

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 14, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Liquor License Request - Betak Enterprises III, Inc., 45 E. Muskegon. CITY CLERK
 - C. Liquor License Request - Clover Bar, 817 E. Forest Ave. CITY CLERK
 - D. Telecommunication Permit – The Shoreline Fiber Network Partners – Under the METRO Act. ASSISTANT CITY MANAGER/ENGINEER
 - E. Nelson Park Renamed as St. Joseph Park. LEISURE SERVICES
 - F. Income Tax Refund Donation Program for 2004. INCOME TAX
 - G. Set Public Hearing for Amendments to Brownfield Plan - Former Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT
 - H. Plow Truck Purchase. PUBLIC WORKS
 - I. Dump Boxes and Under Body Plows. PUBLIC WORKS
 - J. Semi Tractor Purchase. PUBLIC WORKS
- PUBLIC HEARINGS:
 - A. Spreading of the Special Assessment Roll – Strong Avenue, Jefferson to Peck. ENGINEERING
 - B. Spreading of the Special Assessment Roll - Campus Avenue, from Washington to Approximately 100' North of Fourth. ENGINEERING
 - C. 2005 Budget. FINANCE

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

❑ **NEW BUSINESS:**

A. Approval of Pay Station Agreement with USA Mail Today. TREASURER

B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following. INSPECTIONS

1. 523 W. Webster (Outside Area 10)

2. 1842 Franklin (South of Area 12)

3. 1130 Sanford (Area 10)

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION**

➤ *Reminder: Individuals who would like to address the City Commission shall do the following:*

➤ Fill out a request to speak form attached to the agenda or located in the back of the room.

➤ Submit the form to the City Clerk.

➤ Be recognized by the Chair.

➤ Step forward to the microphone.

➤ State name and address.

➤ Limit of 3 minutes to address the Commission.

➤ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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

Date: September 14, 2004
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 Regular Commission Meeting that was held on Tuesday, August 24, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 14, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, September 14, 2004.

Vice Mayor Larson opened the meeting with a prayer from Pastor Michael Borgert from First Christian Reformed Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

Absent: Mayor Stephen Warmington (excused)

2004-81 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 24, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Liquor License Request - Betak Enterprises III, Inc., 45 E. Muskegon. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Betak Enterprises III, Inc., to transfer ownership of the 2004 SDD and SDM Licensed Business from H & J Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

C. Liquor License Request - Clover Bar, 817 E. Forest Ave. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on

a request to transfer ownership of the 2004 Class C-SDM Licensed Business with Dance Permit by dropping Wayne W. Brewer as stockholder by transfer of his 100 shares of stock to Timothy W. Brewer.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

D. Telecommunication Permit – The Shoreline Fiber Network Partners – Under the METRO Act. ASSISTANT CITY MANAGER/ENGINEER

SUMMARY OF REQUEST: Authorize the Mayor to sign the permit application submitted by The Shoreline Network Partners. Submittal of the permit application is in response to the City opting into the State's METRO Act. All necessary reviews including City Attorney, Engineering Department, Finance Department, and City Manager's Office have been completed.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the permit and authorize the Mayor to sign the document.

E. Nelson Park Renamed as St. Joseph Park. LEISURE SERVICES

SUMMARY OF REQUEST: A petition has been received from the Nelson Neighborhood to rename Nelson Park on Monroe Avenue to St. Joseph Park in honor of the former St. Joseph's Church that leased the property to the City for the park.

FINANCIAL IMPACT: The cost to redo a sign.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve.

COMMITTEE RECOMMENDATION: The Leisure Service Board recommends approval.

F. Income Tax Refund Donation Program for 2004. INCOME TAX

SUMMARY OF REQUEST: Approval to use the donations from the 2004 income tax returns to the BIG RED ED CLUB which is an activity of the Education fund of the Muskegon Public Schools.

FINANCIAL IMPACT: The average amount donated to previous Donation Programs is \$2,500. Each donated refund saves the City approximately two dollars. Last year 478 people donated their refund checks.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval recommended.

G. Set Public Hearing for Amendments to Brownfield Plan - Former Muskegon Mall. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for

amendments to the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendments, including the opportunity to express their views and recommendations regarding the proposed amendments at the public hearing. The amendments are for the inclusion of the former Muskegon Mall Property, now owned by Downtown Muskegon Development Corporation (DMDC) in the Brownfield Plan.

FINANCIAL IMPACT: Brownfield Tax Increment Financing would be used to reimburse the City, DMDC, and possibly developers for "eligible expenses" incurred in association with development of the Mall, starting in 2012, when the Renaissance Zone status of the Mall property will begin to expire. DMDC currently estimates that full development of the Mall property will involve approximately \$60 million in private investment, resulting in a substantial increase in the local and school taxes generated by the property.

"Eligible Expenses" would be reimbursed starting in 2012, including the payment of 4% interest annually. The estimated tax capture and payment schedule is included as Attachment L-4 in the proposed Brownfield Plan Amendment. The City is also authorized by law to capture up to \$75,000/year to pay for "reasonable and actual administrative and operating costs of the Brownfield Redevelopment Authority. As such, \$50,000/year of the local tax increment will be captured to reimburse the Brownfield Authority for its administrative costs, for a total of \$550,000 over 11 years.

After all eligible costs incurred by the various parties are reimbursed (estimated to be in 2017), the BRA is authorized to continue to capture local taxes for five more years for deposit into a Local Site Remediation Revolving Fund. Current estimates indicate that approximately \$3,460,000 could be captured from the taxes on the Mall property for deposit into this local fund.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on September 8, 2004, and approve the Brownfield Plan Amendment adding the Muskegon Mall to the Brownfield Plan, and request the Muskegon City Commission set a public hearing on the Plan Amendments, and request notification of the taxing jurisdictions of the proposed amendment and its financial impact on each jurisdiction.

H. Plow Truck Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two cab and chassis from Woodland International.

FINANCIAL IMPACT: Total Cost \$104,062.24.

BUDGET ACTION REQUIRED: None. \$140,000 was budgeted for the total purchase.

STAFF RECOMMENDATION: Approve purchase of budgeted replacement cab and chassis from Woodland International.

I. Dump Boxes and Under Body Plows. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two dump boxes and under body plows.

FINANCIAL IMPACT: Total Cost \$49,578.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of two dump boxes and under body plows from Truck & Trailer Specialties.

J. Semi Tractor Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one Freightliner CL 120 semi tractor from Freightliner of Grand Rapids.

FINANCIAL IMPACT: Cost per unit \$77,065.

BUDGET ACTION REQUIRED: None. \$80,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Freightliner CL 120 from Freightliner of Grand Rapids.

Motion by Commissioner Spataro, second by Commissioner Shepherd to approve the Consent Agenda.

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

Nays: None

MOTION PASSES

2004-82 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll – Strong Avenue, Jefferson to Peck. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Strong Avenue from Jefferson Street to Peck Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$29,371.29 would be spread against the thirteen (13) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:37 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:38 p.m. and approve the special assessment roll for Strong Avenue, Jefferson to Peck.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll - Campus Avenue, from Washington to Approximately 100' North of Fourth. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Campus Avenue from Washington to approximately 100' north of Fourth Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$28,086.26 would be spread against the fourteen (14) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt the resolution.

The Public Hearing opened at 5:39 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:40 p.m. and approve the special assessment roll for Campus Avenue, from Washington to approximately 100' north of Fourth.

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

Nays: None

MOTION PASSES

C. 2005 Budget. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2005. The proposed 2005 budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website page.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2005, City of Muskegon Budget resolution.

The Public Hearing opened at 5:41 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Carter that at 5:44 p.m. the Public Hearing be continued to the Special Meeting set for Wednesday, September 22, 2004.

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

Nays: None

MOTION PASSES

2004-83 NEW BUSINESS:

A. Approval of Pay Station Agreement with USA Mail Today. TREASURER

SUMMARY OF REQUEST: In an attempt to better serve those individuals who are unable to come to City Hall to pay their utility bills, the City Treasurer requests to allow payments to be made at USA Mail Today located at 1071 S. Getty St., Muskegon, Michigan.

FINANCIAL IMPACT: We anticipate a decrease in delinquent utility bills due to the convenience of a "one stop" payment location and a possible increase in utility cash

flows to the City of Muskegon.

BUDGET ACTION REQUIRED: There is a five dollar (\$5.00) monthly fee to be billed quarterly to the City of Muskegon.

STAFF RECOMMENDATION: The staff recommends the approval of the service agreement with USA Mail Today to accept City of Muskegon utility bill payments at their location.

Motion by Commissioner Shepherd, second by Commissioner Gawron to approve the service agreement with USA Mail Today.

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

Nays: None

MOTION PASSES

B. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following. INSPECTIONS

SUMMARY OF REQUEST: This is to request that the City Commission concur with the findings of the Housing Board of Appeals that the following structures are unsafe, substandard, public nuisances and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

1. 523 W. Webster (Outside Area 10)

CASE NUMBER & PROJECT ADDRESS: #EN-040007 – 523 W. Webster

LOCATION AND OWNERSHIP: This structure is located on Webster between Sixth and Seventh and was owned by William Gooden, who is recently deceased.

STAFF CORRESPONDENCE: This case began 1/26/04 because of numerous complaints of parties and the police being called. The notice and order to repair was issued on 1/26/04. The case went before the HBA on 6/4/04 and George Gooden was present. The HBA declared the structure with a 60 day delay before sending to Commission.

