

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 13, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. SECOND READING: Amendment to the Zoning Ordinance – Wind Turbines. PLANNING & ECONOMIC DEVELOPMENT
 - C. SECOND READING: Amendment to the Zoning Ordinance – Wind Turbine Facilities. PLANNING & ECONOMIC DEVELOPMENT
 - D. SECOND READING: Amendment to the Zoning Ordinance – Definitions. PLANNING & ECONOMIC DEVELOPMENT
 - E. Liquor License Request for PCJ Enterprises, LLC, 435 & 441 W. Western. CITY CLERK
 - F. Marshall Street Elevated Storage Tank Control Panel Relocation and Electrical Service Upgrade. WATER FILTRATION
 - G. Request to Amend Encroachment Agreement #2000-112(j). ENGINEERING
 - H. Amendment to the Commercial Rehabilitation Certificate Resolution for 971 Washington. PLANNING & ECONOMIC DEVELOPMENT
 - I. Sale of Buildable Vacant Lot at 323 Catawba. PLANNING & ECONOMIC DEVELOPMENT
 - J. Sale of Buildable Vacant Lot at 1130 1st. PLANNING & ECONOMIC DEVELOPMENT
 - K. West Michigan Metropolitan Transportation Plan (WestPlan) Dues, October 1, 2009 – September 30, 2010. CITY MANAGER

- L. Emergency Purchase – Sewer Lift Station Pump Replacement. PUBLIC WORKS
- M. Purchase of Microfilm Scanner. PUBLIC SAFETY
- N. Hackley Park Former Fence Usage. PLANNING & ECONOMIC DEVELOPMENT
- O. Appraisal Services. FINANCE
- P. Special Event Liquor License Request – The Pelto Initiative. LEISURE SERVICES
- ❑ PUBLIC HEARINGS:
 - A. Public Hearing to Review 2008-2009 Consolidated Annual performance Evaluation Report (CAPER). COMMUNITY & NEIGHBORHOOD SERVICES
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
- ❑ NEW BUSINESS:
 - A. Consideration of Bids for B-238 Smith Ryerson Park Improvements. ENGINEERING
 - B. Sewer Rate Adjustment. FINANCE
 - C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY
 - 60 E. Walton Avenue
 - 1409 Nolan Avenue
 - 1478 Hoyt Street (Area 13)
 - 1968 Howden Street
 - 1969 Wood Street
- ❑ 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:
- ❑ 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: October 13, 2009
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, September 22, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 22, 2009

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, September 22, 2009.

Mayor Warmington opened the meeting with a prayer from Reverend Marcy Miller from the Samuel Lutheran 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).

2009-78 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the September 8th Regular Commission Meeting, and the September 9th Commission Worksession.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. North Passage Roof Replacement. WATER FILTRATION

SUMMARY OF REQUEST: To approve staff to enter into an agreement with Gale Roofing for the replacement of the north passage roof at the Water Filtration Plant.

FINANCIAL IMPACT: The cost of the roof replacement is \$9,270.

BUDGET ACTION REQUIRED: None, this project is included in the 2009 budget.

STAFF RECOMMENDATION: Staff recommends approval.

C. Amendment to the Zoning Ordinance – Wind Turbines. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2311, #10 (Accessory Structures and Buildings) of Article XXIII (General Provisions) to include “Wind Turbines” as permitted accessory structures.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include “Wind Turbines” as permitted accessory structures.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

D. Amendment to the Zoning Ordinance – Wind Turbine Facilities.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2310 of Article XXIII (General Provisions) to add “Wind Turbine Facilities (WTF)”.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include “Wind Turbine Facilities (WTF)”.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

E. Amendment to the Zoning Ordinance – Definitions. PLANNING &
ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Article II (Definitions) to add definitions for “Wind Turbine” and “Wind Turbine Facility”.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to include definitions for “Wind Turbine” and “Wind Turbine Facility”.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their September 10th meeting. The vote was unanimous.

(Requires second reading).

F. Termination and Release of Sewer Utility Easement at Betten Chevrolet. PUBLIC WORKS

SUMMARY OF REQUEST: Request for termination and release of the former Sewer Utility Easement at Betten Chevrolet located at 2474 Henry Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends Termination and Release of Easement.

H. Selection of Installer for Pole Lighting at Clara Shepherd Park. LEISURE SERVICES

SUMMARY OF REQUEST: To approve the Leisure Services and Park Department's selection of electrical contractor West Shore Electric, 3678 Airline Rd., Muskegon, MI, to install pole lighting at Clara Shepherd Park at a cost of \$9,740.

Public notices were posted, a pre-bid meeting was held with two attendees. West Shore Electric was the only bid received by the bid opening deadline.

FINANCIAL IMPACT: None, the Public Health Department of Muskegon County will reimburse the City of Muskegon for all costs related to the project.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval.

COMMITTEE RECOMMENDATION: Installation of lights was approved by the Commission at the August 11, 2009, meeting.

Motion by Commissioner Carter, second by Commissioner Wisneski to approve the Consent Agenda as read minus item G.

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

Nays: None

MOTION PASSES

2009-79 ITEM REMOVED FROM THE CONSENT AGENDA:

G. Request for an Access Agreement – Burgess Norton. PUBLIC WORKS

SUMMARY OF REQUEST: Burgess-Norton Manufacturing, Inc. has requested a limited access agreement to install monitoring wells in Restlawn Cemetery and McCrea Park to determine the extent of groundwater contamination from the former BNM plant located at 660 Nims Street.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the limited access agreement subject to supplemental conditions and compliance with necessary insurance requirements.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Limited Access Agreement with Burgess Norton.

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

Nays: None

MOTION PASSES

2009-80 UNFINISHED BUSINESS:

A. 2010 Budget Adoption. FINANCE

SUMMARY OF REQUEST: The City Commission may take action to adopt the 2010 budget with whatever changes or adjustments it deems necessary. City Charter requires the budget be adopted no later than September 25, 2009.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2010. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2010.

STAFF RECOMMENDATION: Approve the proposed 2010 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2009 Budget Reforecast as shown in the Budget Book is recommended at this time.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the 2010 Budget as presented.

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

Nays: None

MOTION PASSES

2009-81 NEW BUSINESS:

A. Pooled Health Care Coverage. COMMISSIONER SPATARO

SUMMARY OF REQUEST: To approve a resolution to endorse the State of Michigan concept to pool health care coverage for public employees and retirees. The goal is to reduce costs through standardization of benefits and economies of scales.

FINANCIAL IMPACT: Early estimates are \$400 - \$600 million savings statewide.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and send it to Legislators and the Governor.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the resolution and send it to Legislators and the Governor.

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

Nays: None

MOTION PASSES

B. Congress of Cities Voting Delegates. CITY CLERK

SUMMARY OF REQUEST: To designate one of our officials who will be in attendance at the National League of Cities Annual Business Meeting on Saturday, November 14th, to cast the City's vote; and, if possible, to designate an alternate.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Vice Mayor Gawron, second by Commissioner Wierengo to designate Commissioner Clara Shepherd as the voting delegate to the Congress of Cities Annual Business Meeting on November 14, 2009.

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

Nays: None

MOTION PASSES

C. Recommendations for the Various Boards and Committees. CITY CLERK

SUMMARY OF REQUEST: To appoint Paul Edbrooke and Willie German, Jr., to the Local Officer's Compensation Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Carter, second by Commissioner Wierengo to appoint Paul Edbrooke and Willie German, Jr. to the Local Officer's Compensation Committee.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Parking for most of downtown is going to two hours.

PUBLIC PARTICIPATION: Various comments were heard.

ADJOURNMENT: The City Commission Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Commission Meeting Date: September 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Amendment to the Zoning Ordinance – Wind Turbines

SUMMARY OF REQUEST:

Request to amend Section 2311, #10 (Accessory Structures and Buildings) of Article XXIII (General Provisions) to include “Wind Turbines” as permitted accessory structures.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include “Wind Turbines” as permitted accessory structures.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

September 10, 2009

Hearing; Case 2009-08: Staff-initiated request to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII, to include “Wind Turbines” as permitted temporary structures.

BACKGROUND

Staff has received many questions and inquiries regarding wind turbines, both residential and commercial, in the past six months. With the public gaining more interest in “going green”, companies are working to develop more usable wind turbines. The Frauenthal building has installed one on top of their building, and some grant money has been available to other organizations to facilitate the installation on top of some other buildings in the City.

Presently, our zoning ordinance deals pretty well with wind turbines mounted on structures, such as buildings. However, more interest is being shown for freestanding units, and so the following language for wind turbines, and also the following two cases dealing with “wind turbine facilities”, and the definitions for both, seems to be necessary.

You will notice that this language allows wind turbines only in commercial and industrial zoning districts, and requires site plan approval from Planning Commission. Minimum parcel size is 2 acres. Although the amendments were written by staff, the City Attorney’s office also reviewed the language, and gave suggestions and input. Residential wind turbines will continue to be addressed through Section 2309, Height Regulations, #3.

NEW LANGUAGE

Deletions are crossed out and additions are in **bold**:

Amendment to Section 2311 (Accessory Structures & Buildings) of Article XXIII, General Provisions

New #10

10. **Wind Turbines:** Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:
- a. Minimum parcel size shall be two (2) acres.
 - b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.

- ii. A climbing apparatus no closer than 12 feet from the ground.
- c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.
- d. Height limit of any free-standing wind turbine shall be 65 feet. Such total height shall include both support structure and the highest elevation of the wind turbine rotor. Height limits on top of a building shall be allowed according to Section 2309, Height Regulations.
- e. Wind turbines shall be located away from overhead utility lines, including service drops, and if the structure should fail, must fall at least (five) 5 feet away from any overhead utility lines.
- f. Wind turbines may not be located in the front yard in Business zoning districts.
- g. Wind turbines shall be permitted to be located on the site prior to the principal structure only if accessory to the rest of the development or part of a wind turbine facility.
- h. Wind turbines shall meet the requirement of Article II, Section 26 of the City of Muskegon Code of Ordinances (noise ordinance).
- i. The owner shall make all reasonable efforts to minimize shadow flicker to any occupied building on the property or any adjacent property.
- j. An abandoned wind turbine must be removed from the site by the property owner within 12 months. It shall be considered abandoned from the last date that it was providing electricity for the grid or development. If removal of the wind turbines and related facilities are not completed within 30 days from the date of notification by the Zoning Administrator, the City of Muskegon may proceed to remove the wind turbine and related facilities, in which case the salvaged material becomes the property of the City and all costs of removing the wind turbine and related facilities will remain the burden of the property owner and added to owner's tax bill as a lien on the property.
- k. No signage shall be allowed, except for one sign not exceeding two (2) square feet posted at the base of the tower, containing the following information:
 - i. "Warning high voltage"
 - ii. Manufacturer's name.
 - iii. Operator's name.
 - iv. Emergency phone number.
 - v. Emergency shut down procedures.
- l. Wind turbines shall require a building permit and must comply with all requirements of the Building Inspections Department.
- m. Wind turbines shall be designed so as to have the least impact on the aesthetics of surrounding properties and sight lines. They shall be either monopole or monolithic tube construction and a non-obtrusive color, such as white, off-white or gray.
- n. In the case of multiple wind turbines on the site, Section 2310, #4 through #8 shall apply and review and approval of the site plan must be granted by the Planning Commission.

DELIBERATION

I move that the amendment to Section 2311, #10, of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to include “wind turbines” as permitted accessory structures, with Planning Commission approval, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII (General Provisions), to include “Wind Turbines” as permitted accessory structures.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Amendment to Article XXIII, Section 2311, #10: Accessory Structures & Buildings

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

New #10

10. **Wind Turbines:** Wind turbines as accessory structures are allowed in Industrial and Business zones, after review and approval of the site plan by the Planning Commission with the following conditions:
- a. Minimum parcel size shall be two (2) acres.
 - b. For safety reasons, one of the following is required of any tower capable of being climbed:
 - i. A six (6) foot locked, protective fence around the perimeter of the base of the wind turbine.
 - ii. A climbing apparatus no closer than 12 feet from the ground.
 - c. Wind turbine set backs from the property line shall be at least equal to one and one half times the vertical height measured from the ground to the tallest point of the structure, including the highest elevation of the wind turbine rotor.
 - d. Height limit of any free-standing wind turbine shall be 65 feet. Such total height shall include both support structure and the highest elevation of the wind turbine rotor. Height limits on top of a building shall be allowed according to Section 2309, Height Regulations.
 - e. Wind turbines shall be located away from overhead utility lines, including service drops, and if the structure should fail, must fall at least (five) 5 feet away from any overhead utility lines.
 - f. Wind turbines may not be located in the front yard in Business zoning districts.
 - g. Wind turbines shall be permitted to be located on the site prior to the principal structure only if accessory to the rest of the development or part of a wind turbine facility.
 - h. Wind turbines shall meet the requirement of Article II, Section 26 of the City of Muskegon Code of Ordinances (noise ordinance).

- i. The owner shall make all reasonable efforts to minimize shadow flicker to any occupied building on the property or any adjacent property.
- j. An abandoned wind turbine must be removed from the site by the property owner within 12 months. It shall be considered abandoned from the last date that it was providing electricity for the grid or development. If removal of the wind turbines and related facilities are not completed within 30 days from the date of notification by the Zoning Administrator, the City of Muskegon may proceed to remove the wind turbine and related facilities, in which case the salvaged material becomes the property of the City and all costs of removing the wind turbine and related facilities will remain the burden of the property owner and added to owner's tax bill as a lien on the property.
- k. No signage shall be allowed, except for one sign not exceeding two (2) square feet posted at the base of the tower, containing the following information:
 - i. "Warning high voltage"
 - ii. Manufacturer's name.
 - iii. Operator's name.
 - iv. Emergency phone number.
 - v. Emergency shut down procedures.
- l. Wind turbines shall require a building permit and must comply with all requirements of the Building Inspections Department.
- m. Wind turbines shall be designed so as to have the least impact on the aesthetics of surrounding properties and sight lines. They shall be either monopole or monolithic tube construction and a non-obtrusive color, such as white, off-white or gray.
- n. In the case of multiple wind turbines on the site, Section 2310, #4 through #8 shall apply and review and approval of the site plan must be granted by the Planning Commission.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of September, 2009, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2009.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on September 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2311, #10 (Accessory Structures & Buildings) of Article XXIII (General Provisions) amending language to include "Wind Turbines" as permitted accessory structures.

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

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

Published _____, 2009.

CITY OF MUSKEGON

By _____

Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: September 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Amendment to the Zoning Ordinance – Wind Turbine Facilities

SUMMARY OF REQUEST:

Request to amend Section 2310 of Article XXIII (General Provisions) to add “Wind Turbines Facilities (WTF)”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include “Wind Turbines Facilities (WTF)”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

September 10, 2009

Hearing; Case 2009-09: Staff-initiated request to amend Section 2310, of Article XXIII, to add “Wind Turbine Facilities”.

BACKGROUND

Although no wind turbine facilities have been proposed in the City, some inquiries have been made as to where they would be allowed and under what conditions. Therefore, staff feels it would be better to put some language in place to deal with any applications that are received for these facilities.

