CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 28, 2004

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. **Brownfield Site Assessment Consulting Contract – Couture Environmental Strategies LLC.** PLANNING & ECONOMIC DEVELOPMENT
  - C. **Purchase a New Wheel Loader.** PUBLIC WORKS
  - D. **2004-2005 Transportation Planning Program Funding.** CITY MANAGER
- **PUBLIC HEARINGS:**
  - A. **Request for Name Change on Industrial Development Certificate No. 95-724 – Great Lakes Die Cast.** PLANNING & ECONOMIC DEVELOPMENT
  - B. **Request for Name Change on Industrial Development Certificate No. 98-551 – Great Lakes Die Cast.** PLANNING & ECONOMIC DEVELOPMENT
- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**
- **NEW BUSINESS:**
  - A. **Groundwater Ordinance Amendment.** PLANNING & ECONOMIC DEVELOPMENT

B. **Audit Contract Extension.** FINANCE

C. **Proposed Water Rate Increase.** FINANCE

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION

- ***Reminder: Individuals who would like to address the City Commission shall do the following:***
- Fill out a request to speak form attached to the agenda or located in the back of the room.
- Submit the form to the City Clerk.
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ ADJOURNMENT:

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

Date: **September 28, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Gail A. Kundinger, City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Wednesday, September 8, 2004; the Commission Worksession that was held on Monday, September 13, 2004; and the Regular Commission Meeting that was held on Tuesday, September 14, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 28, 2004

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 28, 2004.

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

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2004-85 CONSENT AGENDA:

A. <u>Approval of Minutes.</u> CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Wednesday, September 8, 2004; the Commission Worksession that was held on Monday, September 13, 2004; and the Regular Commission Meeting that was held on Tuesday, September 14, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. <u>Brownfield Site Assessment Consulting Contract – Couture Environmental Strategies LLC.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The City of Muskegon was awarded a Brownfield Grant/Loan, in the amount of $1,000,000 ($500,000/grant, $500,000/loan), for the purposes of providing funding for environmental investigations, Baseline Environmental Assessments and Due Care Plans to facilitate redevelopment and reuse of properties in the City. Anne Couture, of Couture Environmental Strategies LLC, has been the City's consultant for grant administration and grant writing for these activities. It is recommended that Ms. Couture be retained in this capacity to continue with the grant administration during the duration of the grant activities. Therefore, the Commission is asked to approve the proposal from Ms. Couture and authorize the Mayor to sign.

FINANCIAL IMPACT: The budget for grant administration activities is 10% of the total amount of the grant and loan for a total of $100,000. The cost will be covered by the grant funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor to sign the proposal.

C. Purchase a New Wheel Loader. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Case 721D loader.

FINANCIAL IMPACT: Total cost per unit $82,000.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of one 721D loader from West Michigan Power.

D. 2004-2005 Transportation Planning Program Funding. CITY MANAGER

SUMMARY OF REQUEST: To approve the City's share of the local matching funds for the Muskegon County Metropolitan Planning Program for fiscal year 10/1/04 to 9/30/05. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT: $16,040 from the Major Street Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this request.

Motion by Commissioner Gawron, second by Commissioner Davis to approve the Consent Agenda.

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

Nays: None

MOTION PASSES

2004-86 PUBLIC HEARINGS:

A. Request for Name Change on Industrial Development Certificate No. 95-724 – Great Lakes Die Cast. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Great

Lakes Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested name change on Industrial Development Certificate No. 95-724 for property located at 701 W. Laketon Avenue, Muskegon, Michigan. The certificate was originally granted to Dilesco Corporation in 1995, but since the company has new owners, the name change is requested. The transfer will be for both real and personal property. The company continues to perform the same work as under the previous owners.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution changing the name on the Industrial Development Certificate to Great Lakes Die Cast Corporation.

The Public Hearing opened at 5:34 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Vice Mayor Larson, second by Commissioner Carter to close the Public Hearing at 5:36 p.m. and approve the name change on Industrial Development Certificate No. 95-724 to Great Lakes Die Cast Corporation.

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

Nays: None

MOTIONPASSES

B. <u>Request for Name Change on Industrial Development Certificate No. 98-551 – Great Lakes Die Cast.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Great Lakes Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested name change on Industrial Development Certificate No. 98-551 for property located at 701 W. Laketon Avenue, Muskegon, Michigan. The certificate was originally granted to Dilesco Corporation in 1998, but since the company has new owners, the name change is requested. The transfer will be for both real and personal property. The company continues to perform the same work as under the previous owners.

FINANCIAL IMPACT: Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution changing the name on the Industrial Development Certificate to Great Lakes Die Cast Corporation.

The Public Hearing opened at 5:36 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:39 p.m. and approve the name change on Industrial Development Certificate No. 98-551 to Great Lakes Die Cast Corporation.

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

Nays: None

MOTIONPASSES

2004-87 NEW BUSINESS:

A. <u>Groundwater Ordinance Amendment.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel. Brunswick Corporation (owner of the parcel) and R & B Trailer Leasing (adjacent to the parcel) have been notified by mail of the amendment herein.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment.

Motion by Commissioner Spataro, second by Commissioner Gawron to approve the amendment to the City Groundwater Ordinance.

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

Nays: None

MOTION PASSES

B. <u>Audit Contract Extension.</u> FINANCE

SUMMARY OF REQUEST: The contract for the City's annual audit is expired. Because of the possibility that voters may approve changes to the City's fiscal year this November, staff is recommending that the contract with the current independent audit firm (Hoffman, Steensma & Plamondon) be extended through 12/31/04 and through the potential stub-year period (6/30/05 or 9/30/05). This will provide much needed continuity through a difficult transition. Waiting to bid out audit services will have the added advantage (if the fiscal year is changed) of attracting more competitive bids, since the current 12/31 year-end is unattractive to many CPA firms because of tax preparation season. Typically audit contracts are awarded for a five-year period so it is sensible to wait until we know what the future fiscal year-end will be.

FINANCIAL IMPACT: proposed cost for 12/31/04 audit - $34,000 which is the same as for the 12/31/03 audit. Proposed cost for the stub-period audit - $26,000.

BUDGET ACTION REQUIRED: none at this time. The 2005 budget incorporates funding for the 12/31/04 audit. If voters approve the fiscal year proposals, the entire 2005 budget will need to be reforecast and restructured at a later date.

STAFF RECOMMENDATION: Approval of the audit contract extension to cover the 12/31/04 audit and the audit for the stub year, if the November ballot proposal is approved by voters.

Motion by Commissioner Spataro, second by Commissioner Carter to extend the contract.

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

Nays: None

MOTION PASSES

C. <u>Proposed Water Rate Increase.</u> FINANCE

SUMMARY OF REQUEST: The City is in the midst of a $16.5 million renovation of the Water Filtration Plant. To fund these improvements, the City has borrowed $13.9 million from the Drinking Water Revolving Fund (DWRF) and has committed other resources to the project. It is necessary to raise water user fees significantly in order to cover debt service requirements associated with the filtration project and to offset rapidly rising operational costs. Staff is recommending that the water user charge be raised from the current $1.09/hcft to $1.40/hcft effective January 1, 2005.

FINANCIAL IMPACT: The following table shows how the rate increase will impact typical residential households:

Sample Users	Quarterly Water Bill Before Increase	Quarterly Water Bill After 1/1/05 Increase
Using 7,500 gallons per month (1-2 person household)	$32.70	$42.00

Using 15,000 gallons per month (3-4 person household)	$65.40	$84.00

As shown on the survey, Muskegon's residential water rates will continue to be below the average for Michigan communities after implementation of the increase.

BUDGET ACTION REQUIRED: None at this time. The 2005 water fund budget incorporates the projected revenues from the rate increase.

STAFF RECOMMENDATION: Approval of the resolution implementing the proposed water rate increase.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the water rate increase.

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

Nays: None

MOTION PASSES

2004-88 ANY OTHER BUSINESS:

A. Commissioner Shepherd requested assistance with costs associated with attendance at the NLC Conference held in Indianapolis, Indiana from November 30 through December 4, 2004.

Motion by Commissioner Carter, second by Mayor Warmington to give the $415 registration fee from Mayor Warmington and Commissioner Carter's travel allocation.

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

Nays:

MOTION PASSES

B. Muskegon Big Red Band Parents requested that the Special Event late fee be waived for the annual Tag Sale in October.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to waive the fee one time.

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

Nays: None

MOTION PASSES

The City Commission Meeting adjourned at 6:24 p.m.

Respectfully submitted,

Gail A. Kundinger

Gail A. Kundinger, MMC
City Clerk

Commission Meeting Date: September 28, 2004

Date: September 16, 2004

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBC

RE: Brownfield Site Assessment Consulting Contract-Anne Couture

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SUMMARY OF REQUEST: The City of Muskegon was awarded a Brownfield Grant/Loan, in the amount of $1,000,000 ($500,000/grant, $500,000/loan), for the purposes of providing funding for environmental investigations, Baseline Environmental Assessments and Due Care Plans to facilitate redevelopment and reuse of properties in the City. Anne Couture, of Couture Environmental Strategies LLC, has been the City's consultant for grant administration and grant writing for these activities. It is recommended that Ms. Couture be retained in this capacity to continue with the grant administration during the duration of the grant activities. Therefore, the Commission is asked to approve the attached proposal from Ms. Couture and authorize the Mayor to sign.

FINANCIAL IMPACT: The budget for grant administration activities is 10% of the total amount of the grant and loan for a total of $100,000. The cost will be covered by the grant funds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached proposal between the City of Muskegon and Couture Environmental Strategies LLC, and authorize the Mayor to sign the proposal.