OWNER CONTACT: At the HBA meeting George Gooden stated he was awarded this property when it went through Probate after William Gooden's death. He stated he is not sure what he'll do with the property, but asked if he could use it as a "guest house" for friends to stay in. He also stated if it cost too much to repair he would tear it down. He was present at the party that the police shut down in April. At the HBA meeting he was ordered to bring in a copy of the Probate order showing he was the owner and if progress was being made on repairs the case would not be forwarded to City Commission. No copy of the Probate order has been submitted, nor permits applied for.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$17,600

ESTIMATED COST TO REPAIR: \$25,000

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 523 W. Webster.

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

Nays: Davis

MOTION PASSES

2. 1842 Franklin (South of Area 12)

CASE NUMBER & PROJECT ADDRESS: #EN-040048 – 1842 Franklin

LOCATION AND OWNERSHIP: This structure is located on Franklin between Laketon and Windsor and is owned by William Grimm.

STAFF CORRESPONDENCE: This case began 4/29/04 because of numerous complaints of a dangerous situation for neighborhood children. The owner started an addition on the house and stopped after the blocks were laid. The area was filled with water and neighbors were concerned about children falling in. The notice and order to repair/remove was issued 4/30/04 and on 6/3/04 the HBA heard the case. The case was tabled indefinitely to allow the owner time to complete the repairs and pull a permit for the scope of the work being done. The case was brought back to the HBA 8/5/04 and was declared dangerous.

OWNER CONTACT: Mr. Grimm was present at both HBA meetings and stated he wanted to complete the repairs. On August 24th an inspector noted the house had been demolished, but the site not totally cleared. The blocks from the addition and the original foundation is still remaining.

FINANCIAL IMPACT: General Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$12,700

ESTIMATED COST FOR SITE CLEARANCE: \$2,500

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

Motion by Commissioner Spataro, second by Commissioner Shepherd to concur with the Housing Board of Appeals decision to demolish 1842 Franklin.

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

Nays: None

MOTION PASSES

3. 1130 Sanford (Area 10)

CASE NUMBER & PROJECT ADDRESS: #EN-040036 – 1130 Sanford

LOCATION AND OWNERSHIP: This structure is located on Sanford between Houston and Monroe and is owned by Countrywide Home Loans in California.

STAFF CORRESPONDENCE: This case began 5/04 because of the house being vacant, open and large amount of trash & debris left. A dangerous building inspection was conducted on 3/5/04 and the notice and order to repair was issued on 3/22/04. On 5/6/04 the HBA declared the structure substandard and dangerous. An interior inspection was conducted 7/2/04.

OWNER CONTACT: The contractor working for the mortgage company scheduled the interior inspection and stated he would be doing repairs on the house. After receiving the inspection report, Amanda from Countrywide Mortgage stated they will be selling the house as is.

FINANCIAL IMPACT: CDBG Funds

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$16,600

ESTIMATED COST TO REPAIR: \$30,000

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

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with the Housing Board of Appeals decision to demolish 1130 Sanford.

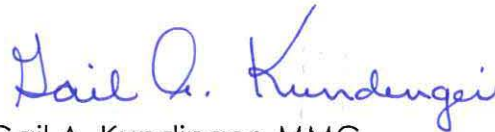
ROLL VOTE: Ayes: Carter, Davis, Gawron, Larson, Shepherd, Spataro

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:20 p.m.

Respectfully submitted,

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

Gail A. Kunding, MMC
City Clerk

Date: September 14, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Betak Enterprises III, Inc.
45 E. Muskegon (former Kwik Way)

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request from Betak Enterprises III to transfer ownership of the 2004 SDD and SDM Licensed Business from H & J Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783

Civil Service
724-6716

Clerk
724-6705 August 18, 2004

Engineering
724-6707

To: City Commission through the City Manager

Finance
724-6713

From: Anthony L. Kleibecker
Anthony L. Kleibecker, Director of Public Safety

Fire Dept.
724-6792

Re: Liquor License Request (Transfer)
45 E. Muskegon Ave. (former Kwik Way)

C. N. Services
724-6717

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Betak Enterprises III, Inc. This corporation consists of Saib Btk of 1254 Witham in North Muskegon and Samei Btk of 785 Mariwood Ave. in North Muskegon.

Inspections
724-6715

Leisure Service
724-6704

Betak Enterprises III is requesting to transfer ownership of 2004 SDD & SDM licensed business from H & J Inc. of Muskegon. Muskegon Police Department records show that both applicants have owned at least two other alcohol-serving businesses located in the City of Muskegon - 1500 S. Getty St. (Sams Drink All) and 1813 N. Getty St. (L&G Market). They are aware of the Muskegon Police Department's position on enforcing local alcohol-related laws and ordinances.

Manager's Office
724-6724

Mayor's Office
724-6701 A check of Muskegon Police Department records and a criminal history check show no reason to deny this request.

Planning/Zoning
724-6702

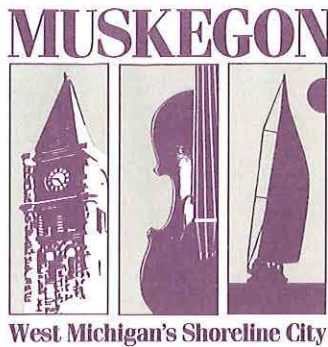
ALK/dl

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718



JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

June 28, 2004

Request ID: 265456

Muskegon City Council
Attn: Clerk
933 Terrace Street, PO Box 536
Muskegon, MI 49443-0536

The Liquor Control Commission has received an application from: Betak Enterprises III, Inc., requesting transfer ownership 2004 SDD & SDM licensed business, located at 45 E. Muskegon, Muskegon 49440 in Muskegon County, from H & J, Inc.

Stockholders:

Saib Btk, 1254 Witham, North Muskegon, MI 49445 (231) 578-3865
Samei Btk, 785 Mariwood Avenue, North Muskegon, MI 49445 (231) 557-5083

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

Sr
LC-3104 Rev. 6/90
4880-2068

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 08-12-04

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Betak Enterprises III, Inc. located at 45 E. Muskegon Street, Muskegon, MI. 49441; former Kwik-Way store.

Betak Inc. is requesting to transfer ownership of 2004 SDD & SDM licensed business with Sunday Sales permit from H&J, Inc. of Muskegon. Applicants Saib Btk of 1254 Witham, N. Muskegon, MI and Samei Btk of 785 Mariwood Ave., N. Muskegon, MI. 49445 are representing Betak Enterprises, Inc. Both applicants have experience in the alcohol service industry and are aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances. Records show that both applicants have been owner of at least two other alcohol serving businesses located in the City of Muskegon, 1500 N. Getty and 1813 N. Getty.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kurt Dykman', with a stylized flourish extending from the end of the signature.

Det. Kurt Dykman

data/common/liquor/Btk3

LIQUOR LICENSE REVIEW FORM

Business Name: Betak Enterprises III, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 45 E. Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Public Safety Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature G. L. Kunder

Please return to the City Clerk's Office
Gail A. Kunderinger,
Liquor License Coordinator

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

KAR
7-08-04
NIDA R. SAMONA
CHAIRPERSON

POLICE INVESTIGATION REQUEST

(Authorized by MCL 436.1(4))

June 28, 2004

Request ID#: 265456

Muskegon Police Department
Attn: Chief of Police
980 Jefferson Street, PO Box 536
Muskegon, MI 49443-0536
Chief Law Enforcement Officer

Applicant: Betak Enterprises III, Inc., request transfer ownership 2004 SDD & SDM licensed business, located at 45 E. Muskegon, Muskegon 49440 in Muskegon County, from H & J, Inc.

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

Forward your report and recommendations of the applicant to the Licensing Division.

_____ Please include fingerprint card(s) and \$30.00 for each card, and mail to the Michigan Liquor Control Commission. (None Needed)

If you have any questions, contact the Licensing Division at (517) 322-1400.

sr

LC-1972 Rev 01/02
4880-1658

LIQUOR LICENSE REVIEW FORM

Business Name: Betak Enterprises III, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 45 E. Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax

Approved ☒

Owing ☐

Amount: _____

Treasurer

Approved ☐

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Public Safety

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

Daniel D. J.

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Betak Enterprises III, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 45 E. Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax

Approved ☐

Owing ☐

Amount: _____

Treasurer

Approved ☒

Owing ☐

Amount: _____

Zoning

Approved ☐

Denied ☐

Pending ZBA ☐

Clerk's

Approved ☐

Owing ☐

Amount: _____

Public Safety

Approved ☐

Denied ☐

Remaining Defects ☐

Department Signature

[Signature] 06/30/04

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Betak Enterprises III, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 45 E. Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Public Safety Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature Phil Z. Carter

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Betak Enterprises III, Inc.