Under this language, “wind turbine facilities” would be allowed as special land uses in B-2, B-3, B-4, and B-5 zones, as well as I-1 and I-2 zones. Applications would be received and considered by the Planning Commission, which also involves approval of proposed site plans. Minimum parcel size is 10 acres.

As with both of these cases, amendments may need to be made in the future as development takes place and unforeseeable issues arise. Assuming that this amendment is approved by Planning Commission and City Commission, amendments to the B and I districts to include “wind turbine facilities” as special land uses will be brought to Planning Commission in the near future.

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Amendment to Section 2310, Wind Turbine Facilities (WTF)

Wind Turbine Facilities shall be allowed as a special land use in Industrial and Business zones under the purview of Section 2332, after review and approval of the special land use permit and site plan by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission, including the following:

- 1. Minimum parcel size for wind turbine facilities shall be ten (10) acres.**
- 2. All wind turbines shall meet the requirements of Section 2311, Accessory Structures & buildings, #10, except for items a, d, and g.**
- 3. The height limit of any wind turbine in the WTF may be 200 feet. Such total height shall be measured from the ground to the highest elevation of the wind turbine rotor.**

4. The developer shall maintain a current insurance policy which will cover installation and operation of the WFT, and the wind turbines shall be warranted against any system failures reasonably expected in climate conditions found in the City of Muskegon.
5. A qualified avian study shall be conducted by the developer to ensure that wildlife is not endangered, or the developer may submit copies of any required State or Federal permits that have been obtained. This information shall be submitted to the Planning Department before any permits are issued for construction.
6. A wind resource study describing the long term economic viability shall be submitted to the Planning Commission upon submission of the special land use permit application.
7. If the WFT will provide electricity off-site to the grid, evidence that the utility company has been informed of the developer's intent to install an interconnected, customer-owned generator, and that such connection has been approved, shall be submitted to the Planning Commission upon submission of the special land use permit application.
8. Separation between wind turbines shall be based on industry standards and manufacturer recommendations.

DELIBERATION

I move that the amendment to Section 2310, of Article XXIII, General Provisions, of the City of Muskegon Zoning Ordinance to add requirements for "wind turbine facilities", be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Section 2310 of Article XXIII (General Provisions), to include “Wind Turbine Facilities (WTF)”.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are ~~crossed-out~~ and additions are in **bold**:

Amendment to Section 2310, Wind Turbine Facilities (WTF)

Wind Turbine Facilities shall be allowed as a special land use in Industrial and Business zones under the purview of Section 2332, after review and approval of the special land use permit and site plan by the Planning Commission, after Public Hearing, subject to applicable conditions and any other reasonable conditions imposed by the Planning Commission, including the following:

1. **Minimum parcel size for wind turbine facilities shall be ten (10) acres.**
2. **All wind turbines shall meet the requirements of Section 2311, Accessory Structures & buildings, #10, except for items a, d, and g.**
3. **The height limit of any wind turbine in the WTF may be 200 feet. Such total height shall be measured from the ground to the highest elevation of the wind turbine rotor.**
4. **The developer shall maintain a current insurance policy which will cover installation and operation of the WFT, and the wind turbines shall be warranted against any system failures reasonably expected in climate conditions found in the City of Muskegon.**
5. **A qualified avian study shall be conducted by the developer to ensure that wildlife is not endangered, or the developer may submit copies of any required State or Federal permits that have been obtained. This information shall be submitted to the Planning Department before any permits are issued for construction.**
6. **A wind resource study describing the long term economic viability shall be submitted to the Planning Commission upon submission of the special land use permit application.**
7. **If the WFT will provide electricity off-site to the grid, evidence that the utility company has been informed of the developer’s intent to install an interconnected, customer-owned generator, and that such connection has been approved, shall be submitted to the Planning Commission upon submission of the special land use permit application.**
8. **Separation between wind turbines shall be based on industry standards and manufacturer recommendations.**

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of September, 2009, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2009.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on September 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Section 2310 of Article XXIII (General Provisions) amending language to include "Wind Turbine Facilities (WTF)".

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

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

Published _____, 2009.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Commission Meeting Date: September 22, 2009

Date: September 11, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development CBC
RE: Amendment to the Zoning Ordinance – Definitions

SUMMARY OF REQUEST:

Request to amend Article II (Definitions) to add definitions for “Wind Turbine” and “Wind Turbines Facility”.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to include definitions for “Wind Turbine” and “Wind Turbines Facility”.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 9/10 meeting. The vote was unanimous.

Staff Report (EXCERPT)
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

September 10, 2009

Hearing; Case 2009-10: Staff-initiated request to amend Article II, Definitions, to add definitions for “Wind Turbine” and “Wind Turbine Facility”.

BACKGROUND

In order to avoid confusion, the following new definitions should be added to Article II, Definitions, of the Zoning Ordinance.

NEW LANGUAGE

Deletions are ~~crossed out~~ and additions are in **bold**:

Amendment to Article II, “Definitions”

Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy. For the purpose of this ordinance, an anemometer is not classified as a wind turbine.

Wind Turbine Facility: An electric generating facility, whose main purpose is to supply electricity to sell to the grid, consisting of more than one wind turbine and other accessory structures and buildings.

DELIBERATION

I move that the amendment to Article II, Definitions, of the City of Muskegon Zoning Ordinance to add definitions for “wind turbine” and for “wind turbine facility”, be recommended to the City Commission for (approval/denial).

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. _____

An ordinance to amend Article II (Definitions), to include definitions for “Wind Turbine” and “Wind Turbine Facility”.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

NEW LANGUAGE

Deletions are crossed out and additions are in **bold**:

Amendment to Article II, “Definitions”

Wind Turbine: A rotating machine which converts the kinetic energy in wind into mechanical energy. For the purpose of this ordinance, an anemometer is not classified as a wind turbine.

Wind Turbine Facility: An electric generating facility, whose main purpose is to supply electricity to sell to the grid, consisting of more than one wind turbine and other accessory structures and buildings.

This ordinance adopted:

Ayes: _____

Nays: _____

Adoption Date: _____

Effective Date: _____

First Reading: _____

Second Reading: _____

CITY OF MUSKEGON

By: _____
Ann Marie Becker, MMC, City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of September, 2009, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with the Michigan Zoning Enabling Act, Public Acts of Michigan No. 33 of 2008, and that minutes were kept and will be or have been made available as required thereby.

DATED: _____, 2009.

Ann Marie Becker, MMC
Clerk, City of Muskegon

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

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on September 22, 2009, the City Commission of the City of Muskegon adopted an ordinance to amend Article II (Definitions) to include definitions for "Wind Turbine" and "Wind Turbine Facility".

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

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

Published _____, 2009.

CITY OF MUSKEGON

By _____
Ann Marie Becker, MMC
City Clerk

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

Account No. 101-80400-5354

Date: October 13, 2009
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Liquor License Request
PCJ Enterprises, LLC
435 & 441 W. Western

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from PCJ Enterprises, LLC, to transfer ownership of the 2008 Class C-SDM Licensed Business with Dance-Entertainment Permit located in escrow at 435 & 441 W. Western Avenue from D&L of Michigan, LLC.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.



Muskegon Police Department

Anthony L. Kleibecker
Director of Public Safety

980 Jefferson
Muskegon, Michigan
49443-0536

www.muskegonpolice.com

Phone: 231-724-6750
FAX: 231-722-5140

August 7, 2009

To: City Commission through the City Manager

From: 
Anthony L. Kleibecker, Director of Public Safety

Re: Liquor License Investigation – 435 & 441 W. Western
Transfer of 2008 Class C-SDM Licensed Business with Permits

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant PCJ Enterprises, LLC of Muskegon, MI.

PCJ Enterprises, LLC is requesting to transfer ownership of 2008 Class C-SDM licensed business with Dance-Entertainment located in escrow at 435 & 441 W. Western, Muskegon MI 49440 from D&L of Michigan, LLC. PCJ Enterprises, LLC is comprised of Peter Johnson, Hobart Thrasher and Diamond Enterprises, LLC, all from the Muskegon area. Both Peter Johnson and Hobart Thrasher have experience in the alcohol service industry.

A check of Muskegon Police Department records showed no reason to deny this request.

ALK/kd

8-4-09 MM

RESOLUTION

At a _____ meeting of the _____
 (Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2008 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 435 & 441 W WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM D & L OF MICHIGAN, LLC TO PCJ ENTERPRISE, LLC.

be considered for _____
 (Approval or Disapproval)

APPROVAL**DISAPPROVAL**

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
 (Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
 (Township Board, City or Village Council) (Regular or Special)

meeting held on _____
 (Date)

SEAL

(Signed) _____
 (Township, City or Village Clerk)

 (Mailing address of Township, City or Village)



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

482681
TAV
8-4-09

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

July 10, 2009

MUSKEGON POLICE DEPARTMENT
CHIEF OF POLICE
980 JEFFERSON STREET, PO BOX 536
MUSKEGON, MI 49443-0536

Request ID #: 482681

Applicant:

PCJ ENTERPRISE, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 435 & 441 W WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM D & L OF MICHIGAN, LLC.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 482681

Business ID # 213820

8-4-09 *RMH*

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

PCJ ENTERPRISE, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 435 & 441 W WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM D & L OF MICHIGAN, LLC.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
PETER C. JOHNSON – MEMBER
468 EAST CIRCLE DRIVE
NORTH MUSKEGON, MI 49445
H(231)774-6500/B(231)726-2550

APPLICANT #2:
HOBART A. THRASHER – MEMBER
414 BAY LANE
NORTH MUSKEGON, MI 49445
H(231)744-1466/B(231)578-5444 *cell*

DATE FINGERPRINTED**: NO FINGERPRINTS REQUIRED

DATE FINGERPRINTED**: NO FINGERPRINTS REQUIRED

DATE OF BIRTH: 9-22-68

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

DATE OF BIRTH: 9-14-51

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

☐ No ☒ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☒ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No If No, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No*

2. Should the MLCC grant this request? ☒ Yes ☐ No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☒ Yes ☐ No

4. Is this recommendation subject to any other conditions? ☐ Yes ☒ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

MUSKEGON POLICE DEPARTMENT

[Signature]
Signature (Sheriff or Chief of Police)

8-11-09

Date



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 482681

Business ID # 213820

8-4-09 TMM

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

PCJ ENTERPRISE, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2008 CLASS C-SDM LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED IN ESCROW AT 435 & 441 W WESTERN, MUSKEGON, MI 49440, MUSKEGON COUNTY, FROM D & L OF MICHIGAN, LLC.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
DIAMOND ENTERPRISES, L.L.C. – MEMBER
1461 EVANSTON AVENUE
MUSKEGON, MI 49442
B(231)777-2681

APPLICANT #2:

DATE FINGERPRINTED**: NO FINGERPRINTS REQUIRED

DATE FINGERPRINTED**:

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

DATE OF BIRTH:

Is the applicant a U.S. Citizen: ☐ Yes ☐ No*

*Does the applicant have permanent Resident Alien status?

☐ Yes ☐ No*

*Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

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Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?

☐ No ☒ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☒ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No If No, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☒ Yes ☐ No*

2. Should the MLCC grant this request? ☒ Yes ☐ No*

*If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances?

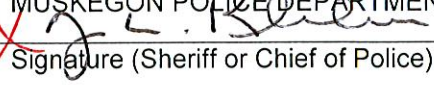
☒ Yes ☐ No

4. Is this recommendation subject to any other conditions?

☐ Yes ☒ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

MUSKEGON POLICE DEPARTMENT


Signature (Sheriff or Chief of Police)

8-11-09
Date



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

FOR MLCC USE ONLY

Request ID # 482681

Business ID # 213820

8-4-09 TMM

July 10, 2009

TO: Muskegon Police DEPT.

Re: PCJ ENTERPRISE, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

Weekdays _____ A.M. to _____ A.M.

Sundays _____ A.M. to _____ A.M./P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ DANCE PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☒ ENTERTAINMENT PERMIT

☒ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Law Enforcement Recommendation (cont'd)

Page 2

July 10, 2009

482681

DMK

8-409

☐ OUTDOOR SERVICE

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

X J L. Kleibacker
Signature and Title

ANTHONY L. KLEIBACKER
Print Name and Title
DIRECTOR OF PUBLIC SAFETY

MUSKEGON POLICE DEPARTMENT

Date: 8-11-09

sfs

Date: October 13, 2009
To: Honorable Mayor and City Commission
From: Water Filtration
RE: Marshall St. elevated storage tank control panel relocation and electrical service upgrade

SUMMARY OF REQUEST:

To relocate the remote site control and communications equipment in a larger, above ground, panel and upgrade the electrical power circuit breaker panel.

FINANCIAL IMPACT:

The total project cost is \$12,805.00.

BUDGET ACTION REQUIRED:

The project is budgeted for this year.

STAFF RECOMMENDATION:

Authorize staff to enter into agreement with Windemuller Electric for the relocation of the control panel and upgrade of the electrical service at the Marshall St. elevated water storage tank.

MARSHALL STREET ELEVATED STORAGE TANK

CONTROL PANEL RELOCATION AND BREAKER PANEL REPLACEMENT

The City of Muskegon Water Filtration Plant is seeking cost proposals for electrical work at the Marshall Street elevated storage tank site.

The contractor is to be familiar with control systems including Ethernet network and spread spectrum radio equipment with a minimum ten years of experience in both.

- Project:
- 1) Move all contents of the existing panel located in an underground vault to a new panel located above ground and adjacent to the vault.
 - 2) Replace the existing electrical circuit breaker panel and circuit breakers adequate to meet all loads including new panel.

Site: 277 Marshall St., Muskegon, MI 49442

Old panel – to become a junction box at most and to be eliminated if possible.

New panel – to be weather proof, Nema 4 enclosure, lined with rigid insulation and to be painted white, with the ability to be secured by lock and key.

- New enclosure to be provided with sun shield.
- Obtain existing wiring diagram from Water Filtration Plant and provide new breakers, and isolation transformer to match the existing panel power distribution.
- Supported and protected to deter damage to panel and conduit from grounds maintenance equipment and wind and weather.
- Cabinet bottom to be located a minimum of 24 inches above ground.
- If existing enclosure is utilized as a junction box, extend 4 existing 7/8 inch Andrew RF cables to new panel in plastic conduit. Or, intercept existing cables at base of tank and extend over to new panel in 2 new 4 inch plastic conduits. Provide pull boxes as required so that cable bend radius is not exceeded.
- Extend existing power, signal, and control wiring to new panel. Also, extend existing camera cables (power, coaxZ) to new panel.
- Relocate the existing subplate equipment (PLC, UPS, radios, server, and Ethernet switch) to new panel. Reinstall within new enclosure. Provide individual shelves for the four radios, video server, Ethernet switch, and UPS.
- Install a separate 120v circuit for the air conditioner. Provide ¾ inch conduit with 3 #12 wires from the existing lighting panelboard to the new panel.
- Locate on the side of the new panel a 120v weatherproof receptacle and Nema 3R manual transfer switch for connection of a manually operated 1000Watt generator. Coordinate exact plug type with City of Muskegon.
- Furnish within new panel a Hoffman electric heater, 200Watts, model DAH-2001A.
- Must meet all NEC codes and pass inspection by City's electrical inspector; shop drawing to be submitted to Plant for review and approval.

