

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 25, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - a. AT & T Presentation
 - b. MML Award Presentation
- ❑ PRESENTATIONS: Proclamation for National League of Cities.
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Local Law Enforcement Block Grant – Joint Sending Agreement. CITY CLERK
 - c. 2201/2002 Rock Salt Offer. DEPARTMENT OF PUBLIC WORKS
 - d. Vacation of a Portion of Jiroch Street. PLANNING & ECONOMIC DEVELOPMENT
 - e. Purchase of Backhoe. DEPARTMENT OF PUBLIC WORKS
 - f. Transportation Enhancement Grant Application. PLANNING & ECONOMIC DEVELOPMENT
 - g. Sale of Buildable Vacant Lot on Lawrence Street. PLANNING & ECONOMIC DEVELOPMENT
 - h. 2002 Transportation Planning Program Funding. CITY MANAGER
 - i. Purchase of Giant Leaf Vacuum. DEPARTMENT OF PUBLIC WORKS
 - j. Correct the Special Assessment Roll on Windsor. ENGINEERING
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:

❑ **NEW BUSINESS:**

- a. Tea 21 Grant Application. LEISURE SERVICES
- b. Concurrence with the Housing Board of Appeals Notice and Order to Demolish at 935 Jefferson. CITY CLERK
- c. Set a Public Hearing Date for Amendment to Downtown Development Plan and Tax Increment Financing Plan, Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT
- d. Housing Commission Appointment. CITY MANAGER
- e. Request from the Lemonade Stand of Muskegon to Recognize them as a Non-profit Organization in the city of Muskegon so they can obtain a Charitable Gaming License from the State of Michigan. CITY CLERK

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- 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 25, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, September 10, 2001, and the Regular Commission Meeting that was held on Tuesday, September 11, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 25, 2001

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 25, 2001.

Mayor Fred J. Nielsen opened the meeting by introducing Reverend Henderson of the Lighthouse Church who offered prayer, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice-Mayor Clara Shepherd; Commissioners John Aslakson, Jone Wortelboer-Benedict, Karen Buie, Robert Schweifler, Larry Spataro; City Manager Bryon Mazade; Assistant City Attorney John Schrier and City Clerk Gail Kunding.

□ HONORS AND AWARDS:

a. A T & T presentation.

AT & T presented an award to Terry "Marco" Clay.

b. MML Award presentation.

Mayor Nielsen presented a MML award to Vice-Mayor Clara Shepherd.

2001-107 CONSENT AGENDA: Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, September 10, 2001, and the Regular Commission Meeting that was held on Tuesday, September 11, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of Minutes

b. Local Law Enforcement Block Grant – Joint Spending Agreement. CITY
MANAGER

SUMMARY OF REQUEST: To approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant (LLEBG). This is required because the U.S. Department of Justice has determined that disparate funding exists.

FINANCIAL IMPACT:

City of Muskegon	\$83,686
County of Muskegon	<u>\$32,222</u> (use is for jail security services)
	\$115,908

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the distribution.

c. 2001/2002 Rock Salt Offer. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Award rock salt bid to Morton International at a cost of \$35.95/ton, delivered, October 20, 2001, through April 30, 2002.

FINANCIAL IMPACT: \$82,400 budgeted

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Accept offer

d. Vacation of a portion of Jiroch Street. PLANNING & ECONOMIC
DEVELOPMENT

SUMMARY OF REQUEST: Request for vacation of Jiroch St., between Forest and Southern Avenues.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends vacation of the portion of Jiroch with the condition that all City easement rights are retained, and the street is not built over.

f. Transportation Enhancement Grant Application. PLANNING & ECONOMIC
DEVELOPMENT

SUMMARY OF REQUEST: To allow Planning Department to submit a Transportation Enhancement Grant application mainly for the aesthetic improvement of Western Avenue extending from 3rd Street through 8th Street. The County of Muskegon will jointly submit their application to restore the Grand Trunk Depot with the City's Western Avenue Streetscape.

FINANCIAL IMPACT: The streetscape with a total project cost of \$620,000 did not get funded last year. The Planning Department intends to reduce the total project cost and use the same \$125,000 of local match from last year's application to increase the chances of having it funded this time. The City of Muskegon and the County of Muskegon will each be responsible for a 20% match for the grant. Grant funds from the Community Foundation will be sought to offset other non-participating project costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the attached resolution and authorize the Mayor and the Clerk to sign it.

j. Correct the Special Assessment Roll on Windsor. ENGINEERING

SUMMARY OF REQUEST: It is requested that the street special assessment roll adopted September 11, 2001, for the Windsor construction project from Barclay to Henry be corrected to reflect the following:

1. 971 Windsor (Parcel #24-175-000-0107-00) be assessed for 16' instead of 39' for a total assessment of \$576.00 instead of \$1,417.65.
2. 972 Windsor (Parcel #24-500-000-0013-00) be assessed for 42.3' instead of 50' for a total assessment of \$1,537.61 instead of \$1,817.50.
3. 990 Windsor (Parcel #24-500-000-0012-00) be assessed for 75' instead of 100' for a total assessment of \$2,726.25 instead of \$3,635.00.
4. 993 Windsor (Parcel #24-175-000-0135-00) be assessed for 35.5' instead of 44.5' for a total assessment of \$1,290.43 instead of \$1,617.58.

These corrections are necessary due to an oversight on our part to recognize that alignment of Dowd not being straight north & south of Windsor. Furthermore, the property owners affected by the proposed corrections have been contacted.

FINANCIAL IMPACT: A total of \$74,225.91 (instead of \$76,573.35) would be spread against the forty-five (45) parcels abutting the project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Correct the Windsor roll.

Motion by Commissioner Schweifler, second by Commissioner Buie to approve the consent agenda with the exception of item e, g, h, and i.

ROLL VOTE: Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson.

Nays: None

MOTION PASSED

2001-108 ITEMS REMOVED FROM CONSENT AGENDA:

e. Purchase of Backhoe. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one 580 Super M Backhoe from Wolverine Tractor and Equipment, for a total cost of \$49,750. We have been renting this machine from Wolverine for summer work due to a shortage of backhoes. Wolverine is willing to apply 85% of the rental fee towards the purchase of this machine.

FINANCIAL IMPACT: \$49,750.00

BUDGET ACTION REQUIRED: None. \$40,000.00 was budgeted. The extra \$9,500.00 will be replaced from other line items that were under budget.

STAFF RECOMMENDATION: Approve one Case 580 Super M Backhoe from Wolverine Tractor and Equipment for \$49,750.00.

Motion by Commissioner Benedict, second by Commissioner Aslakson to approve the purchase the Case 580 Super M Backhoe.

ROLL VOTE: Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict.

Nays: None

MOTION PASSED

g. Sale of Buildable Vacant Lot on Lawrence Street. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant buildable lot on Lawrence Avenue (designated as parcel number 24-205-610-000-0053-00) described as URBAN RENEWAL PLAT NO 1 LOT 53 to Mr. Greg Lear of 550 W. Norton Avenue, Muskegon, MI. The subject property is 70 x 90 x 103.40 x 95.75 feet and is being offered to Mr. Lear for \$3,800. He plans to use the land for the construction of a 1260 sq. ft. single-family home. The home will contain 3 bedrooms, one and half bathrooms, a full basement, and a 2 stall attached garage. The appraised value of the lot is \$3,750 and Mr. Lear submitted the only bid of \$3,800.

FINANCIAL IMPACT: The sale of this lot for construction of a new home will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance cost.

BUDGET ACTION REQUIRED: None

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

Motion by Commissioner Aslakson, second by Commissioner Benedict to approve the sale of the lot on Lawrence Avenue.

ROLL VOTE: Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie.

Nays: None

MOTION PASSED

h. 2002 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 10/1/01 to 9/30/02. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT: \$14,630 from the Major Street Fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this request.

Motion by Vice-Mayor Shepherd, second by Commissioner Spataro to approve the 2002 Transportation Planning Program Funding.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen.

Nays: None

MOTION PASSED

i. Purchase of Giant Leaf Vacuum. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Giant Vac. Model 6500HW leaf vacuum from the Power Shop.

FINANCIAL IMPACT: \$9,500

BUDGET ACTION REQUIRED: \$7000 was budgeted for this item. The extra \$2,500 will be taken from other line items that were under budget.

STAFF RECOMMENDATION: Approve the purchase of one (1) model 6500HW Giant leaf vacuum from the Power Shop.

Motion by Commissioner Benedict, second by Commissioner Aslakson to approve the purchase of the model 6500HW from the Power Shop.

ROLL VOTE: Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict.

Nays: None

MOTION PASSED

2001-109 NEW BUSINESS:

a. Tea 21 Grant Application. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to submit a grant application to MDOT for TEA 21 Enhancement Funds to construct Phase I of the Lakeshore Trail.

FINANCIAL IMPACT: \$1,800

BUDGET ACTION REQUIRED: None, at this time.

STAFF RECOMMENDATION: Approve.

Motion by Commissioner Spataro, second by Commissioner Benedict to approve the Tea

21 Grant Application.

ROLL VOTE: Ayes: Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler.

Nays: None

MOTION PASSED

b. Concurrence with the Housing Board of Appeals Notice and Order to Demolish at 935 Jefferson. INSPECTIONS

SUMMARY OF REQUEST: This request is being brought back to the City Commission due to an oversight where the property owner was not sent notice of the hearing in May. This is a request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at 935 Jefferson, Muskegon, MI is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

FINANCIAL IMPACT: General

BUDGET ACTION REQUIRED: None.

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

Motion by Commissioner Aslakson, second by Commissioner Benedict to concur with the Housing Board of Appeals and delay any action for forty-five (45) days.

ROLL VOTE: Ayes: Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd.

Nays: None

MOTION PASSED

c. Set a Public Hearing Date for Amendment to Downtown Development Plan and Tax Increment Financing Plan, Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution calling a public hearing to amend the Downtown Development Plan (DDA) and Tax Increment Financing (TIFA) Plan. The amendment will remove certain properties from the DDA and TIFA Plans (the Mall). The public hearing will be held November 13, 2001.

FINANCIAL IMPACT: The Mall is presently on appeal in the Tax Tribunal. If the taxation value of the Mall property is reduced, the Mall has the potential to be a detriment to the DDA's tax capture ability on other properties. By taking the property out of the Plans, this detriment will be substantially reduced.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and authorize the Mayor and Clerk

to sign.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve setting a public hearing on amending the DDA and TIFA for November 13, 2001.

ROLL VOTE: Ayes: Aslakson, Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro.

Nays: None

MOTION PASSED

d. Housing Commission Appointment. CITY MANAGER

SUMMARY OF REQUEST: To approve and concur with the City Manager's recommendation to appoint Mary Jo McCann to the vacant position on the Muskegon Housing Commission. This vacancy was created by the resignation of Richard Rienstra.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the appointment of Mary Jo McCann to the Muskegon Housing Commission.

Motion by Commissioner Spataro, second by Vice-Mayor Shepherd to concur and appoint Mary Jo McCann to the Muskegon Housing Commission.

ROLL VOTE: Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson.

Nays: None

MOTION PASSED

e. Request from the Lemonade Stand of Muskegon to recognize them as a non-profit organization in the City of Muskegon so they can obtain a Charitable Gaming License from the State of Michigan. CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recognizing the Lemonade Stand of Muskegon as a non-profit organization.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to recognize the Lemonade Stand of Muskegon as a non-profit organization.

ROLL VOTE: Ayes: Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict.

Nays: None

MOTION PASSED

2001-110 ANY OTHER BUSINESS

Motion by Commissioner Benedict to remove the bike trail from the Beechwood Project.

MOTION FAILED DUE TO LACK OF SUPPORT

2001-111 PUBLIC PARTICIPATION

The Commission heard various comments.

2001-112 CLOSED SESSION:

Motion by Vice-Mayor Shepherd, second by Commissioner Aslakson to close session to discuss pending litigation at 7:04p.m.

ROLL VOTE: Ayes: Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen.

Nays: None

MOTION PASSED

Motion by Commissioner Benedict, second by Commissioner Buie to go back to an open session at 7:19pm and concur with the city attorney.

ROLL VOTE: Ayes: Shepherd, Spataro, Aslakson, Benedict, Buie, Nielsen, Schweifler

Nays: None

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:20 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail Kunding". The signature is written in a cursive, flowing style.

Gail Kunding

City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 9/11/01

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: September 6, 2001

RE: Local Law Enforcement Block Grant – Joint Spending Agreement

SUMMARY OF REQUEST:

To approve a joint spending agreement with the County for the City's Local Law Enforcement Block Grant (LLEBG). This is required because the U.S. Department of Justice has determined that disparate funding exists.

FINANCIAL IMPACT:

City of Muskegon	-	\$ 83,686
County of Muskegon	-	\$ <u>32,222</u> (use is for jail security services)
		\$115,908

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the above distribution.

COMMITTEE RECOMMENDATION:

None.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

To: Honorable Mayor and City Commission
From: Department of Public Works
Date: September 19, 2001
Re: 2001/2002 Rock Salt Offer

SUMMARY OF REQUEST:

Award rock salt bid to Morton International at a cost of \$35.95/ton, delivered, October 20, 2001 through April 30, 2002.

FINANCIAL IMPACT:

\$82,400 budgeted.

