

Commission Meeting Date: November 13, 2007

Date: November 6, 2007

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Winner of Anti-litter Poster Contest

SUMMARY OF REQUEST: Operation R&R (Reawakening & Resurgence) sponsored an Anti-litter Poster Contest for all Muskegon Public School students who live or attend an MPS east of Seaway Drive. 20 students won and we would like to recognize them at the meeting. Students are from 1st grade through 5th grade, Middle School and High School.

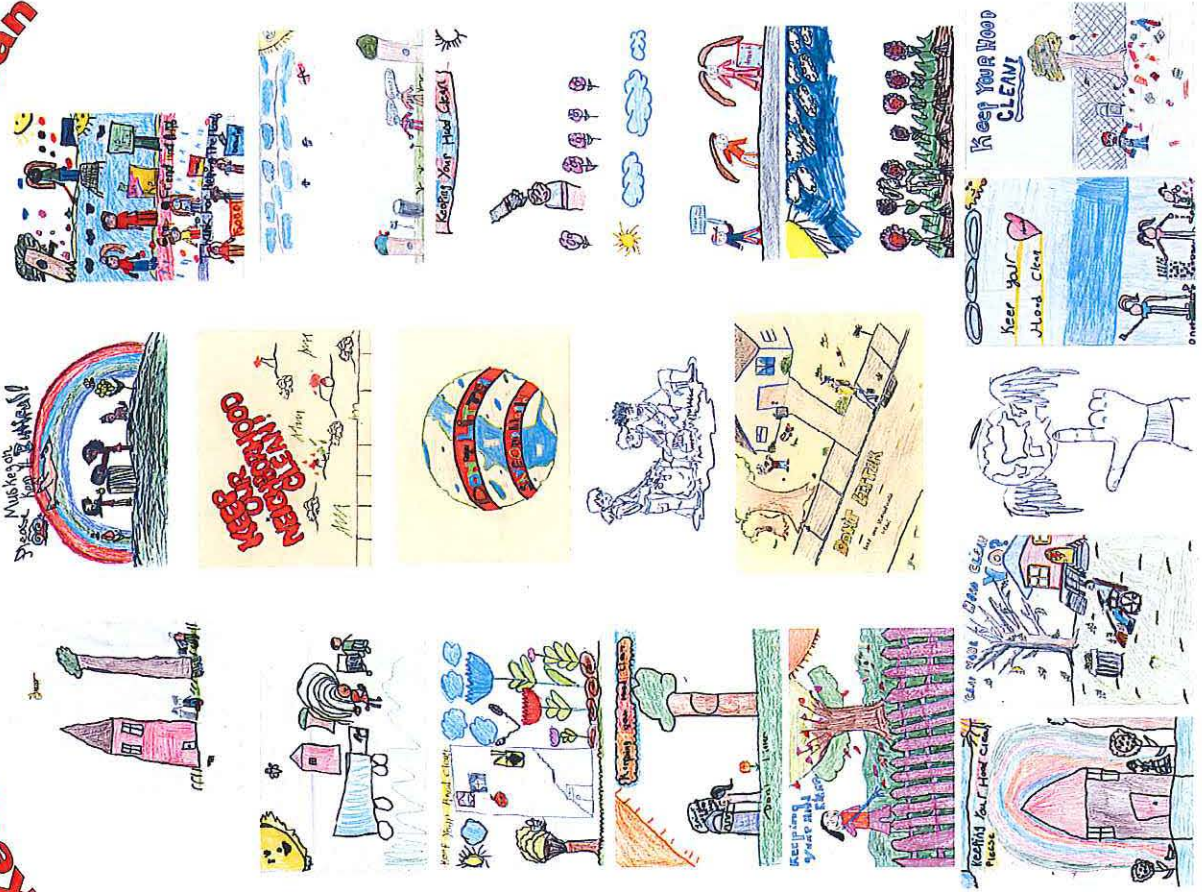
FINANCIAL IMPACT: We are giving the winners Savings Bonds. 1st place will receive \$100, 2nd place will receive \$75 and 3rd place will receive \$50. Total cost will be \$765.50. We have received contributions from both LaSalle Bank and Huntington Bank to assist with the cost of the Savings Bonds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION:

Muskegon Kids Say



CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 13, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
 - A. Sprague Auto Parts Inc. PUBLIC SAFETY
 - B. Anti-litter Contest. COMMUNITY & NEIGHBORHOOD SERVICES
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Request to Receive Three Properties of the Remaining Five Properties That Were Not Sold During the Tax Sales for 2007. PLANNING & ECONOMIC DEVELOPMENT
 - C. Request to Submit a Bid to Purchase a Tax-Reverted Property. PLANNING & ECONOMIC DEVELOPMENT
 - D. Control System Annual Software Support. WATER FILTRATION
 - E. Budgeted Equipment Replacement. PUBLIC WORKS
 - F. Tool & Die Recovery Zone Status for Muskegon Tool. PLANNING & ECONOMIC DEVELOPMENT
 - G. Special Events - Catamaran Racing Association Request to Hold a Catamaran Sailing Event, and Camp Over Night at Pere Marquette. LEISURE SERVICES
 - H. Telecommunications Expense Audit. FINANCE
- PUBLIC HEARINGS:
 - A. Request for a Time Extension for the Obsolete Property Rehabilitation Exemption Certificate at 790 Terrace. PLANNING & ECONOMIC DEVELOPMENT

☐ **COMMUNICATIONS:**

☐ **CITY MANAGER'S REPORT:**

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Resolution to Sell 1122 Spring. COMMUNITY & NEIGHBORHOOD SERVICES

B. Donation Program for 2007 Individual Income Tax Returns. INCOME TAX

C. Approval to Purchase New Utility Billing System. TREASURER

D. Revocation of a Neighborhood Enterprise Zone Certificate. PLANNING & ECONOMIC DEVELOPMENT

E. Establishment of the Downtown Development Authority District as a "Redevelopment Project Area". PLANNING & ECONOMIC DEVELOPMENT

F. Issuance of a Downtown Development Authority District On-Premises Liquor License - Iordache Group, Inc. PLANNING & ECONOMIC DEVELOPMENT

☐ **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 ANN MARIE BECKER, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: November 13, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 23rd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

NOVEMBER 13, 2007

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 13, 2007.

Mayor Warmington opened the meeting with a prayer from Reverend Randall Hansen from the Central United Methodist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Chris Carter, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

Absent: Commissioner Clara Shepherd (excused).

2007-94 HONORS AND AWARDS:

A. Sprague Auto Parts Inc. PUBLIC SAFETY

Public Safety Director, Tony Kleibecker, presented an Honorary Ambassador Award to Sprague Auto Parts for their commitment and assistance in providing autos to the Fire Department for training purposes.

B. Anti-litter Contest. COMMUNITY & NEIGHBORHOOD SERVICES

Community & Services Director, Wilmern Griffin, recognized the students who submitted drawings for the Anti-litter Contest.

2007-95 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, October 23rd.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Receive Three Properties of the Remaining Five Properties That Were Not Sold During the Tax Sales for 2007. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County of Muskegon held two tax sales during 2007. After the tax sales, there were five properties left. According to the State's new tax laws, the City must state which of the properties they do not want to obtain, otherwise the City will get all of them. From the list that was provided, there are two parcels with homes on them and three vacant lots. Staff would like to obtain the three vacant lots and allow the Muskegon County Land Bank Authority to obtain the two homes.

FINANCIAL IMPACT: The City will have to maintain the properties and will have the option to sell the properties in the future for home construction.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee discussed this matter and had a consensus for approval at their regular meeting of October 23, 2007, due to the fact there was not a quorum.

C. Request to Submit a Bid to Purchase a Tax-Reverted Property. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The State of Michigan has sent a letter to the City as well as all the adjacent property owners' information to submit a bid and purchase a property that is in their possession. The minimum bid allowed is \$36,000. A 10% deposit must be sent with the application. The deposit is refundable. The property is located in the Medendorp Industrial Park. This property had been a former railroad right-of-way. The property is 2.86± acres and could be used for future trail right-of-way and/or future development.

FINANCIAL IMPACT: To be paid out of the public improvement fund.

BUDGET ACTION REQUIRED: Submit 10% of the bid with the application and if accepted, to pay the difference.

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution and to have the Mayor sign the bid application to allow staff to determine the actual bid amount.

D. Control System Annual Software Support. WATER FILTRATION

SUMMARY OF REQUEST: Renewal of the annual customer support for the Wonderware control system software at the Water Filtration Plant.

FINANCIAL IMPACT: A one-time cost of \$10,186.75.

BUDGET ACTION REQUIRED: None. This item is budgeted.

STAFF RECOMMENDATION: Staff recommends renewal of the annual software customer support agreement at a cost of \$10,186.75.

E. Budgeted Equipment Replacement. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two Ford F-250 trucks from Great Lakes Ford.

FINANCIAL IMPACT: \$34,654.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

F. Tool & Die Recovery Zone Status for Muskegon Tool. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve development agreement and resolution establishing a Tool & Die Recovery Zone for Muskegon Tool, 1000 E. Barney Ave.

FINANCIAL IMPACT: The City will forego approximately \$23,000 per year for a total of \$346,365 in taxes for the 15 year period of the zone.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the development agreement and the resolution establishing a Tool and Die Recovery Zone.

G. Special Events - Catamaran Racing Association Request to Hold a Catamaran Sailing Event, and Camp Over Night at Pere Marquette. LEISURE SERVICES

SUMMARY OF REQUEST: Catamaran Racing Association of Michigan is requesting permission to hold a Catamaran sailing event at Pere Marquette Park August 2&3, 2008. They intend to use the City-owned lot that is currently leased by Capt. Jacks for overnight camping on August 2.