Submit separate cost proposals for items 1 and 2 as identified above. There will be a meeting for site inspection on September 1, 2009 at 10:30 AM. Cost proposals are to be submitted on, or before, 4:00 PM EST, September 8, 2009.

The City of Muskegon reserves the right to accept or reject any and all bids or cost proposals it determines are in the best interest of the City.

MEMORANDUM

9/21/09

TO: M. AL-SHATEL, DEPUTY DPW

FROM : R. VENEKLASEN, WATER FILTRATION

RE: CONTROL PANEL REPLACEMENT AT MARSHALL ST. WATER
TOWER

The 2009 Water Filtration Plant budget planned for the replacement of the control panel at the Marshall St. water tank. The existing panel is located in the underground valve vault. The intent of this project was to expand the panel size to better accommodate the equipment and move the panel above grade to eliminate confined space concerns.

EXISTING PANEL

The existing panel was installed in 1992 as part of the original control system upgrade at the Water Plant. This tank was chosen as the "communications hub" for all the remote sites reporting to the plant. This system included a Zetron radio system and antenna. In 1997 the control and communications equipment was upgraded to include a PLC, two spread spectrum radios, and an additional antenna and cable. In 2004 the remote site video monitoring system including a remote CCD camera and signal converters were located in the panel. In 2007 the County added two radios and two antennas to the site for the Quarterline and Giles/Michigan's Adventure sites.

The Marshall St. tank panel now handles two-way communications from four booster stations, five elevated water towers, and two reservoirs. All these additional pieces of equipment – signal converters, uninterruptable power supply, and radios have filled the original cabinet to overflowing. The propensity for equipment failure is simply compounded by the number of pieces of equipment and the critical nature of a failure at this site. Any response to equipment failure requires two individuals and associated safety equipment because the control cabinet is located in a confined space (valve vault).

PANEL RELOCATION & POWER SERVICE

It was determined that relocating a larger panel above ground but adjacent to the valve vault was the best solution to address adequate space for the equipment and eliminate the confined space hazard.

A review of the electrical service breaker panel and conduit displayed some deficiencies. This panel has likely been in service since the mid-sixties. The breaker box is damaged so it cannot be secured and the original steel and subsequent plastic conduits are rotting or have been broken.

The decision was made to upgrade the electrical service and incorporate the correct electrical disconnect switching to allow connection of a small portable generator to power the site in the event of extended electrical service interruption.

SPECIFICATIONS AND BIDS

Specifications were assembled and reviewed by our consultant, Gene Jones of Tetra Tech, and the City's electrical inspector, Don LaBrenz. The specifications, along with a price request proposal, were sent to five electrical contractors – three local firms and two that had previously performed similar work at the Plant.

The pre-bid meeting held at the Marshall St. tank site was attended by two firms – Newkirk Electric and Windemuller Electric. Bids were received from only one firm – Windemuller Electric.

The price bid by Windemuller Elec. was above the expected cost and included items that, though nice, were not necessary to the success of the project. Staff met with a representative from Windemuller Electric to negotiate closer adherence to the specification and subsequent cost reductions.

COST

The project cost for the two items; panel relocation and electrical service upgrade are as follows:

Panel relocation	\$10,585.00
Service upgrade	<u>\$ 2,220.00</u>
TOTAL	\$12805.00

RECOMMENDATION

It is my recommendation that the City have Windemuller Electric perform the relocation of the control panel and electrical service upgrade at the Marshall St. water tower at a total cost of \$12,805.00.

Date: October 13, 2009
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Request to Amend
Encroachment Agreement #2000-112(j)

SUMMARY OF REQUEST:

AMEC/CSXT is requesting your permission to amend agreement #2000-112(j) to install five (5) additional monitoring wells in the public R-O-W of E. Western & Marquette bringing the total to ten (10) wells at that location (see attached location map). The request was made through the attached encroachment agreement form.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the encroachment agreement subjects to the supplemental conditions.

COMMITTEE RECOMMENDATION:

City of Muskegon
Groundwater Monitoring Well Installation Application and Permit
 (Encroachment Permit Agreement)

Permit Number:	Date issued:	Permit Fee:	Other:
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If applicant hires a contractor to perform work, BOTH shall assume responsibility of the Permittee for the provisions of this Application and Permit

APPLICATION			
APPLICANT - Please Print		CONTRACTOR - Please Print	
Name Paul J. Kurzanski, Manager Environmental, CSXT	Name AMEC Earth & Environmental		
Street 500 Water Street J-275	Street 10524 East Grand River Avenue, Suite 104		
City Jacksonville State Florida Zip 32202	City Brighton State Michigan Zip 48116		
Phone 904-359-3101 Fax 904-245-2826	Phone 810-220-8941 Fax 810-220-8947		

Permittee proposes to install, repair, or maintain groundwater monitoring well(s) ("the encroachment"), in or abutting a street, alley, sidewalk, park, terrace, or other property controlled or owned by the City of Muskegon, as described below (Permittee shall attach a site map to scale which shows each monitoring well location):

Street Name & Address/General Description (legal description may be required): Marquette and Former E. Western Street	Location (Cross streets between which property is located or nearest intersection): Within E. Western Street, North of Marquette Street
Project Description/Purpose: Install 5 monitoring wells for use as injection wells in an MDEQ approved remedial action.	
Proposed Start Date: After October 5, 2009	

Monitoring/Observation Well Information

Drilling Company (if different than Contractor): To Be Determined	Proposed Well Depth (ft.): 22	Well name or #: IW-T, IW-U, IW-V, IW-W, IW-X,
Purpose of Monitoring Well Installation: ☒ Part 211/213 Site ☐ Part 201 Site ☐ Part 111 Site ☐ Phase II ESA/AAJ ☐ BEA ☐ Other (specify)		

Applicant/Authorized Agent Signature - If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant.

Name:	Erin Busby of AMEC on behalf of CSX Transportation, Inc.
-------	--

PERMIT

PERMIT AGREEMENT: This permit is made and entered into by and between the City of Muskegon, a municipal corporation (City), and the Permittee (indicated above). Therefore, the City does hereby grant unto Permittee the privilege of constructing, installing, maintaining, repairing, and performing all necessary functions relating to the monitoring well installation (encroachment), and for that purpose to enter the property, for the term herein stated. This permit shall be effective on the date shown above, and shall not occur before the delivery to the City of the required evidence of insurance coverage and bonding information, and only after approval of this permit by the City Commission, at which time the permit shall become effective. **The attached Permit Requirements & Conditions are incorporated herein by reference and constitute an integral part of this permit.**

This permit is subject to the following special conditions:

Required Bond Amount: \$_____

Witnesses:

CITY OF MUSKEGON:

By _____, Mayor

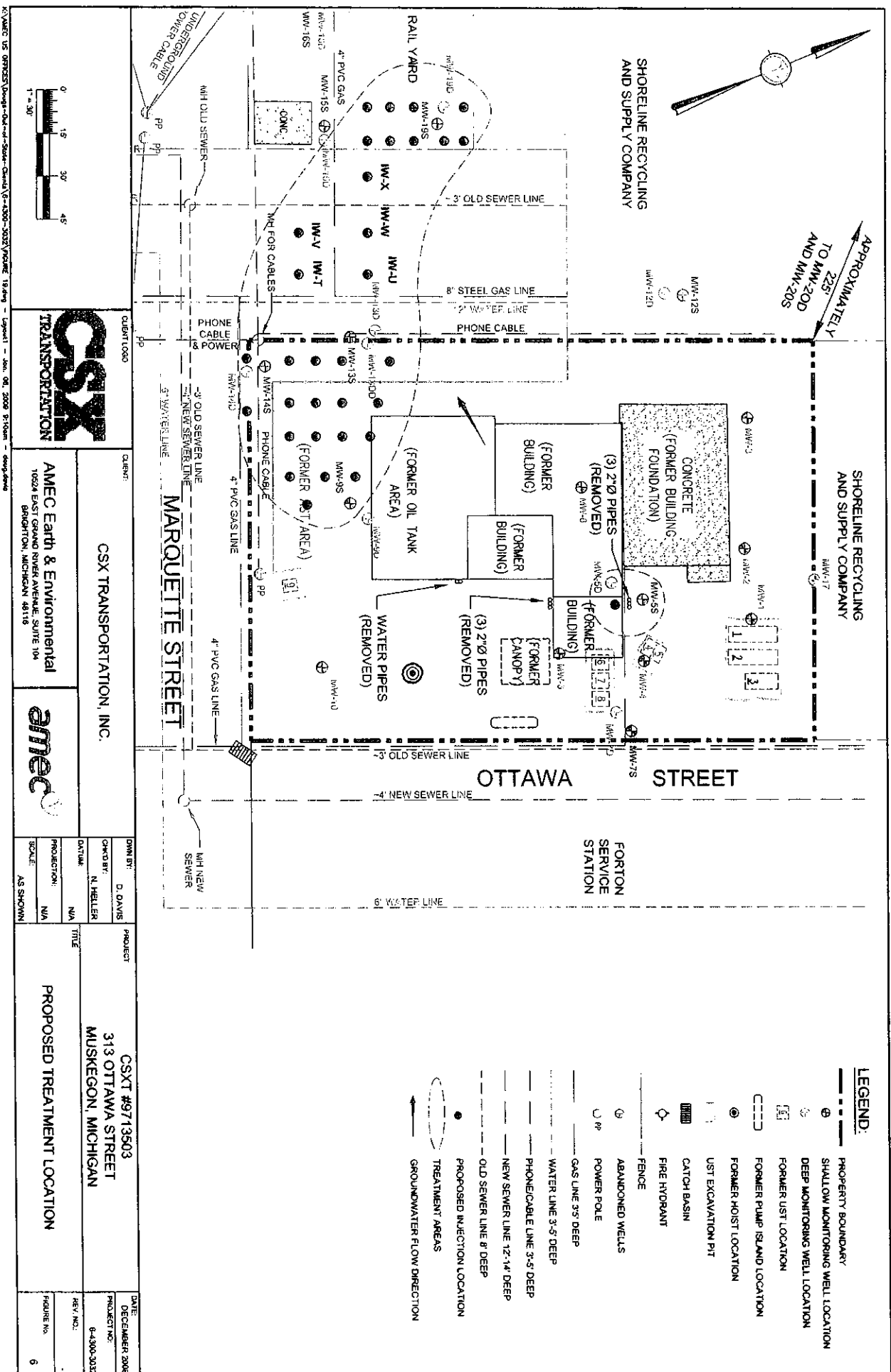
And _____, Clerk

APPLICANT: _____

CONTRACTOR: _____

SUPPLEMENTAL CONDITIONS

- Grantee shall notify Grantor of the date when the installation of the Wells shall begin and shall allow the City's representative ample time to inspect the site before construction begins.
- After completion of construction, the City shall be contacted for final inspection.
- Grantee shall not disturb any installation in the right of way, including utilities of any kind without prior approval by the City and the affected company.
- Grantee shall use all means necessary, including MISS DIG, to locate and /or have located all existing utilities in the vicinity of the proposed Wells.
- If deemed necessary by the City due to public improvements, Grantee shall relocate or remove the wells as directed by the City within 7-days of notification.
- The grantee shall be fully responsible for the maintenance of the wells and any relocation that might become necessary to facilitate other improvements within the right of way.
- Grantee will not be allowed to close off roadway nor will he be allowed to hinder the traffic flow without prior approval by the City.



Commission Meeting Date: October 13, 2009

Date: October 7, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Amendment to the Commercial Rehabilitation Certificate Resolution, 971 Washington

SUMMARY OF REQUEST:

Pursuant to Public Act 210 of 2005, as amended, the business at 971 Washington Avenue was approved for a commercial rehabilitation certificate on July 28, 2009. The State Tax Commission has requested additional language be put in the resolution.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the revised resolution.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF A COMMERCIAL REHABILITATION CERTIFICATE
Fatty Lumpkins

WHEREAS, pursuant to P.A. 210 of 2005 as amended, after duly noticed public hearing held on July 28, 2009, this Commission by resolution established a Commercial Rehabilitation District as requested by Fatty Lumpkins for the building at 971 Washington Avenue, Muskegon, Michigan 49441; and

WHEREAS, Fatty Lumpkins has requested in writing for the City to establish a Commercial Rehabilitation District at 971 Washington in a letter dated May 27, 2009; and

WHEREAS, the application for the issuance of a Commercial Rehabilitation Certificate was filed within six months of the projects commencement; and

WHEREAS, the rehabilitation of this building is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

WHEREAS, Fatty Lumpkins is not delinquent in any taxes related to the facility; and

WHEREAS, the application was approved for less than 10 years and there will be not any extension available; and

WHEREAS, the application is for commercial property as defined in section 2(a) of Public Act 210 of 2005; and

WHEREAS, Fatty Lumpkins has provided answers to all required questions under the application instructions to the City of Muskegon; and

WHEREAS, the City of Muskegon requires that rehabilitation of the facility shall be completed by July 28, 2010; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a qualified facility within the meaning of Public Act 210 of 2005 and that is situated within a Commercial Rehabilitation District established under Public Act 210 of 2005; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(j) of Public Act 210 of 2005; and

WHEREAS, a Public Hearing was held on July 28, 2009 at which the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard; and

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

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

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 210 of the Public Act of 2005 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of Fatty Lumpkins, for the issuance of a Commercial Rehabilitation Certificate with respect to the building improvements and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

CITY OF MUSKEGON REVISED PLAT OF 1903 E 24 FT OF W 54 FT LOT 1 BLK 479

- 3) The Commercial Rehabilitation Certificate is issued and shall be and remain in force and effect for a period of seven (7) years, ending on December 30, 2016.

Adopted this 28th Day of July 2009.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Warmington
Mayor

ATTEST: _____
Ann Marie Becker
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 July 28, 2009.

Ann Marie Becker
Clerk

Commission Meeting Date: October 13, 2009

Date: September 30, 2009
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CB*
RE: Sale of Buildable Vacant Lot at 323 Catawba.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 323 Catawba (Parcel #24-205-268-0012-00) to Michael Harman of 315 Catawba, Muskegon, MI. The lot is 66 x 132 ft. and is being offered to Michael Harman for \$1,000 plus the fee to register the deed. Michael Harman will be combining this property with his existing property, which would be considered unbuildable should his home be destroyed over 75%. His property is 52 x 66 ft. The True Cash Value (TCV) for the property listed in the Assessor's office is \$4,000, and our price is set at \$2,200 which is 55% of that amount. The City has owned the property since 2003 and there have been no inquiries for potential construction. The Land Reutilization Committee is recommending approval of the sale at a lesser price due to the size of Michael Harman's current property.

FINANCIAL IMPACT:

The sale of this lot will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommends approval of the sale with the condition that the property be combined with the owner's original parcel.

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 323 CATAWBA AVENUE IN MCLAUGHLIN NEIGHBORHOOD FOR \$1,000.

WHEREAS, Michael Harman be allowed to purchase the parcel designated as parcel number 24-205-268-0012-00, located at 323 Catawba Avenue for \$1,000; and

WHEREAS, the price for parcel number 24-205-268-0012-00 is set by the City at \$2,200, which is 55% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, Michael Harman has offered \$1,000 for the property so this may be combined with his adjacent property; and

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

WHEREAS, the sale is not consistent with City policy regarding the disposition of buildable lots, in that, this property will be combined with the adjacent property located at 315 Catawba Avenue and sold for the price of \$1,000.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-268-0012-00, located at 323 Catawba Avenue be sold to Michael Harman for \$1,000.

