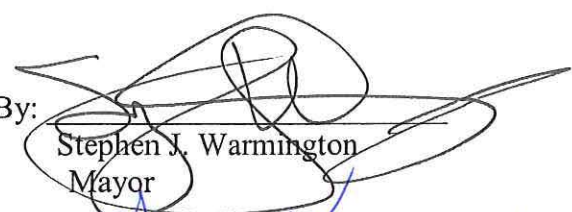
Adopted this 22nd day of November 2005

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

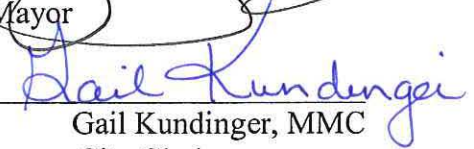
Nays: None

Absent None

By:


Stephen J. Warmington
Mayor

Attest:


Gail Kunding, 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 22, 2005.

By: Gail Kunderger
Gail Kunderger, MMC
City Clerk

QUIT CLAIM DEED

GRANTOR, City of Muskegon, with an address of 1080 Terrace Street, Muskegon, Michigan 49442 ("Grantor"), does hereby **Quit Claim** to Union Federal Bank of Indianapolis, with an address of 7500 W Jefferson Blvd, Fort Wayne, Indiana 46804-4165 ("Grantee"), the following described premises located in the City of Muskegon, County of Muskegon, State of Michigan, and described as follows:

City of Muskegon SN2537 Liberty Subdivision of Part of Block 669, South 49.19 feet of Lot 4, Block 1
984901

commonly known as: 2371 Crozier Avenue, Muskegon, Michigan

This Deed is given in consideration of \$100.00.

* This conveyance is subject to all easements and encumbrances of record. Grantor further grants to Grantee the right to make all divisions under Section 108 of the Land Division Act No. 288 of Michigan Public Acts of 1967 as amended. The property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

This Deed is executed this _____ day of _____, 2005.

Dated

GRANTOR: THE CITY OF MUSKEGON

BY: Stephen J. Warmington
ITS: Mayor

STATE OF MICHIGAN)
) ss.
COUNTY OF MUSKEGON)

On the 1st day of December, 2005, before me personally appeared Stephen J. Warmington, Mayor of The City of Muskegon, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they have executed the same as a free act and deed.

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
Acting in Muskegon County, Michigan
My Commission Expires: 9-25-06

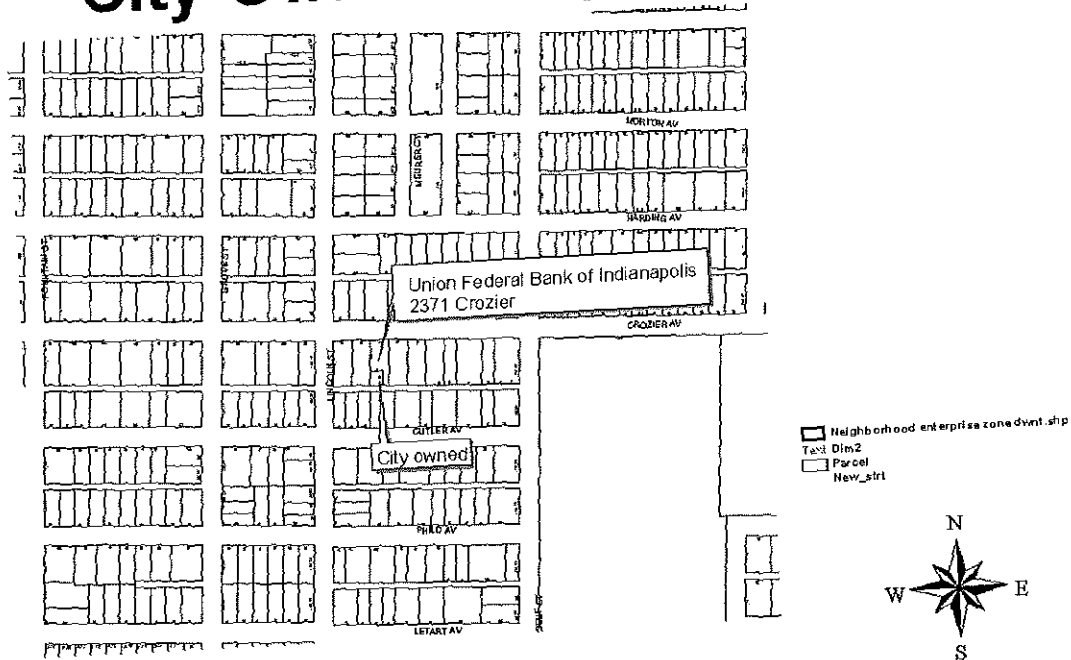
**RETURN TO AFTER RECORDING/
PREPARED BY:**

PETER D. RHOADES, ESQ.
RHOADES LAW OFFICE PC
P O BOX 2271
HOLLAND MI 49422
616-355-7318

SEND FUTURE TAX BILLS TO:

Union Federal Bank of Indianapolis
7500 W Jefferson Blvd
Fort Wayne IN 46804-4165

City-Owned Property to Sell



Commission Meeting Date: November 22, 2005

Date: November 10, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Nine Month Extension to Complete Construction of Home

SUMMARY OF REQUEST:

To approve a nine-month extension to allow Bill Ingalls time to complete the construction of a single-family home on Harrison Court. Mr. Ingalls purchased the property to construct four single-family homes on it and has completed three of them. The City has customarily granted extensions to parties who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. Ingalls has worked with staff to submit an alternative plan to complete construction of a home on the property and feels that the nine month extension will allow enough time for this plan to be completed. Mr. Ingalls is working with Tom Blake of Nexes Realty to market the property.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the attached resolution.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2005-107(c)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING NINE MONTH EXTENSION TO COMPLETE
CONSTRUCTION OF FOUR SINGLE-FAMILY HOMES ON MINER AVENUE AND
HARRISON COURT**

WHEREAS, Bill Ingalls has submitted a request for a time extension; and

WHEREAS, Bill Ingalls has shown a commitment to complete construction of four homes by the completion of three of the homes; and

WHEREAS, the completion of the one additional home will further enhance the ambiance of the City's residential area.

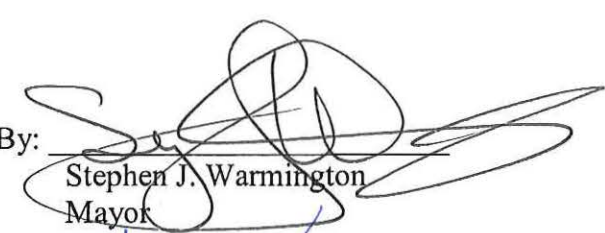
NOW THEREFORE BE IT RESOLVED, that Bill Ingalls be granted an additional nine months to complete construction of the one additional single-family home at the property located on Harrison Court.

Adopted this 22nd day of November 2005.

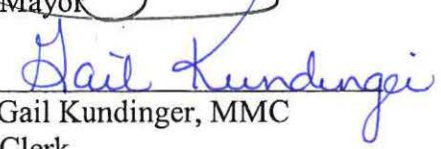
Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter,
and Davis

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail Kunderger, MMC
Clerk

CERTIFICATION

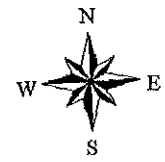
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on November 22, 2005.

By:

Gail Kunderger
Gail Kunderger
Clerk



☐ Property already purchased from the City



AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – November 22, 2005

TO: Honorable Mayor & City Commissioners

FROM: Planning Department *CBC*

DATE: November 15, 2005

SUBJECT: Approval of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Jessica Elsey to rehabilitate a home in the Nelson neighborhood at 476 W. Muskegon Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be \$5,000. The replacement of all windows, vent and repair roof, and remodel the front porch. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 6 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

MUSKEGON CITY COMMISSION

**RESOLUTION TO APPROVE THE ISSUANCE
OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE**

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Jessica Elsey to rehabilitate a home at 476 W. Muskegon Avenue in the Nelson neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be for 6 years;

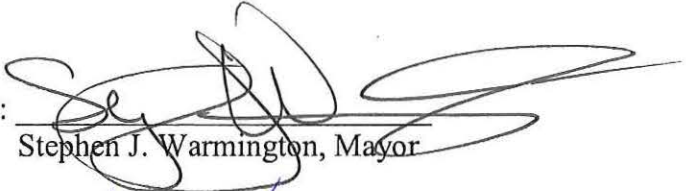
NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by Jessica Elsey be approved.

Adopted this, 22nd day of November, 2005.

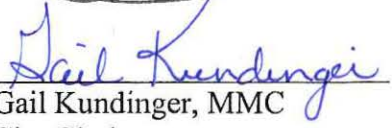
Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

Absent: None

By: 

Stephen J. Warmington, Mayor

Attest: 

Gail 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 22, 2005.

By: Gail Kundergeri
Gail Kundergeri, MMC
City Clerk

Commission Meeting Date: November 9, 2005

Date: November 22, 2005
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Amendment to the Purchase Agreement for 1259 Marquette

SUMMARY OF REQUEST:

To approve the amendment of the purchase agreement for the sale of a vacant buildable lot at 1259 Marquette Street (Parcel #24-611-000-0482-00) to Garry & Earnestine Gaines, 881 Getty Street, Muskegon, MI. The lot is being offered to Garry & Earnestine Gaines for \$9,000. Garry & Earnestine Gaines will be constructing a two story, 3 bedroom, single family home with an attached garage, which will comply with the City's Policy for Sale of City-Owned Residential Property. The True Cash Value (TCV) for the property listed in the Assessor's office is \$12,000, and our price is set at \$9,000 which is 75% of that amount. The closing of the property must take place before or on January 13, 2006 and the seller will not be held liable for any real estate commissions claimed by a realtor in connection with this transaction. The amendment is needed because the buyers are no longer working with a realtor. They are also working with a new builder for the construction and financing of the home.

FINANCIAL IMPACT:

The sale of this lot for construction of 1 (one) new home will generate additional tax revenue for the City and will place the property 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 said resolution and deed.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2005-107(e)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE AMENDMENT OF THE PURCHASE AGREEMENT FOR THE SALE OF A BUILDABLE LOT AT 1259 MARQUETTE STREET IN MARQUETTE NEIGHBORHOOD FOR \$9,000.

WHEREAS, Garry & Earnestine Gaines has placed a \$400 deposit for the parcel designated as parcel number 24-611-000-0482-00, located at 1259 Marquette Street; and

WHEREAS, the price for parcel number 24-611-000-0482-00 is set by the City at \$9,000, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, the sale would generate additional tax revenue for the City and relieve the City of further maintenance costs; and

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-611-000-0482-00, located at 1259 Marquette Street be sold to Earnestine Gaines \$9,000.

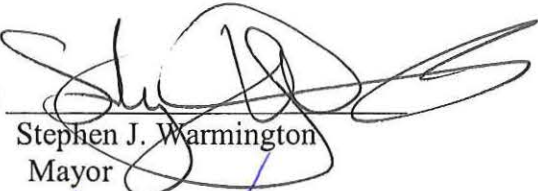
CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2 LOT 482, ELY 34' LOT 483, & LOT 481 EX W 51.45'

Adopted this 22nd day of November 2005

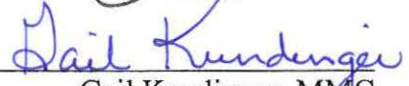
Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, and Davis

Nays: None

Absent: None

By: 

Stephen J. Warmington
Mayor

Attest: 

Gail Kundinger, 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 22, 2005.

By: Gail Kunding
Gail Kunding, MMC
City Clerk

AMENDMENT TO REAL ESTATE PURCHASE AGREEMENT

THIS AMENDMENT TO PURCHASE AGREEMENT is made November 14, 2005, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49440 ("Seller"), and **GARRY & EARNESTINE GAINES**, a married couple, of 881 Getty Street, Muskegon, Michigan 49442 ("Buyer"), with reference to the following facts:

- A. The parties have entered into a purchase agreement for property in the City of Muskegon commonly known as 1259 Marquette ("Purchase Agreement").
- B. The parties now desire to amend the Purchase Agreement according to the following terms.

Therefore, the parties agree as follows:

1. **Purchase Price and Manner of Payment.** The purchase price for the Premises shall be Nine Thousand and no/100 Dollars (\$9,000.00).
2. **Closing.** The closing date of this sale shall be on or before January 13, 2006 ("Closing"). If the closing is not completed by the stated date, then the deposit will be forfeited to the City of Muskegon.
3. **Indemnification and Hold Harmless.** Buyer shall indemnify and hold the Seller harmless, to the fullest extent permitted by Michigan law, for any real estate commissions claimed by a realtor in connection with this transaction.

All other terms and conditions of the Purchase Agreement shall remain in force.

The parties have executed this Amendment to Real Estate Purchase Agreement the day and year first above written.

WITNESSES:

Linda Potter
Linda Potter

JoAnn Krukowski
JoAnn Krukowski

Steph J. Warmington

Hope Mitchell

SELLER: CITY OF MUSKEGON

By Steph J. Warmington
Stephen J. Warmington, Mayor
Date: 11-30-05

Gail A. Kunderger
Gail A. Kunderger, MMC, Clerk
Date: 11-30-05

BUYER:

Ernestine Gaines
EARNESTINE GAINES
SS No.: _____

Date: 11-14-05

Garry Gaines
GARRY GAINES
SS No.: _____
Date: 11-14-05

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That the **CITY OF MUSKEGON**, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440,

QUIT CLAIMS to **GARRY & EARNESTINE GAINES**, married, of 881 Getty Street, Muskegon, Michigan 49442,

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

CITY OF MUSKEGON URBAN RENEWAL PLAT NO. 2, LOT 482, EASTERLY 34 FEET OF LOT 483 AND LOT 481 EXCEPT THE WEST 51.45 FEET (COMMON ADDRESS: 1259 MARQUETTE)

for the sum of Nine Thousand and no/100 Dollars (\$9,000.00)

PROVIDED, HOWEVER, Grantee, or its assigns, shall complete construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantee or its assigns. In addition, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantee or its assigns. Buyer shall remove only those trees necessary for construction of the home and driveway. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above-described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantee covenants that the parcel described above shall be improved with not more than one (1) single family home, and it shall be owner-occupied for five (5) years after the date of this deed. These covenants and conditions shall run with the land.

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 _____ day of _____, 2005.

Signed in the presence of:

Linda Potter
Linda Potter

Jo Ann Krukowski
Jo Ann Krukowski

CITY OF MUSKEGON

By [Signature]
Stephen J. Warmington, Its Mayor

and Gail A. Kunderger
Gail A. Kunderger, MMC, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on December 1, 2005, by STEPHEN J. WARMINGTON and GAIL A. KUNDINGER, MMC, the Mayor and 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 Avenue/P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: 9-25-06

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Commission Meeting Date: November 22, 2005

Date: November 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cb*
RE: Rezoning request for property located at 2170 Beidler and
714 W. Hackley Avenue

SUMMARY OF REQUEST:

Request to rezone properties located at 2170 Beidler Street and 714 W. Hackley Avenue, from R-1, One Family Residential to B-2, Convenience and Comparison Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/10 meeting. The vote was unanimous with J. Aslakson and T. Michalski absent.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2170

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from R-1 "One Family Residential" to B-2 "Convenience and Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described properties from R-1 "One Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON RIEGLERS SUB N 61.5 FT LOTS 1 & 2

And

CITY OF MUSKEGON RIEGLERS SUBDIVISION S 100 FT OF LOTS 1 AND 2

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

Adoption Date: November 22, 2005

Effective Date: December 12, 2005

First Reading: November 22, 2005

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

(Rezoning of 2170 Beidler Street & 714 W. Hackley Avenue from R-1 to B-2)

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 22nd day of November, 2005, 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 23, 2005.

Gail A. Kunding

Gail A. Kunding, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 22, 2005, 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 properties from R-1 "One Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON RIEGLERS SUB N 61.5 FT LOTS 1 & 2

And

CITY OF MUSKEGON RIEGLERS SUBDIVISION S 100 FT OF LOTS 1 AND 2

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 2, 2005

CITY OF MUSKEGON

By

Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

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

November 10, 2005

Hearing; Case 2005-43: Request to rezone the property at 2170 Beidler Street and 714 W. Hackley Avenue from R-1, One Family Residential to B-2, Convenience and Comparison Business, by Fred Glomb, Chalet House of Flowers.

BACKGROUND

Applicant: Fred Glomb, Chalet House of Flowers

Property Address/Location 2170 Beidler Street and 714 W. Hackley Avenue

Request: Rezone from R-1, One Family Residential to B-2, Convenience and Comparison Business

Present Land Use: Vacant, Commercial

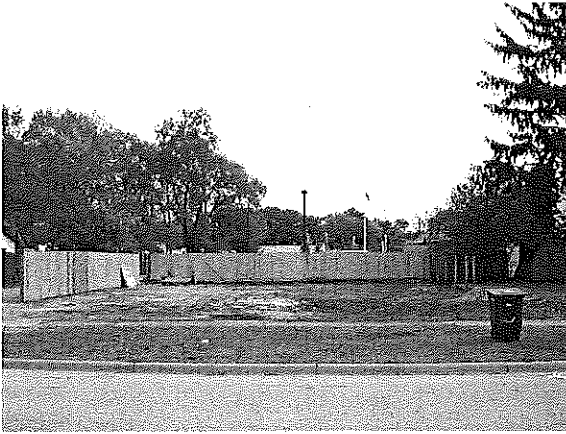
Zoning: R-1, One Family Residential

STAFF OBSERVATIONS

1. The subject property at 2170 Beidler Street is a vacant lot that previously had a single family home located on it. The home was purchased by the applicant and demolished earlier this year. The subject property located at 714 W. Hackley Avenue houses a commercial use, Nelson Crown Bridge.
2. The properties are located adjacent to the newly constructed Chalet House of Flowers, which opened for business earlier this year.
3. The applicant would like to develop the vacant parcel at 2170 Beidler Street for additional parking in conjunction with the flower shop. Additional parking is necessary for employees. Extra parking spaces for Chalet House of Flowers would require a variance, since they already are at their maximum parking level with 13 spaces. The applicant has submitted a request to the Zoning Board of Appeals, which will be heard at their December meeting.
4. The applicant would like to close the parking access from the alley to stop cars from using his present parking lot as a through-way from the alley to Hackley Avenue.
5. Properties to the North are zoned R-1, One Family Residential. Directly to the South of these two parcels the zoning is R-1, One Family Residential, but to the South of Chalet House of Flowers the zoning is B-4, General Business. To the West directly across Beidler Street, the zoning is B-4, General Business and RM-2, Medium Density Multiple Family Residential. To the East is Chalet House of Flowers which

is zoned B-2, and beyond that on the other side of Seaway Drive the zoning is I-1, Light Industrial.

6. Staff has received no comments regarding this request.



2071 Beidler Street



714 W. Hackley Avenue

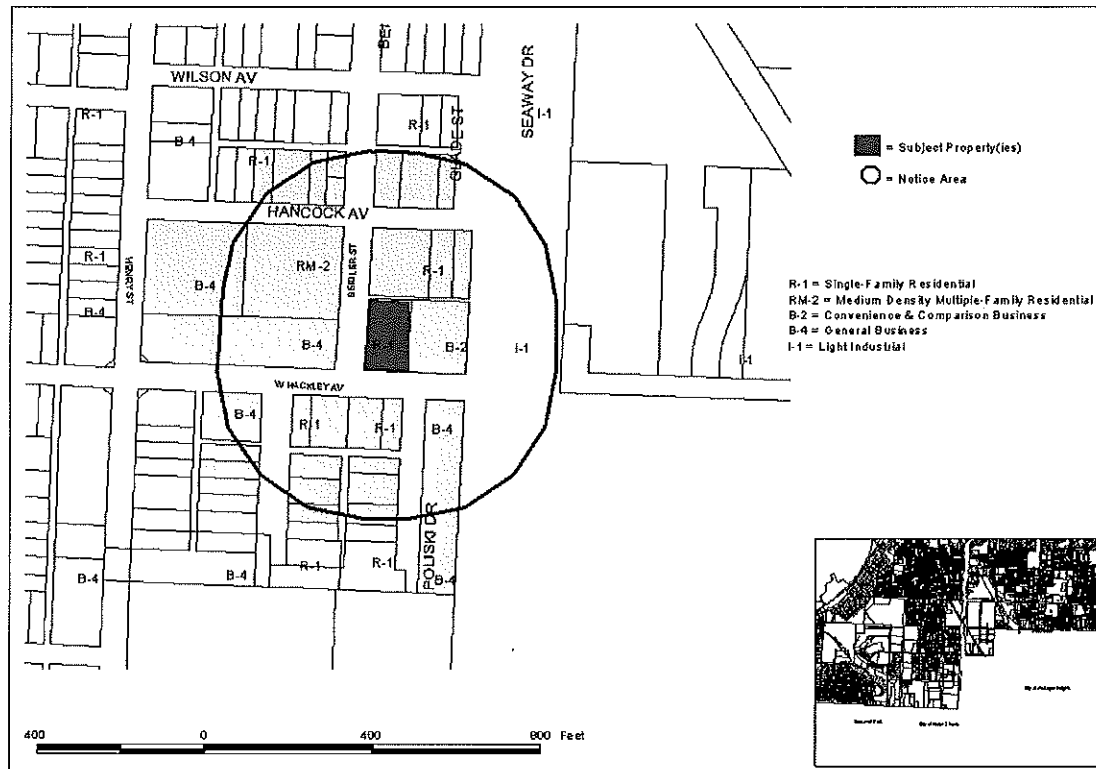


**Chalet House of Flowers parking lot
from Hackley Avenue**



**Chalet House of Flowers parking lot
from alley off Beidler**

City of Muskegon
Planning Commission
Case # 2005-43



RECOMMENDATION

The 1997 Master Plan recommends “Complete the full commercial development of that area lying between Henry Street, Laketon Avenue, Seaway Drive and Sherman Boulevard”. Staff recommends approval of the request to rezone the subject properties from R-1 to B-2 because the request conforms to the goals and recommendations of the City’s 1997 Master Plan.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed** which **justify** the petitioned **change in zoning**.
2. **What** are the **precedents** and the **possible effects** of precedent that might result from the approval **or denial** of the petition?
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved?

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

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the properties located at 2170 Beidler Street and 714 W. Hackley Avenue from R-1, One Family Residential district to B-2, Convenience and Comparison Business district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: November 22, 2005

Date: November 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *OC*
RE: Rezoning request for properties located at 599, 545, 925, & 635 Ottawa Street, and 535, 575, and 630 E. Western Avenue

SUMMARY OF REQUEST:

Request to rezone the properties located at 599, 545, 625, & 635 Ottawa and 535, 575 and 630 E. Western Avenue from B-4, General Business to WM, Waterfront Marine.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 11/10 meeting. The vote was unanimous with and J. Aslakson and T. Michalski absent.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2171

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from B-4 "General Business" to WM "Waterfront Marine".

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 B-4 "General Business" to WM "Waterfront Marine":

See Attachment A

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nayes: None

Adoption Date: November 22, 2005

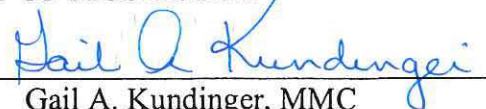
Effective Date: December 12, 2005

First Reading: November 22, 2005

Second Reading: N/A

CITY OF MUSKEGON

By:



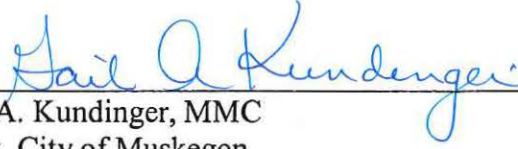
Gail A. Kunderger, MMC
Clerk

CERTIFICATE

(Rezoning of 599, 545, 625, & 635 Ottawa and 535, 575 and 630 E. Western Avenue from B-4 to WM)

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 22nd day of November, 2005, 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 23, 2005.


Gail A. Kunderinger, MMC
Clerk, City of Muskegon

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

ATTACHMENT A

CITY OF MUSKEGONREVISED PLAT OF 1903LOTS 1-2 & PART OF LOT 3LYING N OF A LN BEG ON E LN SD LOT 34 FTS OF NE COR & RUNNING TO W LN SD LOT 28 FTS OF NW COR SD LOT BLK 170EXC ALL THAT PART OF THE ABOVE DESCRIPTION DESC ASBEG AT A PT ON S LN OF ABOVE DESCRIPTIONSD PT BEING 49.68 FT N 58D 56M 33S W OF SELY COR OF SD DESC TH S 58D 56M 33S E 49.68 FT ALG SLY LN OF SD DESC TO SELY COR TH'OFTH N 25D 53M 39S E 114.34 FT ALG ELY LN OF SD DESC TH SWLY 124.09 FT ALG A 147.44 FOOT RADIUS NON-TANGENT CURVETO THE RT HAVING A CENTRAL ANGLE OF 48D 13M 19S &A CHORD WHICH BEARS S 50D 06M 18S W 120.46 FT TO POB

AND

CITY OF MUSKEGONREVISED PLAT OF 1903LOT 2-3 & N 30 FT LOT 4 BLK 158

AND

CITY OF MUSKEGONREVISED PLAT OF 1903LOTS 4 & 5 BLK 170 ALSO PART OF LOT 3 BLK 170DESC AS FOLCOM @ MOST SLY COR OF LOT 3TH NELY ALG WLY LN OTTAWA ST 44 FTTH NWLY TO A PT ON ELY LN WESTERN AVE 38 FT NLY OF MOST WLY COR OF LOT 3TH SWLY 38 FT TO MOST WLY COR OF LOT 3TH SELY TO BEGEXC SHORELINE DR & THAT PRT OF REALIGNED OTTAWA ST

AND

CITY OF MUSKEGONREVISED PLAT OF 1903LOTS 6-12 INC BLK 170EXC SLY 40 FT OF WLY 75 FT OF LOT 8ALSO EXCTHAT PART OF LOTS 10 & 11 DESC ASBEG AT A POINT ON S LN SD BLK 170SD PT BEING 91.70 FT WLY FROM SELY COR SD BLK 170TH S 88D 02M 01S E 91.70 FT ALG S LN SD BLK 170TO SELY COR TH'OFTH N 25D 53M 39S E 48.63 FT ALG ELY LN SD BLK 170TH SWLY 120.13 FT ALG A 669.29 FT RADIUS NON-TANGENT CURVE TO RT HAVING A CENTRAL ANGLE OF 10D 17M 02S &A CHORD WHICH BEARS S 70D 12M 59S W 119.97 FT TO POB

AND

CITY OF MUSKEGONREVISED PLAT OF 1903LOT 1 BLK 158

AND

CITY OF MUSKEGONREVISED PLAT OF 1903S 36 FT OF LOT 4 & ALL OF LOT 5 BLK 158

AND

CITY OF MUSKEGONREVISED PLAT OF 1903SLY 40 FT OF WLY 75 FT LOT 8 BLK 170

CITY OF MUSKEGON
NOTICE OF ADOPTION

Please take notice that on November 22, 2005, 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 B-4 "General Business" to WM "Waterfront Marine":

See Attachment A

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 2, 2005

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

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

Account No. 101-80400-5354

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

November 10, 2005

Hearing; Case 2005-44: Staff initiated request to rezone the properties at 599, 545, 625, & 635 Ottawa Street and 535, 575, and 630 E. Western Avenue from B-4, General Business to WM, Waterfront Marine.

BACKGROUND

Applicant: City of Muskegon

Property Address/Location: Multiple properties on Ottawa Street and Western Avenue (see above)

Request: Rezone from B-4 , General Business, to WM, Waterfront Marine

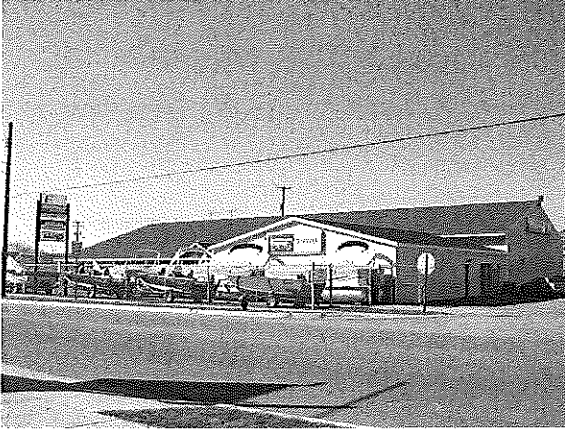
Present Land Use: Commercial watercraft sale, service, and storage; vacant

Zoning: B-4, General Business.

1. The subject properties are located adjacent to a WM, Waterfront Marine zoning district.
2. Properties to the Northeast, and South are zoned B-4, with the WM district located to the North/Northwest. Properties to the Southwest are zoned B-2.
3. A parcel of City-owned property was sold earlier this year to Sportfisherman's Center for use as outdoor storage of boats.
4. Uses in the area are more compatible with the WM district that what is generally located in a B-4 district. With this area being so close to the lakefront, it makes sense to have marine type commercial businesses located here.
5. The Master Plan's Future Land Use Map shows this area as "Commercial", with waterfront marine commercial uses not specifically listed as a separate use.
6. Rezoning of this property would bring certain properties located within the rezoned area into zoning compliance, thus making any expansion or sign issues easier to deal with.