The owners of Capt. Jacks submitted a letter indicating their support of the event. Two organizations hosting separate events at Pere Marquette during this time, Inside/Out volleyball and Meals on Wheels 5k run/walk race, have expressed support for the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution allowing for overnight camping at Pere Marquette for this even August 2&3, 2008.

COMMITTEE RECOMMENDATION: This request was recommended for approval by the Leisure Services Board at the October 15, 2007, meeting.

H. Telecommunications Expense Audit. FINANCE

SUMMARY OF REQUEST: The City recently solicited proposals for firms to conduct

an audit of our telecommunications (telephone, cellular and data) expenses. Such audits are commonly done by larger organizations having complex telecommunications structures. Typically the auditing firms are compensated on a contingency basis, with payment based on a percentage of actual savings realized by the City. The City received three responses to the RFP (a fourth was received late and not opened). The RFP responses are summarized below:

Firm	Office Location	Price Proposal	Months in Effect	Cost if \$30k Savings for Past 3 Years
Abilita	Lansing	40% of Savings up to \$20,000 35% of Savings \$20,001 to \$30,000 30% of Savings \$30,001 to \$40,000 25% of Savings over \$40,001	24	\$11,500 (Net Savings to City \$18,500)
Schooley-Mitchell	Grand Rapids	\$1,995 fee per year fee (not contingency based)	24	\$5,985 (Net Savings to City \$24,015)
Schooley-Mitchell	Grand Rapids	50% of Savings	24	\$15,000 (Net Savings to City \$15,000)
Total Solutions Group	Saginaw	40% of Savings up to \$50,000 30% of Savings \$50,001 to \$100,000 20% of Savings over \$100,000	24	\$12,000 (Net Savings to City \$18,000)

After reviewing proposals and checking references, the City recommends that Abilita be selected to provide this service. It is the best contingency based proposal received.

FINANCIAL IMPACT: Some staff time is involved in gathering data and coordinating the contract. Potential budgetary savings or billing credits may result if billing errors or overcharges are discovered.

BUDGET ACTION REQUIRED: None. If successful, the program will result in budget savings to the City; otherwise there is no direct cost other than some staff time.

STAFF RECOMMENDATION: Selection of Abilita to audit the City's telecommunications expenses.

Motion by Commissioner Carter, second by Vice Mayor Gawron to approve the Consent Agenda as read.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2007-96 PUBLIC HEARINGS:

- A. Request for a Time Extension for the Obsolete Property Rehabilitation Exemption Certificate at 790 Terrace. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Promised Land Associates, 3355 Merriam Street, Muskegon Heights, MI 49444, was issued an Obsolete Property Rehabilitation Exemption Certificate (resolution number 2005-54(b), issued June 14, 2005) for the property located at 790 Terrace Street, Muskegon, MI. The timeline to complete the rehabilitation was one year, giving them until June 14, 2006 to do so. However, a number of unforeseen problems occurred during this time, making the applicant unable to complete the rehabilitation. The applicant is now requesting an addition two (2) years to rehabilitate the building. The two (2) year extension would give the applicant until November 14, 2009, to complete the rehabilitation. Total capital investment for this project was stated to be \$1,200,000. The project was to consist of a restaurant/banquet hall that would also feature live entertainment. This project was to result in the creation of 40+ new jobs in the city. Because of the new jobs, and the amount of investment, the applicant was granted a 12 year certificate.

FINANCIAL IMPACT: If an extension to the Obsolete Property Rehabilitation Exemption Certificate is granted, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: If the City Commission decides to grant an extension for the Obsolete Property Rehabilitation Exemption Certificate, it is recommended that only one (1) additional year be granted. That would give the applicant until November 13, 2008 to rehabilitate the building.

The Public Hearing opened to hear and consider any comments from the public. Ciggzree Morris, 311 W. Muskegon, commented.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and extend the certificate until August 22, 2008.

Motion by Commissioner Wisneski, second by Commissioner Wierengo to amend the motion to have the exterior of the building renovated in 90 days from today.

ROLL VOTE ON THE AMENDMENT:

Ayes: Wisneski

Nays: Spataro, Warmington, Wierengo, Carter, and Gawron

AMENDED MOTION FAILS

ROLL VOTE ON THE ORIGINAL MOTION:

Ayes: Spataro, Wierengo, Carter, and Gawron

Nays: Warmington and Wisneski

MOTION PASSES

2007-97 NEW BUSINESS:

A. Resolution to Sell 1122 Spring. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the resolution to sell the City owned house at 1122 Spring to Ms. Georgia Crenshaw, of 322 Sumner, Muskegon, for the expected appraised value of \$65,000 minus the \$15,000 subsidy.

The house at 1122 Spring is part of the Operation R&R initiative, also know as "**Spring Street Awakening**" the structure was obtained by the City of Muskegon through the tax reverted process. After the City obtained the house from the State of Michigan, a total rehabilitation of the house was completed including abatement of any lead in the house.

FINANCIAL IMPACT: The program income derived from this transaction will be deposited in the City's HOME funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and the sale of 1122 Spring to Ms. Georgia Crenshaw.

COMMITTEE RECOMMENDATION: The City Commission and the Land Reutilization Committee approved the project.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution and sale of 1122 Spring to Ms. Georgia Crenshaw.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

B. Donation Program for 2007 Individual Income Tax Returns. INCOME TAX

SUMMARY OF REQUEST: Approval of multiple donations programs for the 2007 income tax returns. Our department's goal is to increase the number tax refunds donated by 20-30%. Each year we will feature two or three donation options for the taxpayers.

Some of our top donations programs include Lakeshore Trail Improvements, Muskegon Summer Celebration Fireworks, & the upkeep of Veteran's Memorial Park.

FINANCIAL IMPACT: The average amount collected each year is \$2,000. Each donated refund saves the City approximately \$1 in check fees.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the recommended.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the donation program for the 2007 individual income tax returns.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro

Nays: None

MOTION PASSES

C. Approval to Purchase New Utility Billing System. TREASURER

SUMMARY OF REQUEST: Approval to purchase the Equalizer Utility Billing System from BS&A Software. This request is the result of an investigation by City staff of possible utility billing software solutions that will improve productivity and operational efficiency.

FINANCIAL IMPACT: Total cost of \$36,000.

BUDGET ACTION REQUIRED: The 4th Quarter Budget Reforecast to include an adjustment for this purchase as a water fund capital expenditure.

STAFF RECOMMENDATION: Approval to purchase the Equalizer Utility Billing System.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the purchase of the Equalizer Utility Billing System.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Spataro, and Warmington

Nays: None

MOTION PASSES

D. Revocation of a Neighborhood Enterprise Zone Certificate. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Stan and Chris Cunningham are in violation of Sec. 207.781 sec. 11 subsection (4) which states:

If the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the Commission by order shall revoke the certificate. However, if payment of these taxes is made before the revocation is effective, the Commission, upon application of the owner, shall rescind the order of revocation. If payment of these taxes and any subsequent ad valorem property tax due on the facility is made after revocation of the certificate, the Commission, upon application of the owner, shall reinstate the certificate for the remaining period of time for which the original certificate would have been in effect.

Stan and Chris Cunningham have failed to pay 2006 taxes for the property located at 1223 Morgan Avenue whose parcel numbers are 24-941-096-0253-00 and 24-613-000-0751-00. Approval or denial by the City Commission is required and must be forwarded to the State Tax Commission. Staff sent the owners a letter with the County Treasurer's phone number on it regarding the pay off

amount of the delinquent property taxes on September 19, 2007, giving them until October 12, 2007, to pay the taxes. They remain unpaid.

FINANCIAL IMPACT: The property will no longer be able to take advantage of the certificate number 96-253 which allowed taxation at 50% of the State average for a stated number of years.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve revocation of the NEZ certificate and have the Mayor and City Clerk sign the resolution and submit it to the State Tax Commission.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the revocation of the Neighborhood Enterprise Zone Certificate for 1223 Morgan.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

E. Establishment of the Downtown Development Authority District as a "Redevelopment Project Area". PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: There is a new type of liquor license available for businesses within the boundaries of the Downtown Development Authority (DDA) District. It is similar to the former DDA liquor license. In order for the Liquor Control Commission to approve issuance of these licenses, the buildings that house the licensed premises must be located within an established "Redevelopment Project Area". The Redevelopment Project Area has the same boundaries as the current DDA. In order to establish this area as the Redevelopment Project Area, the City Commission must approve the resolution.

FINANCIAL IMPACT: No immediate impact, although the granting of additional liquor licenses downtown will increase the number of restaurants and entertainment venues possible, thus increasing the City of Muskegon's tax revenues.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk's signatures.

Motion by Commissioner Spataro, second by Commissioner Carter to approve the establishment of the Downtown Development Authority District as a "Redevelopment Project Area" and also include the DMDC property and the Edison Landing property.

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

Wisneski

Nays: None

MOTION PASSES

F. Issuance of a Downtown Development Authority District On-Premises Liquor License - lordache Group, Inc. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The lordache Group, Inc. has applied for a Downtown Development Authority District On-Premises Liquor License for the premises at 380 W. Western, which is located within an area established by the City Commission as a redevelopment project area. The applicant shall be engaged in the operation of a restaurant and an adjacent bakery at this address.

FINANCIAL IMPACT: No immediate impact, although the granting of the liquor license to lordache Group will add to the business and entertainment mix in downtown Muskegon, and will add to the City of Muskegon's tax revenues.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk's signatures.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution and authorize the Mayor and Clerk to sign the Downtown Development Authority District on-premises liquor license for lordache Group, Inc.