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 12 BLOCK 268

Adopted this 13th day of October 2009

Ayes:

Nays:

Absent

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 October 13, 2009.

By: _____
Ann Marie Becker, MMC
City Clerk



Commission Meeting Date: October 13, 2009

Date: September 30, 2009
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot at 1130 1st.

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 1130 1st Street (Parcel #24-205-364-0005-00) to Charles Wolters, 8745 146th Avenue, West Olive, MI (owner of 1124 1st Street). The lot is 92 x 66 ft. and is being offered to Charles Wolters for \$1,000 plus the fee to register the deed. Charles Wolters will be combining this property with his existing property, which would be considered unbuildable should his home be destroyed over 75%. His property is 46 x 66 ft. The True Cash Value (TCV) for the property listed in the Assessor's office is \$10,000, and our price is set at \$2,500 which is 25% of that amount. The City has owned the property since 2006 and there have been no inquiries for potential construction. The Land Reutilization Committee is recommending approval of the sale at a lesser price due to the size of Charles Wolters' current property.

FINANCIAL IMPACT:

The sale of this lot will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommends approval of the sale with the condition that the property be combined with the owner's original parcel.

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 1130 FIRST STREET IN NELSON NEIGHBORHOOD FOR \$1,000.

WHEREAS, Charles Wolters be allowed to purchase the parcel designated as parcel number 24-205-364-0005-00, located at 1130 First Street for \$1,000; and

WHEREAS, the price for parcel number 24-205-364-0005-00 is set by the City at \$2,500, which is 25% of the True Cash Value (TCV) listed in the City Assessor's Office; and

WHEREAS, Charles Wolters offered \$1,000 for the property so this may be combined with his adjacent property; and

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

WHEREAS, the sale is not consistent with City policy regarding the disposition of buildable lots, in that, this property will be combined with the adjacent property located at 1124 First Street and sold for the price of \$1,000.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-364-0005-00, located at 1130 First Street be sold to Charles Wolters for \$1,000.

CITY OF MUSKEGON REVISED PLAT OF 1903 N 91.5 FT LOT 5 BLOCK 364

Adopted this 13th day of October 2009

Ayes:

Nays:

Absent

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 October 13, 2009.

By: _____
Ann Marie Becker, MMC
City Clerk

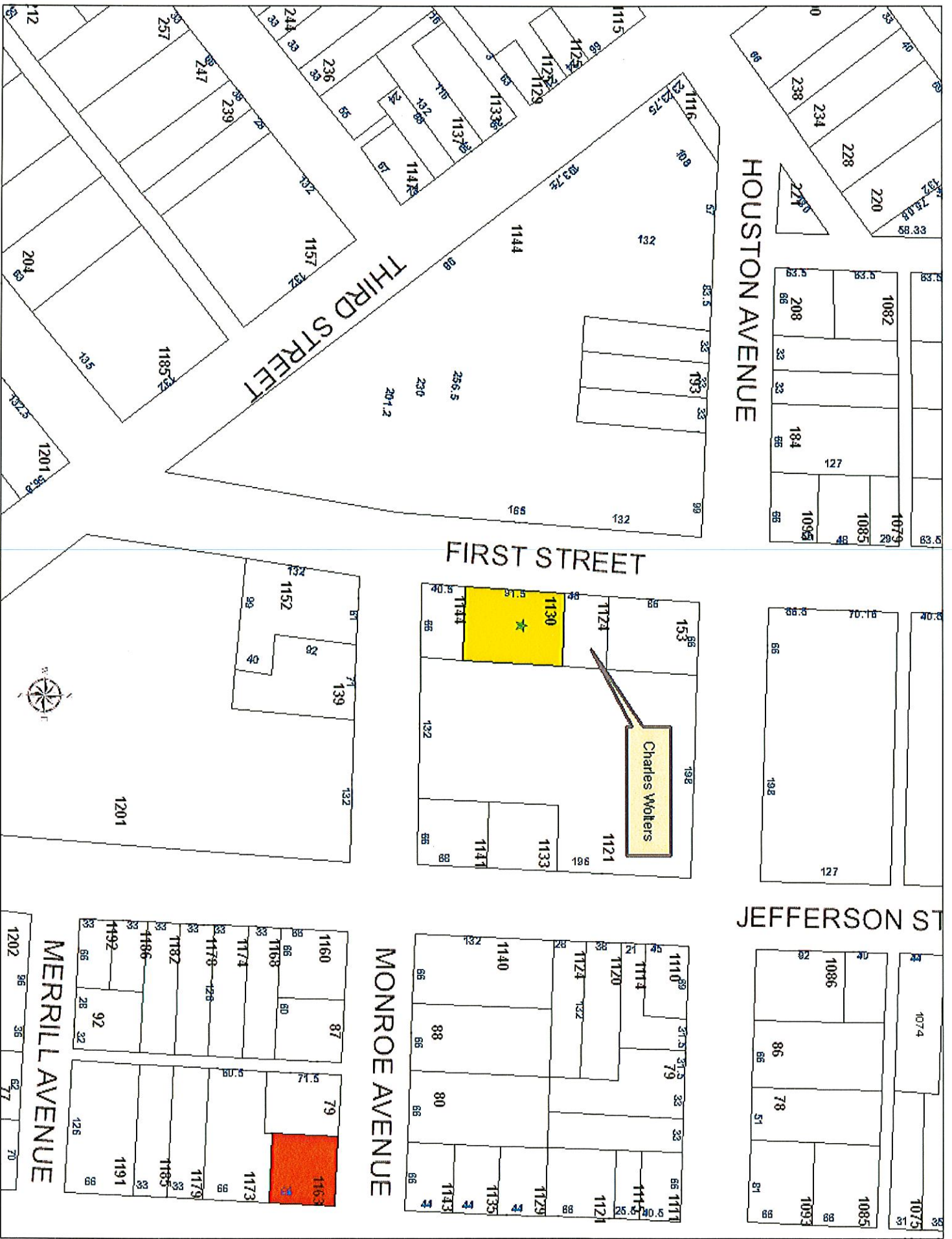
HOUSTON AVENUE

JEFFERSON ST

FIRST STREET

MONROE AVENUE

MERRILL AVENUE



AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: October 1, 2009

RE: West Michigan Metropolitan Transportation Plan (WestPlan) Dues,
October 1, 2009 – September 30, 2010

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

\$16,040.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None.

WMSRDC
WEST MICHIGAN SHORELINE
REGIONAL DEVELOPMENT COMMISSION

INVOICE

P.O. Box 387
Muskegon, MI 49443-0387
Phone: 231-722-7878 Fax: 231-722-9362

DATE: October 1, 2009
INVOICE # 5395
FOR: MPO Dues FY 2010

Bill To:
Bryon Mazade, Manager
City of Muskegon
PO Box 536
Muskegon, MI 49443

PAYABLE UPON RECEIPT

DESCRIPTION	AMOUNT
MPO Dues - West Michigan Metropolitan Transportation Program (WestPlan) For Fiscal Year 2010 (October 1, 2009 - September 30, 2010)	<u>\$16,040.00</u>
CR: 6395.0395.1 \$13,910 6395.0395.3 \$2,130	
RECEIVED OCT 05 2009 MUSKEGON CITY MANAGER'S OFFICE	
TOTAL	\$16,040.00

Make all checks payable to **West Michigan Shoreline Regional Development Commission**
If you have any questions concerning this invoice, contact Susan Stine-Johnson, 231-722-7878x12,
sstinejohnson@wmsrdc.org

Date: October 6, 2009

To: Honorable Mayor and City Commission

From: Department of Public Works

RE: Emergency Purchase - Sewer Lift Station Pump Replacement

SUMMARY OF REQUEST: Approval to purchase a new pump from Kennedy Industries for the Beach Street Lift Station at the quoted price of \$11,597.00

FINANCIAL IMPACT: Expenditures for the purchase would come from the Sewer Fund.

BUDGET ACTION REQUIRED: NONE

STAFF RECOMMENDATION: To purchase of the pump form Kennedy Industries

Memorandum

To: Bryon Mazade City Manager, Bob Kuhn Director of Public Works

From: Kelly DeFrench

Date: 10/6/2009

Re: Beach Street Lift Sta. Emergency Pump Replacement

The number # 1 pump at our Beach Street Lift Station failed and was sent to Jones Electric for repair. The estimated cost to make repairs, disassembly, replacing all seals and bearings, clean and bake stator, balance and assemble is \$ 8,000.

Replacement costs for a new 30 HP ABS Pump quoted through Jones Electric is \$25,000.

Kennedy Industries has quoted us a price of \$ 11,597.00 for new a Flygt pump, including installation. Our best option is to go with the new Flygt pump as quoted from Kennedy Industries.

Due to the urgency of getting a pump back in service as quickly as possible I have given Kennedy Industries approval to proceed with the order.

City Commission Meeting
Tuesday October 13, 2009

TO: Honorable Mayor and City Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
DATE: October 6, 2009
SUBJECT: Purchase of Microfilm Scanner

Summary of Request:

The Director of Public Safety is requesting commission approval to purchase a microfilm scanner for the police department. Thousands of records are currently stored on microfilm. The microfilm is beginning to deteriorate. This scanner will allow us to transfer these documents onto a computer hard drive and thus ensure more reliable long-term storage.

Bids were solicited and we received the following:

Hasselbring/Clark	Lansing	\$9,800.00
Michigan Office Solutions	Grand Rapids	\$8,462.00

Based upon the bids received, staff is recommending Michigan Office Solutions.

Financial Impact:

Funding for this scanner is part of Byrne/Justice Assistance Grant which was approved by the Department of Justice earlier this year. No general fund monies will be expended.

Budget Action Required:

None

Staff Recommendation:

Approval of the purchase.



Michigan Office Solutions
A Xerox Company

Headquarters
2859 Walkent Dr. NW
PO Box 140587
Grand Rapids, MI 49514

800.442.9070
Fax: 616.459.8705

www.miofficesolutions.com

April 12, 2009
Revised June 19, 2009
Revised June 29, 2009
Revised August 26, 2009
Revised September 29, 2009

Prepared for
City of Muskegon
Police Department
ScanPro 2000 and Fujitsu 5120C

The New ScanPro 2000 Complete Digital Microfilm Scanner

Fiche Carrier

Exclusive True-View operation

Zoom Lens – 7x to 54x

Scans at 1 second per page

600dpi Optical Resolution

Automatic framing

Automatic image advance

Scan to TIFF, PDF, JPEG

360 Optical and Digital image rotation

Customizable toolbar feature

Firewire Interface Kit for scan to PC

<i>Purchase Price ScanPro 2000</i>	<i>\$ 5,995.00</i>
<i>Purchase Price Fujitsu 5120C</i>	<i>\$ 560.00</i>
<i>Dell 24" Swivel Monitor</i>	<i>\$ 250.00</i>
<i>Three years Service Contract ScanPro 2000</i>	<i>\$ 990.00</i>
<i>Three years Service Contract Fujitsu 5120C</i>	<i>\$ 477.00</i>
<i>Installation, Delivery and Training:</i>	<i>\$ 190.00</i>
<i>Total Cost of system delivered</i>	<i>\$ 8,462.00</i>

Breakdown of Maintenance Agreement Cost:

Annual Service Program Fujitsu 5120C	\$159.00/year
Annual Service Program ScanPro 2000: Includes all parts, labor and travel	
Note: 1 year warranty comes with purchase Depot Service	\$0.00
2 nd year extended warranty Depot Service	\$395.00
3 rd year door to door service	\$595.00

Equipment Maintenance is \$120.00/hr plus parts if you choose not to have a Maintenance agreement.



Canon Authorized Dealer

A Reputation for Service

www.hasselbringclark.com

SERVING MICHIGAN SINCE 1958

September 29, 2009

Capt. Andy Olson
Muskegon, City of Police Dept.
980 Jefferson St.
Muskegon, MI 49440

QUOTATION ON A "NEW" CANON MICROSCANNER 800II
INTERFACED WITH THE
MUSKEGON POLICE DEPARTMENT'S PC

(1) Canon MS-800II Microfilm Scanner

Includes: Fiche Carrier 190RII
14-30X Zoom Lens
USB Cable

Canon Suggested Retail	\$11,386.00
Less Canon GSA Special Discount	\$-4,286.00
Total	\$7,100.00

Notes:

- ♦ Canon GSA extends to all municipalities the opportunity to take advantage of the same pricing that is offered to the Federal Government.
- ♦ The following information needs to appear on any purchase order using Canon's GSA pricing;
 - The purchase order should be made out to;
Canon, U.S.A., Inc.
C/O Hasselbring-Clark
P.O. Box 6517
Arlington, Virginia 22206
- ♦ The hardware invoice would come directly from Canon. *If a decision is made to secure additional maintenance after the warranty period, that invoice would come from Hasselbring-Clark.*
- ♦ The purchase order should reflect on it somewhere the statement:
"Per terms and conditions of OPEN MARKET, GSA Contract #GS-00F-0002V"
- ♦ Please provide a copy of your *tax exemption form* as well.

- ♦ To ensure faster delivery, the purchase order should be faxed to Hasselbring-Clark. The fax number is; 517-393-3305.
- ♦ The MS-800II will be connected to a PC provided by the City of Muskegon Police Department.
- ♦ **Delivery, initial installation and training on the MS-800II will be provided free of charge by Hasselbring-Clark.**

SERVICE:

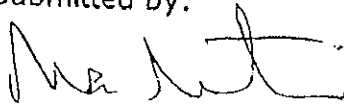
The Canon MS-800II comes with a **90-Day Warranty** which includes all defective parts and the associated labor. Annual service contract includes all parts and labor on the MS-800II would begin on the 91st day.

\$695.00

Billable rate without a contract is \$85.00 for the first half-hour, \$30.00 for each 15 minutes thereafter, plus parts.

- ♦ Sales tax where applicable.
- ♦ Prices are firm for 30 days.

Submitted by:



Mari Martin, CDIA
Document Management Specialist



Canon Authorized Dealer

A Reputation for Service

www.hasselbringclark.com

SERVING MICHIGAN SINCE 1958

September 29, 2009

Capt. Andy Olson
Muskegon, City of Police Dept.
980 Jefferson St.
Muskegon, MI 49440

QUOTATION ON A CANON DR-2510C DOCUMENT SCANNER

(1) Canon DR-2510C Scanner

Includes: 25 ppm Simplex Scanning Speeds
50 lpm Duplex Scanning Speeds
Skip Blank Page Option
Color, Grayscale, Black & White
Advanced Text Enhancement (2 Types)
Color Dropout/Enhancement
Ultrasonic Double Feed Detection
Prevent Bleed-through/Remove Background
Prescan & Auto Paper Size Detection
Deskew (straightens skewed image)
Batch Separation
Approximate 1,500 Per Day Duty Cycle
Capture Perfect Software (included free)
USB Cable

Canon's Suggested Retail Price	\$ 795.00
Less Promotional Discounts	\$- 180.00
Total	\$ 615.00

Delivery, initial installation and training on the DR-2510C will be provided free of charge by Hasselbring-Clark.