7. Staff has received no comments regarding this request.

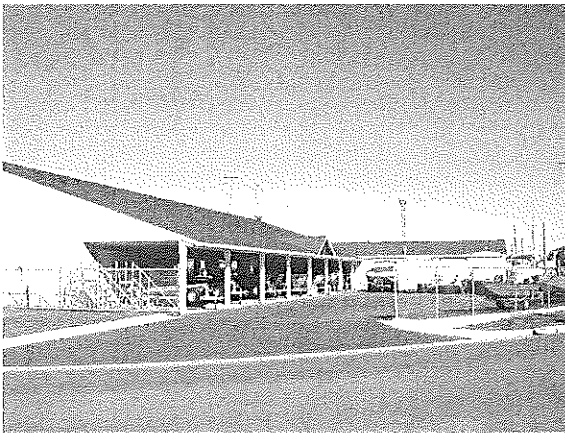
Sportfisherman's Center



599 Ottawa Street



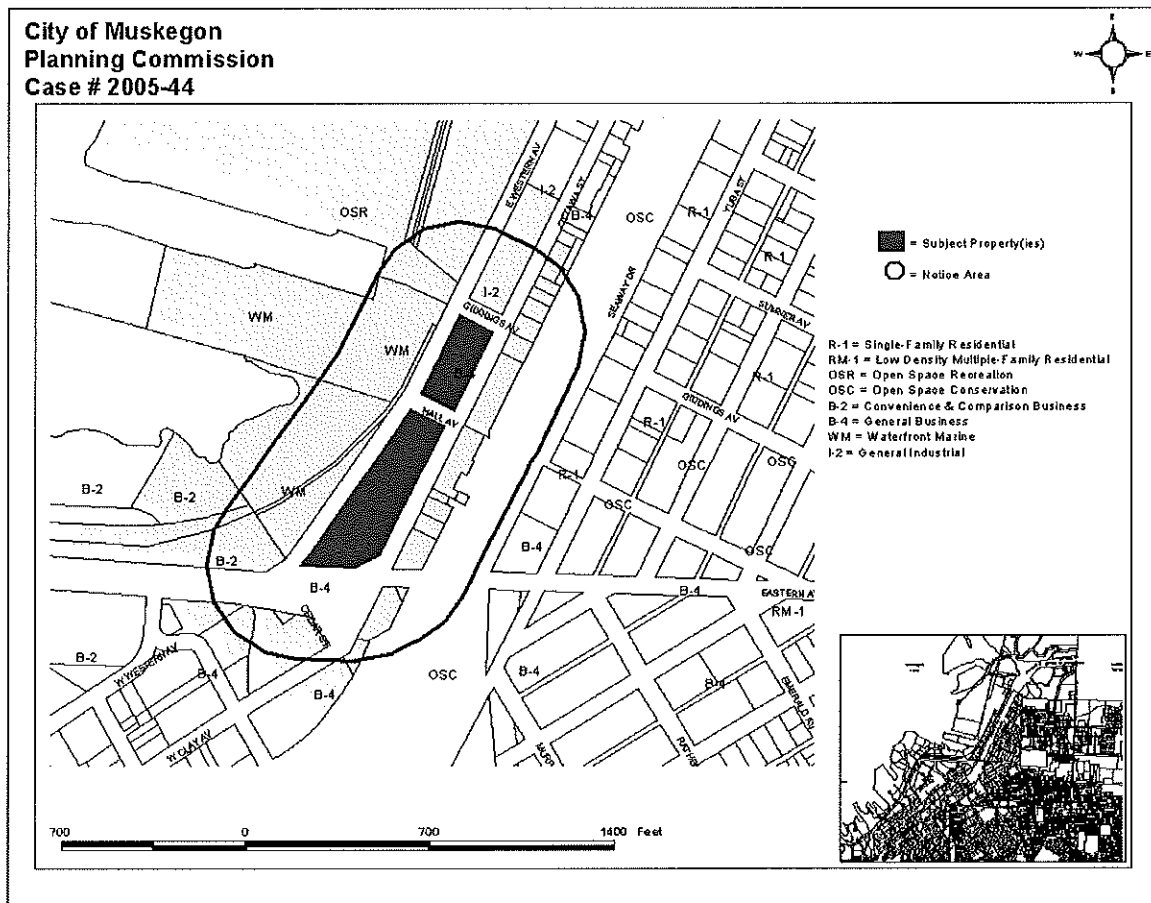
575 Ottawa Street



View of the South end of 599 Ottawa Street



Muskegon County Lift Station Building



RECOMMENDATION

The 1997 Master Plan Future Land Use Map shows the subject area as “Commercial”. Since the uses in the area will remain commercial in nature by providing services necessary to a Waterfront Marine district, staff recommends approval of the request to rezone the subject properties from B-4 to WM because the request conforms to the goals and recommendations of the City’s 1997 Master Plan

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

- d. A spot zone is **appropriate if it complies with the Master Plan.**

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 599, 545, 625, & 735 Ottawa Street and 535, 575, & 630 E. western Avenue from B-4, General Business district to WM, Waterfront Marine district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use Plan and zoning district intent.

Commission Meeting Date: November 22, 2005

Date: November 14, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
RE: Rezoning request for property located at 896 Home Street

SUMMARY OF REQUEST:

Request to rezone property located at 896 Home Street from R-1 One Family Residential to RM-3 High Density Multiple-family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to recommend denial of the request at their 11/10/05 meeting. The vote was unanimous with J. Aslakson and T. Michalski absent.

CITY OF MUSKEGON

RESOLUTION #2005- 107(h)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 896 Home Street was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on November 10, 2005, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map, Master Land Use Plan and zoning district intent.

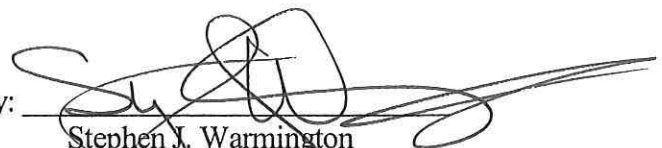
NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 22nd day of November, 2005.

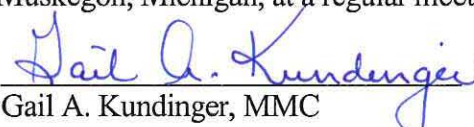
Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter,
and Davis

Nays: None

Absent: None

By: 
Stephen J. Warmington
Mayor

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 22, 2005.


Gail A. Kunding, MMC
City Clerk

Staff Report
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

November 10, 2005

Hearing; Case 2005-46: Request to rezone the property at 896 Home Street from R-1, One Family Residential to RM-3, High Density Multiple Family Residential by James R. Duncan, Jr., Muskegon Adult Foster Care.

BACKGROUND

Applicant: James R. Duncan, Muskegon Adult Foster Care

Property Address/Location: 896 Home Street

Request: Rezoning from R-1, One Family Residential to RM-3, High Density Multiple Family Residential

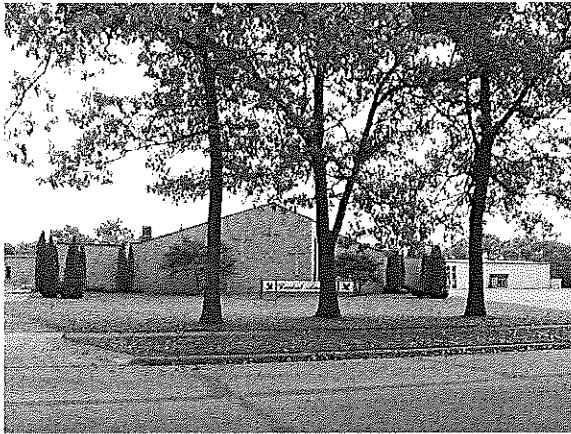
Present Land Use: Church

Zoning: R-1, One Family Residential

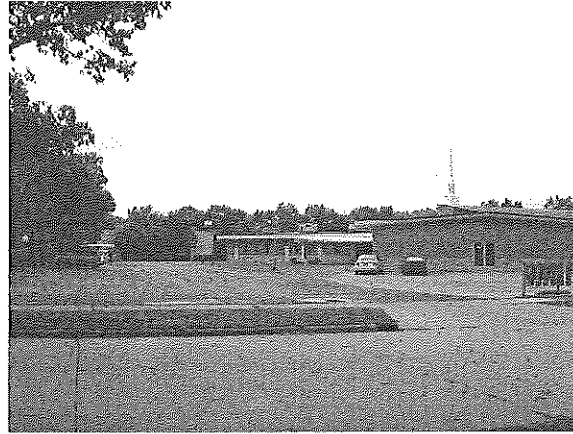
STAFF OBSERVATIONS

1. The subject property is currently operating as Central Assembly of God Church. At one time a school also operated on the property that was run by the church.
2. The property is for sale and Pastor Duncan's church is interested in purchasing it for use as a church with a portion of its use being an adult foster care large group home. This would allow for up to 20 residents.
3. Pastor Duncan also stated that their future plans may include some senior citizen housing on the site, but where that would be located isn't indicated on the site plan that was presented to staff.
4. Properties to the North, East and West are zoned R-1, One Family Residential. To the South of the property is a strip of OSC, Open Space Conservation.
5. The Zoning Ordinance in its preamble states: "The RM-3 High Density Multiple Family Residential Districts are intended to be located in planned areas in and adjacent to the Muskegon Central Business District . . ." This language seems more appropriate for development of multiple unit apartment houses, where the population would be served by central business services rather than adult foster care residents.
6. The property is located in Marquette Neighborhood. This area has been experiencing a rebirth of new housing since the early 1990s. During this time approximately 100 new single-family homes have been built in this neighborhood.

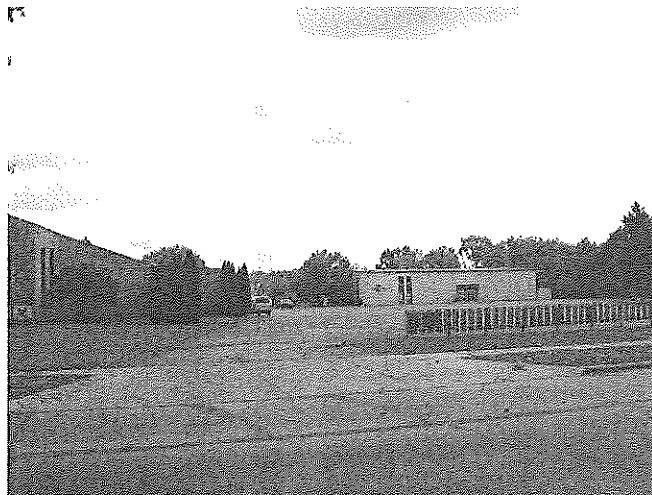
7. Although adult foster care is residential in nature, it is also a business for those running it. It increases the residential density of the site, requires employees, and increases traffic in the vicinity.
8. Of the 28 adult foster care homes located in the City, 6 of them are located within the Marquette Neighborhood.
9. Staff suggested that Pastor Duncan meet with the Marquette Neighborhood Association to let them know of their plans for the property and seek feed-back from the neighborhood residents.
10. Adequate parking is available on site for the adult foster care use.
11. Staff has received no comments on this request.



View of the Church from Home Street

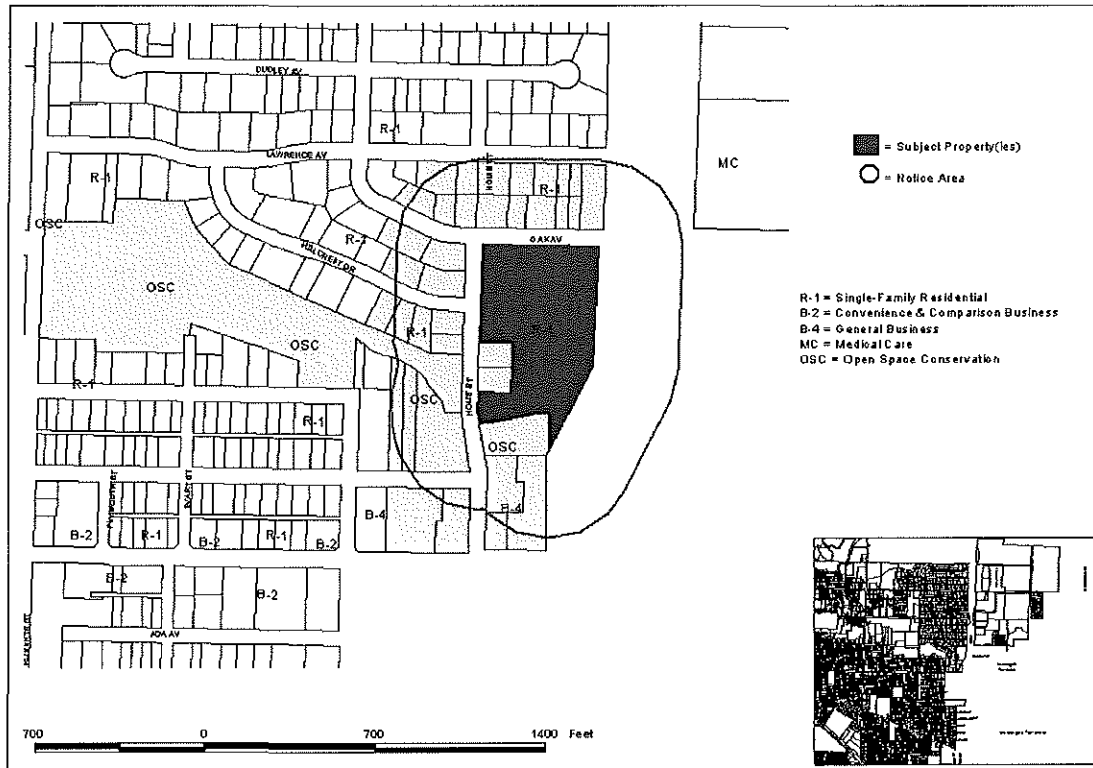


View of the rear of the church from Oak Ave.



View of the building to be used for adult foster care

**City of Muskegon
Planning Commission
Case # 2005-46**



RECOMMENDATION

The 1997 Master Plan Future Land Use Map identifies the property as “public/quasi-public”. The Master Plan also states: “It is the goal of the Master Plan to maintain the residential integrity of the sub area. . .”. Since maintaining single family homes was the intent of this language, and also taking into consideration the number of other adult foster care homes already located in the Marquette Neighborhood, staff recommends denial of the rezoning request.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

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

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

DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 896 Home Street from R-1, One Family Residential district to RM-3, High Density Multiple Family district, as described in the public notice, be recommended for **(approval/denial)** to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of **(compliance/lack of compliance)** with the intent of the City Master Land Use Plan and zoning district intent.

Date: November 8, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Defined Contribution Retirement Plan for New Hires (Fire, Non-Union)

*Ordinances
require
2nd Reading*

SUMMARY OF REQUEST: The city commission has previously approved a contract with the firefighters union that includes provision for new hires to be members of a defined contribution retirement program in lieu of membership in the defined benefit police and fire retirement system. The new fire DC plan calls for a fixed city contribution of 10% and an employee contribution of 6% of wages. Present employees may also join the DC plan on an elective basis during a window period.

We are also recommending at this time implementation of a similar plan for new non-union employees. The outline of the program is the same except for lower contribution rates (6% city; 3% employee) reflecting the fact that these employees are covered by social security (fire employees are not).

Approval of the attached resolutions and ordinance amendments is the final step in putting in place the mechanics of these new programs.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs. We are negotiating similar arrangements for other employee groups.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2172

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-34 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is amended to state as follows:

(a) A person who is in the employ of the city in a membership position shall be a member of the retirement system. A membership position is a city position normally requiring 1,500 or more hours of work in a calendar year, except as provided in subsection (b) of this section.

(b) The following types of city employment are not membership positions:

- (1) Contractual employment;
- (2) Employment compensated on a fee basis;
- (3) Employment as an elected official; and
- (4) Employment as a policeman or fireman as defined by the city police-fire retirement system established and maintained in accordance with Chapter XIX of the Charter of the city.

(c) A member who ceases to be employed by the city in a membership position shall thereupon cease to be a member.

(d) The membership of the retirement system shall not include city non-union employees who become employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.

(e) ~~(d)~~ The board of trustees shall decide all questions concerning the membership status of any person.

~~(f)~~ (e) The city manager may elect to be excluded from membership in the retirement system. The election shall be made in writing in the form prescribed by the retirement system within 90 days after the date the individual becomes city manager. As used in this subsection, "city manager" means the individual who is appointed by, serves at the pleasure of and is designated by the city commission to be the city manager. The following conditions shall apply to a city manager regarding membership in the retirement system:

- (1) If the city manager fails to elect to be excluded from membership in the retirement system within 90 days after becoming the city manager, the city manager shall remain a member of the retirement system.
- (2) Upon becoming a member in the retirement system, the city manager shall not have the option to elect to be excluded from the retirement system unless the election is made within the 90-day period.

(3) If the city manager elects to be excluded from membership in the retirement system, the city manager may not revoke that election nor become a member of the retirement system on account of employment by the city.

(4) If an individual employed by the city and a member of the retirement system is appointed city manager, the individual shall remain a member of the retirement system unless the individual elects in writing within 90 days after the date appointed as city manager to be excluded from membership in the retirement system. If such individual was previously a member in the retirement system and elects to be excluded from membership, the following conditions shall apply:

a. The individual shall be paid the individual's accumulated contributions, and all credited service shall be forfeited unless he elects to be deferred under subsection (e)(4)d. of this section.

b. The individual may not again become a member of the retirement system on account of employment by the city.

c. The individual's forfeited credited service and any service rendered the city while the individual was excluded from membership shall never be reinstated or credited to the individual.

d. Instead of proceeding under subsections (e)(4)a., b. and c. of this section, a previously employed individual who has enough years of credited service to be vested in the plan at the time of such election within 90 days after appointment as city manager may elect to terminate participation in the plan and remain vested therein as in the case of a deferred retiree and receive benefits accordingly which are limited by the years of credited service at the time of the election. In such case, no withdrawal of employee contributions shall be allowed.

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis
Nays: None

Adoption Date: November 22, 2005

Effective Date: December 13, 2005

First Reading: November 8, 2005

Second Reading: November 22, 2005

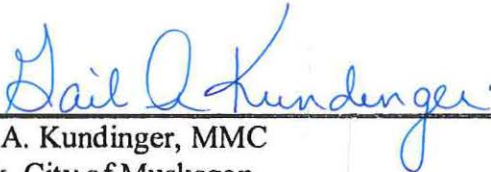
CITY OF MUSKEGON

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 22 day of November, 2005, 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: 11-23, 2005



Gail A. Kunderinger, 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 22, 2005, the City Commission of the City of Muskegon adopted an amendment to Section 62-34, Membership of Retirement System, under the General Employee Retirement System ordinance of the City of Muskegon, summarized as follows:

(d) The membership of the retirement system shall not include city non-union employees who become employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.

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 3, 2005

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2173

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-233 of the Code of Ordinances of the City of Muskegon concerning the Police-Fire Retirement System is amended to state as follows:

- (a) The membership of the retirement system shall include all police officers and firefighters who are in the employ of the City and all police officers and firefighters who become employed by the City, except as provided in subsection (b) of this section.
- (b) The membership of the retirement system shall not include:
 - (1) Temporary or civilian employees of the police or fire departments;
 - (2) Special officers or special firefighters; ~~or~~
 - (3) Privately employed police officers or firefighters;
 - (4) *All unionized firefighters who become employed by the City as firefighters after December 31, 2004;*
 - (5) *All unionized firefighters who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006; or*
 - (6) *All non-unionized police officers and firefighters who become employed by the City as police officers or firefighters after July 1, 2005.*
- (c) Except as provided in subsection (d) of this section and except for the purpose of subsection 62-234(c), should any member cease to be employed by the City as a police officer or a firefighter he shall thereupon cease to be a member.
- (d) A member who remains in the employ of the City but ceases to be a police officer or a firefighter shall remain a member of the retirement system for the duration of his city employment. A member who retains membership in this retirement system pursuant to Section 62-233(d) shall be required to make contributions and is afforded retirement benefits as if the member had not left employment within the Police or Fire Department.

- (e) In any case of doubt as to the membership status of any person the board shall decide the question within the meaning of the provisions of this article.

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis
Nays: None

Adoption Date: November 22, 2005

Effective Date: December 13, 2005

First Reading: November 8, 2005

Second Reading: November 22, 2005

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22 day of November, 2005, 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: 11-23, 2005



Gail A. Kunderinger, 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 22, 2005, the City Commission of the City of Muskegon adopted an amendment to Section 62-233, Retirement System Membership, under the Police-Fire Retirement System ordinance of the City of Muskegon, summarized as follows:

- (b) The membership of the retirement system shall not include:
- (1) Temporary or civilian employees of the police or fire departments;
 - (2) Special officers or special firefighters; ~~or~~
 - (3) Privately employed police officers or firefighters;
 - (4) *All unionized firefighters who become employed by the City as firefighters after December 31, 2004;*
 - (5) *All unionized firefighters who elect to take part in the City's defined contribution retirement system effective January 1, 2006; or*
 - (6) *All non-unionized police officers and firefighters who become employed by the City as police officers or firefighters after July 1, 2005.*

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 3, 2005

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Commission Meeting Date: November 22, 2005

Date: November 15, 2005
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBE*
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – ADAC Plastics

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, ADAC Plastics, 1801 Keating, has requested the issuance of an Industrial Facilities Exemption Certificate for the property located at 1801 Keating, Muskegon. The total capital investment is approximately \$666,454.00 in personal property and \$33,409.00 in real property. This request qualifies ADAC Plastics for a term of twelve (12) years for real property and nine (9) years for personal property.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of twelve (12) years for real property and nine (9) years for personal property.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2005-108 (a)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
ADAC PLASTICS**

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on February 27, 1997, this Commission by resolution established an Industrial Development District as requested by ADAC Plastics, 1801 Keating, Muskegon, Michigan 49441; and

WHEREAS, ADAC Plastics has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a building expansion and new machinery and equipment to be installed within said Industrial Development District ; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on November 22, 2005, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, the aggregate SEV of real property exempt from ad valorem taxes within the City of Muskegon, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED by the Muskegon City Commission of the City of Muskegon, Michigan that:

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of ADAC Plastics, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the building expansion and installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGONPORT CITY INDUSTRIAL CENTER PART OF LOT 15 DESC AS COM AT NE COR OF SAID LOT FOR POB, TH S 01D 10M 38S W (RECORDED AS S 01D 12M 30S W) ALG E LINE OF SAID LOT A DIST OF 435 FT TH S 86D 57M 07S W A DIST OF 430.32 FT TH N 87D 40M 25S W A DIST OF 532.92 FT TO THE W LINE OF SAID LOT TH N 01D 01M 46S E (RECORDED AS N 01D 03M 06S E) A DIST OF 441.18 FT TO THE N LINE OF SAID LOT, TH S 89D 42M 20S E ALG SAID LINE A DIST OF 963.22 FT TO POB. CONTAINS 9.93 ACRES

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property and twelve (12) years on real property.

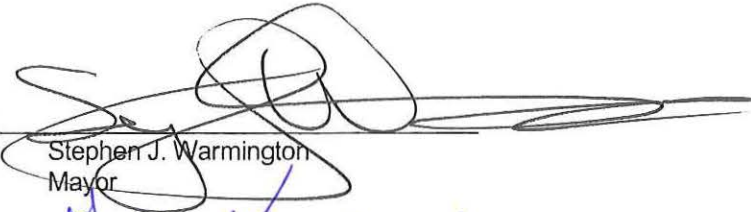
Adopted this 22nd Day of November 2005.

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

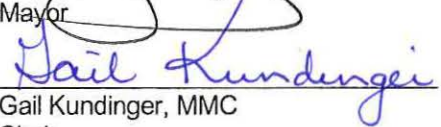
Nays: None

Absent: None

BY:

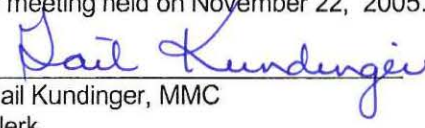

Stephen J. Warmington
Mayor

ATTEST:


Gail Kunderger, MMC
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on November 22, 2005.


Gail Kunderger, MMC
Clerk

CITY OF MUSKEGON**CONTRACT FOR TAX ABATEMENT**
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and ADAC Plastics ("Company").

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company's subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City's determination whether or not to create the district.

C. The Company intends to install the project set forth in its application ("project") which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation, **stabilization** or increase of economic activity, planning and zoning considerations and the City's general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company's proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

E. **This contract shall become effective upon the issuance of an Industrial Facilities Tax Exemption Certificate.**

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 50% percent of the promised new jobs shall be in place with full-time employees on or before December 31, 2005, and 50% percent of the said jobs shall be in place with full time employees on or before June 30, 2006. Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no



City of Muskegon Industrial Facilities Exemption Application

Project Summary:

ADAC PLASTICS, INC., an existing manufacturing company located at 1801 Keating Avenue, Muskegon, Michigan, is installing new machinery and equipment to expand its present operation. The company is a manufacturer of engineered products, primarily for the automotive industry. Due to the fact that the company is investing \$666,454 in personal property, \$33,409 in real property and is creating 20 new employment opportunities, it is eligible for a nine (9) year exemption for personal property, and a 12 year exemption for real property.

Employment Information:

Racial Characteristics:			
White	323	67%	
Minority	158	33%	
Total	481		
Gender Characteristics:			
Male	184	38%	
Female	297	61%	
Total	481		
Total No. of Anticipated New Jobs:	20		

Investment Information:

Real Property:	\$ 33,409
Personal Property	\$666,454
Total:	\$699,864

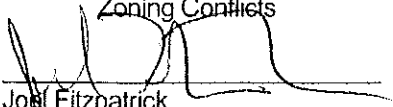
Property Tax Information: (Annual)	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$ 17,846	\$ 3,849
Value of Abatement	\$ 8,923	\$ 1,924
Total New Taxes Collected	\$ 8,923	\$ 1,924

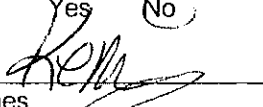
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$ 6,240

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	☐ No
Meeting w/ City Affirmative Action Director	☒ Yes	☐ No
Signed Tax Abatement Contract	☒ Yes	☐ No
Taxes Paid In Full	☒ Yes	☐ No
Zoning Conflicts	☒ Yes	☐ No


Joel Fitzpatrick
Planner II


Ken James
Affirmative Action Director

ATTACHMENT TO IFT APPLICATION
Adac Plastics, Inc.
ATTACHMENT 14
AFFIRMATIVE ACTION/EEO POLICY

Adac Plastics, Inc.
Affirmative Action Plan

Adac Plastics Muskegon Plant management will continue to work with the City of Muskegon's Affirmative Action Director and the Planning Department to review, maintain, and improve our Affirmative Action Plan.

Policy Statement

It will be the policy of Adac Plastics, Inc. to provide equal employment opportunity in its workforce on the basis of merit and without discrimination because of race, color, religion, sex, national origin, age, disability, weight, height, veterans or marital status.

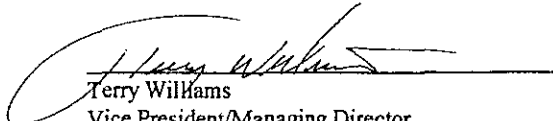
A review of the company's workforce regarding minority and women will continue to be a priority as we continue to grow.

The company will continue to strive to eliminate any and all barriers which may prohibit full participation from minorities and women in the workforce at Adac Plastics Muskegon plants.

Adac Plastics Muskegon Plants will continue to recruit minorities and women from the greater Muskegon area to become part of the company in the future.

Adac Plastics Muskegon Plants will continue to work to interview minority candidates and women who meet the minimum qualifications to participate in the company's workforce.

The above policy is hereby reaffirmed by:


Terry Williams
Vice President/Managing Director
Adac Plastics, Inc.
May 5, 2000

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: November 22, 2005

RE: Public Hearing
Spreading of the Special Assessment Roll
Fifth St., Campus Ave. to Merrill Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Fifth St. from Campus Ave. to Merrill Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$49,344.00 would be spread against the twenty seven- (27) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-108(b)

Resolution Confirming Special Assessment Roll

For Fifth St., from Campus Ave. to Merrill Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 8, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Fifth St., Campus Ave. to Merrill Ave.

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By Dail Q. Kundengeri

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **November 22, 2005**. 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **November 22, 2005**.