COMMITTEE RECOMMENDATION: None.

Couture
Environmental Strategies LLC

2004-85(b)

RECEIVED

CITY OF MUSKEGON
PLANNING DEPARTMENT

September 13, 2004

Ms. Cathy Brubaker-Clarke
Director of Community and Economic Development
City of Muskegon
PO Box 536
Muskegon, MI 49443-0536

Re: Contract for Brownfield Grant/Loan Administration
Muskegon Environmental Assessment Grant/Loan

Dear Cathy:

Couture Environmental Strategies LLC is pleased to submit this contract to the City of Muskegon ("City") to provide grant/loan administration services for the Muskegon Environmental Assessment Grant and CMI Brownfield Redevelopment Loan ("Project"). Michigan Department of Environmental Quality (MDEQ) awarded the City a Site Assessment Fund (SAF) Grant in the amount of $500,000 and a CMI Brownfield Redevelopment Loan of $500,000 in September 2004. The purpose of the SAF Grant is to provide funding for environmental investigations, Baseline Environmental Assessments, and Due Care Plans to facilitate redevelopment and reuse of properties in the City, with a focus on properties located along the Muskegon Lake Shoreline, Seaway Industrial Park, Port City Industrial Park, Medendorp Center Industrial Park, and the Lakeside Area ("Project"). The CMI Brownfield Redevelopment Loan may be used to pay for implementation of BEA and Due Care response activities at properties in the Project area proposed for redevelopment. The costs of Grant/Loan administration activities are included as grant/loan-eligible funding.

Scope of Work

The Scope of Work for the proposed services of Couture Environmental Strategies LLC includes the following:

1. Develop Project operational procedures, and facilitate overall Project coordination.

2. Provide assistance to the City in complying with the terms and conditions of the Brownfield Grant and Loan Agreements.

3. Work with the City to identify and evaluate potential redevelopment projects that would be enhanced and facilitated through utilization of Brownfield Grants and/or Loans.

4. Obtain work plan and budget approval from MDEQ prior to Project consultants/contractors undertaking any grant-eligible tasks.

5. Review and comment on all draft work plans and budgets, reports, change orders, bid documents, and other documents prepared by the Project consultants/contractors. Track consultant/contractors expenditures to assure consistency with MDEQ-approved budgets and work plans.

6. Coordinate activities and communication among the City, MDEQ, Project consultants/contractors, property owners, prospective purchasers, developers, and other parties who may be involved in the Project.

1451 Shoal Avenue, Richland, Michigan 49083 (269) 629-9842 FAX (269) 629-7011 E-Mail: couture@jasnetworks.net

7. Prepare Project deliverables for submittal to MDEQ per terms of the grant/loan agreement. This will include preparation of quarterly progress reports, reimbursement requests, and a final report.

8. Review Project consultant/contractor invoices; prepare reimbursement requests on behalf of the City for submittal to MDEQ. Sign reimbursement request forms on behalf of the City. Provide review and comment on any proposed contracts with contractors/consultants for grant-funded activities related to the Project.

9. Provide assistance to the City in development and execution of any proposed amendments to the MDEQ Grant Agreement as necessary to implement Project goals.

10. Keep the City apprised of grant project progress, and assure grant administration activities are conducted in a manner that represents the best interests of the City.

BUDGET

The services of Couture Environmental Strategies LLC will be billed to the City on an hourly basis, currently $150/hour. Time will be billed based on actual hours worked and direct costs incurred. All grant administration activities will be conducted in compliance with an MDEQ-approved work plan and budget, pursuant to the terms of the Brownfield Redevelopment Grant and Loan Agreements, and therefore will be reimbursable from the Grant or Loan. The Grant and Loan Agreements between the Michigan Department of Environmental Quality and the City of Muskegon allocate $50,000 each for Grant and Loan Administration, or 10% of the total amount of the grant and loan for a total of $100,000

Agreement

Attached to the letter are Provisions for Representation by Couture Environmental Strategies LLC ("Provisions"). This letter and the attached Provisions constitute a contractual agreement for services. If these terms and conditions are acceptable, I would appreciate your acknowledging acceptance of them by signing and returning the enclosed copy of this letter. Please don't hesitate to call if you have any questions.

Sincerely,

A P Couture

Anne P. Couture
Couture Environmental Strategies LLC

Agreed and Accepted

Authorized City Representative

9-28-04
Date

Attachment

PROVISIONS FOR REPRESENTATION BY COUTURE ENVIRONMENTAL STRATEGIES LLC

Except as modified by an engagement letter, the following provisions will apply to the relationship between Couture Environmental Strategies LLC and each of its clients:

1. Fees for services rendered will be based on the reasonable value of those services. Fees will be based primarily on standard hourly billing rates and the numbers of hours worked. Couture Environmental Strategies LLC will adjust billing rates from time to time.

2. Time for which a client will be charged will include, among other things, telephone and office conferences with the client, consultants, regulators, public officials, and others; investigations; research; report preparation; document review and comment; drafting of letters, memoranda and other documents; and travel time.

3. In addition to fees, costs and expenses incurred in performing services will be billed, including photocopying, postage, travel (mileage, meals, lodging), faxes, and other similar costs and expenses. All costs billed will be consistent with approved State of Michigan rates.

4. Although fees or costs are estimated, these estimates are subject to unforeseen circumstances and are by their nature inexact. CES LLC will not be bound by any estimates except to the extent expressly set forth in the engagement letter.

5. Fees and expenses will be billed monthly.

6. A client shall have the right to terminate our services and representation upon written notice. Such termination, however, will not relieve the client of the obligation to pay for all services rendered and costs or expenses paid or incurred on behalf of the client prior to termination.

Date: 09/21/04

To: Honorable Mayor and City Commission

From: DPW

RE: Purchase a new wheel Loader

SUMMARY OF REQUEST: Approval to purchase one Case 721D loader.

FINANCIAL IMPACT: Total cost per unit $82,000

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of one 721D loader from West Michigan Power.

Memorandum

To: Honorable Mayor and Commissioners

From: DPW

Date: 9/22/2004

Re: Wheel Loader Replacement

The Equipment Division has budgeted for the replacement of one wheel loader in 2004. The loader we are replacing is 10 years old and has 4100 hours on it.

We solicited bids from the top four manufacturers for a 3.5 cubic yard loader. They are Michigan Caterpillar, Contractors Machinery, JDE Equipment, and West Michigan Power. (See attachment)

We had the opportunity to evaluate each of the loaders for a few days at the DPW and we find that any of the loaders would meet our needs. We currently have four Case loaders and have been very satisfied with their performance and reliability. (They are also low bid)

In accordance with established purchasing policy, I am requesting that we purchase one Case 721D from West Michigan Power.

LOADER

	Model	Cost	Trade	Net
Michigan Caterpiller				
7700 Caterpillar Ct.	Cat 938 GII	$125,770.00	$28,000.00	**$97,770.00**
Grand Rapids Mi 49548				
Contractors Machinery				
8840 Byron Commerce Dr.	Volvo L90E	$122,635.00	$34,000.00	***$88,635.00***
Byron Center Mi. 49315				
West Michigan Power				
3651 M-20	Case721D	$129,000.00	$47,000.00	***$82,000.00***
New Era Mi 49446				
JDE Equipment				
5770 Clyde Park	Deere 624J	$121,833.00	$32,000.00	**$89,833.00**
Grand Rapids Mi. 49509				

AGENDA ITEM NO. ___________

CITY COMMISSION MEETING __9/28/04__

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: September 22, 2004

RE: 2004-2005 Transportation Planning Program Funding

SUMMARY OF REQUEST:

To approve the City's share of the local matching funds for the Muskegon County Metropolitan Planning Program for fiscal year 10/1/04 to 9/30/05. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT:

$16,040 from the Major Street Fund.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None.

JMS – O: (2005-TRANSPLAN)
O:COMMON\DEPTMENT\ADMIN\AGNDAFRM

INVOICE

WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION

316 MORRIS AVE., #340 • P.O. BOX 387 • MUSKEGON, MI 49440-0387
PHONE (231) 722-7878 • FAX (231) 722-9362
WEBSITE - WWW.WMSRDC.ORG

SOLD TO

City of Muskegon
ATTN: Byron Mazade, Manager
PO Box 536

Muskegon, MI 49443

SHIPPED TO

DATE	DATE SHIPPED	SHIPPED VIA	YOUR ORDER NO.	F.O.B.	TERMS	INVOICE NO.
10/1/04						004156

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	City of Muskegon's share of the Fiscal Year 2005 Transportation		
	Planning Program.		$16,040.00
	CR: 6349.0349.1 $13,910.00 6349.0349.3 $2,130.00		

RECEIVED
SEP 2 9 2004
MUSKEGON
CITY MANAGER'S OFFICE

Thank You!