Warranty:

The Canon DR-2510C comes with a **One Year Limited Warranty** which includes all defective parts and the associated labor. It does not cover user replaceable rollers or on-site IT support which would be billable.

- Prices are firm for 30 days
- Tax where applicable.

Sincerely yours,

Marl Martin, CDIA
Document Management Specialist

Commission Meeting Date: October 13, 2009

Date: October 6, 2009
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Hackley Park Former Fence Usage

SUMMARY OF REQUEST:

The McLaughlin Neighborhood Association would like approval to use the former wrought iron fence around the Hackley Park statue. The fence is in the process of being replaced and has already been taken down and put in storage. The fence would be installed at the McLaughlin Pocket Park along Isabella St. and Terrace St.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval to use the fence at the McLaughlin Pocket Park.

COMMITTEE RECOMMENDATION:

None

Fencing:

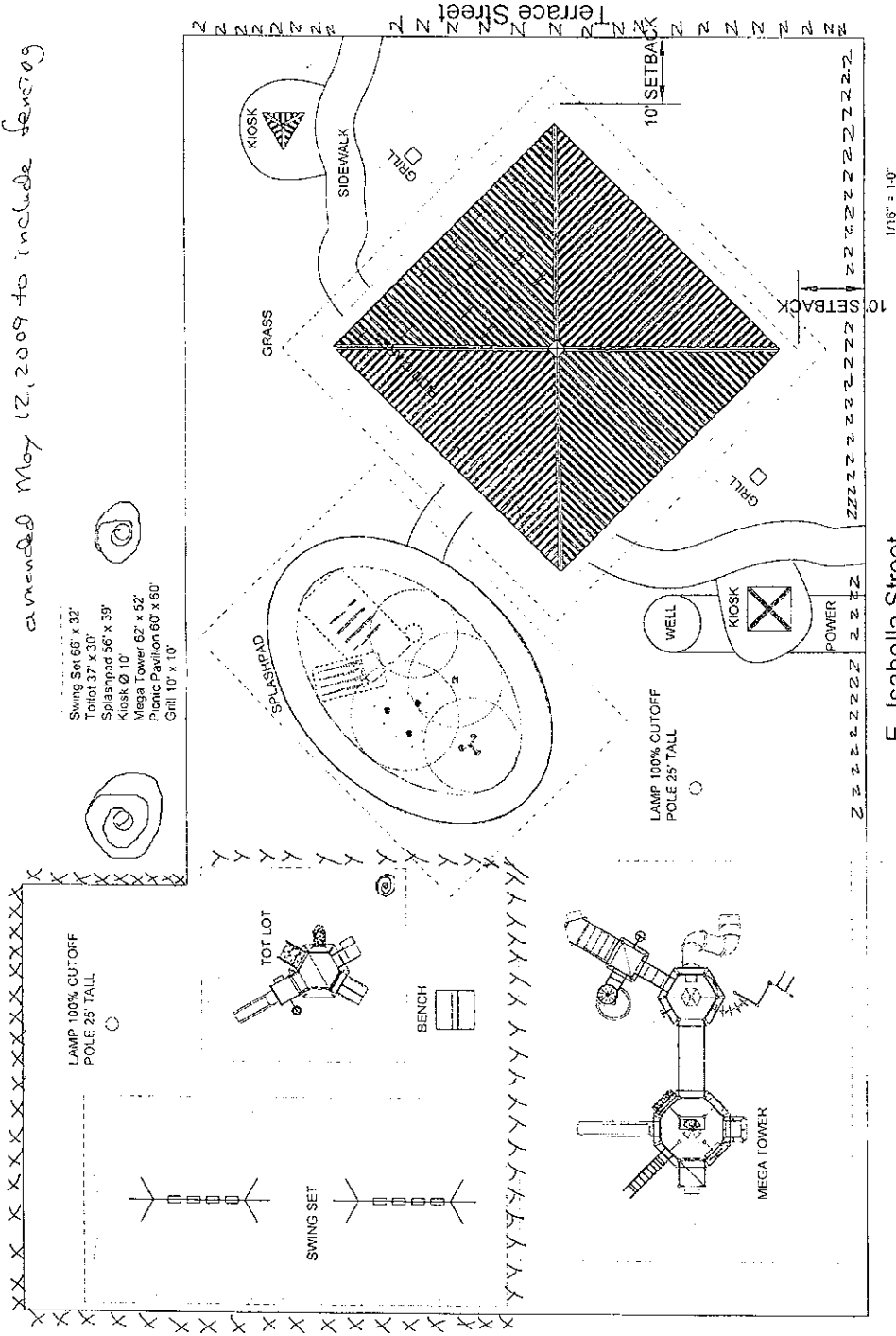
X = Stockpile 6'

Y = Metal 5'
temporary

Z = Metal 2'
1.5' inside
sidewalk

McLaughlin Pocket Park
Site Plan

amended May 12, 2009 to include fencing



APPROVED
CITY OF MUSKOGEE
Date: _____

E. Isabella Street

Date: October 13, 2009

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Appraisal Services

SUMMARY OF REQUEST: In an effort to avoid a lengthy and costly property tax appeal, the new owner/developer of the Shoreline Inn properties has approached the City with the concept of mutually selecting an independent appraiser to set the value for the property. The property owner and city would share appraisal costs and agree to the independently determined value. Staff believes this is a cost-effective approach and will save attorney fees, interest charges and other costs associated with a lengthy appeal. Moreover, if a traditional appeal were pursued, the city would still have to hire an appraiser due to the complexity of the properties (i.e. hotel, marina, restaurant).

FINANCIAL IMPACT: City's share is not to exceed \$12,500. Costs will be paid from the DDA fund since taxes on this property are collected as DDA tax increments.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION: None.

Date: October 6, 2009
To: Honorable Mayor and City Commissioners
From: Lowell Kirksey, Recreation Supervisor
RE: Special Event Liquor License Request- The Pelto Initiative

SUMMARY OF REQUEST: The Pelto Initiative, 1937 Lakeshore Drive is requesting a temporary liquor license to serve spirits on October 31, 2009 during their Scarefest 2009 film festival with movie premiere event (Muskegon Athletic Club LLC holds the first license for October 30th thru October 31, 2009).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: None

COMMITTEE RECOMMENDATION: The Leisure Services Board approved this event at their September 21st meeting.

Commission Meeting Date: October 13, 2009

Date: September 22, 2009
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Public Hearing to Review 2008-2009
Consolidated Annual Performance Evaluation
Report (CAPER)

SUMMARY OF REQUEST: To conduct a public hearing on October 13, 2009 to review accomplishments and receive comments from the public concerning the 2008– 2009 Consolidated Annual Performance Evaluation Report (CAPER) developed by the Community and Neighborhood Services department.

After the public hearing has been conducted and all the comments have been documented; the Community and Neighborhood Services office requests that the Commission direct the staff to submit the required documents to the U. S. Department of Housing and Urban Development (HUD) in compliance with 24 CFR 91.520, by no sooner than October 29, 2009.

FINANCIAL IMPACT: The City is required to submit the CAPER report in order to continue receiving Community Development Block Grant (CDBG) and HOME funding.

BUDGET ACTION REQUIRED: None.

COMMITTEE RECOMMENDATION: The document was reviewed by the Citizen District Council.

STAFF RECOMMENDATION: To direct staff to gather comments from the public and to submit the CAPER to HUD after the public comment period has elapsed.

Public Notice

Availability of 2008-2009 Consolidated Annual Performance Evaluation Report

In compliance with CFR 24.91.520 in regards to the City of Muskegon's Community Development Block Grant and HOME entitlements, the City of Muskegon is announcing the availability of the 2008-2009 Consolidated Annual Performance Evaluation Report (CAPER). The CAPER report is to detail the City's progress at meeting its strategic goals and objectives as outlined in the City's 2005-2010 Consolidated Plan by reviewing last fiscal years CDBG, HOME and Lead S.A.F.E activities. Anyone wanting to review the CAPER can come to the City of Muskegon City Clerks office, or the Community and Neighborhood Service office at 933 Terrace or Hackley Public Library reference desk at 316 W. Webster. The CAPER will also be available on the City's website www.muskegon-mi.gov after September 28th.

The Community and Neighborhood Services department will be holding a Public Hearing in reference to the CAPER on October 13, 2009 at 5:30 p.m. in the City of Muskegon's Commission Chambers.

All interested housing advocates, developers, nonprofits and City of Muskegon residents are hereby informed of the Public Hearing. This Public Notice is hereby informing the public of the availability of the CAPER report from September 22, 2009 to October 22, 2009.

The City of Muskegon will not submit the CAPER to the U.S. Department of Housing and Urban Development until after October 22, 2009. Any citizen wishing to contact the U.S. Department of Housing and Urban Development directly may do so by writing to U.S. Department of Housing and Urban Development, 477 Michigan Avenue, Detroit, Michigan. For more information concerning the Public Hearing and/or the CAPER report, contact Wilmern G. Griffin, Director of Community and Neighborhood Services, 231-724-6717 or E-Mail wilmern.griffin@postman.org.

Publish: September 26, 2009.

Date: October 13, 2009
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids for:
B-238 Smith Ryerson Park Improvements

SUMMARY OF REQUEST:

Authorize staff to negotiate with Lakewood Construction out of Holland, Michigan on the Smith Ryerson Park Improvements project.

See attached memo.

FINANCIAL IMPACT:

None at this time

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Authorize staff to negotiate with Lakewood Construction.

COMMITTEE RECOMMENDATION:



Sidock Group, Inc.

ENGINEERS • ARCHITECTS • CONSULTANTS • PROJECT MANAGERS

May 7, 2009

Mohammed Al-Shatel
City Engineer
City of Muskegon
933 Terrace
Muskegon, MI 49440

Subject: Smith Ryerson Park Improvements Bid Recommendations

Dear Mohammed:

We have tabulated the bids for Smith Ryerson Park. There were 9 bidders and the as read bid prices ranged from a low of \$499,403 to the high of \$876,174. The low bidder was Lakewood Construction; however they had a math error on their bid in the summation column. Using their line item prices the correct total is \$726,570.91 and they are still the low bidder. The next bidder was Rockford Construction with an as read price of \$742,203.41 and a corrected price of \$742,101.41.

The construction budget for the job is approximately \$520,000. We recommend that the City Commission allow you to negotiate with the low bidder, Lakewood Construction, and eliminate line items in the bid that were not in the DNR grant to bring the project within budget. We would also recommend that if negotiations are not successful with Lakewood Construction that negotiations could begin with the next bidder, Rockford Construction.

If you have any questions regarding the bid tabulation please call.

Sincerely,

SIDOCK GROUP, INC.

William P Frazier

William P Frazier, P.E.
Project Manager

Award will be based on the lowest base bid.

