

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 27, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
 - A. Tribute to Richard Hunt
- CITY MANAGER'S REPORT:
- CONSENT AGENDA:
 - A. Approval of Minutes City Clerk
 - B. Request to Adopt the Muskegon Parking Strategy as Part of the Master Land Use Plan Planning & Economic Development
 - C. Asbestos Survey Bids – MSHDA Land Bank Grant Planning & Economic Development
 - D. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY2015 (October 1, 2015 – September 30, 2016) City Manager
 - E. Sale of Boat Slip (A-08) at Harbour Towne DPW
 - F. Marsh Field Management Agreement DPW
- PUBLIC HEARINGS:
 - A. Public Hearing – Request for the Establishment of an Industrial Development District at 1690 Creston Street Planning & Economic Development
 - B. Public Hearing – Confirmation of Special Assessment Roll – Street Lighting City Treasurer
- COMMUNICATIONS:

☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

☐ **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.)

☐ **CLOSED SESSION:**

A. To Discuss Pending Litigation

☐ **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 MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Memorandum

To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: October 27, 2015

There are a number of important items on the agenda this week. Accordingly, I thought you could use a little background on as you prepare for our meeting.

1. Under the consent agenda, we are asking the Commission to for approval of the following:
 - a. Last meeting's minutes.
 - b. Adoption of the downtown parking strategy. This is being recommended for approval by both the Planning Commission and planning staff, as well as Downtown Muskegon Now.
 - c. Approval of the lowest responsible bid to conduct asbestos surveys on the homes that will be demolished with the \$250,000 MSHDA Grant we received earlier this year. This is a requirement of the grant.
 - d. Approval of the 2015-16 dues for West Plan.
 - e. Approval of the sale of a City-owned boat slip at Harbour Towne. The proceeds from the sale will be dedicated to the Marina Fund.
 - f. Approval of the Marsh Field Baseball Facility Management Agreement with the Muskegon Clippers Baseball Club. The Lakeshore Baseball Club held the initial contract with the City and now through a reorganization of its members will be called the Muskegon Clippers Baseball Club (MCBC).
2. Public Hearings:
 - a. We are seeking to establish an industrial development district at 1690 Creston to facilitate the owner's desire to expand his business into the City of Muskegon.
 - b. Streetlight Assessment - \$35 per parcel. This public hearing is to consider confirmation of the tax roll.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

TRIBUTE TO RICHARD HUNT

WHEREAS, Richard Hunt, Chicago-born artist who in the early 1960s discovered his voice and vision as a public sculptor; and

WHEREAS, while holding the title as the youngest artist to exhibit at the 1962 Seattle World's Fair, Richard Hunt continued to make history by becoming the first African-American artist to have a major solo exhibition at the Museum of Modern Art in New York in 1971; and

WHEREAS, Mr. Hunt is recognized as having completed more public art sculptures than any other artist in the country today with art displayed from Illinois to the Martin Luther King, Jr. Memorial in Memphis, Tennessee, to Washington D. C., Georgia, New York, North Carolina, and beyond; and

WHEREAS, Richard Hunt established a studio in Benton Harbor in 1995 and making Michigan his second home, Mr. Hunt is being recognized for his commitment to that community and to Michigan; and

WHEREAS, having been acclaimed for his significant works in St. Joseph, Michigan and the Frederik Meijer Gardens in Grand Rapids, as well as works within the permanent collection of the Muskegon Museum of Art and those placed around the country, Mr. Hunt was commissioned by the Community Foundation *for* Muskegon County to create a signature sculpture for the center of downtown Muskegon; and

WHEREAS, determined to give honor to Muskegon as a reemerging and thriving city that would “enrich the soul of an individual and of an entire community”; and

WHEREAS, in 2008, Mr. Hunt created *Muskegon, Together Rising*, a powerful 60-foot sculpture of stainless steel, muscular and vigorous, stalwart and mighty, its symbolic torch held high-an emblem of hope, enlightenment, and regeneration, its textured surface of polished steel suggesting a gentle breeze across familiar waters; and

WHEREAS, this sculpture has contributed to the rebirth of Muskegon as the heart of this community;

NOW Therefore Be It Resolved that a grateful City honors Richard Hunt for his art and for his significant and remarkable contribution to the resurgence of our community and our civic pride and determination to become, indeed, Muskegon, a community, together, rising.

Dated this 27th day of October 2015.

Stephen J. Gawron, Mayor
City of Muskegon

Date: October 20, 2015
To: Honorable Mayor and City Commissioners
From: Ann Marie Meisch, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the October 12, 2015 Worksession Meeting and October 13, 2015 City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
October 12, 2015
City Commission Chambers
5:30 PM

MINUTES

2015-70

Present: Commissioners German, Hood, Rinsema-Sybenga, Gawron, Johnson, Turnquist, and Spataro.

Absent: None.

Industrial Facilities Tax Abatement – 441 W. Western.

Pigeon Hill Brewing Company, LLC, has requested to establish an Industrial Development District at 441 Western Avenue.