City of Muskegon

By Dail Q. Kundengeri

EXHIBIT A

FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

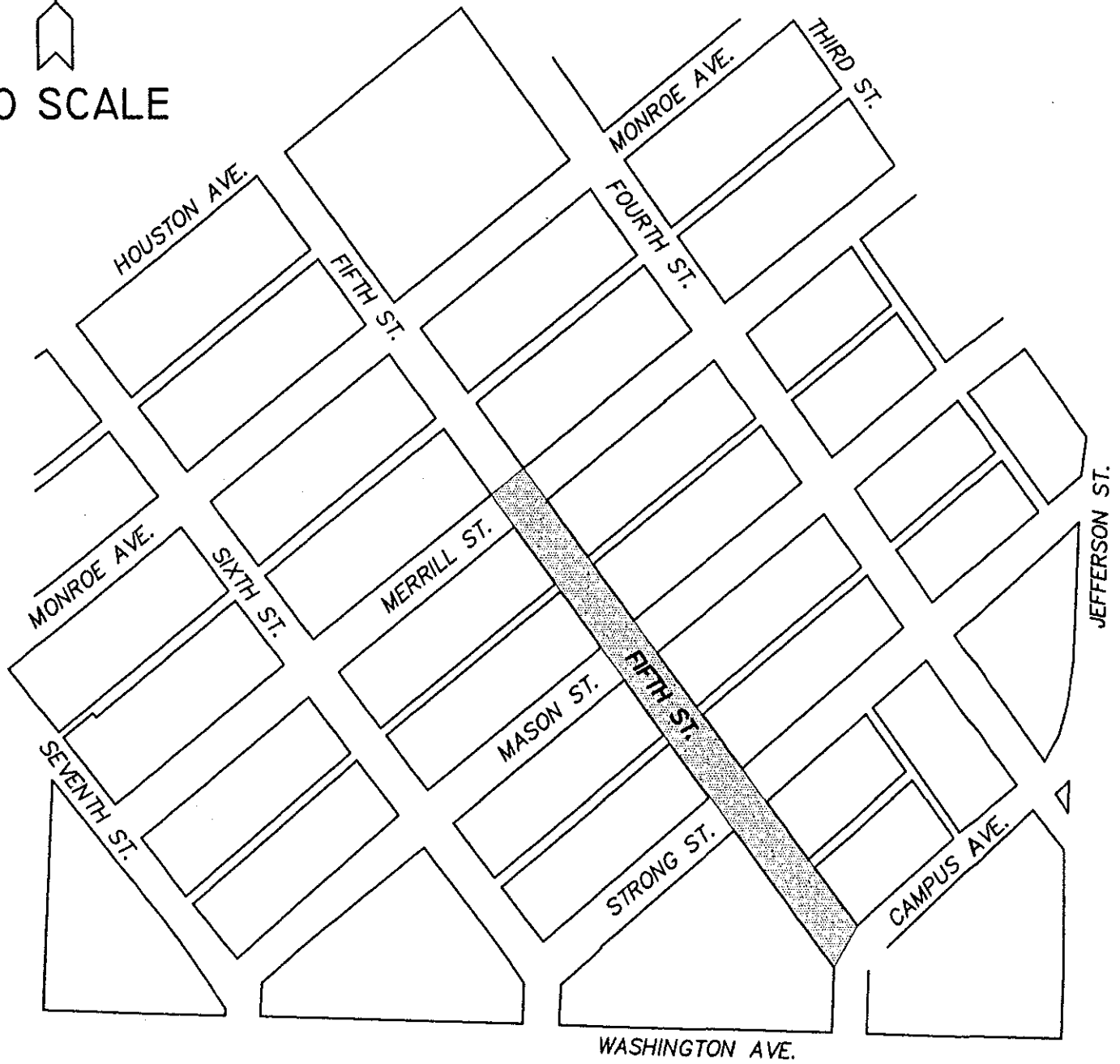
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Fifth Street between Campus & Merrill

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY

STEPHEN J. WARMINGTON

A large, stylized handwritten signature in black ink is written over the printed name "STEPHEN J. WARMINGTON". The signature is fluid and cursive, with a large loop at the end.

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1599 Fifth St. , Campus Ave. to Merrill St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 10th DAY OF NOVEMBER 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
1st DAY OF December, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

November 10, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

Property Parcel Number: 24-205-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, NOVEMBER 22, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 22, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$220,000.00 of which \$49,344.00 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2112 based on 66 feet assessable front footage at \$32 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2112. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$211.2 PER YEAR
Due Date: January 23rd, 2006

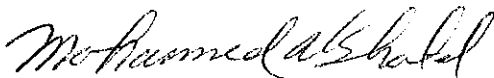
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assessment for financial assistance.

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON
FIFTH ST., CAMPUS AVE. TO MERRILL. – H-1599
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **Wage earner:** _____
(Must include all household income) _____ **Wage earner:** _____
_____ **Wage earner:** _____
_____ **Wage earner:** _____
Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER CONFIRMATION**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

**CITY OF MUSKEGON
FIFTH AVE. CAMPUS AVE. TO MERRILL ST.
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2004

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**FIFTH ST., CAMPUS AVE. TO MERRILL AVE.
IRELAND AVE., DAVIS ST. TO FRANKLIN ST.
AND
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.**

The location of the special assessment district and the properties proposed to be assessed are:

**All parcels abutting Fifth St. from Campus Ave. to Merrill Ave.
All parcels abutting Ireland Ave. from Davis St. to Franklin St.
And
All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **November 22, 2005 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

PUBLISH: **November 12, 2005**

Gail Kunderinger, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

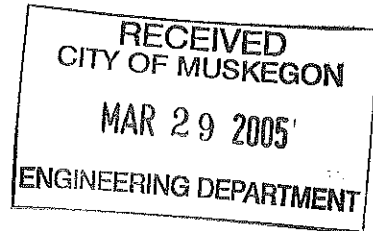
Gail A. Kunderinger, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

Acct# 643-60447-5267

OA\ENGINEERING\COMMON\2005 PROJE CTS MASTER\Projects\FIFTH ST., CAMPUS TO MERRIL\Fifth SA Confirm Notice.doc

CITY OF MUSKEGON

Resolution No. 2005-25(d)



Resolution At First Hearing Creating Special Assessment District
For **Fifth Street, Campus to Merrill**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 8, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 8, 2005**, there were 23.32% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Shepherd and Gawron and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **22.74%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes: Warmington, Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 8, 2005**. 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. Kunding
Gail A. Kunding, Clerk

EXHIBIT A

FIFTH ST., CAMPUS AVE. TO MERRILL AVE.

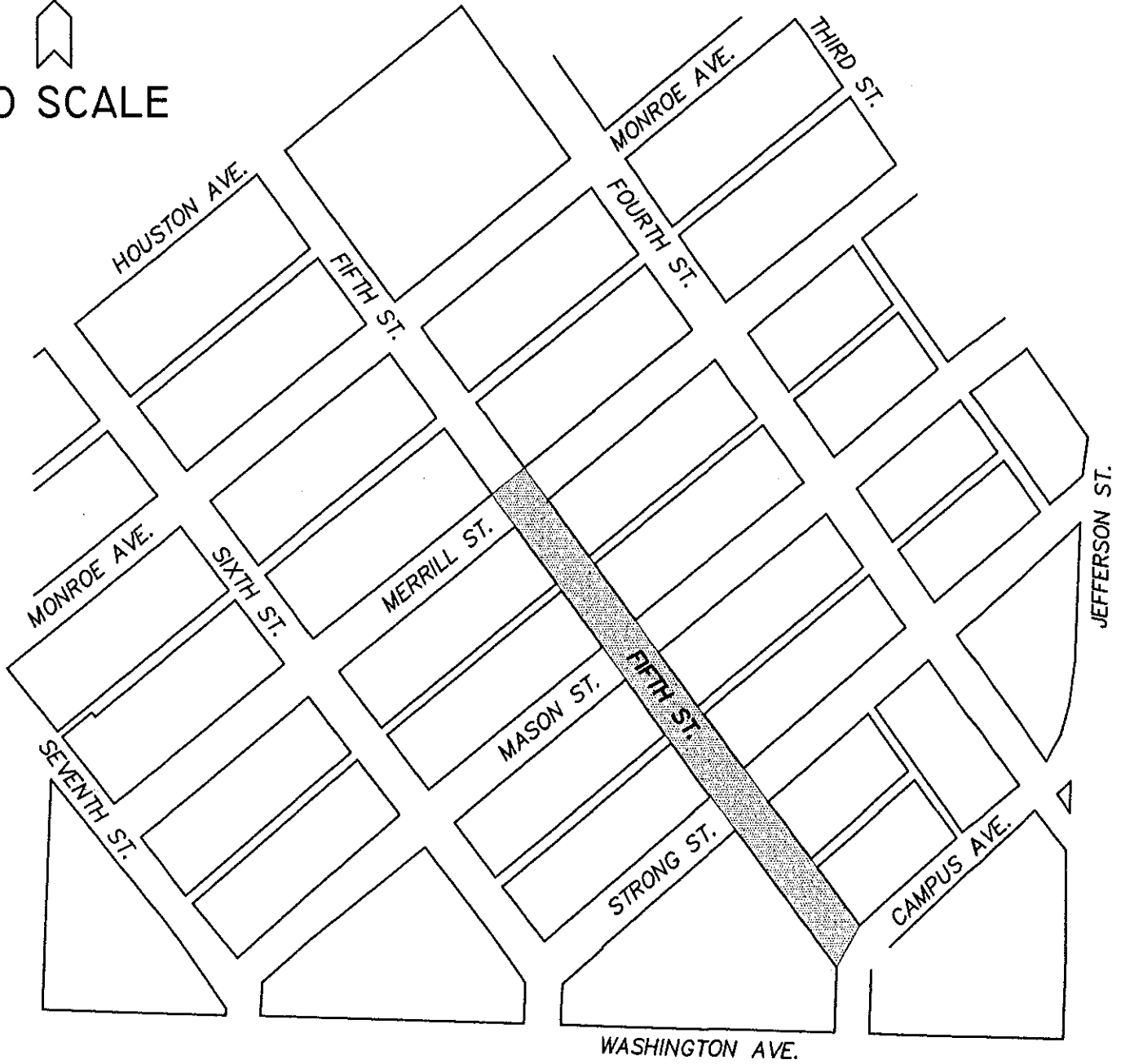
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Fifth Street between Campus & Merrill

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Fifth St. Campus Ave. to Merrill St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 25TH DAY OF FEBRUARY, 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
24th DAY OF March, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-387-0006-0	1288.0	5TH ST	WASHINGTON WILLIA	41 PUTANM ST SW	GRAND RAPID MI	49507	\$2,112.00	\$0.00	\$2,112.00
24-205-387-0006-1	1296.0	5TH ST	ENGLE REALTY	PO BOX 503	MUSKEGON MI	49443	\$2,112.00	\$0.00	\$2,112.00
24-205-387-0007-0	1304.0	5TH ST	ROBERTS BEN JR	864 EMERALD ST	MUSKEGON MI	49442	\$2,112.00	\$0.00	\$2,112.00
24-205-387-0007-1	248.0	MASON AVE	ROBERTS BEN JR	864 EMERALD ST	MUSKEGON MI	49442	\$2,112.00	\$0.00	\$2,112.00
24-205-392-0006-0	1330.0	5TH ST	NELSON NBHD IMPRO	1330 5TH ST	MUSKEGON MI	49441	\$2,112.00	\$0.00	\$2,112.00
24-205-392-0006-1	1336.0	5TH ST	SINGLETON JAMES L	3925 E APPLE AVE	MUSKEGON MI	49442	\$2,112.00	\$0.00	\$2,112.00
24-205-392-0007-0	1346.0	5TH ST	MOORE INVESTMENT	PO BOX 5377	MUSKEGON MI	49445	\$2,112.00	\$0.00	\$2,112.00
24-205-392-0007-1	1352.0	5TH ST	JACKSON DOROTHY J	1352 5TH ST	MUSKEGON MI	49441	\$2,112.00	\$0.00	\$2,112.00
24-205-397-0010-0	1368.0	5TH ST	ELIJAH ISAIAH ET AL	1368 5TH ST	MUSKEGON MI	49441	\$1,413.44	\$0.00	\$1,413.44
24-205-397-0010-1	1374.0	5TH ST	MORTGAGE ELECTRO	1270 NORTHLAND DR	SAINT PAUL MN	55120-1	\$1,488.00	\$0.00	\$1,488.00
24-205-397-0010-2	1378.0	5TH ST	MAYBANKS GEORGE	1378 5TH ST	MUSKEGON MI	49441	\$1,578.56	\$0.00	\$1,578.56
24-205-397-0009-0	1384.0	5TH ST	WILLIAMS ELTON D	1384 5TH ST	MUSKEGON MI	49441	\$1,504.00	\$0.00	\$1,504.00
24-205-397-0009-1	1388.0	5TH ST	COOPER IRENE	1388 5TH ST	MUSKEGON MI	49441	\$1,386.56	\$0.00	\$1,386.56
24-205-397-0009-2	1392.0	5TH ST	BISSON RICHARD E	1392 5TH ST	MUSKEGON MI	49441	\$1,525.44	\$0.00	\$1,525.44
24-205-388-0001-0	1285.0	5TH ST	BARNES CLIFFORD	829 TEMPLE SE	GRAND RAPID MI	49507	\$1,408.00	\$0.00	\$1,408.00
24-205-388-0001-1	1291.0	5TH ST	JENKINS EDDIE B	1291 5TH ST	MUSKEGON MI	49441	\$1,408.00	\$0.00	\$1,408.00
24-205-388-0001-2	1297.0	5TH ST	BABBITT LYLE B/PHYL	1297 5TH ST	MUSKEGON MI	49441	\$1,408.00	\$0.00	\$1,408.00
24-205-388-0012-0	260.0	MASON AVE	KING DAVID LODGE 20	PO BOX 1647	MUSKEGON MI	49443	\$2,112.00	\$0.00	\$2,112.00

FIFTH ST., CAMPUS AVE. TO MERRILL ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-391-0001-0	261.0	MASON AVE	STEWART ETHEL	261 MASON	MUSKEGON	MI 49441	\$2,112.00	\$0.00	<u>\$2,112.00</u>
24-205-391-0001-1	1335.0	5TH ST	HARRIS LUVENIA	1335 5TH ST	MUSKEGON	MI 49441	\$2,112.00	\$0.00	<u>\$2,112.00</u>
24-205-391-0014-0	1345.0	5TH ST	WILLIAMS BOBBY J	1345 5TH ST	MUSKEGON	MI 49441	\$2,112.00	\$0.00	<u>\$2,112.00</u>
24-205-391-0013-1	1353.0	5TH ST	HOWARD GREGORY C	1353 5TH ST	MUSKEGON	MI 49441	\$2,112.00	\$0.00	<u>\$2,112.00</u>
24-205-398-0001-0	223.0	STRONG AVE	JENKINS GLEN	223 STRONG AVE	MUSKEGON	MI 49441	\$1,120.00	\$0.00	<u>\$1,120.00</u>
24-205-398-0001-1	1375.0	5TH ST	DEUTSCH JOSEPH	1375 5TH ST	MUSKEGON	MI 49441	\$2,240.00	\$0.00	<u>\$2,240.00</u>
24-205-398-0014-0	1385.0	5TH ST	WILLIAMS ELTON	1385 5TH ST	MUSKEGON	MI 49441	\$1,472.00	\$0.00	<u>\$1,472.00</u>
24-205-398-0014-1	1389.0	5TH ST	PAAUWE JESSICA F	1389 5TH ST	MUSKEGON	MI 49441	\$2,240.00	\$0.00	<u>\$2,240.00</u>
24-205-398-0013-0	1403.0	5TH ST	CROCKER JAMES D/K	1403 5TH ST	MUSKEGON	MI 49441	\$1,696.00	\$0.00	<u>\$1,696.00</u>
TOTALS							<u>\$49,344.00</u>	<u>\$0.00</u>	<u>\$49,344.00</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

LARRY MILLARD, ACTING DIRECTOR, COUNTY EQUALIZATION

DATE

CLARA SHEPHERD

CITY COMMISSIONER

DATE

STEPHEN GAWRON

CITY COMMISSIONER

DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: November 22, 2005

RE: Public Hearing
Spreading of the Special Assessment Roll
Ireland Ave., Franklin St. to Davis St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Ireland Ave. from Franklin St. to Davis St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$25,995.57 would be spread against the twenty nine- (29) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-108(c)

Resolution Confirming Special Assessment Roll

For Ireland Ave. from Franklin St. to Davis St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 22, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Ireland Ave., Franklin St. to Davis St.

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By Dail L. Kundingeri

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **November 22, 2005**. 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **November 22, 2005**.

City of Muskegon

By Dail L. Kundingeri

EXHIBIT A

IRELAND, DAVIS TO FRANKLIN

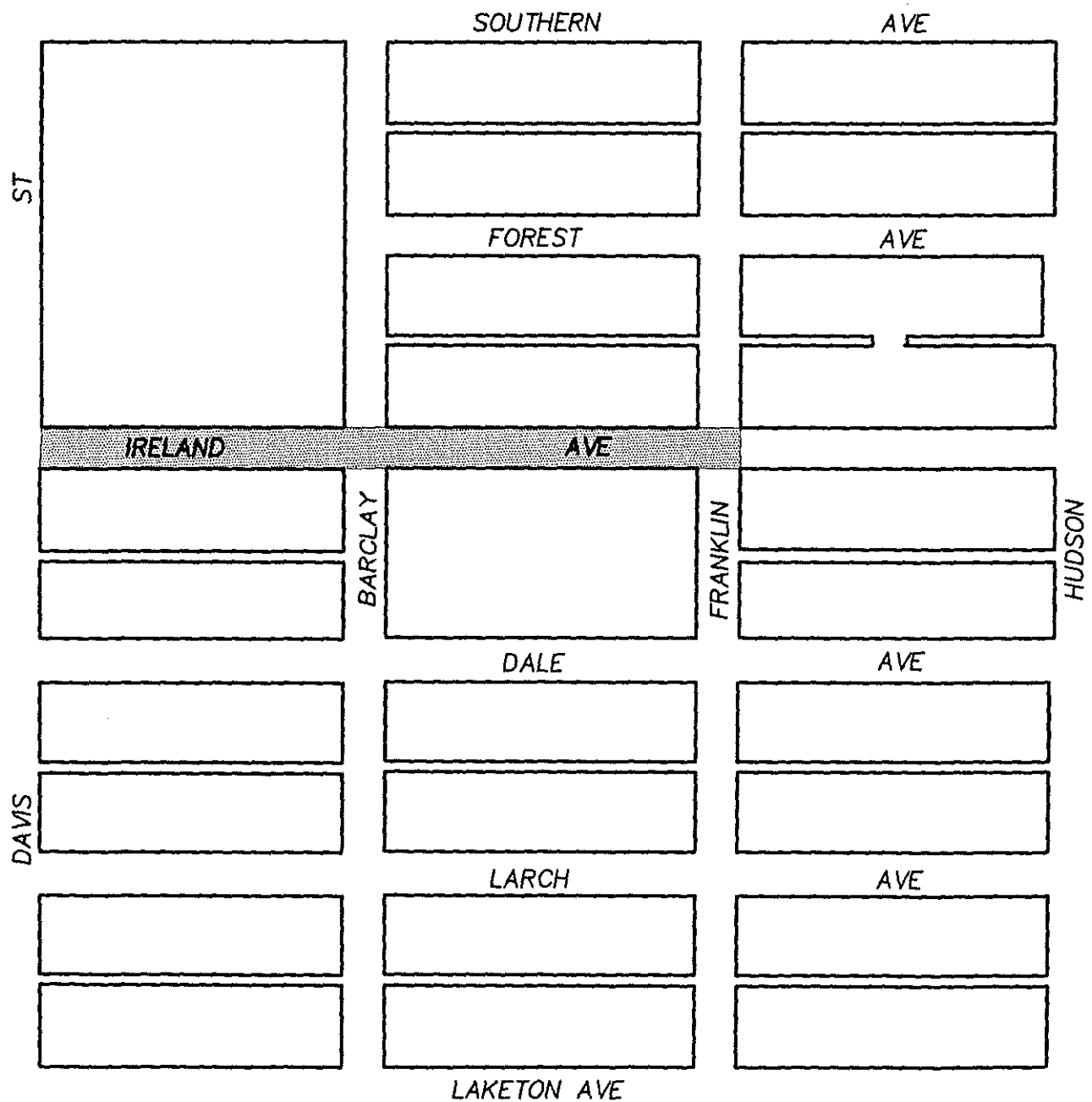
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Ireland, Davis to Franklin

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



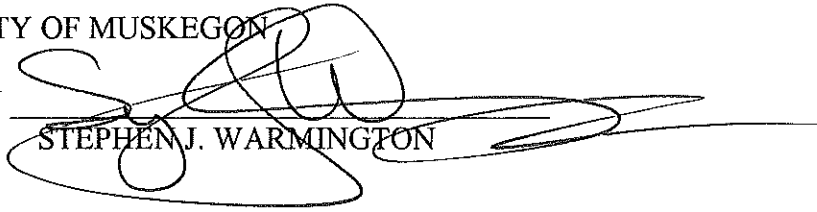
IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1600 Ireland Ave. , Franklin St. to Davis St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 10th DAY OF NOVEMBER 2005.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
1st DAY OF December, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

November 10, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

22

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, NOVEMBER 22, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 22, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$104,000.00 of which \$25,995.57 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$876.94 based on 53.8 feet assessable front footage at \$16.3 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$876.94 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$87.69 PER YEAR

Due Date: January 23rd, 2006

CDBG Approved You Owe \$0.00

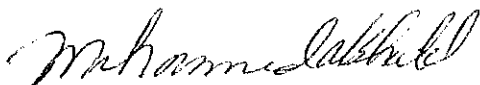
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assessment for financial assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mohammed Al-Shatel'.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll without interest.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON
IRELAND AVE., FRANKLIN ST. TO DAVIS ST., H-1600
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ (Must include <u>all</u> household income)	Wage earner: _____ Wage earner: _____ Wage earner: _____ Wage earner: _____
Total: \$ _____	

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER CONFIRMATION**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
SIGNATURE _____ TITLE _____
COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

CITY OF MUSKEGON
IRELAND AVE., FRANKLIN ST. TO DAVIS ST. H-1600
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**FIFTH ST., CAMPUS AVE. TO MERRILL AVE.
IRELAND AVE., DAVIS ST. TO FRANKLIN ST.
AND
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.**

The location of the special assessment district and the properties proposed to be assessed are:

**All parcels abutting Fifth St. from Campus Ave. to Merrill Ave.
All parcels abutting Ireland Ave. from Davis St. to Franklin St.
And
All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **November 22, 2005 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

PUBLISH: **November 12, 2005**

Gail Kundering, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

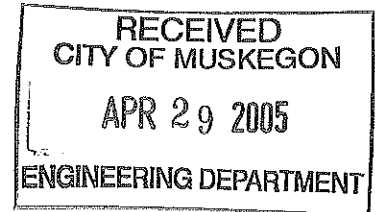
Gail A. Kundering, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

Acct# 643-60447-5267

O:\ENGINEERING\COMMON\2005 PROJECTS MASTER\Projects\FIFTH ST., CAMPUS TO MERRILL\Fifth SA Confirm Notice.doc

CITY OF MUSKEGON

Resolution No. 2005-35(a)



Resolution At First Hearing Creating Special Assessment District

For **Ireland, Davis to Franklin**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 22, 2005**, there were 56.41% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Gawron and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **38.23%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on April 12, 2005. 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
Gail A. Kunderger, Clerk

EXHIBIT A

IRELAND, DAVIS TO FRANKLIN

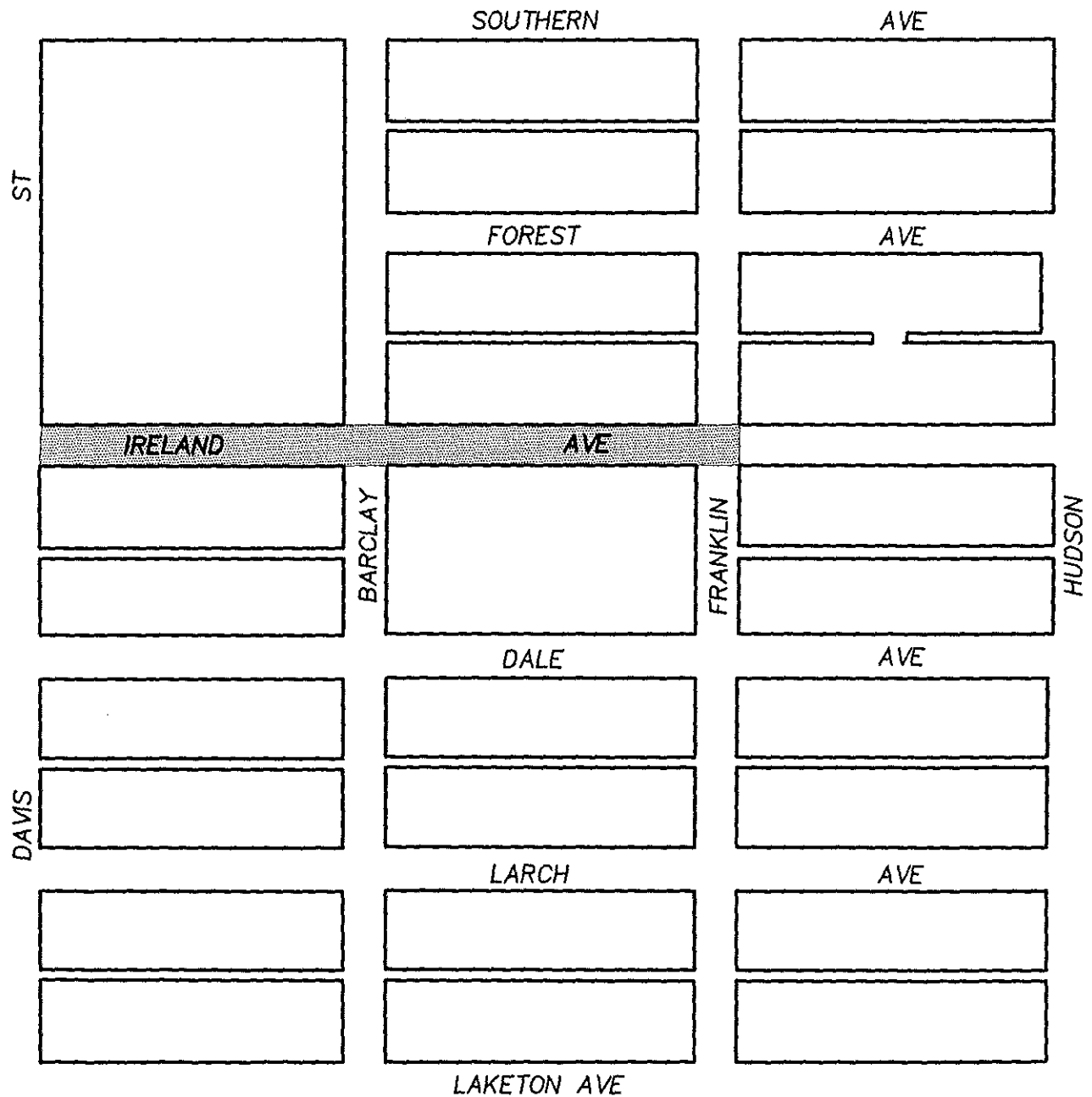
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Ireland, Davis to Franklin

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Ireland Ave., Franklin St. to Davis St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF MARCH 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF April, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

☐
MY COMMISSION EXPIRES 9-25-06

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-501-0010-0	1190.0	IRELAND AVE	FOSSLER GINA J 1190 IRELAND AVE MUSKEGON MI 49441	\$852.49	\$0.00	\$852.49
24-205-501-0017-0	1138.0	IRELAND AVE	CASHBAUGH DAVID R 1138 IRELAND AVE MUSKEGON MI 49441	\$850.86	\$0.00	\$850.86
24-205-501-0018-0	1130.0	IRELAND AVE	KING RHONDA K 1130 IRELAND AVE MUSKEGON MI 49441	\$850.86	\$0.00	\$850.86
24-205-502-0010-0	1110.0	IRELAND AVE	SPINERETE ENT 514 GRANT AVE GRAND HAVENMI 49417	\$876.61	\$0.00	\$876.61
24-205-502-0011-0	1102.0	IRELAND AVE	SEVREY PATRICIA A 1102 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0012-0	1092.0	IRELAND AVE	HOSSINK JAMIE/ANDR 1092 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0013-0	1086.0	IRELAND AVE	DONOVAN KEVIN J 1086 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0014-0	1078.0	IRELAND AVE	BLACKMER KEVIN J 1078 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0015-0	1070.0	IRELAND AVE	GRISHAM RAY E 1070 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0016-0	1060.0	IRELAND AVE	MONTE BETTY S 1060 IRELAND AVE MUSKEGON MI 49441	\$876.61	\$0.00	\$876.61
24-205-502-0017-1	1054.0	IRELAND AVE	JOHNSON CHARMION 1054 IRELAND AVE MUSKEGON MI 49441	\$815.00	\$0.00	\$815.00
24-205-502-0018-0	1645.0	FRANKLIN ST	GUSTAFSON KELLY A 1645 FRANKLIN ST MUSKEGON MI 49441	\$938.23	\$0.00	\$938.23
24-205-509-0009-0	1189.0	IRELAND AVE	GOULET WILLIAM K 516 GARDNER ST MUSKEGON MI 49442	\$852.49	\$0.00	\$852.49
24-205-509-0008-0	1181.0	IRELAND AVE	GRISWOLD KENNETH 2000 ROILSON ST MUSKEGON MI 49441	\$850.86	\$0.00	\$850.86
24-205-509-0007-0	1173.0	IRELAND AVE	BLOOMSTROM JOHN 1173 IRELAND AVE MUSKEGON MI 49441	\$850.86	\$0.00	\$850.86
24-205-509-0006-0	1169.0	IRELAND AVE	BARNES SCOTT 21786 VIRGINIA AVE EASTPOINTE MI 48021	\$815.00	\$0.00	\$815.00
24-205-509-0005-0	1159.0	IRELAND AVE	SIMA GREGORY W/CH 1159 IRELAND AVE MUSKEGON MI 49441	\$886.72	\$0.00	\$886.72
24-205-509-0004-0	1151.0	IRELAND AVE	SMITH RICHARD A 1151 IRELAND AVE MUSKEGON MI 49441	\$850.86	\$0.00	\$850.86

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-509-0003-0	1145.0	IRELAND AVE	HEMPHILL STEPHANIE	1145 IRELAND AVE	MUSKEGON	MI 49441	\$850.86	\$0.00	\$850.86
24-205-509-0002-0	1137.0	IRELAND AVE	CASHBAUGH JAMES	1137 IRELAND AVE	MUSKEGON	MI 49441	\$850.86	\$0.00	\$850.86
24-205-509-0001-0	1131.0	IRELAND AVE	EVANS MONICA J	1131 IRELAND AVE	MUSKEGON	MI 49441	\$850.86	\$0.00	\$850.86
24-205-508-0009-0	1109.0	IRELAND AVE	BROWN PHYLLIS	1109 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0008-0	1101.0	IRELAND AVE	GORTER KEITH/ANN	1101 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0007-0	1093.0	IRELAND AVE	MAYO FRED	1093 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0006-0	1085.0	IRELAND AVE	LOFGREN MARY	1085 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0005-0	1077.0	IRELAND AVE	DYER TC JR/AUDREY	1077 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0004-0	1069.0	IRELAND AVE	MATTHEWS GARY JR/	1069 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0003-0	1063.0	IRELAND AVE	JANSEN MICHAEL A	1063 IRELAND AVE	MUSKEGON	MI 49441	\$876.94	\$0.00	\$876.94
24-205-508-0001-0	1045.0	IRELAND AVE	BIGGS RANDY A	1045 IRELAND AVE	MUSKEGON	MI 49441	\$1,753.88	\$0.00	\$1,753.88

H 1600

HEARING DATE NOVEMBER 22, 2005

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$25,995.57	\$0.00	<u>\$25,995.57</u>

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

	12/15/05
LARRY MILLARD, ACTING DIRECTOR, COUNTY EQUALIZATION	DATE
	12-6-05
STEPHEN GAWRON	DATE
	11-29-05
LAWRENCE SPATARO	DATE

Randy Biggs
1045 Ireland Ave.
Muskegon MI, 49441
Email: randy.biggs@cmworks.com
Cell Phone: 231-740-3673

RECEIVED

NOV 21 2005

MUSKEGON
CITY MANAGER'S OFFICEC. MAI-SHADEL
B. MAI-SHADEL**Fax**

To: Muskegon City Commission **From:** Randy Biggs

Fax: 231-722-1214 **Pages:** 4

Phone: 231-724-6724 **Date:** 11/21/2005

Re: Special Assessment Hearing **CC:**

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Muskegon City Commission,

Please find enclosed in this fax a letter stating my position on the recent mailing I received regarding a special assessment hearing. I will be unable to attend the hearing but would like to still be heard. Also enclosed is a copy of the document I received.