AKA Business Name (if applicable): _____

Operator/Manager's Name: _____

Business Address: 45 E. Muskegon

Reason for Review:

New License ☐

Transfer of Ownership ☒

Dance Permit ☐

Drop/Add Name on License ☐

Transfer Location ☐

Drop/Add Stockholder Name ☐

New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: paid 2004

Public Safety Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunder, Jr.
Liquor License Coordinator

JENNIFER M. GRANHOLM
GOVERNOR



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

NIDA R. SAMONA
CHAIRPERSON

LOCAL GOVERNMENT 15-DAY NOTICE

[Authorized by MAC 436.1105 (2d)(3)]

June 28, 2004

Request ID: 265456

Muskegon City Council
Attn: Clerk
933 Terrace Street, PO Box 536
Muskegon, MI 49443-0536

The Liquor Control Commission has received an application from: Betak Enterprises III, Inc., requesting transfer ownership 2004 SDD & SDM licensed business, located at 45 E. Muskegon, Muskegon 49440 in Muskegon County, from H & J, Inc.

Stockholders:

Saib Btk, 1254 Witham, North Muskegon, MI 49445 (231) 578-3865
Samei Btk, 785 Mariwood Avenue, North Muskegon, MI 49445 (231) 557-5083

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

sr

LC-3104 Rev. 6/90
4880-2068

BETAK ENTERPRISES INC.

DBA L & G FAMILY MARKET
1813 S. GETTY ST.
MUSKEGON, MI 49442

EXPLANATION	AMOUNT

9-91/720

1467

PAY

DOLLARS

CHECK
AMOUNT

0200052185001

DATE	TO THE ORDER OF	HRS	GROSS	SOC. SEC.	MED.	FED WITH	STATE	CHECK NO.
8-31	CITY of Muske.		Fees					1467
DESCRIPTION								

\$ 250.00

National City

National City Bank of Michigan/Illinois
Kalamazoo, Michigan

⑈001467⑈ ⑈072000915⑈ 884483641⑈

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

City Manager
(231)724-6724
FAX (231)722-1214

Civil Service
(231)724-6716
FAX (231)724-4405

Clerk
(231)724-6705
FAX (231)724-4178

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

Engineering
(231)724-6707
FAX (231)727-6904

Finance
(231)724-6713
FAX (231)724-6768

Fire Department
(231)724-6792
FAX (231)724-6985

Income Tax
(231)724-6770
FAX (231)724-6768

Info. Technology
(231)724-4126
FAX (231)722-4301

Inspection Services
(231)724-6715
FAX (231)728-4371

Leisure Services
(231)724-6704
FAX (231)724-1196

Mayor's Office
(231)724-6701
FAX (231)722-1214

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

Police Department
(231)724-6750
FAX (231)722-5140

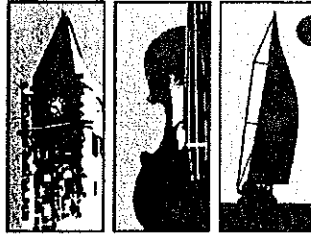
Public Works
(231)724-4100
FAX (231)722-4188

Treasurer
(231)724-6720
FAX (231)724-6768

Water Billing
(231)724-6718
FAX (231)724-6768

Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 8, 2004

Betak Enterprises III
45 E. Muskegon
Muskegon, MI 49440

Dear Sir:

This letter is to inform you that your request to transfer ownership of the 2004 SDD and SDM licensed business will be presented to the City Commission on September 14, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Jackson Hill Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

Affirmative Action
(231)724-6703
FAX (231)722-1214

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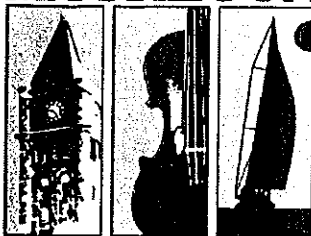
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FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 8, 2004

Mr. Calvin Rucks, President
Jackson Hill Neighborhood Assoc.
293 Erickson
Muskegon, MI 49442

Dear Mr. Rucks:

We have received a letter from the Liquor Control Commission reference a request from Betak Enterprises III, Inc., 45 E. Muskegon (former Kwik Way) to transfer ownership of the 2004 SDM and SDD licensed business from H & J Inc. A SDM license permits the sale of beer and wine for consumption off the premises only; and a SDM license permits the sale of alcoholic liquor, other than beer and wine under 21 percent alcohol by volume, for consumption off the premises only. On Tuesday, September 14, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 14, 2004, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
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FAX (231)726-5617

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FAX (231)724-1196

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FAX (231)722-1214

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FAX (231)724-6790

Police Department
(231)724-6750
FAX (231)722-5140

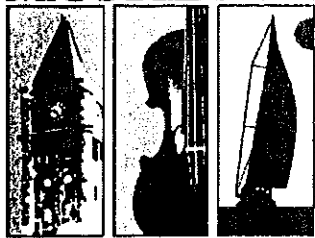
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FAX (231)722-4188

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FAX (231)724-6768

Water Billing
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FAX (231)724-6768

Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 16, 2004

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #265456
Betak Enterprises III, Inc.
45 E. Muskegon
Muskegon, MI 49440

To Whom It May Concern:

Enclosed is the Resolution and form LC-1800 for Betak Enterprises III, Inc. that was recommended for approval at the September 14, 2004, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

K A R
7-8-04

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

sr

RID: 265456

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) Betak Enterprises III, Inc.
45 E. Muskegon, Muskegon 49440 in Muskegon County (231) 728-2587

REQUEST FOR: Transfer ownership 2004 SDD & SDM licensed business with Sunday Sales permit from H & J, Inc.

Section 1.**APPLICANT INFORMATION**

APPLICANT #1:
Saib Btk

APPLICANT #2:
Samei Btk

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
1254 Witham
North Muskegon, MI 49445
(231) 578-3865

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
785 Mariwood Avenue
North Muskegon, MI 49445
(231) 557-5083

DATE OF BIRTH: 8-17-72

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: **NONE NEEDED**

DATE OF BIRTH: 12-2-73

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?
☐ Yes ☐ No

☐ Does the applicant have a Visa? Enter status:

Date fingerprinted: **NONE NEEDED**

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

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor
Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☒ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:

Section 3.**Local and State Codes and Ordinances, and General Recommendations**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.**Recommendation**

From your investigation:

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

2. Is the proposed location satisfactory for this business? ☒ Yes ☐ No

3. Should the Commission grant this request? ☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

X / Z L. Hollister
Signature (Sheriff or Chief of Police)
Muskegon Police Department

8-18-04
Date

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

2004-81(b)

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

called to order by Vice Mayor Larson on September 14, 2004 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Shepherd

That the request from Betak Enterprises III, Inc., 45 E. Muskegon, Muskegon, MI 49440 in Muskegon County to transfer ownership of the 2004 SDD & SDM Licensed Business with Sunday Sales permit from H & J, Inc.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 6

Yeas: _____

Nays: 0

Nays: _____

Absent: 1

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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 Board, City or Village Council) (Regular or Special)

meeting held on 9-14-04
(Date)

SEAL

(Signed) Gail A. Kunderger
(Township, City or Village Clerk)
Gail A. Kunderger, City Clerk
933 Terrace
Muskegon, MI 49440
(Mailing address of Township, City or Village)

Date: September 14, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Liquor License Request
Clover Bar
817 E. Forest Avenue

SUMMARY OF REQUEST: The Liquor Control Commission seeks local recommendation on a request to transfer ownership of the 2004 Class C-SDM Licensed Business with Dance Permit by dropping Wayne W. Brewer as stockholder by transfer of his 100 shares of stock to Timothy W. Brewer.

FINANCIAL IMPACT: None.

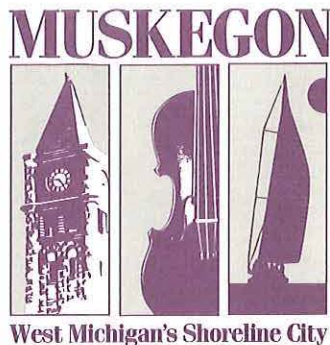
BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

Affirmative Action
724-6703

Assessor
724-6708

Cemetery
724-6783



Civil Service
724-6716

August 18, 2004

Clerk
724-6705

To: City Commission through the City Manager

From: *Anthony L. Kleibecker*
Anthony L. Kleibecker, Director of Public Safety

Engineering
724-6707

Re: Liquor License Transfer Request
817 E. Forest Avenue (Clover Bar)

Finance
724-6713

Fire Dept.
724-6792

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation of applicant Brewer Enterprises II, Inc.

C.N. Services
724-6717

Mr. Timothy W. Brewer of 626 Cambridge, Muskegon MI, is representing Brewer Enterprises II. He is requesting to transfer ownership of 2004 Class C-SDM licensed business with dance permit by dropping Wayne W. Brewer as stockholder through transfer of his 100 shares of stock to new stockholder Timothy Brewer.

Inspections
724-6715

Leisure Service
724-6704

Timothy Brewer has owned Boondocks Bar at 226 E. White Lake Drive since 1996 and the Brewers Tap bar at 1281 E. Broadway since 2001. He also had part ownership in the Clover Bar from 2000 to early 2002 with his father, Wayne Brewer, but dropped his share of ownership due to differences with Wayne. Timothy now wishes to assume full ownership of the Clover Bar from his father due to issues Wayne is experiencing and hopes to remedy some of the problems the bar has had. Timothy Brewer has been made aware of the Muskegon Police Department's position on enforcing local alcohol-related laws and ordinances.

Mayor's Office
724-6701

A check of Muskegon Police Department records and a criminal history check show no reason to deny this request.