Not legible

Math

Bid Tabulation Smith Ryerson Park Improvements

Item	Description	Unit	Quantity	Engineer's Estimate		Lakewood Construction		Rockford Construction		Muskegon Quality Builders		Clifford Buck Construction		Wolverine Building		Tridonn Construction		Jackson-Merkey		Muskegon Construction		Jaran Construction	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
																				No Unit Prices Submitted			
1	Mobilization and General Conditions (not to exceed 5% of contract amount	Lump Sum	1	\$20,000.00	\$20,000.00	\$54,835.25	\$54,835.25	\$4,480.00	\$4,480.00	\$33,557.00	\$33,557.00	\$35,700.00	\$35,700.00	\$21,749.88	\$21,749.88	\$25,685.00	\$25,685.00	\$39,375.00	\$39,375.00		\$0.00	\$21,400.00	\$21,400.00
2	Tree Removal, 8 inch to 18 inch	Each	2	\$200.00	\$400.00	\$364.00	\$728.00	\$392.00	\$784.00	\$200.00	\$400.00	\$350.00	\$700.00	\$275.31	\$550.62	\$418.25	\$836.50	\$635.00	\$1,270.00		\$0.00	\$535.00	\$1,070.00
3	Site Clearing	Acre	3	\$3,000.00	\$9,000.00	\$780.00	\$2,340.00	\$840.00	\$2,520.00	\$1,666.67	\$5,000.01	\$750.00	\$2,250.00	\$2,422.77	\$7,268.31	\$896.25	\$2,688.75	\$5,300.00	\$15,900.00		\$0.00	\$3,388.33	\$10,164.99
4	Pavement Removal	Square Yard	7110	\$3.00	\$21,330.00	\$0.31	\$2,184.19	\$1.12	\$7,963.20	\$1.60	\$11,376.00	\$1.00	\$7,110.00	\$0.84	\$5,972.40	\$1.10	\$7,821.00	\$1.50	\$10,665.00		\$0.00	\$2.26	\$16,068.60
5	Curb and Gutter Removal	Foot	86	\$4.00	\$344.00	\$4.16	\$357.76	\$4.48	\$385.28	\$2.00	\$172.00	\$4.00	\$344.00	\$2.20	\$189.20	\$4.78	\$411.08	\$6.00	\$516.00		\$0.00	\$6.22	\$534.92
6	Removal, Basketball Poles	Each	4	\$200.00	\$800.00	\$78.00	\$312.00	\$84.00	\$336.00	\$100.00	\$400.00	\$75.00	\$300.00	\$220.25	\$881.00	\$89.63	\$358.52	\$220.00	\$880.00		\$0.00	\$66.88	\$267.52
7	Removal, Site Lighting Poles	Lump Sum	1	\$200.00	\$200.00		\$728.00	\$280.00	\$280.00	\$600.00	\$600.00	\$400.00	\$400.00	\$385.44	\$385.44	\$933.00	\$933.00	\$1,600.00	\$1,600.00		\$0.00	\$2,461.00	\$2,461.00
8	Fence Removal	Foot	369	\$2.00	\$738.00	\$3.12	\$1,151.28	\$3.36	\$1,239.84	\$1.50	\$553.50	\$3.00	\$1,107.00	\$3.30	\$1,217.70	\$3.59	\$1,324.71	\$4.00	\$1,476.00		\$0.00	\$2.61	\$963.09
9	Removal, Baseball Backstop	Each	2	\$500.00	\$1,000.00	\$156.00	\$312.00	\$168.00	\$336.00	\$300.00	\$600.00	\$150.00	\$300.00	\$550.63	\$1,101.26	\$179.25	\$358.50	\$760.00	\$1,520.00		\$0.00	\$535.00	\$1,070.00
10	Removal, Benches	Lump Sum	1	\$50.00	\$50.00		\$182.00	\$196.00	\$196.00	\$100.00	\$100.00	\$175.00	\$175.00	\$550.63	\$550.63	\$209.13	\$209.13	\$300.00	\$300.00		\$0.00	\$428.00	\$428.00
11	Removal, Posts	Lump Sum	1	\$500.00	\$500.00		\$182.00	\$196.00	\$196.00	\$100.00	\$100.00	\$175.00	\$175.00	\$55.06	\$55.06	\$209.13	\$209.13	\$150.00	\$150.00		\$0.00	\$428.00	\$428.00
12	Remove, Existing Electric Meter	Lump Sum	1	\$500.00	\$500.00		\$104.00	\$580.00	\$580.00	\$400.00	\$400.00	\$200.00	\$200.00	\$220.25	\$220.25	\$120.00	\$120.00	\$700.00	\$700.00		\$0.00	\$535.00	\$535.00
13	Remove Existing Water Meter	Lump Sum	1	\$500.00	\$500.00		\$208.00	\$448.00	\$448.00	\$400.00	\$400.00	\$500.00	\$500.00	\$275.31	\$275.31	\$239.00	\$239.00	\$700.00	\$700.00		\$0.00	\$642.00	\$642.00
14	Dewatering	Lump Sum	1	\$5,000.00	\$5,000.00		\$2,600.00	\$2,800.00	\$2,800.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00	\$5,506.30	\$5,506.30	\$2,987.50	\$2,987.50	\$3,700.00	\$3,700.00		\$0.00	\$2,140.00	\$2,140.00
15	Site Grading	Lump Sum	1	\$20,000.00	\$20,000.00		\$42,857.36	\$46,154.00	\$46,154.00	\$30,000.00	\$30,000.00	\$41,209.00	\$41,209.00	\$105,170.28	\$105,170.28	\$49,244.75	\$49,244.75	\$42,000.00	\$42,000.00		\$0.00	\$132,680.00	\$132,680.00
16	Timber Pile	Each	8	\$500.00	\$4,000.00	\$1,159.60	\$9,276.80	\$1,232.00	\$9,856.00	\$1,125.00	\$9,000.00	\$1,215.00	\$9,720.00	\$966.36	\$7,730.88	\$1,332.50	\$10,660.00	\$1,150.00	\$9,200.00		\$0.00	\$2,407.50	\$19,260.00
17	Maintenance Gravel	Cubic Yard	500	\$20.00	\$10,000.00	\$3.64	\$1,820.00	\$3.92	\$1,960.00	\$22.00	\$11,000.00	\$3.50	\$1,750.00	\$5.51	\$2,755.00	\$4.19	\$2,095.00	\$1.00	\$500.00		\$0.00	\$21.40	\$10,700.00
18	Aggregate Base Coarse 22A, 4 inch	Square Yard	4489	\$4.50	\$20,200.50	\$5.67	\$25,443.65	\$6.10	\$27,382.90	\$2.70	\$12,120.30	\$5.45	\$24,465.05	\$2.75	\$12,344.75	\$6.52	\$29,268.28	\$3.70	\$16,609.30		\$0.00	\$2.98	\$13,377.22
19	Aggregate Base Coarse 22A, 6 inch	Square Yard	6442	\$5.00	\$32,210.00	\$3.59	\$23,113.90	\$3.86	\$24,866.12	\$3.76	\$24,196.15	\$3.45	\$22,224.90	\$2.75	\$17,715.50	\$4.13	\$26,605.46	\$4.75	\$30,599.50		\$0.00	\$3.16	\$20,356.72
20	Curb and Gutter, Conc, Det F4	Foot	80	\$18.00	\$1,440.00	\$16.64	\$1,331.20	\$24.92	\$1,993.60	\$22.00	\$1,760.00	\$25.00	\$2,000.00	\$14.32	\$1,145.60	\$20.32	\$1,625.60	\$18.00	\$1,440.00		\$0.00	\$25.41	\$2,032.80
21	Driveway Opening, Conc, Det M	Foot	70	\$18.00	\$1,260.00	\$17.68	\$1,237.60	\$26.04	\$1,822.80	\$26.00	\$1,820.00	\$30.00	\$2,100.00	\$14.32	\$1,002.40	\$21.51	\$1,505.70	\$18.00	\$1,260.00		\$0.00	\$18.34	\$1,283.80
22	Drainage Structure Cover	Pound	500	\$1.25	\$625.00	\$1.56	\$780.00	\$1.68	\$840.00	\$1.50	\$750.00	\$1.50	\$750.00	\$1.65	\$825.00	\$1.80	\$900.00	\$1.00	\$500.00		\$0.00	\$1.71	\$855.00
23	Drainage Structure Adjust	Each	1	\$350.00	\$350.00		\$312.00	\$336.00	\$336.00	\$150.00	\$150.00	\$300.00	\$300.00	\$165.19	\$165.19	\$359.00	\$359.00	\$350.00	\$350.00		\$0.00	\$267.50	\$267.50
24	HMA, 3C	Ton	850	\$45.00	\$38,250.00	\$72.80	\$61,880.00	\$69.31	\$58,913.50	\$66.75	\$56,733.25	\$62.00	\$52,700.00	\$68.15	\$57,927.50	\$79.76	\$67,796.00	\$62.00	\$52,700.00		\$0.00	\$68.98	\$58,633.00
25	HMA, 4C	Ton	584	\$45.00	\$26,280.00	\$72.80	\$42,515.20	\$72.26	\$42,199.84	\$64.52	\$37,679.68	\$65.00	\$37,960.00	\$71.05	\$41,493.20	\$77.10	\$45,026.40	\$65.00	\$37,960.00		\$0.00	\$69.07	\$40,336.88
26	HMA, 36A, Bicycle Path	Ton	181	\$75.00	\$13,575.00	\$74.88	\$13,553.28	\$80.84	\$14,632.04	\$82.84	\$14,994.04	\$73.00	\$13,213.00	\$79.29	\$14,351.49	\$99.00	\$17,919.00	\$73.00	\$13,213.00		\$0.00	\$87.49	\$15,835.69
27	Sidewalk Ramp, ADA	Square Foot	175	\$9.00	\$1,575.00	\$9.43	\$1,650.48	\$7.00	\$1,225.00	\$25.00	\$4,375.00	\$27.00	\$4,725.00	\$4.68	\$819.00	\$8.48	\$1,484.00	\$6.00	\$1,050.00		\$0.00	\$30.57	\$5,349.75
28	Concrete Sidewalk, 4 inch	Square Foot	1440	\$3.00	\$4,320.00	\$3.22	\$4,642.56	\$4.26	\$6,134.40	\$2.50	\$6,300.00	\$3.50	\$5,040.00	\$2.31	\$3,326.40	\$3.65	\$5,256.00	\$2.70	\$3,888.00		\$0.00	\$2.60	\$3,744.00
29	Concrete Slab, Picnic Shelter, 5 inch	Square Foot	3560	\$3.75	\$13,350.00	\$3.12	\$11,107.20	\$4.09	\$14,560.40	\$2.70	\$9,612.00	\$3.20	\$11,392.00	\$2.75	\$9,790.00	\$3.11	\$11,071.60	\$2.50	\$8,900.00		\$0.00	\$4.03	\$14,346.80
30	Concrete Slab, Basketball Courts, 4 Inch	Square Foot	14040	\$3.00	\$42,120.00	\$2.50	\$35,043.84	\$3.36	\$47,174.40	\$2.50	\$35,100.00	\$2.80	\$39,312.00	\$2.31	\$32,432.40	\$2.63	\$36,925.20	\$2.25	\$31,590.00		\$0.00	\$2.29	\$32,151.60
31	Outlook and Ramp	Each	1	\$7,000.00	\$7,000.00		\$14,141.92	\$26,434.00	\$26,434.00	\$13,158.00	\$13,158.00	\$12,977.00	\$12,977.00	\$25,879.60	\$25,879.60	\$16,649.00	\$16,649.00	\$25,000.00	\$25,000.00		\$0.00	\$21,400.00	\$21,400.00
32	Concession Stand and Restroom Facility	Lump Sum	1	\$95,000.00	\$95,000.00		\$181,530.96	\$187,728.00	\$187,728.00	\$157,570.00	\$157,570.00	\$179,674.00	\$179,674.00	\$189,534.47									

Date: October 13, 2009

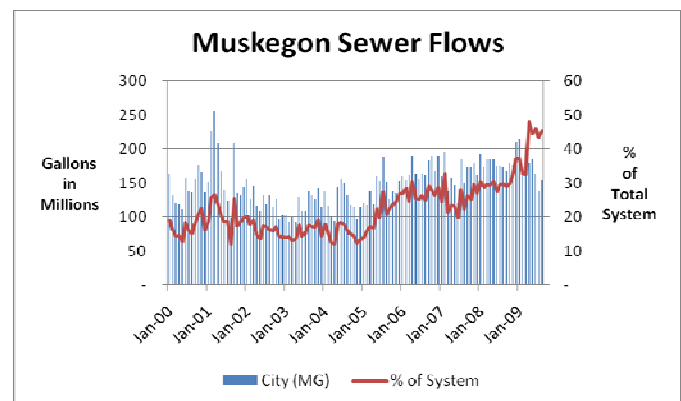
To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Sewer Rate Adjustment

SUMMARY OF REQUEST: The city last adjusted sewer rates on January 1, 2009 (a 12% increase). Since then, Sappi Paper has announced it is permanently closing the Muskegon mill operation and the state has announced closing of the Muskegon Correctional facility. In response, Muskegon County has announced it will raise wholesale sewer rates to municipal customers (including the city), by an initial 15%. It is certain that another substantial wholesale rate increase will follow within the next year. City staff is recommending a 25% retail rate increase to be effective 1/1/10.

The proposed retail increase is greater than 15% for two reasons: 1) the cash position of the sewer fund is very poor and needs to be addressed quickly and, 2) within the year, we anticipate a second county rate increase that will be equal to or larger than the announced 15%. We are hopeful that increasing retail rates more substantially now will mitigate the level of increase needed later.



We continue to work with the county on metering issues. Some progress has been made as shown on the accompanying chart. Monthly flows have decreased with use of the new "C" station meter as the basis for computing city flows. Also, the new county leadership appears to recognize the importance of fully metering city flows.

However, even as monthly flows have fallen, the city's share of the total system has grown dramatically with the downsizing and eventual closing of Sappi (see chart, right axis). The 40-year intergovernmental sewage treatment agreement expires in 2010. There are many issues impacting the city that will need to be worked out in a new agreement.

FINANCIAL IMPACT: The proposed sewer rate adjustment will generate \$1,225,000 additional annual revenue for the city's sewer fund. The financial impact for a typical city residential user (15,000 gal/month) will be \$118.20 annually (\$9.85 monthly). The city will start monthly utility billing in the next few weeks which will help residents budget for these costs and avoid the buildup of extraordinarily large bills.

BUDGET ACTION REQUIRED: None at this time. If the rate increase is approved, it will be incorporated into the quarterly budget reforecast together with the higher anticipated county treatment costs.

STAFF RECOMMENDATION: Adoption of the attached fee adjustment resolution.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON
RESOLUTION NO. _____

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on October 13, 2009.

RECITALS

A review of the rates for sewer service has been accomplished by the City's staff, recommendations received, and the City Commission has determined that the following rate changes are justified. Accordingly, this resolution is made for the purpose of maintaining the financial viability of the City's sewer system.

THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. Charges for residential sewer service shall be changed from \$1.97 per 100 cubic feet to \$2.46 per 100 cubic feet;
2. Charges for commercial/industrial sewer service shall be changed from \$2.48 per 100 cubic feet to \$3.10 per 100 cubic feet;
3. Charges for all non-metered residential sewer customers will be calculated based on an assumed usage rate of 35 hundred cu. ft. per quarter.
4. Unless there is a separate agreement specifying a different billing method, non-resident users of the city sewer system will be billed at a rate that is double (2x) the city rate for that class of user.

The above changes to be effective January 1, 2010.

This resolution adopted.

YEAS:

NAYS:

CITY OF MUSKEGON

By'

STATE OF MICHIGAN COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the 13th day of October, 2009 and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to an in compliance with Act 267, Public Acts of Michigan, 1976.

CITY OF MUSKEGON

SEWER FUND

2006- 2011

	2006	2007	2008	2009	2010	2011
	16% Increase (eff 1/1/06)	15% Increase (eff 7/1/07)		12% Increase (eff 1/1/09)	25% Increase (eff 1/1/10)	15% Increase (eff 1/1/11)
OPERATING REVENUES						
Charges for services	\$ 4,730,147	\$ 5,091,215	\$ 5,201,800	\$ 5,700,000	\$ 6,925,000	\$ 7,963,750
Other revenues	73,555	87,880	124,987	110,000	110,000	110,000
	4,803,702	5,179,095	5,326,787	5,810,000	7,035,000	8,073,750
OPERATING EXPENSES						
Operating and administrative	393,064	296,393	330,080	382,933	377,850	377,850
Wastewater treatment	3,871,293	4,138,818	4,647,049	4,850,000	5,500,000	6,218,000
Filtration plant operation	-	-	-	-	-	-
Water distribution	-	-	-	-	-	-
Bad debts	5,939	-	2,214	3,000	3,000	3,000
Depreciation	653,028	659,905	532,656	532,656	532,656	532,656
	4,923,324	5,095,116	5,511,999	5,768,589	6,413,506	7,131,506
Operating profit (loss)	(119,622)	83,979	(185,212)	41,411	621,494	942,244
OTHER (INCOME) OR DEDUCTIONS						
Interest income	39,199	34,045	11,860	5,000	10,000	15,000
Gain on sale of fixed assets	-	-	-	-	-	-
State grant	-	-	-	-	-	-
Interest expense	(63,233)	(25,221)	(12,550)	-	-	-
	(24,034)	8,824	(690)	5,000	10,000	15,000
Income (loss) before operating transfers and extraordinary loss	(143,656)	92,803	(185,902)	46,411	631,494	957,244
Operating transfers in (out)	107,356	-	-	-	-	-
Net income (loss) before extraordinary loss	(36,300)	92,803	(185,902)	46,411	631,494	957,244
Extraordinary loss/claim	-	-	-	-	-	-
NET INCOME (LOSS)	(36,300)	92,803	(185,902)	46,411	631,494	957,244
Net assets at January 1	14,486,564	14,450,264	14,543,067	14,357,165	14,403,576	15,035,070
Equity transfer in (out)	-	-	-	-	-	-
Net assets at December 31	\$ 14,450,264	\$ 14,543,067	\$ 14,357,165	\$ 14,403,576	\$ 15,035,070	\$ 15,992,314
Cash flows from operating activities						
Receipts from customers	\$ 4,601,177	\$ 5,137,181	\$ 4,949,503	\$ 5,529,000	\$ 6,717,250	\$ 7,724,838
Receipts for internal services provided	24,154	24,456	34,868	34,868	34,868	34,868
Payments to suppliers	(3,046,731)	(3,129,849)	(3,478,874)	(3,750,000)	(4,300,000)	(4,900,000)
Payments to employees	(640,740)	(726,951)	(751,866)	(800,000)	(800,000)	(800,000)
Payments to internal service funds	(543,825)	(652,716)	(620,785)	(620,785)	(620,785)	(620,785)
Net cash provided by (used for) operating activities	394,035	652,121	132,846	393,083	1,031,333	1,438,921
Cash flows from noncapital financing activities						
State grants	-	-	-	-	-	-
Cash deficit	-	-	-	-	-	-
Transfers in	-	-	-	-	-	-
Transfers out	-	-	-	-	-	-
Net cash provided by (used for) noncapital financing activities	-	-	-	-	-	-
Cash flows from capital and related financing activities						
State grants	-	-	-	-	-	-
Capital contributions	107,356	-	-	-	-	-
Acquisition and construction of capital assets	(340,777)	(281,888)	(602,806)	(320,000)	(445,000)	(600,000)
Proceeds from sale of capital assets	-	-	-	-	-	-
Proceeds from loan	-	-	-	-	-	-
Principal paid on bonds	(511,626)	(506,822)	(546,278)	-	-	-
Interest paid on bonds	(63,233)	(25,221)	(12,550)	-	-	-
Net cash provided by (used for) capital and related financing activities	(808,280)	(813,931)	(1,161,634)	(320,000)	(445,000)	(600,000)
Cash flows from investing activities						
Interest and dividends on investments	39,199	34,045	11,860	30,000	30,000	30,000
Collections on contract receivable	-	-	-	-	-	-
Net cash provided by investing activities	39,199	34,045	11,860	30,000	30,000	30,000
Net increase (decrease) in cash and cash equivalents	(375,046)	(127,765)	(1,016,928)	103,083	616,333	868,920
Cash and cash equivalents at beginning of year	1,270,352	895,306	767,541	(249,387)	(146,304)	470,029
Cash and cash equivalents at end of year	\$ 895,306	\$ 767,541	\$ (249,387)	\$ (146,304)	\$ 470,029	\$ 1,338,950

DATE: 10/06/2009
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN080135

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **60 E WALTON AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN080135 - 60 E WALTON AVE

Location and ownership: This structure is located on Walton between Spring and Pine Streets and is owned by BERGSMA JEFFREY/DENISE.