BUDGET ACTION REQUIRED:

None. Funds provided in Highway budgets will purchase 2,292 tons.

STAFF RECOMMENDATION:

Accept offer.

COMMITTEE RECOMMENDATION:

To: The City Commission through the City Manager

From: Robert H. Kuhn, Director of Public Works

Date: September 19, 2001

Subject: Rock Salt Bid

Bids to provide rock salt for the 2001/2002 winter were solicited in The Muskegon Chronicle, and notices were mailed to six interested vendors. Two bids were received received:

Morton International	\$35.95/ton delivered, 50-ton minimum
	\$35.95/ton pick-up, 10-ton minimum
Cargill Salt	\$37.25/ton delivered, 50-ton minimum
	\$36.00/ton pick-up, 10-ton minimum

Morton International has provided the salt for the last two winters at \$26.00/ton, delivered. This past winter 4,390 tons of rock salt were purchased.

Although our bid requested pricing on 5,000 tons, we are not obligated to purchase that amount. We will, however, have up to that amount available should winter weather be severe.

Current Highway budgets---locals, majors, and State trunkline---include \$82,400 for rock salt purchases, which would purchase 2,292 tons at the \$35.95/ton, 50-ton minimum, delivered quote from Morton International. If we should need more than 2,292 tons of salt, a budget adjustment will be needed.

It is recommended that the rock salt vendor for the 2001/2002 winter be Morton International.

Commission Meeting Date: September 25, 2001

Date: September 14, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Vacation of a portion of Jiroch St.

SUMMARY OF REQUEST:

Request for vacation of Jiroch St., between Forest and Southern Aves.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the portion of Jiroch St., with the condition that all City easement rights be retained, and the street not be built over.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of Jiroch St. The vote was unanimous with F. Nielsen, P. Veltkamp, and L. Abraham absent.

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

September 13, 2001

Hearing; Case 2001-32: Request for the vacation of Jiroch St., between Forest and Southern Aves., by Hackley Hospital.

BACKGROUND

Hackley Hospital is requesting that Jiroch St., between Forest and Southern Aves. be vacated. The only properties located on this block of Jiroch are a parking lot owned by and used for Hackley Hospital (west side of street), and Muskegon County Mental Health (east side of street). Muskegon County Mental Health has a Southern Ave. address, but the only access to their parking lot is off of Jiroch (see photos below).

The City Engineer has stated that “as long as it is understood and agreed upon that this section of Jiroch would not be built over and the City’s rights to enter that section for repair and/or replacement of public utilities is preserved”, he would not object to the request. “I feel that from a snow removal operation this vacation would make it easier, one less dead end.”

The Fire Marshal is opposed to the request, stating “This is our access to the west side of Northwood Center and a second means of ingress/egress from the emergency department area. This can not happen. We have already vacated Forest. Now, we propose to have no public access into the area?”

PHOTOS



Steenhagen, Deborah

From: Grabinski, Bob
Sent: Thursday, September 13, 2001 4:57 PM
To: Steenhagen, Deborah
Subject: RE: Jiroch St. vacation

I was tied up today. I have received information from Hackley that allows me to lift the objection to the vacation of Jiroch from what was Forest to Southern.

-----Original Message-----

From: Steenhagen, Deborah
Sent: Thursday, September 13, 2001 10:36 AM
To: Grabinski, Bob
Subject: Jiroch St. vacation

The Planning Commission meeting for this is this afternoon - were you going to send an e-mail about it?

Deb

**JIROCH STREET VACATING REQUEST
HACKLEY HOSPITAL
MUSKEGON, MI**

REASONS FOR REQUEST

1. Provide opportunity to design and construct physical improvements to the Emergency Room/Surgical areas, and associated Emergency Room site entry.
2. Provide opportunity to design an access and circulation system incorporating improved linkage to Forest.
3. Important component of the hospital's campus theme. Links directly to the hospital. Enhances campus and neighborhood beautification efforts.
4. Provide opportunity to:
 - a) implement street/access improvements (e.g. widening, parking, etc.)
 - b) implement landscape enhancements (trees, lighting, walks, etc.)
 - c) control ongoing maintenance and security

IMPACT ON PUBLIC (VEHICULAR) TRAFFIC

The closure will not have a significant impact on non-campus traffic.

1. Field studies show that over 97% of the traffic using Jiroch (subject portion) is related to the campus. Non-campus traffic is minimal, and often non-existent.

DESIGN CONSIDERATIONS AFTER VACATING

1. Continuation of "public" access.
2. Improved access for emergency patients.
3. Improved access for Fire Department vehicles.
4. Recognition of underground utilities.
5. Campus/neighborhood beautification.

CITY OF MUSKEGON

RESOLUTION #2001-107(d)

RESOLUTION TO VACATE A PORTION OF A PUBLIC STREET

WHEREAS, a petition has been received to vacate Jiroch St., between Forest Ave. and Southern Ave., City of Muskegon; and

WHEREAS, the Planning Commission held a public hearing on September 25, 2001 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the September 25, 2001 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue Jiroch St., between Forest and Southern Aves.;

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of street hereby vacated, and it is hereby expressly declared that such rights shall remain in full force and effect.

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the easement which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

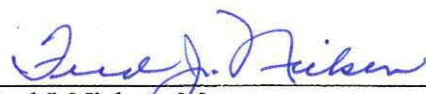
BE IT FURTHER RESOLVED that an access agreement between Hackley Hospital and Muskegon County will be made and recorded to allow the County facility to retain its access from Jiroch St. and that this section of Jiroch St. will not be built over, subject to approval by all appropriate City regulations.

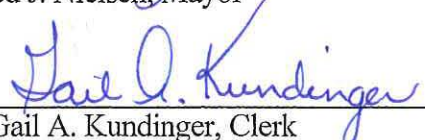
Adopted this 25th day of September, 2001.

Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

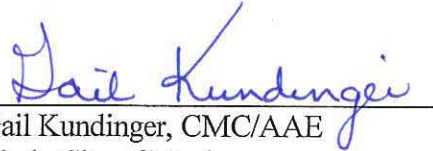
Absent: None

By: 
Fred J. Nielsen, Mayor

Attest: 
Gail A. Kunderinger, Clerk

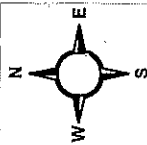
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on September 25, 2001.



Gail Kunderger, CMC/AAE
Clerk, City of Muskegon

City of Muskegon Planning Commission Case #2001-32



— = Subject Street

For street vacation cases, we notify all property owners on the affected block. Only Muskegon County was notified of this case, since Hackley Hospital owns the west side of the block. Muskegon County owns the east side of the block.

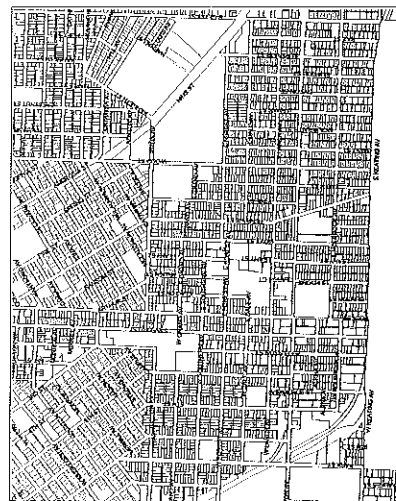


1600 Feet

800

0

800



Commission Meeting Date: September 25, 2001

Date: September 18, 2001
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Transportation Enhancement Grant Application

SUMMARY OF REQUEST:

To allow Planning Department to submit a Transportation Enhancement Grant application mainly for the aesthetic improvement of Western Avenue extending from 3rd Street through 8th Street. The County of Muskegon will jointly submit their application to restore the Grand Trunk Depot with the City's Western Avenue Streetscape.

FINANCIAL IMPACT:

The streetscape with a total project cost of \$620,000 did not get funded last year. The Planning Department intends to reduce the total project cost and use the same \$125,000 of local match from last year's application to increase the chances of having it funded this time. The City of Muskegon and the County of Muskegon will each be responsible for a 20% match for the grant. Grant funds from the Community Foundation will be sought to offset other non-participating project costs.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Traffic Committee will review the revised streetscape plan, and supports Staff to submit the application.

Resolution No. 2001-107(f)

MUSKEGON CITY COMMISSION

WHEREAS, downtown revitalization efforts are going on along Western Avenue, which is a part of the entertainment district, more pedestrian and vehicular traffic is anticipated to occur on Western Avenue;

WHEREAS, the improvement of Western Avenue through streetscape design is anticipated to attract more businesses and visitors into downtown Muskegon, and;

WHEREAS, the proposed improvement will not only generate economic activity within downtown and adjacent districts, but also enhance community image, and;

WHEREAS, a grant is available through the Transportation Enhancement Program under the Transportation Equity Act for the 21st Century (TEA-21) of 1998, and;

WHEREAS, the proposed streetscape project on Western Avenue is eligible for funding that is a reimbursement program requiring 20% local match;

NOW, THEREFORE BE IT RESOLVED that the City Commission authorizes the submittal of the grant, and if approved by the Michigan Department of Transportation (MDOT), authorizes acceptance of the grant funds; and that the City will commit to fund and/or seek funding for the match requirement;

BE IT FURTHER RESOLVED, that if the grant is approved by MDOT, the West Michigan Shoreline Regional Development Commission (WMSRDC) will be requested to amend the Transportation Improvement Plan (TIP) to include this streetscape project;

BE IT FURTHER RESOLVED, that the Mayor be authorized to sign the grant application on behalf of the City.

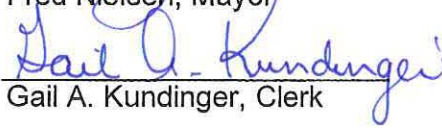
Resolution adopted this 25th day of September, 2001.

Ayes: Benedict, Buie, Nielsen, Schweifler, Shepherd, Spataro, Aslakson

Nays: None

Absent: None

By: 
Fred Nielsen, Mayor

Attest: 
Gail A. Kunderger, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 25, 2001.

By: _____


Gail Kunding, Clerk

Date: September 25, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Correct the Special Assessment Roll on Windsor

SUMMARY OF REQUEST:

It is requested that the street special assessment roll adopted September 11th of 2001 for the Windsor construction project from Barclay to Henry be corrected to reflect the following;

1. 971 Windsor (Parcel # 24-175-000-0107-00) be assessed for 16' instead of 39' for a total assessment of \$576.00 instead of \$1,417.65.
2. 972 Windsor (Parcel # 24-500-000-0013-00) be for 42.3' instead of 50' for a total assessment of \$1,537.61 instead of \$1,817.50.
3. 990 Windsor (Parcel # 24-500-000-0012-00) be for 75' instead of 100' for a total assessment of \$2,726.25 instead of \$3,635.00.
4. 993 Windsor (Parcel # 24-175-000-0135-00) be assessed for 35.5' instead of 44.5' for a total assessment of \$1,290.43 instead of \$1,617.58.

These corrections are necessary due to an oversight on our part to recognize that alignment of Dowd not being straight north & south of Windsor. Furthermore, the property owners affected by the proposed corrections have been contacted.

FINANCIAL IMPACT:

A total of \$74,225.91 (instead of \$76,573.35) would be spread against the forty-five (45) parcels abutting the project .

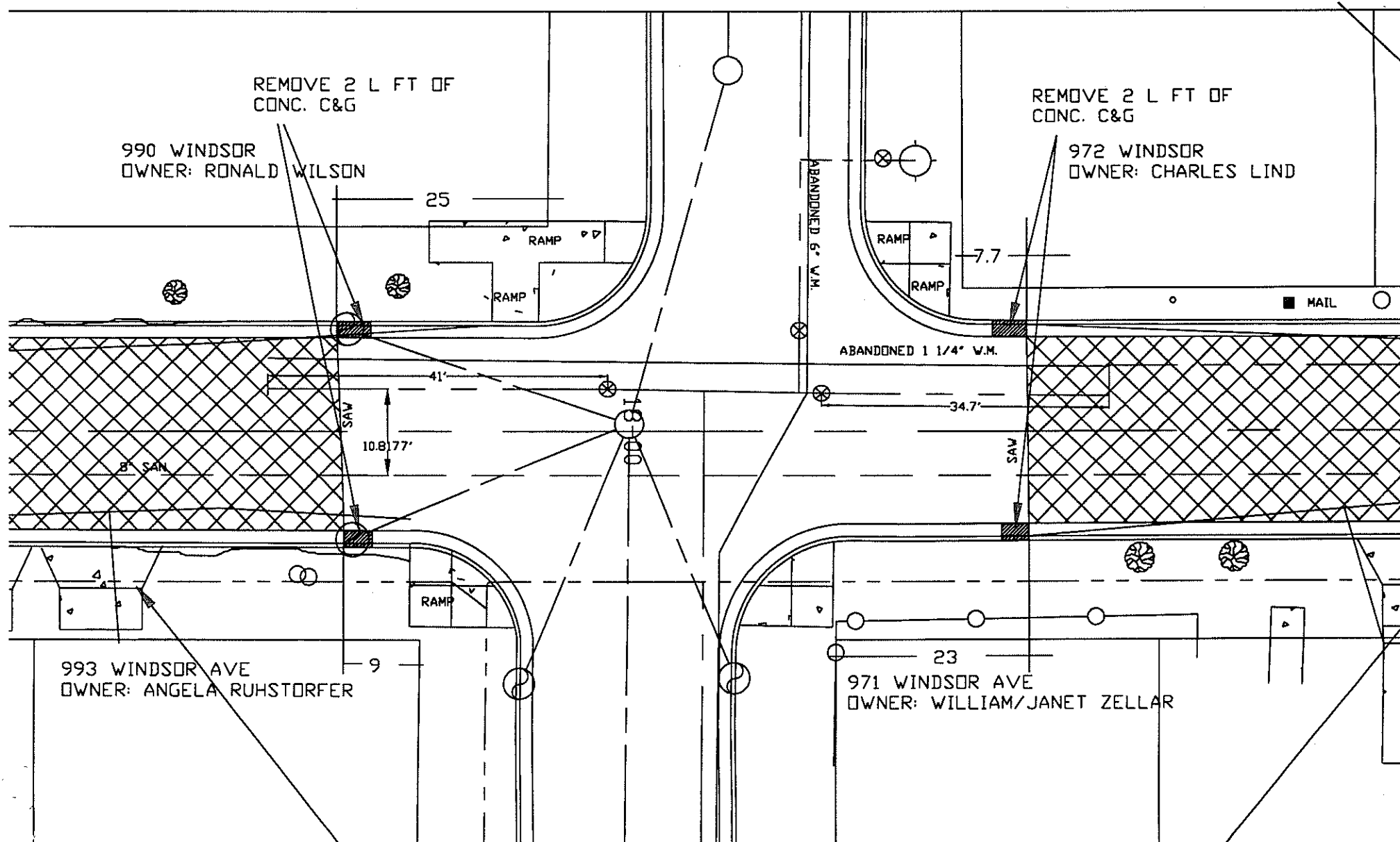
BUDGET ACTION REQUIRED:

None,

STAFF RECOMMENDATION:

Correct the Windsor roll.