Planning/Zoning
724-6702

ALK/dl

Police Dept.
724-6750

Public Works
726-4786

Treasurer
724-6720

Water Dept.
724-6718

To: Tony Kleibecker, Director of Public Safety

From: Det. Kurt Dykman

Date: 08-17-04

Re: Liquor License Transfer

Chief Kleibecker,

The Muskegon Police Department has received a request from the Michigan Liquor Control Commission for an investigation from applicant Brewer Enterprises II, Inc. located at 817 E. Forest Street, Muskegon, MI. 49442; currently named Clover Bar. Mr. Timothy W. Brewer, of 626 Cambridge, Muskegon, MI. 49441, is representing Brewer Enterprises II.

Brewer Enterprises II is requesting to transfer all stock in 2004 Class C-SDM licensed business with Dance Permit by dropping Wayne W. Brewer as stockholder through transfer of his 100 shares of stock to new stockholder, Timothy Brewer. Timothy Brewer has experience in the alcohol service industry and has been made aware of the Muskegon Police Departments position on enforcing local alcohol laws and ordinances. Mr. Brewer has owned Boondocks Bar, 226 E. White Lake Dr, from 1996 to present and also owns Brewers Tap, 1281 E. Broadway, 2001 to present. Timothy had ownership in the Clover Bar from 2000 to early 2002 with his father, Wayne Brewer. Due to differences with his father, Timothy dropped his share of ownership at that time. Timothy now wishes to take full ownership of the establishment from his father due to issues his father is experiencing and wishes to remedy some of the problems the bar has had.

A check of MPD records and Criminal History showed no reason to deny this request.

Respectfully submitted,



Det. Kurt Dykman

data/common/liquor/Brewer

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 259692

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

BUSINESS NAME AND ADDRESS: (include zip code)

BREWER ENTERPRISES II, INC., 817 FOREST, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER ALL STOCK IN 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT BY DROPPING WAYNE W. BREWER AS STOCKHOLDER THROUGH TRANSFER OF HIS 100 SHARES OF STOCK TO NEW STOCKHOLDER, TIMOTHY W. BREWER.

Section 1.**APPLICANT INFORMATION**APPLICANT #1: **NO FINGERPRINTS REQUIRED**

TIMOTHY W. BREWER – STOCKHOLDER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

626 CAMBRIDGE

MUSKEGON, MI 49441

H(231)798-7050/B(231)343-2840

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: 6-1-67

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:Date fingerprinted: 8-17-04

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.**Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

X B.L. Keleni
Signature (Sheriff or Chief of Police)8-18-04
Date

MUSKEGON POLICE DEPARTMENT

7-7-04 J.O.



LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

BREWER ENTERPRISES II, INC. (231) 343-2840
APPLICANT/LICENSEE PHONE NUMBER
817 E. Forest Muskegon Muskegon 49442
STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMIT(S) REQUESTED: DANCE ☒ ENTERTAINMENT ☐ TOPLESS ACTIVITY ☐

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
- Describe the type of entertainment applicant/licensee will provide: N/A ☐
Music & Karaoke
- Will this entertainment include topless activity? YES ☐ NO ☐ N/A ☒

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☒
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☒

REMARKS:

8-17-04

DATE SUBMITTED

[Signature]
OFFICER'S SIGNATURE

Muskegon Police (231) 724-6750
DEPARTMENT NAME PHONE NUMBER

980 Jefferson St. Muskegon
ADDRESS CITY

7-7-04
J.O.

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

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

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

Date: May 14, 2004
REF#: 259692

Chief Law Enforcement Officer

Applicant:

BREWER ENTERPRISES II, INC. REQUESTS TO TRANSFER ALL STOCK IN 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 817 FOREST, MUSKEGON, MI 49442, MUSKEGON COUNTY, BY DROPPING WAYNE W. BREWER AS STOCKHOLDER THROUGH TRANSFER OF HIS 100 SHARES OF STOCK TO NEW STOCKHOLDER, TIMOTHY W. BREWER.

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

Forward your report and recommendations of the applicant to the Licensing Division.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 9/17
4880-1658

sfs

7-7-04
J.O.

LIQUOR LICENSE REVIEW FORM

Business Name: Brewer Enterprises II, Inc.

AKA Business Name (if applicable): Clover Bar

Operator/Manager's Name: Timothy W. Brewer

Business Address: 817 Forest

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☒ Denied ☐ No Action Needed ☐

Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature R. L. Kleber

Please return to the City Clerk's Office
Gail A. Kunderger,
Liquor License Coordinator

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 259692

Date: May 14, 2004

To: MUSKEGON CITY COMMISSION
933 TERRACE STREET
PO BOX 536
MUSKEGON, MI 49443-0536

Applicant: BREWER ENTERPRISES II, INC.

Home Address And Phone No:
TIMOTHY W. BREWER, 626 CAMBRIDGE, MUSKEGON, MI 49441 H(231)798-7050/B(231)343-2840

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

sfs

7-7-04
J.O.

LIQUOR LICENSE REVIEW FORMBusiness Name: Brewer Enterprises II, Inc.AKA Business Name (if applicable): Clover BarOperator/Manager's Name: Timothy W. BrewerBusiness Address: 817 Forest

Reason for Review: _____

New License ☐ Transfer of Ownership ☐ Dance Permit ☐Drop/Add Name on License ☐ Transfer Location ☐Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

Public Safety Approved ☐ Denied ☐ No Action Needed ☐Income Tax Approved ☒ Owing ☐ Amount: _____Treasurer Approved ☐ Owing ☐ Amount: _____Zoning Approved ☐ Denied ☐ Pending ZBA ☐Clerk's Approved ☐ Owing ☐ Amount: _____Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kunding,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Brewer Enterprises II, Inc.

AKA Business Name (if applicable): Clover Bar

Operator/Manager's Name: Timothy W. Brewer

Business Address: 817 Forest

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New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

Deadline for receipt of all information: _____

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☒ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

LIQUOR LICENSE REVIEW FORM

Business Name: Brewer Enterprises II, Inc.

AKA Business Name (if applicable): Clover Bar

Operator/Manager's Name: Timothy W. Brewer

Business Address: 817 Forest

RECEIVED

JUL 12 2004

CITY OF MUSKEGON
PLANNING DEPARTMENT

Reason for Review:

New License ☐ Transfer of Ownership ☐ Dance Permit ☐

Drop/Add Name on License ☐ Transfer Location ☐

Drop/Add Stockholder Name ☒ New Entertainment Permit ☐

Other _____

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☒ Denied ☐ Pending ZBA ☐

Clerk's Approved ☐ Owing ☐ Amount: _____

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature M. A. L. Carter

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Gail A. Kunding,
Liquor License Coordinator

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AKA Business Name (if applicable): Clover Bar

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Income Tax Approved ☐ Owing ☐ Amount: _____

Treasurer Approved ☐ Owing ☐ Amount: _____

Zoning Approved ☐ Denied ☐ Pending ZBA ☐

Clerk's Approved ☒ Owing ☐ Amount: paid

Fire/Inspections Approved ☐ Denied ☐ Remaining Defects ☐

Department Signature _____

Please return to the City Clerk's Office
Gail A. Kundinger,
Liquor License Coordinator

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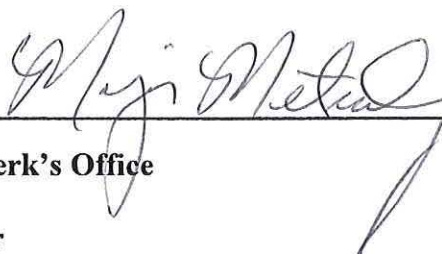
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Fire/Inspections Approved ☒ Denied ☐ Remaining Defects ☐

Department Signature G. L. Kunder 7-13-04

Please return to the City Clerk's Office
Gail A. Kunder,
Liquor License Coordinator

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
(231)724-6783
FAX (231)726-5617

City Manager
(231)724-6724
FAX (231)722-1214

Civil Service
(231)724-6716
FAX (231)724-4405

Clerk
(231)724-6705
FAX (231)724-4178

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

Engineering
(231)724-6707
FAX (231)727-6904

Finance
(231)724-6713
FAX (231)724-6768

Fire Department
(231)724-6792
FAX (231)724-6985

Income Tax
(231)724-6770
FAX (231)724-6768

Info. Technology
(231)724-4126
FAX (231)722-4301

Inspection Services
(231)724-6715
FAX (231)728-4371

Leisure Services
(231)724-6704
FAX (231)724-1196

Mayor's Office
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Planning/Zoning
(231)724-6702
FAX (231)724-6790

Police Department
(231)724-6750
FAX (231)722-5140

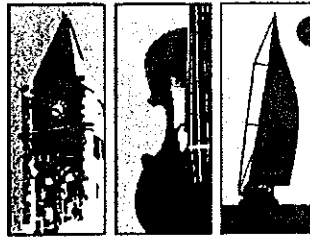
Public Works
(231)724-4100
FAX (231)722-4188

Treasurer
(231)724-6720
FAX (231)724-6768

Water Billing
(231)724-6718
FAX (231)724-6768

Water Filtration
(231)724-4106
FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 8, 2004

Mr. Timothy W. Brewer
626 Cambridge
Muskegon, MI 49441

Dear Mr. Brewer:

This letter is to inform you that your request to transfer ownership of the 2004 Class C-SDM licensed business will be presented to the City Commission on September 14, 2004. This meeting begins at 5:30 p.m. and is located in the City Commission Chambers, 933 Terrace, Muskegon, MI.