In letter in summary is declaring my disapproval for the special assessment.

If this was not the correct fax number for this document to be sent to, please forward to the appropriate department.

Thanks,

Randy Biggs

RECEIVED
CITY OF MUSKEGON
NOV 21 2005
ENGINEERING DEPARTMENT

11/21/2005

Muskegon City Commission,

This letter is my notification to express my opinion and disapproval for the special assessment for the Ireland Ave, Franklin St. to Davis St assessment.

I feel that if the City Commission did not budget enough money to pay for the project the project should have been postponed until the City was financially prepared to cover the costs. I am extremely frustrated with the city of Muskegon's poor planning becoming the residents cross to bear. These continued 'assessment' costs passed down to residents are making the area almost unaffordable to live in. Roughly four years ago, the City came through and replaced sidewalks in my area. My assessment for that was approximately \$200.00 per year for 10 years, which I currently paying. Two years ago, the City dug up Ireland Avenue to repair a broken water line. They also dug up my yard and terrace. In the process of the repair, they allowed dirt to get in the water line essentially plugging the line. Our water gage was damaged and had to be replaced. Our line to our washer was also filled with dirt causing the water level indicator to malfunction, filling our basement with water and costing us \$100 in repair to the machine. When we contacted the city to come and evaluate the situation, they just looked at it and remarked that one of the guys must not have flushed the line when turning the water back on and left, leaving us to clean up the mess.

Then, this early this summer, the workers arrived yet again and tore up the sidewalk on Ireland all the way to Davis. This is the same sidewalk that they had replaced four years earlier and that I am still paying the assessment on. This work began one week before we the open house for our graduating boys. So we held an open house with our front yard and terrace torn up. We did receive a letter warning us about the last project to begin this past July. Again torn up yard and terrace, no way into our driveway some days except by driving down the sidewalk, trash in my yard from the construction workers (not just construction material, pop cans, water bottles, cigarette butts etc...), our water being used by the workers at their discretion, the rebuilding of my lawn for the 4th time in the last four years. Of course, we are lucky enough to sit on a corner lot so we could experience double the inconvenience. The City did send us a letter stating that the best way to get the grass to grow where it needed to be replaced again was to water it daily... which, of course, will be at my expense for using my water to do this.

We currently pay over \$2,000 in annual property taxes; another \$200 dollars for the first special assessment and my wife and I this year will pay over \$600.00 combined in City Income tax. With another special assessment that will bring the total to close to \$3,000.00... For a \$100,000 (max) house! I feel that this is outrageous. Up and down the blocks in our area you can see the houses popping up for sale, two directly across the street from me. I suspect that this "assessment" is happening to more and more people and they are getting fed up. The residents of these areas are not making the kind of money that is being required to live in this area. It is a decent area with good people but you are going to lose them. The City is begun promoting the 'Blight Fight', but this is all counterproductive to that task. What are your residents left to fight with?

You will run the good people out and who knows who the next neighbor will be.

Randy Biggs
1045 Ireland Ave.
Muskegon, MI 49441

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 Dept.
(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)724-6780
FAX: (231)722-5140

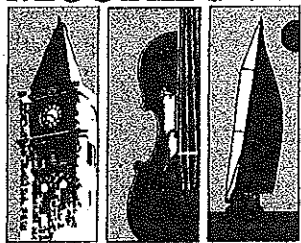
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

November 10, 2005

BIGGS RANDY A
1045 IRELAND AVE
MUSKEGON, MI 49441

29

Property Parcel Number: 24-205-508-0001-00 at 1045.0 IRELAND AVE

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

IRELAND AVE., FRANKLIN ST. TO DAVIS ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, NOVEMBER 22, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 22, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$104,000.00 of which \$25,995.97 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1753.88 based on 107.6 feet assessable front footage at \$16.3 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1753.88. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$175.39 PER YEAR

Due Date: January 23rd, 2006

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: November 22, 2005

RE: Public Hearing
Spreading of the Special Assessment Roll
Franklin St., Laketon Ave. to Ireland Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Franklin St. from Laketon Ave. to Ireland Ave.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$19,645.76 would be spread against the eleven- (11) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2005-108(d)

Resolution Confirming Special Assessment Roll

For Franklin St. from Laketon Ave. to Ireland Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 22, 2005**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Franklin St., Laketon Ave. to Ireland Ave.

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By Dail Q. Kunderger

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **November 22, 2005**. 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.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **November 22, 2005**.

City of Muskegon

By Dail Q. Kunderger

EXHIBIT A

FRANKLIN, LAKETON TO IRELAND

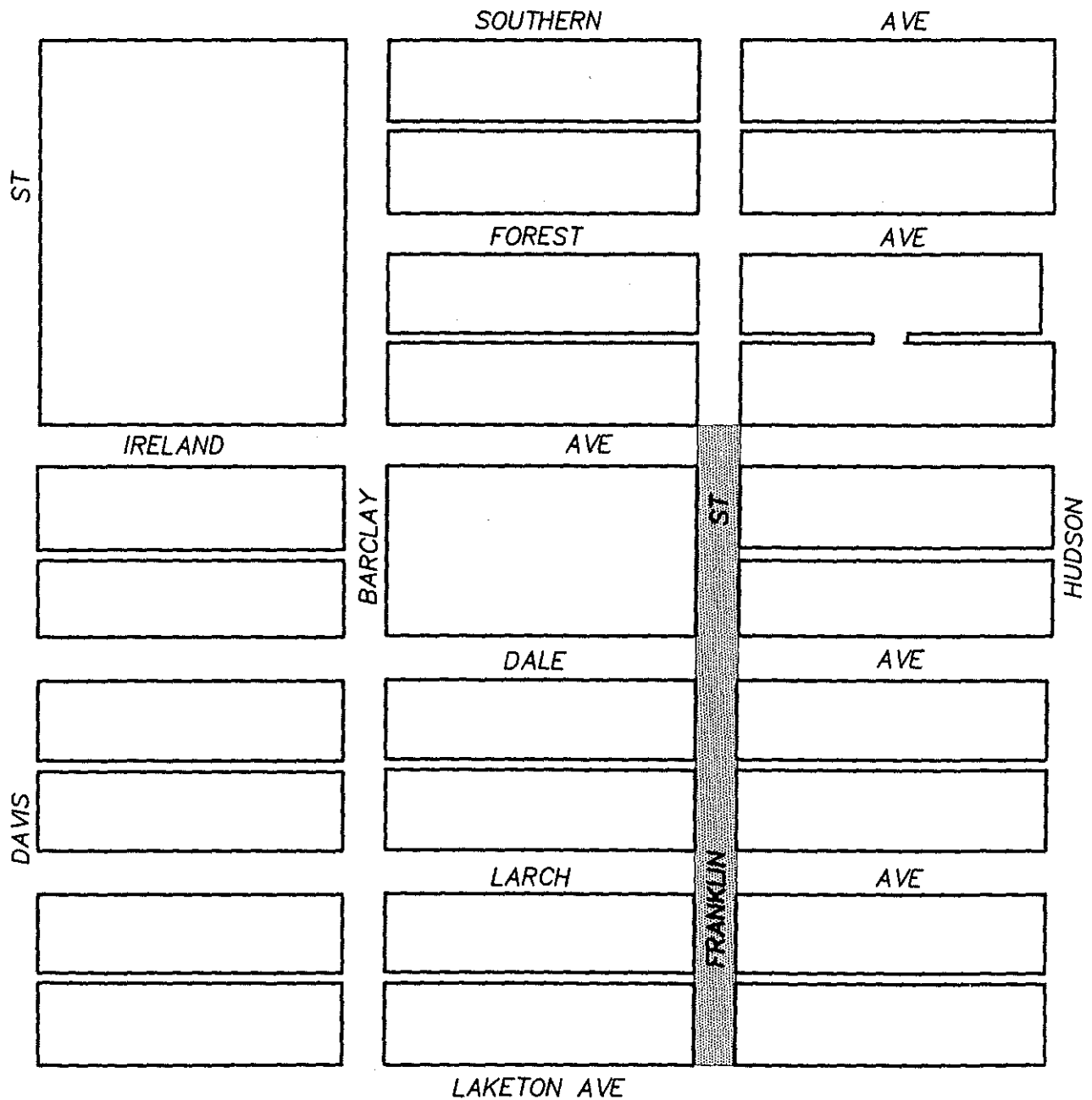
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Franklin, Laketon to Ireland

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



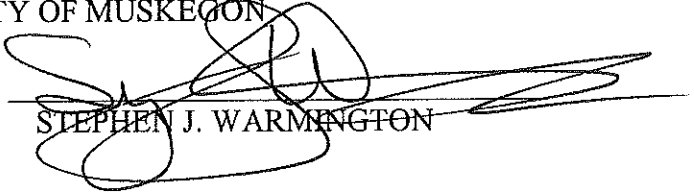
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1602 FRANKLIN St. , Laketon Ave. to Ireland Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 10th DAY OF NOVEMBER 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
1st DAY OF December, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

November 10, 2005

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

2

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, NOVEMBER 22, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 22, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$86,000.00 of which \$19,645.76 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1877.75 based on 64.75 feet assessable front footage at \$29 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1877.75 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$187.78 PER YEAR

Due Date: January 23rd, 2006

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assessment for financial assistance.

Sincerely,

A handwritten signature in cursive script that reads "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll without interest.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged your assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

CITY OF MUSKEGON
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE. H-1602
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

Name _____ Birthdate _____ Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **Wage earner:** _____
(Must include all household income) _____ **Wage earner:** _____
_____ **Wage earner:** _____
_____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ **Expiration Date:** _____

Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER CONFIRMATION**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

CITY OF MUSKEGON
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE. H-1602
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon has selected the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the street assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2004, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2005	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,275
2	32,285
3	36,295
4	40,410
5	43,530
6	46,800
7	50,050
8	53,300
For each extra, add	3,250

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contains falsified information or insufficient documentation.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**FIFTH ST., CAMPUS AVE. TO MERRILL AVE.
IRELAND AVE., DAVIS ST. TO FRANKLIN ST.
AND
FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.**

The location of the special assessment district and the properties proposed to be assessed are:

**All parcels abutting Fifth St. from Campus Ave. to Merrill Ave.
All parcels abutting Ireland Ave. from Davis St. to Franklin St.
And
All parcels abutting Franklin St. from Laketon Ave. to Ireland Ave.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **November 22, 2005 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

PUBLISH: **November 12, 2005**

Gail Kundering, City Clerk

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

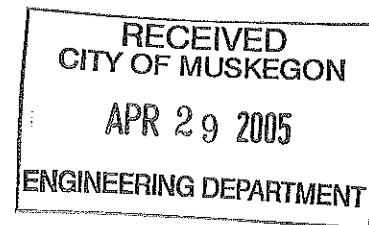
Gail A. Kundering, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 or TDD (231) 724-6773

Acct# 643-60447-5267

O:\ENGINEERING\COMMON\2005 PROJE CTS MASTER\Projects\FIFTH ST., CAMPUS TO MERRIL\Fifth SA Confirm Notice.doc

CITY OF MUSKEGON

Resolution No. 2005-35(b)



Resolution At First Hearing Creating Special Assessment District
For **Franklin, Laketon to Ireland**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 22, 2005** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 22, 2005**, there were 57.79% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Gawron and Spataro and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **17.08%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on April 12, 2005. 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
Gail A. Kunderger, Clerk

EXHIBIT A

FRANKLIN, LAKETON TO IRELAND

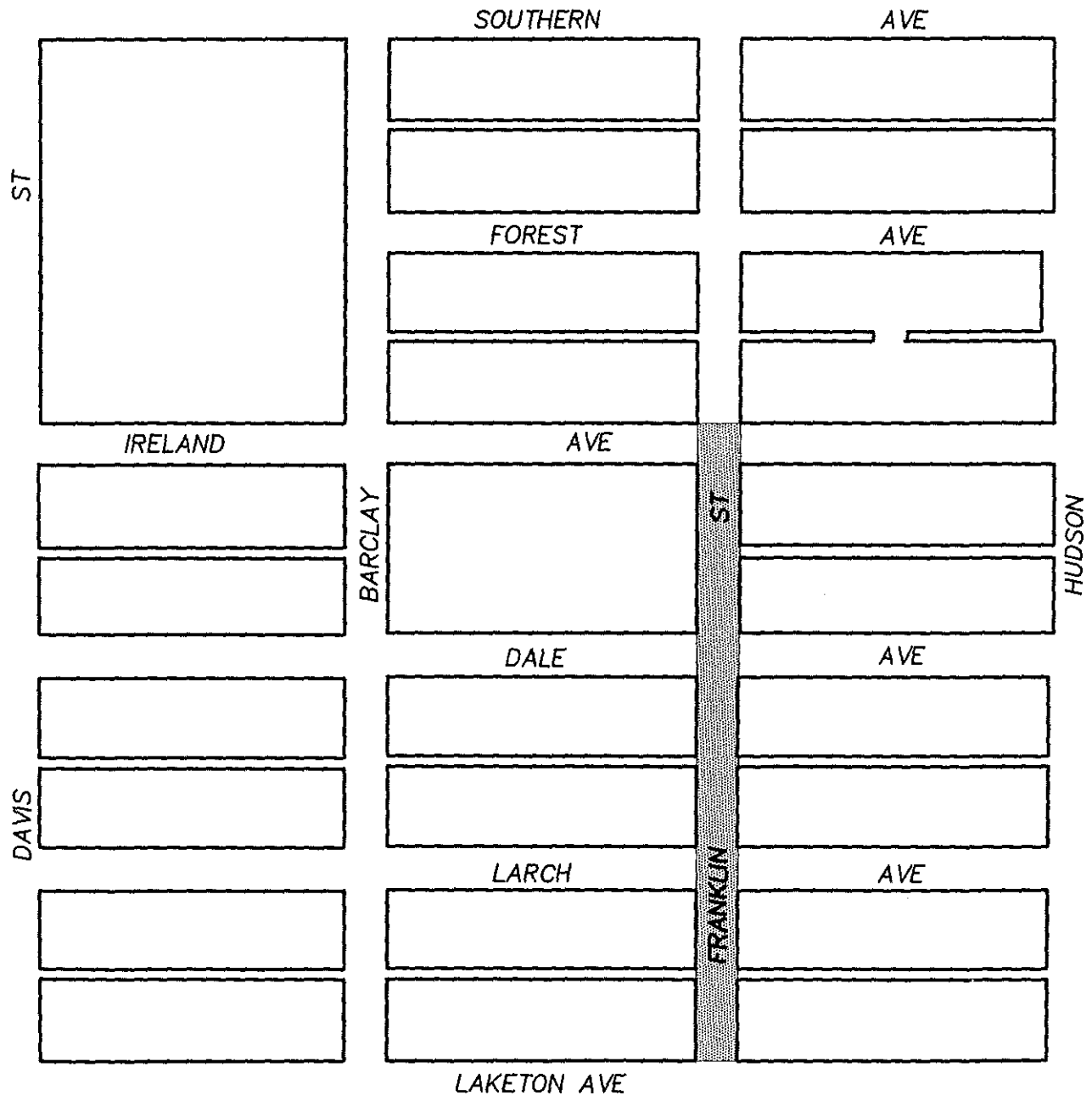
SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Franklin, Laketon to Ireland

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



NO SCALE



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Franklin St., Laketon Ave. to Ireland Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 11TH DAY OF MARCH, 2005.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF April, 2005.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

☐

MY COMMISSION EXPIRES 9-25-06

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	DR APP		PAVING	/ SW	TOTAL
24-205-508-0018-0	1046.0	DALE AVE	SILKY CHARLES E 1046 W DALE AVE MUSKEGON MI 49441			\$1,877.75	\$0.00	\$1,877.75
24-205-515-0001-0	1045.0	DALE AVE	O CONNOR DONNA M 1045 W DALE AVE MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-515-0018-0	1735.0	FRANKLIN ST	FISHER JENNIFER J 1735 FRANKLIN ST MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-518-0001-0	1045.0	LARCH AVE	HARTMAN JILL 1045 W LARCH AVE MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-518-0018-0	1046.0	LAKETON AVE	HARVEY FURMAN II 1795 FRANKLIN ST MUSKEGON MI 49441			\$1,847.01	\$0.00	\$1,847.01
24-205-507-0004-0	1027.0	IRELAND AVE	BOSS WILLIAM 1027 IRELAND AVE MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-507-0005-0	1694.0	FRANKLIN ST	HOOS ROBERT C 1694 FRANKLIN ST MUSKEGON MI 49441-2			\$1,769.00	\$0.00	\$1,769.00
24-205-516-0004-0	1027.0	DALE AVE	BOUKAMP MARK 4864 BROOKDALE DR MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-516-0005-0	1028.0	LARCH AVE	HULKA JOHN W 1028 W LARCH AVE MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-517-0004-0	1027.0	LARCH AVE	DOUTHWAITE DAVID/J 1027 W LARCH AVE MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00
24-205-517-0005-0	1026.0	LAKETON AVE	HERSA LLC 1656 DIVISION ST MUSKEGON MI 49441			\$1,769.00	\$0.00	\$1,769.00

H 1602

HEARING DATE NOVEMBER 22, 2005

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$19,645.76	\$0.00	\$19,645.76

PLEASE NOTE: PARCELS SHOWING \$0.00 IN THE TOTAL COLUMN ARE EXEMPT

BOARD OF ASSESSORS

	12/1/05
LARRY MILLARD, ACTING DIRECTOR, COUNTY EQUALIZATION	DATE
	12-6-05
STEPHEN GAWRON	CITY COMMISSIONER
	DATE
	11-29-05
LAWRENCE SPATARO	CITY COMMISSIONER
	DATE

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 Dept.
(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

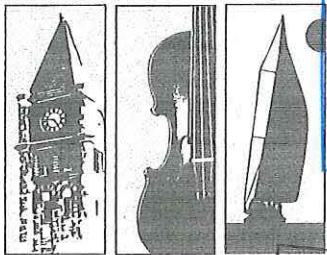
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

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

RECEIVED

NOV 18 2005

City Clerks Office

*objection
enclosed*

RECEIVED
CITY OF MUSKEGON

NOV 18 2005

ENGINEERING DEPARTMENT

November 10, 2005

HERSA LLC
1656 DIVISION ST
MUSKEGON, MI 49441

12

Property Parcel Number: 24-205-517-0005-00 at 1026.0 W LAKETON AVE

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

FRANKLIN ST., LAKETON AVE. TO IRELAND AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, NOVEMBER 22, 2005 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED NOVEMBER 22, 2005 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$86,000.00 of which \$19,645.76 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$1769 based on 61 feet assessable front footage at \$29 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1769. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$176.9 PER YEAR

Due Date: January 23rd, 2006

November 17, 2005

To whom it may concern:

We protest the special assessment of \$1769.00 for Parcel Number: 24-205-517-0005-00 at Franklin St., Laketon Ave. to Ireland Ave.

We just recently acquired the property that has been unoccupied for the last 3 years. We do pay **city taxes** every year and feel that the money should be used for street improvements.

Respectfully,

Jose Hernandez
Armando Salazar

October 25

765
769
Washington

ACTION SHEET

Name	Action	Ayes	Nays
Vice Mayor Larson	S	✓	
Commissioner Shepherd		✓	
Commissioner Spataro	M	✓	
Mayor Warmington		✓	
Commissioner Carter		✓	
Commissioner Davis		✓	
Commissioner Gawron		✓	

Table
30 days

COMMENTS: Francisco Galindo

up to date report
both structures
wants extension to complete work

passes

put on 11/22 agenda

(old business)

DATE: November 10, 2005

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: **EN-050100-Tabled 09/27/05 for 30 days**

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 **765 Washington –Area 12** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050100 – 765 Washington

Location and ownership: This structure is located on Washington between Henry and Beidler Streets and owned by Francisco Galindo, 1873 Whitehall Rd, Muskegon, MI 49445 on land contract with a Victor J. Rockafellow of 1450 Leahy, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 04/22/04. The Notice and Order to Repair was issued on 05/04/04. An interior inspection conducted on 05/28/04. On 05/05/05 the HBA tabled case for 30 days to allow owner to provide a time-line for repairs and schedule inspections. Case brought back to HBA 06/02/05 and was declared dangerous, substandard and a public nuisance with a 30 day delay before sending to commission.

Owner Contact: Victor Rockafellow was present for the HBA 05/05/05 meeting. He stated he had put in a new foundation and purchased new windows and was unaware that permits had expired. He said his plan was to install vinyl siding this summer but all repairs would take about a year because of limited time and resources. Henry Faltinowski stated only one inspection had been done and there had been no contact with owner since that time and added a timeline should have been set to complete repairs. Case came back before HBA 06/02/05 and Mr. Rockafellow was present. Henry Faltinowski stated all three trade inspectors went out 05/12/05 and an report was sent out of all repairs needed. He stated Mr. Rockafellow needs to provide a timeline if he wants to invest the money because repairs are extensive. Nick Kroes asked based on the inspection report how long would it take to resolve these issues. Mr. Rockafellow stated it would take about 1 year, he could get the exterior done this summer and he's trying to line up a plumber. There has been no contact from Mr. Rockafellow since that time and the structure was sold on land contract 06/20/05 to a Francisco Galindo who was sent all notices and inspections 08/17/05. Mr. Galindo made note of the dangerous building status at a progress inspection for another dangerous building he owns at 775 Washington but has not provided a

timeline for repairs and no permits have been issued. The case was sent to the Commission 09/27/05 and was tabled for 30 days so file could be updated. The parcel has two addresses on it. An inspection was conducted 10/03/05 to establish that 765 Washington is the address the was declared dangerous, substandard and a public nuisance. There have been no permits issued and no timeline provided for repairs.

Financial Impact: General Fund

Budget action required: None

State Equalized value: \$34,800

Estimated cost to repair: \$30,000

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 22, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

765 Washington

4/22/04

Inspection noted:

1. Foundation wall repair needed around entire perimeter.
2. Replace, scrape – paint all damaged siding – entire perimeter.
3. Scrape & paint – repair all window frames.
4. Replace damaged back porch.
5. Replace broken glass.
6. Structural damage to roof – provide rafter investigation.
7. Remove collapsing shed.
8. All handrails, guardrails must meet Michigan Residential Code 2003.
9. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
10. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON DANGEROUS BUILDING INSPECTION REPORT

Tuesday, September 20, 2005

Enforcement # EN050100 **Property Address** 765 WASHINGTON AVE
Parcel #24-205-412-0004-00 **Owner** Francisco Galindo

Inspector: Henry Faltinowski

Date completed: 05/12/2005

DEFICIENCIES:

Uncorrected

1. Steel boxes to bonded properly.
2. White ungrounded conductors to be re-identified.
3. Smoke alarm box in rear entry to be located properly.
4. Outlet boxes to be within 1/4" of non-combustible surface.
5. Dishwasher not to be on small appliance branch circuit.
6. Need plug by middle bedroom door
7. Check kitchen/dining room plug layout.
8. Need laundry outlet.
9. Fire stop verticle holes.
10. Roughin is about 75% done.
11. Furnace gas line should have drop leg.
12. Bathroom intact - no vent fan.
13. Clean ductwork and support.
14. Hot water heater needs to be replaced with a tankless hot water heater.
15. Hose clamp on gas line going to gas meter will need access opening for shower valve.
16. Plumb to Mich 2003 Plumb Code.
17. Replace furnace vent.
18. Outside faucet to have a vacuum breaker.

Uncorrected Progress Inspection Completed 05/12/05

1. All framing headers on bearing must meet MRC 2003 requirement - See attached sheet.
2. Bowed out walls must be repaired.
3. Foundation wall and plate must be attached - 1/2" anchor bolts 1 - foot of

corners every 6ft on center or approved sill straps.