ORIGINAL

West Michigan Metropolitan Transportation Planning Program
(WestPlan)
Dues Structure
FY 2005

Muskegon County		
	Dues	**Population**
City of Muskegon	$16,040.00	40,105
Muskegon Heights	$4,820.00	12,049
Roosevelt Park	$1,560.00	3,890
Norton Shores	$9,010.00	22,527
North Muskegon	$1,620.00	4,031
Village of Fruitport	$500.00	1,124
*MCRC	$22,180.00	55,446
Sub Total	***$55,730.00***	
Ottawa County		
	Dues	**Population**
City of Grand Haven	$4,470.00	11,168
City of Ferrysburg	$1,220.00	3,040
Village of Spring Lake	$1,010.00	2,514
*OCRC FAUB	$13,310.00	33,274
**Ottawa County	$20,000.00	49,996
Sub Total	***$40,010.00***	
Transit Agencies		
	Dues	
Harbor Transit	$1098.00	
Muskegon Area Transit System	$5,000.00	
Sub Total	***$6,098.00***	
TOTAL	**$101,838.00**	

1 Dues calculated based on $.40 per capita using 2000 Census
2 Village of Fruitport assessed flat fee of $500.00
3 MATS and Harbor Transit are at an 82/18 split, respectively, for a total of $6,098.00. This breakdown is a result of the breakdown of FTA eligibility
4 The total population of any complete township that has any part of it jurisdictional lines included within the census defined urban boundary is used to compute the dues for Road Commissions.

*Townships included:
Muskegon County: Sullivan, Egelston, Dalton, Fruitport (minus village population), Laketon and Muskegon.
Ottawa County: Grand Haven, Robinson, Crockery and Spring Lake.
**Currently not a member.

Local Governments in the Muskegon/Grand Haven area are expected to receive $10 to $15 million annually in federal transportation funds through the West Michigan Shoreline Regional Development Commission's MPO Program.

Commission Meeting Date: September 28, 2004

Date: **September 14, 2004**

To: **Honorable Mayor and City Commissioners**

From: **Planning & Economic Development** cbc

RE: **Public Hearing - Request for Name Change on Industrial Development Certificate No. 95-724 – Great Lakes Die Cast**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Great Lakes Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested name change on Industrial Development Certificate No. 95-724 for property located at 701 W. Laketon Avenue, Muskegon, Michigan. The certificate was originally granted to Dilesco Corporation in 1995, but since the company has new owners, the name change is requested. The transfer will be for both real and personal property. The company continues to perform the same work as under the previous owners.

FINANCIAL IMPACT:

Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution changing the name on the Industrial Development Certificate to Great Lakes Die Cast Corporation.

COMMITTEE RECOMMENDATION:

None

cc: Assessor

Request for Name Change

Michigan Department of Treasury
1012 (Rev. 4/04)

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk: Gail A. Kundinger	Date received by Local Unit: September 7, 2004
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility): Great Lakes Die Cast Corporation	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (Four Digit Code): 3361	
1c. Location of Facility (Street, City, State, ZIP Code): 701 W. Laketon Ave., Muskegon, MI 49441	1d. Name of City/Township/Village (indicate which): Muskegon	1e. County: Muskegon
2. Type of Approval Requested: ☐ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9)) ☒ Transfer (1 copy to only) ☐ Rehabilitation (Sec. 3(1))	3a. School District where facility is located: Muskegon	3b. School Code: 61010
	4. Amount of years requested for exemption (1-12 Years): 12	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

Building and equipment expansion resulting from the addition of a new wing to the existing plant building and the purchase and installation of machinery and equipment.

6a. Cost of land and building improvements (excluding cost of land) .... $ 487,900.00 Real Property Costs
- Attach list of improvements and associated costs.
- Also attach a copy of building permit if project has already begun.

6b. Cost of machinery, equipment, furniture and fixtures .... $1,672,100.00 Personal Property Costs
- Attach itemized listing with month, day and year of beginning of installation plus total costs

6c. Total Project Costs .... $2,160,000.00 Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	10/1/94	10/1/95 (Approx.)	☐ Owned ☒ Leased
Personal Property Improvements	10/1/94	10/1/95	☒ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Committment to receive this exemption. ☐ Yes ☒ No

9. Number of existing jobs at this facility that will be retained as a result of this project. 140	10. Number of new jobs at this facility expected to be created within two years of project completion. 40

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land) .... ________

b. SEV of Personal Property (excluding inventory) .... ________

c. Total SEV .... ________

12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit: (Not known by preparer)	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

APPLICANT CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name	13b. Phone Number	13c. Fax Number	13d. E-mail Address
Con J. Nolan	(231) 728-8813	(231) 726-2205	cnolan@gldiecast.com
14a. Name of Contact Person	14b. Phone Number	14c. Fax Number	14d. E-mail Address
Same as above	Same as above	Same as above	Same as above
15a. Name of Company Officer (No Authorized Agents)			
Con J. Nolan, President			
15b. Signature of Company Officer (No Authorized Agents)			15c. Date
Con J. Nolan			
15d. Mailing Address (Street, City, State, ZIP)		15e. Phone Number	15f. E-mail Address
701 W. Laketon Ave., Muskegon, MI 49441		(231) 728-8813	cnolan@gldiecast.com

LOCAL GOVERNMENT ACTION & CERTIFICATION

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit

- ☐ Abatement Approved for _______ Years (1-12)
  - After Completion ☐ Yes ☐ No
- ☐ Denied (Include Resolution Denying)

16a. Documents Required to be on file with the Local Unit

Indicate N/A if Not Applicable

- ☐ 1. Notice to the public prior to hearing establishing a district.
- ☐ 2. Notice to taxing authorities of opportunity for a hearing.
- ☐ 3. List of taxing authorities notified for district and application action.
- ☐ 4. Lease Agreement showing applicants tax liability.

16b. The State Tax Commission Requires the following documents be filed for an administratively complete application:

Indicate N/A if Not Applicable

- ☐ 1. Original Application plus attachments, and one complete copy
- ☐ 2. Resolution establishing district
- ☐ 3. Resolution approving/denying application.
- ☐ 4. Letter of Agreement (Signed by local unit and applicant)
- ☐ 5. Affidavit of Fees (Signed by local unit and applicant)
- ☐ 6. Building Permit for real improvements if project has already begun
- ☐ 7. Equipment List with dates of beginning of installation
- ☐ 8. Form 3222 (if applicable)
- ☐ 9. Speculative building resolution and affidavits (if applicable)

17. Name of Local Government Body	18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk	19b. Name of Clerk	19c. E-mail Address
Gail A. Kundinger	Gail A. Kundinger	gail.Kundinger@postman.org
19d. Clerk's Mailing Address (Street, City, State, ZIP)	19e. Phone Number	19f. Fax Number
933 Terrace, Muskegon, MI 49440	(231) 724-6705	(231) 724-4178

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

* Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information request is filed.

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

Resolution No. 2004-86(a)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST
FOR A NAME CHANGE FOR INDUSTRIAL DEVELOPMENT CERTIFICATE
NO. 95-724
Great Lakes Die Cast Corporation

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to authorize a name change to an "Industrial Development Certificate" within the City of Muskegon; and

WHEREAS, Dilesco Corporation, the previous applicant for the certificate, has sold it's operations to Great Lakes Die Cast Corporation; and

WHEREAS, Great Lake Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested the City of Muskegon to change the name on Industrial Development Certificate No. 95-724 for real and personal property located at 701 W. Laketon Avenue, Muskegon, hereinafter described; and

WHEREAS, Great Lakes Die Cast Corporation presently owns a production facility within the Industrial Development District; and

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

WHEREAS, before acting on said request the Muskegon City Commission held a public hearing on September 28, 2004, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were afforded an opportunity to be heard on said application.

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

1. The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation

of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

2. The application of Great Lakes Die Cast, for the name change of an Industrial Facilities Tax Exemption Certificate is with respect to real and personal property for the following described parcel situated within the City of Muskegon to wit:

See Attachment A

3. The name on the Industrial Facilities Exemption Certificate is changed and shall remain in force and effect for the remaining period of the original certificate, which took effect October 24, 1995, and was issued for twelve (12) years.

Adopted this 28th day of September, 2004.

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

Nays: None

Absent: None

By: ____________________
Stephen J. Warmington
Mayor

Attest: Gail Kundinger
Gail Kundinger
Clerk, MMC

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 September 28, 2004.

Gail Kundinger
Gail Kundinger
Clerk, MMC

ATTACHMENT A

Parcel 1: Lots 2-11 inclusive and North ½ of vacated Erie Street adjacent ot Lots 8-11, Block 1 Glencoe Addition.

Parcel 2: Lots 1, 2 and 3 of Block 6 and the South ½ of vacated Erie Street adjacent to Lot 1, Glencoe Addition.

Parcel 3: Lots 6-11 inclusive and South ½ of vacated Erie Street adjacent thereto, Block 6 and North ½ of vacated alley adjacent to said lots, Glencoe Addition.

Parcel 4: Lots 4 & 5 of Block 6, and North ½ of vacated alley adjacent to Lot 5, Glencoe Addition.

Parcel 5: Lots 17 & 18 and North ½ of Duncan Avenue which has been vacated adjacent thereto, Block 6 and also the South ½ of vacant alley adjacent thereto, Glencoe Addition.

Parcel 6: Lots 12-16 inclusive and North ½ of Duncan Avenue which has been vacated adjacent thereto, Block 6, and the South ½ of vacated alley adjacent to Lots 14-16 inclusive and vacated alley adjacent to Lots 12-14 inclusive, Glencoe Addition.

1995
Abatement

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Great Lakes Die Cast ("Company").

Recitals:

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

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

1.1 That fifty (50) percent of the promised new jobs shall be in place with full-time employees on or before January, 1996, and seventy-five (75) percent of the said jobs shall be in place with full time employees on or before June, 1996 Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**

1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**

1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of $2,160,000 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**

1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.

1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.

1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.

1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.