This request has also been sent to the Oakview Neighborhood Association for their comments. It is Commission practice to let the Neighborhood Association know of any liquor license requests that are located within their boundaries. This allows for comments from the people who live there and not just from the owners of the business' who are located there.

Sincerely,

A handwritten signature in cursive script that reads "Linda Potter".

Linda Potter
Deputy Clerk

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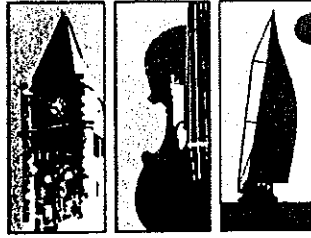
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MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 8, 2004

Mr. Steve Borstler, President
Oakview Neighborhood Assoc.
1255 Fleming
Muskegon, MI 49442

Dear Mr. Borstler:

We have received a letter from the Liquor Control Commission reference a request from Timothy W. Brewer, 817 E. Forest (Clover Bar) to transfer ownership of the 2004 Class C-SDM licensed business with dance permit by dropping Wayne W. Brewer as stockholder. A SDM license permits the sale of beer and wine for consumption off the premises only; and a Class C license permits the sale of beer, wine, or liquor for consumption on the licensed premises. On Tuesday, September 14, 2004, the City Commission will review this request and determine whether or not it should be recommended for approval.

You are being sent this notice because the City Commission would like to know how the Neighborhood Association feels and would appreciate any comments that they may have. You may send these comments to 933 Terrace, Muskegon, MI 49440 or attend the City Commission Meeting on September 14, 2004, at 5:30 p.m. in the Commission Chambers.

If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

cc: Ms. Judy Meisch

Affirmative Action
(231)724-6703
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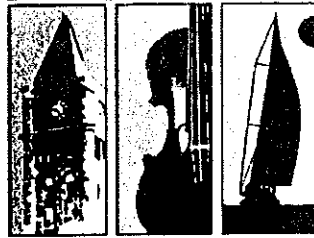
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FAX (231)724-6768

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FAX (231)724-6768

Water Filtration
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FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 8, 2004

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Oakview Neighborhood Assoc.
1255 Fleming
Muskegon, MI 49442

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If you have any questions, please feel free to contact me at 724-6705.

Sincerely,

Linda Potter
Deputy Clerk

cc: Ms. Judy Meisch

BREWER ENTERPRISES II, INC.

DBA CLOVER BAR
817 E. FOREST AVE.
MUSKEGON, MI 49442

1325

DATE 8-17-04

74-5-724

AY
THE
ORDER OF

City of Muskegon

\$ 250

Two hundred fifty and no/100

DOLLARS



Fifth Third Bank
WESTERN MICHIGAN
GRAND RAPIDS, MICHIGAN

OR

Timothy W. B.

⑈001325⑈ ⑆072400052⑆ 7161910794⑈

XXXXXXXXXXXX
YOUR RECEIPT
THANK YOU
CALL AGAIN
XXXXXXXXXXXX
LIQUOR 250.00
ITEM CT 1
CHECK
250.00
08:26AM 09-09-2004
3948 LINDA

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

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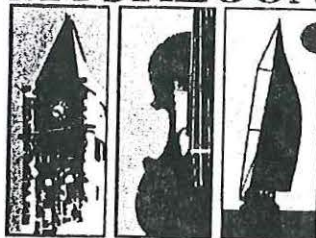
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MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 16, 2004

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

REF: #259692
Brewer Enterprises II, Inc.
817 Forest
Muskegon, MI 49442

To Whom It May Concern:

Enclosed is the Resolution, form LC-1800, and the Local Law Enforcement Agency Report for Brewer Enterprises II, Inc. that was recommended for approval at the September 14, 2004, City Commission Meeting.

Please do not hesitate to call me at (231) 724-6705 if you have any questions.

Sincerely,

Linda Potter

Linda Potter
Deputy Clerk

Enc.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505*

2. Article Number *7000 0520 0014 3747 7463*
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature *JEREMY HAL*

X

MAIL & DELIVERY SERVICES, AGENT FOR

B. Received by (Printed Name)

SEP 17 2004

D. Is delivery address different from i

If YES, enter delivery address be

POST OFFICE BC
LANSING, MICHIG

3. Service Type

- ☒ Certified Mail ☐ Express
- ☐ Registered ☐ Return F
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

Domestic Return Receipt

PS Form 3800, February 2000

See Re

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536

Affirmative Action
(231)724-6703
FAX (231)722-1214

Assessor
(231)724-6708
FAX (231)726-5181

Cemetery
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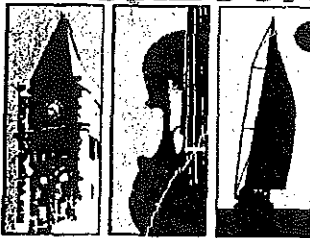
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Water Filtration
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FAX (231)755-5290

MUSKEGON



West Michigan's Shoreline City
www.shorelinecity.com

September 16, 2004

Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

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Muskegon, MI 49442

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Linda Potter

Linda Potter
Deputy Clerk

Enc.

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Liquor Control Commission
7150 Harris
PO Box 30005
Lansing, MI 48909-7505

2. Article Number 7000 0520 0014 3747 7463
(Transfer from service label)

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature **JEREMY HALL**
X ☐ Agent
MAIL & DELIVERY SERVICES, AGENT FOR STATE OF MICHIGAN ☐ Address
B. Received by (Printed Name) C. Date of Delivery
SEP 17 2004
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No
**POST OFFICE BOX 30026
LANSING, MICHIGAN 48909**

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102595-02-M

PS Form 3800, February 2000

See Reverse for Instructions

City of Muskegon, 933 Terrace Street, P.O. Box 536, Muskegon, MI 49443-0536
<http://www.shorelinecity.com>

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID # 259692

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

**Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission.**

BUSINESS NAME AND ADDRESS: (include zip code)

BREWER ENTERPRISES II, INC., 817 FOREST, MUSKEGON, MI 49442, MUSKEGON COUNTY

REQUEST FOR:

REQUEST TO TRANSFER ALL STOCK IN 2004 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT BY DROPPING WAYNE W. BREWER AS STOCKHOLDER THROUGH TRANSFER OF HIS 100 SHARES OF STOCK TO NEW STOCKHOLDER, TIMOTHY W. BREWER.

Section 1.**APPLICANT INFORMATION**APPLICANT #1: **NO FINGERPRINTS REQUIRED**

TIMOTHY W. BREWER - STOCKHOLDER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

626 CAMBRIDGE

MUSKEGON, MI 49441

H(231)798-7050/B(231)343-2840

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH: **6-1-67**

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:Date fingerprinted: **8-17-04**

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

☐ Does the applicant have permanent Resident Alien status?☐ Yes ☐ No☐ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

ARREST RECORD: ☐ Felony ☐ Misdemeanor

Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2.**Investigation of Business and Address to be Licensed**

Does applicant intend to have dancing or entertainment?

☐ No ☒ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment PermitAre gas pumps on the premises or directly adjacent? ☒ No ☐ Yes, explain relationship:**Section 3.****Local and State Codes and Ordinances, and General Recommendations**Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☒ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4.**Recommendation**

From your investigation:

1. Is this applicant qualified to conduct this business if licensed?

☒ Yes ☐ No

2. Is the proposed location satisfactory for this business?

☒ Yes ☐ No

3. Should the Commission grant this request?

☒ Yes ☐ No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

X B L. K...
Signature (Sheriff or Chief of Police)

8-18-04
Date

MUSKEGON POLICE DEPARTMENT

7-7-04
J.O.



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

REQ ID: 259692

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

BREWER ENTERPRISES II, INC.
APPLICANT/LICENSEE

(231) 343-2840

PHONE NUMBER

817 E. Forest

Muskegon

Muskegon

49442

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP



- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☒ NO ☐ N/A ☐
- Describe the type of entertainment applicant/licensee will provide: N/A ☐
music & Karaoke
- Will this entertainment include topless activity? YES ☐ NO ☐ N/A ☒

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☒	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☒
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☒

REMARKS:

8-17-04

DATE SUBMITTED

X B. L. K. K. K. K. K.
OFFICER'S SIGNATURE

Muskegon Police

(231) 724-6750

DEPARTMENT NAME

PHONE NUMBER

980 Jefferson St.

Muskegon

ADDRESS

CITY

7-7-04 J.O.

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION

RESOLUTION

2004-81(c)

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

called to order by Vice Mayor Larson on 9-14-04 at 5:30 P.M.