4. All framing of walls, joists, rafters must meet code 2003 MRC

5. Windows must meet section R613.

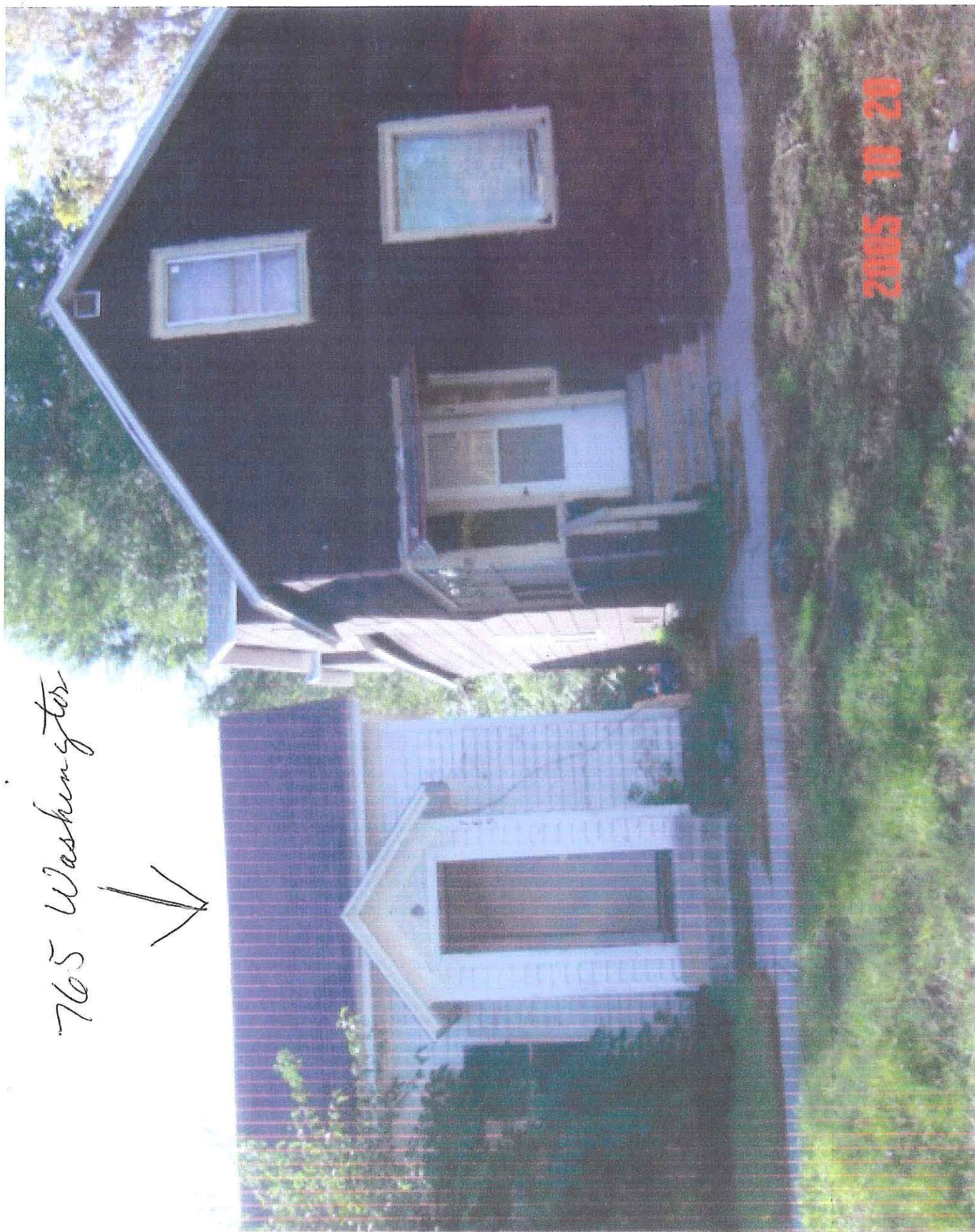
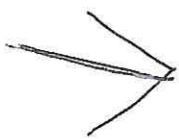
Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date

765 Washington



AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: November 14, 2005
RE: Resolution Supporting Regional Collaboration

SUMMARY OF REQUEST:

To approve a resolution that supports regional collaboration efforts. This resolution is necessary for One Muskegon to pursue state funding through the Centers for Regional Excellence for our local efforts.

FINANCIAL IMPACT:

Collaborative efforts may save the City money in the future.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the attached resolution.

COMMITTEE RECOMMENDATION:

RESOLUTION 2005-110(a)

CITY OF MUSKEGON

A resolution supporting regional collaboration efforts

WHEREAS, service to our constituents is our reason for existence and we recognize that the services we offer are important to the fabric of our community and often attract people to move here, and

WHEREAS, regional collaboration may be one avenue to pursue to maintain or enhance some of the services we now offer, and

WHEREAS, regional collaboration may afford us flexibility in our budgeting without diminishing the way of life in our community, and

WHEREAS, regional collaboration may help us save money as well as providing effective and efficient services, and

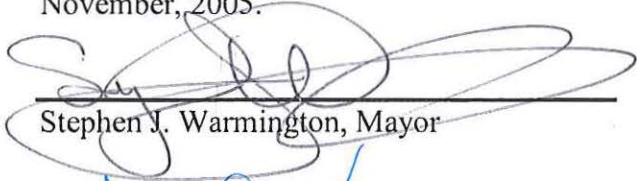
WHEREAS, regional collaboration has proved in many areas to be an effective land use tool, and

WHEREAS, regional collaboration may help both our region and our own community be more economically competitive,

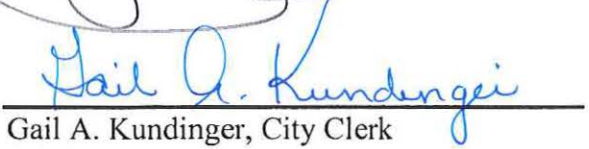
NOW THEREFORE BE IT RESOLVED, that the City of Muskegon agrees to participate in the Centers for Regional Excellence program to pursue the potential for regional collaboration in our area, and

BE IT FURTHER RESOLVED, that the City of Muskegon will send a representative to participate in these discussions of the One Muskegon Task Force and that the citizens of the City of Muskegon will be kept fully informed and provided opportunities for input into the process.

IN WITNESS WHEREOF, I hereunto set my hand and cause the Seal of the City of Muskegon to be affixed this 22nd day of November, 2005.



Stephen J. Warmington, Mayor



Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on November 22, 2005. 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. Kundinger, MMC
City Clerk

Date: November 22, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Move of Non-Union Employees to Municipal Employees' Retirement System of Michigan (MERS)

SUMMARY OF REQUEST: MERS (Municipal Employees' Retirement System of Michigan) is a statewide intergovernmental cooperative established for the purpose of providing cost-effective pension plan administration. The city's pension boards have explored moving to MERS on two separate occasions in the last few years, but could not reach consensus. At this time staff is proposing that, effective January 1, 2006, pension administration and management of pension-plan assets for current non-union employees (51 employees) be moved to MERS.

FINANCIAL IMPACT: Staff believes that MERS offers the most cost-effective alternative for pension administration. We expect to achieve administrative savings by moving the non-union employees to MERS and the potential is for greater savings should other employee groups opt to switch to MERS. The computed first year (2006) contribution rate for the MERS program is 5.71%, which compares favorably to the budgeted contribution rate of 7.86%.

BUDGET ACTION REQUIRED: None. As noted, the computed contribution rate for MERS is within the budgeted cost for pension expense for the affected employees.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Memo

To: City Commission General Employees Pension Board
From: Finance Director
Date: November 16, 2005
Re: Proposal to Transfer Non-Union Employees' Pension Administration to MERS

MERS (Municipal Employees' Retirement System of Michigan) is a statewide intergovernmental cooperative established for the purpose of providing cost-effective pension plan administration. The city's pension boards have explored moving to MERS on two separate occasions in the last few years, but could not reach consensus. At this time staff is proposing that, effective January 1, 2006, pension administration and management of pension-plan assets for current non-union employees (51 employees) be moved to MERS.

Meetings have been held with the affected employees to explain the MERS program in detail and the reasoning for proposing the move. Although many employees were apprehensive at the start, the post-meeting general consensus is that moving to MERS is in the best interests of both the employees and the city.

Rationale

MERS has nearly 700 member municipalities and over \$4 billion in assets under management. The organization has a full-time staff of 80 employees who specialize in pension plan administration and retirement planning issues. City employees (and future retirees) will benefit from a much higher level of retirement planning expertise and customer service than the city will ever be able to provide.

The city will benefit through lower administration costs and, likely, lower contribution rates. The greatest benefit will come if pension administration for all employee groups is moved to MERS, but staff feels it is important to begin the migration to MERS at this time.

Benefit Levels

MERS has a menu of benefit options which member communities choose from. From this, we have been able to closely match the current non-union benefits (see attached). A few areas need clarification:

1. In computing final average compensation, the city currently allows up to 144 hours of banked sick time to be included; MERS does not allow sick time in their FAC computation. Staff recommends that approval of MERS also include an amendment to the non-union benefit program that would allow, at retirement, the conversion of up to 144 hours banked sick time to vacation time so that it can be included in the FAC.
2. The current city program has a COLA that provides an automatic computed cost of living increase (after five years retirement) based on the availability of funds from "excess" investment earnings. MERS has the ability to match this program based on annual approval of the city commission. Staff recommends that that approval of MERS include an amendment to the non-union benefit program that would provide for the annual matching of whatever COLA adjustment is computed for retirees of the General Employees' Retirement System.
3. Staff is proposing that the MERS RS50 benefit be incorporated. This benefit provides a 50% survivor benefit to anyone selecting a regular (straight-life) pension. This benefit is included in the Police and Fire pension program but is a new benefit for the non-union group. The incremental cost of this benefit is 0.40% of payroll or \$6,184. This would be largely offset by higher employee contributions from moving from a bifurcated employee contribution rate to a flat 5% contribution rate (\$84 per employee x 51 employees = \$4,284).

Process

At the November 22 meeting, you will be asked to approve three resolutions required by MERS to authorize the transition. The City Attorney is reviewing these. Also amendments to the General Employees' Retirement System ordinance and the Police and Fire Retirement System (for the chiefs) will be required.

If the City Commission approves these documents, related employee contributions plus an actuarially-determined amount will be moved from the General Employees Retirement System to MERS, effective January 2006. All new contributions made by or on behalf of the affected employees will be forwarded to MERS starting in January 2006.

Summary

The city has successfully managed its pension funds for more than sixty years. But with reduced staff, competing priorities, and the growing complexity of pension issues (e.g. tax laws, divorces, investment oversight, etc.), it is not realistic to expect that city-administered plans will be able to provide employees with the highest level of service. Put simply, staff believes that MERS affords the opportunity to have the job done better and at lower cost. There is no compelling reason the city needs to remain in the pension administration business.

**SUGGESTED RESOLUTION FOR A LEGISLATIVE BODY
RELATING TO A MERS DC BENEFIT PROGRAM**

RESOLUTION OF CITY OF MUSKEGON (EMPLOYER NAME).

WHEREAS, the Employer has adopted the MERS Uniform Defined Contribution Program Resolution; and

WHEREAS, the MERS Uniform Defined Contribution Program Resolution requires that the Employer concurrently complete, approve and submit to ICMA Retirement Corporation ("RC") all necessary documents specified by RC for adoption of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust as amended and authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document; and

WHEREAS, the Employer desires that its Benefits Program DC be administered by the ICMA Retirement Corporation and that some or all of the funds held under such plan be invested in the Vantage Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans:

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes the Benefits Program DC in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust, as amended by and as authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document.

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the Vantage Trust, and attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the Vantage Trust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the Vantage Trust; and

BE IT FURTHER RESOLVED that the Finance Director (use title of official, not name) shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the Vantage Trust; shall cast, on behalf of the Employer, any required votes under the Vantage Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT FURTHER RESOLVED that the Employer hereby authorizes Finance Director (use title not name) to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

I hereby certify that the above is a true copy of a Resolution adopted at the board meeting held on November 8 day of November, 2005.

Gail Q. Kunderger
Signature of Authorized Official

PARMENTER O'TOOLE

Attorneys at Law

Memorandum

DATE November 16, 2005

TO: Tim Paul

FROM: Linda S. Kaare

RE: MERS DB plans & Ord. Amd.

Dear Tim,

Attached are the documents for City Commission meeting on November 22, 2005.

1. Membership Agreement. (adopting MERS DB plan)
2. Resolution Directing Electronic Payment of Invoices
3. Resolution to Exclude Temporary Employees
4. Resolution to Adopt MERS DB plan for Non-Union General Employees.
5. Resolution for Defining Day of Work/Hours per Month – Non-Union General Employees.
6. Resolution to Adopt MERS DB plan for Non-Union Police Employees.
7. Resolution for Defining Day of Work/Hours per Month – Non-Union Police Employees.
8. Resolution to Adopt MERS DB plan for Non-Union Fire Employees.
9. Resolution for Defining Day of Work/Hours per Month – Non-Union Fire Employees.
10. Ordinance Amendment to the General Employee Retirement System.
(Excludes non-union general employees who participate in MERS)
11. Ordinance Amendment to the Police-Fire Retirement System.
(Excludes non-union police and fire employees who participate in MERS)
12. New Ordinance relating to MERS DB plan participants.
(addresses sick time conversion to vacation and COLA)



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

MEMBERSHIP AGREEMENT

(For Defined Benefit and Defined Contribution Plans)

This **AGREEMENT** dated November 22, 2005, by and between the Retirement Board ("**Board**") of the Municipal Employees' Retirement System ("**MERS**"), and the governing body of the City of Muskegon, an eligible participating municipality or court ("**participating entity**"), is entered into under the provisions of 1996 PA 220 and the Plan Document of 1996. This Agreement does not waive or excuse or render inapplicable all duties and obligations imposed on the parties by law or the MERS Plan Document of 1996 as it may be revised periodically.

Through Resolution adopted November 22, 2005, this entity has elected to participate in MERS in accordance with Plan Section 41 or 41A.

(Check Box I and/or Box II, as applicable.)

☒ **I. MERS DEFINED BENEFIT PLAN IS INITIALLY ADOPTED**

A. The participating entity has furnished MERS with data regarding each person in its employ and the Board's actuary has computed the liabilities for service benefits payable and which may become payable (on account of service already, and to be, rendered), as required by Plan Section 42, through Initial Actuarial Valuation dated August 1, 2005.

B. As a condition of MERS membership, and pursuant to the Board's power as Plan Administrator and Trustee under Plan Section 36, MCL 38.1536, it is appropriate and necessary to enter into this Agreement providing for the payment of the required contributions of a participating entity.

1. On or before January 1 each calendar year, the Board's actuary shall make an Annual Actuarial Valuation of the participating entity's accrued service liabilities, and if necessary, adjust the amount of the annual contributions to be paid by the entity to MERS in monthly installments. A copy of the annual valuation and required contributions shall be provided by MERS to the participating entity on or before January 1 each year.
2. The Wage and Service Reports due monthly, and the Member and Employer Contributions due and payable monthly, shall be submitted in accordance with the MERS Enforcement Procedure for Prompt Reporting and Payment.
3. Should the participating entity agree to the crediting of all or a portion of pre-MERS prior service rendered to it by its covered employees in the Resolution for Adopting MERS Defined Benefit Programs, then the provisions of that Resolution are incorporated by reference in this Agreement. This includes, but is not limited to, the amortization of any unfunded prior service obligations, as adjusted in the Annual Actuarial Valuation.



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION DIRECTING ELECTRONIC PAYMENT OF INVOICES TO THE
MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM**

WHEREAS, the City of Muskegon is
a participating municipality in the Municipal Employees' Retirement System of Michigan ("MERS");
and

WHEREAS, pursuant to the Municipal Employees' Retirement Board requirements, effective
January 1, 2004, monthly contribution payments will be required to be paid electronically, (eBill) and
for those municipalities not doing so, an administrative fee will be assessed; and

WHEREAS, pursuant to 2002 PA 738 authorizing electronic transactions of public funds, the
governing body of a municipality must authorize electronic transactions; and

WHEREAS, the City of Muskegon wishes
to be in compliance with the electronic payment of monthly contributions, and accordingly will initiate
both the timing and which invoices it intends to pay.

NOW THEREFORE BE IT RESOLVED, that the governing body directs the electronic
payment of future MERS invoices subject to initiation and timing of the payment as directed by this
municipality's authorized official.

CERTIFICATION

I hereby certify that this resolution was adopted by the governing body of the
City of Muskegon at its meeting held on November 22, 2005

Dail A. Kundergei
Signature of Clerk

RETURN TO: Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917
Phone: 800-703-9030 Fax: (517) 703-9711
www.mersofmich.com



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Commission of the City of Muskegon
(Governing body) (Participating entity)
whose fiscal year is (month and day) January to December, desires to make
available to its eligible employees (as defined below) benefits provided by the Municipal
Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits
available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated
August 1, 2005, by MERS' actuary, MERS benefits stated in Section 1 below
are to be provided to the following employee division (e.g., general, police and fire, DPW, union,
non-union): non-union general employees.
(Separate resolutions are required for each division)

**Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit
program (or combination of programs) selected below; or the Initial Valuation is more than
one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of
this Resolution; then, per Retirement Board requirements, this resolution will not be
implemented until a current actuarial valuation is done by MERS' actuary and necessary
supporting contribution rates certified.**

- * 1. Benefit programs/formulae (e.g., B-2 / F55 / V-8 / FAC 3 / E-2) selected are:
B3 V5 FAC3 F55/25 D2 RS50
(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)
2. The required employee contribution is 5 %. (May be any percentage in
hundredths of a percent, not to exceed ten [10] percent, unless higher rate is
established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered
employee in the division is subject to and shall be credited as provided under Section
2C(3) of the MERS Plan Document and MERS Initial Actuarial Valuation and
Supplemental Valuation Procedure (as approved by the Retirement Board on
September 28, 1999), whose respective terms are incorporated by reference.

Choose only one:

- A. ☒ All prior service from date of hire.
B. ☐ Portion of prior service (actual service up to _____ years); or _____ %.
C. ☐ Prior service proportional to assets transferred.
D. ☐ No prior service (if D selected, go to Section 4).

- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.
- 3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.
4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is January 1, 2006.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable), and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

Certified this 23rd day of November, 2005.

By: Gail A. Kundergei Title: City Clerk

* Explanation of Codes in paragraph #1

B3 (2.25% benefit multiplier).

V5 (5 year vesting period).

FAC3 (Final Average Compensation using an average of ones 3 highest consecutive years of compensation).

F55/25 (Opportunity for early retirement at age 55 with 25 years of credited service).

D2 (Rider that provides additional 10 years of service to those who die or become disabled on the job, to an overall maximum of 30 years credited service).

RS50 (Provides 50% Survivor Benefit on retirement allowance for those selecting the Straight Life pension benefit option).



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

RESOLUTION FOR DEFINING A DAY OF WORK OR HOURS PER MONTH FOR MERS RETIREMENT PURPOSES

Note: To adopt the part-time to full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

In accordance with Section 3(1) of the MERS Plan Document, as the City
Commission of the City of Muskegon,
(Governing Body) (Municipality)

does hereby certify that a day of work, or the number of hours of work in a month, for
non-union general employees for retirement purposes, shall
(Indicate all employees or division name and number)

consist of one of the following to be effective as of January 1, 2006.
(Date)

(Please complete either A or B)

A. A day shall consist of hours.
(Ten (10) days a month of such work days equals one month of credited service.)

B. X A month shall consist of 150 hours.
(Each month of such work hours equals one month of credited service.)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting of the
governing body held on November 22, 2005.
(Date)

Dail Q. Kundingeri City Clerk
(Signature of Authorized Official) (Title)

RETURN TO: Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Commission of the City of Muskegon
(Governing body) (Participating entity)
whose fiscal year is (month and day) January to December, desires to make
available to its eligible employees (as defined below) benefits provided by the Municipal
Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits
available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated
August 1, 2005, by MERS' actuary, MERS benefits stated in Section 1 below
are to be provided to the following employee division (e.g., general, police and fire, DPW, union,
non-union): non-union police employees.
(Separate resolutions are required for each division)

**Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit
program (or combination of programs) selected below; or the Initial Valuation is more than
one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of
this Resolution; then, per Retirement Board requirements, this resolution will not be
implemented until a current actuarial valuation is done by MERS' actuary and necessary
supporting contribution rates certified.**

- * 1. Benefit programs/formulae (e.g., B-2 / F55 / V-8 / FAC 3 / E-2) selected are:
2.75% Benefit Multiplier V10 FAC3 F53/25 D2 RS50
(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)
2. The required employee contribution is 6 %. (May be any percentage in
hundredths of a percent, not to exceed ten [10] percent, unless higher rate is
established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered
employee in the division is subject to and shall be credited as provided under Section
2C(3) of the MERS Plan Document and MERS Initial Actuarial Valuation and
Supplemental Valuation Procedure (as approved by the Retirement Board on
September 28, 1999), whose respective terms are incorporated by reference.

Choose only one:

- A. X All prior service from date of hire.
B. Portion of prior service (actual service up to years); or %.
C. Prior service proportional to assets transferred.
D. No prior service (if D selected, go to Section 4).

- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other source are transferred to MERS.
- 3.3 In all asset transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and nontaxable status on the employee contribution portion.
4. The effective date of this Resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS' coverage begins, which is January 1, 2006.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body; for courts, see Plan Section 41A. A complete copy of the fully executed collective bargaining agreement (if applicable), and certified copy of the complete official minutes or other official authorizing action for the open meeting at which this resolution was adopted must be forwarded to MERS with this resolution.

Certified this 23rd day of November, 2005.

By: Dail A. Kundinger Title: City Clerk

* Explanation of Codes in paragraph #1

V10 (10 year vesting period).

FAC3 (Final Average Compensation using an average of ones 3 highest consecutive years of compensation).

F53/25 (Opportunity for early retirement at age 53 with 25 years of credited service).

D2 (Rider that provides additional 10 years of service to those who die or become disabled on the job, to an overall maximum of 30 years credited service).

RS50 (Provides 50% Survivor Benefit on retirement allowance for those selecting the Straight Life pension benefit option).



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**

Note: To adopt the part-time to full-time employee service credit program under Plan Document Section 4(6), the governing body must adopt the Uniform Resolution Defining Hours Per Month For Part-Time Employees and Service Credit Conversion Upon Promotion to Full-Time Status.

In accordance with Section 3(1) of the MERS Plan Document, as the City
Commission of the City of Muskegon
(Governing Body) (Municipality)

does hereby certify that a day of work, or the number of hours of work in a month, for
non-union police employees for retirement purposes, shall
(Indicate all employees or division name and number)

consist of one of the following to be effective as of January 1, 2006.
(Date)

(Please complete either A or B)

A. A day shall consist of hours.
(Ten (10) days a month of such work days equals one month of credited service.)

B. X A month shall consist of 150 hours.
(Each month of such work hours equals one month of credited service.)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting of the
governing body held on November 22, 2005.
(Date)

Dail A. Kundergi City Clerk
(Signature of Authorized Official) (Title)

RETURN TO: Municipal Employees' Retirement System of Michigan
1134 Municipal Way
Lansing, MI 48917



MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN

**RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEM OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Commission of the City of Muskegon
(Governing body) (Participating entity)
whose fiscal year is (month and day) January to February, desires to make
available to its eligible employees (as defined below) benefits provided by the Municipal
Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits
available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated
August 1, 2005, by MERS' actuary, MERS benefits stated in Section 1 below
are to be provided to the following employee division (e.g., general, police and fire, DPW, union,
non-union): non-union fire employees.
(Separate resolutions are required for each division)

**Please note: If no Initial Valuation has been done by MERS' actuary on the specific benefit
program (or combination of programs) selected below; or the Initial Valuation is more than
one (1) year old at the time MERS' coverage becomes effective as provided under Section 4 of
this Resolution; then, per Retirement Board requirements, this resolution will not be
implemented until a current actuarial valuation is done by MERS' actuary and necessary
supporting contribution rates certified.**

- *1. Benefit programs/formulae (e.g., B-2 / F55 / V-8 / FAC 3 / E-2) selected are:
2.75% Benefit Multiplier V10 FAC3 F53/25 D2 RS50
(If other than standard MERS' retirement benefits, supporting collective bargaining agreement to accompany this Resolution)
2. The required employee contribution is 6 %. (May be any percentage in
hundredths of a percent, not to exceed ten [10] percent, unless higher rate is
established by collective bargaining agreement accompanying this Resolution.)
- 3.1 Prior service credit with this municipality/court rendered previously by each covered
employee in the division is subject to and shall be credited as provided under Section
2C(3) of the MERS Plan Document and MERS Initial Actuarial Valuation and
Supplemental Valuation Procedure (as approved by the Retirement Board on
September 28, 1999), whose respective terms are incorporated by reference.

Choose only one:

- A. ☒ All prior service from date of hire.
B. ☐ Portion of prior service (actual service up to _____ years); or _____ %.
C. ☐ Prior service proportional to assets transferred.
D. ☐ No prior service (if D selected, go to Section 4).

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2174

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-34 of the Code of Ordinances of the City of Muskegon concerning the General Employee Retirement System is amended to state as follows:

- (a) A person who is in the employ of the city in a membership position shall be a member of the retirement system. A membership position is a city position normally requiring 1,500 or more hours of work in a calendar year, except as provided in subsection (b) of this section.
- (b) The following types of city employment are not membership positions:
- (1) Contractual employment;
 - (2) Employment compensated on a fee basis;
 - (3) Employment as an elected official; and
 - (4) Employment as a policeman or fireman as defined by the city police-fire retirement system established and maintained in accordance with Chapter XIX of the Charter of the city.
- (c) A member who ceases to be employed by the city in a membership position shall thereupon cease to be a member.
- (d) The membership of the retirement system shall not include city non-union employees who become employed by the City after July 1, 2005, and city non-union employees who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006.
- (e) The membership of the retirement system shall not include city non-union employees who became employed by the City before July 1, 2005 and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.*
- ~~(f)~~(e) The board of trustees shall decide all questions concerning the membership status of any person.
- ~~(g)~~(f) The city manager may elect to be excluded from membership in the retirement system. The election shall be made in writing in the form prescribed by the retirement system within 90 days after the date the individual becomes city manager. As used in this subsection, "city manager" means the individual who is appointed by, serves at the pleasure of and is designated by the city commission to be the city manager. The following conditions shall apply to a city manager regarding membership in the retirement system:

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis
Nays: None

Adoption Date: November 22, 2005

Effective Date: December 13, 2005

First Reading: November 22, 2005

Second Reading: N/A

CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22 day of November, 2005, 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: 11-23, 2005



Gail A. Kunderinger, 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 22, 2005, the City Commission of the City of Muskegon adopted an amendment to Section 62-34, Membership of Retirement System, under the General Employee Retirement System ordinance of the City of Muskegon, summarized as follows:

(e) The membership of the retirement system shall not include city non-union employees who became employed by the City before July 1, 2005 and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.

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 3, 2005

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2175**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 62-233 of the Code of Ordinances of the City of Muskegon concerning the Police-Fire Retirement System is amended to state as follows:

- (a) The membership of the retirement system shall include all police officers and firefighters who are in the employ of the City and all police officers and firefighters who become employed by the City, except as provided in subsection (b) of this section.
- (b) The membership of the retirement system shall not include:
 - (1) Temporary or civilian employees of the police or fire departments;
 - (2) Special officers or special firefighters;
 - (3) Privately employed police officers or firefighters;
 - (4) All unionized firefighters who become employed by the City as firefighters after December 31, 2004;
 - (5) All unionized firefighters who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006; *or*
 - (6) All non-unionized police officers and firefighters who become employed by the City as police officers or firefighters after July 1, 2005; *or*
 - (7) *All non-unionized police officers and firefighters who became employed by the City before July 1, 2005 and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.*
- (c) Except as provided in subsection (d) of this section and except for the purpose of subsection 62-234(c), should any member cease to be employed by the City as a police officer or a firefighter he shall thereupon cease to be a member.
- (d) A member who remains in the employ of the City but ceases to be a police officer or a firefighter shall remain a member of the retirement system for the duration of his city employment. A member who retains membership in this retirement system pursuant to Section 62-233(d) shall be required to make contributions and

is afforded retirement benefits as if the member had not left employment within the Police or Fire Department.

- (e) In any case of doubt as to the membership status of any person the board shall decide the question within the meaning of the provisions of this article.

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis
Nays: None

Adoption Date: November 22, 2005

Effective Date: December 13, 2005

First Reading: November 22, 2005

Second Reading: N/A

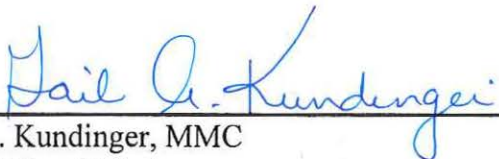
CITY OF MUSKEGON

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

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22 day of November, 2005, 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: 11-23, 2005



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 22, 2005, the City Commission of the City of Muskegon adopted an amendment to Section 62-233, Retirement System Membership, under the Police-Fire Retirement System ordinance of the City of Muskegon, summarized as follows:

- (b) The membership of the retirement system shall not include:
- (1) Temporary or civilian employees of the police or fire departments;
 - (2) Special officers or special firefighters;
 - (3) Privately employed police officers or firefighters;
 - (4) All unionized firefighters who become employed by the City as firefighters after December 31, 2004;
 - (5) All unionized firefighters who elect to transfer their interest in the City's defined benefit plan to the City's defined contribution retirement system effective January 1, 2006; ~~or~~
 - (6) All non-unionized police officers and firefighters who become employed by the City as police officers or firefighters after July 1, 2005; *or*
 - (7) *All non-unionized police officers and firefighters who became employed by the City before July 1, 2005 and who participate in the Municipal Employee's Retirement System Defined Benefit Plan.*

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 3, 2005

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

**City of Muskegon
Muskegon County, Michigan
Ordinance No. 2176**

THE CITY OF MUSKEGON HEREBY ORDAINS:

A new Article to Chapter 62, Personnel, of the Code of Ordinances of the City of Muskegon is adopted as follows:

**ARTICLE IV. MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN
("MERS") DEFINED BENEFIT PLAN PROVISIONS**

DIVISION 1. NON-UNION GENERAL EMPLOYEES.

Section 62-394 – Special Provisions to supplement MERS Plan.

(a) Credit for Sick time. Upon retirement as defined by the MERS plan, the employee participant may convert up to 144 hours of accumulated sick time to vacation time so that it can be included in the final average compensation calculation for retirement benefits under the MERS plan.