Mike Franzak, Zoning Administrator, gave an overview. The State contacted Pigeon Hill and the City indicating other forms are required to be filled out. The project has already commenced. The State is aware of this and will manage the paperwork and forward a response once the resolution is adopted.

This item will be on the October 13, 2015 Commission Meeting for consideration by the Commission.

Create City Wide Special Assessment for Street Lights.

A public hearing will be held by the Commission on October 13, 2015 to consider creating a special assessment district for streetlights that encompasses the entire city.

Commissioner Johnson indicated he would not support the special assessment unless the amount being asked per parcel is \$26 instead of the \$35 per year for five years that is currently being asked. Commissioner Johnson indicated the July 1st budget indicates the Commission would be asking for a special assessment to cover 50% of the lighting cost. The \$35 per parcel would generate 80% of the cost of electricity. Commissioner Johnson did indicate he would vote in favor of the assessment if the \$9 was spent towards making the community more energy efficient.

Commissioners indicated the wording of the letter sent to parcel owners is confusing. Staff agreed and will change the wording to better reflect the intent in the future.

Mayor Gawron and Vice Mayor Spataro both indicated they are in favor of the special assessment citing the rise in costs.

Any Other Business

City Manager Peterson indicated he did an interview with WZZM about the speed limit on Marquette Avenue.

Commissioner Johnson asked how MCI's are currently being handled by Safebuilt.

Adjournment.

Motion by Commissioner Hood, seconded by Vice Mayor Spataro to adjourn at 7:34 p.m.

MOTION PASSES

**Ann Marie Meisch, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 13, 2015

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, MI at 5:30 p.m., Tuesday, October 13, 2015.

Pastor Tim Cross, Living Word Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Hood, Rinsema-Sybenga, Turnquist, and Johnson, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Willie German, Jr.

2015-71 AMEND THE AGENDA:

Motion to Amend the Agenda:

Motion by Vice Mayor Spataro, second by Commissioner Turnquist, to amend the agenda to move the Public Hearing creating a city wide special assessment district for Street Lights the top of the agenda due to public interest.

ROLL VOTE: Ayes: Hood, Spataro, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

Public Hearing – Create City Wide Special Assessment for Street Lights Treasurer

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment for the entire city and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To create the special assessment for all eligible parcels for the entire city and assign two City Commissioners to the Board of Assessors by adopting the resolution.

Frank Peterson, City Manager, presented information regarding the city wide special assessment for street lights.

Public Hearing was opened to receive comments from the public.

Public Participation: The following members of the public spoke in opposition of the creation of the district for a special assessment for street lights.

Barbara Barkel, 1386 Nelson	Ann DeRouin, 1391 W. Laketon
Easter Young, 321 Merrill	Carolyn Mulder, 1174 Creekview
Patricia Simpson, 1172 Francis	David Harris, 1790 Sundolphin
Roger Nielsen, 420 Carmen	Susan Line, 3340 Millard
Janet Thomas, 297 W. Clay #104	Allan D. Muedzia, 1306 Howard
David BonFoey, 2463 Greenwood	Charles Lund, 1084 Maple
Jeff Vorgais, 2511 Greenwood	Joshua Eldenbrady, 1336 Spring
Jesus R. Pena, 1851 Walnut	Nancy Hulka, 3120 Country Club
Howard Collins, 450 W. Grand	Bill Wright, 452 W. Webster
Richard Pasarela, 2541 Fountain	Charlotte Forward, 1317 Howard

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to close the Public Hearing.

ROLL VOTE: Ayes: Spataro, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood.

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to create the special assessment district for all eligible parcels in the City of Muskegon and to appoint two City Commissioners to the Board of Assessors by adopting the resolution.

Discussion regarding the establishment of a special assessment district for street lights continued among the commission.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Gawron, Hood, and Spataro

Nays: Johnson

MOTION PASSES

Commissioner Hood and Commissioner Turnquist are appointed to the Board of Assessors.

2015-72 CONSENT AGENDA

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve minutes of the September 22, 2015 City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Fiber Technologies Networks, LLC – METRO Act Permit Engineering

SUMMARY OF REQUEST: Approve the request for a permit from Fiber Technologies Networks, LLC to access and use the public right-of-way within the city. The purpose of the access is to construct a fiber optic network extension that will service certain properties in the city. The expansion will affect the following areas:

1. Parts of Henry Street between Sherman and Hackley
2. Parts of Roberts Street between Sherman and Keating
3. Parts of Creston Street between Laketon and Apple
4. Parts of Apple between Creston and US 31
5. Parts of Harvey Street
6. Parts of Keating Avenue

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the permit for those properties in the City of Muskegon only, and sign the documents.

D. Contribution to (LBC) Lakeshore Baseball Club Engineering

SUMMARY OF REQUEST: Authorize a \$23,256 contribution to LBC to fund the necessary upgrades to the bleachers at Marsh Field.

FINANCIAL IMPACT: Staff negotiated a 90% contribution (\$23,256) toward the cost of repairs with LBC paying the other 10%

BUDGET ACTION REQUIRED: If approved, staff will add to the upcoming budget forecast.

STAFF RECOMMENDATION: Approve the contribution to LBC.