The following resolution was offered:

Moved by Commissioner Spataro and supported by Commissioner Shepherd

That the request from BREWER ENTERPRISES II, INC. TO TRANSFER ALL STOCK IN 2004 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 817 FOREST, MUSKEGON, MI 49442, MUSKEGON COUNTY, BY DROPPING WAYNE W. BREWER AS STOCKHOLDER THROUGH TRANSFER OF HIS 100 SHARES OF STOCK TO NEW STOCKHOLDER, TIMOTHY W. BREWER.

be considered for Approval
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 6

Yeas: _____

Nays: 0

Nays: _____

Absent: 1

Absent: _____

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

Recommended for issuance
(Recommended or not Recommended)

State of Michigan _____)

§

County of Muskegon _____)

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 Board, City or Village Council) (Regular or Special)

meeting held on 9-14-04
(Date)

SEAL

(Signed) Gail A. Kundinger
(Township, City or Village Clerk)
Gail A. Kundinger, City Clerk
933 Terrace
Muskegon, MI 49440
(Mailing address of Township, City or Village)

*7-704
J.O.*

AGENDA ITEM
CITY COMMISSION MEETING 9/06/04

TO: Mayor and City Commission

FROM: Lee Slaughter, Assistant City Manager
Mohammed Al-Shatel, City Engineer

DATE: September 7, 2004

RE: Telecommunication Permit – The Shoreline Fiber Network Partners –
Under the METRO Act

SUMMARY OF REQUEST

Authorize the Mayor to sign the permit application submitted by The Shoreline Network Partners. Submittal of the permit application is in response to the City opting into the state's METRO Act. All necessary reviews including City Attorney, Engineering Dept., Finance Dept. and City Manager's Office have been completed.

FINANCIAL IMPACT

None.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

To approve the permit and authorize the Mayor to sign the document.

COMMITTEE RECOMMENDATION

None.

Kundinger, Gail

From: Slaughter, Lee
Sent: Wednesday, August 04, 2004 12:10 PM
To: Al-Shatel, Mohammed
Cc: Schrier, John (attorney); Lewis, Elizabeth; Kuhn, Bob; Kundinger, Gail
Subject: METRO Act Permit App. Request

Mo, as you are aware, on Aug. 2, the Clerk's Office received an application *under the METRO Act* from The Shoreline Fiber Network Partners. Gail forwarded same to us for processing. We have 45 days to grant or deny the request or risk a \$40,000 fine per day. Steps involved: Engineering dept. (for technical approval) and the City Attorney (for legal approval) have to review the packet, take necessary action and advise the Manager's Office to approve or not. We have to ensure that proper Insurance Coverage is in place, etc. I suggest we try to process the application over the next two weeks and shoot to have it on the Commission Agenda for 8/24 – which means, it has to be submitted for agenda review on 8/18. If for whatever reason we are unable to meet the proposed timeline, our next and final opportunity will be for the 9/14 Commission meeting (which by then will be the 43rd-day with Thursday, 9/16 being the 45th- day as well as the deadline date).

A copy the application packet is being forwarded to John and Beth. I await response from you and John.

Thank you.

8/4/2004

MASTER

METRO Act Permit Application Form
Revised 12/06/02



City of Muskegon

Name of Local Unit of Government

APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS
UNDER
METROPOLITAN EXTENSION TELECOMMUNICATIONS
RIGHTS-OF-WAY OVERSIGHT ACT
2002 PA 48
MCLA SECTIONS 484.3101 TO 484.3120

BY

The Shoreline Fiber Network Partners:
Muskegon Area Intermediate School District, Fiscal Agent
The County of Muskegon
Muskegon Central Police Dispatch

Unfamiliar with METRO Act?--Assistance: Municipalities unfamiliar with Michigan Metropolitan Extension Telecommunications Rights-of-Way Oversight Act ("METRO Act") permits for telecommunications providers should seek assistance, such as by contacting the Communications Division of the Michigan Public Service Commission at 517-241-6210 or via its web site at http://www.michigan.gov/mpsc/0,1607,7-159-16372_22707---,00.html

45 Days to Act—Fines for Failure to Act: The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCLA 484.3115(3). The Michigan Public Service Commission can impose fines of up to \$40,000 per day for violations of the METRO Act. It has imposed fines under the Michigan Telecommunications Act where it found providers or municipalities violated the statute.

Where to File: Applicants should file copies as follows [municipalities should adapt as appropriate—unless otherwise specified service should be as follows]:

-- Three (3) copies (one of which shall be marked and designated as the master copy) with the Clerk at: City of Muskegon 933 TERRACE ST PO BOX 536 MUSKEGON, MI 49443-0536

City of Muskegon
Name of local unit of government

**APPLICATION FOR
ACCESS TO AND ONGOING USE OF PUBLIC WAYS BY
TELECOMMUNICATIONS PROVIDERS**

By

**The Shoreline Fiber Network Partners:
Muskegon Area Intermediate School District, Fiscal Agent
The County of Muskegon
Muskegon Central Police Dispatch**

This is an application pursuant to Sections 5 and 6 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48 (the "METRO Act") for access to and ongoing usage of the public right-of-way, including public roadways, highways, streets, alleys, easements, and waterways ("Public Ways") in the Municipality for a telecommunications system. The METRO Act states that "A municipality shall approve or deny access under this section within 45 days from the date a provider files an application for a permit for access to a public right-of-way." MCLA 484.3115(3).

This application must be accompanied by a one-time application fee of \$500, unless the applicant is exempt from this requirement under Section 5(3) of the METRO Act, MCLA 484.3105(3).

1 GENERAL INFORMATION:

1.1 Date: March 3, 2004

1.1.1 Applicant's Legal Name: Muskegon Area Intermediate School District,
Fiscal Agent

Mailing Address: 630 Harvey Street, Muskegon, MI 49442

Phone: 231-767-7237

Fax Number: 231.773.1028

Corporate Website: www.Muskegon-isd.k12.mi.us

Name and title of Applicant's local manager (and, if different) contact person regarding this application:

Manager: Rosemary Cary, Director of Technology

Contact: Tim Brown, Regional Network Manager

Mailing Address: 630 Harvey Street
Muskegon, MI 49442

Telephone Number: 231-767-7237

Fax Number: 231.773.1028

E-mail Address: timbrown@remc4.k12.mi.us

1.2 Type of Entity: (Check one of the following)

☐ Corporation

☐ General Partnership

☐ Limited Partnership

☐ Limited Liability Company

☐ Individual

☒ ISD Other, please describe: Exempt Intermediate School District under Michigan School Code, MT Act & Metro Act

1.3 Assumed name for doing business, if any: NA

1.4 Description of Entity:

Agency of the State of Michigan – Intermediate School District, Michigan School Code

1.5 Attach copies of Applicant's most recent annual report (with state ID number) filed with the Michigan Department of Consumer and Industry Services and certificate of good standing with the State of Michigan. For entities in existence for less than one year and for non-corporate entities, provide equivalent information.

Exempt Public School Entity – Under Michigan Telecommunications Act and Metro Act.

1.6 Is Applicant aware of any present or potential conflicts of interest between Applicant and Municipality? If yes, describe: No

1.7 In the past three (3) years, has Applicant had a permit to install telecommunications facilities in the public right of way revoked by any Michigan municipality?

Circle: Yes ☒ No

If "yes," please describe the circumstances.

1.8 In the past three (3) years, has an adverse finding been made or an adverse final action been taken by any Michigan court or administrative body against Applicant under any law or regulation related to the following:

1.8.1 A felony; or

1.8.2 A revocation or suspension of any authorization (including cable franchises) to provide telecommunications or video programming services?

Circle: Yes ☒ No

If "yes," please attach a full description of the parties and matters involved, including an identification of the court or administrative body and any proceedings (by dates and file numbers, if applicable), and the disposition of such proceedings.

1.9 [If Applicant has been granted and currently holds a license to provide basic local exchange service, no financial information needs to be supplied.] If publicly held, provide Applicant's most recent financial statements. If financial statements of a parent company of Applicant (or other affiliate of Applicant) are provided in lieu of those of Applicant, please explain. NONE -- Exempt

1.9.1 If privately held, and if Municipality requests the information within 10 days of the date of this Application, the Applicant and the Municipality should make arrangements for the Municipality to review the financial statements.

If no financial statements are provided, please explain and provide particulars.

Agency of the State of Michigan – Intermediate School District

2 DESCRIPTION OF PROJECT:

2.1 Provide a copy of authorizations, if applicable, Applicant holds to provide telecommunications services in Municipality. If no authorizations are applicable, please explain. Exempt Public School Entity – Under Michigan Telecommunications Act and Metro Act.

2.2 Describe in plain English how Municipality should describe to the public the telecommunications services to be provided by Applicant and the telecommunications facilities to be installed by Applicant in the Public Ways.

Backbone Fiber Network for telecommunications between and among the school districts of Muskegon County.

2.3 Attach route maps showing the location (including whether overhead or underground) of Applicant's existing and proposed facilities in the public right-of-way. To the extent known, please identify the side of the street on which the facilities will be located. (If construction approval is sought at this time, provide engineering drawings, if available, showing

location and depth, if applicable, of facilities to be installed in the public right-of-way). **AmComm Telecommunications Inc. to provide.**

2.4 Please provide an anticipated or actual construction schedule. **The facilities placed within the place info here, scheduled for completion Dec. 31, 2004.**

2.5 Please list all organizations and entities which will have any ownership interest in the facilities proposed to be installed in the Public Ways.

The network cable will be owned by The Shoreline Fiber Network Partners. Telecommunications facilities (fiber optic filaments) within the network cable will be owned by Muskegon Area Intermediate School District, The County of Muskegon and Muskegon Central Police Dispatch. None of the entities within the network cable intend to provide telecommunications services within the Municipality.

2.6 Who will be responsible for maintaining the facilities Applicant places in the Public Ways and how are they to be promptly contacted? If Applicant's facilities are to be installed on or in existing facilities in the Public Ways of existing public utilities or incumbent telecommunications providers, describe the facilities to be used, and provide verification of their consent to such usage by Applicant.