1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

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2. **AGREEMENT BY THE CITY**. Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to **whether to** create the district and **whether to** receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/**or** approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

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

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, **unless the company can show that there has**

been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

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

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less then expected).**

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, **unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).**

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statue, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By
Stephen J. Warmington, Mayor

and Gail A. Kundinger
Gail A. Kundinger, Clerk

GREAT LAKES DIE CAST CORPORATION

By
Con J. Nolan

Its **President**

and ____________________

Its ____________________

Commission Meeting Date: September 28, 2004

Date:	**September 14, 2004**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBL
RE:	**Public Hearing - Request for Name Change on Industrial Development Certificate No. 98-551 – Great Lakes Die Cast**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Great Lakes Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested name change on Industrial Development Certificate No. 98-551 for property located at 701 W. Laketon Avenue, Muskegon, Michigan. The certificate was originally granted to Dilesco Corporation IN 1998, but since the company has new owners, the name change is requested. The transfer will be for both real and personal property. The company continues to perform the same work as under the previous owners.

FINANCIAL IMPACT:

Certain additional income and property taxes will be collected.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution changing the name on the Industrial Development Certificate to Great Lakes Die Cast Corporation.

COMMITTEE RECOMMENDATION:

None

CC: Assessor

Request for Name Change

Michigan Department of Treasury
1012 (Rev. 4/04)

Application for Industrial Facilities Tax Exemption Certificate

Issued under authority of P.A. 198 of 1974, as amended. Filing is mandatory.

INSTRUCTIONS: File the original and two copies of this form and the required attachments (three complete sets) with the clerk of the local government unit. The State Tax Commission (STC) requires two complete sets (one original and one copy). One copy is retained by the clerk. If you have any questions regarding the completion of this form or would like to request an informational packet, call (517) 373-3272.

To be completed by Clerk of Local Government Unit	
Signature of Clerk: Gail A. Kundinger	Date received by Local Unit: September 7, 2004
STC Use Only	
Application Number	Date Received by STC

APPLICANT INFORMATION

All boxes must be completed.

1a. Company Name (Applicant must be the occupant/operator of the facility): Great Lakes Die Cast Corporation	1b. Standard Industrial Classification (SIC) Code - Sec. 2(10) (Four Digit Code): 3361	
1c. Location of Facility (Street, City, State, ZIP Code): 701 W. Laketon Ave., Muskegon, MI 49441	1d. Name of City/Township/Village (Indicate which): Muskegon	1e. County: Muskegon
2. Type of Approval Requested: ☐ New (Sec. 2(4)) ☐ Speculative Building (Sec. 3(8)) ☐ Research and Development (Sec. 2(9)) ☒ Transfer (1 copy to only) ☐ Rehabilitation (Sec. 3(1))	3a. School District where facility is located: Muskegon	3b. School Code: 61010
	4. Amount of years requested for exemption (1-12 Years): 12	

5. Thoroughly describe the project for which exemption is sought: Real Property (Type of Improvements to Land, Building, Size of Addition); Personal Property (Explain New, Used, Transferred from Out-of-State, etc.) and Proposed Use of Facility. (Please attach additional page(s) if more room is needed).

Building and equipment expansion resulting from the purchase of land and building from the County, demolition of old building, construction of new building, and the purchase and installation of new machinery and equipment.

6a. Cost of land and building improvements (excluding cost of land) .... **$1,888,194.00** Real Property Costs
- Attach list of improvements and associated costs.
- Also attach a copy of building permit if project has already begun.

6b. Cost of machinery, equipment, furniture and fixtures .... **$5,205,100.00** Personal Property Costs
- Attach itemized listing with month, day and year of beginning of installation plus total costs

6c. Total Project Costs .... **$7,093,294.00** Total of Real & Personal Costs

7. Indicate the time schedule for start and finish of construction and equipment installation. Projects must be completed within a two year period of the effective date of the certificate unless otherwise approved by the STC.

	Begin Date (M/D/Y)	End Date (M/D/Y)	
Real Property Improvements	9/9/98	3/15/99	☐ Owned ☒ Leased
Personal Property Improvements	12/1/98	5/1/99	☒ Owned ☐ Leased

8. Are State Education Taxes reduced or abated by the Michigan Economic Development Corporation (MEDC)? If yes, applicant must attach a signed MEDC Letter of Commitment to receive this exemption. ☐ Yes ☒ No

9. Number of existing jobs at this facility that will be retained as a result of this project. 195	10. Number of new jobs at this facility expected to be created within two years of project completion. 30

11. Rehabilitation applications only: Complete a, b and c of this section. You must attach the assessor's statement of valuation for the entire plant rehabilitation district. The SEV data below must be as of December 31 of the year prior to the rehabilitation.

a. SEV of Real Property (excluding land) .... ______

b. SEV of Personal Property (excluding inventory) .... ______

c. Total SEV .... ______

12a. Check the type of District the facility is located in:

☒ Industrial Development District ☐ Plant Rehabilitation District

12b. Date district was established by local government unit: (Not known by preparer)	12c. Is this application for a speculative building (Sec. 3(8))? ☐ Yes ☒ No

Form 1012, Page 2

APPLICANT CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all are truly descriptive of the industrial property for which this application is being submitted.

It is further certified that the undersigned is familiar with the provisions of P.A. 198 of 1974, as amended, being Sections 207.551 to 207.572, inclusive, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Industrial Facilities Exemption Certificate by the State Tax Commission.

13a. Preparer Name Con J. Nolan	13b. Phone Number (231) 728-8813	13c. Fax Number (231) 726-2205	13d. E-mail Address cnolan@gldiecast.com
14a. Name of Contact Person Same as above	14b. Phone Number Same as above	14c. Fax Number Same as above	14d. E-mail Address Same as above
15a. Name of Company Officer (No Authorized Agents) Con J. Nolan, President			
15b. Signature of Company Officer (No Authorized Agents) [signature]			15c. Date 9/1/04
15d. Mailing Address (Street, City, State, ZIP) 701 W. Laketon Ave., Muskegon, MI 49441		15e. Phone Number (231) 728-8813	15f. E-mail Address cnolan@gldiecast.com

LOCAL GOVERNMENT ACTION & CERTIFICATION

This section must be completed by the clerk of the local governing unit before submitting application to the State Tax Commission. Check items on file at the Local Unit and those included with the submittal.

16. Action taken by local government unit ☐ Abatement Approved for _______ Years (1-12) After Completion ☐ Yes ☐ No ☐ Denied (Include Resolution Denying)	16b. The State Tax Commission Requires the following documents be filed for an administratively complete application: **Indicate N/A if Not Applicable** ☐ 1. Original Application plus attachments, and one complete copy ☐ 2. Resolution establishing district ☐ 3. Resolution approving/denying application. ☐ 4. Letter of Agreement (Signed by local unit and applicant) ☐ 5. Affidavit of Fees (Signed by local unit and applicant) ☐ 6. Building Permit for real improvements if project has already begun ☐ 7. Equipment List with dates of beginning of installation ☐ 8. Form 3222 (if applicable) ☐ 9. Speculative building resolution and affidavits (if applicable)
16a. Documents Required to be on file with the Local Unit **Indicate N/A if Not Applicable** ☐ 1. Notice to the public prior to hearing establishing a district. ☐ 2. Notice to taxing authorities of opportunity for a hearing. ☐ 3. List of taxing authorities notified for district and application action. ☐ 4. Lease Agreement showing applicants tax liability.	
17. Name of Local Government Body	18. Date of Resolution Approving/Denying this Application

Attached hereto is an original and one copy of the application and all documents listed in 16b. I also certify that all documents listed in 16a are on file at the local unit for inspection at any time.

19a. Signature of Clerk Gail A. Kundinger	19b. Name of Clerk Gail A. Kundinger	19c. E-mail Address gail.Kundinger@postman.org
19d. Clerk's Mailing Address (Street, City, State, ZIP) 933 Terrace, Muskegon, MI 49440	19e. Phone Number (231) 724-6705	19f. Fax Number (231) 724-4178

State Tax Commission Rule Number 57: Complete applications approved by the local unit and received by the State Tax Commission by October 31 each year will be acted upon by December 31. Applications received after October 31 may be acted upon in the following year.

Local Unit: Mail one original and one copy of the completed application and all required attachments to:

State Tax Commission
Michigan Department of Treasury
P.O. Box 30471
Lansing, MI 48909-7971

* Information contained in this application and supporting documentation may be subject to review by the public if a Freedom of Information request is filed.

STC USE ONLY			
LUCI Code	Begin Date	End Date	End Date2

Resolution No. 2004-86(b)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING REQUEST
FOR A NAME CHANGE FOR INDUSTRIAL DEVELOPMENT CERTIFICATE
NO. 98-551
Great Lakes Die Cast Corporation

WHEREAS, pursuant to Act No. 198 of the Public Acts of 1974, as amended, the City of Muskegon has the authority to authorize a name change to an "Industrial Development Certificate" within the City of Muskegon; and

WHEREAS, Dilesco Corporation, the previous applicant for the certificate, has sold it's operations to Great Lakes Die Cast Corporation; and

WHEREAS, Great Lake Die Cast Corporation, 701 W. Laketon Avenue, Muskegon, Michigan, has requested the City of Muskegon to change the name on Industrial Development Certificate No. 98-551 for real and personal property located at 701 W. Laketon Avenue, Muskegon, hereinafter described; and

WHEREAS, Great Lakes Die Cast Corporation presently owns a production facility within the Industrial Development District; and

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

WHEREAS, before acting on said request the Muskegon City Commission held a public hearing on September 28, 2004, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were afforded an opportunity to be heard on said application.