F. Approval of a Neighborhood Enterprise Zone Certificate-314 Terrace Point Circle Planning & Economic Development

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Terrace Point Landing, LLC for the new construction of a home at 314 Terrace Point Circle. The property is located in a Neighborhood Enterprise Zone for new construction. This unit has already been built and is being used as the model for sales. The State Tax Commission allows applicants to apply for an NEZ up to six months after construction commencement if the local unit of government is willing to approve. The application states that the estimated cost for the construction was \$273,492. 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 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the NEZ certificate.

G. Approval of a Neighborhood Enterprise Zone Certificate-349 Terrace Point Circle Planning & Economic Development

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Orville and Susan Crain for the new construction of a home at 349 Terrace Point Circle. The property is located in a Neighborhood Enterprise Zone for new construction. The application states that the estimated cost for construction will be \$513,688. This unit is currently under construction. The State Tax Commission allows applicants to apply for an NEZ up to six months after construction commencement if the local unit of government is willing to approve. 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 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the NEZ certificate.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to approve the consent agenda as read, with the exception of items C, E, and H.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

2015-73 ITEMS REMOVED FROM THE CONSENT AGENDA

C. Lakeshore Trail – Exchange of Property Between the Muskegon Community College (MCC) and the City Planning & Economic Development

SUMMARY OF REQUEST: MCC has purchased the former YMCA property in Muskegon. As the title company was in the process of preparing their title commitment, it was found that a piece of property purchased by the City in November 1998 for the Lakeshore Trail was actually never used for the trail. However, a similar sized property in the same area was used for this small portion of the trail and was actually YMCA property. The Quit Claim Deeds will deed from MCC to the City the property where the Lakeshore Trail was actually built

and will deed from the City to MCC the property purchased by the City but never built on.

FINANCIAL IMPACT: MCC will pay for the necessary costs to close on the property transactions.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the sale of property to MCC from the City, to accept the property from MCC to the City, and authorize necessary staff signatures.

Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to approve the Safebuilt Collections Contract amendment.

Commissioner Rinsema-Sybenga disclosed that he is employed by Muskegon Community College but that there is no conflict of interest in this matter.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

E. Transfers to Engineering, Major and Local Streets Funds Finance

SUMMARY OF REQUEST: During the close out of fiscal year 2014-15 and based on the financial results for the fiscal year ended June 30, 2015, staff transferred \$75,000 from the general fund to the engineering services fund to eliminate a fund balance deficit in that fund. In addition, staff transferred \$500,000 from the general fund to the major streets fund to be used to assist with the costs of reconstructing Muskegon and Webster and \$300,000 to support the local streets fund. The possibility of transferring funds was discussed during the City Commission work session meeting held on June 8, 2015

FINANCIAL IMPACT: \$75,000 from the general fund to the engineering services fund, \$500,000 from the general fund to the major streets fund, and \$300,000 from the general fund to the local streets fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Formal approval of the transfers from the general fund to the engineering services fund, major streets fund, and local streets fund, effective June 30, 2015.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga, to approve the transfers from the general fund to the engineering services fund, major streets fund, and local streets fund, effective June 30, 2015.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

H. Safebuilt Collection Contract (amendment proposal) Director of Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and consider approving an amendment to the professional services contract with Safebuilt. The agreement is being amended to accommodate the collections of the issued municipal civil infractions (MCI) that have gone unresolved.

Safebuilt issues the MCI in cases in which a verbal and/or written warning has not encouraged compliance with the noted ordinance violation. Safebuilt advised that many recipients of the MCI are neither contacting them nor complying with the issued MCI citation.

2015 MCI's issued that are not resolved within thirty (30) days after issuance will be forwarded to a local collection agency. The proposed amendment addresses the administrative fee Safebuilt will receive as it relates to amounts collected and disbursed.

FINANCIAL IMPACT: Collected fees from Paramount will be received and disbursed per the amended contract.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of this action to amend.

Motion by Commissioner Turnquist, second by Commissioner Rinsema-Sybenga, to approve the amendment to the Safebuilt Collection Contract.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

2015-74 PUBLIC HEARINGS:

A. Public Hearing – Request for the establishment of an Industrial Development District at 441 W. Western Avenue Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public 198 of 1974, as amended, Pigeon Hill Brewing Company, LLC, has requested to establish an Industrial Development District at 441 W. Western Avenue. The establishment of the district will allow the company to become eligible for Industrial Facilities Tax Abatements (IFTs).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the establishment of the Industrial Development District.

Public Hearing was opened to receive comments from the public.

Joel Kamp of 3823 Harbor Breeze Drive, Norton Shores, owner of Pigeon Hill and Lora Swenson of 1184 7th Street, Muskegon, spoke on this issue.

Motion by Vice-Mayor Spataro, second by Commissioner Johnson to close the public hearing and establish the Industrial Development District at 441 W. Western Avenue.