Staff Correspondence: A dangerous building inspection was conducted on 06/03/08. The Notice and Order to Repair was issued on 07/21/08. A interior inspection was conducted 01/05/09. The case came before the Housing Board of Appeals 01/08/09 and was tabled 30 days to allow owner time to decide if property was to become owner occupied or rental and provide timeline for repairs. The case came back before HBA on 03/05/09 and was tabled until June 2009 with owner to obtain appropriate permits and schedule final inspections. The case returned to the HBA on 07/02/09 and was declared dangerous, substandard and a public nuisance with a delay going to commission until September 2009 .

Owner Contact: Mr. Bergsma was present for all scheduled HBA meetings. Mr. Bergsma stated he had served in the military and was experiencing some personal setbacks but was taking steps to get on track and complete repairs and had decided the property would be become owner occupied. A building permit was issued 07/07/09. Work appears to have commenced on porch and exterior of building but has since stopped.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$9,900 (Entire property)

Estimated cost to repair: \$10,000

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

SUMMARY FOR: 60 E WALTON AVE

This is a single family, one story wood frame structure. This building is currently unoccupied. A building permit was issued on July 7, 2009 and expired September 1, 2009 without inspection. As of this date, no one has applied for permits to do plumbing, mechanical or electrical work. It appears that work has commenced on the front porch however no inspections have occurred.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Wednesday, June 11, 2008

Enforcement # EN080135 **Property Address** 60 E WALTON AVE
Parcel #24-205-189-0019-00 **Owner** BURT ROBERTA

Inspector: Henry Faltinowski

Date completed: 06/03/2008

DEFICENCIES:

Uncorrected

1. Repair front porch foundation to MRC 2003 Code. Foundation collapsing.
2. Repair side porch to MRC 2003 Code rotted.
3. Replace back door -landing.
4. Repair perimeter foundation of home.
5. Provide rafter investigation-large hump in roof system.
6. Repair all damaged siding.
7. Scrape and paint all exterior wood.
8. Provide interior inspection.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date

CITY OF MUSKEGON
933 Terrace St., P.O. Box 536, Muskegon, MI 49443 (231)724-6715
DANGEROUS BUILDING INTERIOR INSPECTION REPORT

60 E WALTON AVE
01/05/2009

(Uncorrected – Interior only)

1. Wire kitchen to code.
2. Wire bathroom to code.
3. Install smoke alarms to code.
4. Need access to electrical panel for inspection.
5. Replace all painted plugs & switches.
6. All light fixtures to be complete.
7. Insure all wiring is safe.
8. 3 wire plugs to be grounded.
9. Insure all supply & return air vents are intact.
10. Pressure test gas line.
11. Support outside exterior heat vent chimney.
12. Inspect & certify water heater & furnace.
13. Need T & P drain line for water heater.
14. Must maintain 6" clearance to SW vent @ water heater (water piping).
15. Inspect all house plumbing insure working order.
16. Need hammer arrestors for laundry.
17. Replace all damaged walls, ceiling, floor coverings.
18. Repair - replace all damaged doors, windows, thresholds.
19. Smoke alarms per MRC 2006 code.
17. Need scald free valves for tub & shower.
18. Reset toilet support house plumbing.
19. Provide insulation sleeve for B vent at ceiling.
20. Provide 1" clearance for B vent at roof.
21. Inspect house sewer.
22. Replace all damaged walls, ceiling, floor coverings.
23. Repair - replace all damaged doors, windows, thresholds.
24. Smoke alarms per MRC 2006 code.

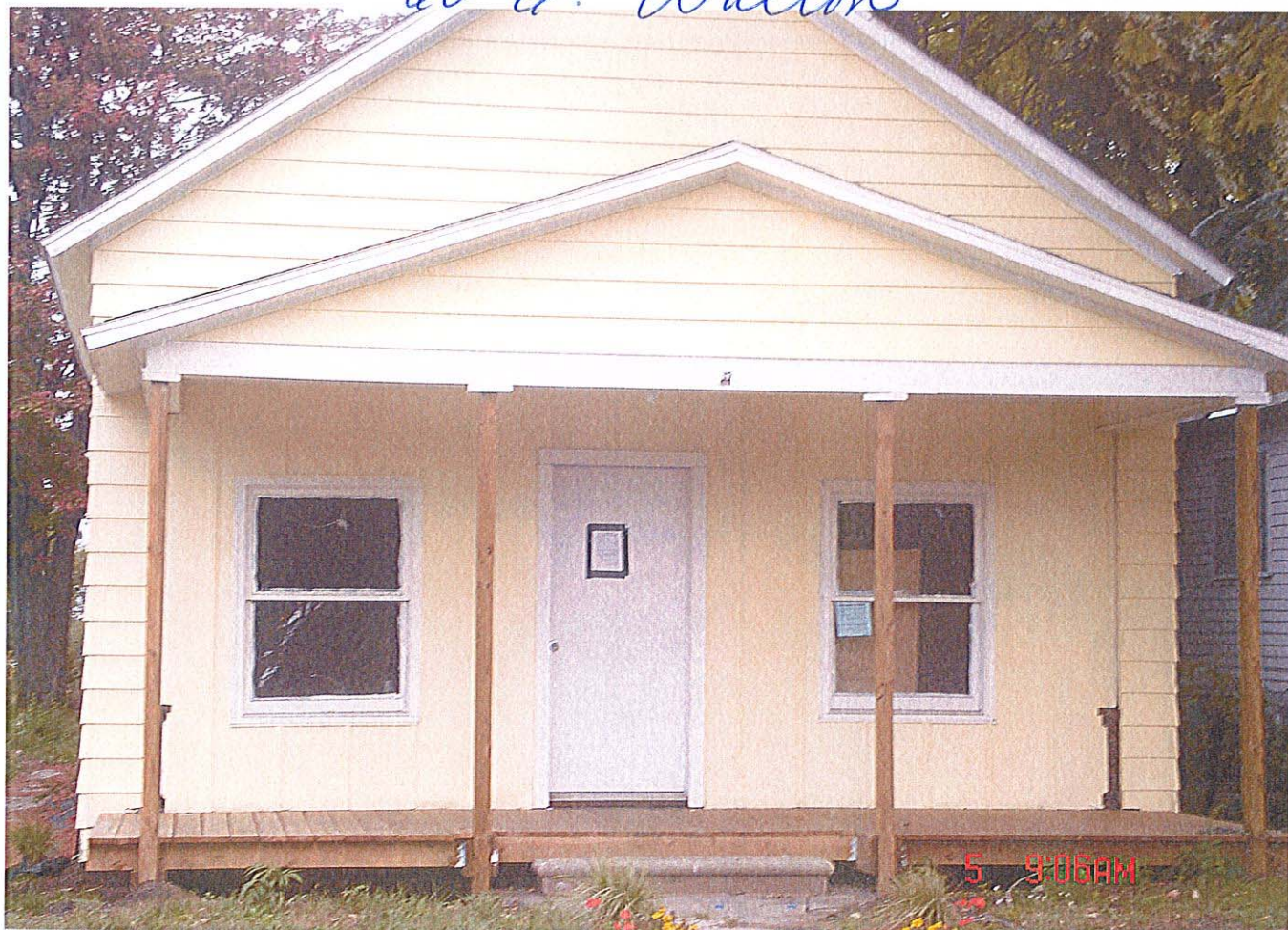
BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



60 E. Walton



DATE: 10/06/2009
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090038

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1409 NOLAN AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN090038 - 1409 NOLAN AVE

Location and ownership: This structure is located on Nolan between Moore and Greeley Streets and is owned by Denise Meyer and Branden Hamlett.

Staff Correspondence: A dangerous building inspection was conducted on 02/10/09. The Notice and Order to Repair was issued on 02/16/09. An interior inspection was conducted 05/05/09. On 04/02/09 the HBA declared the structure substandard and dangerous with delay going to Commission after 120 days.

Owner Contact: Attorney Paul Ladas who was representing previous owners was present with new owners Denise Meyer and Branden Hamlett at HBA meeting dated 04/02/09. The new owners were undecided whether they would demolish or rehab structure. There has been no contact with new owners since interior inspection was conducted and no permits have been issued to rehab or demolish structure.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 22,600(Entire property)

Estimated cost to repair: \$20,000

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

SUMMARY FOR: 1409 NOLAN AVE

This is a wood frame, single story, single family dwelling. This dwelling is currently vacant and has been for some time. After numerous complaints from neighbors a dangerous building exterior inspection was performed in February 2009 and an interior inspection was performed in May 2009. As of this date there have been no permits applied for or issued and it appears that no attempt has been made to rehabilitate this structure. The building is currently a blighting influence on the neighborhood and will continue to deteriorate.

CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

DANGEROUS BUILDING INSPECTION REPORT

Tuesday, February 10, 2009

Enforcement # EN090038

Parcel #24-205-543-0001-00

Property Address 1409 NOLAN AVE

Owner WALLOR JOHN/WALLOR JESSICA

Inspector: Henry Faltinowski

Date completed: 02/10/2009

DEFICIENCIES:

Uncorrected

1. Replace all damaged roof covering and damaged sheathing, check for rafter damage.
2. Replace damaged, rotted siding on home.
3. Numerous broken out windows.
4. Provide interior inspection by trade inspectors.
5. Remove collapsed shed in yard.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date

City of Muskegon
933 Terrace St., P.O. Box 536, Muskegon, MI 49443
(231) 724-6715

Thursday, May 28, 2009

DANGEROUS BUILDING INTERIOR INSPECTION REPORT

Property Address: 1409 NOLAN AVE **Parcel #** 24-205-543-0001-00

Owner: Denise Meyer & Branden Hamlett

Inspection Type: DB Interior Inspection **Inspector:** Henry Faltinowski

Date completed: 05/05/2009

DEFICIENCIES:

Uncorrected - Exterior

1. Replace all damaged roof covering and damaged sheathing, check for rafter damage.
2. Replace damaged, rotted siding on home.
3. Numerous broken out windows.
4. Provide interior inspection by trade inspectors.
5. Remove collapsed shed in yard.

Uncorrected – Interior 05/05/09

1. House to be rewired to code.
2. Smoke alarms to be installed to code.
3. Electric service to meet code.
4. Pressure test gas line.
5. Provide supply air & return air to rooms.
6. Need new tub & scald free faucet.
7. Inspect & repair all house plumbing as needed.
8. Need hammer arrestors.
9. Inspect & certify furnace, water heater, chimney & AC
10. Provide clearances to combustibles at water heater.
11. Beams and floor joists are in need of structural repair requiring proper bearing per MRC 2006.
12. Repair - replace all damaged flooring, walls, ceiling.
13. Remove - or rebuild back porch and crawl space access. Severe structural damage in this area.

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in

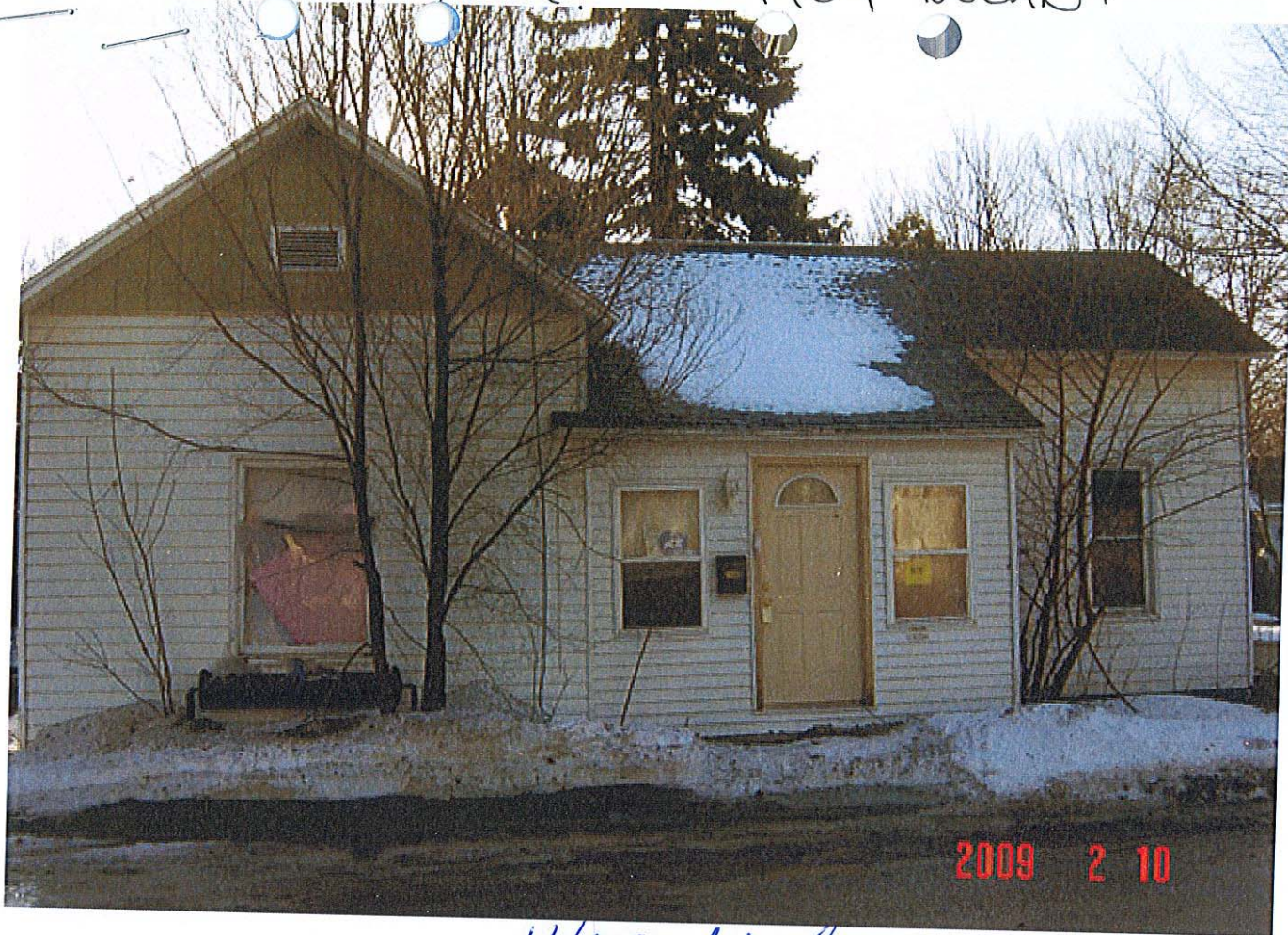
Section 10-61 of the Muskegon City Code.