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

1. The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation

of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

2. The application of Great Lakes Die Cast, for the name change of an Industrial Facilities Tax Exemption Certificate is with respect to real and personal property for the following described parcel situated within the City of Muskegon to wit:

See Attachment A

3. The name on the Industrial Facilities Exemption Certificate is changed and shall remain in force and effect for the remaining period of the original certificate, which took effect October 24, 1995, and was issued for twelve (12) years.

Adopted this 28th day of September, 2004.

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

Nays: None

Absent: None

By: ______________________
Stephen J. Warmington
Mayor

Attest: Gail Kundinger
Gail Kundinger
Clerk, MMC

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 September 28, 2004.

Gail Kundinger
Gail Kundinger
Clerk, MMC

ATTACHMENT A

Glencoe addition, Blk 1 lot 2 to 11 incl & vac Erie; Blk 2 Lots 1-4 incl, 6-11 incl and all vac alleys abutting same; Blk 3 lots 1-4 inl, 12 to 18 incl, 20 to 26 incl and all vac alleys and Sts abutting; Blk 4, Lots 1-7 incl, Lots 20 to 26 incl and all abutting vac Sts and alleys; Blk 5, Lots 1-6 incl, vac Sts abutting; Blk 6, Lots 1-5 incl, 6-11 inc vac Erie Also N ½ vac alley, Lots 17 and 19 N vac Duncan and S ½ alley also Lots 12 to 16 incl and N ½ vac alley; and

Part of the Northwest ¼ of Section 31, Town 10 North, Range 16 West, Muskegon City, Muskegon County, Michigan, being described as: Commencing at the Northwest corner of said Section, thence South 00 degrees 00 minutes 00 seconds West on the West line of the Section, 664.00 feet; thence North 89 degrees 56 minutes 20 seconds East 33.00 feet to the East line of Henry Street being the point of Beginning of the parcel of land therein described; thence continuing North 89 degrees 56 minutes 20 seconds East 446.38 feet to the Southwesterly line of the Chesapeake and Ohio Railroad; thence South 32 degrees 59 seconds 51 minutes East on the same, 412.11 feet; thence South 00 degrees 15 minutes 07 seconds West 221.02 feet; thence South 87 degrees 48 minutes 13 seconds West 670.33 feet to said East line; thence North 00 degrees 00 minutes 00 seconds East on same, 591.86 feet to the Point of Beginning. Subject to easements restrictions and right-of-ways of record.

CITY OF MUSKEGON

1998
Abatement

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Great Lakes Die Cast ("Company").

Recitals:

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

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

1.1 That fifty (50) percent of the promised new jobs shall be in place with full-time employees on or before June, 1999, and one-hundred (100) percent of the said jobs shall be in place with full time employees on or before December, 1999. Finally, 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission, **subject to the provisions of section 3.4 of this agreement.**

1.2 That the amount of jobs listed on the application, whether new or retained, will be maintained through the life of the abatement, **subject to the provisions of section 3.4 of this agreement.**

1.3 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate, **subject to the provisions of section 3.4 of this agreement.**

1.4 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of $7,093,294 in the equipment and improvements as shown in the application, **subject to the provisions of section 3.4 of this agreement.**

1.5 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.

1.6 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.

1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.

1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.

1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY**. Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to **whether to** create the district and **whether to** receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and/**or** approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

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

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby, **unless the company can show that there has**

been a loss of revenue and employment due to circumstances beyond the control of the company. In order to make that showing the company shall have the burden of supplying, to the City's satisfaction, complete and convincing documentation supporting and justifying reductions in investment, failures to attain affirmative action goals or job losses, such as, without limitation, written evidence of lost contracts, accounting information showing reduced revenues due to the loss of business, (not due to diversion of production to affiliate companies or divisions of the company), production records showing reduced quantities over significant periods of time, and such other information required by the City to support the Company's claim that the failure to invest, failure to achieve affirmative action goals, or loss of jobs should not form the basis for a finding of default.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

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

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll, **unless the company can show, through receipts, etc. that the cost of the equipment was actually less than the amount estimated by the company (i.e., the same equipment was purchased as listed in the IFT application, but the bids came in less then expected).**

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced, **unless the company can show that the loss of jobs, or inability to hire as many people as expected, is due to circumstances beyond the control of the company (such as an economic downturn).**

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statue, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By ______________________
Stephen J. Warmington, Mayor

and Gail A. Kundinger
Gail A. Kundinger, Clerk

GREAT LAKES DIE CAST CORPORATION

By ______________________
Con J. Nolan
Its **President**

and ______________________

Its ______________________

Commission Meeting Date: September 28, 2004

Date: **September 8, 2004**

To: **Honorable Mayor & City Commission**

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

RE: **Groundwater Ordinance Amendment**

SUMMARY OF REQUEST: To approve an amendment to the City Groundwater Ordinance to include properties that have been identified as "affected" premises as defined in the Groundwater Ordinance. An "affected" premises shall mean a parcel of property any part of which is located within an appendix map made part of this ordinance, as originally enacted or amended, which map shows the parcel to have contaminated groundwater under any part of the parcel. Brunswick Corporation (owner of the parcel) and R & B Trailer Leasing (adjacent to the parcel) have been notified by mail of the amendment herein.

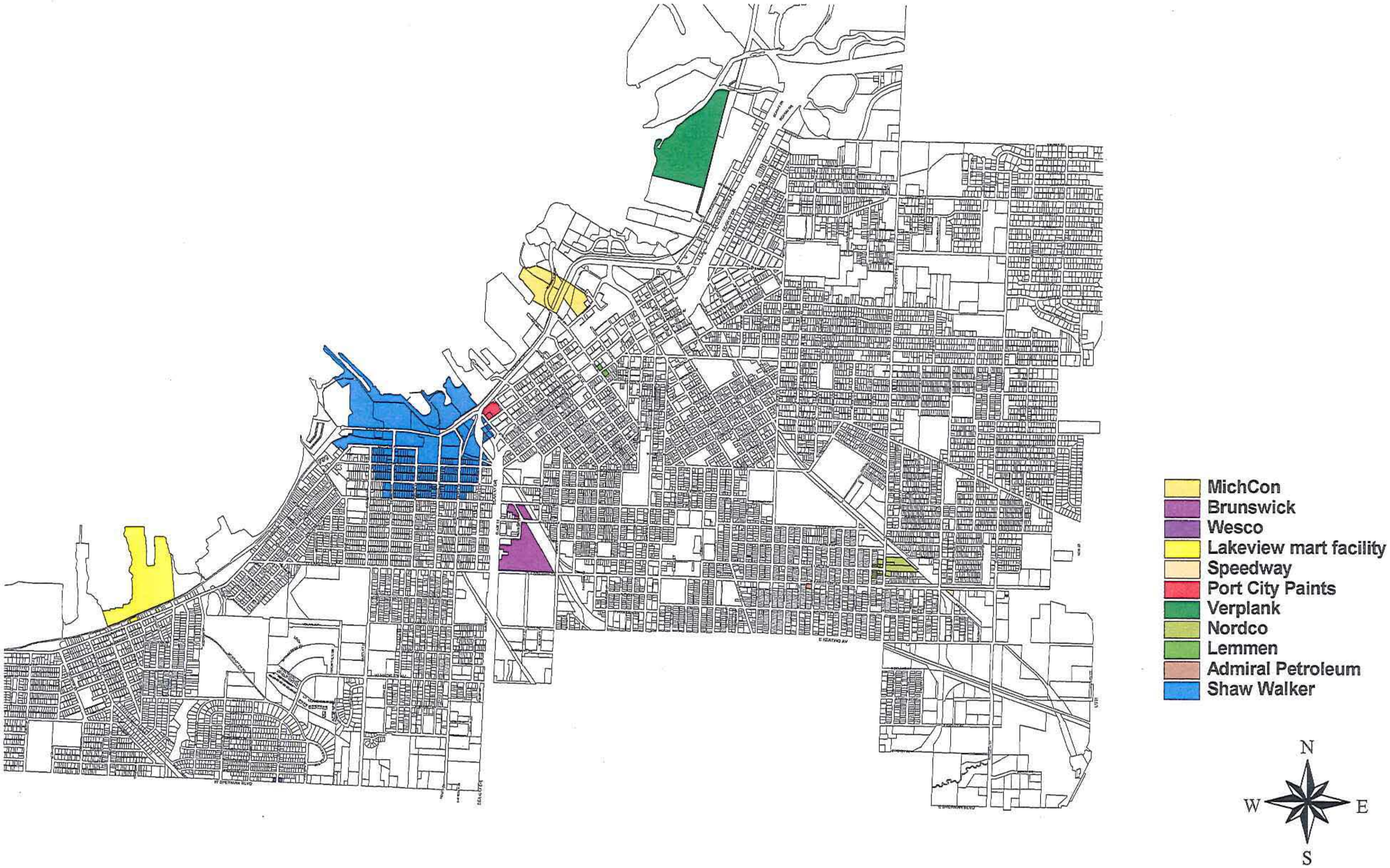
FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the amendment.

COMMITTEE RECOMMENDATION: None.

Contaminated sites approved by City Commission



CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2139

An ordinance amending the City Code by adding to Ordinance No. 2039 (Muskegon City Code Sections 24-46 through 24-52.5) certain identifying "Appendix Maps" and descriptions of properties determined to be "affected premises" on which groundwater wells for the delivery of water for human consumption and irrigation, and the use of such wells which may influence the movement of contaminated groundwater, are prohibited by the said Ordinance No. 2039. The said Ordinance No. 2039 is amended by this Ordinance.