ROLL VOTE: Ayes: Hood, Spataro, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

B. Public Hearing – Request for an Industrial Facilities Exemption Certificate – Pigeon Hill Brewing Company, LLC Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Pigeon Hill Brewing Company, LLC, has requested issuance of an Industrial Facilities Tax Exemption Certificate. The company will be investing \$193,700 in real property. The investment is expected to create up to 20 jobs. This qualifies them for a tax abatement of 12 years on real 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 a Facilities Exemption Certificate for a term of 12 years for real property.

Public Hearing was opened to receive comments from the public.

No comments were received.

Motion by Commissioner Johnson, second by Commissioner Turnquist to close the public hearing and issue the Industrial Facilities Tax Exemption Certificate to Pigeon Hill Brewing Company, LLC

ROLL VOTE: Ayes: Spataro, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2015-75 NEW BUSINESS:

A. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following Public Safety

SUMMARY OF REQUEST: This is a request that the City Commission concur with the findings of the Housing Board of Appeals that the following structures are unsafe, substandard, public nuisances, and that they be demolished within thirty (30) days or infraction tickets may be issued. It is further requested that

administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder or staff may issue infraction tickets to the owner, agent or responsible party if they do not demolish the structure.

FINANCIAL IMPACT: CDBG or General Funds

BUDGET ACTION REQUIRED: None

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

357 Mason

229 E. Grand

236 Washington – garage only

725 Ellifson

597 W. Muskegon – garage only

733 Marcoux

1445 Park

1451 Park

Motion by Vice-Mayor Spataro, second by Commissioner Turnquist to concur with the Housing Board of Appeals notice and order to demolish 357 Mason, 229 E Grand, 225 Ellifson, 597 W. Muskegon (garage only), 733 Marcoux, and 1445 Park Street.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Hood, to concur with the Housing Board of Appeals notice and order to demolish 236 Washington – garage only.

Joel Ortiz addressed the City Commission regarding this property. He explained that he has a contractor scheduled to complete repairs to the roof on the garage.

Motion by Commissioner Johnson, second by Commissioner Hood, to table this matter until the November 10, 2015 Commission Meeting.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, and Rinsema-Sybenga

Nays: None

MOTION PASSES

Antwan Bruce, 1520 6th Street, owner of 1451 Park Street spoke. Lance Walker, 1536 Park Street, father of the owner of 1451 Park Street, assured the City Commission that the issues with the structure would be taken care of and he had the financing to do so.

Motion by Vice-Mayor Spataro, second by Commissioner Johnson to take the recommendation of the Housing Board of Appeals to demolish 1451 Park Street back to the Housing Board of Appeals for reconsideration and resolution.

ROLL VOTE: Ayes: Spataro, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood.

Nays: None

MOTION PASSES

2015-76 ANY OTHER BUSINESS:

Local Officers Compensation Commission

The Local Officers Compensation Commission met on October 1, 2015 to review and discuss the compensation of our elected officers. The commission recommended an increase of \$300 for the Mayor and \$200 for Commissioners.

Motion by Vice-Mayor Spataro, second by Commissioner Johnson, to decline the increase recommended by the Local Officers Compensation Commission.

ROLL VOTE: Ayes: Spataro, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC
City Clerk

Commission Meeting Date: October 27, 2015

Date: October 22, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Request to Adopt the Muskegon Parking Strategy as Part of the Master Land Use Plan

SUMMARY OF REQUEST:

Staff initiated request to adopt the recently completed Parking Strategy as part of the Master Land Use Plan. The strategy was developed in partnership with private consultants as a guide for future parking policies as downtown continues to be developed.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To adopt the Parking Strategy as Part of the Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted unanimously to recommend adoption as part of the Master Land Use Plan at their October 15 meeting.

You can view the Parking Strategy at www.muskegon-mi.gov/downtown-parking-strategy-final-draft/

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION ADOPTING THE PARKING STRATEGY AS PART OF THE MASTER LAND USE PLAN

WHEREAS, the City of Muskegon, with assistance by private consultants, has developed the City of Muskegon Parking Strategy; and

WHEREAS, the preparation of this plan involved extensive involvement by the public, including private citizens, businesses, property owners, representatives of adjacent governmental units, neighborhood organizations and many other interested groups and organizations; and

WHEREAS, on July 28, 2015, the Muskegon City Planning Commission, in accord with Section 41 of the Michigan Zoning Enabling Act Public Acts of Michigan, No.33 of 2008, submitted the proposed strategy to the Muskegon City Commission and the City Commission approved the document for distribution for comment to various neighboring jurisdictions; and

WHEREAS, the plan was so distributed for public comment for a period of not less than 42 days and no comments were received; and

WHEREAS, the Muskegon City Planning Commission held a public hearing regarding this strategy on October 15, 2015, and took public comment; and

WHEREAS, due notice had been given of said hearing; and

WHEREAS, the Muskegon City Planning Commission adopted the plan after closing the public hearing in accordance with Michigan Zoning Enabling Act Public Acts of Michigan, No.33 of 2008.

NOW, THEREFORE, BE IT RESOLVED that the Muskegon City Commission adopts the City of Muskegon Parking Strategy as part of the City of Muskegon Master Land Use Plan as recommended by the City of Muskegon Planning Commission.

Adopted this 27th Day of October 2015.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
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 October 27, 2015.