ROLL VOTE: Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Mayor Warmington stated that Raya Wood is the winner of the Muskegon Recycling Contest.

PUBLIC PARTICIPATION: Various comments were heard from the public.

ADJOURNMENT: The City Commission Meeting adjourned at 6:52 p.m.

Respectfully submitted,



Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: November 13, 2007

Date: October 24, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Request to Receive Three Properties of the
Remaining Five Properties that were not sold
during the tax sales for 2007.

SUMMARY OF REQUEST:

The County of Muskegon held two tax sales during 2007. After the tax sales, there were five properties left. According to the State's new tax laws, the City must state which of the properties they do not want to obtain, otherwise the City will get all of them. From the list that was provided there are two parcels with homes on them and three vacant lots. Staff would like to obtain the three vacant lots and allow the Muskegon County Land Bank Authority to obtain the two homes.

FINANCIAL IMPACT:

The City will have to maintain the properties and will have the option to sell the properties in the future for home construction.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee discussed this matter and had a consensus for approval at their regular meeting of October 23, 2007 due to the fact there was not a quorum.

Resolution No. 2007-95(b)

MUSKEGON CITY COMMISSION

RESOLUTION TO PURCHASE STATE-OWNED TAX REVERTED PROPERTY.

WHEREAS, The City may make the properties available under the urban homestead act, 1999 PA 127, MCL 125.2701 to 125.2709, or for any other lawful purpose, and;

WHEREAS, the City of Muskegon desires to acquire such lands for purposes of selling the property;

WHEREAS, the City of Muskegon does not want to acquire the two parcels that have homes on them and is willing to allow the Muskegon County Land Bank Authority to obtain these two properties;

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall set up necessary procedures and controls to provide for the property distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

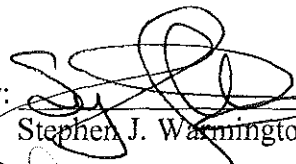
Legal Descriptions for the Properties are Attached.

Adopted: November 13, 2007.

Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, Carter

Nays: None

Absent: Shepherd

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC
Clerk

The City of Muskegon is interested in acquiring the following parcels:

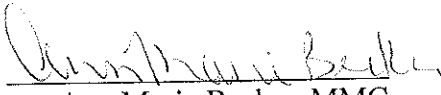
- 1) City of Muskegon Revised Plat of 1903 S 26 Feet of Lot 2 and N 7/2 of Lot 3 Block 252
Parcel # 61-24-205-252-0003-00
1278 Terrace
- 2) City of Muskegon Revised Plat of 1903 sly ½ lot 3 Block 252
Parcel # 61-24-205-252-0003-10
1282 Terrace
- 3) City of Muskegon Revised Plat of 1903 N ½ of W 88 Feet Lot 4 Block 252
Parcel # 61-24-205-252-0004-00
1286 Terrace

The City of Muskegon does not want to acquire the following parcels and is willing to allow the Muskegon County Land Bank Authority to acquire them.

- 1) City of Muskegon Revised Plat of 1903 Lot 19 Block 89
Parcel # 61-24-205-089-0019-00
728 Catawba
- 2) City of Muskegon Revised Plat of 1903 W 50 Feet of Lots 8 & 9 Block 305
Parcel # 61-24-205-305-0008-00
235 E Larch

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 13, 2007.

By: 
Ann Marie Becker, MMC
Clerk

Commission Meeting Date: November 13, 2007

Date: November 5, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *cbc*
RE: Request to Submit a Bid to Purchase a Tax-Reverted Property.

SUMMARY OF REQUEST:

The State of Michigan has sent a letter to the City as well as all the adjacent property owners' information to submit a bid and purchase a property that is in their possession. The minimum bid allowed is \$36,000. A 10% deposit must be sent with the application. The deposit is refundable. The property is located in the Medendorp Industrial Park. This property had been a former railroad right-of-way. The property is 2.86 ± acres and could be used for future trail right-of-way and/or future development.

FINANCIAL IMPACT:

To be paid out of the public improvement fund.

BUDGET ACTION REQUIRED:

Submit 10% of the bid with the application and if accepted, to pay the difference.

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution and to have the Mayor sign the bid application. To allow staff to determine the actual bid amount.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2007-95(c)

MUSKEGON CITY COMMISSION

RESOLUTION TO PURCHASE STATE-OWNED TAX REVERTED PROPERTY.

WHEREAS, Act 451, P.A. 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and;

WHEREAS, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act;

WHEREAS, the City of Muskegon desires to acquire such lands for purposes of developing the property;

WHEREAS, staff will submit in a reasonable bid offer for the property;

WHEREAS, the City of Muskegon will submit 10% of the bid with the application;

WHEREAS, if the City's bid is accepted, will pay the difference within 45 days from the date the State of Michigan sends an invoice;

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall set up necessary procedures and controls to provide for the property distribution of funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

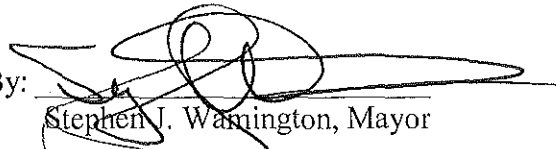
Legal Description for the property is attached.

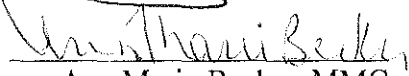
Adopted: November 13, 2007.

Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, Carter

Nays: None

Absent: Shepherd

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC
Clerk

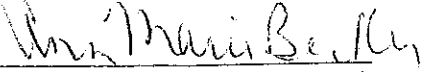
The City of Muskegon is interested in acquiring the following parcel:

Former CSX Transportation right-of-way in the City of Muskegon. That portion of the following description lying in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; a strip of land 100 ft. in width beginning at the point of intersection of the centerline of Grantors Track at or near Valuation Station 506+00 with the East line of Vulcan St. extended to the North, NE of the plat of Continental Addition to the City; thence extending generally in a northwesterly direction along the former centerline of the railroad track, said strip of land lying adjacent to East St., a distance of 1,370 ft. more or less, to the end point at the intersection of the former centerline of the tract with the South line of Laketon Avenue.

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 13, 2007.

By:



Ann Marie Becker, MMC
Clerk

Memorandum

To: Honorable Mayor and City Commission

From: Hope Mitchell

Date: 11/7/2007

Re: The request to submit a bid to purchase a tax-reverted property.

The minimum bid for the former railroad property is \$36,000 and staff is proposing to bid \$1 over the minimum bid.



Michigan Department of Natural Resources
Land and Facilities

LAND AUCTION BID

By authority of Part 21, Act 451, P.A. 1994, as amended.

INSTRUCTIONS:

1. Please read the information contained herein, and all other related information carefully. The Michigan Department of Natural Resources (DNR) makes no representations or claims regarding fitness for purpose, ingress and egress, conditions, and/or any covenants or restrictions of the property.
2. Provide the Parcel ID Number whenever addressing any questions or correspondence regarding your Bid.
3. Complete this Land Auction Bid in its entirety and submit to the address as indicated below.

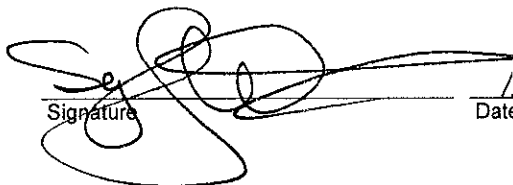
Please print or type the following information.

Purchase Applicant's Name (Bidder)	Telephone
CITY OF MUSKEGON	(231) 724-6724
Street Address	
933 TERRACE STREET	
City, State, ZIP	
MUSKEGON, MI 49440	

As the Purchase Applicant, I understand and agree that:

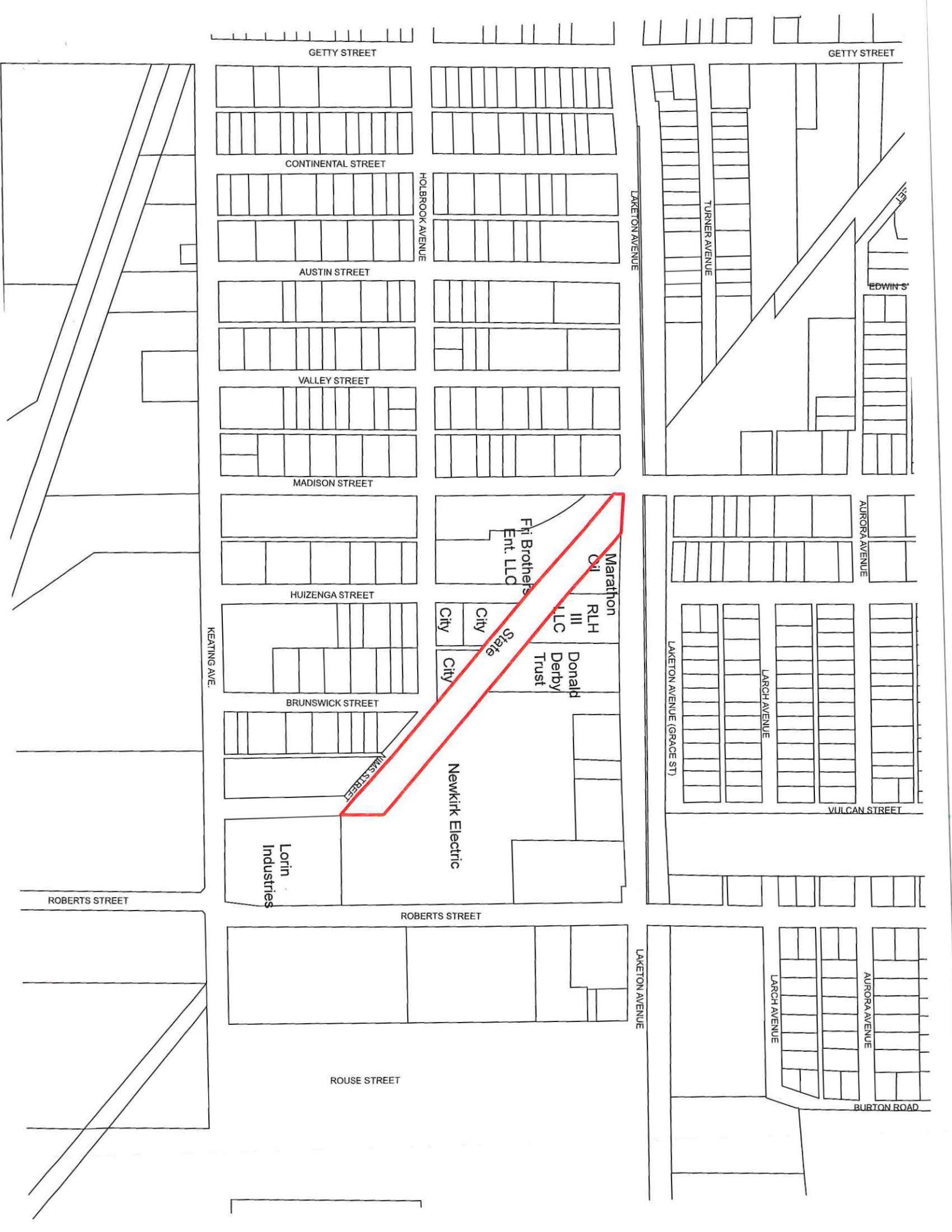
1. The State of Michigan will only issue a Quit Claim deed.
2. Updated proof of the State's title to the desired land is not available and, if desired, must be obtained at purchaser's expense.
3. The Michigan DNR policy prohibits sale of State lands to organizations which are discriminatory on the basis of race, color, national origin, religion, disability, age, sex, height, weight or marital status. Appropriate documentation may be required.