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

1. The properties identified in this amending ordinance are determined to be affected premises within the meaning of, and regulated in accordance with, Ordinance 2039 or any successor ordinance prohibiting wells on such premises. The said affected premises constitute the Brunswick Bowling and Billiards (North Plant) Facility and are located in the vicinity of Forest Avenue and Messler Street:

Owner of Parcel	Property Tax Number
Brunswick Corporation	61-24-131-100-0004-00
R&B Trailer Leasing	61-24-205-431-0007-00

2. Attached to this ordinance and incorporated herein are Appendix Maps locating the affected premises and their legal descriptions.

3. This ordinance shall be effective ten (10) days after publication. In the event any part of this ordinance is finally determined to be invalid or unenforceable by a court having jurisdiction, then said determination shall not affect the validity of the remaining provisions.

This ordinance adopted:

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

Adoption Date: September 28, 2004

Effective Date: October 12, 2004

First Reading: September 28, 2004

Second Reading: N/A

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, City Clerk

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on September 28, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, City Clerk

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

APPENDIX NO. ____

Affected Premises Contaminated or Subject to Contamination
by the Groundwater from the Brunswick Bowling and Billiards (North Plant) Facility

Real Property Tax Assessment Parcel Numbers & Legal Descriptions

Brunswick Bowling and Billiards – North Plant:

Parcel ID No.: 61-24-131-100-0004-00

Legal Description:

BEG @ NW COR BLK 451 TH S TO S LINE DALE AVE EXTD TH W TO NW COR LOT 16 BLK 452 TH S TO SW COR LOT S BLK 452 TH S TO A PT 495 FT N OF SW COR TH E 1.2 FT TH S 48 FT TH W 172 FT TO W LINE BLK 452 TH S TO A PT 495 FT N OF SW COR BLK 457 TH E 92 FT TH S 67 FT TH N 89 DEG 38 MIN E 109.45 FT TH S 0.69 FT TH W 139 FT TH N 6.6 FT TH W 1.2 FT TH S 36.83 FT TH W 6 FT TH S 87.17 FT TH W 61.8 FT TO W LINE BLK 457 TH S 250.6 FT TO SW COR BLK 457 TH E TO SE COR BLK 459 TH NWLY ALONG WLY LINE BLK 438 TO NW COR BLK 438 TH W TO BEG ALSO LOT 16 BLK 438 EX PART USED FOR RR R/W BEING ENTIRE BLKS 451 458 459 & PARTS OF BLKS 438 452 457 ALSO VAC STREETS & ALLEYS IN SAME

R&B Trailer Leasing:

Parcel ID No.: 61-24-205-431-0007-00

Legal Description:

CITY OF MUSKEGON, REVISED PLAT OF 1903, BLK 431, LOT 7, DESC AS COM AT INT OF NLY ROW LN FOREST AVE & WLY ROW LN PENNSYLVANIA RR TH N 89D 58M W 194.10 FT TO ELY ROW WAGNER AVE TH N 27D 42M 15S W 395.69 FT TO SLY ROW LN SOUTHERN AVE TH 3 173.95 FT TO SD WLY ROW PENNSYLVANIA RR TH S 30D 13M E 405.55 FT TO POB

[Insert Maps]

CITY OF MUSKEGON
NOTICE OF ADOPTION

TO: ALL INTERESTED PARTIES

Please take notice that on September 28, 2004, the City Commission of the City of Muskegon adopted an ordinance to amend the Muskegon City Code limiting and regulating groundwater wells for the delivery of water for human consumption and irrigation.

The amending ordinance identifies the following affected properties upon which groundwater wells for the delivery of water for human consumption and irrigation are prohibited. The properties are listed by their street address and property tax identification numbers. The full ordinance, available at the City Hall, contains the legal descriptions of the properties affected:

Property Address	Property ID Numbers
525 W. Laketon Avenue Muskegon, MI 49441	61-24-131-100-0004-00
1600 Messler Street Muskegon, MI 49441	61-24-205-431-0007-00

Legal descriptions of the above properties, and a map showing the location of contaminated properties and sources of contamination, are attached to the full ordinance and may be inspected and copied in connection with any inspection of the ordinance.

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

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

CITY OF MUSKEGON

Published: October 2, 2004

By________________________________
Gail A. Kundinger, Its Clerk

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

Rev. 4/18/03

City of Muskegon

Petition To Designate Affected Premises Under Water Supplies Ordinance

The City of Muskegon passed a groundwater protection ordinance (Ordinance No. 1133) on August 26, 1997. This groundwater protection ordinance was amended on December 12, 2000, and is now referred to as Ordinance No. 2039. The ordinance prohibits the use of groundwater wells and secondary water supplies under certain circumstances and in certain locations, to prevent exposure to contaminated groundwater, as well as to prevent wells from influencing the movement of contaminated water. No groundwater wells may be installed on *affected premises* unless the use of such well is solely for commercial or industrial non-contact cooling or processing purposes (with appropriate DEQ and local approvals), construction de-watering, DEQ or EPA-approved groundwater monitoring or remediation systems, or a public emergency.

If the Petitioner is requesting that the City add one or more *affected premises* to the City's list, the following information must be provided in full. Please note that no action will be taken on your Petition until all requested materials have been submitted to the City Planning Department, along with two (2) complete copies.

1. Name and address of Petitioner:
   Brunswick Corporation
   525 W. Laketon Ave.
   Muskegon, MI 49441

   Name/telephone of contact person:
   Mr. James Whitaker
   231-725-3214

   Status relative to source of contamination (interested party or affected premises):
   - [x] Owner
   - [x] Operator
   - [ ] Other: __________

2. Common Name and Address of Source of Contamination:
   Brunswick Bowling + Billiards
   North Plant
   525 W. Laketon Ave.
   Muskegon, MI 49441

   Parcel Identification Number: 61-24-131-100-0004-00

3. The following documents must be attached. Place a check in the space provided to indicate that the requested materials have been included in this Petition packet (use NA to designate items that are not applicable).

(a) ✓ Legal description of source or site of contamination.
(b) ✓ Name, address, and telephone number of each person having an interest as owner or occupant of the property which is the source or site of contamination.
(c) ✓ A clear statement of the nature and extent of contamination, identifying the types and concentrations of contaminants, the likely or anticipated path of migration of

the contaminants if not remediated (as well a detailed statement of any plan to remediate, correct, and/or contain the contamination).

(d) ✓ Completed Summary table (below).

(e) ✓ List of street addresses, legal descriptions, and parcel I.D. numbers for all *affected premises* (other than source of contamination).

(e) ✓ List of names, addresses (mailing and street), and telephone numbers of all persons with an interest as owner or occupant of all *affected premises* (other than source of contamination).

(f) ✓ A scaled map showing the boundary lines of all *affected premises* covered by this Petition. The map must also show building outlines, groundwater well locations, parking lots, roads, estimated direction of groundwater flow, and estimated location and extent of the contaminant plume(s). See Summary Table below for description of additional contaminant information required.

(g) ✓ A description of the current status, and usage characteristics of all existing groundwater wells known to the Petitioner within the *affected premises.*

NA A description and time schedule for any actions the Petitioner will take to properly close and abandon any existing wells subject to the use prohibition within the restricted zone.

Summary Table

A Hazardous Substance	B CAS No.	C Sample Loc.	D Max. Conc.	E Migration Direction
Tolvene	108883	MW-2A	1,100 ug/L	Northwest
Tolvene	108883	mw-8	8,200 ug/L	Northwest

Note: Attach additional sheets, as necessary.

Column A: Name of the hazardous substance

Column B: Chemical Abstract Service (CAS) Number for the hazardous substance

Column C: Sample location for Column D (show on site map)

Column D: Maximum hazardous substance concentration measured on the property, including units of measurement

Column E: Direction of contaminant migration, if known

Attachment for
City of Muskegon Petition for Ordinance No. 2039

3(a) Legal Description of Source or Site of Contamination
Attached

3(b) Name, Address, and Telephone Number of Persons Having Interest as Owner or Occupant of the Source Property

Mr. James Whitaker
Brunswick Corporation
525 W. Laketon Avenue
Muskegon, MI 49441

231-725-3214

3(c) Nature and Extent of Contamination

In 1984, a toluene release was discovered from one of the two 10,000-gallon toluene USTs located in the northwestern corner of the property. An estimated 6,000 gallons were released. Brunswick has been working to address the toluene-impacted groundwater for many years. In addition to removing the former leaking underground storage tank and excavating the surrounding soil that are believed to have been the original source of the toluene contamination, Brunswick has implemented numerous groundwater cleanup remedies including groundwater removal and treatment, air sparging with soil vapor extraction, injection of Oxygen Release Compound into the groundwater and demonstration that natural attenuation mechanisms are working to degrade the toluene.

These remedies removed much of the toluene present. At one time, no toluene was detected in groundwater for over a year (no detections during five consecutive monitoring events), and the remediation systems were decommissioned with the approval of the MDEQ. However, subsequent monitoring indicates that toluene concentrations returned and now are observed intermittently in the groundwater; therefore, Brunswick continues to monitor the groundwater in this area.

Brunswick samples groundwater for toluene in the wells on its property and the R&B Leasing property to the north (as well as others) at a minimum of four times per year and sometimes as often as several times per month. These data are included in lengthy reports submitted to the MDEQ four times per year.

The most recent report indicates that the sample collected from MW-2A, located immediately adjacent to Forest Ave. on Brunswick's property contains a toluene concentration of 1.1 milligrams per liter (mg/l). A sample from MW-8 collected in January 2004, but not yet reported to the MDEQ, had a toluene concentration of 8.2 mg/L. This well is located on R&B Leasing property immediately across Forest Avenue from the source area (see attached Figure). The toluene concentration in groundwater at these two wells fluctuates and is often times found to be below the detection limit of 0.001 mg/l.