Ann Meisch
Clerk

Commission Meeting Date: October 27, 2015

Date: October 21, 2015
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Asbestos Survey Bids- MSHDA Land Bank Grant

SUMMARY OF REQUEST: A requirement of the MSHDA Land Bank Grant for demolitions is that we have asbestos surveys done for all properties included. To save time, we put out a request for bids for a firm to do the asbestos surveys for all the properties (33 properties originally included in the grant... some of those will be changing due to property owners moving forward with demolitions themselves, allowing us to add new properties in for demolition). The bids were received October 20, 2015. Once the surveys are complete, bids will be obtained for the asbestos abatement and demolition of the properties.

FINANCIAL IMPACT: The low bidder is Environmental Testing and Consulting, Inc. (see attached bid tabulations). The grant will cover the cost of asbestos surveys.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve Environmental Testing and Consulting, Inc. as the firm to complete the asbestos surveys for all the properties included in the MSHDA Land Bank demolition grant and authorize staff to sign any necessary documents.

Business name	Location	Service	Price	Average Per Sample
Environmental Testing and Consulting, Inc.	38900 W. Huron River Dr., Romulus, MI 48174	Pre-Demolition Hazardous Material / ACM Survey Service	\$425 (up to 22 samples)	\$ 17.00
Professional Service Industries, Inc.	1316 Front Ave. NW Ste. 117, Grand Rapids, MI 49504	Base Survey Cost-residential single family	\$365 (including 20 samples)	\$ 18.25
		Base Survey Cost - Residential 2-4 units.	\$500 (including 20 samples)	\$ 25.00
ASTI ENVIRONMENTAL	660 Cascade West Parkway SE Ste. 210, Grand Rapids, MI 49546	Asbestos Inspection & Report per house.	\$425 (15 samples/30 layers)	\$ 28.33

AGENDA ITEM NO. _____

CITY COMMISSION MEETING October 27, 2015

TO: Honorable Mayor and City Commissioners
FROM: Franklin J. Peterson, City Manager
DATE: October 7, 2015
RE: West Michigan Metropolitan Transportation Planning Program (WestPlan)
Dues FY2015 (October 1, 2015-September 30, 2016)

SUMMARY OF REQUEST:

To approve the City of Muskegon's portion of the WestPlan dues, payable to West Michigan Shoreline Regional Development Commission. The agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT:

\$16,040.00

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None

WMSRDC
WEST MICHIGAN SHORELINE
REGIONAL DEVELOPMENT COMMISSION

Invoice

City of Muskegon
Frank Peterson, Manager
PO Box 536
Muskegon, MI 49443

10/01/2015

Invoice # : 1019 Order #: CR: 36455 40100 13910.00 / 36455 40200 2130.00

Description: MPO Dues - West Michigan Metropolitan Transportation Program (WestPlan) for FY 2016
(October 1, 2015 - September 30, 2016). FHWA - \$13,910.00 / FTA - \$2,130.00

Total Amount Due

\$16,040.00

Make all checks payable to West Michigan Shoreline Regional Development
Commission, 316 Morris Avenue, Suite 340, Muskegon, MI 49440

RECEIVED

OCT 05 2015

MUSKEGON
CITY MANAGER'S OFFICE

Date: October 27, 2015
To: Honorable Mayor and City Commissioners
From: DPW
RE: Sale of Boat Slip (A-08) at Harbour Towne

SUMMARY OF REQUEST:

- 1- Vacate previous (8/25/2015) authorization to staff to negotiate and execute an agreement with Mr. & Mrs. Hall for the purchase of slip # A-08 at Harbour Towne Marina.
- 2- Authorize the Mayor and Clerk to sign the attached purchase agreement for the sale of the same slip to the Meyers as per the attached purchase agreement for \$28,000 plus all associated costs of sale.

The Halls' have withdrawn their offer and elected to buy a different slip at Harbour Towne.

FINANCIAL IMPACT:

The sale price of \$28,000 plus associated costs which will be used to settle the city's obligations regarding this slip.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Vacate the action taken on the 25th of August 2015 regarding this matter and authorize the Mayor & Clerk to execute the purchase agreement with the Meyers.

COMMITTEE RECOMMENDATION:

REAL ESTATE PURCHASE AGREEMENT

THIS AGREEMENT is made October 13th, 2015, by and between the **CITY OF MUSKEGON**, a municipal corporation, with offices at 933 Terrace, Muskegon, Michigan 49443 ("Seller"), and **Matthias H. Meyer** of 32334 Franklin Rd., Franklin, Michigan 48025 ("Buyer").