HENRY FALTINOWSKI BUILDING INSPECTOR

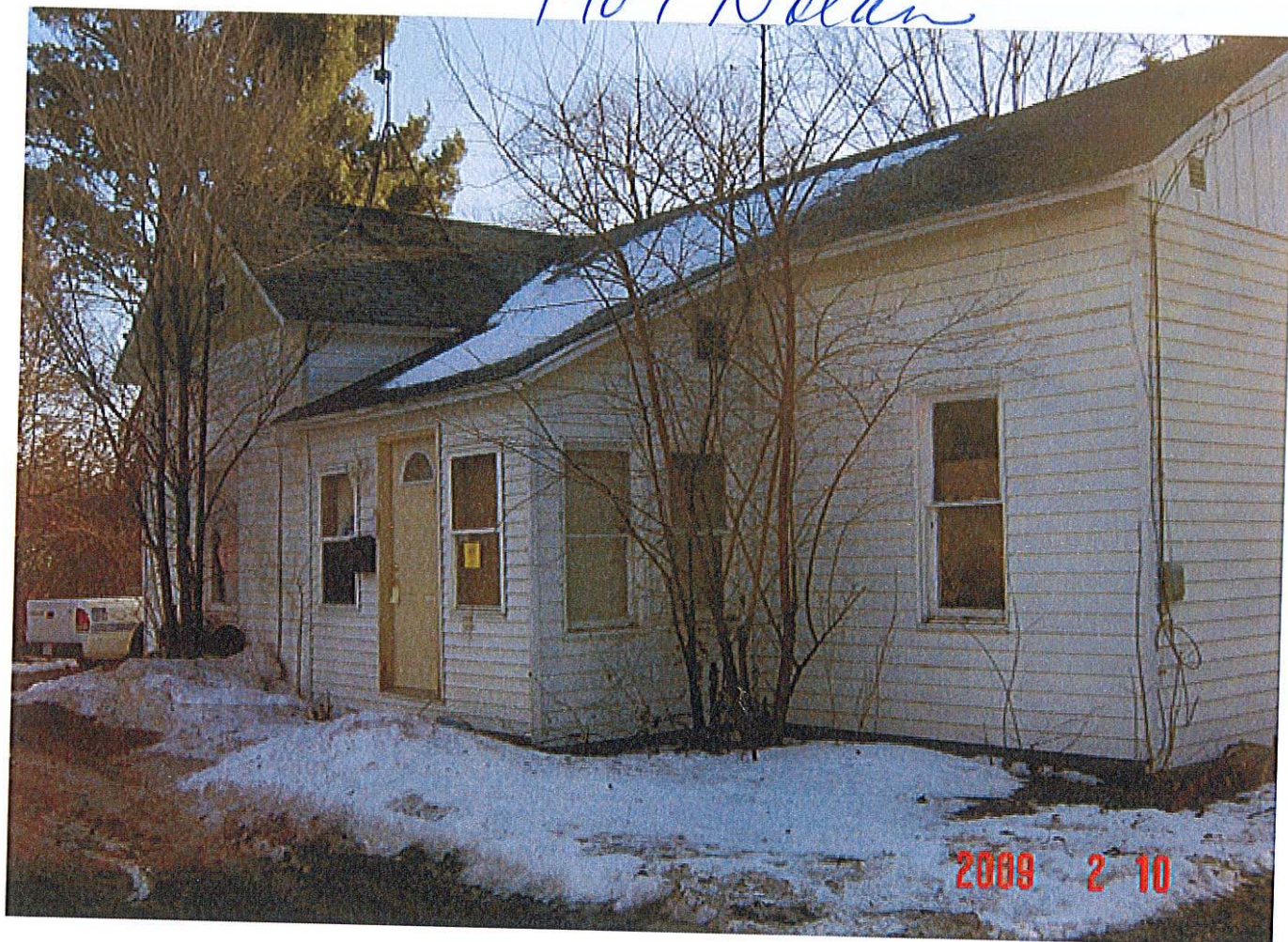
DATE

D.B. 2/10/2009

1409 Nolan.



1409 Nolan



DATE: 10/06/2009
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090099

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1478 HOYT ST Area 13** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN090099 - 1478 HOYT ST

Location and ownership: This structure is located on Hoyt St. between Grand and Irwin Streets and is owned by STATE OF MICHIGAN.

Staff Correspondence: A dangerous building inspection was conducted on 04/16/09. The Notice and Order to Repair was issued on 04/29/09. On 06/19/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 06/19/09. Structure was transferred/deeded from the City of Muskegon to State of Michigan 10/17/06. There has been no contact from State of Michigan regarding this property.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: Exempt (Entire property)

Estimated cost to repair: \$ 6,000 Exterior Only

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

SUMMARY FOR: 1478 HOYT ST

This building is a two story multi family dwelling and is currently vacant. A exterior dangerous building inspection report from April 29, 2009 shows a number of exterior deficiencies including a deteriorating front porch, and roof system. There has been no attempt to rehabilitate this structure. This building will continue to fall in to disrepair and was partially boarded by the City in April 2009.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Wednesday, April 29, 2009

Enforcement # EN090099 **Property Address** 1478 HOYT ST
Parcel #24-205-272-0010-10 **Owner** STATE OF MICHIGAN

Inspector: Henry Faltinowski

Date completed: 04/16/2009

DEFICIENCIES:

Uncorrected

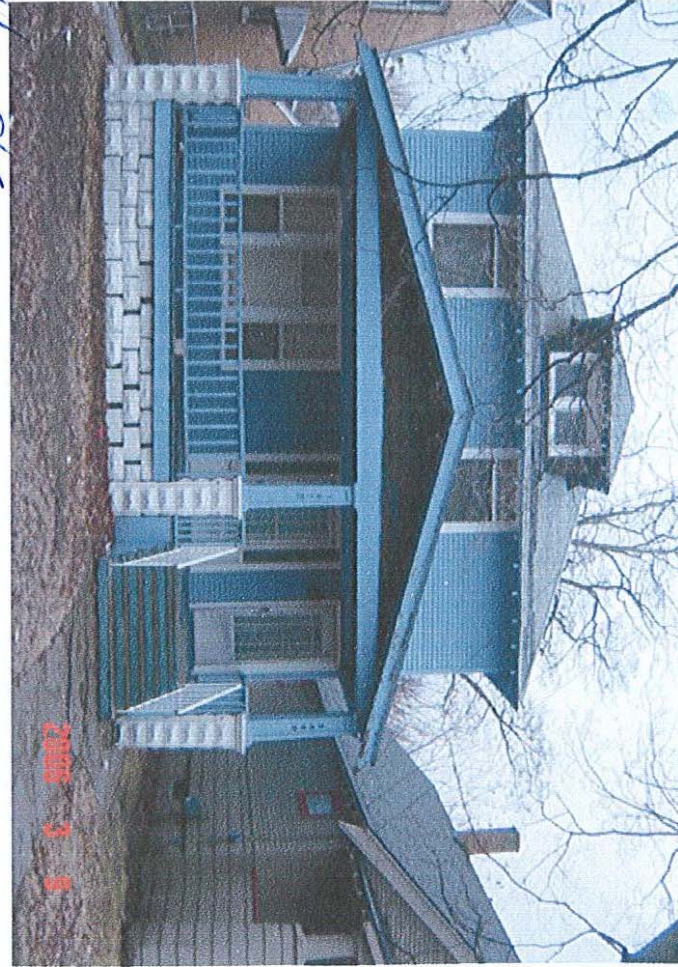
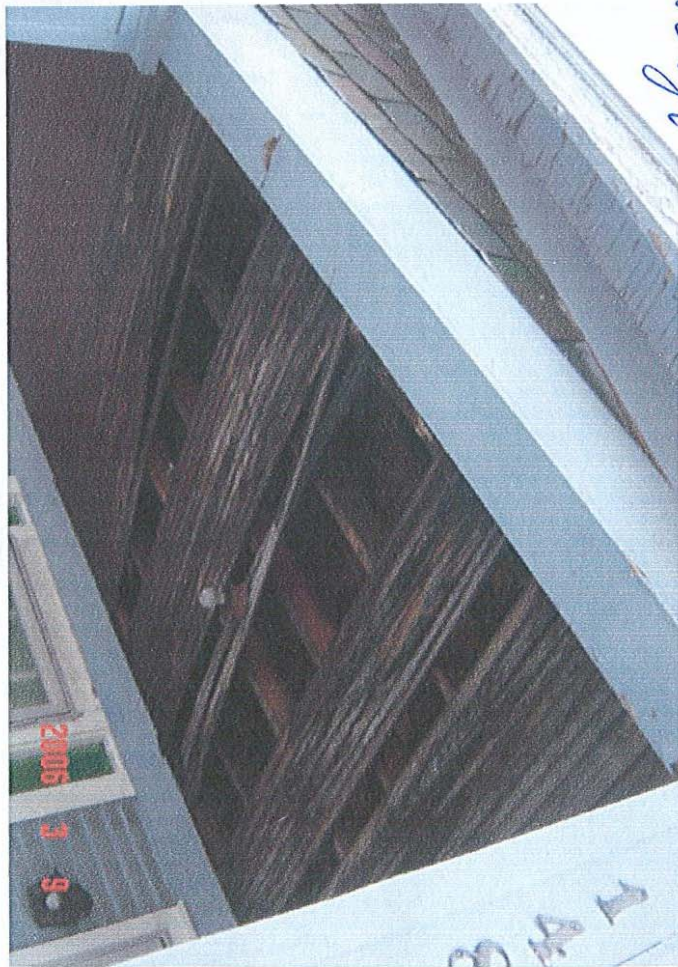
1. Replace roof covering.
2. Replace damage back steps and landing.
3. Scrape and paint.
4. Repair front porch to code.
5. Tuck point - repair foundation wall.
6. Repair chimney.
7. Replace basement entry bilco door cover.
8. All handrails, guardrails to meet code.
9. Interior Inspection Requested by trade inspectors.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date



1478
dangt

DATE: 10/06/2009
TO: Honorable Mayor and Commissioners
FROM: Anthony Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN090068

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1968 HOWDEN ST** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN090068 - 1968 HOWDEN ST

Location and ownership: This structure is located on Howden between E. Keating and Holbrook Streets and is owned by MIDFIRST BANK.

Staff Correspondence: A dangerous building inspection was conducted on 03/26/09. The Notice and Order to Repair was issued on 04/27/09. On 07/08/09 the HBA declared the structure substandard and dangerous. Structure was boarded up 09/30/09 after police report of kids getting into building.

Owner Contact: No one was present for the HBA meeting dated 07/08/09. The property has reverted to Bank. No permits have been issued, no inspections scheduled and no owner contact.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 20,600(Entire property)

Estimated cost to repair: \$5,000 (Exterior Only)

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

SUMMARY FOR: 1968 HOWDEN ST

This is a two story wood frame single family dwelling that is currently in a state of disrepair. The roof covering is failing and no longer appears to be protecting the building from the weather. If left unrepaired this building will continue to deteriorate fairly rapidly and become an "attractive nuisance" that may fall prey to vandals.

CITY OF MUSKEGON
933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715
**DANGEROUS BUILDING INSPECTION
REPORT**

Thursday, March 26, 2009

Enforcement # EN090068 **Property Address** 1968 HOWDEN ST
Parcel #24-796-001-0015-00 **Owner** WEHNES BARBARA L

Inspector: Henry Faltinowski

Date completed: 03/26/2009

DEFICIENCIES:

Uncorrected

1. Front porch roof has structural damage to roof system rafters sagging and bearing point of exterior wall needs to be repaired.

Uncorrected

2. Foundation at front porch entry failing. Step-landing collapsing.

Uncorrected

3. Roof covering on entire home failing - falling off home - replace.

Uncorrected

4. Repair - replace all damaged siding.

Uncorrected

5. Replace or repair all window damage.

Uncorrected

6. Scrape and paint all exterior wood and window door frames.

Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.

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

Henry Faltinowski, Building Inspector

Date



1968 Howden



DATE: 10/06/2009

TO: Honorable Mayor and Commissioners

FROM: Anthony Kleibecker, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN070098

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1969 WOOD ST is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN070098 - 1969 WOOD ST

Location and ownership: This structure is located on Wood St. between Keating and Holbrook Streets and is owned by HARVEY HERBERT.

Staff Correspondence: A dangerous building inspection was conducted on 05/21/07. The Notice and Order to Repair was issued on 06/06/07. The case came before HBA 08/02/07 and was tabled until November 2007 with owner to obtain appropriate permits, provide timeline and schedule interior inspection. An interior inspection was conducted 11/07/07. Case returned before HBA 11/01/07 and was tabled until January 2008. Case returned before HBA February 2008 and was tabled until September 2008 with permits to be issued by March 2008 and repair completed September 2008. Case came back September 2008 and was tabled until October 2008. Case returned to HBA October 2008 and was tabled until December 2008 with owner to obtain permit for roof and schedule monthly progress inspections. Case returned to HBA January 2009 and was tabled until April 2009 with owner to obtain permits to complete repairs and monthly inspections. Case returned to HBA April 2009 and was declared dangerous, substandard, and a public nuisance.

Owner Contact: Keenan Sims grandson to the previous owner was present for all scheduled HBA meetings except the April 2009 meeting. Mr. Keenan was appointed as representative to grandmother's estate in October 2007. Mr. Keenan stated he wanted to complete repairs but was on a fixed income and could only afford repairs to the roof. Mr. Keenan stated he was trying to get help with cost for repairs but was not able to secure loan. Mr. Keenan also stated he was trying to pay taxes off and did not have money to finish repairs. A permit was issued for the roof 10/27/08 and completed January 2009. Mr. Keenan informed

Inspection Department in March 2009 that he no longer had an interest in property. A letter was sent to new owner, Raqueisa Easter to inform of dangerous building status with no response. In July 2009 it was learned that ownership changed again and a letter was sent to Herbert Harvey. The status of case and copies of all previous notices were mailed to Mr. Harvey. Mr. Harvey stopped in 10/06/09 stating he spoke with Mr. LaBrenz stating repairs have been completed but no permits have been issued. A progress inspection has been scheduled for 10/13/09.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 20,200 (Entire property)

Estimated cost to repair: \$9,000

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

SUMMARY FOR: 1969 WOOD ST

This is a single family wood frame structure. The exterior items have for the most part been addressed by the grandson of the previous owner. There were 20 interior items that were noted during an interior inspection that occurred in November of 2007. To date no permits have been applied for to do interior repairs by current owner.



1969 Wood