COMMITTEE RECOMMENDATION:



H-1519

Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

CORRECTED 9/25/01

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-175-000-0134-00	0	WINDSOR A	RUHSTORFER ANGEL	993 WINDSOR AVE	MUSKEGON	MI 49441	1,381.30	\$0.00	\$1,381.30
24-175-000-0108-00	0	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-175-000-0016-00	829	WINDSOR A	DONEY ROBERT G	829 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0017-00	835	WINDSOR A	HOLT JAMES E/ROSEL	835 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$820.12	\$1,528.12
24-175-000-0018-00	841	WINDSOR A	MATZ MARY A TRUST	841 WINDSOR	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0043-00	855	WINDSOR A	HAWRYLIW NEIL A	1366 SEMINOLE RD	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0044-00	859	WINDSOR A	KAMMERS DALE	859 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-175-000-0045-00	865	WINDSOR A	LAPAJCZYK OLGA	865 WINDSOR AVE	MUSKEGON	MI 49441	\$708.00	\$0.00	\$708.00
24-525-000-0075-00	866	WINDSOR A	HEKKEMA ALBERT M	620 CENTER ST	MUSKEGON	MI 49445	1,062.00	\$0.00	\$1,062.00
24-175-000-0046-00	873	WINDSOR A	HANDY ELAINE V	873 WINDSOR AVE	MUSKEGON	MI 49441	\$690.30	\$0.00	\$690.30
24-175-000-0047-00	879	WINDSOR A	GORDON MICHAEL E	2203 CLIFFORD ST	MUSKEGON	MI 49441	\$690.30	\$0.00	\$690.30
24-525-000-0046-00	884	WINDSOR A	BUDNIC JENNIE	1933 CROWLEY ST	MUSKEGON	MI 49441	1,035.45	\$0.00	\$1,035.45
24-175-000-0073-00	899	WINDSOR A	SCHROPP CAROL	899 WINDSOR AVE	MUSKEGON	MI 49441-0	1,417.65	\$0.00	\$1,417.65
24-175-000-0074-00	905	WINDSOR A	RYAN FLOYD A	905 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$735.86	\$2,153.51
24-525-000-0045-00	906	WINDSOR A	HOSLER SHERYL A	906 WINDSOR AVE	MUSKEGON	MI 49441	2,271.88	\$688.50	\$2,960.38
24-175-000-0075-00	913	WINDSOR A	RYAN FLOYD A	905 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65
24-175-000-0076-00	919	WINDSOR A	SLATER CHESTER JR	1979 WEBSTER RD	MONTAGUE	MI 49437	1,417.65	\$277.80	\$1,695.45
24-175-000-0077-00	925	WINDSOR A	KARAFI JOHN T/LAUR	1896 HUDSON	MUSKEGON	MI 49441	1,417.65	\$234.60	\$1,652.25
24-175-000-0078-00	931	WINDSOR A	MORENCY CHRIS A	931 WINDSOR AVE	MUSKEGON	MI 49441	1,417.65	\$0.00	\$1,417.65

H-1519

Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@							PAVING	DR APP / SW	TOTAL
24-175-000-0105-00	955	WINDSOR A	PUSEY ELDEN	955 WINDSOR AVE	MUSKEGON	MI 49441		1,417.65	\$0.00	\$1,417.65
24-175-000-0106-00	963	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441		1,417.65	\$0.00	\$1,417.65
24-500-000-0014-00	966	WINDSOR A	ANDREW JOHNSON	3409 FARR RD	FRUITPORT	MI 49415		1,817.50	\$0.00	\$1,817.50
24-175-000-0107-00	971	WINDSOR A	ZELLER WILLIAM/JANE	971 WINDSOR AVE	MUSKEGON	MI 49441		\$576.00	\$757.86	\$1,333.86
24-500-000-0013-00	972	WINDSOR A	LIND CHARLES A	972 WINDSOR AVE	MUSKEGON	MI 49441		1,537.61	\$0.00	\$1,537.61
24-500-000-0012-00	990	WINDSOR A	WILSON RONALD L	990 WINDSOR AVE	MUSKEGON	MI 49441		2,726.25	\$0.00	\$2,726.25
24-175-000-0135-00	993	WINDSOR A	RUHSTORFER ANGEL	993 WINDSOR AVE	MUSKEGON	MI 49441		1,290.43	\$437.50	\$1,737.93
24-480-006-0001-10	1007	WINDSOR A	ROELOFS DANIEL	1007 WINDSOR AVE	MUSKEGON	MI 49441		2,635.38	\$445.00	\$3,080.38
24-480-002-0019-00	1046	WINDSOR A	WHITE HEATHER/WHI	1346 POULSON RD	MUSKEGON	MI 49445		1,999.25	\$428.12	\$2,427.37
24-480-005-0001-00	1055	WINDSOR A	CZINDER STEPHEN	1055 WINDSOR AVE	MUSKEGON	MI 49441		2,399.10	\$0.00	\$2,399.10
24-480-002-0018-00	1056	WINDSOR A	ZIMMER PATRICIA	1056 WINDSOR AVE	MUSKEGON	MI 49441		2,271.88	\$0.00	\$2,271.88
24-480-004-0001-10	1095	WINDSOR A	KLIMSZA FREDRICK J/	4510 POULIN ST	MUSKEGON	MI 49441		1,454.00	\$0.00	\$1,454.00
24-525-000-0099-00	1893	HENRY ST	POTHOFF WAYNE R/R	1893 HENRY ST	MUSKEGON	MI 49441		1,062.00	\$0.00	\$1,062.00
24-525-000-0074-00	1895	CROWLEY	HEKKEMA ALBERT M	620 CENTER ST	MUSKEGON	MI 49445		1,062.00	\$0.00	\$1,062.00
24-480-002-0019-10	1895	FRANKLIN	WALKER ROBERT G	1895 FRANKLIN ST	MUSKEGON	MI 49441		2,544.50	\$0.00	\$2,544.50
24-525-000-0015-00	1895	HUDSON S	MUSKEGON APOSTOL	PO BOX 1249	MUSKEGON	MI 49443-1		2,126.48	\$0.00	\$2,126.48
24-525-000-0076-00	1896	CROWLEY	RODRIGUEZ RAMIRO/	1896 CROWLEY ST	MUSKEGON	MI 49441		1,062.00	\$0.00	\$1,062.00
24-525-000-0016-00	1896	HUDSON S	LOWING LAURA	1896 HUDSON ST	MUSKEGON	MI 49441		2,271.88	\$746.70	\$3,018.58
24-480-003-0015-00	1897	NEVADA ST	JOSEPHSON GEORGE	1897 NEVADA ST	MUSKEGON	MI 49441		2,435.45	\$0.00	\$2,435.45

H-1519

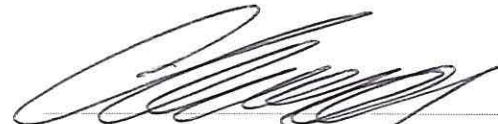
Windsor Avenue, from Barclay Street to Henry Street.

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-480-001-0014-00	1898	FRANKLIN	GILLAND MICHELLE E	1898 FRANKLIN ST	MUSKEGON	MI 49441	2,474.34	\$0.00	\$2,474.34
24-175-000-0015-00	1907	HENRY ST	BUDNIC JENNIE	1933 CROWLEY ST	MUSKEGON	MI 49441	1,062.00	\$0.00	\$1,062.00
24-480-006-0001-00	1910	FRANKLIN	ROELOFS DANIEL	1007 WINDSOR AVE	MUSKEGON	MI 49441	1,297.70	\$0.00	\$1,297.70
24-480-005-0028-00	1911	FRANKLIN	KOOI LARRY A	1911 FRANKLIN ST	MUSKEGON	MI 49441	2,399.10	\$0.00	\$2,399.10
24-175-000-0103-00	1911	HUDSON S	LAKE MABEL N	1911 HUDSON ST	MUSKEGON	MI 49441	2,835.30	\$0.00	\$2,835.30
24-480-004-0001-00	1911	NEVADA ST	EDGERTON BRIAN/RU	1911 NEVADA ST	MUSKEGON	MI 49441	1,708.45	\$766.90	\$2,475.35
24-175-000-0048-00	1914	KINSEY ST	GARRILLO ALFRED/SA	1914 KINSEY ST	MUSKEGON	MI 49441	\$690.30	\$0.00	\$690.30
TOTALS							\$67,876.95	\$6,338.96	\$74,225.91

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

BOARD OF ASSESSORS

 9/20/01
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 9-27-01
 LAWRENCE SPATARO CITY COMMISSIONER DATE

 10-3-01
 JOHN ASLAKSON CITY COMMISSIONER DATE

Date: 9/13/01

TO: Honorable Mayor and City Commission

From: Jerry McIntyre, Equipment Supervisor DPW

RE: Purchase of Backhoe

SUMMARY OF REQUEST: Approval to purchase one 580 Super M Backhoe from Wolverine Tractor and Equipment, for a total cost of \$49,750.00.

We have been renting this machine from Wolverine for summer work due to a shortage of backhoes. Wolverine is willing to apply 85% of the rental fee towards the purchase of this machine.

FINANCIAL IMPACT: \$49,750.00

BUDGET ACTION REQUIRED: None \$40,000.00 was budgeted. The extra \$9,500.00 will be replaced from other line items that were under budget.

STAFF RECOMMENDATION: Approve one Case 580 Super M Backhoe from Wolverine Tractor and Equipment for \$49,750.00.

Memorandum

To: Robert Kuhn

From: Jerry McIntyre

Date: 09/18/01

Re: Backhoe Purchase

Bob, below is the final quote for the purchase of a Case Super M Backhoe. As you know we rented this backhoe for the summer months of 2001. Wolverine Tractor and Equipment has offered to apply 85% of the rental fees paid to them over the summer months.

The cost of a 580 Super M Backhoe to fit our specifications is \$62,500.00. Below is a breakdown of savings to us:

Rental:	$\$2500.00 \times 6\text{mo.} = \15000.00
Rental Applied:	$\$15,000.00 \times 85\% = \$12,750.00$
Final Cost:	$\$62,500.00 - \$12,750.00 = \$49,750.00$

Our other three backhoes are also Case models and all of the Case engines take the same peripheral parts, which makes it beneficial in stockingspare parts.

In purchasing this machine we will be reducing the amount of rental fees we are paying each year.

Date: 9/13/2001

To: Honorable Mayor and City Commission

From: Jerry McIntyre, Equipment Supervisor DPW

RE: Leaf Vacuum

SUMMARY OF REQUEST: Approval to purchase 1 Giant Vac. Model 6500HW leaf vacuum from the Power Shop.

FINANCIAL IMPACT: \$9,500.00

BUDGET ACTION REQUIRED: \$7000.00 was budgeted for this item. The extra \$2,500.00 will be taken from other line items that were under budget.

STAFF RECOMMENDATION: Approve the purchase of one (1) model 6500HW Giant leaf vacuum from the power shop.

Memorandum

To: Robert Kuhn
From: Jerry McIntyre
Date: 09/13/01
RE: Leaf Vac Replacement

Bob,

I would recommend the purchase of one Leaf Vac machine for \$9500.00.

In researching the past budget allowances, I notice in 1998 we allowed \$8000.00 for the purchase of a vac that priced at \$8480.00. In the 2001 budget we allowed \$7000.00.

The "Giant" Company, a manufacturer that makes leaf vacuums has been purchased by the Simplicity Co. In doing so, the Simplicity Co. has left the name of Giant on the machines and are using the Wisconsin engines. According to Simplicity, Wisconsin has raised their prices tremendously on their engines and that is the reason for the large price increase.