1. **General Agreement and Description of Property.** Seller agrees to sell, and Buyer agrees to buy the real estate consisting of a boat slip, and all improvements thereon, with all beneficial easements, and with all of Seller's right, title and interest in all adjoining public ways, commonly know was Slip No. A-08 at Harbor Towne Marina situated in the City of Muskegon, Muskegon County Michigan ("Property"), and legally described as:

Slip No. A-08, Harbour Towne Marina Condominium, a condominium according to the Master Deed recorded in Liber 1286, Pages 423-479, inclusive, and as amended by an instrument recorded in Liber 1288, Pages 798-799 and as amended by an instrument recorded in Liber 1297, Pages 948-950, inclusive, and as further amended by an instrument recorded in Liber 1553, Pages 819-822, inclusive, Muskegon County Records, and designated as Muskegon County Condominium Subdivision Plan No. 11, together with the rights in general common elements and limited common elements as set forth in said Master Deed, and as described in Act 59 of the Public Acts of 1978, as amended.

subject to the reservations, restrictions and easements of record, provided said reservations, restrictions and easements of record are reasonably acceptable to Buyer upon disclosure and review of the same.

2. **Purchase Price and Manner of Payment.** The purchase price for the Property shall be Twenty Eight Thousand Dollars and 00/100 (\$28,000.00), payable with certified funds at closing. Buyer shall pay a Five Thousand Dollar (\$5,000) non-refundable deposit upon execution of this Agreement. The deposit is non-refundable. The deposit shall be applied toward the total purchase price.

3. **Taxes and Assessments.** All taxes and assessments that are due and payable at the time of Closing shall be paid by Seller prior to or at Closing. All taxes and special assessments that become due and payable after Closing shall be the responsibility of Buyer.

4. **Title Insurance.** Seller shall order, at Buyer's expense, an owner's policy of title insurance issued by a title company authorized to do business in Michigan ("Title Company"), certified to the date of closing, in the amount of the purchase price. Buyer may raise any objections to the exceptions or encumbrances shown on the commitment within 20 days after Buyer receives the commitment by giving written notice to Seller. If Buyer raises a title objection, Buyer shall not be required to close this transaction unless Seller cures the objection or

Buyer waives its objection. If Seller elects to cure the objection, Seller shall take action to remove the exception or the encumbrance from the chain of title, in order to remove it from the commitment and the policy. The premium for the owner's title policy shall be paid by Buyer.

5. **Association Dues.** Seller has paid the 2015 association dues for the Property and Buyer shall pay all dues with respect to the Property that are payable after the closing date, without proration.

6. **Survey.** Buyer at its own expense may obtain a survey of the Property, and Buyer or its surveyor or other agents may enter the Property for that purpose prior to Closing. If no survey is obtained, Buyer agrees that Buyer is relying solely upon Buyer's own judgment as to the location, boundaries and area of the Property and improvements thereon without regard to any representations that may have been made by Seller or any other person. In the event that a survey by a registered land surveyor made prior to closing discloses an encroachment or substantial variation from the presumed land boundaries or area, Seller shall have the option of effecting a remedy within thirty (30) days after disclosure, or tendering Buyer's deposit in full termination of this Purchase Agreement, and paying the cost of such survey. Buyer may elect to purchase the Property subject to said encroachment or variation.

7. **Condition of Property and Examination by Buyer.** NO IMPLIED WARRANTIES OF HABITABILITY, QUALITY, CONDITION, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER IMPLIED WARRANTIES SHALL OPERATE BETWEEN SELLER AND BUYER, AND BUYER EXPRESSLY WAIVES ANY AND ALL SUCH IMPLIED WARRANTIES. BUYER UNDERSTANDS AND AGREES THAT THE PROPERTY IS TAKEN "AS IS," SUBJECT TO THE EXPRESS COVENANTS, CONDITIONS AND/OR EXPRESS WARRANTIES CONTAINED IN THIS PURCHASE AGREEMENT. BUYER FURTHER SAYS THAT ~~SHE~~ HAS PERSONALLY INSPECTED THE PROPERTY AND IS SATISFIED WITH THE CONDITION OF THE LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, AND THAT THE PROPERTY IS BEING PURCHASED AS A RESULT OF SUCH INSPECTION AND INVESTIGATION AND NOT DUE TO ANY REPRESENTATIONS MADE BY OR ON BEHALF OF SELLER. SELLER KNOWS OF NO HAZARDOUS SUBSTANCES OR CONTAMINATION, AND BUYER WAIVES ANY CLAIM AGAINST SELLER IN THE EVENT SUCH SUBSTANCES ARE FOUND.

8. **Real Estate Commission.** Buyer and Seller both acknowledge and agree that neither has dealt with any real estate agents, brokers or salespersons regarding this sale, and that no agent, broker, salesperson or other party is entitled to a real estate commission upon the closing of this sale. Buyer and Seller both agree to indemnify and hold the other harmless from any liability, including reasonable attorney fees, occasioned by reason of any person or entity asserting a claim for a real estate commission arising from actions taken by the other party.

9. **Closing.** Unless the parties otherwise mutually agree, the closing date of this sale shall be on or before _____, 2015 ("Closing"). The Closing shall be conducted at the offices of Transnation Title Agency of Michigan. If necessary, the parties shall execute an IRS closing report at the Closing.

10. **Delivery of Deed.** Seller shall execute and deliver a Quit Claim deed to Buyer at Closing for the Property.

11. **Affidavit of Title.** At the Closing, Seller shall deliver to Buyer an executed Affidavit of Title.

12. **Date of Possession.** Possession of the Property is to be delivered to Buyer by Seller on the date of Closing.