(b) Cost of Living Adjustment ("COLA"). If the City gives a COLA to retirees in the General Employee Retirement System program, the City will give the same increase to the eligible MERS plan retirees.

This ordinance adopted:

Ayes: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis
Nays: None

Adoption Date: November 22, 2005

Effective Date: December 13, 2005

First Reading: November 22, 2005

Second Reading: N/A

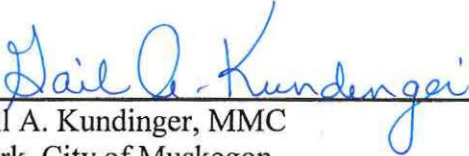
CITY OF MUSKEGON

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 22 day of November, 2005, 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: 11-23, 2005



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 22, 2005, the City Commission of the City of Muskegon adopted a new Article to Section 62, Personnel ordinance of the City of Muskegon, summarized as follows:

**ARTICLE IV. MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN
("MERS") DEFINED BENEFIT PLAN PROVISIONS**

DIVISION 1. NON-UNION GENERAL EMPLOYEES.

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- (b) Cost of Living Adjustment ("COLA"). If the City gives a COLA to retirees in the General Employee Retirement System program, the City will give the same increase to the eligible MERS plan retirees.

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 is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: December 3, 2005

By _____
Gail A. Kunding, MMC, Its Clerk

PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

Date: November 22, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Amendment to Arena Operations Management Contract

SUMMARY OF REQUEST: Approval of an amendment to the arena management contract. The current arena operations contract with AMG did not anticipate a second major building tenant. The introduction of professional basketball last year required an amendment to reimburse the arena manager for the additional costs associated with basketball (set-up, security, etc.). This proposed amendment for the 2005-06 season is similar to last year's agreement with the exception that the maximum per game payment is reduced from \$4,000 to \$2,900 reflecting the fact that the basketball team has assumed responsibility for floor set-up/take-down. The overall arena management agreement is set to expire in June 2006. Addressing issues raised by a second major tenant will be an important consideration in the next contract.

FINANCIAL IMPACT: The direct impact of this agreement (and of the basketball generally) on arena financial operations will be determined by attendance figures. Over 24 home games, average attendance will need to be about 1,450 for the city to cover the cost of this contract and the ice rental loss associated with basketball. This is about the same breakeven point as last year. Staff believes having professional basketball at the arena has benefits that extend beyond arena operations (downtown activity, etc.) that make this a prudent risk for the city to take.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval of the attached amendment.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

**CITY OF MUSKEGON
SECOND AMENDMENT TO OPERATIONS MANAGEMENT CONTRACT
L.C. WALKER ARENA AND CONFERENCE CENTER**

This is a Contract, effective November 22, 2005, to amend the contract dated June 11, 2001 made between the **City of Muskegon**, 933 Terrace Street, Muskegon, Michigan 49440 ("City") and **Arena Management Group, L.L.C.**, 955 Fourth Street, Muskegon, Michigan 49440 ("Manager").

Background

A. The Muskegon County Building Authority (MCBA) is the owner of the L.C. Walker Arena and Conference Center (Arena), and leases the premises to the County of Muskegon (County). The County subleases the Arena to the City, by which the City is responsible for the operation, maintenance, and improvements for the Arena.

B. Effective June 11, 2001 City contracted with Manager to provide complete management, promotion and maintenance of Arena, in accordance and compliance with the requirements of the City, as well as the Muskegon County Building Authority and the County of Muskegon, who are the owner and primary lessee, respectively, of the Arena, and particularly in accordance with Internal Revenue Procedure 97-13, a federal tax procedure which must be complied with for the reason that tax exempt bonds were issued for certain improvements in the Arena.

C. City and Manager have been approached relating to having professional basketball at the Arena. A lease has been executed between Manager and Lakeshore Basketball LLC. The rent to be paid by Lakeshore Basketball LLC will not cover the Manager's expenses related to allowing professional basketball at the Arena.

D. Estimated costs to Manager relating to the professional basketball is \$2900, per game, for setting up and taking down seating and protective glass around the sheet of ice, staffing and security at the Arena.

Therefore, the parties agree as follows:

1. **Management Fee.** In addition to the amounts owed pursuant to paragraph 8 of the June 11, 2001 contract, Manager shall be paid actual costs attributable to Lakeshore Basketball LLC, not to exceed \$2900 per game. To the extent that actual costs to Manager are less than \$2900 per game, the maximum amount owed pursuant to this paragraph shall be reduced.

2. **Remainder of Agreement.** The remainder of the Operations and Management Contract, dated June 11, 2001 shall remain in full force and effect, unless specifically modified by this Second Amendment. The First Amendment dated December 14, 2004 is hereby replaced in its entirety by this second amendment.

WITNESSES:

Linda Potter
Linda Potter
To Ann Krkowski
To Ann Krkowski

ARENA MANAGEMENT GROUP, L.L.C.

By: [Signature]
Tony Lisman, President
Dated: 11/9, 2005

CITY OF MUSKEGON

By: [Signature]
Stephen J. Warmington, Mayor
Dated: 11-30, 2005

By: Gail A. Kunding
Gail A. Kunding, Clerk
Dated: 11-30, 2005

Attendance per Game		3,000	2,500	2,000	1,450	1,200	1,000	500
Rental		\$ 1,600	\$ 1,600	\$ 1,600	\$ 1,600	\$ 1,600	\$ 1,600	\$ 1,600
Concessions		3,000	2,500	2,000	1,450	1,200	1,000	500
\$	1.00							
Ticket Fee (@\$.50/cap)		1,500	1,250	1,000	725	600	500	250
\$	0.50							
Parking (@\$.23/cap)		690	575	460	334	276	230	115
\$	0.23							
Total City Revenue		\$ 6,790	\$ 5,925	\$ 5,060	\$ 4,109	\$ 3,676	\$ 3,330	\$ 2,465
Costs:								
Est. Ice Rental Loss		(1,200)	(1,200)	(1,200)	(1,200)	(1,200)	(1,200)	(1,200)
Max. Payment to AMG		(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)
		(4,100)	(4,100)	(4,100)	(4,100)	(4,100)	(4,100)	(4,100)
Net Per Game		\$ 2,690	\$ 1,825	\$ 960	\$ 9	\$ (424)	\$ (770)	\$ (1,635)
Net Season (24 Games)		64,560	43,800	23,040	204	(10,176)	(18,480)	(39,240)

Date: November 22, 2005

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Sewer Rate Adjustment

SUMMARY OF REQUEST: At the time the 2006 budget was adopted, staff noted that it appeared a sixteen percent sewer rate increase would be needed to offset the impacts of the Sappi downsizing. Based on the additional information that has become available since budget adoption, it still appears that a sixteen percent increase is needed. Attached is historical and projected financial data for the sewer fund which indicates the need for the 16% percent increase to take effect January 1, 2006. The rate adjustment will move residential sewer rates from \$1.32/hcft to \$1.53/hcft and commercial/industrial rates from \$1.66 to \$1.93. The impact on a typical household using 15,000 gallons of water will be an additional \$4.20/month (\$12.60/quarter). Also attached is an exhibit showing typical household sewer bills for the city and surrounding communities.

FINANCIAL IMPACT: The sewer rate adjustments will generate an estimated \$672,000 additional full-year revenue for the city's sewer fund.

BUDGET ACTION REQUIRED: None at this time. Adoption of these fee adjustments will help the city attain its 2006 budgeted revenue estimates.

STAFF RECOMMENDATION: Adoption of the attached fee adjustment resolution.

COMMITTEE RECOMMENDATION: None

Memo

To: City Commission City Manager
From: Finance Director
Date: November 16, 2005
Re: Proposed Sewer Rate Increase

Background

Staff is proposing a sixteen percent (16%) increase in the rates for sanitary sewer service. Following is a history of sewer rate changes:

Date Adopted	Date Effective	Residential Rate Per 100 Cu. Ft.	Commercial Rate Per 100 Cu. Ft.	Industrial Rate Per 100 Cu. Ft.
November, 2005 (Proposed)	January, 2006	\$1.530	\$1.930	\$1.930
May, 2002	June, 2002	\$1.320	\$1.660	\$1.660
May, 1998	June, 1998	\$1.120	\$1.405	\$1.405
November, 1992	January, 1993	\$0.933	\$1.171	\$1.171
January, 1992	January, 1992	\$1.140	\$1.100	\$1.070
March, 1983	March, 1983	\$0.920	\$0.890	\$0.870

There are several reasons for the increase:

- Significant operation cutbacks at Sappi have necessitated a 30% increase in wastewater treatment charges to the city. This is offset to a degree by the fact that previously negotiated debt relief for Sappi will be suspended as their daily flow falls below the trigger point for this relief;
- Operating costs, particularly employee healthcare and pension, have risen dramatically in the 3.5 years since the last rate increase;
- The county recently issued new debt for wastewater system improvements and plans to issue more debt in the coming months. In 2008, the city's share of current debt service will be abnormally high as this will be both the last year of payments on "old" bonds and the first year of payments on "new" bonds.

Recommendation

Obviously there is uncertainty surrounding wastewater matters both for the city as well as the other jurisdictions in Muskegon County. From information currently available, staff believes that a sixteen percent sewer rate increase will maintain the city's sewer fund in healthy financial condition for the near-term future.

Thank you.

City of Muskegon
Historical and Projected Sewer Fund Operating Cash Flow and Debt Service Coverage
Fiscal Years Ended or Ending December 31, 1999 Through 2008

	1999	2000	2001	2002	2003	2004	Projected 2005	Projected 2006	Projected 2007	Projected 2008
Operating Revenues								16% Increase		
City Sewer Sales	\$ 3,649,614	3,989,052	\$ 3,808,493	\$ 3,914,994	\$ 4,021,244	\$ 4,032,673	\$ 4,225,000	\$ 4,901,000	\$ 4,901,000	\$ 4,901,000
Other	62,881	45,967	113,201	75,191	36,499	50,918	75,000	75,000	75,000	75,000
Total Operating Revenues	\$ 3,712,495	\$ 4,035,019	\$ 3,921,694	\$ 3,990,185	\$ 4,057,743	\$ 4,083,591	\$ 4,300,000	\$ 4,976,000	\$ 4,976,000	\$ 4,976,000
Operating Expenses										
Operations and Administrative	\$ 278,896	\$ 224,833	\$ 263,873	\$ 370,396	\$ 388,912	\$ 402,634	\$ 442,897	\$ 487,187	\$ 535,906	\$ 589,496
Maintenance & Wastewater Treatment	2,135,820	1,998,180	2,382,674	2,343,279	2,253,677	2,599,280	2,818,594	3,537,765	3,643,898	3,753,215
Bad Debts	3,059	13,098	9,835	13,300	6,865	37,025	10,000	10,000	10,000	10,000
Depreciation and Amortization	613,146	608,283	517,888	601,586	667,831	662,976	662,976	662,976	662,976	662,976
Total Operating Expenses	\$ 3,030,921	\$ 2,844,394	\$ 3,174,270	\$ 3,328,561	\$ 3,317,285	\$ 3,701,915	\$ 3,934,467	\$ 4,697,928	\$ 4,852,780	\$ 5,015,687
Operating Income (Loss)	\$ 681,574	\$ 1,190,625	\$ 747,424	\$ 661,624	\$ 740,458	\$ 381,676	\$ 365,533	\$ 278,072	\$ 123,220	\$ (39,687)
Non-Operating Revenues (Expenses)										
Interest Earned	\$ 27,684	\$ 54,362	\$ 69,601	\$ 22,263	\$ 19,739	\$ 12,821	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
Other						147,532				
Operating Transfers In (Out)	87,474		(454,812)			47,796				
Extraordinary Item	(352,009)		(220,000)							
Depreciation	613,146	608,283	517,888	601,586	667,831	662,976	662,976	662,976	662,976	662,976
Total Non-Operating Revenues (Expenses)	\$ 376,295	\$ 662,645	\$ (87,323)	\$ 623,849	\$ 687,570	\$ 871,125	\$ 692,976	\$ 692,976	\$ 692,976	\$ 692,976
NET INCOME AVAILABLE FOR DEBT SERVICE	\$ 1,057,869	\$ 1,853,270	\$ 660,101	\$ 1,285,473	\$ 1,428,028	\$ 1,252,801	\$ 1,058,509	\$ 971,048	\$ 816,196	\$ 653,289
Debt Service Requirements										
Principal on Debt	\$ 1,089,893	\$ 1,004,794	\$ 972,887	\$ 1,116,046	\$ 1,151,091	\$ 1,107,267	\$ -	\$ -	\$ -	\$ -
Interest on Debt	237,636	216,776	197,169	137,622	132,214	110,520	-	-	-	-
Paid by Sappi	(593,601)	(583,278)	(572,954)	(657,128)	(677,897)	(652,088)	(467,656)	(841,865)	(798,335)	(1,149,551)
The 1996 County Bonds	-	-	-	-	-	-	866,922	-	-	-
The 2002 County Bonds	-	-	-	-	-	-	258,976	1,429,514	1,355,599	1,282,268 (3)
The 2006 County Bonds	0	0	0	0	0	-	-	-	-	604,584 (3)
Total	\$ 733,928	\$ 638,292	\$ 597,102	\$ 596,540	\$ 605,408	\$ 565,699	\$ 658,242	\$ 587,649	\$ 557,264	\$ 737,301
Coverage Ratio	1.44x	2.90x	1.11x	2.15x	2.36x	2.21x	1.61x	1.65x	1.46x	0.89x
Annual Increase in Revenue Necessary for 1.40x Coverage.							\$0	\$0	\$0	\$378,933
Annual Increase Necessary to Produce 1.40x Coverage.							0.00%	0.00%	0.00%	9.68%

(1) 1999 through 2004 Actual.

(2) Non-operating revenues are not assumed to change.

(3) For 2008 debt service is required for both the 2002 and 2006 bonds. Starting 2009, only the 2006 bonds will be outstanding.

CITY OF MUSKEGON
RESOLUTION NO. 2005-110 (d)

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on November 22, 2005.

RECITALS

A review of the rates for sewer service has been accomplished by the City's staff, recommendations received, and the City Commission has determined that the following rate changes are justified. Accordingly, this resolution is made for the purpose of maintaining the financial viability of the City's sewer system.

THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. Charges for residential sewer service shall be changed from \$1.32 per 100 cubic feet to \$1.53 per 100 cubic feet;
2. Charges for commercial/industrial sewer service shall be changed from \$1.66 per 100 cubic feet to \$1.93 per 100 cubic feet;
3. Charges for all non-metered residential sewer customers will be calculated based on an assumed usage rate of 35 hundred cu. ft. per quarter.
4. Unless there is a separate agreement specifying a different billing method, non-resident users of the city sewer system will be billed at a rate that is double (2x) the city rate for that class of user.

The above changes to be effective January 1, 2006.

This resolution adopted.

YEAS: 7

NAYS: 0

CITY OF MUSKEGON

By'

Sail Q. Kundergei

STATE OF MICHIGAN COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the 22nd day of November, 2005 and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to an in compliance with Act 267, Public Acts of Michigan, 1976.

Sail Q. Kundergei

Typical Monthly Sewer Bill
Ranked from Lowest (1) to Highest (6)
Residential Customers - 7,500 Gallons Usage Per Month

	Community	Sewer Bill	Rank
1	Norton Shores	13.58	1
2	Muskegon (Current Rate)	15.86	2
3	Muskegon (Proposed Rate Effective 1/1/06)	18.01	3
4	North Muskegon	18.13	4
5	Muskegon Heights	19.11	5
6	Roosevelt Park	27.06	6
	Average	\$ 18.63	
	Median	\$ 18.07	

Note: Assumes 7,500 gallons (or 1,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.

Source: Local area survey conducted by City of Muskegon as of November 2005.

Typical Monthly Sewer Bill
Ranked from Lowest (1) to Highest (6)
Residential Customers - 15,000 Gallons Usage Per Month

	Community	Sewer Bill	Rank
1	Norton Shores	23.33	1
2	Muskegon Heights	27.13	2
3	Muskegon (Current Rate)	29.06	3
4	North Muskegon	30.43	4
5	Muskegon (Proposed Rate Effective 1/1/06)	32.74	5
6	Roosevelt Park	46.11	6
	Average	\$ 31.47	
	Median	\$ 29.75	

Note: Assumes 15,000 gallons (or 2,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.

Source: Local area survey conducted by City of Muskegon as of November 2005.

Date: November 22, 2005
To: Mayor and City Commission
From: Department of Public Works
RE: Sale of Water to Idlewild Resort in Norton Shores

SUMMARY OF REQUEST:

Nugent Sand Company (NSC) has requested permission to purchase water from the City of Muskegon via the City of Norton Shores on a temporary basis. The attached two contracts list the responsibilities of each party.

FINANCIAL IMPACT:

The City of Muskegon will be paid an annual readiness to serve fee of \$1600 (with allowance for future adjustments) plus a water rate based on 1.35 of the water used. These provisions will be in place until such times as the City of Norton Shores builds their own system to handle this water demand.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Staff recommends that the City of Muskegon City Commission approve the attached documents for the temporary sale of water to Idlewild Resort.

COMMITTEE RECOMMENDATION

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 8, 2005

Gail A. Kunding, MMC
City Clerk
City of Muskegon
933 Terrace
P.O. Box 536
Muskegon, MI 49443-0536

Re: Sale of Water: Norton Shores/Nugent Sand

Dear Ms. Kunding:

As you may be aware, city staff has been working with representatives of Norton Shores and Nugent Sand to finalize an arrangement whereby Muskegon would sell water to Norton Shores for the Idlewild subdivision. Those documents have been finalized.

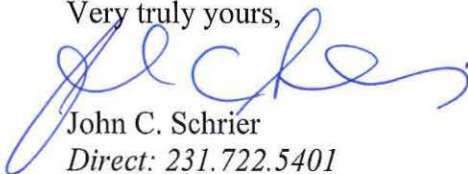
Enclosed please find the following:

- 1) Water Line Installation Agreement; and
- 2) Water Line Extension Agreement.

I presume that Bob Kuhn will prepare whatever cover sheet, etc. is necessary for a matter to be presented to the City Commission. Assuming approval, please have three copies of each document executed and returned to me.

The documents will be executed in counterparts. Once fully executed, I will provide an original of both documents to you.

Very truly yours,



John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Enclosures

c: Bob Kuhn

WATER LINE INSTALLATION AGREEMENT

THIS AGREEMENT made this 12th day of DECEMBER, 2005 by the CITY OF MUSKEGON, 933 Terrace St., Muskegon, MI 49440 and the CITY OF NORTON SHORES, 4814 Henry St., Norton Shores, MI 49441 to provide for the installation of a new public water main, do covenant and agree as follows:

WHEREAS, the Nugent Sand Company has requested that the City of Muskegon allow for the tapping of their 30 inch cast iron water main located on the south side of Sherman Boulevard, and,

WHEREAS, the Nugent Sand Company desires to connect an 8-inch water main to service the residents of the Idlewild Resort Subdivision, and,

WHEREAS, the Idlewild Resort Subdivision is located within the City of Norton Shores, and,

WHEREAS, the Nugent Sand Company will pay for and contract with an appropriate qualified contractor for the installation of the 8-inch water main, and,

WHEREAS, upon completion of the construction, the Nugent Sand Company shall turn over the connection portion of the water main along with the portion parallel to Sherman Boulevard, located within the City of Muskegon to the them, and, the balance of the 8-inch water system will be turned over and dedicated to the City of Norton Shores.

WHEREAS, the two systems will be separated by a valve which will be installed at the expense of the Nugent Sand Company and shall be part of the Norton Shores system.

In consideration of the circumstances surrounding this matter, the parties hereto therefore covenant and agree as follows:

1. That the City of Muskegon hereby allows the Nugent Sand Company permission to tap the City's 30 inch-cast iron water main located along the south side of Sherman Boulevard so as to extend an 8-inch water main west and then south to the residents of the Idlewild Resort Subdivision located within the City of Norton Shores on the condition that:

- a. Nugent comply with the terms and conditions of the Water Line Extension Agreement, the terms of which are incorporated by reference.
- b. That Nugent or its agent provide acceptable engineering drawings depicting the location of the tap prior to the commencement of construction.
- c. That Nugent or its agent provide "as-built" engineering documents upon completion of construction.

2. That the City of Muskegon shall bill the City of Norton Shores quarterly based upon the meter readings which will be provided by the City of Norton Shores of the connected users for actual water used at a rate of 1.35 times the rate charged to the City of Muskegon residents, plus an annual tap fee of \$1,600 to be initially paid upon execution of this Agreement and then annually thereafter for five (5) years or the interconnect is closed, whichever occurs sooner. If after five (5) years, the connection provided for in this Agreement is still needed, the annual fee shall be adjusted upward by the increase in the then current Consumer Price Index ("Index"). All Adjustments shall be cumulative. Index means the Consumer Price Index of the Bureau of Labor Statistics, United States Department of Labor (CPI-U), all items index for all urban consumers—U.S. city average (1982-84 = 100), or any similar replacement therefore; provided, however, that in no case shall any such adjustment result in a decrease in the fee.

3. That the City of Norton Shores shall:

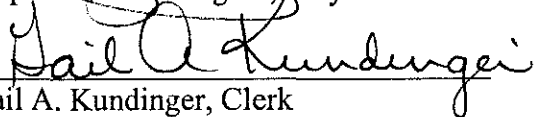
- a. Allow a tap into the 8-inch water main so as to extend water services to the private property line for each residential connection upon payment of a fee, the amount of which shall be set by resolution of the City Council for each residential connection, and for that fee the City of Norton Shores will include a meter to be installed within each of the residential structures with a wired remote read. Costs incurred by property owners to physically connect to the water main are not covered by this Agreement and shall be billed and collected as provided in the Code of Ordinances for the City of Norton Shores.
- b. Own and maintain the 8-inch water main within an appropriate easement from the valve on the south side of the tee at the Sherman Idlewild Road intersection south into the Idlewild Resort.
- c. Pay the City of Muskegon for actual water used, as well as any significant unmetered water, (more than 2000 gpd) the amount of which will be based upon quarterly meter readings at the rate of 1.35 times the rate charged by the City of Muskegon to its customers.
- d. Cure the cause of any significant unmetered water loss (more than 2000 gpd).

- e. Limit construction to the 8 inch water main to residential development within the Plat of Idlewild Resort unless approved by the City of Muskegon.

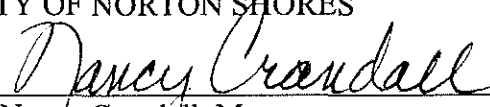
4. This agreement may be signed in two or more counterparts, each of which shall be considered an original and all of which together shall constitute one and the same instrument.

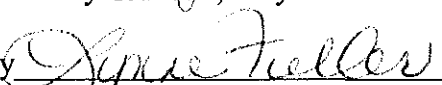
CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kunderger, Clerk

CITY OF NORTON SHORES

By 
Nancy Crandall, Mayor

By 
Lynne Fuller, Clerk

WATER LINE EXTENSION AGREEMENT

THIS AGREEMENT made this 1st day of DECEMBER, 2005,
between THE NUGENT SAND COMPANY, INC., of 2925 Lincoln, Muskegon, MI 49441
the CITY OF MUSKEGON, 933 Terrace St., Muskegon, MI 49440 and the CITY OF NORTON
SHORES, 4814 Henry St., Norton Shores, MI 49441, do covenant and agree as follows:

WHEREAS, the Nugent Sand Company has requested that the City of Muskegon allow
for the tapping of their 30 inch cast iron water main located on the south side of Sherman
Boulevard near Beach Street, and,

WHEREAS, the Nugent Sand Company desires to connect an 8-inch water main to
service the residents of the Idlewild Resort Subdivision, and,

WHEREAS, the Idlewild Resort Subdivision is located within the City of Norton Shores,
and,

WHEREAS, the Nugent Sand Company will pay for and contract with an appropriate
qualified contractor for the installation of the 8-inch water main, and,

WHEREAS, upon completion of the construction, the Nugent Sand Company shall turn
over the connection portion of the water main along with the portion parallel to Sherman
Boulevard, located within the City of Muskegon to the City of Muskegon and the balance of the
8-inch water system will be turned over and dedicated to the City of Norton Shores.

WHEREAS, the two systems will be separated by a valve, which will be installed at the
expense of the Nugent Sand Company, and shall be part of the Norton Shores system.

NOW THEREFORE the parties covenant and agree as follows:

1. The Nugent Sand Company agrees that:

- a. It shall at their expense, construct a water main including the costs associated with tapping the City of Muskegon's 30-inch cast iron water main located on the south side of Sherman Boulevard as well as all of the costs associated with the extension of and the tapping into an 8-inch water main to service the residents of the Idlewild Resort Subdivision. In addition Nugent shall pay a tap fee to the City of Norton Shores in the amount of \$1,600.00 within thirty (30) days of the issuance of an invoice, and thereafter annually, upon the issuance of an invoice to reimburse the City of Norton Shores the annual fee paid to the City of Muskegon in the amount of \$1,600.00. This annual payment will continue for five (5) years or until the inter connect is closed, whichever occurs sooner. If upon the expiration of five (5) years, the connection provided for in this Agreement is still needed, the annual fee shall be adjusted upward by the increase in the then current Consumer Price Index ("Index"). All adjustments shall be cumulative. Index means the Consumer Price Index of the Bureau of Labor Statistics, United States Department of Labor (CPI-U), all items index for all urban consumers—U.S. city average (1982-84 = 100), or any similar replacement therefore; provided, however, that in no case shall any such adjustment result in a decrease in the fee. Following each such adjustment, the term "fee" as used in this Agreement, shall mean the fee as most recently adjusted.

- b. That they shall protect Sherman Boulevard with temporary sheeting during the construction of the water line, disturbing only the bike path which will be restored to the condition that existed before the water line installation. If permanent repairs cannot be made immediately, then a temporary patch will be done until Spring 2006 when a permanent patch shall be completed.
- c. That they will provide one week advance written notice to the Director of Public Works for the City of Muskegon of the date, time and location of the tap into the City of Muskegon line.
- d. That a copy of any contract, redacted to protect the privacy of the economic terms for the construction of the water line shall be delivered to the Director of Public Works for the City of Muskegon.
- e. Hold and indemnify the City of Muskegon and the City of Norton Shores from any and all claims of any kind occurring as a result of the extension and construction of the water line by Nugent Sand Company or its contractor(s). Notwithstanding anything to the contrary herein, Nugent Sand Company shall not be responsible for indemnifying and holding the City of Muskegon and City of Norton Shores harmless from any claims arising from the negligence or intentional acts or omissions of the City of Muskegon, City of Norton Shores or their employees, contractors, invitees, or agents.
- f. That they will incur the expense and install a tee and valve for a future extension to the City of Muskegon at a location pursuant to the drawings

prepared by Westshore Consulting as provided to the Director of Public Works for the City of Muskegon.

- g. That they shall construct the 8-inch water line with Class 52 ductile iron, including appropriate fire hydrants along with all necessary valves in accordance with state and local standards. Fire hydrants are to be spaced at 450 feet along Idlewild Road, and at 350 feet within the Plat of Idlewild Resort.
- h. The water main shall only be constructed after the permit is issued by the Michigan Department of Environmental Quality.
- i. They will deliver an executed public utility easement attached as Exhibit A signed by all affected property owners in recordable form pre-approved by the public entities involved. That the easement shall provide for the installation, construction and maintenance of the water main. In addition, Nugent shall, via either a Quit Claim Deed or other "Bill of Sale" in a form pre-approved by the Cities of Muskegon and Norton Shores, transfer the actual water line to the public entities involved.
- j. Will obtain any additional permits needed to accomplish the construction of the water main including, but not limited to, water system construction permits, critical dune permits, soil erosion and sedimentation control permits and any other permit required by an agency, entity or municipality exercising jurisdiction over the construction.

- k. Turn over ownership of the 8-inch water main to the City of Norton Shores upon its completion from the location of the valve on the south side of the tee at the Sherman/Idlewild intersection.
 - l. Shall supply the City of Norton Shores and the City of Muskegon with as-built construction drawings when the project is completed.
 - m. That annual payments which remain unpaid for more than ninety (90) days shall, at the Cities discretion, added to the ad valorem tax bill for the properties owned by Nugent at the time of the assessment and collected in accordance with normal City Policy as provided by law.
- 2. The City of Muskegon agrees:
 - a. To fulfill the obligations and requirements as detailed in the Water Line Installation Agreement with the City of Norton Shores. (Attached as Exhibit B)
 - b. Accept the portion of the water system along Sherman Boulevard upon completion of construction from the tap into the 30 inch main from that valve west approximately 105 feet to a tee and valve allowing for the extension of the 8 inch main south to the Plat of Idlewild Resort.
- 3. The City of Norton Shores shall:
 - a. To fulfill the obligations and requirements as detailed in the Water Line Installation Agreement with the City of Muskegon. (Attached as Exhibit B)

- b. Accept the portion of the water system along Sherman Boulevard and within the Idlewild Resort Plat upon completion of construction.