Toluene concentrations in the remaining monitoring wells are generally below detection limits or well below the MDEQ Part 201 RDW criteria. Monitoring of the toluene contamination continues and while no active remediation system is in place, there is documented evidence of natural degradation. It is important to emphasize that there is no added risk to public health since no one drinks the groundwater in this area.

3(e) Affected Properties

Address: 1600 Messler St., Muskegon, MI 49441
Parcel ID#: 61-24-205-431-0007-00
Owner: R&B Trailer Leasing
Contact: M. Connie Hanes, 615 W. Dale Ave, Muskegon, MI 49441

Address: Forest Avenue between Messler St. and Eight St., Muskegon, MI 49441
Parcel ID#: NA
Owner: City of Muskegon
Contact: Mr. Brian Lazor, Planning Dept., 933 Terrace, P.O. Box 536, Muskegon, MI 49443

3(f) Scaled Map of source of Contamination and Affected Premises

Attached

3(g) Groundwater Well Usage and Status

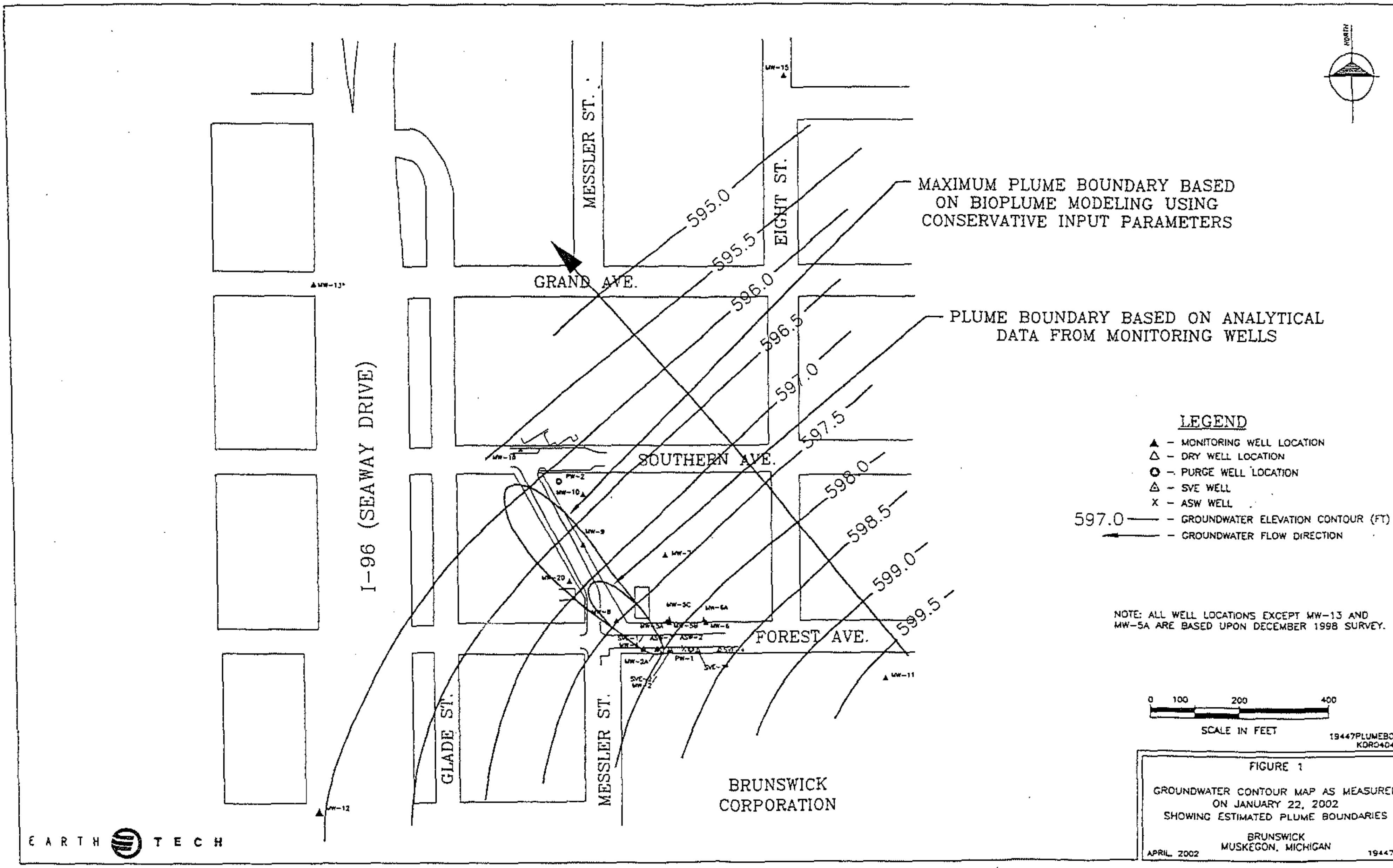
No water supply wells are present on the subject property or affected properties. There are, however, monitoring wells located on the northwestern portion of the site and offsite.

(4)

1-24-205-451-0001-00 Map #:24-31-30-300-003
700 MESSLER ST 12/28/2000
BRUNSWICK CORP
25 W LAKETON
TTN: MARK L SCHULTZ
MUSKEGON, MI 49441
Class: 301 School: 61010

Legal Description
North Plant

BEG @ NW COR BLK 451 TH S TO S LINE DALE AVE EXTD TH W TO NW COR LOT 16 BLK 452 TH S TO SW COR LOT 5 BLK 452 TH S TO A PT 495 FT N OF SW COR TH E 1.2 FT TH S 48 FT TH W 172 FT TO W LINE BLK 452 TH S TO A PT 495 FT N OF SW COR BLK 457 TH E 92 FT TH S 67 FT TH N 89 DEG 38 MIN E 109.45 FT TH S 0.69 FT TH W 139 FT TH N 6.6 FT TH W 1.2 FT TH S 36.83 FT TH W 6 FT TH S 87.17 FT TH W 61.8 FT TO W LINE BLK 457 TH S 250.6 FT TO SW COR BLK 457 TH E TO SE COR BLK 459 TH NWLY ALONG WLY LINE BLK 438 TO NW COR BLK 438 TH W TO BEG ALSO LOT 16 BLK 438 EX PART USED FOR RR R/W BEING ENTIRE BLKS 451 458 459 & PARTS OF BLKS 438 452 457 ALSO VAC STREETS & ALLEYS IN SAME


MAXIMUM PLUME BOUNDARY BASED ON BIOPLUME MODELING USING CONSERVATIVE INPUT PARAMETERS
PLUME BOUNDARY BASED ON ANALYTICAL DATA FROM MONITORING WELLS
MESSLER ST.
EIGHT ST.
GRAND AVE.
SOUTHERN AVE.
FOREST AVE.
I-96 (SEAWAY DRIVE)
GLADE ST.
MESSLER ST.
BRUNSWICK CORPORATION
595.0
595.5
596.0
596.5
597.0
597.5
598.0
598.5
599.0
599.5
MW-15
MW-13
MW-18
PW-2
MW-10
MW-9
MW-7
MW-20
MW-5C
MW-6A
MW-6
PW-1
MW-2A
MW-11
MW-12
NORTH
LEGEND
▲ – MONITORING WELL LOCATION
△ – DRY WELL LOCATION
O – PURGE WELL LOCATION
SVE WELL
X – ASW WELL
597.0 – GROUNDWATER ELEVATION CONTOUR (FT)
– GROUNDWATER FLOW DIRECTION
NOTE: ALL WELL LOCATIONS EXCEPT MW-13 AND MW-5A ARE BASED UPON DECEMBER 1998 SURVEY.
0 100 200 400
SCALE IN FEET
EARTH TECH
FIGURE 1
GROUNDWATER CONTOUR MAP AS MEASURED ON JANUARY 22, 2002 SHOWING ESTIMATED PLUME BOUNDARIES
BRUNSWICK
MUSKEGON, MICHIGAN
APRIL 2002

Date: September 28, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Audit Contract Extension

SUMMARY OF REQUEST: The contract for the city's annual audit is expired. Because of the possibility that voters may approve changes to the city's fiscal year this November, staff is recommending that the contract with the current independent audit firm (Hoffman, Steensma & Plamondon) be extended through 12/31/04 and through the potential stub-year period (6/30/05 or 9/30/05). This will provide much needed continuity through a difficult transition. Waiting to bid out audit services will have the added advantage (if the fiscal year is changed) of attracting more competitive bids, since the current 12/31 year-end is unattractive to many CPA firms because of tax preparation season. Typically audit contracts are awarded for a five-year period so it is sensible to wait until we know what the future fiscal year-end will be.

FINANCIAL IMPACT: Proposed cost for 12/31/04 audit - $34,000 which is the same as for the 12/31/03 audit. Proposed cost for the stub-period audit - $26,000.

BUDGET ACTION REQUIRED: None at this time. The 2005 budget incorporates funding for the 12/31/04 audit. If voters approve the fiscal year proposals, the entire 2005 budget will need to be reforecast and restructured at a later date.

STAFF RECOMMENDATION: Approval of the audit contract extension to cover the 12/31/04 audit and the audit for the stub year, if the November ballot proposal is approved by voters.

COMMITTEE RECOMMENDATION: None.

Hoffman, Steensma & Plamondon, P.L.C.

Certified Public Accountants and Consultants

ROGER E. HOFFMAN, C.P.A.
ROGER D. STEENSMA, C.P.A.