13. **Costs.** The costs associated with this Agreement and the Closing shall be paid as follows:

a. ***By Buyer.*** Buyer shall pay the premium for the owner's policy of title insurance, for the cost of recording the deed, attorneys' fees incurred by Seller and the total cost charged by Transnation Title Agency of Michigan.

b. ***By Seller.*** Seller shall pay for the recording of any instrument that must be recorded to clear title to the extent required by this Agreement.

14. **Default.**

a. ***By Buyer.*** In the event Buyer fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement and such default is not cured within 10 days after receipt of notice (other than Buyer's failure to tender the purchase price in full at closing, a default for which no notice is required), then Seller may terminate this Agreement, and Seller will be released from any further liability under this Agreement.

b. ***By Seller.*** In the event Seller fails to comply with any or all of the obligations, covenants, warranties or agreements under this Agreement, and such default is not cured within 10 days after receipt of notice, then Buyer may either terminate this Agreement.

15. **Risk of Loss.** Until the time of closing, risk of loss because of the damage to or destruction of any improvements located on the Property shall be solely that of Seller. In the event the improvements located on the Property are damaged prior to the date of closing, and are not repaired by Seller prior to closing, Buyer may elect to terminate this Agreement; or Buyer may elect to continue this Agreement in which event Seller shall assign to Buyer any insurance proceeds to be received by Seller because of said damage or other destruction.

16. **Notice.** All notices and other deliveries required under this Agreement shall be made and given to the appropriate party, or the office of the party, at the address set forth above or at such other address as may hereafter be specified by such parties by written notice from time to time. Notices shall be effective on the date of receipt, if given by hand, express delivery or recognized courier service. Notices given by certified mail shall be deemed effective five business days after the date of deposit in an authorized postal facility, as shown by its receipt for certified mail. Either party may designate a telephone number to be used for fax notices to such

party, in which event any notice transmitted to such number shall be effective on the date shown in the printed confirmation of such transmission, free of error, generated by the sender's machine.

17. **Miscellaneous.**

a. ***Governing Law.*** This Agreement is executed in accordance with, shall be governed by, and construed and interpreted in accordance with the laws of the State of Michigan.

b. ***Entire Agreement.*** This Agreement shall constitute the entire agreement, and shall supersede any other agreements, written or oral, that may have been made or entered into, by and between the parties with respect to the subject matter of this Agreement and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought.

c. ***Binding Effect.*** This Agreement shall be binding upon, and inure to the benefit of and be enforceable by, the parties and their respective legal representatives, permitted successors and assigns.

d. ***Counterparts.*** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. This Agreement shall become binding upon the parties when one or more counterparts, individually or taken together, shall bear the signatures of all parties.

e. ***Non-Waiver.*** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

f. ***Severability.*** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

g. ***Assignment or Delegation.*** Except as otherwise specifically set forth in this Agreement, Buyer shall not assign all or any portion of their rights and obligations contained in this Agreement without the express prior written approval of Seller, which approval may be withheld in Seller's sole discretion.

h. ***Survival of Representations and Warranties.*** The representations, warranties, covenants and agreements contained in this Agreement and in any instrument provided for in this Agreement shall survive the closing date and continue in full force and effect after the consummation of this purchase and sale and continue until all liabilities of Buyer have been fully satisfied.

WITNESSES:

SELLER: CITY OF MUSKEGON

By _____

Stephen J. Gawron, Mayor

Date: _____

Ann Meisch, MMC, Clerk

Date: _____

BUYER: MATTHIAS H. MEYER

Matthias H. Meyer

Matthias H. Meyer

Name: Matthias H. Meyer

Date: 10-13-2015



AGENDA ITEM NO. _____

CITY COMMISSION MEETING

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: October 27, 2015

SUBJECT: Marsh Field Management Agreement

SUMMARY OF REQUEST:

Authorize the Mayor and City Clerk to execute the “Marsh Field Baseball Facility Management Agreement” with the Muskegon Clippers Baseball Club (MCBC). Furthermore, if approved, authorize staff to issue the previously approved contribution to this new group rather than to LBC.

FINANCIAL IMPACT:

The Muskegon Clippers Baseball Club (MCBC) will continue to expand the operations of this facility and will invest in improvements to the facility.

BUDGET ACTION REQUIRED:

None. The contract continues to offer savings in maintenance costs for the City and creates opportunities for capital improvements by MCBC that the City is unable to accomplish at this time.

STAFF RECOMMENDATION:

Approve request.

COMMITTEE RECOMMENDATION:

To: Honorable Mayor and City Commission
From: DPW Staff
Date: 10/22/2015
Re: Marsh Field Management Agreement

The Department of Public Works Staff is requesting permission to enter into a three (3) year contractual agreement, with annual one (1) year extensions, thus creating a perpetual three (3) year contract, with the Muskegon Clippers Baseball Club, of Muskegon MI.

Lakeshore Baseball Club (LBC) had previously held the initial contract with the City since 2010 and now through a reorganization of the club members will be called the Muskegon Clippers Baseball Club (MCBC). The Marsh Field Management Agreement had in the past proven to be not only a cost savings to the City, through reduced maintenance and utility costs, but has also realized major improvements to the facility.