The Shoreline Fiber Network Partners will establish a five-year renewable contract with a professional fiber network maintenance contractor. The Shoreline Fiber Network Partners will establish internal monitoring to assure prompt response to emergencies as well as normal maintenance. All facilities will be clearly marked with contact information.

3 TELECOMMUNICATION PROVIDER ADMINISTRATIVE MATTERS:

Please provide the following or attach an appropriate exhibit.

3.1 Address of Applicant's nearest local office: 630 Harvey St., Muskegon, MI 49442

3.2 Location of all records and engineering drawings, if not at local office: See above.

3.3 Names, titles, addresses, e-mail addresses and telephone numbers of contact person(s) for Applicant's engineer or engineers and their responsibilities for the telecommunications system: **Mark Jordan, System Engineer, 10431 Highland Rd., White Lake, MI 48386 Email: mark.jordan@amcomminc.com 248-431-5082**

During construction: **AmComm Telecommunications, Inc., Contractor**

3.4 Provide evidence of self-insurance or a certificate of insurance showing Applicant's insurance coverage, carrier and limits of liability for the following:

3.4.1 Worker's compensation;

- 3.4.2 Commercial general liability, including at least:
- 3.4.2.1 Combined overall limits: \$10,000,000
 - 3.4.2.2 Combined single limit for each occurrence of bodily injury; \$2,000,000
 - 3.4.2.3 Personal injury; \$2,000,000
 - 3.4.2.4 Property damage; \$5,000,000
 - 3.4.2.5 Blanket contractual liability for written contracts, products, and completed operations \$2,000,000
 - 3.4.2.6 Independent contractor liability; \$2,000,000
 - 3.4.2.7 For any non-aerial installations, coverage for property damage from perils of explosives, collapse, or damage to underground utilities (known as XCU coverage). \$5,000,000
 - 3.4.2.8 Liability insurance for sudden and accidental environmental contamination with limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy. \$500,000
 - 3.4.2.9 Automobile liability covering all owned, hired, and non-owned vehicles used by Applicant, its employees, or agents. \$2,000,000

3.5 Names of all anticipated contractors and subcontractors involved in the construction, maintenance and operation of Applicant's facilities in the Public Ways.
AmComm Telecommunications

4. CERTIFICATION:

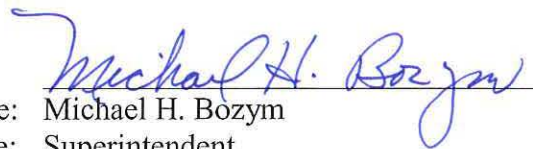
All the statements made in the application and attached exhibits are true and correct to the best of my knowledge and belief.

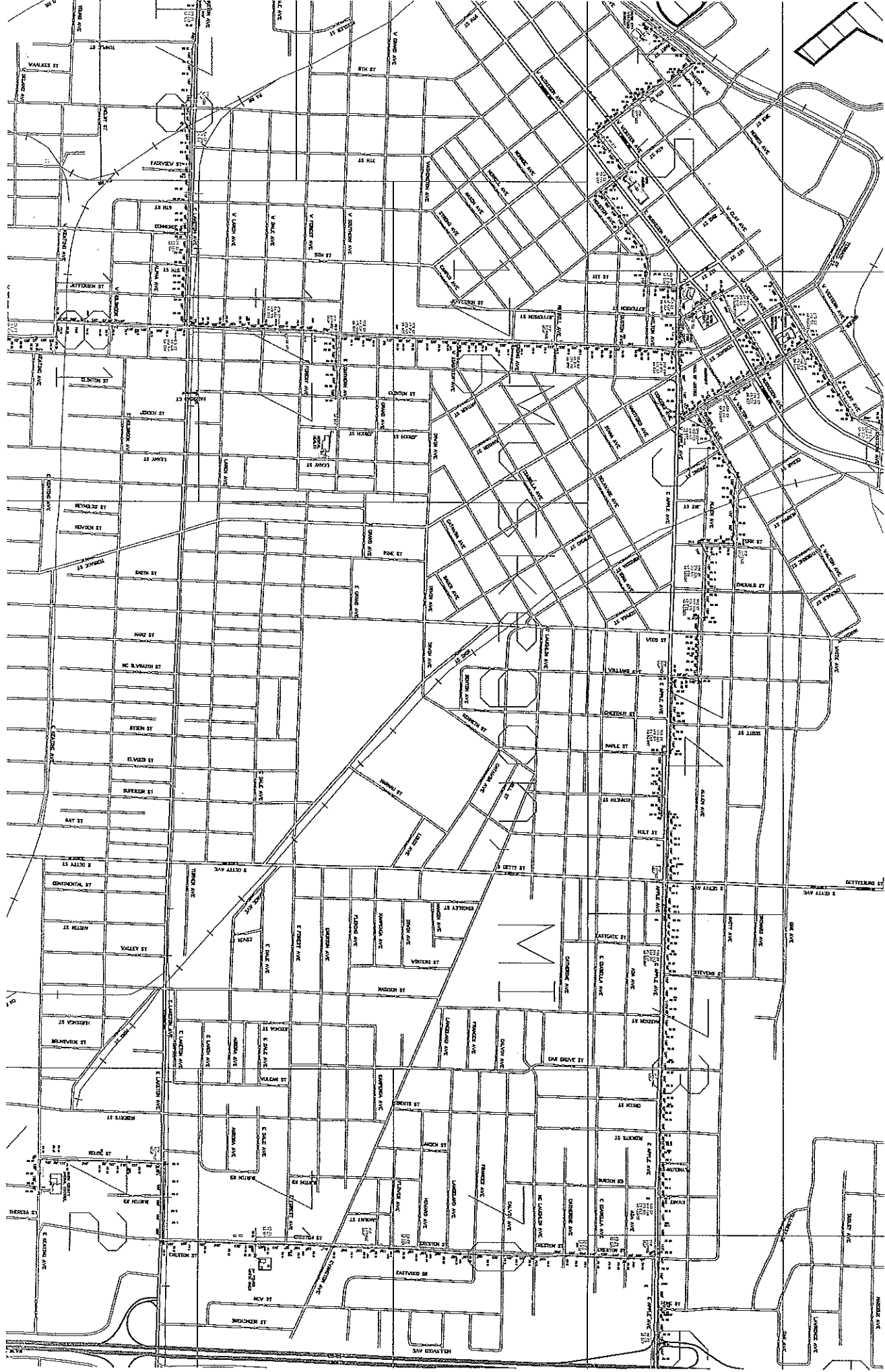
NAME OF ENTITY ("APPLICANT")

Shoreline Fiber Network Partners
Muskegon Area Intermediate School
District, Fiscal Agent

Date: March 4, 2004

Type or Print Name: Michael H. Bozym
Title: Superintendent





Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Dept.
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
(231)724-6750
FAX: (231)722-5140

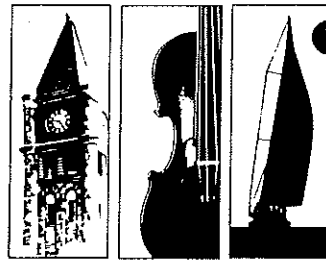
Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

Gail Rundinger

September 20, 2004

Mr. Orjiakor N. Isiogu, Director
Telecommunications Division
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

Re: Shoreline Fiber Network Partners Request for Telecommunication Permit per the METRO Act.

Dear Mr. Isiogu:

Please find enclosed an original of the fully executed Telecommunication Permit Agreement approved by the Muskegon City Commission per the request of Shoreline Fiber Network Partners. This is being provided to you consistent with the METRO Act guidelines.

If you have any questions, please feel free to call me.

Sincerely,

CITY OF MUSKEGON

Lee J. Slaughter
Assistant City Manager

C: Rosemary Cary
Tim Brown

RIGHT-OF-WAY TELECOMMUNICATIONS PERMIT

This permit issued this _____ day of _____, 2004 by the City of MUSKEGON, a Michigan municipal corporation located at 933 TERRACE ST PO BOX 536 MUSKEGON, MI 49443-0536

, to **The Shoreline Fiber Network Partners, Muskegon Area Intermediate School District, Fiscal Agent** an intermediate school district under the laws of Michigan, at _____.

RECEIVED

AUG 2 5 2004

1. Definitions.

MUSKEGON
CITY MANAGER'S OFFICE

- 1.1 "Date of Issuance" shall mean the date set forth above.
- 1.2 "Manager" shall mean the Municipality's Mayor, City Manager, Township Supervisor, Village President, or his or her designee, as appropriate.
- 1.3 "METRO Act" shall mean the Metropolitan Extension Telecommunications Right-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, as amended.
- 1.4 "MTA" shall mean the Michigan Telecommunications Act, Act No. 179 of the Public Acts of 1991, as amended.
- 1.5 "Municipality" shall mean the City of Southfield, a Michigan municipal corporation.
- 1.6 "Permit" shall mean this document.
- 1.7 "Permittee" shall mean The Shoreline Fiber Network Partners, Muskegon Area Intermediate School District, Fiscal Agent, a ISD organized under the laws of the State of Michigan, whose address is 630 Harvey Street, Muskegon, MI 49442
- 1.8 "Public Right-of-Way" shall mean the area on, below, or above a public roadway, highway, street, alley, easement, or waterway, to the extent Municipality has the ability to grant the rights set forth herein. Public Right-of-Way does not include a federal, state, or private right-of-way.
- 1.9 "Telecommunication Services" shall mean "telecommunication services" (as such term is defined in the Michigan Telecommunications Act, Act 179 of the Public Acts of 1991, as amended) but shall not include "cable service" as defined in Title VI of the Federal Communications Act of 1934, 47 U.S.C. §522(6).
- 1.10 "Telecommunication Facilities" shall mean the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any

ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 C.F.R. 20.3, and service provided by any wireless, 2-way communications device. .