I hereby offer \$ 36,001.00 for Land Auction Case # 1004240, subject to the terms and conditions set forth in the Notice of Sealed Bid. Enclosed herewith is a bid deposit in the form of a Personal / Cashier's Check or Money Order, payable to the **STATE OF MICHIGAN**, in the amount of \$ 3,600.10, which represents ten percent (10%) of my offer. The balance of the bid will be made available within forty-five (45) days of receiving written acceptance notice. I understand that if I am *not* the successful bidder my bid deposit will be returned to me within ten (10) days of the auction date.


Signature _____ Date 11-15-2007

MAIL TO:

SEALED BID, PARCEL ID NUMBER 1004240
LAND AND FACILITIES
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
PO BOX 30448
LANSING MI 48909-7948



Date: November 13, 2007
To: Honorable Mayor and City Commission
From: Water Filtration Plant
RE: Control system annual software support

SUMMARY OF REQUEST:

Renewal of the annual customer support for the Wonderware control system software at the Water Filtration Plant.

FINANCIAL IMPACT:

A one-time cost of \$10,186.75.

BUDGET ACTION REQUIRED:

None. This item is budgeted.

STAFF RECOMMENDATION:

Staff recommends renewal of the annual software customer support agreement at a cost of \$10,186.75.

MEMORANDUM

11/1/07

TO: M. AL-SHATEL, DEPUTY DIRECTOR

FROM: R. VENEKLASEN, WATER FILTRATION

**RE: WATER PLANT CONTROL SYSTEM SOFTWARE ANNUAL
SUPPORT CONTRACT**

The control system software at the Water Filtration Plant is a product by Invensys called Wonderware. This software has been the heart of the plant control system since its inclusion in the Instrumentation and Control System Improvements project in 1993. This is a robust operating platform that is still viable and has subsequently been adopted by many water plants in West Michigan and elsewhere. Wonderware operates as a layer on top of Microsoft Windows. Most importantly it interfaces seamlessly with MS Excel so we can generate reports in a spreadsheet format.

The control system software has two values; one is the cost of the operating system the second is the configuration of the software to meet the specific needs of the facility. This software has been continually improved and has added features (tools) that have enhanced the plant operation. However the configuration of the software to meet the specific needs of our facility is the greatest investment.

In order to take advantage of the improvements to the software over the years we have subscribed to the annual technical support offered by Wonderware through its representatives – currently Wonderware Central. This subscription also allows us, or our consultant, to obtain solutions to problems or guidance in configuring new aspects or applications within our system at no cost. Over the years the cost of the annual support has varied as displayed below:

Year	Annual Support Cost
2000	\$7200.00
2001	\$6840.00
2002	\$7605.00
2003	\$5036.03
2004	\$6100.00
2005	\$7411.25
2006	\$8565.50
2007	\$10186.75

There are various reasons for the ups and downs for the cost of this service but typically the cost increases are associated with significant improvements, or changes, in the software - especially as it relates to changes in Microsoft Windows and Microsoft Excel. For example; our system began with Windows 3.1 and has evolved through Window 95, Windows 98, Windows 2000 and is now facing Windows Vista.

The peril of not purchasing the annual support is when the need to update the Control software arises. It is more costly to purchase the upgraded software than to have maintained the support and received the updates by virtue of the support subscription.

Therefore it is my recommendation that we continue to purchase the control system annual software support for 2008 from Wonderware Central at a cost of \$10186.75.



Quote

Date	Number
10/24/2007	AAAQ5526

Bill To:

City of Muskegon
Water Filtration Plant
1900 Beach Street
Muskegon, MI 49441
Attn: Accounts Payable

Ship To:

City of Muskegon
Water Filtration Plant
1900 Beach Street
Muskegon, MI 49441
Attn: Robert Veneklasen

Terms	Rep	Quote Expires:	FOB
Net 30 Days	IS	11/23/2007	

Item	Description	Qty	Price Each	Total
10-4201	Customer Support, \$30,000-\$79,999 total license value at List Prices - Renewal of CS#25852 through 12/31/08 - Includes SN#440268, 448537, 448539, 448540, 448541, 448542, 448543, 605928, 605929, 608118, 608119, 752316, 777458	1	10,186.75	10,186.75
06-6914	Wonderware Development Studio Includes: Application Server 3.0, InTouch 10.0, InTouch 10.0 Terminal Services Edition, Device Integration, Active Factory 9.2, Historian Server 9.0, Information Server 3.0, MS SQL 2005 Server and MS SQL 2005 SP2	1	0.00	0.00

Wonderware Central, 8465 Keystone Crossing, Suite 200, Indianapolis, IN 46240

Subtotal \$10,186.75

We are pleased to offer this quote to you. Upon approval, purchase orders may be emailed or faxed to the contacts found below.

Sales Tax (6.0%) \$0.00

****All Purchase Orders must include terms, taxable status, and any special shipping instructions.**

Total \$10,186.75

ALL SALES ARE FINAL.

Any invoice not paid within terms is subject to an additional 1.5% per month finance charge.

Phone #	Fax #	Orders	Web Site
888-676-9933	888-676-4550	orders@wonderwarecentral.com	www.wonderwarecentral.com

Date: 11/13/17

To: Honorable Mayor and City Commission

From: DPW

RE: Budgeted Equipment Replacement

SUMMARY OF REQUEST: Approval to purchase two Ford F-250 trucks from Great Lakes Ford.

FINANCIAL IMPACT: \$34,654.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 11/13/17

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement for two of our ¾ ton plow trucks. These vehicles are used by the Parks Department to haul supplies for building maintenance and irrigation repair and plow snow at the various parks.

We have requested prices from area dealers as well as the statewide purchasing contracts. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase two 2008 Ford F-250 4X4 trucks from Great Lakes Ford.

[illegible][illegible]

Commission Meeting Date: November 13, 2007

Date: November 1, 2007

To: Honorable Mayor & City Commission

**From: Planning & Economic Development
Department** *CBC*

**RE: Tool & Die Recovery Zone Status for
Muskegon Tool**

SUMMARY OF REQUEST:

To approve the attached development agreement and Resolution establishing a Tool & Die Recovery Zone for Muskegon Tool, 1000 E Barney Ave.

FINANCIAL IMPACT:

The City will forego approximately \$23,000 per year for a total of \$346,365 in taxes for the 15 year period of the zone.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the development agreement and the resolution establishing a Tool and Die Recovery Zone.

COMMITTEE RECOMMENDATION:

None

**DEVELOPMENT AGREEMENT
CITY OF MUSKEGON TOOL AND DIE RENAISSANCE RECOVERY ZONE**

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, MI 49440 ("City") and Muskegon Tool ("Company"), a Michigan corporation, of 1000 E. Barney Ave., Muskegon, MI 49443.

Recitals:

A. The City has received a request from the Company and intends to consider the location designation of a Tool and Die Renaissance Recovery Zone, and as a condition thereof, this Agreement must be approved and executed by the Company prior to the establishment of the Tool and Die Renaissance Recovery Zone. Upon approval of Tool and Die Renaissance Recovery Zone status for the Property, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Tool and Die Renaissance Recovery Zone, and the City relies upon the undertakings of Company in the Agreement to allow and continue the Tool and Die Renaissance Recovery Zone status of the company.

B. The Company intends to install the projects set forth in its Application for the Tool and Die Recovery Zone. The Company understands that the City relies upon the undertakings of the Company in the Agreement to establish and to continue the Company's status as a Tool and Die Renaissance Recovery Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. DOCUMENTS ATTACHED. Included in this Agreement are the following documents which have been collected and relied upon by the parties:
 - 1.1 Copy of the Michigan Renaissance Zone Act, as amended to date
2. COMPANY AGREEMENT. The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:
 - 2.1 Maintain the current level of employment at the same level, or better
3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Tool and Die Renaissance Recovery Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary with the State of Michigan and with all local

review entities by law. The City may consider this agreement in a meeting separate from and prior to the meeting in which the City or any entity considers the approval of the applicant for Tool and Die Renaissance Recovery Zone status.