With these machines steadily rising we should budget for at least 2 machines in our future budget, if at all possible.

We have three machines now.

These machines are maintenance intensive, but one of the best means to deal with leaves in the parks and cemetery.



SALES QUOTATION

THE POWER SHOP™

Attn: Jerry McIntire

Phone: 231-924-3540 FAX: 231-924-6433

FREE: 800-303-3540

7441 W. 48th Street

FREMONT, MICHIGAN 49412

Kubota**Simplicity**

CUSTOMER NAME

City of Muskegon - DPW

DATE

8-30-01

QUOTE VALID FOR 60 DAYS.

ADDRESS

1350 E. Keating

CUSTOMER PHONE NO.

CITY
STATE
ZIP

Muskegon, MI 49442

SALESMAN

Douglas Derby

2

DESCRIPTION

PRICE

(2) Giant Vac 6500-HW (New Model)
 65 Hp. Air Cooled Direct Drive
 Highway towable Truck Loader. Replaces the
 previous model 6001.
 Fenders, Safety Chains, Stop & Tail lights
 90° Intake Flange.

list

9999.⁰⁰Your Cost Each9500.⁰⁰

non Taxable

Pipped. Serviced and Delivered

TRADE-IN

TRADE ALLOWANCE

Note:

The model 6500-HW is the same as
 your old 6001 unit.

Engines are not available until 1 Oct 2001
 Complete units available after 15 Oct 2001.

Wisconsin Engines have had a large price increase!

TOTAL

19000.⁰⁰

Commission Meeting Date: September 25, 2001

Date: September 20, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Sale of Buildable Vacant Lot on Lawrence Avenue

SUMMARY OF REQUEST:

To approve the sale of the vacant buildable lot on Lawrence Avenue (designated as parcel number 24-205-610-000-0053-00) described as URBAN RENEWAL PLAT NO 1 LOT 53 to Mr. Greg Lear of 550 W. Norton Avenue, Muskegon, MI. The subject property is 70 x 90 x 103.40 x 95.75 feet and is being offered to Mr. Lear for \$3,800. He plans to use the land for the construction of 1260 sq. ft. single-family home. The home will contain 3 bedrooms, one and a half bathrooms, a full basement, and a 2 stall attached garage. The appraised value of the lot is \$3,750 and the Mr. Lear submitted the only bid of \$3,800.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None

Resolution No. 2001-108(g)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT IN MARQUETTE NEIGHBORHOOD FOR \$3,800.

WHEREAS, Mr. Greg Lear has placed a \$400 deposit for the parcel designated as parcel number 24-610-000-0053-00, located on Lawrence Avenue;

WHEREAS, Mr. Greg Lear has submitted the only bid of \$3,800 for the parcel designated as parcel number 24-610-000-0053-00, located on Lawrence Avenue;

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

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

NOW THEREFORE BE IT RESOLVED, that parcel number 24-610-000-0053-00, located on Lawrence Avenue be sold to the above-mentioned buyer.

URBAN RENEWAL PLAT NO 1 LOT 53

Adopted this 25th day of September, 2001

Ayes: Nielsen, Schweifler, Shepherd, Spataro, Aslakson, Benedict, Buie

Nays: None

Absent None

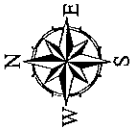
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, Clerk

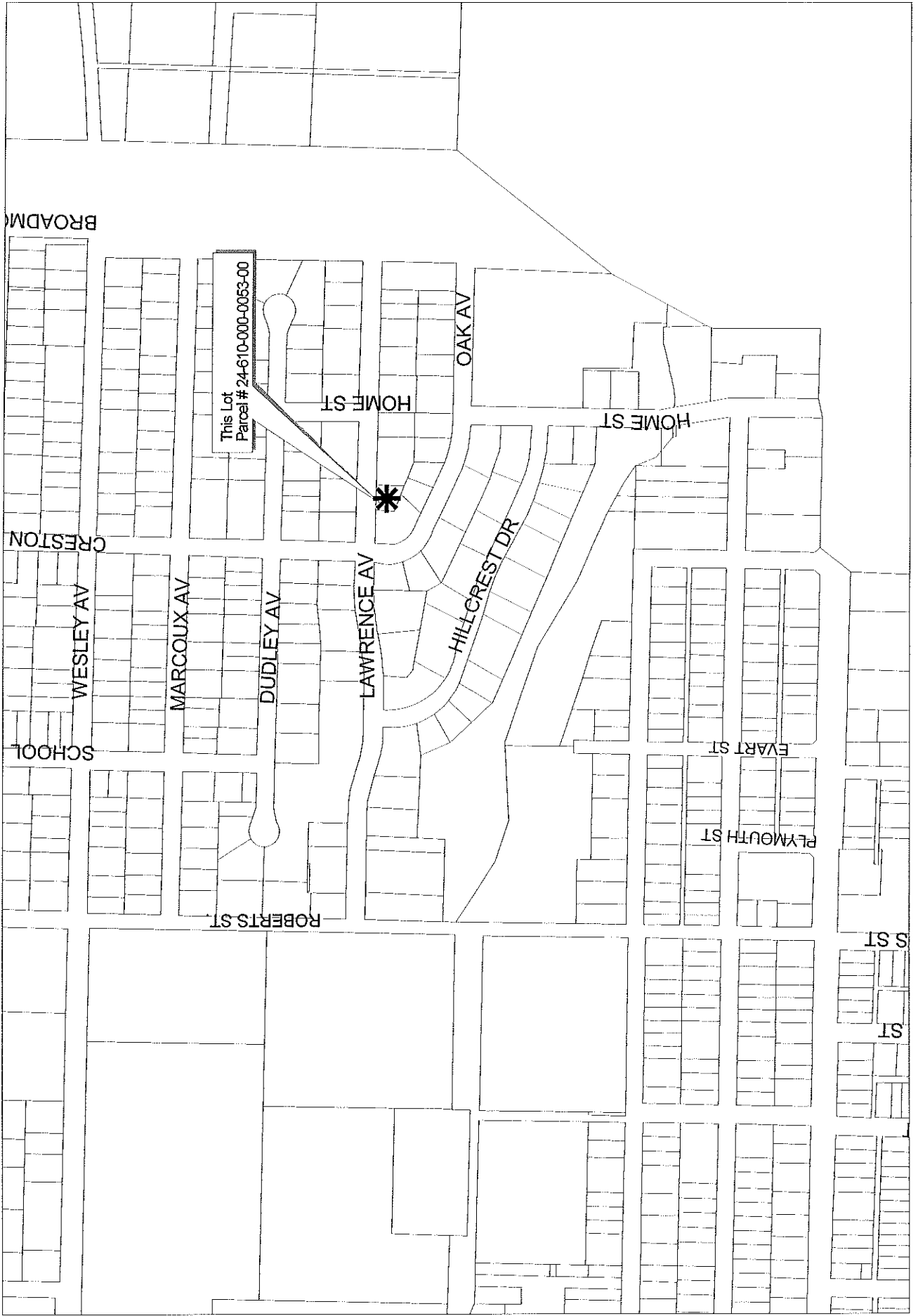
CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 25, 2001.

By: Gail Kunding
Gail Kunding, Clerk



LOT SALE
MARQUETTE NEIGHBORHOOD
CITY OF MUSKEGON, MICHIGAN



corrected
deed

QUIT-CLAIM DEED

2001-108(g)

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

QUIT CLAIMS to: G. Lear & Associates, Inc., a Michigan Business Corporation, of 550 E. Norton Avenue, Muskegon, MI 49441, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

Lot 53 of MUSKEGON URBAN RENEWAL PLAT NO. 1;
as recorded in Liber 19 of Plats, Pages 6-8, Muskegon County Records;

for the sum of Three Thousand Eight Hundred Dollars (\$3,800).

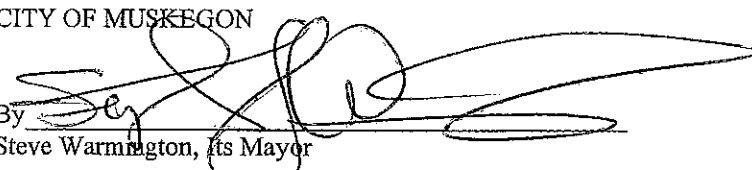
PROVIDED, HOWEVER, Grantees, or their assigns, shall commence construction of one (1) single family home on the premises herein conveyed within eighteen (18) months after the date hereof. In default of such construction, title to the premises shall revert to the City of Muskegon free and clear of any claim of Grantees or their assigns; and, in addition thereto, the City of Muskegon may retain the consideration for this conveyance free and clear of any claim of Grantees or their assigns. "Complete construction" means: (1) issuance of a residential building permit by the City of Muskegon; and, (2) in the sole opinion of the City of Muskegon's Director of Inspections, substantial completion of the dwelling described in the said building permit. In the event of reversion of title of the above described premises, improvements made thereon shall become the property of Grantor. Provided, further, that Grantees covenant that the parcel described above shall be improved with not more than one (1) single family home. This covenant shall run with the land.

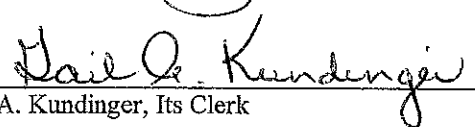
This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i). This deed is made to correct a deed recorded at Liber 3279 Page 690, to correct the name of the grantee therein.

Dated this 17th day of January, 2002.

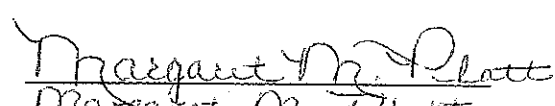
Signed in the presence of:

CITY OF MUSKEGON

By 
Steve Warmington, Its Mayor

and 
Gail A. Kundinger, Its Clerk


Linda Potter


Margaret M. Platt

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 17th day of January, 2002, STEVE WARMINGTON and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Avenue
Muskegon, MI 49443-0786
Telephone: 231/722-1621

Linda S. Potter
Linda S. Potter
Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

WHEN RECORDED RETURN TO: Grantees

SEND SUBSEQUENT TAX BILLS TO: Grantees

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 9/25/01

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: September 19, 2001
RE: 2002 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 10/1/01 to 9/30/02. The City receives grant funds through this program for certain major streets.

FINANCIAL IMPACT:

\$14,630 from the Major Street Fund.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve this request.

COMMITTEE RECOMMENDATION:

None.



WEST MICHIGAN SHORELINE
REGIONAL DEVELOPMENT COMMISSION

Memorandum

Date: October 1, 2001

To: The Honorable Fred Nielsen
Mayor, City of Muskegon

From: Nancy Crandall, Chairperson
Transportation Policy Committee
Mayor, City of Norton Shores

Subject: Local Matching Funds
Metropolitan Transportation Planning Program for Muskegon County

RECEIVED
CITY OF MUSKEGON
SEP 18 2001

The Work Program and Budget for the Fiscal Year 2002 (October 1, 2001 through September 30, 2002) for the Metropolitan Transportation Planning Program for Muskegon County (MPO) was approved by the Transportation Policy Committee on August 22, 2001. A copy of the Work Program was forwarded to your representative on the Transportation Policy Committee.

The dues for participating jurisdictions is identified in the attachment. If you have any questions or comments regarding the Work Program and Budget, please call me or the Regional Commission's Executive Director, Sandeep Dey.

ms

Enclosure

cc: Bryan Mazade

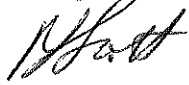


METROPOLITAN TRANSPORTATION PLANNING PROGRAM
for Muskegon County

LOCAL SHARE FORMULA

FISCAL YEAR 2002
SHARE
(October 1, 2001 - September 30, 2002)

MUSKEGON	14,630.00
MUSKEGON HEIGHTS	4,785.00
NORTON SHORES	7,901.00
NORTH MUSKEGON	1,422.00
ROOSEVELT PARK	1,412.00
MUSKEGON COUNTY ROAD COMMISSION	14,850.00
TOTAL	\$45,000.00

Date: September 17, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: TEA 21 Grant Application

SUMMARY OF REQUEST:

To authorize staff to submit a grant application to MDOT for TEA 21 Enhancement Funds to construct Phase I of the Lakeshore Trail

FINANCIAL IMPACT:

\$1,800,000

BUDGET ACTION REQUIRED:

None, at this time

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Recommends approval

Affirmative Action
231/724-6763
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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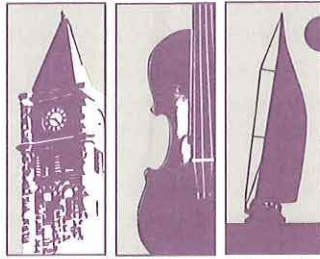
Public Works
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FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

Date: September 17, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: TEA 21 Grant Application

MDOT has announced that grant applications for TEA 21 monies are due October 2, 2001. I am requesting that you authorize staff to submit a grant application for funding Phase I of the Lakeshore Trail. Phase I runs from Heritage Landing to the Grand Trunk property.

The total estimated cost of the project is approximately \$1.8 million dollars. This is based on the design currently being finalized by M. C, Smith and Associates. The city will be required to provide a 20% local match. Th \$360,000 will hopefully come from the Golf Course Fund, but additional general fund monies may be needed. If funded, the construction could not occur before 2003.