4. This agreement may be signed in two or more counterparts, each of which shall be considered an original and all of which together shall constitute one and the same instrument

NUGENT SAND COMPANY, INC.

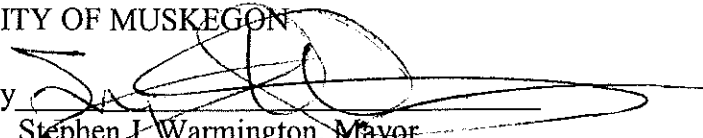
By _____

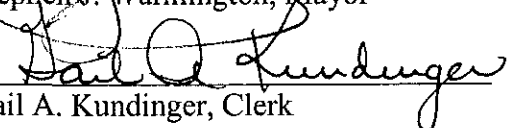
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By _____

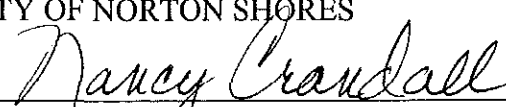
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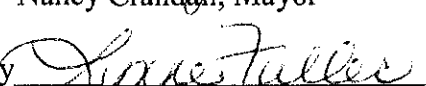
CITY OF MUSKEGON

By 
Stephen J. Warmington, Mayor

By 
Gail A. Kunding, Clerk

CITY OF NORTON SHORES

By 
Nancy Crandall, Mayor

By 
Lynne Fuller, Clerk

- b. Accept the portion of the water system along Sherman Boulevard and within the Idlewild Resort Plat upon completion of construction.

4. This agreement may be signed in two or more counterparts, each of which shall be considered an original and all of which together shall constitute one and the same instrument

NUGENT SAND COMPANY, INC.

By J. A. Nevedal
J. A. Nevedal
Its VICE PRESIDENT

By
Its

CITY OF MUSKEGON

By
Stephen J. Warmington, Mayor

By
Gail A. Kunder, Clerk

CITY OF NORTON SHORES

By
Nancy Crandall, Mayor

By
Lynne Fuller, Clerk

Date: November 22, 2005
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Street Lights Along Shoreline Dr.

SUMMARY OF REQUEST:

As per your directions, bids were solicited and received to install approximately twenty (20) street lights along Shoreline Dr. between Ottawa & First as well as Terrace Street between Morris & Shoreline Dr. John Howell of Lansing, Michigan submitted the lowest bid of \$70,000 (\$3,500 per light). Windemuller (Montague, MI) submitted the only other bid of \$94,000.

Your authorization to enter into a contract with John Howell is requested should it be your desire for the City to be the owner of those lights.

FINANCIAL IMPACT:

The installation cost of 70,000 plus any direct expenses to consumer Energy to provide the energy source which is estimated at \$5,000.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize staff to enter into a contract with John R. Howell if the it is desired that the city be the owner of the lights.

COMMITTEE RECOMMENDATION:

11-22-05
2005-110(f) FR: Bob Chapman

INVITATIONS FOR BIDS
CITY OF MUSKEGON, MI

The City of Muskegon, MI is seeking qualified contractors for the installation of streetlights along Shoreline Dr. between Ryerson Creek and First St.

A mandatory Pre-Bid Conference will be held in the second floor conference room (room 203) at City Hall at 9:00 a.m. on November 10, 2005 at which time and place any questions regarding this Project should be presented. Please contact the City Engineering Department @ (231) 724-6707 for any information regarding this project.

**CITY OF MUSKEGON
Engineering Department**

**ADDENDUM NO. 1
INSTALLATION OF STREETLIGHTS ALONG SHORELINE DR. BETWEEN RYERSON
CREEK AND FIRST ST.**

Pre-Bid Meeting
November 10, 2005 (9:00 a.m.)
Second Floor Conference Room (Rm. 203) – City Hall

Attendance:

Mohammed Al-Shatel	City of Muskegon	(231)	724-6707
Don LaBrenz	City of Muskegon	(231)	724-6758
Nicholas Page	Consumers Energy	(231)	727-6540
Chris Beisel	Verizon	(231)	727-1642
JR Howell	JR Howell Airport Lighting LLC	(517)	230-3558
Kathy Glisson	JR Howell Airport Lighting LLC	(231)	797-5640
Fritz Korthase	Windemuller Electric	(231)	894-2979

Absent:

Steve Drake	ComCast
Paul Larsen	DTE

OVERVIEW: Mohammed Al-Shatel

The project calls for the installation of twenty (20) street lights of a Shakespeare grey fiberglass poles with a height of 39.5' similar to those installed by Consumer on the northerly section of the proposed project area. Those poles are to be purchased from Consumer Energy to retain consistency.

The project area is Shoreline Dr. from Western/Spring/Ryerson Creek down to First St. and Terrace St. from Morris St. down to Shoreline Drive. Bids for this project are due by Wednesday, November 16, 2005 at 2:00 p.m. in the City of Muskegon Engineering Office (room 205). Each bidder must submit the required 5% Bid Bond with his/her bid. Sheet #4 (Bid Proposal page) shows a requirement for 20 streetlights, however, be aware that the bid prices should be good for an increase or decrease of by 25% according to the contract guidelines. Also, the bidder should factor in a cost for the warranty on each streetlight for one (1) year. The project area requires that the conduit is installed below ground and the successful bidder should be mindful of his/her handling of the soil in the area. He/she must ensure to take the proper precautions such as wearing gloves while splicing the conduits, not removing soil from the site, not exposing the workers to the soil any more than necessary, etc. The original Shoreline Drive construction plans will be available to the successful Bidder for reference if necessary. The request for proposal that outlines the scope of the project based on the work that Consumers Energy had previously done in the project area.

UTILITIES

CONSUMERS Consumers Energy has installed Shakespeare grey fiberglass poles with a height of 39.5' from Ottawa St. to Shoreline Drive to the City's street lights on the skyline and back to Spring St. The poles come pre-drilled with a 6' mast arm. They recommend using 400-watt high-pressure sodium bulbs. For the purpose of this project, the contractor will be able to purchase the poles from Consumers Energy at a price of \$1,434.20 for each location.

COMCAST Absent

DTE Absent
VERIZON No conflicts

CITY OF MUSKEGON
Engineering Department

ADDENDUM NO. 1
INSTALLATION OF STREETLIGHTS ALONG SHORELINE DR. BETWEEN RYERSON
CREEK AND FIRST ST.

Pre-Bid Meeting
November 10, 2005 (9:00 a.m.)
Second Floor Conference Room (Rm. 203) - City Hall

UTILITIES (cont'd)

DPW N/A

RECAP:

1. The Bid Proposal page does not outline the City's standard contract requirement for a one-(1) year warranty which should be taken into account in the contractor's bid.
2. The Bid Proposal page will be amended to reflect the year warranty.
3. Staking will be done by the owner.
4. The conduits are located on the outside of each lane.
5. The NE corner of Terrace and Shoreline has a transformer, which may be a key starting point.
6. If decorative outlets/receptacles are required, other arrangements will have to be made.
7. All necessary permits are the responsibility of the successful bidder.
8. The affected soil **must** be re-used in the location of the applicable pole.
9. The poles come pre-drilled with a 6' mast arm and will have 400-watt high-pressure sodium bulbs. For the purpose of this project, the contractor will be able to purchase the poles from Consumers Energy at a price of \$1,434.20 for each location.
10. The contractor will be responsible for providing power/energy for the installed lights. The owner will pay any direct cost to Consumer to offset costs associated with item. An allowance of one (\$1) dollar has been established to address this unknown.
11. The unit prices on the proposal sheet are inclusive of all material, equipment and labor necessary to accomplish the complete installation and energizing of the twenty (20) plus-minus street light poles.
12. The cost of the poles that were mentioned during the meeting DID NOT include taxes and the contractor should keep that in mind when submitting the bid.
13. Since the proposed lights will be owned by the City, they will have to be metered separately and therefore a pedestal for a separate meter should be included in your price.

4.0 Compliance with Section 7a Obligations

4.1 Exacerbation

The proposed property use is expected to be changed to highway and highway right-of-way will not exacerbate the existing contamination. Construction of Shoreline Drive will involve excavation of the site.

The current land use is a credit union. No future releases are expected as there is no use of hazardous substances on this Parcel.

Future use of the site is expected to be to highway right-of-way with little or no hazardous substance use. It is anticipated that current site may be altered and the area paved with an impermeable material. If excavation of soils would occur, engineering controls and soil erosion measures would be implemented to prevent the spread or migration of site soils. The proposed future site use will not increase any additional response costs, however construction activities may require control measures that may add cost. Based on current data, no additional remedial measures will be necessary to maintain commercial uses at this site.

4.2 Due Care

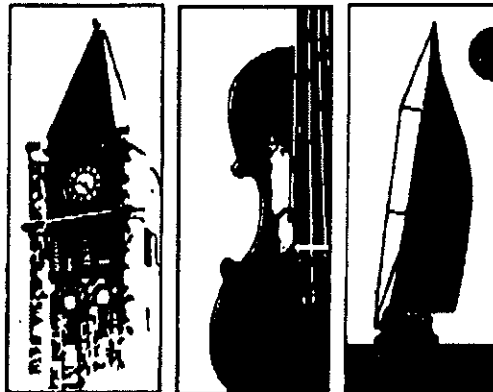
To mitigate unacceptable exposure to hazardous substances, and allow for the intended use of the facility in a manner that protects public health and safety, the following response activities have or will be completed:

- Any USTs discovered during excavation and grading activities will be disposed according to appropriate regulations

Future use of the property is speculated to be highway and highway right-of-way with little or no hazardous substance use. If existing structures are demolished and construction activities occur at the Site, the following measures would be implemented:

- Lead-based paint or asbestos in existing structures would be identified, removed and disposed of in accordance with applicable regulations.
- If construction activities require removal of surface or subsurface soil, the material will be characterized and disposed in accordance with applicable regulations. The contractor will be provided with available information regarding known site conditions and provided with the property sampling analytical results.
- Appropriate engineering controls will be implemented to minimize dust migration offsite.
- Soil erosion and stormwater control measures will be implemented in accordance with local and state requirements.

MUSKEGON



West Michigan's Shoreline City

ENGINEERING DEPARTMENT TRANSMITTAL COVER SHEET

PH# 724-6707 - FAX# 727-6904

DATE: 11/14/05

COMPANY	CONTACT	PHONE	FAX
Windemuller Electric	F. Korthase	(231) 894-2979	(231) 894-1310
JR Howell Airport Lighting	JR Howell	(231) 797-5640	(231) 797-5645

From
Mohammed
City Engineering

Subject: Shoreline Dr. - Street Light Installation. Addendum #1

Should you have questions, please contact me at (231) 724-6707

Thanks

Number of pages sent, including cover sheet:

5

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL (231) 724-6707****

Pre-Bid

11-9-05

street lights for Shoreline Dr.

Name

Company

Phone #

Mohammed Al-Shutel	city of Muskegon	724-6707
NICHOLAS PAGE	CONSUMERS ENERGY	727-6540
FRITZ KORTHASE	Windemuller Electric	894-2979
Kathy Glisson	St. Joseph Airport Lighting Co.	231-797-5640
JR Howell	" " " " "	517-230-3558
Chris Beisel	Verizon	231-727-1642
DON LABRANZ II	city of Muskegon	724-6758

CITY OF MUSKEGON
AGREEMENT FOR SERVICES OR CONSTRUCTION OF

**THE INSTALLATION OF STREETLIGHTS ALONG SHORELINE DR. BETWEEN
RYERSON CREEK AND FIRST ST.**

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Airport Lighting, LLC ("Contractor"), of HOT LANSING, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in a good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before April 30, 2006

Price

Contractor will perform as set forth above for the complete contract price of \$ 70,000⁰⁰

Conditions and Covenants

Contractor will comply with all laws, rules and regulations of the City, and any other local government of the State of Michigan and the United States Government. Contractor will supply insurance as required by separate written document, naming the City as an additional insured, if appropriate, and shall carry such additional insurance coverage's as are required by the City. Contractor shall hold the City harmless against any and all claims for damages or costs made against the City arising from Contractor's performance, including all costs of defense, attorneys' fees, expenses and the amount of any damage determined against the City.

Contractor certifies that it is eligible for performance of government work and has not been cited or listed for failure to comply with Wage and Hour or prevailing wage regulations of the State of Michigan or the Federal Government.

Termination and Cancellation

This contract may be terminated for failure to perform in accordance herewith, and Contractor shall be liable for normal contractual remedies available to the City. In the event liquidated damages for nonperformance are agreed to, the following amounts constitute liquidated damages:

\$300.00 per day of non-performance.

Nondiscrimination Compliance

Contractor agrees to comply with all nondiscrimination laws, rules and regulations and policies of the City, State and Federal Governments including, but not limited to, the provisions of Executive Order 11246, Affirmative Action Requirements for Disabled Veterans and Veterans of the Vietnam Era and for Handicapped Workers, if required by the City and appropriate for the services in this contract.

Contractor shall comply with City oversight procedures. The provisions of all said policies, rules, executive orders and laws regarding nondiscrimination and affirmative action are available from the City by contacting the Affirmative Action Director of the City, City Hall, 933 Terrace Street, Muskegon, Michigan, telephone (231) 724-6703. The City may supply a copy with this contract in its discretion.

The parties agree to performance of this contract by signing below. The effective date of this agreement is 11/22, 2005.

Witnesses:

[Signature]

Contractor:

By [Signature]

CITY OF MUSKEGON

By [Signature]

12-12-05

Contract Between
City of Muskegon

And

Airport Lighting, LLC (Contractor)

STATEMENT OF WORK

All material, labor & equipment necessary to install approximately twenty (20) street light fixtures, complete similar to those already installed on Shoreline Dr. north of Ryerson Creek (intersection of Western Ave. & Shoreline Dr.), side of Shoreline Dr. Four (4) 4 inch PVC conduits & hand-holes have been installed on the outside terraces and none in the median area. The conduits were installed without any pull lines.

Initials: JRH, JH *

Contractor: Kathy Wilson *

City: Muhammad alsharif
(Department Head)

12-12-05

Contract for service and construction for small and limited projects. This form would generally be used for projects under \$ N/A, informally bid or solicited, where no performance bond is being required. Generally such projects will involve repair and maintenance, one-time services.

INSTALLATION OF STREETLIGHTS ALONG SHORELINE DR.
BETWEEN RYERSON CREEK AND FIRST ST.

BID PROPOSAL-REVISED 11/10/05

ITEM DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL PRICE
SCHEDULE OF PRICE For the entire work outlined in the contract documents and the drawing complete as specified using equipment and material only of the type and manufacturers where specifically named	EACH	20	3,500 ⁰⁰	70,000 ⁰⁰

MATERIAL AND EQUIPMENT

The contract documents stipulate that the base bid price shall include materials and equipment selected from the designated items and manufacturers listed therein, as well as a one-year warranty of the work from the date of acceptance. This is to establish uniformity in bidding and establish standards of the items named.

Bid used with Letters of Recommendation

*Road Crossings - Jack Bares at \$30/ft
as necessary - C.E. Sources will
dictate need.*

M 517 230 3558

Board of County Road Commissioners of Huron County

ROAD COMMISSIONERS:

JOHN M. HUNT
HALL AVE

MICHAEL A. POWER
CARREVILLE

ALAN J. McTAGHERT
PORT HOPE

MAILING ADDRESS: P.O. BOX 270 • BAD AXE, MI 48413-0270

417 S. HANSELMAN STREET • BAD AXE, MI 48413-0270

TEL: 989-269-6404 • FAX: 989-269-8491

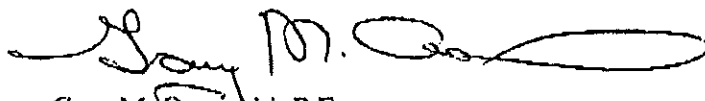
November 15, 2005

Letter of Recommendation For J.R. Howell, Airport Lighting, LLC

J.R. Howell has completed various lighting projects at the Huron County Memorial Airport. Their work has been satisfactory and within appropriate time limits of the contract. We are not aware of any default on their part or litigation as a result of J.R. Howell's work. To the best of our knowledge, all subcontractors, and/or suppliers of labor or materials on each project were properly compensated.

I would recommend J.R. Howell as responsible and competent, and I believe they can capably perform airport lighting type construction work in a timely and satisfactory manner.

Respectfully yours,



Gary M. Osminski, P.E.
County Highway Engineer

11/10/2005 12:34 001020020

OTSEGO COUNTY REGIONAL AIRPORT



1185 VAN TYLE RD. • P. O. BOX 1396

GAYLORD, MICHIGAN 49734

PHONE 517/732-6484

November 14, 2005

To Whom It May Concern:

I am writing this letter to recommend J.R. Howell, Airport Lighting, LLC.

John Howell has been the electrical contractor for several projects at the Otsego County Airport over the past fifteen years. These projects included the following:

1993 - HIRL, PAPI's, REIL on Runway 9/27; MITL Parallel Taxiway Extension;
Airfield Signs; Electrical Service and New Electrical Vault. (\$255,653)

1997 - Windcone, Underground Electrical (\$54,715)

2002 - Runway Lighting (\$271,855)

All of the work on all of the projects was performed on time and in a satisfactory manner.

To the best of our knowledge, all subcontractors and suppliers were properly paid by John Howells Company. We have never heard of any complaints.

I, on behalf of the Otsego County Airport, recommend J.R. Howell as responsible and competent, and I believe they can capably perform any airport related electrical work in a timely and satisfactory manner.

I would be extremely pleased to have Mr Howell and his Company as the Electrical Contractor for any project on our Airport.

Sincerely,

David Schuster, Airport Manager

The "Hub" of Northern Michigan
"Gaylord The Alpine Village"

PELLSTON REGIONAL AIRPORT

Pellston, Michigan 49769 (231) 539-8441 Fax (231) 539-0936

November 15, 2005

**Letter of Recommendation
For
J. R. Howell, Airport Lighting, LLC**

J. R. Howell has performed the following projects for the Pellston Regional Airport in Pellston, Michigan: Installed PAPI'S, REILS, Main Runway repair, Repair Beacon, Rebuilt Vault and installed ramp lighting.

Their work has been satisfactory and within appropriate time limits of the contract. To the best of my knowledge, all subcontractors, and/or suppliers of labor or materials on each project were properly compensated.

I would recommend J. R. Howell as responsible and competent, and I believe they can capably perform airport lighting type construction work in an efficient, timely and satisfactory manner.

Sincerely,



**Kelley Atkins
Airport Manager**

David Chapman Agency, Inc.

5700 WEST MT. HOPE HWY...ADDRESS MAIL TO BOX 20186 • LANSING, MICHIGAN 48901 • TELEPHONE: 517/321-4600 • FAX 517/321-9443

November 15, 2005

City of Muskegon
933 Terrace
Muskegon, MI 49440

Re: JR Howell Airport Lighting LLC
Streetlights along Shoreline Drive

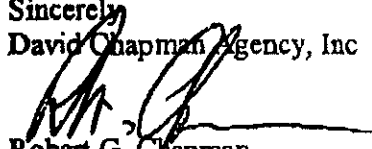
To Whom It May Concern:

As insurance and surety bond agents we have worked with the principals of J R Howell Airport Lighting LLC for many years. We have found them to have a very high level of expertise in all types of lighting including street lighting. We provided insurance and bonds for them on projects that averaged well over a hundred thousand dollars and in some cases were over one million dollars each.

During the completion of those projects their construction safety record was excellent. Their employees have been well trained not only in the installation process, but also in safety. We bonded a large number of projects and all have been fully completed and satisfied.

On behalf of our organization, the David Chapman Agency, Inc., I recommend J R Howell Airport Lighting LLC as responsible and competent. I believe they can capably perform construction work for the installation of your street lighting project in a timely and satisfactory manner.

Sincerely,
David Chapman Agency, Inc



Robert G. Chapman

Security for your Car, Home and Business



CITY OF CLARE

202 WEST FIFTH STREET • CLARE, MICHIGAN 48617-1490
989/386-7541 • FAX 989/386-4508

AN EQUAL OPPORTUNITY EMPLOYER

November 16, 2005

To Whom It May Concern:

CITY HALL

PH 989/386-7541
FX 989/386-4508
WWW.CITYOFCLARE.ORG

DEPARTMENT OF PUBLIC WORKS

PH 989/386-2182
FX 989/386-3445

W/WWT PLANT

PH 989/386-2321
FX 989/386-2387

POLICE DEPT.

NON-EMERGENCY
PH 989/386-2121
FX 989/386-0440

FIRE DEPT.

NON-EMERGENCY
PH 989/386-2151
FX 989/386-3020

AIRPORT

PH 989/386-0445
FX 989/386-4508

MAIN STREET MANAGER

PH 989/386-9190
FX 989/386-9190

This letter of recommendation is regarding J.R. Howell Airport Lighting, LLC.

In 1999 the City of Clare had a new runway built on the airport property. J.R. Howell was the contractor chosen to do an entire lighting renovation and installation for the airport. From the initial meeting, it was obvious how professional and "no nonsense" the J.R. Howell representatives were. Each of them came to the job site with an attitude that indicated the main objective was to get the job done as efficiently and quickly as possible without sacrificing quality.

Now, several years after the project completion date, it is almost like we have become part of the J.R. Howell "family". On occasion, someone from the company will call or stop by on their way to another job site and just "check in" to see how things are going. I often wondered why the J.R. Howell representatives were treating Clare so well. The answer is that we are not treated any different from any of the others. Every one of their customers is special to them and it shows.

As airport manager of the Clare Municipal Airport I would highly recommend the J.R. Howell Company as very professional and competent. I believe they can, and will, perform airport lighting work in a timely and satisfactory manner.

Sincerely,

Richard L. Acker
Airport Manager
Clare Municipal Airport

Bond No. 14774673

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, J R Howell Airport Lighting LLC

PO Box 210, Luther, MI 49656

as

Principal, and

Western Surety Company

as Surety, are held and firmly bound unto the City of Muskegon, its certain attorney, successors or assigns (hereinafter called the Obligee), in the full and just sum of Seventy Thousand and no/100-- dollars (\$ 70,000.00) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, said Principal has entered into a certain contract with Obligee,

dated 11/23, 20 05, (hereinafter called the Contract) for: Installation of Street Lights along Shoreline Drive

and the specifications for said work shall be deemed a part hereof as fully as if set out herein:

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

- (a) If the Principal shall faithfully perform the Contract on his/her part, as of the time and in the manner therein provided; shall satisfy all claims and demands incurred in or for the same, or growing out of the same, or for injury or damages to persons or property in the performance thereof; shall fully indemnify and save harmless said Obligee from any and all cost and damage which the Obligee may suffer by reason of the Principal's failure to do so; and shall fully reimburse and par the Obligee any and all outlay and expense which it may occur by reason of such default; and
- (b) If, after completion and acceptance of the work by the Obligee, the Principal shall promptly remedy any defects in the work due to faulty materials or workmanship which shall appear within the period of one year from the date of completion and final acceptance of the work, and pay for any damage to said Obligee, to the State of Michigan, or to any municipal subdivision or local authority thereof to which the rights and privileges of said Obligee have passed or been assigned, then this obligation shall be null and void; otherwise it shall remain in full force and virtue.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract to the work to be performed thereunder, or to the specifications accompanying the same, shall in any wise affect its obligations on this Bond; and it does thereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, or to the work or specifications.

It is hereby further stipulated and agreed that, if the Principal is a non-Michigan Corporation, neither the Principal nor the Surety shall be discharged from liability on this Bond, nor the bond surrendered, until such Principal files with the Obligee a certificate from the Michigan Department of Revenue evidencing the payment in full of all taxes, penalties and/or interest, and a certificate from the Unemployment Compensation Commission evidencing the payment of all unemployment compensation contributions, penalties and/or interest, due the State of Michigan from said Principal, or any non-Michigan corporation, subcontractor thereunder, or for which liability has accrued but the time for payment has not arrived.

SIGNED, SEALED AND DELIVERED IN 3 ORIGINAL COUNTERPARTS

THIS 22nd DAY OF November, 2005.

Individual Principals Sign Here:

In the Presence of:

[Signature] (SEAL)

____ (SEAL)

____ (SEAL)

Jason Howell

Corporate Principals Sign Here:

Attest:

(Printed Name and Title)

Surety Sign Here:
Western Surety Company

Robert G Chapman, Attorney-in-fact

(Printed Name and Title)

Attest:

[Signature]
Marcia J Miller

The rate of premium charge is \$ 30 per thousand.

The total amount of premium charged is \$ 2,100.00
(to be filled in by the Corporate Surety).

LABOR & MATERIALMAN'S BOND

PO Box 210, Luther, MI 49656

Western Surety Company

 dollars (\$70,000.00) lawful money of the United States,
for the payment of which sum well and truly to be made, we bind ourselves, our heirs, personal
representatives, successors and assigns, jointly and severally, firmly by these presents:

_____ and the specifications for said work shall be deemed a part hereof as fully as if set out herein:

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if said Principal, all subcontractors to whom any portion of the work provided for in said Contract is sublet, and all assignees of said Principal and of such subcontractors, shall promptly make payment for all material furnished, labor supplied or performed, rental for equipment employed and services rendered by public utilities in or in connection with the prosecution of the work, whether or not said material, labor, equipment or services entered into become component parts of the work or improvement contemplated in said Contract, in any amendment, extension of, or addition to said Contract, then the above obligation shall be void; otherwise, it shall remain in full force and effect; PROVIDED, HOWEVER, that this Bond is subject to the following conditions and limitations:

- (a)** All persons who have performed labor, rendered services or furnished materials or equipment, shall have a direct right of action against the Principal and Surety on this Bond, which right of action shall be asserted in proceedings instituted in the State in which such labor was performed, services rendered or materials furnished (or where labor has been performed, services rendered or materials furnished under said Contract in more than one state, then in any such states). Insofar as permitted by the laws of such State, such right of action shall be asserted in a proceeding instituted in the name of the Obligee to the use and benefit of the persons instituting such action and any or all other persons having claims hereunder; and any other person having a claim hereunder shall have the right to be made a party to such proceedings, but not later than one year after the complete performance of said Contract and final settlement thereof, and to have such claim adjudicated in such action and judgment rendered thereon; PROVIDED HOWEVER, that the Obligee shall not be liable for the payment of any costs or expenses of any such suit.
- (b)** The Surety shall not be liable hereunder for any damages or compensation recoverable under any workmen's compensation or employer's liability statute.

LABOR & MATERIALMAN'S BOND

- (c) In no event shall the Surety be liable for a greater sum than the penalty of this Bond, or subject to any suit, action or proceeding thereon, that is instituted later than one year after the complete performance of said Contract and final settlement thereof.
- (d) As used herein: The term "Person" refers to any individual, firm or corporation which has furnished materials, equipment or public utility services to be used on or incorporated in the work, or the prosecution thereof, provided for in said Contract or any amendment, extension of, or addition to said Contract; and/or to any person engaged in the prosecution of the work provided for in said Contract or any, extensions of, or addition to said Contract, who is an agent, servant or employee of the Principal or of any subcontractor, or any assignee of said Principal or any subcontractor; and also anyone so engaged who performs the work of a laborer or mechanic, regardless of any contractual relationship between the Principal or any subcontractor, or any assignee of said Principal or subcontractor and such laborer or mechanic; BUT shall not include office employees not regularly stationed at the site of the work.
- (e) It is hereby further stipulated and agreed that, if the Principal is a non-Michigan corporation, neither the Principal nor the Surety shall be discharged from liability on this Bond, nor the Bond surrendered, until such Principal files with the Obligee a certificate from the Michigan Department of Revenue evidencing the payment in full of all taxes, penalties and/or interest due the State of Michigan from the Principal, or any non-Michigan corporation, subcontractor thereunder, or for which liability has accrued but the time for payment has not arrived.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, to the work to be performed thereunder, or to the specifications accompanying the same, shall in any wise affect the obligations of this Bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract, the work thereunder, or the specifications.

SIGNED, SEALED AND DELIVERED IN 3 ORIGINAL COUNTERPARTS

THIS 22nd DAY OF November, 20 05.

In the Presence of:

[Signature]

Individual Principals Sign Here:

[Signature]

Jason Howell
(Printed Name and Address) P.O. Box 210
Luther, MI 49656

(Printed Name and Address)

LABOR & MATERIALMAN'S BOND

ATTEST:

Marcia J. Miller

(Printed Name)

(Printed Name and Address)

Corporate Principal Sign Here:

J R Howell Airport Lighting LLC

Jason Howell

Jason Howell

(Printed Name and Title) Member

(SEAL)

Marcia J. Miller

Marcia J Miller

(Printed Name)

Surety Sign Here: Western Surety Company

Robert G. Chapman

Robert G Chapman, Attorney-in-fact

(Printed Name and Title)

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

David G Chapman, Robert G Chapman, Cloyd W Barnes, Individually

of Lansing, MI, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 15th day of April, 2005.