4. EVENTS OF DEFAULT. The following actions or failures to comply shall be considered events of default by the Company:

- 4.1 Failure to meet any of the commitments set forth above
- 4.2 Failure to afford to the City the documentation and reporting required
- 4.3 The failure to pay any taxes other than those exempted by the Michigan Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal
- 4.4 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement
- 4.5 Relocation of the Company to a location outside the City limits of the City of Muskegon.

5. REMEDIES ON DEFAULT. In the event of any of the above defaults, the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

- 5.1 Failure to Install Improvements. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.2 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest, the City will petition the State to revoke the Tool and Die Renaissance Recovery Zone status from the Company.
- 5.3 Failure to Maintain the Current Level of Employment. Whether or not the installations have been completed, if the Company has not maintained the number of employees at the same level as when the application for a Tool and Die Renaissance Recovery Zone designation was submitted, the City will petition the State to

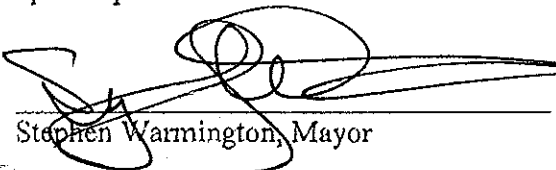
revoke the Tool and Die Renaissance Recovery Zone status from the Company.

- 5.4 Relocation of the Company to a Location Outside of the City Limits of the City of Muskegon. In the event the Company relocates outside of the City of Muskegon, the City will petition the State to revoke the Tool and Die Renaissance Zone status from the Company.
- 5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority.
- 5.6 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:
- 5.6.1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City
- 5.6.2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement
- 5.6.3 Whether the effect on the City's finances of the Company's actions is material and substantial
- 5.6.4 Whether the circumstances affecting the status of the company were created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.
- 5.7 If the Company does not comply with Sections 5.1, 5.2, and 5.3, they will be required to pay the taxes normally due on the property.
6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Michigan Renaissance Zone Act of the State, as amended.

7. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution, all such counterparts shall constitute one and the same Agreement.
8. Benefits. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors assigns and personal representatives.
9. Effective Date. This Agreement shall be effective on the date the State of Michigan grants the Tool and Die Renaissance Recovery Zone designation.
10. Invalidity. In the event any provision of this Agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By


Stephen Warmington, Mayor

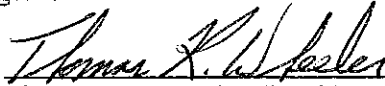
and


Ann Marie Becker, City Clerk

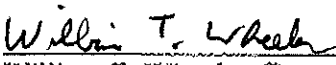
Dated: November 15, 2007

Muskegon Tool

By


Thomas R. Wheeler, President

and


William T. Wheeler, Treasurer

Dated: Oct 29, 2007

Resolution to Request a Renaissance Recovery Zone

WHEREAS, the City of Muskegon desires to promote economic activity and maintain/increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased productivity;

WHEREAS, the designation of a Renaissance Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business have entered into a collaborative agreement with other business entities having the appropriate North American Industry Classification System (NAICS) codes, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Renaissance Recovery Zone, property within that zone will be exempt from taxes levied by the city, county, and other units of government as provided under this Act, and;

WHEREAS, we estimate that the tax revenue lost, which is estimated on the attached schedule, would be a small fraction of the benefits the designation of a Renaissance Recovery Zone will bring the community.

THEREFORE BE IT RESOLVED, that the City requests that the State of Michigan designate Muskegon Tool, Property ID numbers 24-900-351-0395-00, 24-133-300-0001-10, and 24-133-300-0001-00 identified by the resolution a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of up to 15 years.

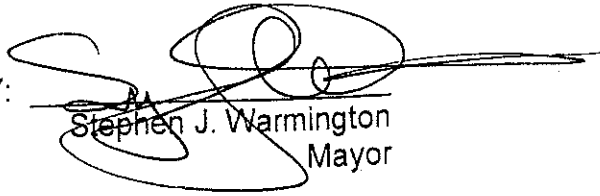
Adopted this 13th day of November, 2007

Ayes: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter _____

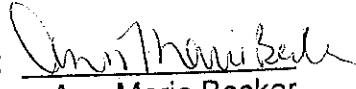
Nays: None

Absent: Shepherd _____

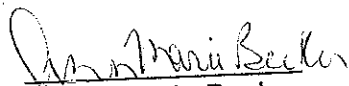
BY:


Stephen J. Warmington
Mayor

ATTEST:


Ann Marie Becker
Clerk

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 13, 2007.


Ann Marie Becker
Clerk

City of Muskegon
Comparison of 2007 Year Millage Rates to Ren. Zone Millage Rates and % Savings

	Non-Principal Residence Millage	Ren. Zone Millage	% Savings for Non-Principal Residence
County tax	6.7357	0.3400	94.95%
Community College tax	2.2037	0.0000	100.00%
MAISD tax	3.7580	0.0000	100.00%
City tax	11.0685	0.0000	100.00%
School Operating tax	18.0000	0.0000	100.00%
School Debt tax	7.0000	7.0000	0.00%
Hackley Library tax	2.4000	0.0000	100.00%
State Education tax	6.0000	0.0000	100.00%
Total	57.1659	7.3400	87.16%

RE: Property at 1000 & 1080 E Barney Ave

Real Property:

The Assessor has assessed the real property for these addresses: parcel # 24-133-300-0001-00 & 24-133-300-0001-10. The owner is listed as Muskegon Tool Property Co LLC. The 2007 Taxable Value = \$ 155,632 . Without the ren zone the projected tax bill total for both winter and summer would = \$ 8,897 With the ren zone the projected tax bill total for both winter and summer would = \$ 1,142

Annual property tax savings = \$ 7,755

Personal Property:

The Assessor has assessed the personal property for this address set up as parcel # 24-900-351-0395-00. The owner is listed as Muskegon Tool Industries. The 2007 Taxable Value = \$ 307,800 . Without the ren zone the projected tax bill total for both winter and summer would = \$ 17,596 With the ren zone the projected tax bill total for both winter and summer would = \$ 2,259

Annual property tax savings = \$ 15,336

Date: November 5, 2007
To: Honorable Mayor and City Commissioners
From: Lowell Kirksey, Leisure Services Supervisor
RE: Special Events-Catamaran Racing Association
Request to hold a Catamaran sailing event, and
camp over night at Pere Marquette

SUMMARY OF REQUEST: Catamaran Racing Association of Michigan is requesting permission to hold a Catamaran sailing event at Pere Marquette Park August 2-3, 2008. They intend to use the City owned lot that is currently leased by Capt. Jacks for overnight camping on August 2.

The owners of Capt. Jacks submitted a letter indicating their support of the event. Two organizations hosting separate events at Pere Marquette during this time, Inside/Out volleyball and Meals on wheels 5k run/walk race, have expressed support for the event.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution allowing for overnight camping at Pere Marquette for this event August 2-3, 2008.

COMMITTEE RECOMMENDATION: This request was recommended for approval by the Leisure Services Board at their October 15, 2007 meeting.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2007-95(g)

**A RESOLUTION APPROVING OVERNIGHT
CAMPING FOR THE CATAMARAN RACING
ASSOCIATION OF MICHIGAN**

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The Catamaran Racing Association Of Michigan is planning a sailing event for August 2-3, 2008; and
2. Whereas, they are requesting overnight camping at Pere Marquette Park. The event will be held in the city parking lot leased to Captain Jacks Restaurant; and
3. Whereas, there is support for the event from Captain Jacks Restaurant and representatives from other events taking place at Pere Marquette Park that weekend.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission agrees to allow overnight camping at Pere Marquette Park for the purpose of hosting members of the Catamaran Racing Association of Michigan on the night of August 2, 2008.

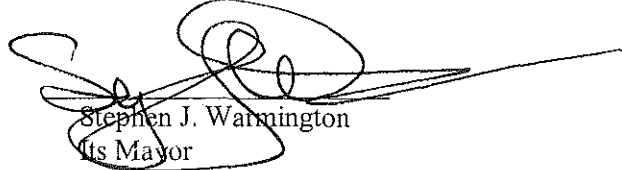
Adopted this 13 day of November, 2007.

AYES: Gawron, Spataro, Warmington, Wierengo, Wisneski, Carter

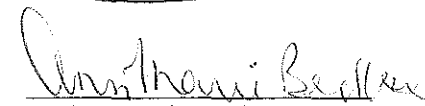
NAYES: None

ABSENT: Shepherd

By:


Stephen J. Warmington
Its Mayor

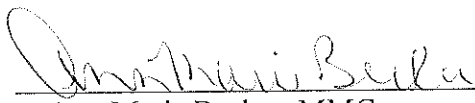
By:


Ann Marie Becker, MMC
Its Clerk

CERTIFICATION
2007-95(g)

This resolution was adopted at a regular meeting of the City Commission, held on November 13, 2007. 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: 
Ann Marie Becker, MMC
City Clerk

Date: November 13, 2007

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Telecommunications Expense Audit

SUMMARY OF REQUEST: The City recently solicited proposals for firms to conduct an audit of our telecommunications (telephone, cellular and data) expenses. Such audits are commonly done by larger organizations having complex telecommunications structures. Typically the auditing firms are compensated on a contingency basis, with payment based on a percentage of actual savings realized by the City. The City received three responses to the RFP (a fourth was received late and not opened). The RFP responses are summarized below:

Firm	Office Location	Price Proposal	Months in Effect	Cost if \$30k Savings for Past 3 Years
Abilita	Lansing	40% of Savings up to \$20,000 35% of Savings \$20,001 to \$30,000 30% of Savings \$30,001 to \$40,000 25% of Savings over \$40,001	24	\$11,500 (Net Savings to City \$18,500)
Schooley-Mitchell	Grand Rapids	\$1,995 fee per year fee (not contingency based)	24	\$5,985 (Net Savings to City \$24,015)
Schooley-Mitchell	Grand Rapids	50% of Savings	24	\$15,000 (Net Savings to City \$15,000)
Total Solutions Group	Saginaw	40% of Savings up to \$50,000 30% of Savings \$50,001 to \$100,000 20% of Savings over \$100,000	24	\$12,000 (Net Savings to City \$18,000)

After reviewing proposals and checking references, the City recommends that Abilita be selected to provide this service. It is the best contingency based proposal received.