I would ask that you authorize staff to proceed with applying for the funds.

Thank you for your consideration.

RESOLUTION NO. 2001-109(a)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION AND
SUPPORT FOR A GRANT APPLICATION TO MDOT FOR ENHANCEMENT
FUNDING FOR PHASE I OF THE LAKESHORE TRAIL.

WHEREAS, the City of Muskegon wishes to continue to construct the Lakeshore
Trail; and

WHEREAS, grant applications are now being received by the Michigan
Department of Transportation for Enhancement Funding, which will
provide up to 80% funding for the project; and

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of
Muskegon approve the submission of the grant application to
MDOT for \$1,800,000 for the Construction of Phase I of the
Lakeshore Trail.

BE IT FURTHER RESOLVED, that the City's \$360,000 match will be provided,
and the City hereby commits itself to complete this project if the
grant application is approved.

Adopted this 25th day of September, 2001

AYES: 7

NAYS: 0

ABSENT: 0

BY Fred Nielsen
Fred Nielsen, Mayor

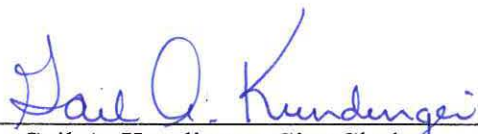
ATTEST Gail Kunderger
Gail Kunderger, City Clerk

2001-109(a)
CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on September 25, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, City Clerk

DATE: September 12, 2001

TO: Honorable Mayor and City Commissioners

FROM: Robert Grabinski, Fire Marshal/Inspections

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-33 Address: 935 Jefferson, Muskegon, MI.

SUMMARY OF REQUEST: This request is being brought back to the City Commission due to an oversight where the property owner was not sent notice of the hearing in May. This is a request that the City Commission concur with the findings of the Housing Board of Appeals that the structure located at **935 Jefferson, Muskegon, MI** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 00-033 – 935 Jefferson, Muskegon, MI

Location and ownership: This commercial building is located on Jefferson St. between Muskegon Ave. and Webster.

Staff Correspondence: A dangerous building inspection was conducted on 3/22/00. A Notice and Order to Repair or remove the structure was issued on 3/28/00. Notice of hearing before the Housing Board of Appeals was sent on 5/22/00. Housing Board of Appeals Order to table the case was issued 6/1/00. Notice of Hearing before the Housing Board of Appeals dated 8/4/00. Order to table for 30 days was issued 8/24/00. Notice of Hearing sent on 9/25/00 for the 10/5/00 meeting before the Housing Board of Appeals. Fax from Laura Hammer and Huntington Bank providing proof of a loan to complete repairs. Proof that the case was removed from the October 2000 meeting. Re-inspection conducted on 2/22/01. Notice of hearing sent 3/20/01 for the 4/5/01 meeting. Order to demolish sent 4/5/01. Work stopped on structure when contractor noted basement walls with severe deterioration requiring new wall construction. Rear of structure is boarded over with plywood. Several large openings in structure. City Commission concurred on May 22, 2001 to demolish. A letter to remove belongings was issued 8/23/01. Bid opening on this address 9/7/01.

Owner: Hal Hermanson notified this office that home owner was not sent notice of City Commission meeting in May 2001. Ms. Hoople has worked with staff to obtain the time to complete repairs, however, has failed to comply with time limits

set forth many times. The structure remains an eyesore and has generated many complaints.

Financial Impact: General

Budget Action Required: None

State Equalized Value: \$17,600.00

Estimated cost to repair: \$35,000

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

City Commission Recommendation: The Commission will consider this item at the meeting on September 25, 2001.

Owner Contact:

Financial Impact:

Budget action required:

State Equalized value:

Estimated cost to repair:

Staff Recommendation:

City Commission Recommendation:





935 Jefferson
census #7

For The Inspection Dept.
City of Muskegon

410329

FROM CITY ASSESSOR'S RECORDS

OWNER Donald Hoople

PROPERTY 935 Jefferson St.

PLATE # 05054

DESCRIPTION Nly 44 1/2 ft of Ely 94 ft Lot 8 Blk 332

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1681

PAGE: 693

DATE OF DEED: March 18, 1993

GRANTOR: Bonna M. Hoople

GRANTEE: Nancy Ellen Hoople, Daniel Andrew Hoople and Douglas
Chandler Hoople and Bonna M. Hoople, with rights of
survivorship

LIENS OR MORTGAGES: None

DATE: March 10, 2000 at 8:00 AM

ABSTRACTED BY: Janet M. Sabourin
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT Affecting land in Muskegon County, Michigan described as follows:

The Northerly 44 1/2 feet of the Easterly 94 feet of Lot 8 of Block 332 of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-205-332-0008-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

CITY OR VILLAGE TAXES

No 1999 Summer taxes.

STATE AND COUNTY TAXES

1999 Winter taxes are paid in the amount of \$905.54.

SPECIAL ASSESSMENTS

Special Assessments, invoices and infractions were not checked.

TAX SALES

State Equalized Value \$17,600.00.
Taxable Value \$16,694.00.

NOTE: No Homestead filed.

By 
Janet M. Sabourin

Date - March 10, 2000 at 8:00 AM

JMS/jat

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
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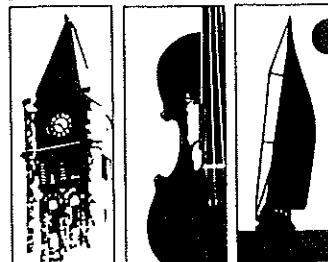
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Water Filtration
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FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

August 23, 2001

Bonna Hoople
760 Eugene
Muskegon, MI 49441

Re: 935 Jefferson

Dear Property Owner:

Please take notice that on September 7, 2001 the above property will be bid out for demolition. Please have any personal belongings removed by September 10, 2001.

If you have any questions please call (231) 724-6715.

Sincerely,

Robert Grabinski
Fire Marshal/Inspection Services

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

Date: April 5, 2001

To: Bonna Hoople, 760 Eugene, Muskegon MI 49441
Owners Name & Address

None known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, April 5, 2001, does hereby order that the following structure(s) located at 935 Jefferson, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

All structures located on the Northernly 44 ½ feet of the Easterly 94 feet of Lot 8, Block 332

The owners or persons interested shall apply for the required permits to demolish the structure(s) within 30 days from the final determination to concur and demolish, if it is made, by the City Commission. Demolition shall be accomplished no later than 60 days after a concurrence by the City Commission.

The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

Please take notice that this decision of the Housing Board of Appeals will be presented to the City Commission of the City of Muskegon on the date and at a time to be noticed to you by the Director of Inspections. You are hereby notified that you will have an opportunity to appear before the said City Commission at that time and to present any and all evidence or matters relevant to the issue of demolition or repair of the said structures. This order of the Housing Board of Appeals is not final, but will become final if and when the City Commission has considered the record and this order, and has concurred.

The City Commission may concur with this order, or disapprove or modify the order.

FOR THE HOUSING BOARD OF APPEALS:


Robert B. Grabinski, Fire Marshal/Inspections Dept

HOUSING BOARD OF APPEALS
MEETING MINUTES

4/01/01

ATTENDANCE: Greg Borgman, John Warner, Fred Nielsen, Randy Mackie,
Jerry Bever and Nick Kroes, Clint Todd, Late.

ABSENTEE:

STAFF: Robert Grabinski, Don LaBrenz, Henry Faltinowski and
Cathy Everett

GUESTS: Annetta Wilkes Banks, 438 Amity
Tressa Bankhead, 428 Marquette
Bonna Hoople, 935 Jefferson

Meeting minutes: John Warner made a motion, seconded by Randy Mackie to
approve the minutes to the April meeting. The motion carried.

**Case # 00-48 – 1651 Dyson, Marshal Redder, 3960 30th St., SW Grandville MI
49418.** Mr. Secretary, Robert B. Grabinski, asked the Chairman to remove the
case from the agenda due to progress being made. Inspectors will monitor the
case. The Board agreed.

**Case # 00-33 – 935 Jefferson, Bonna Hoople, 760 Eugene, Muskegon MI
49441.** Ms. Hoople did attend the meeting. Mr. Grabinski informed the Board
that some pictures of the dwelling in this case are being presented by way of a
projector and are being shown on the wall of the Chambers. The pictures were
taken the morning of the meeting date. (4/5/01).

Staff History: Grabinski informed the board that the case was started in March of
2000. Mrs. Hoople pulled a permit in September and work did start on the
property. The owner did get a loan. Once the structure work was going to be
started, the contractor found the structure was in very poor condition and in need
of replacement at the point that that happened it was in conjunctive with the
electrical service that was going out of the building. There has been no work
done since then. Pictures of the dwelling were displayed by projector. Mrs.
Hoople was asked to approach the Board at the podium.

Owner explanation: Ms. Hoople was in attendance and approached the podium.
She explained to the board that she hadn't been working on the project due to
her daughter being in the hospital. Ms. Hoople was apologizing for the work. Mr.
Grabinski reminded Ms. Hoople that the contractor is responsible for his own
work and that is why a permit is pulled. However, staff would like to be clear that
her contractor quit because of the foundation structure and the cost of it.

Ms. Hoople was explaining to the board that she wanted to fix the foundation. Mr. Borgman said that his concern was the foundation. He asked how Ms. Hoople was going to do this. He said if your foundation is bad, you can put all the money you want into it but it won't pass inspection. The only way to fix it is to remove it and put a whole new foundation in. Ms. Hoople stated again that she had a contractor to do the work. Mr. Borgman disagreed and reminded Ms. Hoople that the contractor told staff that he would no longer work on the project because it was a lost cause. Ms. Hoople stated that the contractor never told her that he was not continuing work and she has paid him money. Mr. Grabinski stated that from staff's prospective part of the problem is that you were one of two in the neighborhood that were brought before this board and the other one that is next door to you is complete. We have received complaints from that owner and from other businesses in the downtown area due to what they see when they pull up.

Staff Recommendation: Due to the condition of the foundation, staff suggests declaring the structure a dangerous building, unsafe, a public nuisance and forward the case to the city commission for concurrence.

Discussion: Mr. Fred Nielsen asked Ms. Hoople if he heard her say that she had a contractor that is interested in repairing the foundation. She said yes. Mr. Nielsen asked if she has made appointments with him. Ms. Hoople replied that he was supposed to call her. Grabinski reminded Board that with the board declaring the structure a dangerous building, she still has 30 days for repairs to be completed. If in the 30 days the repairs are not completed, the case will go before the City Commission.

Motion: Randy Mackie, supported by John Warner, made a motion to declare the structure at 935 Jefferson dangerous, substandard, unsafe, a public nuisance and forward to the City Commission for Concurrence.

A Roll Call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Nielsen
Randy Mackie
Clint Todd
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The Motion Carried.

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS**

NOTICE OF HEARING

Date: March 20, 2001

Address of the Property: 935 Jefferson, Muskegon, Michigan

Description of the Structure: Northernly 44 1/ feet of Easterly 94 feet, Lot 8 Block 332

TO: Bonna Hoople, 760 Eugene, Muskegon MI 49441
[Name & Address of Owner]

None Known at this time
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, April 5, 20 01, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the finding of facts issued by the City of Muskegon Building Inspection Department on August 24, 2000.

At the hearing on Thursday, April 5, 2001, at 5:30 p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
ON BEHALF OF THE HOUSING BOARD OF APPEALS

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

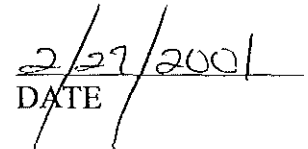
**935 JEFFERSON
RE-INSPECTION
2/22/01**

Inspection noted:

1. No progress in a couple of months.
2. Interior inspection required by the City of Muskegon's Trade Inspectors.
(Plumbing, Mechanical, Electrical and Building)
3. Exterior conditions deteriorating, exposed lath, siding.
4. Foundation in need of replacement.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY DALTINOWSKI, BUILDING INSPECTOR


DATE

FAX COVER SHEET

Re/Max of Muskegon Inc.
 Laura Hammer
 550 W. Norton
 Muskegon, MI 49444
 Phone (231) 733 - 1236 ex.225
 Fax (231) 733 - 0841
 E-mail hammerl5@aol.com



RE/MAX
 of Muskegon
 Independently Owned and Operated

Laura Hammer
 REALTOR®



SEND TO	From
Company name BOB GRABINSKI	Laura Hammer
Attention	Date
Office location	Office location Re/Max of Muskegon Inc.
Fax number 231-734-0692	Phone number 231 - 733 - 1236 ex 225

☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: _____

COMMENTS

Re 935 Jefferson-

Seller is Repairing -

BSF Construction to do work

- basic bid attached

ARTOC is BIDDING FURNACE

PLUMBING & ELECTRICAL GOT TO COME

BUT NOT ON YOUR STREET

AMORTIZATION STATEMENTS OF LOAN BEING

TAXES SEPARATE

PERMITS PULLED TO DAY 9/29/00

WORK TO COMMENCE 9/30/00 - Roof, siding,
 porch, STRUCTURE FIRST -

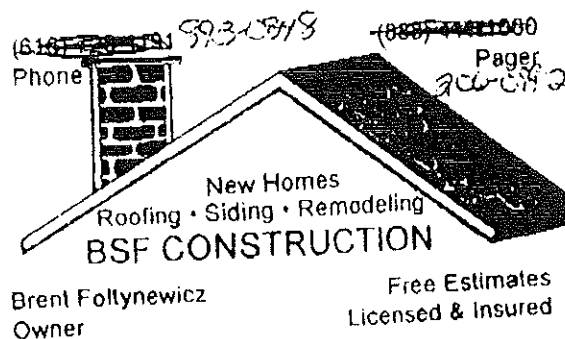
3200 Tear-off & Recept
 1500 Underlay ?
 3800 - Tearoff slate underlay, Siding
 1367- Alum Soffit & Fascia
 3500- 17 windows & Alum Wrap.
 1200 - Remove & Patch 2 Rooms, 1 Porch
 1300- 2 exterior Doors & 2 porches
 1500- Rear Entry System, Gable Port

 17,367

4270 - Carpet & Linole 248yds Approx
 450 - Replace Ceiling Tiles
 300 - Replace Upstairs Cabinet
 2600 - Repair & Paint Walls

 7620

Plus Furnace, Plumbing & Electrical



HUNTINGTON BANKS - LAKETON OFFICE

43 W. LAKE TON
MUSKEGON, MI 49441
231-725-0202
FAX: 231-722-8347

File

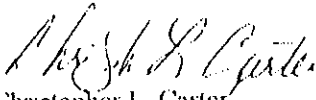
October 2, 2000

Bob Grabinski
993 Terrace St.
Muskegon, MI 49440

Dear Bob:

This letter is regarding Bonnie Hoople who has rental property in the City of Muskegon. This property is commercial property, she has received notice that some repairs are necessary to the property or some action may be taken. We have approved a loan for Ms. Hoople to use to remodel the property, I am waiting for the final paper work to go through and we can close the loan. If you have any further questions regarding this matter please feel free to call me at 231-725-0202.