DOUGLAS A. PLAMONDON, C.P.A.
RANDY J. NOVOTNY, C.P.A.

September 14, 2004

Mr. Tim Paul
City of Muskegon
933 Terrace Street
Muskegon, Michigan 49443

Dear Tim:

We are pleased to propose on the audit of the financial statements and the federal awards for the year ending December 31, 2004 and for the six months ending June 30, 2005.

It is our understanding that the six months ending June 30, 2005 is subject to voter approval. In the event that the proposal to change year end is defeated, our audit contract will be for the year ending December 31, 2004 at a fee of $34,000.

If we perform the June 30, 2005 audit, our fee will be $26,000.

Our accounting hourly rate of $42 will be effective until September 30, 2005.

If you have any questions, please contact me.

Very truly yours,

Douglas A. Plamondon

Douglas A. Plamondon

221 W. Webster Ave., Suite 502 · Muskegon, MI 49440-1243 · (231) 728-5176 · Fax (231) 726-3530

Date: September 28, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Proposed Water Rate Increase

SUMMARY OF REQUEST: The City is in the midst of a $16.5 million renovation of the water filtration plant. To fund these improvements, the city has borrowed $13.9 million from the Drinking Water Revolving Fund (DWRF) and has committed other resources to the project. It is necessary to raise water user fees significantly in order to cover debt service requirements associated with the filtration project and to offset rapidly rising operational costs. Staff is recommending that the water user charge be raised from the current $1.09/hcft to $1.40/hcft effective January 1, 2005.

FINANCIAL IMPACT: The following table shows how the rate increase will impact typical residential households:

Sample Users	*Quarterly Water Bill Before Increase*	*Quarterly Water Bill After 01/01/05 Increase*
Using 7,500 gallons per month (1-2 person household)	$32.70	$42.00
Using 15,000 gallons per month (3-4 person household)	$65.40	$84.00

As shown on the attached survey, Muskegon's residential water rates will continue to be below the average for Michigan communities after implementation of the increase.

BUDGET ACTION REQUIRED: None at this time. The 2005 water fund budget incorporates the projected revenues from the rate increase

STAFF RECOMMENDATION: Approval of the attached resolution implementing the proposed water rate increase.

COMMITTEE RECOMMENDATION: None.

CITY OF MUSKEGON

Resolution No. 2004-87(c)

A Resolution amending the general fee resolution of the City.

RECITALS

A review of the water rates has been undertaken by staff and consultants, City staff recommends and City commission has determined that an increase in the rates for water service is justified in the opinion of the City Commission.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION:

1. For service provided after January 1, 2005, the rate for water shall be changed from \$1.09 per hundred cubic feet to \$1.40 per hundred cubic feet.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on September 28, 2004. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kundinger

Gail A. Kundinger, Clerk

Typical Monthly Water Bill
Ranked from Lowest (1) to Highest (57)
Residential Customers - 15,000 Gallons Usage Per Month
(Bold Type Indicates Local Area Communities)

Community	Water Bill	Rank
Allen Park	31.84	36
Ann Arbor	35.46	42
Battle Creek	26.00	21
Bay City	37.60	47
Bloomfield Township	37.50	46
Burton	44.40	55
Canton	30.00	28
Chesterfield Township	22.67	9
Clinton Township	24.60	16
Dearborn	23.52	12
Detroit	24.82	18
East Lansing	39.05	49
Eastpointe	29.80	27
Farmington Hills	36.55	44
Flint	53.78	60
Fruitport Township	**37.00**	45
Garden City	34.09	39
Georgetown Township	17.50	3
Grand Blanc Township	43.40	54
Grand Haven	**22.35**	8
Grand Rapids	**34.79**	40
Holland	**18.95**	4
Holland Township	**25.25**	20
Independence Township	24.33	15
Jackson	40.55	51
Kalamazoo	21.42	6
Kentwood	**40.84**	53
Lansing	38.28	48
Livonia	30.38	29
Macomb Township	24.70	17
Midland	24.00	14
Montague	**30.89**	33
Muskegon (Proposed Rate Effective 1/1/05)	**28.00**	24
Muskegon (Rate Effective 1/1/04)	**21.80**	7
Muskegon Heights	**22.79**	10
Muskegon Township	**46.00**	57
North Muskegon	**51.33**	59
Norton Shores	**30.72**	31
Novi	40.41	50
Oak Park	36.17	43
Plymouth Township	33.10	38
Port Huron	23.21	11
Rochester Hills	40.65	52
Roosevelt Park	**48.06**	58
Royal Oak	27.00	22
Saginaw	12.95	1
Saginaw Township	31.21	34
Shelby Township	44.55	56
Southfield	31.92	37
Southgate	30.60	30
Sterling Heights	19.03	5
Taylor	23.66	13
Troy	30.80	32
Walker	**35.43**	41
Warren	27.90	23
Waterford Township	13.33	2
Westland	31.35	35
Whitehall	**28.35**	26
Wyoming	25.07	19
Ypsilanti Township	28.22	25
Average	$31.17	
Median	$30.66	

Note: Assumes 15,000 gallons (or 1,000 cubic feet) monthly usage and a 5/8" (or nearest equivalent) meter size.

Source: April 2003 Michigan Water/Wastewater Rate Survey conducted by Black & Veatch Corporation, Management Consulting Division and supplemented by local area survey as of August 2004.

Table 11
Projected Water Rate Calculations

CITY:	2004	2005
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.00	1.09	1.40
MUSKEGON COUNTY NORTHSIDE:		
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.25	1.36	1.75
ROOSEVELT PARK:		
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.35	1.47	1.89
NORTH MUSKEGON:		
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.35	1.47	1.89
MUSKEGON TOWNSHIP:		
Base Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.35	1.47	1.89
NORTON SHORES:		
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 2.00	2.18	2.80
MISC. OUTSIDE:		
Commodity Charge Per 100 Cubic Feet = (Expenses Allocated to All Customers/Total Equivalent Billable Flow) x 1.50	1.64	2.10

Table 12
Water System Revenues

591 WATER FUND	2000 (Actual)	2001 (Actual)	2002 (Actual)	2003 (Actual)	2004 (Budget)	2004 (RevEst)	2005	2006	2007
Revenues									
Special Assessments	-	-	-	-	-	-	-	-	-
EDA Grant Seaway Ind Park	-	-	-	-	-	-	-	-	-
State Grant Shoreline Drive	-	-	-	-	-	-	-	-	-
State Shared Revenue	-	-	-	-	-	-	-	-	-
Charges: City (2000, 2001 included all customers; 2002 Rev Est, 2003 Budget included all except Muskegon Twp)	3,531,540	3,980,059	4,084,612	3,876,432	3,031,197	3,031,197	3,932,214	3,971,536	4,011,251
Charges: Muskegon County Northside					243,748	243,748	319,333	325,719	332,234
Charges: Roosevelt Park					350,970	350,970	455,295	459,848	464,446
Charges: North Muskegon					466,123	466,123	604,677	610,724	616,831
Charges: Muskegon Township	-	-	-	-	472,700	472,700	607,137	607,137	607,137
Muskegon Township Contract Operations Income	-	-	-	-	200,000	200,000	200,000	200,000	200,000
Charges: Norton Shores					8,947	8,947	11,606	11,723	11,840
Charges: Misc. Outside	-	-	-	-	1,465	1,465	1,901	1,920	1,939
Hydrant Rental - Muskegon Twp	-	-	-	-	-	-	-	-	-
Project Reimbursements	-	-	-	-	-	800,000	300,000	-	-
Interest Income *	320,696	230,864	84,467	51,889	51,889	51,889	51,889	51,889	51,889
Operating Transfers In	-	454,812	-	-	-	-	-	-	-
Other (NEW BOND ISSUANCE)	84,101	52,184	-	670,425	10,700,000	11,000,000	2,900,000	-	-
Subtotal	**3,936,337**	**4,717,919**	**4,169,079**	**4,598,746**	**15,527,039**	**16,627,039**	**9,384,051**	**6,240,495**	**6,297,567**
Expenditures	**4,047,743**	**5,629,540**	**5,050,939**	**5,365,942**	**17,219,705**	**18,104,349**	**10,040,711**	**6,046,181**	**6,138,196**
Available Cash Balance, Beginning of Year **	6,094,347	5,982,941	5,071,320	4,189,460	3,422,264	3,422,264	2,444,954	1,788,295	1,982,609
Transfer from Cash Balance **	111,406	911,621	881,860	767,196	1,692,666	977,310	656,660	(194,314)	(159,371)
Available Cash Balance, End of Year	**5,982,941**	**5,071,320**	**4,189,460**	**3,422,264**	**1,729,598**	**2,444,954**	**1,788,295**	**1,982,609**	**2,141,979**
** Amount for 2004 - 2007:	51,889								

To: Mayor and City Commission

From: Commissioner Clara Shepherd

Date: September 28, 2004

RE: Travel Assistance to NLC Congress of Cities Conference

I am requesting assistance with costs associated with attendance at the NLC Conference held in Indianapolis, Indiana from November 30 through December 4th, 2004. I serve on the NLC Community and Economic Policy Committee. This conference will deal with CDBG Funding and the HOME program and land use.

Cost for the registration is $415.00 and hotel costs will be approximately $450. If my fellow commissioners would please authorize city payment for the registration and half of the hotel, I will be picking up costs associated with travel, food, and half of the hotel.

I have spent much of my own money to travel for the benefit of the city at other conferences and have brought back material that is helpful to our city. I also have paid all expenses for travel to meetings for Michigan Municipal League Board, representing our city.

Clara Shepherd