FINANCIAL IMPACT: Some staff time is involved in gathering data and coordinating the contract. Potential budgetary savings or billing credits may result if billing errors or overcharges are discovered.

BUDGET ACTION REQUIRED: None. If successful, the program will result in budget savings to the City; otherwise there is no direct cost other than some staff time.

STAFF RECOMMENDATION: Selection of Abilita to audit the City's telecommunications expenses.

COMMITTEE RECOMMENDATION: None.

Commission Meeting Date: November 13, 2007

Date: November 1, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Public Hearing - Request for a time extension for the Obsolete Property Rehabilitation Exemption Certificate at 790 Terrace

SUMMARY OF REQUEST:

Promised Land Associates, 3355 Merriam Street, Muskegon Heights, MI 49444, was issued an Obsolete Property Rehabilitation Exemption Certificate (resolution number 2005-54 b, issued June 14, 2005) for the property located at 790 Terrace Street Muskegon, MI. The timeline to complete the rehabilitation was one year, giving them until June 14, 2006 to do so. However, a number of unforeseen problems occurred during this time, making the applicant unable to complete the rehabilitation. The applicant is now requesting an additional two (2) years to rehabilitate the building. The two (2) year extension would give the applicant until November 14, 2009 to complete the rehabilitation. Total capital investment for this project was stated to be \$1,200,000. The project was to consist of a restaurant/banquet hall that would also feature live entertainment. This project was to result in the creation of 40+ new jobs in the City. Because of the new jobs, and the amount of investment, the applicant was granted a 12 year certificate.

FINANCIAL IMPACT:

If an extension to the Obsolete Property Rehabilitation Exemption Certificate is granted, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

If the City Commission decides to grant an extension for the Obsolete Property Rehabilitation Exemption Certificate, it is recommended that only one (1) additional year be granted. That would give the applicant until November 13, 2008 to rehabilitate the building.

COMMITTEE RECOMMENDATION:

None

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2007-96(a)

A resolution approving a time extension for the Obsolete Property Rehabilitation Exemption Certificate for Promised Land Associates.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. An Obsolete Property Rehabilitation Exemption Certificate (Resolution number 2005-54b) was awarded by the City Commission for Promised Land Associates after hearing on June 14, 2005.
- B. The City Commission determined that the applicant would have twelve (12) months to complete the rehabilitation. It was to be completed by June 14, 2006, one year after the Certificate was issued.
- C. The applicant was unable to rehabilitate the building by the June 14, 2006 deadline.
- D. A City Commission Meeting was held on May 22, 2007 in which the Housing Board of Appeals requested that the building be demolished within 30 days, due to it being unsafe, substandard, and a public nuisance. A motion was made to demolish the building, but the motion did not pass.
- E. Promised Land Associates is requesting a two year extension to complete the rehabilitation, so that they may retain their Obsolete Property Rehabilitation Exemption Certificate. A two year extension would give the applicant until November 13, 2009 to rehabilitate the building.
- F. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- G. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on June 14, 2005, being the same date that the district was established.
- H. The applicant, Promised Land Associates, is not delinquent any taxes related to the facility.
- I. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

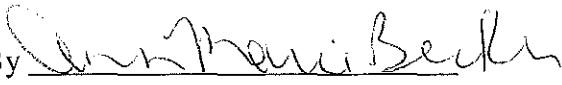
1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Promised Land Associates, for a time extension on their Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of fifteen (15) months from the date of the denied motion to demolish the building (May 22, 2007), giving the applicant until August 22, 2008 to rehabilitate the building.
2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

Ayes: Spataro, Wierengo, Carter, and Gawron

Nays: Warmington and Wisneski

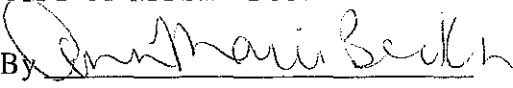
CITY OF MUSKEGON

By 
Ann Marie Becker, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on November 13, 2007. 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 
Ann Marie Becker, City Clerk

Attachment A

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 10, 11 & 12 EXC SLY 63 FT THEREOF,
ALSO LOT 13 & NLY 12 FT OF NWLY 41 FT OF LOT 14 BLOCK 175

Commission Meeting Date: November 13, 2007

Date: November 6, 2007

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Resolution to Sell 1122 Spring

SUMMARY OF REQUEST: To approve the attached Resolution to Sell the City owned house at 1122 Spring to Ms. Georgia Crenshaw, of 322 Sumner, Muskegon, for the expected appraised value of \$65,000 minus the \$15,000 subsidy.

The house at 1122 Spring is part of the Operation R&R initiative, also known as "**Spring Street Awakening**" the structure was obtained by the City of Muskegon through the tax reverted process. After the City obtained the house from the State of Michigan a total rehabilitation of the house was completed including abatement of any lead in the house.

FINANCIAL IMPACT: The program income derived from this transaction will be deposited in the City's HOME.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Resolution and the sale of 1122 Spring to Ms. Georgia Crenshaw.

COMMITTEE RECOMMENDATION: The City Commission and the Land Reutilization Committee approved the project.

MUSKEGON CITY COMMISSION

2007-97(a)

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY STATE OWNED PROPERTY AT 1122 SPRING

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

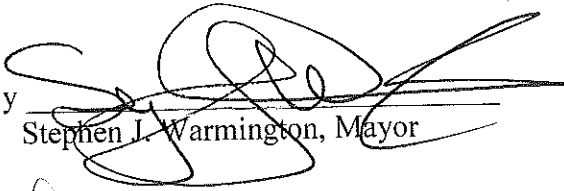
NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of 1122 Spring to Georgia Crenshaw of 322 Sumner, Muskegon. Ms. Crenshaw will purchase the house as an owner-occupied structure..

Adopted this 13th day of November 2007

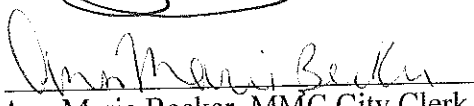
Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron

Nays: None

By


Stephen J. Warmington, Mayor

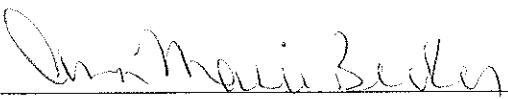
By


Ann Marie Becker, MMC City Clerk

CERTIFICATION
2007-97(a)

This resolution was adopted at a regular meeting of the City Commission, held on November 13, 2007. 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: 
Ann Marie Becker, MMC
City Clerk



AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Income Tax Administrator 

DATE: October 30, 2007

RE: Donation program for 2007 Individual Income Tax Returns

SUMMARY OF REQUEST:

Approval of multiple donations programs for the 2007 income tax returns. Our department's goal is to increase the number tax refunds donated by 20-30%. Each year we will feature two or three donation options for the taxpayers.

Some of our top donations programs include Lakeshore Trail Improvements, Muskegon Summer Celebration Fireworks, & the upkeep of Veteran's Memorial Park.

FINANCIAL IMPACT:

The average amount collected each year is \$2,000.00. Each donated refund saves the city approximately \$1.00 in checks fees.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:

Date: November 13, 2007
To: Honorable Mayor and City Commissioners
From: City Treasurer
RE: Approval to Purchase New Utility Billing System

SUMMARY OF REQUEST:

Approval to purchase the Equalizer Utility Billing System from BS&A Software. This request is the result of an investigation by City staff of possible utility billing software solutions that will improve productivity and operational efficiency.

FINANCIAL IMPACT:

Total cost of \$36,000.

BUDGET ACTION REQUIRED:

The 4th Quarter Budget Reforecast to include an adjustment for this purchase as a water fund capital expenditure.

STAFF RECOMMENDATION:

Approval to purchase the Equalizer Utility Billing System.

COMMITTEE RECOMMENDATION:

N/A

Date: November 7, 2007

To: Honorable Mayor and City Commissioners

From: City Treasurer

RE: Background Information on the Utility Billing System Request

Reason for Search

The current utility billing system has been in place at the City since 1997 and was a part of the financial and payroll systems conversions that occurred between 1996 and 1997. At that time, it was anticipated that the utility billing system would be an interface with the City's financial accounting and reporting system. However, an actual interface of the systems has not materialized.

As a part of the Finance Division, one of the 2007 budget year goals for City Treasurer's Office was to investigate possible utility billing software solutions that will improve productivity and operational efficiency. In addition, with the rising costs of water utility bills, it becomes more difficult for consumers to manage a quarterly utility bill and would be easier for customers to budget and manage a monthly bill. Such a change could also improve the City's cash flow. Therefore, there is a need to have a utility billing system in place that would easily accommodate a change from quarterly to monthly billing.