Thank you,


Christopher L. Carter
Banking Office Manager

City of Muskegon
Housing Board of Appeals
Meeting Minutes
10/5/00

ATTENDANCE: Chairman, Greg Borgman; Vice-Chair, Fred Nielsen; First
Chairman, John Warner; Randy Mackie; Jerry Bever

ABSENT: Clinton Todd

EXCUSED: Reverend, William Anderson

STAFF: Robert Grabinski, Henry Faltinowski, Don Labrenz II, Cathy
Everett, and Community Officer Kevin Stier

GUESTS: Reverend, James Duncan Jr., Conrad Devries, Chris Duzan,
Lorrie Ornelas, Kimberly Nash, Larry & Brenda Davis, David
Vankammen, and Guadalupe Loera

Chairman Greg Borgman brought the meeting to order at 5:30 P.M.

Randy Mackie, supported by John Warner, made a motion to approve the
Minutes for the September 7, 2000 meeting. The motion carried.

Chairman Greg Borgman asked Robert Grabinski to explain why a few of the
cases had been removed from the agenda. Grabinski stated that the items were
pulled due to work being started on the homes. A history of each item is listed:

Item #1	on the agenda for tonight's meeting was removed for 30 days to give time to complete repairs.
Item #3	was removed to allow 30 more days for completion of repairs.
Item #6	was put on the agenda by mistake. It was not to come back again for 120 days from the 7/6/00 meeting.
Item #7	was removed due to repairs being done and progress being made.
Item #11	was removed due to permits being obtained and work had been started.

-935 ←
JEFFERSON

The Board members thanked Robert Grabinski for the history and asked if there
were any cases that staff would like to take out of order of the agenda. Grabinski
stated that to appease the audience, Staff would like the board to hear the cases
of those in the audience first, taking them as they signed in on the attendance
sheet. The Board members agreed.

Mayor Nielsen, Vice-Chairman, walked into the room at 5:45 P.M.

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
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FAX/724-4405

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231/724-4106
FAX/755-5290



FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS HOUSING BOARD OF APPEALS

September 25, 2000

Bonna Hoople
760 Eugene
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #00-33 – 935 Jefferson Ave., Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on Thursday, October 5, 2000 at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

Affirmative Action
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FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



MUSKEGON HOUSING BOARD OF APPEALS

August 24, 2000

Bonna Hoople
760 Eugene
Muskegon MI 49442

Dear Property Owner:

Subject: Dangerous Building Case #00-33-935 Jefferson, Muskegon MI.

FINDING OF FACTS & ORDER

At the August 17, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **GRANT** Case #00-33 - 935 Jefferson, **30 days to complete all repairs**. If repairs are made and final inspections are completed within the agreed upon timetable (**by September 17, 2000**) you will not have to come back to the Housing Board of Appeals. If repairs are not complete and all appropriate inspections have not been scheduled, this case will be heard before the Board again on October 5, 2000.

If you have any questions, please call the Inspections Department at (231) 724-6715.

Sincerely,

Robert Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

August 4, 2000

Bonna Hoople
760 Eugene
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #: 00-33 – 935 Jefferson, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, August 17, 2000 at 5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

#00-33 – 935 JEFFERSON – Bonna Hoople, 760 Eugene, Muskegon, MI.

Grabinski reminded the Board that they tabled this case for 30 days at the June, 2000 meeting to allow time for completion of repairs and/or sale of property. There has been no change in ownership and no progress made on repairs.

Mrs. Hoople attended the meeting with her Real-estate Agent. The agent stated that the property is still marketed for sale at \$15,000.00. An interested buyer is on vacation out of town right now and the Agent wasn't sure when she would talk with him again. Ms. Hoople's daughter was speaking with the Agent regarding renovating the building and renting it out. The agent and Mrs. Hoople requested more time to come up with a buyer.

Some discussion took place regarding the proceedings if the Board moved to condemn it would be forwarded to the city commission in 30 days.

Mr. Mayor made a motion, supported by John Warner, to table the case for 6 weeks to give time for a buyer of the property. The case will be reviewed at the 10/5/2000 meeting.

A roll call vote was taken:

AYES:

Greg Borgman
John Warner
Fred Neilsen
Randy Mackie
Jerry Bever

NAYS:**ABSENT:**

Clint Todd

EXCUSED:

Rev., William Anderson

The motion Carried.

Board member Clint Todd entered the meeting at 6:00 P.M.

**~~#00-12 – 1688 TERRACE ST. – Morray Vanderstelt – 1459 Terrace
Muskegon MI.~~**

~~Grabinski reminded the Board that the case was tabled for 30 days at the January, 2000 meeting. A work schedule was submitted and repairs were to be completed by 7/21/00.~~

~~Mr. Vanderstelt attended the meeting and stated that he had all the materials in the house. Tried to have it done on 7/21/00 but had a tough time getting financed for the materials. The house is secure and yard is cleaned up. He requested 30 – 60 days to complete repairs.~~

Affirmative Action
231/724-6703
FAX/722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

Civil Service
231/724-6716
FAX/724-4405

Clerk
231/724-6705
FAX/724-4178

Comm. & Neigh.
Services
231/724-6717
FAX/726-2501

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

Fire Dept.
231/724-6792
FAX/724-6985

Income Tax
231/724-6770
FAX/724-6768

Info. Systems
231/724-6744
FAX/722-4301

Leisure Service
231/724-6704
FAX/724-1196

Manager's Office
231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
FAX/722-1214

Inspection Services
231/724-6715
FAX/726-2501

Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
231/724-6750
FAX/722-5140

Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

Water Billing Dept.
231/724-6718
FAX/724-6768

Water Filtration
231/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

FILE

MUSKEGON HOUSING BOARD OF APPEALS

June 5, 2000

Ms. Bonna Hoople
760 Eugene
Muskegon MI 49441

Dear Property Owner:

Subject: Dangerous Building Case #00-33- 935 Jefferson, Muskegon MI

FINDING OF FACTS & ORDER

At the June 1, 2000 meeting of the Muskegon Housing Board of Appeals, it was agreed by the Board to **grant** Case #00-34 – 939 Jefferson 30 days to complete all repairs. If repairs are made and final inspections are completed within the agreed upon timetable (**by July 1, 2000**) you will not have to come back to the Housing Board of Appeals. If repairs are not complete and an inspection has not been scheduled, this case will be heard before the Board again on August 3, 2000.

If you have any questions, please call the Inspections Department at (231) 724-6715.

Sincerely,

Robert Grabinski
Fire Marshal/Inspection Services

Affirmative Action
231-724-6703
FAX/722-1214

Assessor
231-724-6708
FAX/726-5181

Cemetery
231-724-6783
FAX/726-5617

Civil Service
231-724-6716
FAX/724-4405

Clerk
231-724-6705
FAX/724-4178

Comm. & Neigh.
Services
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FAX/726-2501

Engineering
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FAX/727-6904

Finance
231-724-6713
FAX/724-6768

Fire Dept.
231-724-6792
FAX/724-6985

Income Tax
231-724-6770
FAX/724-6768

Info. Systems
231-724-6744
FAX/722-4301

Leisure Service
231-724-6704
FAX/724-1196

Manager's Office
231-724-6724
FAX/722-1214

Mayor's Office
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FAX/722-1214

Inspection Services
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FAX/726-2501

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Police Dept.
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FAX/722-5140

Public Works
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FAX/722-4188

Treasurer
231-724-6720
FAX/724-6768

Water Billing Dept.
231-724-6718
FAX/724-6768

Water Filtration
231-724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

File

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS

DATE: May 22, 2000

Nancy Ellen Hoople, Daniel Andrew Hoople
Douglas Chandler Hoople, Bonna M. Hoople
135 California Ave.
Muskegon MI 49445

Mr. Donald Hoople
760 Eugene
Muskegon MI 49441

SUBJECT: Dangerous Building Case # 00-33 - 935 Jefferson., Muskegon, MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, June 1, 2000**, at the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
CITY OF MUSKEGON

#00-33 – 935 JEFFERSON – BONNA HOOPLE, 760 EUGENE, MUSKEGON MI

Mrs. Bonna Hoople attended the meeting. She stated that her late husband, Donald Hoople passed away in Jan of 1992 and left the property to her. This is commercial property. She has been trying to sell it with no luck. She had been through three different real-estate agencies that did absolutely nothing and now has a new agent with the hopes of selling it soon. The real-estate agent, Laura Hammer with Remax of Muskegon attended the meeting with Mrs. Hoople. Laura stated that Mrs. Hoople would like an extension of 30 days so they could find out what is happening with the other commercial properties on the block. The property is currently actively for sale.

Bob Grabinski recommended that the board extend for 30 days because Laura and Mrs. Hoople have been cooperative and have been working with the inspections department.

John Warner, supported by Randy Mackie, made a motion to extend 30 days and review the case on 8/6/00. A roll call vote was taken.

AYES:

Greg Borgman
John Warner
Jerry Bever
Randy Mackie
The motion Carried.

NAYES:

ABSENT:

Clinton Todd

EXCUSED:

Fred Nielsen
William Anderson

**#00-31 – 477 E APPLE – Phyllis Bartee, present address unknown
Robert A Tremain & Associates, Birmingham MI**

No one attended the meeting to represent this case. Mr. Grabinski informed the board that this home was located 2 houses away from 501 E Apple and is one of three dangerous buildings in a row on this street. Bob stated that it was the staff's recommendation to declare this building substandard, unsafe, a public nuisance and to forward to the city commission for concurrence.

Randy Mackie, Supported by John Warner, made a motion to accept Staff's recommendation and forward to the city commission for concurrence. A roll call vote was taken.

AYES:

Greg Borgman
John Warner
Randy Mackie
Jerry Bever
The motion carried.

NAYES:

EXCUSED:

Fred Nielsen
William Anderson

ABSENT:

Clinton Todd

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6975
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
616/724-6724
FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

April 24, 2000

Nancy Ellen Hoople, Daniel Andrew Hoople
Douglas Chandler Hoople, Bonna M. Hoople
135 California Ave.
Muskegon MI 49445

RE: 935 Jefferson St., Muskegon MI
Northernly 44 1/2 Feet of Easterly 94 Feet Lot 8 Block 332

To Whom It May Concern:

It has been brought to our attention that the above property may be of interest to you. This is to inform you that the structures located at the above property has been put on our Dangerous Building list. Please see the enclosed Notice and Order that was sent out on 3/28/00. Also enclosed is the inspection report with the code violations that are dated 3/22/00.

This property will be going before the Housing Board of Appeals June 1, 2000. The board will determine if this property should be declared substandard, unsafe, a public nuisance and forward the case to the City of Muskegon Commission Committee for concurrence with the decision to demolish the structures.

Please feel free to call (231) 724-6715 with any questions or concerns.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Robert B. Grabinski". The signature is fluid and cursive.