WESTERN SURETY COMPANY

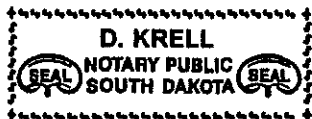
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 15th day of April, 2005, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2006



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this _____ day of _____, _____.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

DIRECTIONS FOR PREPARATION OF PERFORMANCE AND LABOR AND MATERIALMEN'S BONDS

1. Individual sureties, partnerships, or corporations not in the surety business will not be acceptable.
2. The name of the Principal shall be shown exactly as it appears in the Contract.
3. The penal sum shall not be less than that required by the Specifications.
4. If the Principals are partners, or joint ventures, each member shall execute the bond as an individual, with his/her place of residence shown.
5. If the Principal is a corporation, the bond shall be executed under its corporate seal. If the corporation has no corporate seal, the fact shall be stated, in which case a scroll or adhesive seal shall be affixed following the corporate name.
6. The official character and authority of the person(s) executing the bond for the Principal, if a corporation, shall be certified by the Secretary or Assistant Secretary thereof under the corporate seal; OR
There may be attached copies of such corporation records as will evidence the official character and authority of the officer signing, duly certified by the Secretary or Assistant Secretary of the corporation, under the corporate seal, to be true copies.
7. The current Power-of-Attorney of the person signing for the surety company must be attached to the bond.
8. The date of the bond MUST NOT BE PRIOR TO THE DATE OF THE CONTRACT.
9. The following information must be placed on the bond by the surety company:
 - a. The rate of premium in dollars per thousand; and
 - b. The total dollar amount of the premium charged.
10. The signature of a witness shall appear in the appropriate place, attesting to the signature of each party to the bond.
11. Type or print the name underneath EACH SIGNATURE appearing on the bond.
12. An executed copy of the bond must be attached to each copy of the Contract (original counterpart) intended for signing.

LETTERS OF RECOMMENDATION IN LIEU OF PERFORMANCE BOND

In accordance with Section I, Paragraph 17 (e) on Page 6, four letters of sincere recommendation may be presented to the City Manager in lieu of a performance bond when this Contract is under the amount of \$50,000 and the successful Bidder cannot produce the appropriate performance bond.

To use letters of recommendation for this purpose, your intention to do so must be disclosed as part of your bid, so that a decision on acceptability can be made prior to the contract award.

The four letters are to be presented prior to the execution of the Contract Agreement and must be accompanied by the Statement of Bidder's Qualifications as outlined (Part I, Section II, Bid Proposal, Page 16). Each of the four letters should contain no less than the following information:

THE LETTER OF RECOMMENDATION PACKAGE IS SUBJECT TO CITY MANAGER
AND/OR CITY COMMISSION APPROVAL PRIOR TO LETTING THE BID OR
EXECUTING THE AGREEMENT.

SUMMARY OF INFORMATION TO BE INCLUDED IN EACH LETTER OF
RECOMMENDATION

1. On letterhead of the recommending company, including name, address and phone number of the recommending company.
2. Include reference to the name of the company being recommended.
3. Include a brief description of the type of each of the projects the recommended company performed, the total dollars contracted for each, and the date of construction start and completion under each contract.
4. Include a statement indicating how the company being recommended performed the work involved under the contracts, whether the recommended company accomplished the work satisfactorily and within the appropriate time limits of the contracts.
5. Indicate if there was any default on the part of or litigation as a result of the recommended company.
6. Indicate if, to the best of knowledge, all subcontractors and/or suppliers of labor or materials on each project were properly compensated by the company being recommended.
7. Include a statement the same as, or similar to the following:

"I, on behalf of my organization (or company by name) recommend this company (or the name of the company being recommended) as responsible and competent, and I believe they can capably perform construction work similar to that described in this letter in a timely and satisfactory manner."

ACORD CERTIFICATE OF LIABILITY INSURANCE

CSR BC
HOWJR-1

DATE (MM/DD/YYYY)

12/06/05

PRODUCER

David Chapman Agency, Inc.
700 W. Mt. Hope Highway
Lansing MI 48917-
Phone: 517-321-4600 Fax: 517-321-9443

INSURED

J R Howell Airport Lighting
LLC
P O Box 210
Luther MI 49656

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

INSURERS AFFORDING COVERAGE

NAIC

INSURER A: AMERISURE INSURANCE

15660

INSURER B: MI Const. Industry Mutual Ins.

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	115289-180	12/01/05	12/01/06	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC				PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY	115289-180	12/01/05	12/01/06	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO				BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	☐ HIRED AUTOS				
	☐ NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	☐ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
	☐ DEDUCTIBLE				\$
	☐ RETENTION \$				\$
3	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	28396	12/01/05	12/01/06	☒ WC STATU- TORY LIMITS ☐ OTH- ER \$
	E.L. EACH ACCIDENT \$ 150,000				
	E.L. DISEASE - EA EMPLOYEE \$ 150,000				
	E.L. DISEASE - POLICY LIMIT \$ 150,000				
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				
	If yes, describe under SPECIAL PROVISIONS below				
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Muskegon and all elected and appointed officials all employees and volunteers all boards commissions and/or authorities and board members including employees and volunteers thereof are additional insured on general and auto liability.

CERTIFICATE HOLDER

MUSKCIT

CITY OF MUSKEGON
933 TERRACE
MUSKEGON MI 49440

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL

~~NOT BE AN OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

David J. Chapman



INSURANCE BINDER

CSR BC

DATE (MM/DD/YYYY)
12/06/2005**THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS**

AGENCY David Chapman Agency, Inc. 5700 W. Mt. Hope Highway Ann Arbor MI 48106-1517 Robert Chapman		COMPANY AMERISURE INSURANCE		BINDER # 10312	
PHONE (A/C, No, Ext): 517-321-4600		FAX (A/C, No): 517-321-9443		SUB CODE:	
CODE: 51-5158/51-6158		DATE EFFECTIVE 12/05/05		TIME 02:01	
AGENCY CUSTOMER ID: HOWJR-1		EXPIRATION DATE 01/04/06		TIME 12:01 AM	
INSURED CITY OF MUSKEGON 933 TERRACE MUSKEGON MI		THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #.			
DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location) INSTALLATION OF STREET LIGHTING BY JR HOWELL AIRPORT LIGHTING LLC					

COVERAGES**LIMITS**

TYPE OF INSURANCE	COVERAGE/FORMS	DEDUCTIBLE	COINS %	AMOUNT
PROPERTY CAUSES OF LOSS ☐ BASIC ☐ BROAD ☐ SPEC				
GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☒ Owner & Contractor Prot.		EACH OCCURRENCE		\$ 500000
		DAMAGE TO RENTED PREMISES		\$
		MED EXP (Any one person)		\$
		PERSONAL & ADV INJURY		\$
		GENERAL AGGREGATE		\$ 500000
		PRODUCTS - COMP/OP AGG		\$
AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS		COMBINED SINGLE LIMIT		\$
		BODILY INJURY (Per person)		\$
		BODILY INJURY (Per accident)		\$
		PROPERTY DAMAGE		\$
		MEDICAL PAYMENTS		\$
		PERSONAL INJURY PROT		\$
		UNINSURED MOTORIST		\$
				\$
AUTO PHYSICAL DAMAGE COLLISION OTHER THAN COL:	DEDUCTIBLE ☐ ALL VEHICLES ☐ SCHEDULED VEHICLES	ACTUAL CASH VALUE		
		STATED AMOUNT		\$
		OTHER		
GARAGE LIABILITY ANY AUTO		AUTO ONLY - EA ACCIDENT		\$
		OTHER THAN AUTO ONLY:		
		EACH ACCIDENT		\$
		AGGREGATE		\$
EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM		EACH OCCURRENCE		\$
		AGGREGATE		\$
		SELF-INSURED RETENTION		\$
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY		WC STATUTORY LIMITS		
		E.L. EACH ACCIDENT		\$
		E.L. DISEASE - EA EMPLOYEE		\$
		E.L. DISEASE - POLICY LIMIT		\$
SPECIAL CONDITIONS/OTHER COVERAGES		FEES		\$
		TAXES		\$
		ESTIMATED TOTAL PREMIUM		\$

NAME & ADDRESS

MORTGAGEE		ADDITIONAL INSURED	
LOSS PAYEE			
LOAN #			
AUTHORIZED REPRESENTATIVE <i>David G. Chapman</i>			

20. SUBCONTRACTS

- a. The Contractor shall not execute an agreement with any Subcontractor or permit any subcontractor to perform any work included in this Contract until he/she has submitted a non-collusive affidavit from the subcontractor and received written approval of such subcontractor from the City of Muskegon.
- b. The Contractor shall be as fully responsible to the City of Muskegon for the acts and omissions of his/her Subcontractors, and of persons either directly or indirectly employed by them, as he/she is for the acts and omissions of persons directly employed by the Contractor.
- c. The Contractor shall cause appropriate provisions to be inserted in all Sub-contracts relative to compliance by each Sub- contractor with the provisions of this Contract.
- d. No proposed Subcontractor shall be disapproved by the City of Muskegon except for cause. Nothing contained in this Contract shall create any contractual relation between any Subcontractor and the City of Muskegon.

21. INSURANCE AND INDEMNITY

- a. **Hold Harmless Agreements.** To the fullest extent permitted by law, Contractor and Subcontractors agree to defend, pay in behalf of, indemnify, and hold harmless the City of Muskegon, their elected and appointed officials, employees, volunteers, and others working on behalf of the CITY OF MUSKEGON against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the CITY OF MUSKEGON and their elected and appointed officials, employees, volunteers, or others working on behalf of the CITY OF MUSKEGON by reason of personal injury, including bodily injury and death, property damage, including loss of use thereof, and/or the effects of or release of toxic and/or hazardous material which arises out of or is any way connected or associated with this contract. The obligation to defend and hold harmless extends to Contractor's employees, agents, subcontractors, assigns and successors.
- b. **Contractor Insurance Requirement.** Contractor and Subcontractors shall not commence work under this contract until obtaining the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan and Best Rated A VIII. All coverage shall be with insurance carriers acceptable to the CITY OF MUSKEGON

21. INSURANCE AND INDEMNITY - continued

- c. Workers' Compensation Insurance. The Contractor and Subcontractor shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable Statutes of the State of Michigan.
- d. Commercial General Liability Insurance. The Contractor shall procure and maintain during the life of this contract, commercial general Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$500,000 per occurrence and/or aggregate combined single limit. Personal Injury, Bodily Injury and Property Damage coverages shall be included. Coverage shall also include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form Liability Extensions or equivalent; (E) Deletion of all explosion, collapse and underground (SCU) exclusions, if applicable. The said insurance shall cover liability caused by the activities of any subcontractor.
- e. Motor Vehicle Liability. The Contractor shall procure and maintain during the life of this contract Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, with limits of liability for third party claims of not less than \$500,000 per occurrence or combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. The said insurance shall cover liability caused by the activities of any subcontractor.
- f. Additional Insured. Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be "Additional Insureds" using the following language: "The CITY OF MUSKEGON and all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are hereby added as 'Additional Insureds'".
- g. Cancellation Notice. Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "It is understood and agreed that Thirty (30) days Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to: CITY OF MUSKEGON ENGINEERING DEPARTMENT".

21. INSURANCE AND INDEMNITY - continued

- h. Owner's and Contractor's Protective Liability. The Contractor shall procure and maintain during the life of this contract Owner's and Contractor's Protective Liability with limits of liability not less than \$500,000 per occurrence and/or aggregate, combined single limit. Personal injury, Bodily injury and Property Damage coverages shall be included. The CITY OF MUSKEGON shall be "Named Insured" on this coverage. Thirty (30) days notice of cancellation to the CITY OF MUSKEGON shall be required. Said insurance shall cover liability caused by the activities of any subcontractor(s) either by means of a rider attached to the Prime Contractor's Certificate of Insurance indicating this coverage for subcontractors; or the subcontractor(s) shall submit their own Certificate of Insurance.
- i. Proof of Insurance Coverage. The Contractor and Subcontractors shall provide the CITY OF MUSKEGON at the time the contracts are returned by him for execution, certificates and policies endorsing the City of Muskegon as additional insured as listed below:

 - (1.) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
 - (2.) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
 - (3.) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
 - (4.) Original Policy, or original Binder pending issuance of policy, for Owner's and Contractor's Protective Liability Insurance;
 - (5.) If so requested, Certified Copies of all policies mentioned above will be furnished.
- j. If any of the above coverages expire during the term of this contract, the Contractor and Subcontractors shall deliver renewal certificates and/or policies to CITY OF MUSKEGON at least ten (10) days prior to the expiration date.

22. MATERIALS AND WORKMANSHIP

- a. Unless otherwise specifically provided for in the Technical or Special Specifications, all workmanship, equipment, materials and articles incorporated in the work shall be new and the best grade of the respective kinds for the purpose. Where equipment, materials, articles or workmanship are referred to as "equal to" any particular standard, the City of Muskegon will decide the question of equality.**
- b. The City of Muskegon may require the Contractor to dismiss from this Project such employee(s) as the City of Muskegon may deem incompetent, careless, and/or insubordinate.**

Project Route

XHZ

10000

16 - 545

CONDUIT

61 in. 1/2" Steel 1 inch 3/4" from 10' to 10' 6"
 1/2" in. 1/2" Steel 1 inch 3/4" from 10' 6" to 11'

STREET LIGHTS

1. 10' 6" to 11' 6" 1/2" Steel 1 inch 3/4" from 10' 6" to 11' 6"
 1. 10' 6" to 11' 6" 1/2" Steel 1 inch 3/4" from 10' 6" to 11' 6"
 1. 10' 6" to 11' 6" 1/2" Steel 1 inch 3/4" from 10' 6" to 11' 6"

NOT IN THIS CONTRACT

STREET LIGHTS

INSTALL

21 - 45,000 LUMEN WPS
 19 - 24,000 LUMEN WPS

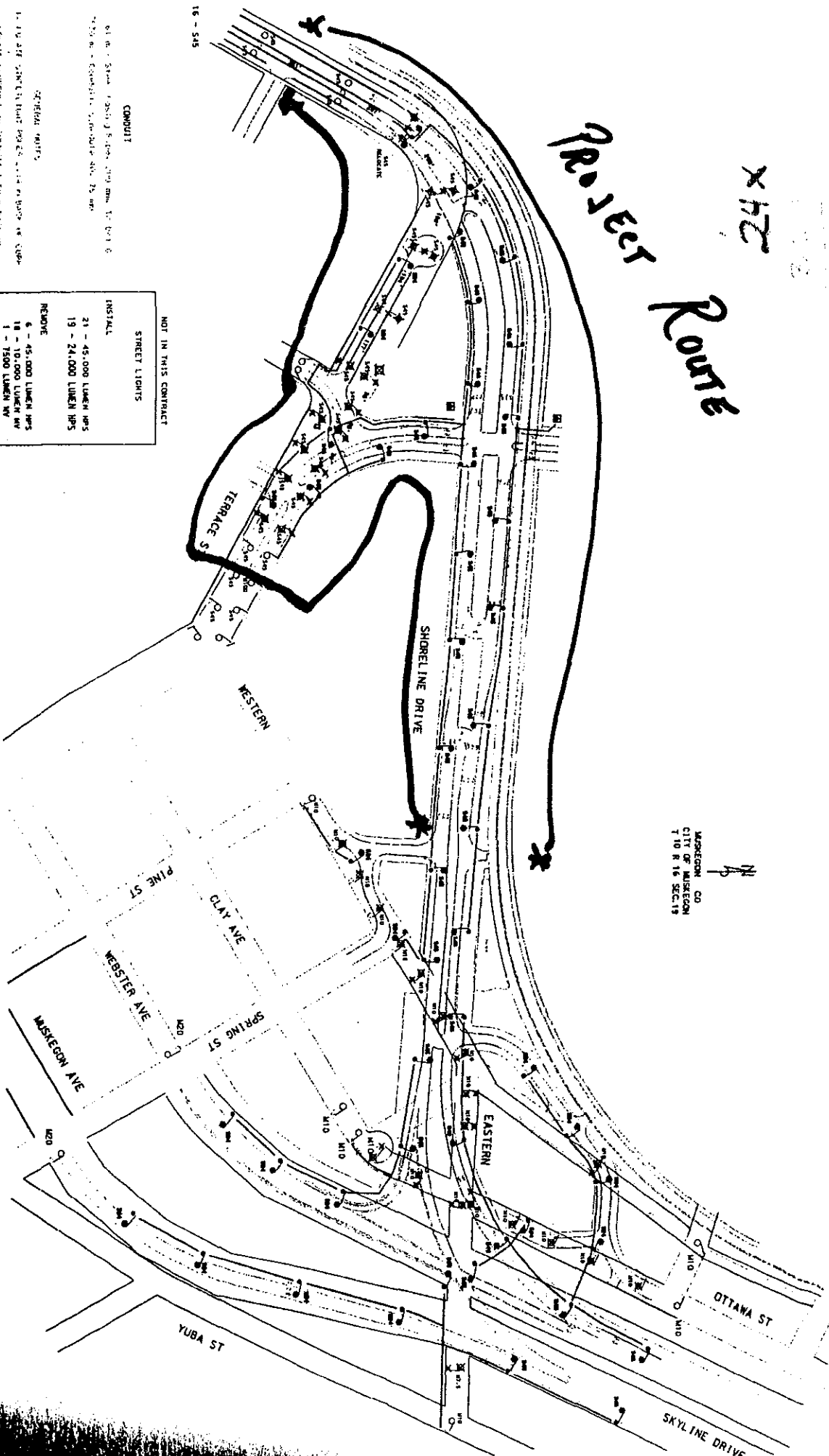
REMOVE

5 - 45,000 LUMEN WPS
 10 - 24,000 LUMEN WPS
 1 - 7500 LUMEN WPS

RELOCATE

7 - 45,000 LUMEN WPS

MARSHALL CO
 CITY OF MARSHALL
 T 10 R 16 SEC 19



DATE: November 9, 2005
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-030083 Address: 209 & 211 Merrill.

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 **209 & 211 Merrill- Area 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-030083 – 209 & 211 Merrill

Location and ownership: These structures are located on Merrill between Fourth and Fifth Streets and are owned by State of Michigan.

Staff Correspondence: A dangerous building inspection was conducted on 05/14/05 and the notice and order to repair was issued on 05/20/04. On 09/01/05 the HBA declared the structure substandard and dangerous.

Owner Contact: Letter sent to State of Michigan from Anthony Kleibecker dated 08/31/04 stating recommendation to postpone sending case to Housing Board of Appeals. There was interest from Community Neighborhood Services to acquire property from the State of Michigan to rehab but decided property would not work for their program. There have been no permits issued, no inspections scheduled and no owner contact since August of 2004.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: Exempt

Estimated cost to repair: 15,000 (Exterior Only)

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 22, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

209 Merrill

5/14/04

Inspection noted:

1. Building boarded more than 180 days.
2. Rear porch is improperly supported.
3. Front porch is improperly supported.
4. New roof required.
5. Roof is improperly flashed.
6. Siding is rotted and missing.
7. Siding is not painted.
8. Front sidewalk is settling due to erosion.
9. Window sash is rotted.
10. Front porch framing is rotted.
11. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
12. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ II, BUILDING OFFICIAL

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

211 Merrill

5/14/04

Inspection noted:

1. Building boarded over 180 days.
2. Chimney needs to be replaced.
3. Soffit rotted at rear of building.
4. Siding is rotted at rear of building.
5. Rafter tails rotted.
6. Sill rotted on rear window.
7. Siding is broken or missing.
8. Siding needs to be painting.
9. Threshold on rear door rotted.
10. Roof on rear of building needs to be replaced.
11. Chimney improperly flashed.
12. Rear window is broken.
13. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
14. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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 10-61 OF THE MUSKEGON CITY CODE.

DON LABRENZ II, BUILDING OFFICIAL

DATE



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DSC00052.JPG

209 Merrill



DSC00050.JPG

211 Merrill

DATE: November 9, 2004

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050094 Address: 235 Monroe.

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 **235 Monroe – AREA 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050094 – 235 Monroe

Location and ownership: This structure is located on Monroe between Fourth and Fifth and is owned by Steven/Amy Kelly, P.O. Box 84, Fruitport, MI, 49415

Staff Correspondence: A dangerous building inspection was conducted on 03/28/05 and the Notice and Order to repair was issued on 04/18/05. On 08/04/05 the HBA declared the structure substandard and dangerous. No one was present to represent case.

Owner Contact: On 11/01/05 Inspections Department received call from NorthPointe Bank requesting copy of inspections report. There have been no permits issued, no inspections scheduled and no owner contact since that time.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$17,900

Estimated cost to repair: \$10,000 (Exterior Only)

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 22, 2005.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Thursday, November 10, 2005

Enforcement # EN050094 **Property Address** 235 MONROE AVE
Parcel #24-205-379-0003-10 **Owner** KELLY STEVEN R/AMY S

Inspector: Henry Faltinowski

Date completed: 03/28/2005

DEFICENCIES:

Uncorrected

1. Porch structural damage (front) columns - foundation support
2. Foundation - south - large bow in foundation wall.
- 3.. Windows boarded south OSB.
4. Siding - damaged.
5. Broken out windows.
6. Ripped out screens.
7. Back - porch steps, guardrails, repair.
8. Back shed - structural damage-replace.
9. Soffitt damage.

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

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

Henry Faltinowski, Building Inspector

Date



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DSC00049.JPG

235 Monroe

AGREEMENT

THIS AGREEMENT, made this January 31, 2006 by and between:
Press's LLC.

(a corporation organized and existing under the law of the State of Michigan);
(partnership consisting of _____); (an individual trading as _____
_____); hereinafter called the "Contractor," and the City of
Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
technical personnel, labor, materials, machinery, tools, equipment, and services,
including utility and transportation services, and perform and complete all work
required for the demolition and clearance of **235 Monroe** as well as required
supplemental work for the completion of this project, all in strict accordance with
the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
of this Contract and the completion of the work covered therein an amount not to
exceed **\$4870.00.**

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
limited to, the following:

Invitation for Bids
Instructions to Bidders
Bid Proposal
Agreement
General Specifications for Project Performance
Equal Opportunity and Employment Specifications
Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
other documents are as fully a part of the Contract as if attached hereto or
repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
any provision of any other component part, the Contractor shall contact the City
immediately in writing for a determination, interpretation, and/or classification of
conflicting parts and priority of same. Said determination from the City shall be in
writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: Alan Sager pres
Printed name and title

ATTEST:

Linda Potter
Linda Potter

CITY OF MUSKEGON

BY: [Signature]
Mayor

Dail A. Kundergen
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Tommy Sager, certify that I am the Sec

of the Corporation named as contractor herein;

That Alan Sager, who signed this Agreement on behalf of the

Contractor, was then pres of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed:

Tommy Sager

(CORPORATE SEAL)

Tommy Sager - Sec
Printed Name and Title

DATE: November 9, 2005

TO: Honorable Mayor and Commissioners

FROM: Mark Kincaid, Deputy Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-03-54 Address: 642 McLaughlin (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 **642 McLaughlin –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: # EN-03-54- 642 McLaughlin

Location and ownership: These structures are located on McLaughlin between Maple St and Kenneth St and is owned by Shannon/Theresa Hinton, 642 McLaughlin, Muskegon, MI 49442.

Staff Correspondence: A dangerous building inspection was conducted on 05/29/03 and the notice and order to repair was issued on 06/12/03. On 11/06/03 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present at the HBA meeting. A building permit was issued 07/03/03 and expired 08/30/03. A letter was sent 08/17/05 requesting final inspections if repairs had been made to close case but received no response from owner.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: 17,300 Entire property

Estimated cost to repair: 2,500 (Garage Only)

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 22, 2005.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

642 McLaughlin - Garage

5/29/03

Inspection noted:

1. Roof severely damaged.
2. Debris in yard.
3. Windows broken.
4. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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



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DSC00047.JPG

642 McLaughlin (Garage)

DATE: November 9, 2004
TO: Honorable Mayor and Commissioners
FROM: Mark Kincaid, Deputy Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-050102 Address: 1120 Jefferson.

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 **1120 Jefferson – AREA 10** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN-050102 – 1120 Jefferson

Location and ownership: This structure is located on Jefferson between Houston and Monroe and is owned by Fairbanks Capital Corp, 1270 Northland Dr, Ste #200, Mendota Hts, MN 55120.

Staff Correspondence: A dangerous building inspection was conducted on 05/12/05 and the Notice and Order to repair was issued on 06/01/05. On 07/13/05 the HBA declared the structure substandard and dangerous. No one was present to represent case.

Owner Contact: On 08/17/05 Inspections Department received call from Select Portfolio Servicing stating the home was in foreclosure. There has been some interest from real estate company to sell property. Complaints from neighbors regarding infestation of pest. No permits issued and no inspections scheduled and no owner contact since August 2005.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$19,000

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 Tuesday, November 22, 2005.

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION
REPORT**

Thursday, November 10, 2005

Enforcement # EN050102 **Property Address** 1120 JEFFERSON ST
Parcel #24-205-363-0004-00 **Owner** JOHNSON JUDY/Fairbanks Capital Corp

Inspector: Henry Faltinowski

Date completed: 05/12/2005

DEFICIENCIES:

Uncorrected

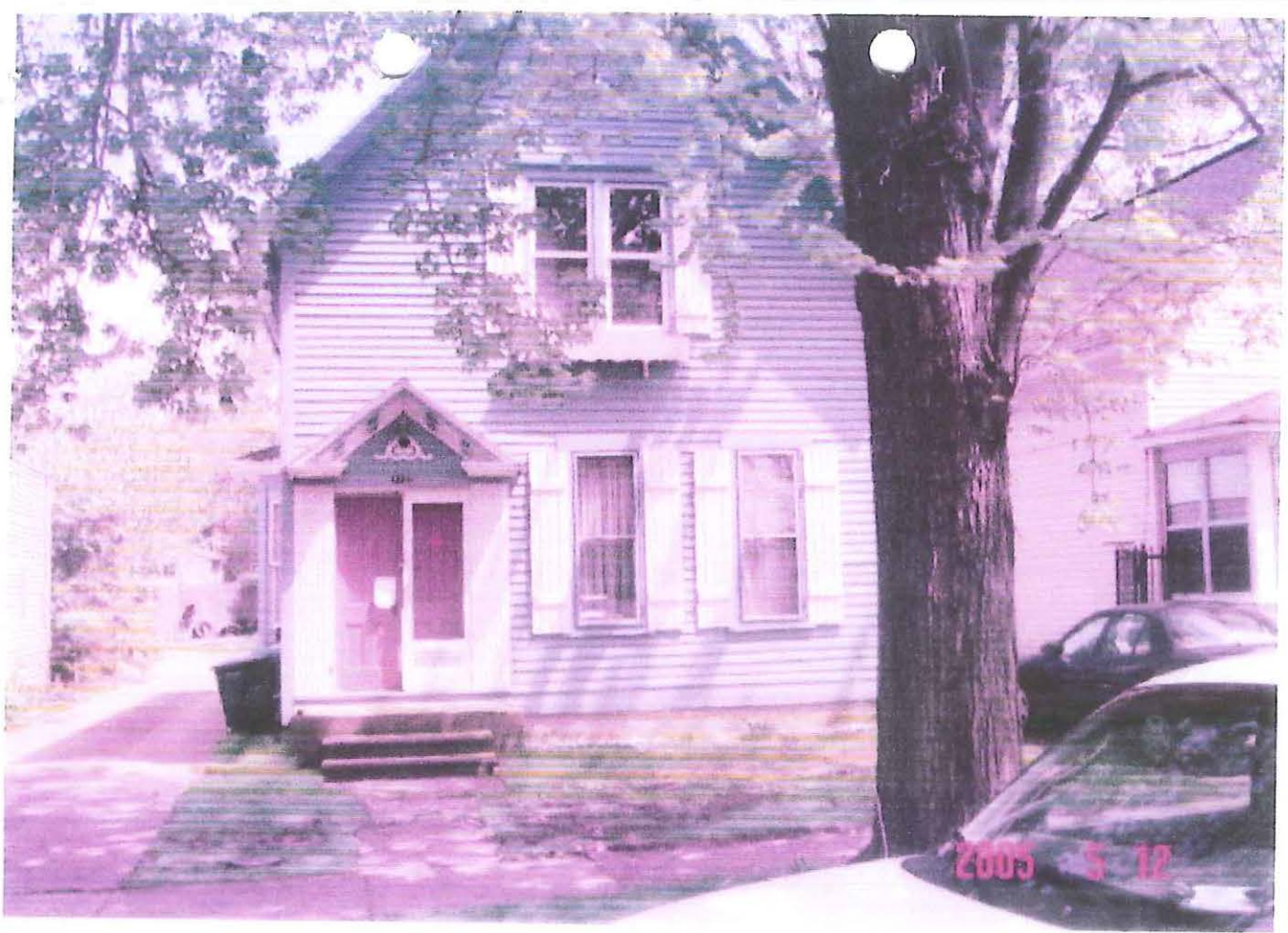
1. Replace all damaged exterior siding.
2. Repair - replace broken out windows.
3. Repair back side stairs to code.
4. Exposed OSB sheathing on shed walls must be covered with approved weather barrier.

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

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

Henry Faltinowski, Building Inspector

Date



1120 Jefferson