Staff has met with MCBC and has negotiated to renew the existing contract with the following minor changes to the proposed contract referenced in the individual sections below:

- MCBC and the “City” responsibilities under **Maintenance** are redefined to state that *the “City” shall provide an electric or gas turf cart and MCBC will provide all lawnmowers and lawnmower maintenance.*
- **Use of Other City Facilities**, by the “City”, is redefined. The City shall assist MCBC whenever practical to use additional City of Muskegon baseball/softball facilities such as Beukema, Reese, McCrea and Campbell Fields, at cost to MCBC as specified in the City User Fee Schedule. The use of these facilities will be subject to scheduling and availability (*other management agreements may limit the use of such facilities/fields*). The modification of these facilities to accommodate use will be at the expense of MCBC.
- **Programs**, by MCBC is redefined stating that MCBC will allow one all-star team from the East Little League and omit the language stating *“one all-star team from the West Little League”* to participate in tournaments free of entry fee.

Commission Meeting Date: October 27, 2015

Date: October 22, 2015
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for the Establishment of an Industrial Development District at 1690 Creston St

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Production Fabricators, Inc. has requested to establish an Industrial Development District at 1690 Creston St. The company is in the process of purchasing the property from the city and will eventually be expanding their business on site. The establishment of the district will allow the company to become eligible for Industrial Facilities Tax Abatements (IFTs).

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the establishment of the Industrial Development District.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING AN INDUSTRIAL DEVELOPMENT DISTRICT AT 1690 CRESTON ST,
MUSKEGON, MI 49442

WHEREAS, pursuant to PA 198 of 1974, as amended, the City Commission of the City of Muskegon has the authority to establish an Industrial Development Districts within the City of Muskegon; and

WHEREAS, Production Fabricators, Inc has petitioned the City Commission of the City of Muskegon to establish an Industrial Development District on its property located in the City of Muskegon hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the Muskegon Chronicle and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 27, 2015 a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Muskegon were afforded an opportunity to be heard thereon; and

WHEREAS, the City Commission of the City of Muskegon deems it to be in the public interest of the City of Muskegon to establish the Industrial Development District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon that the following described parcel of land situated in the City of Muskegon, Muskegon County, and State of Michigan, to wit:

**CITY OF MUSKEGON SEC 28 T10N R16W S 250 FT OF N 610 FT OF W 495 FT SE 1/4 SE 1/4 LYING S OF
S LN FOREST AVE EXTD ELY SBJT TO EASEMENT L3816 P825**

is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as Irwin Industrial Development District.

Adopted this 27th Day of October 2015.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Meisch
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 October 27, 2015.

Ann Meisch
Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING: October 27, 2015

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Treasurer

DATE: October 20, 2015

RE: Public Hearing
Confirmation of Special Assessment Roll-Street Lighting

SUMMARY OF REQUEST:

Confirm the Special Assessment Roll-Street Lighting

FINANCIAL IMPACT:

\$506,870.00 per year - this figure is based on the initial tax roll with 14,482 parcels.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Confirm the Roll for Special Assessment, establish the amount to levy on all eligible properties for 5 years, and approve the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. _____

Resolution Confirming Special Assessment Roll
For City-wide Street Lighting

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 October 13, 2015, 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 tax parcel with a state equalized value over \$1,000 a total of \$175, (\$35 per year for five years) which is approximately 80% of the cost for street lights, which has been determined to be appropriate, considering the benefit to the assessed properties and removal of the burden of the loss of street lighting, and the policies of the City.
3. 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 five equal installments of \$35 commencing on the Winter 2015 tax bill and each Winter tax bill thereafter.
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 adopted.

Ayes _____

Nays _____

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on October 27, 2015. 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 the above resolution was confirmed on the date being October 27, 2015.

CITY OF MUSKEGON

By _____
Ann Marie Meisch, Clerk

MAYOR'S ENDORSEMENT AND WARRANT

I, Stephen J. Gawron, 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. Gawron, Mayor

Exhibit A

All eligible parcels located inside the City of Muskegon with a state equalized value over \$1,000

October 15, 2015

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

Dear Property Owner:

The proposed special assessment district will be for all eligible parcels with a State Equalized Value of one thousand dollars and above located in the **City of Muskegon**.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll shall be held at the City Hall of the City of Muskegon at 933 Terrace Street, Muskegon, Michigan on October 27, 2015, at 5:30 o'clock p.m. in the City Commission chambers.

At the time held for hearing the City Commission will examine and determine whether to approve the special assessment roll which has been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll is on file and may be examined during regular business hours at the City Clerk's office between 8:30 a.m. and 5:00 p.m. on weekdays except holidays.

The City Commission has determined that \$175 (\$35 per year for five years) will be assessed for street lighting, which is approximately 80% of the total costs.

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 hearing the City Commission determined that the special assessment district should be created and the assessment levied. The purpose of this hearing is to hear objections to the assessment roll and to approve, reject or correct the said roll.

Sincerely,

Kenneth D. Grant
City Treasurer