Robert B Grabinski
Fire Marshal/Inspection Services

Affirmative Action
616/724-6703
FAX/724-6790

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

Civil Service
616/724-6716
FAX/724-6790

Clerk
616/724-6705
FAX/724-6768

Comm. & Neigh.
Services
616/724-6717
FAX/724-6790

Engineering
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FAX/724-6790

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6775
FAX/724-6768

Leisure Service
616/724-6704
FAX/724-6790

Manager's Office
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FAX/724-6790

Mayor's Office
616/724-6701
FAX/724-6790

Neigh. & Const.
Services
616/724-6715
FAX/724-6790

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
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Treasurer
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FAX/724-6768

Water Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290



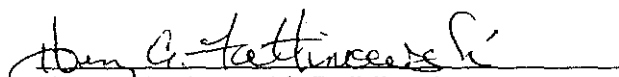
DANGEROUS BUILDING INSPECTIONS REPORT

935 Jefferson
3/22/00

Inspection noted:

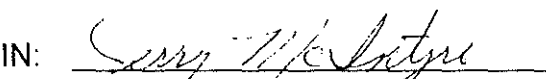
1. Foundation wall deteriorating in need of repair (structural).
2. Rotting sill plate in joist structural repair needed.
3. Missing, rotting siding.
4. Roof system on home in need of repair.
5. Front and back porches rotting. Close to state of collapse.
6. Broken out windows.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


Henry Faltinowski, Building Inspector

3/28/2000
Date

CONCURRED IN:


Jerry McIntyre, Building Official

3-28-00
Date

CITY OF MUSKEGON, MICHIGAN
NEIGHBORHOOD AND CONSTRUCTION SERVICES DEPARTMENT

HOUSING BOARD OF APPEALS
CLAIM OF APPEAL

1. Address of property under appeal: 935 JEFFERSON
2. Name of person making appeal: BONNA M. HOOPLE
(Please Print)

3. Relationship to owner: _____
(If Not Owner)

4. Address of person making appeal: 760 EUGENE AVE.
NORTON SHORES, MI.

5. Telephone (daytime): 799-9012

6. How long has the property been owned by the current owner? 37 yrs.

7. Is the property owner-occupied or rental: No

8. Reason for appeal (check appropriate line):

- ☐ A City standard causes more hardship for me than others.
☐ The City's order was an incorrect interpretation of the standard.
☐ I have an alternative way to meet the minimum standard.
☒ I need more time to comply with the City's order.

☒ Other (explain): Property is presently listed for
sale. Potential buyers considering
this site.

9. Date of the inspection I am appealing: 8/25/97

10. Date of the repair notice I am appealing: 9/10/97

11. Violation numbers being appealed (from repair notice): all

12. I would agree to correct the violations no later than: Property to be demolished

13. I have already corrected the following violations listed on the repair order (indicate violation number):

none

14. My solution to the problem which I am appealing would be:

I will continue to maintain the lawn.
When the property is sold it will
probably be demolished. As a 69 year
old widow on a limited fixed income,
I cannot financially afford to maintain
the property as required.

I swear that the above information is true and correct to the best of my knowledge:

Bonna M Hoople Date: 10/27/97
(Signature of Person Appealing)

Mail or submit this form to:

Neighborhood and Construction Services Department
City Hall
933 Terrace Street - P.O. Box 536
Muskegon, MI 49443

DO NOT WRITE BELOW THIS LINE - FOR CITY USE ONLY

Date received: 11/4/97 Appeal number: _____ Inspector: RW

Scheduled hearing date: _____ Approved _____ Denied _____ Approved w/conditions _____

Further action required: None, 6 month administrative
extension granted by department, ss

Action completed: _____

616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

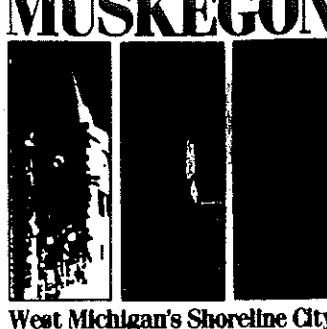
Planning/Zoning
616/724-6702

Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718



November 10, 1997

Ms. Bonna M. Hoople
760 Eugene Avenue
Muskegon, MI 49441

Dear Ms. Hoople:

SUBJECT: 935 Jefferson
Muskegon, Michigan

This is in regard to the claim of appeal which you filed with the Housing Board of Appeals on October 27, 1997.

Based upon the circumstances stated in your appeal, we are willing to grant your request for additional time to correct the code violations existing on your property. Accordingly, we will postpone our next inspection until May 1, 1998 or shortly thereafter.

Since this approval appears to address the nature of your appeal, we do not plan on presenting it to the Housing Board of Appeals unless you contact us and specifically request it.

Sincerely yours,

Daniel Schmelzinger
Director, Neighborhood and Construction Services

Commission Meeting Date: September 25, 2001

Date: September 18, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department CBC
**RE: To Set a Public Hearing Date for Amendment to
Downtown Development Plan and Tax Increment
Financing Plan- Muskegon Mall**

SUMMARY OF REQUEST: To approve the attached resolution calling a public hearing to amend the Downtown Development Plan (DDA) and Tax Increment Financing (TIFA) Plan. The amendment will remove certain properties from the DDA and TIFA Plans (the Mall). The public hearing will be held November 13, 2001.

FINANCIAL IMPACT: The Mall is presently on appeal in the Tax Tribunal. If the taxation value of the Mall property is reduced, the Mall has the potential to be a detriment to the DDA's tax capture ability on other properties. By taking the property out of the Plans, this detriment will be substantially modified.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The DDA voted to amend the Plans and request the City Commission to hold the hearing and approve the amendment at their September 18, 2001 meeting.

City of Muskegon
County of Muskegon, Michigan

2001-109(c)

RESOLUTION CALLING PUBLIC HEARING
REGARDING AMENDMENT TO DOWNTOWN DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN OF THE
MUSKEGON DOWNTOWN DEVELOPMENT AUTHORITY

Recitals

WHEREAS, the City of Muskegon (the "City") is authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended ("Act 197"), to create a downtown development authority and to designate its boundaries; and,

WHEREAS, pursuant to Act 197, the City Commission of the City duly established the Muskegon Downtown Development Authority (the "Authority") which exercises its powers within the Downtown District designated by the City Commission (the "District"); and,

WHEREAS, the City Commission approved the Authority's Downtown Development Plan and Tax Increment Finance Plan (the "Plan"), for the Development Area described in the Plan on July 12, 1988, pursuant to Ordinance No. 969; and,

WHEREAS, the City Commission approved amendments to the Plan on March 31, 1989, (the "1989 Amendment") pursuant to Ordinance No. 982, and a further amendment to the Plan on August 28, 2001, pursuant to Ordinance No. 2050; and,

WHEREAS, the Authority approved a resolution amending the development plan (the "Plan Amendment") for the purpose of removing several parcels from the development area to further encourage economic growth and to correct and prevent deterioration in the business portions of the District; and,

WHEREAS, it is necessary to conduct a public hearing in connection with the consideration of such Plan Amendment as required by Act 197.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission determines that it is necessary for the best interests of the public to amend the development plan of the Authority pursuant to Act 197 in order to correct and prevent deterioration of property value in the business district in the City and to promote economic growth. The City Commission hereby declares its intention to adopt the Plan Amendment.

2. There shall be a public hearing on Tuesday, the 13th day of November, 2001, at 5:30 o'clock, p.m., prevailing Eastern Time, in the Muskegon City Hall to consider adoption by the City Commission of an ordinance amending the Authority boundaries.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing, the first of which shall not be less than 20 days before the date set for the hearing. The notice shall be published as a display advertisement, prominent in size. The Clerk shall cause the notice to be mailed by first class mail not less than 20 days prior to the hearing to all property taxpayers of record in the District, as shown by the most recent tax roll of the City. Further, the Clerk, shall cause the notice to be mailed to the governing body of each taxing jurisdiction levying taxes subject to capture by the Authority, and shall cause the notice to be posted in 20 prominent places in the proposed amended district not less than 20 days prior to the date of hearing.

4. The notice of the hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

CITY OF MUSKEGON
COUNTY OF MUSKEGON, MICHIGAN

AN AMENDMENT TO THE DOWNTOWN DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN OF
THE MUSKEGON DOWNTOWN DEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the City Commission of the City of Muskegon, Michigan, will hold a public hearing on Tuesday, the 13th day of November, 2001, at 5:30 o'clock, p.m., prevailing Eastern Time in the City Commission Chambers, 933 Terrace Street, Muskegon, Michigan, to consider the adoption of an ordinance amending the development plan of the Downtown Development Plan and Tax Increment Finance Plan of the Muskegon Downtown Development Authority pursuant to Act 197 of the Public Acts of Michigan of 1975.

The boundaries of the development area to which the Plan applies are as follows:

All of those properties lying SEly of Muskegon Lake and NWly of the following Streets in the City of Muskegon: Beg at Muskegon Lake and extension of Southern Avenue SEly to Lakeshore Drive NEly to Michigan Avenue, Ely a distance of three blocks to Hudson Street, Sly one block to Washington Avenue, Ely on Washington three blocks to Beidler St., Nly to Webster Avenue, NEly along Webster to Ninth Street, SEly on Ninth to Muskegon Avenue, NEly on Muskegon Avenue a distance of four blocks to Fifth Street, SEly on Fifth to Houston Avenue, NEly on Houston to Fourth Street, SEly on Fourth to Strong Avenue, NEly on Strong one block to Jefferson Street, Nly on Jefferson to Houston Avenue, Ely on Houston to Peck Street, Nly on Peck to Apple Avenue, Ely on Apple to Fork Street, Nly on Fork to Myrtle, NEly to Emerald Avenue, NWly on Emerald to Eastern Avenue, Wly on Eastern to EB Seaway Drive, NEly on EB Seaway to Bayou, NWly on Bayou to WB Seaway Drive, NEly to S branch of Muskegon River, NWly to Ottawa Street, SWly on Ottawa to River Street, Wly to Muskegon Lake EXCEPT the property commonly known as the former Teledyne Continental Motors site.

The proposed ordinance to amend the Downtown Development Plan and the Tax Increment Financing Plan of the Muskegon Downtown Development Authority (the "Plan") will remove from the Plan the property generally described as follows:

Muskegon Mall Property located within the area bounded by Terrace Street, Clay Street, Third Street and Morris Street, City of Muskegon.

Lands located in the Revised Plat (of 1903 of the City of Muskegon) described as follows:

Parts of Blocks 309, 310, 311, 312, 559, 560, 561, 564 and 565, described in detail as follows:

Entire Block 309 lying Westerly of the Westerly line of Terrace Street as relocated (the Westerly line of Terrace Street relocated described at the end of the description), including the East/West and North/South alleys vacated in said Block 309;

Also Lots 1 to 11, inclusive, of Block 310, and the Northerly 1/2 of the vacated East/West alley adjacent thereto, and Lot 18 and the Southerly 1/2 of the East/West alley adjacent thereto of said Block 310;

Also the entire Block 311 except the East/West alley in said Block 311;

Also the entire Block 312, including all vacated alleys in said Block 312;

Also Lots 7 to 16, inclusive, of Block 559 lying Southerly of Morris Street and Westerly of Terrace Street as relocated (see description of relocated Morris/Terrace Street below);

Also the entire Block 560, including the vacated alley in said Block 560;

Also Lots 3 to 15 of Block 561 lying Southeasterly of the Southeasterly line of Morris Street, and the Southeasterly 1/2 of the vacated 18 foot alley that runs Southwest to Northeast in said Block 561;

Also Lots 1 and 2, Lot 7 and Lots 8 to 13, inclusive, of Block 564;

Also Lots 1 to 18, inclusive, of Block 565, and the entire vacated alley adjacent to Lots 3 to 15, inclusive, of said Block 565;

Also including the entire vacated Western Avenue Easterly of Third Street and Westerly of Terrace Street as relocated;

Also including vacated Jefferson Street North of Clay Avenue;

Also including vacated Jefferson Street North of Western Avenue and South of Morris Avenue;

Also including vacated Market Street Westerly of Terrace Street (relocated) and Easterly of a line described as beginning at the Southeast corner of Lot 2, Block 561, thence Southeasterly along the East line of said Lot 2, if extended, 33 feet, thence Southwesterly along the centerline of Market Street to the intersection of said line with Western Avenue for Point of Ending of said line;

Also including the Southwesterly 1/2 of vacated First Street adjacent to Lots 13, 14 and the alley in Block 311;

Also including the entire vacated First Street lying North of the Northerly alley of said Block 311, and South of a line described as: commencing at the Northeast corner of Lot 13, Block 564, thence Northeasterly along the extension of the North line of said Lot 13, 10 feet more or less, thence South 86°00'00" East 5.66 feet, thence South 41°33'00" East 43.1 feet, thence South 86°00'00" East 17.9 feet, thence North 49°00'00" East 199.83 feet to the Point of Ending of said line;

Also including that part of Second Street lying Southerly of the Southerly line of the alley in Block 565, if extended Easterly to the Northwest corner of Lot 8, Block 564;

Also including that part of the Southwesterly 1/2 of Second Street adjacent to Lot 18 of Block 565 and Lot 8 of Block 564.

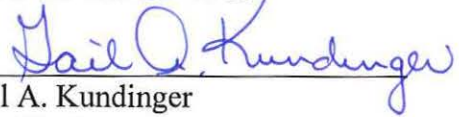
Copies of the proposed amendments to the to the Development and Tax Increment Finance Plan, maps, etc., are on file at the office of the City Clerk for inspection.

At the public hearing, all citizens, taxpayers, and property owners of the City of Muskegon desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the amendments to the Development and Tax Increment Finance Plan for the Muskegon Downtown Development Authority.

FURTHER INFORMATION may be obtained from the City Clerk at (231) 724-6705.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

CITY OF MUSKEGON

By 
Gail A. Kunding
City Clerk

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

THE CITY OF MUSKEGON DOWNTOWN DEVELOPMENT AUTHORITY

RESOLUTION NO. _____

A resolution amending the Downtown Development Plan and Tax Increment Financing Plan of the Muskegon Downtown Development Authority.