Search and Criteria

Over the last year, City staff began research to replace the current utility billing system with a system that would offer the following:

- 1) Capability of changing customer billing cycle from quarterly to monthly.
- 2) Easier procedure for Final Bills, Past Due/Shutoff.
- 3) Provide software that is compatible with the City's current computer technology.
- 4) Ability to rollover outstanding balances to be placed on the tax bill.
- 5) Auto meter reader system interface.
- 6) Unlimited entry of metered and non-metered service types, billing items, work order types, etc.
- 7) Ability of process ACH (Automated Clearing House) electronic payments for customers that have signed-up for direct bank debit to pay their bills.
- 8) Automatic calculation of penalties.
- 9) Event scheduler that allows the scheduling of unattended events such as billings, penalty calculations, importing meter reads, etc.
- 10) Ability of displaying utility billing data on the web.
- 11) Positive reputation.
- 12) Quality customer support.

Results

We have found that there is a myriad of utility billing systems on the market that can be purchased at prices that range from a low of about twelve thousand to over several hundred thousand dollars. However, our investigation found that the systems at the lower end of the cost range did not meet all of the search criteria. Most of the systems that met the search criteria were at the high end of the cost range. The system that met all of our search criteria, while being at a reasonable cost, was the BS&A Equalizer Utility Billing System.

BS&A Software, Inc, was founded in 1987 in Michigan with a vision of providing a powerful software system for local government in Michigan. The company has made a commitment to continuously improve the quality of their existing products and services while constantly looking toward the future. In 1998, the City began using BS&A Software's Assessing and Property Tax Administration Systems. Since that time, all of the municipalities in Muskegon County that perform assessing and property tax billing functions have begun using the BS&A systems. With the successful deployment of the Assessing and Tax Systems, about three years ago, the City's Inspections Department began using the BS&A Permits and Inspections System. City staff have interviewed and met with several other Michigan municipalities that are currently using the BS&A Utility Billing System who have given very positive references.

Cost of the Proposed Utility Billing System

The proposed costs for BS&A Software's Equalizer Utility Billing System are as follows:

Software system -	\$24,000
Network server -	5,000
On-site Training -	5,000
Data conversion -	2,000

Proposed Total	\$36,000

Conclusion

The services and the cost of the proposed utility billing system provided by BS&A Software is the most prudent choice when considering current technologies in use at the City while seeking increased productivity and operational efficiency at a reasonable price.

AGENDA ITEM No. _____

MUSKEGON CITY COMMISSION – November 13, 2007

TO: Honorable Mayor & City Commissioners

FROM: Planning Department *CBC*

DATE: October 23, 2007

SUBJECT: Revocation of a Neighborhood Enterprise Zone Certificate

SUMMARY OF REQUEST

Stan and Chris Cunningham is in violation of Sec. 207.781 sec. 11 subsection (4) which states:

If the owner of the facility fails to make the annual payment of the neighborhood enterprise zone tax and the ad valorem property tax on the land under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, the commission by order shall revoke the certificate. However, if payment of these taxes is made before the revocation is effective, the commission, upon application of the owner, shall rescind the order of revocation. If payment of these taxes and any subsequent ad valorem property tax due on the facility is made after revocation of the certificate, the commission, upon application of the owner, shall reinstate the certificate for the remaining period of time for which the original certificate would have been in effect.

Stan and Chris Cunningham have failed to pay 2006 taxes for the property located at 1223 Morgan Avenue whose parcel numbers are 24-941-096-0253-00 and 24-613-000-0751-00. Approval or denial by the City Commission is required must be forwarded to the State Tax Commission. Staff sent the owners a letter with the County Treasurer's phone number on it regarding the pay off amount of the delinquent property taxes on September 19, 2007 giving them until October 12, 2007 to pay the taxes. They remain unpaid.

FINANCIAL IMPACT

The property will no longer be able to take advantage of the certificate number 96-253 which allowed taxation at 50% of the State average for a stated number of years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve revocation of the NEZ certificate and have the Mayor and City Clerk sign the resolution and submit it to the State Tax Commission.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2007-97(d)

MUSKEGON CITY COMMISSION

**RESOLUTION TO REVOKE THE NEIGHBORHOOD ENTERPRISE ZONE
CERTIFICATE # 96-253**

WHEREAS, Stan and Chris Cunningham have not paid their property taxes for the property located at 1252 Adams in the Marquette neighborhood, and;

WHEREAS, the applicant owes for property taxes for the parcel # 24-941-096-0253-00 for the tax year 2006, which does not meet the eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the applicant owes for property taxes for the parcel # 24-613-000-0751-00 for the tax year 2006, which does not meet the eligibility criteria for a Neighborhood Enterprise Zone Certificate;

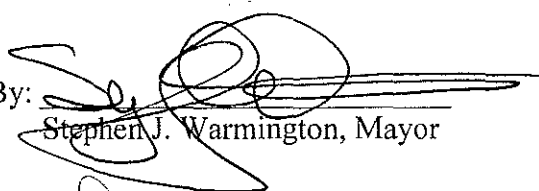
NOW, THEREFORE, BE IT RESOLVED that the Neighborhood Enterprise Zone Certificate # 96-253 be revoked.

Adopted this, 13th day of November, 2007.

Ayes: Wisneski, Carter, Gawron, Spataro, Warmington, Wierengo

Nays: None

Absent: Shepherd

By: 

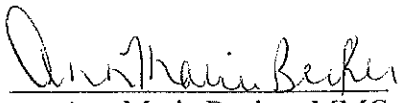
Stephen J. Warmington, Mayor

Attest: 

Ann Marie Becker, 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 13, 2007.

By: 
Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: November 13, 2007

Date: November 5, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Establishment of the Downtown Development Authority
District as a "Redevelopment Project Area"**

SUMMARY OF REQUEST: There is a new type of liquor license available for businesses within the boundaries of the Downtown Development Authority (DDA) District. It is similar to the former DDA liquor license. In order for the Liquor Control Commission to approve issuance of these licenses, the buildings that house the licensed premises must be located within an established "Redevelopment Project Area". The Redevelopment Project Area has the same boundaries as the current DDA. In order to establish this area as the Redevelopment Project Area, the City Commission must approve the attached resolution.

FINANCIAL IMPACT: No immediate impact, although the granting of additional liquor licenses downtown will increase the number of restaurants and entertainment venues possible, thus increasing the City of Muskegon's tax revenues.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and Clerk's signatures.

COMMITTEE RECOMMENDATION: None.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2007-97(e)

A resolution concerning the establishment of the Downtown Development Authority District as a "redevelopment project area".

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon Ordinance No. 969 established a Downtown Development Authority District in the City of Muskegon under 1975 PA 197 (MCL 125.1651, et seq.)
2. 436.1521a(1)(b) of the Michigan Compiled Laws provides that in addition to the number of on-premises licenses available in cities under Section 531(1), the Michigan Liquor Control Commission may issue licenses to establishments located within a downtown development authority district established under 1975 PA 197 (MCL 125.1651, et seq.) where the governing body of the city has established the development district as a *redevelopment project area*.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission deems it to be in the best interest of the City of Muskegon that the Downtown Development Authority District be established as a *redevelopment project area* under MCL 436.1521a(1)(b) in order to advance the objectives of the City of Muskegon to halt property value deterioration and increase property tax valuation and revenues within the District by creating the opportunity for the establishment of new bars/restaurants within the District.

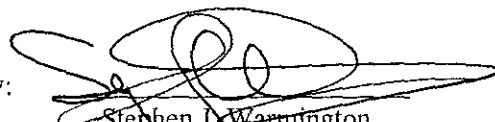
Adopted this 13th day of November, 2007.

AYES: Carter, Gawron, Spataro, Warmington, Wierengo, and Wisneski

NAYES: None

ABSENT: Shepherd

By:


Stephen J. Warmington
Its Mayor

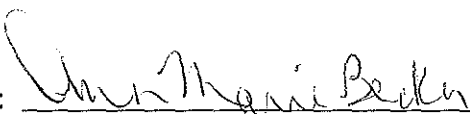
By:


Ann Marie Becker, MMC
Its Clerk

CERTIFICATION
2007-97(e)

This resolution was adopted at a regular meeting of the City Commission, held on November 13, 2007. 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: 
Ann Marie Becker, MMC
City Clerk

PARMENTER O'TOOLE

Attorneys at Law

601 Terrace Street ■ P.O. Box 786 ■ Muskegon, Michigan 49443-0786
Phone 231.722.1621 ■ Fax 231.722.7866 or 231.728.2206
www.Parmenterlaw.com

October 30, 2007

Cathy Brubaker-Clarke
Planning Department
City of Muskegon
933 Terrace Street
Muskegon, MI 49443-0536

By Email: cathy.brubaker-clarke@postman.org

Re: Development District Area Class C On-Premises Licenses
Resolution Establishing the DDA as a *Redevelopment Project Area*

Dear Cathy:

We have made significant progress towards obtaining a determination of the number of DDA Class-C On-Premises Liquor Licenses for which the City of Muskegon will be eligible under MCL 436.1521a(1)(b). As it turns out, it will be many!

We have been working with Dennis Burns to calculate the total private and public investment within the DDA during the period beginning January 1, 2004 and ending on October 31, 2007. There has been a grand total of \$17,745,000 of such investment. This makes the City eligible for **88 Class C On-Premises Licenses**. I have attached for your review a copy of the Affidavit and Exhibit, which I have asked Mr. Barnes to execute before a notary, and to have it certified by the City Clerk.

You should know an important fact with regard to eligible Licenses. Once the number of eligible licenses has been established for a given period of time, the City does not lose them. In addition, if there are incremental additional expenditures of \$200,000 within the DDA, additional licenses may be applied for and awarded. In other words, once established, the City can bank any un-issued DDA Licenses for future use.