The Downtown Development Authority of the City of Muskegon hereby RESOLVES:

Recitals

1. It appears to the Downtown Development Authority that the continued inclusion of the Muskegon Mall Property described below in the Downtown Development and Tax Increment Financing Plans, given its present use and status, represents risk to the City and to the DDA in the form of reduced taxes and tax increment revenues.
2. Because of the present refunding of the Downtown Development Authority bonds which has recently occurred, removal of the property from the said plans will not adversely affect bonding obligations of the Authority or the City.
3. The factual circumstances and objectives set forth in Sections 14 and 17(2) of Act 197 of the Public Acts of 1975 (the Downtown Development Authority Act) will continue to be viable and be better accomplished by the plans after removal of the said property.

WHEREFORE, THE DOWNTOWN DEVELOPMENT AUTHORITY HEREBY RESOLVES:

1. That the Downtown Development Plan and Tax Increment Financing Plans (collectively, the "Plan") for the development area described in the Plan as presently amended should be and are further amended to exclude the following described property from the Plan:

**The legal description of the Mall property to be
affected by this Resolution is attached as Exhibit A.**

The property intended is all that property owned by Muskegon Properties Co. Inc. or its affiliates within the area bounded by Terrace, Clay, Third and Morris Streets.

2. The Downtown Development Authority hereby requests the City Commission of the City of Muskegon to take the appropriate action and follow the appropriate procedures under the Downtown Development Authority Act, Act 197 of the Public Acts of 1975, to exclude the above property from the Downtown Development and Tax Increment Financing Plans previously adopted by Ordinance No. 969 on July 12, 1988, and

amended by Ordinance No. 982 on March 31, 1989, and Ordinance No. 2050 on August 28, 2001.

3. The Secretary of the Authority is directed to deliver this Resolution forthwith to the City Clerk for consideration by the City Commission of the City of Muskegon.

This resolution passed.

Ayes R. Taylor, P. Roy Jr., K. Cierpial, E. Fethke, W. Stone, M. Balzic,
B. Bifoss

Nays K. Jackson, D. Medendorp

CITY OF MUSKEGON DOWNTOWN
DEVELOPMENT AUTHORITY

By Eugene A. Fethke
Eugene A Fethke

Chairman

And Dave Medendorp
Dave Medendorp

Secretary

CERTIFICATE

The above is a true copy of a resolution adopted by the City of Muskegon Downtown Development Authority and signed by the Chairman and Secretary of the Authority, at a meeting held September 18, 2001. The meeting was noticed and held in accordance with the Open meetings Act of the State of Michigan.

CITY OF MUSKEGON DOWNTOWN
DEVELOPMENT AUTHORITY

By Dave Medendorp
Dave Medendorp

Secretary

EXHIBIT A

Legal Description

Muskegon Mall Property located within the area bounded by Terrace Street, Clay Street, Third Street and Morris Street, City of Muskegon.

Lands located in the Revised Plat (of 1903 of the City of Muskegon) described as follows:

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Also the entire Block 560, including the vacated alley in said Block 560;

Also Lots 3 to 15 of Block 561 lying Southeasterly of the Southeasterly line of Morris Street, and the Southeasterly 1/2 of the vacated 18 foot alley that runs Southwest to Northeast in said Block 561;

Also Lots 1 and 2, Lot 7 and Lots 8 to 13, inclusive, of Block 564;

Also Lots 1 to 18, inclusive, of Block 565, and the entire vacated alley adjacent to Lots 3 to 15, inclusive, of said Block 565;

Also including the entire vacated Western Avenue Easterly of Third Street and Westerly of Terrace Street as relocated;

Also including vacated Jefferson Street North of Clay Avenue;

Also including vacated Jefferson Street North of Western Avenue and South of Morris Avenue;

Also including vacated Market Street Westerly of Terrace Street (relocated) and Easterly of a line described as beginning at the Southeast corner of Lot 2, Block 561, thence Southeasterly along the East line of said Lot 2, if extended, 33 feet, thence Southwesterly along the centerline of Market Street to the intersection of said line with Western Avenue for Point of Ending of said line;

Also including the Southwesterly 1/2 of vacated First Street adjacent to Lots 13, 14 and the alley in Block 311;

Also including the entire vacated First Street lying North of the Northerly alley of said Block 311, and South of a line described as: commencing at the Northeast corner of Lot 13, Block 564, thence Northeasterly along the extension of the North line of said Lot 13, 10 feet more or less, thence South $86^{\circ}00'00''$ East 5.66 feet, thence South $41^{\circ}33'00''$ East 43.1 feet, thence South $86^{\circ}00'00''$ East 17.9 feet, thence North $49^{\circ}00'00''$ East 199.83 feet to the Point of Ending of said line;

Also including that part of Second Street lying Southerly of the Southerly line of the alley in Block 565, if extended Easterly to the Northwest corner of Lot 8, Block 564;

Also including that part of the Southwesterly 1/2 of Second Street adjacent to Lot 18 of Block 565 and Lot 8 of Block 564.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 9/25/01

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: September 19, 2001

RE: Housing Commission Appointment

SUMMARY OF REQUEST:

To approve and concur with the City Manager's recommendation to appoint Mary Jo McCann to the vacant position on the Muskegon Housing Commission. This vacancy was created by the resignation of Richard Rienstra.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the appointment of Mary Jo McCann to the Muskegon Housing Commission.

COMMITTEE RECOMMENDATION:

None.

**CITY OF MUSKEGON
Talent Bank Application**

Please Type or Print. Applications will be kept on file for one year. All applicants subject to a background check.

NAME: MARY JO McCANN DATE: 9/19/01

HOME ADDRESS: 461 W. Webster Ave Muskegon MI 49440
(Street, City, State, Zip)

HOME PHONE #: 722-1821 WORK PHONE #: 777-0316

OCCUPATION: College Administrator, Director of Financial Aid
(If retired, give former occupation)

EDUCATION: B.A., College of Steubenville, Ohio

PERSONAL & COMMUNITY ACTIVITIES: President, Nelson Neighborhood Improvement Association;
Finance Committee, Girl Scouts; Education Committee, Community Foundation for Msk Cty

INTEREST IN SERVING: I am interested in using my knowledge and skills to help improve the
community.

PERSONAL REFERENCES: (Please list the name and phone numbers of three personal references)

1. <u>Dr. Frank Marczak, President, Muskegon CC</u>	<u>777-0311</u>
(Name)	(Phone Number)
2. <u>Patricia Johnson, Retired, Community Foundation</u>	<u>744-1409</u>
(Name)	(Phone Number)
3. <u>Pastor Chris Anderson, Samuel Lutheran Church</u>	<u>722-7308</u>
(Name)	(Phone Number)

PLEASE INDICATE BOARDS/COMMISSIONS/COMMITTEES INTERESTED IN SERVING ON -- MARKING #1 AS YOUR FIRST PREFERENCE:

- | | |
|--|--|
| ☐ Board of Canvassers | ☒ Housing Commission |
| ☐ Board of Review | ☐ Housing Stock Review Committee |
| ☐ Cemetery Committee | ☐ Image Committee |
| ☐ Citizen's Police Review Board | ☐ Income Tax Board of Review |
| ☐ City Employees Pension Board | ☐ Land Reutilization Committee |
| ☐ Civil Service Commission | ☐ Leisure Services Board |
| ☐ CDBG-Citizen's District Council | ☐ Loan Fund Advisory Committee |
| ☐ District Library Board | ☐ Local Develop. Finance Authority |
| ☐ Downtown Development Authority/Brownfield Board | ☐ Local Officer's Compensation Com. |
| ☐ Election Commission | ☐ Mechanical Board of Examiners |
| ☐ Electrical Board of Appeals | ☐ Planning Commission |
| ☐ Enterprise Community Citizen Council | ☐ Plumbing Board of Appeals |
| ☐ Equal Opportunity Committee | ☐ Police/Fireman's Pension Board |
| ☐ Historic District Commission | ☐ Tax Increment Finance Authority |
| ☐ Hospital Finance Authority | ☐ Zoning Board of Appeals |
| ☐ Housing/Building Code Board of Appeals | ☐ Other _____ |

* Attach Additional Sheets or Resume if Desired.

Return this form to: City Clerk's Office, 933 Terrace St., P. O. Box 536, Muskegon, MI 49443-0536

Mary Jo McCann

- v -

Lemonade Stand of Muskegon

1192 Jefferson
Muskegon, MI 49441
(616) 725-6195
where friends help friends

September 20, 2001

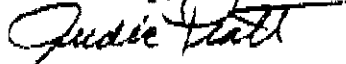
To the Muskegon City Commissioners:

The members of the Lemonade Stand would like to host a "Las Vegas Night" party at the Doo Drop Inn on Friday, November 2nd. Before we can obtain a license from the state to do this, we need a "Resolution for Charitable Gaming Licenses" from our "local governing body".

We have operated from our Jefferson Street location, as a non-profit agency, for the past 2½ years. We contract with Community Mental Health for \$6,500 per year, approximately half of our annual income. The rest comes from donations, fund-raisers and yard sales. Both fund-raisers and yard sales are held away from the Jefferson Street address. If we can obtain the licensing for the Las Vegas Night, the proceeds will pay winter-time utility bills.

We thank you for your time in dealing with this matter. You are most welcome to join us for an evening of fun on November 2nd!

Sincerely,



Judith Pratt, Pres.
Lemonade Stand of Muskegon

FAX COVER SHEET

To: Linda Potter, City Clerk

From: Judie Pratt
231-773-6118

Date: September 20, 2001

Re: Resolution for Charitable Gaming License
for Lemonade Stand of Muskegon

Pages: 8, including cover sheet

Form **872-C****Consent Fixing Period of Limitation Upon
Assessment of Tax Under Section 4940 of the
Internal Revenue Code**

OMB No. 1545-0056

(Rev. April 1998)

Department of the Treasury
Internal Revenue Service

(See instructions on reverse side.)

To be used with
Form 1023. Submit
in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

Lemonade Stand of Muskegon
(Exact legal name of organization as shown in organizing document)

3358 Murl Ave, Muskegon, MI 49442-6408
(Number, street, city or town, state, and ZIP code)

} District Director of
Internal Revenue, or
Assistant
Commissioner
(Employee Plans and
Exempt Organizations)

Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 5 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year May 31, 1999
(Month, day, and year)

Name of organization (as shown in organizing document)		Date
Lemonade Stand of Muskegon		August 12, 1998
Officer or trustee having authority to sign		
Signature ▶ <u>Judith M. Pratt</u>	(Judith M. Pratt)	Title ▶ President
For IRS use only		
District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)		Date
C. Ashley Bullard District Director		8/27/98
By ▶ <u>Peggy Combs</u>		Group Manager

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

AUG 27 1998

LEMONADE STAND OF MUSKEGON
C/O JUDITH M PRATT
3368 MURL AVE
MUSKEGON, MI 49442-6408

Employer Identification Number:

38-3418511

DLN:

17053230009048

Contact Person:

D. A. DOWNING

Contact Telephone Number:

~~(513) 241-5199~~ (877) 829-5500

Accounting Period Ending:

May 31

Foundation Status Classification:

509(a)(1)

Advance Ruling Period Begins:

June 2, 1998

Advance Ruling Period Ends:

May 31, 2003

Addendum Applies:

No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

Letter 1045 (DO/CG)

-2-

LEMONADE STAND OF MUSKOGON

will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return. Because you will be treated as a public charity for return filing purposes during your entire advance ruling period, you should file Form 990 for each year in your advance ruling period that you exceed the \$25,000 filing threshold even if your sources of support do not satisfy the public support test specified in the heading of this letter.

Letter 1045 (DO/CG)

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LEMONADE STAND OF MUSKEGON

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

Letter 1045 (DO/CG)

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LEMONADE STAND OF MUSKEGON

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

C. Ashley Bullard
District Director

Enclosure(s):
Form 872-C

Letter 1045 (DO/CG)

09/11/01 14:00:45

MSL->

231 773 6118

Page 003



CHARITABLE GAMING DIVISION
101 E. HILLSDALE, BOX 30023
LANSING, MICHIGAN 48206
(517) 335-5780
www.state.mi.us/milottery

2001-109(e)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by Mayor Nielsen on September 25, 2001
DATE
at 5:30 XXX a.m./p.m. the following resolution was offered:
TIME
Moved by Comm. Schweifler and supported by Comm. Aslakson
that the request from Lemonade Stand of Muskegon of Muskegon
NAME OF ORGANIZATION CITY
county of Muskegon asking that they be recognized as a
COUNTY NAME
nonprofit organization operating in the community for the purpose of obtaining a charitable
gaming license, be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL

DISAPPROVAL

Yea: 7

Yea: _____

Nays: 0

Nays: _____

Absent: 0

Absent: _____

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

adopted by the City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on September 25, 2001
DATE

SIGNED: Gail A. Kunder
TOWNSHIP, CITY, OR VILLAGE CLERK

Gail A. Kunder, City Clerk
PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS

The Michigan Lottery will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, qualified disability or political belief in its activities or in its hiring or employment practices.

COMPLETION Required
PENALTY: Possible denial of application
BGL-CG-1153(R8/00)