We submitted a draft of Mr. Burns' Affidavit and exhibit of expenditures to the MLCC for preliminary approval. With regard to other documentation to be provided by the City, the MLCC approved everything we submitted, however, they will require that the City adopt and submit to them the following additional Resolutions:

a. **Resolution Establishing DDA as a "Redevelopment Project Area".**

Ms. Becker has provided me with Resolution 88-78(c) and Ordinance No. 969 establishing a Downtown Development Authority in the City of Muskegon. Because this Resolution dates back to 1988, it predates the enactment of the statute under which the City of Muskegon now seeks DDA Class C On-Premises Licenses. Therefore, the City Commission must now adopt a Resolution that "establishes the Downtown Development Authority District as a redevelopment project area under MCL 436.1521a(1)(b)."; and

b. **Resolution Approving Specific Applicant.** The City will need to adopt a

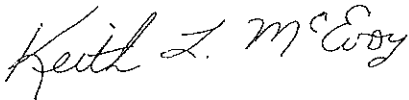
Resolution which approves *a specific applicant* (individual, corporation, limited liability company, limited partnership), *at a specific location* "ABOVE ALL OTHERS."

Remember, that to the extent the City is eligible for multiple DDA Class C On-Premises Licenses, the City is permitted to approve multiple prospective applicants concurrently. You will, however, need to pass a separate Resolution for *each and every* applicant.

Currently, our office is completing a DDA Class C On-Premises License Application for Iordache Group, Inc. for use at a restaurant to be operated downtown. This is currently confidential, however, we anticipate entering into a lease with the Lessor in the very near future. As soon as we have been authorized to do so, we will be submitting a request on behalf of the applicant for the City Commission to recommend approval of their application.

In the meantime, when will the Commission be able to consider adopting the Resolution that established the DDA as a redevelopment project area? Please call me to discuss.

Sincerely yours,



Keith L. McEvoy

Direct: 231.722.5413

Fax 231.722.7866

Internet Address: klm@Parmenterlaw.com

Attachment

AFFIDAVIT OF PUBLIC AND PRIVATE INVESTMENT

I, Dennis W. Burns, in my capacity as Assessment Administration Supervisor for the City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440, being first duly sworn, deposes and says:

THAT I am familiar with and make this affidavit with regard to public and private investment in real and personal property within the qualified Downtown Development Authority in the City of Muskegon established pursuant to Ordinance No. 969 ("DDA District"); and

THAT, upon information and belief, attached Exhibit A reflects actual public and private investment in real and personal property within the DDA District during the period beginning January 1, 2004 through October 31, 2007; and

THAT the foregoing is true to the best of my knowledge and belief.

Dated this _____ day of _____, 2007.

Dennis W. Burns, Assessment
Administration Supervisor for the
City of Muskegon

STATE OF MICHIGAN
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on _____,
2007, by Dennis W. Burns, Assessment Administration Supervisor for the City of
Muskegon, a municipal corporation.

_____, Notary Public
Acting in the County of Muskegon
Muskegon County, Michigan
My Comm. Expires: _____

Prepared by:
Parmenter O'Toole
By: Keith L. McEvoy
P.O. Box 786
Muskegon, Michigan 49443-0786

CITY OF MUSKEGON

DEVELOPMENT DISTRICT AREA – PUBLIC/PRIVATE INVESTMENTS

Private Investment (Real Property):

Parcel #	Project	Year	Address	Value
24-205-317-0009-00	Boilerworks LLC	2005	600 W. Clay	\$1,300,000
24-205-556-0001-00	Harley Davidson	2007	149 Shoreline	\$2,300,000
24-205-562-0001-00	National City Bank	2005	715 Terrace	\$1,300,000
24-205-467-0001-00	WaterMark Condo's	2004	930 Washington	\$6,600,000
			TOTAL	\$11,500,000

Private Investment (Personal Property):

Parcel #	Project	Year	Address	Value
24-900-251-6585-00	Warner Norcross	2005	316 Morris	\$236,000
24-900-351-0420-00	Knoll Group	2005	965 W. Western	\$739,000
24-982-206-0166-00	Coles Quality Foods	2005	1188 Lakeshore	\$2,000,000
			TOTAL	\$2,975,000

Public Investment:

Parcel #	Project	Year	Address	Value
	New Western Ave	2007	DDA District	\$3,270,000
			TOTAL	\$3,270,000

GRAND TOTAL: \$17,745,000

CERTIFICATION

Attached is a true copy of an Affidavit executed by Dennis W. Burns, in his capacity as Assessment Administration Supervisor for the City of Muskegon, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49440, with regard to public and private investment in real and personal property within the qualified Downtown Development Authority in the City of Muskegon established pursuant to Ordinance No. 969 within the past five years.

CITY OF MUSKEGON
933 Terrace, Muskegon, MI 49440

By: _____
Ann Marie Becker, MMC
City Clerk

Date: _____, 2007

October 23, 2007

Ms. Ciggzree S. Morris
2528 Peck Street
Muskegon Heights, MI 49444

Dear Ms. Morris,

I am writing a follow-up letter to my letter dated September 7, 2007. As you know, I included the information from the Michigan Liquor Control Commission (MLCC). However, I have had additional conversations with our city attorney's office, as they learn more about this relatively new process. I want to clarify the information that is required by the City to proceed with the Development District On-Premises Liquor License.

As stated in the prior letter, you will need to request a resolution from the Muskegon City Commission recommending approval of your application "ABOVE ALL OTHERS". Among other requirements, the City must provide this resolution to the MLCC prior to or at the time you have submitted your DDA On-Premises License application for approval. If you would like the City Commission to consider a resolution that recommends the approval of your application, please submit a request in writing to the City Clerk.

As you are probably aware, there are certain financial requirements that must be met prior to the MLCC's issuance of a DDA On-Premises License. First, the license costs \$20,000. Second, an applicant must demonstrate that they have expended \$75,000 on the licensed premises within the last five (5) years or the Applicant must have a commitment for the expenditure of at least that amount on the building that houses the licensed premises *before* the issuance of the license. To that end, the Commission will be closely reviewing the economic resources and financial commitments of any applicant prior to making a recommendation for MLCC approval of their DDA On-Premises License application.

If you have not already done so, we recommend that you prepare and file your DDA On-Premises License application with the MLCC. The Commission is more likely to be inclined to recommend the approval of an applicant that has already submitted an application to the MLCC for their consideration. It is actually the MLCC (not the City Commission) that will need verification that you have contacted the holders of an existing Class C liquor licenses or quota licenses located within the City of Muskegon that are in escrow and verify whether or not these licenses are for sale.

Please let me know if you have any additional questions.

Sincerely,

Cathy Brubaker-Clarke
Director of Community & Economic Development

Enclosure

Commission Meeting Date: November 13, 2007

Date: November 5, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Issuance of a Downtown Development Authority District
On-Premises Liquor License- lordache Group, Inc.

SUMMARY OF REQUEST: The lordache Group, Inc. has applied for a Downtown Development Authority District On-Premises Liquor License for the premises at 380 W. Western, which is located within an area established by the City Commission as a redevelopment project area. The applicant shall be engaged in the operation of a restaurant and an adjacent bakery cafe at this address.

FINANCIAL IMPACT: No immediate impact, although the granting of the liquor license to lordache Group will add to the business and entertainment mix in downtown Muskegon, and will add to the City of Muskegon's tax revenues.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and Clerk's signatures.

COMMITTEE RECOMMENDATION: None.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN
RESOLUTION NO. 2007-97(f)**

A resolution concerning the issuance of a Downtown Development Authority District On-Premises Liquor License pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. Iordache Group, Inc. has applied for a Downtown Development Authority District On-Premises Liquor License for the premises at 380 W. Western Avenue, which is located within an area established by the City Commission as a redevelopment project area pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws.
2. It is required that the City Commission approve a specific applicant, at a specific location "ABOVE ALL OTHERS".

City Commission Findings

The City Commission is satisfied that:

1. That the applicant has sufficiently demonstrated a commitment for a capital investment of not less than \$75,000 for the build-out and improvements of the building that will house the licensed premises, which amounts shall be expended before the issuance of the license.
2. That the licensed business shall be engaged in dining, entertainment or recreation, that is open to the general public, with a seating capacity of not less than 50 persons.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

The City Commission deems it to be in the best interest of the City of Muskegon to approve the application of Iordache Group, Inc. for a Downtown Development Authority District On-Premises Liquor License for the premises at 380 W. Western Avenue pursuant to 436.1521a(1)(b) of the Michigan Compiled Laws, and recommends to the Michigan Liquor Control Commission the issuance of said requested license "ABOVE ALL OTHERS".

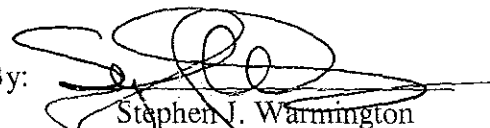
Adopted this 13th day of November, 2007.

AYES: Gawron, Spataro, Warmington, Wierengo, Wisneski, and Carter

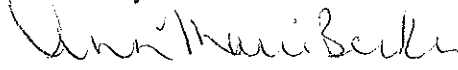
NAYES: None

ABSENT: Shepherd

By:


Stephen J. Warmington
Its Mayor

By:


Ann Marie Becker, MMC
Its Clerk

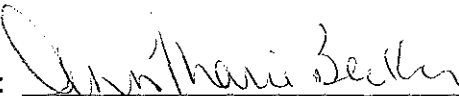
CERTIFICATION

2007-97(f)

This resolution was adopted at a regular meeting of the City Commission, held on November 13, 2007. 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:


Ann Marie Becker, MMC
City Clerk

City of Muskegon
City Commission
380 W Western

★ Selected Property