1.11 "Term" shall have the meaning set forth in Part 7.

2. Grant.

2.1 Municipality hereby issues a permit to Permittee for access to and ongoing use of the Public Rights-of-Way identified as an Exhibit to Permittee's previously issued permit issued by Municipality under the MTA, to install and maintain Telecommunication Facilities on the terms set forth herein.

2.1.1 The Exhibit may be modified by Manager upon written request by Permittee. The Permittee shall prepare said document of modification for review and acceptance.

2.1.2 Any decision of Manager on a request by Permittee for a modification may be appealed by Permittee to Municipality's legislative body.

2.2 Overlashing. Permittee shall not allow the wires or any other facilities of a third party to be overlashed to the Telecommunication Facilities without Municipality's prior written consent. Municipality's right to withhold written consent is subject to the authority of the Michigan Public Service Commission under Section 361 of the MTA.

2.3 Nonexclusive. The rights granted by this Permit are nonexclusive. Municipality reserves the right to approve, at any time, additional permits for access to and ongoing usage of the Public Rights-of-Way by Telecommunication providers and to enter into agreements for use of the Public Rights-of-Way with and grant franchises for use of the Public Rights-of-Way to Telecommunication providers, cable companies, utilities and other providers.

3. Contacts, As-Built Plans.

3.1 Permittee Contacts. The names, addresses and the like for engineering and construction related information for Permittee and its Telecommunication Facilities are as follows:

The address, phone number and contact person (title or name) at Permittee's local office (in or near Municipality) is Tim Brown, Regional Network Manager

Mailing Address: 630 Harvey Street
Muskegon, MI 49442

Telephone Number: 231-767-7237

Fax Number: 231.773.1028

E-mail Address: timbrown@remc4.k12.mi.us

3.1.1 If Permittee's engineering drawings, as-built and related records for the Telecommunication Facilities will not be located at the preceding local office, the location address, phone number and contact person (title or department) for them is _____ (not applicable).

3.1.2 The name, title, address, e-mail address and telephone numbers of Permittee's engineering contact person(s) with responsibility for the design, plans and constructions of the Telecommunication Facilities is : **Mark Jordan, System Engineer, 10431 Highland Rd., White Lake, MI 48386** Email: mark.jordan@amcomminc.com 248-431-5082.

The address, phone number and contact person (title or department) at Permittee's home office/regional office with responsibility for engineering and construction related aspects of the Telecommunication Facilities is Tim Brown, Regional Network Manager

Mailing Address: 630 Harvey Street
Muskegon, MI 49442

Telephone Number: 231-767-7237

Fax Number: 231.773.1028

E-mail Address: timbrown@remc4.k12.mi.us

3.1.3 Permittee shall at all times provide Manager with the phone number at which a live representative of Permittee (not voice mail) can be reached twenty four (24) hours a day, seven (7) days a week, in the event of a public emergency.

3.1.4 Permittee shall immediately notify Municipality in writing as set forth in Part 12 of any inaccuracies or changes in the preceding information.

3.2 Route Maps. Within ninety (90) days after the substantial completion of new Facilities in Municipality, Permittee shall submit route maps showing the location of the Telecommunication Facilities to Municipality.

3.3 As-Built Plans. If Municipality maintains a file of as-built drawings of facilities in the Public Rights-of-Way, and Municipality indicates below that it desires such drawings, without expense to Municipality, Permittee shall provide Municipality with "as-built" maps, records and plans showing the Telecommunication Facilities in the Public Rights-of-Way. The "as-built" maps, records and plans shall be provided within thirty (30) days of the completion of the Telecommunication Facilities and of any extensions, additions, or modifications to the Telecommunication Facilities. This provision shall have prospective application only to construction performed after the Date of Issuance of this Permit.

____ (The Municipality does maintain a file of as-built drawings and does require Permittee to furnish as-built drawings when Telecommunication Facilities is completed or modified.)

- 3.4 Permittee, without expense to Municipality, shall, upon forty-eight (48) hours notice, give Municipality access to all "as-built" maps, records, plans and specifications showing the Telecommunication Facilities or portions thereof in the Public Rights-of-Way. Upon request by Municipality, Permittee shall inform Municipality as soon as reasonably possible of any changes from previously supplied maps, records, or plans and shall mark up maps provided by Municipality so as to show the location of the Telecommunication Facilities.

4. Use of Public Rights-of-Way.

- 4.1 No Burden on Public Rights-of-Way. Permittee, its contractors, subcontractors, and the Telecommunication Facilities shall not unduly burden or interfere with the present or future use of any of the Public Rights-of-Way. Permittee's aerial cables and wires shall be suspended so as to not endanger or injure persons or property in or about the Public Rights-of-Way. If Municipality reasonably determines that any portion of the Telecommunication Facilities constitutes an undue burden or interference or does not comply with the Municipality's Code of Ordinances, due to changed circumstances, Permittee, at its sole expense, shall modify the Telecommunication Facilities or take such other actions as Municipality may determine is in the public interest to remove or alleviate the burden, and Permittee shall do so within a reasonable time period. Municipality will attempt to require all occupants of a pole or conduit whose facilities are a burden to remove or alleviate the burden concurrently.
- 4.2 No Priority. This Permit does not establish any priority of use of the Public Rights-of-Way by Permittee over any present or future permittees or parties having agreements with Municipality or franchises for such use. In the event of any dispute as to the priority of use of the Public Rights-of-Way, the first priority shall be to the public generally, the second priority to Municipality, the third priority to the State of Michigan and its political subdivisions in the performance of their various functions, and thereafter as between other permit, agreement or franchise holders, as determined by Municipality in the exercise of its powers, including the police power and other powers reserved to and conferred on it by the State of Michigan.
- 4.3 Restoration of Property. Permittee, its contractors and subcontractors shall immediately (subject to seasonal work restrictions) restore, at Permittee's sole expense, in a manner approved by Municipality, any portion of the Public Rights-of-Way that is in any way disturbed, damaged, or injured by the construction, installation, operation, maintenance or removal of the Telecommunication Facilities to a reasonable equivalent (or, at Permittee's option, better) condition as that

which existed prior to the disturbance. In the event that Permittee, its contractors or subcontractors fail to make such repair within a reasonable time Municipality may make the repair and Permittee shall pay the costs Municipality incurred for such repair.

- 4.4 Marking. Permittee shall mark the Telecommunication Facilities as follows: Aerial portions of the Telecommunication Facilities shall be marked with a marker on Permittee's lines on alternate poles which shall state Permittee's name and provide a toll-free number to call for assistance. Direct buried underground portions of the Telecommunication Facilities shall have (1) a conducting wire placed in the ground at least several inches above Permittee's cable (if such cable is nonconductive); (2) at least several inches above that, a continuous colored tape with a statement to the effect that there is buried cable beneath; and (3) stakes or other appropriate aboveground markers with Permittee's name and a toll-free number indicating that there is buried telephone cable below. Bored underground portions of the Telecommunication Facilities shall have a conducting wire at the same depth as the cable and shall not be required to provide the continuous colored tape. Portions of the Telecommunication Facilities located in conduit, including conduit of others used by Permittee, shall be marked at its entrance into and exit from each manhole and handhole with Permittee's name and a toll-free telephone number.
- 4.5 Tree Trimming. Permittee may trim trees upon and overhanging the Public Rights-of-Way so as to prevent the branches of such trees from coming into contact with the Telecommunication Facilities, consistent with any standards adopted by Municipality. Permittee shall dispose of all trimmed materials. Permittee shall minimize the trimming of trees to that essential to maintain the integrity of the Telecommunication Facilities. Except in emergencies, all trimming of trees in the Public Rights-of-Way shall have the advance approval of Manager or his designee.
- 4.6 Installation and Maintenance. The construction and installation of the Telecommunication Facilities shall be performed pursuant to plans approved by Municipality. The open cut of any Public Right-of-Way shall be coordinated with the Manager or his designee. Permittee shall install and maintain the Telecommunication Facilities in a reasonably safe condition. If the existing poles in the Public Rights-of-Way are overburdened or unavailable for Permittee's use, or the facilities of all users of the poles are required to go underground then Permittee shall, at its expense, place such portion of its Telecommunication Facilities underground, unless Municipality approves an alternate location. Permittee may perform maintenance on the Telecommunication Facilities without prior approval of Municipality, provided that Permittee shall obtain any and all permits required by Municipality in the event that any maintenance will disturb or block vehicular traffic or are otherwise required by Municipality.

- 4.7 Pavement Cut Coordination. Permittee shall coordinate its construction and all other work in the Public Rights-of-Way with Municipality's program for street construction and rebuilding (collectively, "Street Construction") and its program for street repaving and resurfacing (except seal coating and patching) (collectively, "Street Resurfacing").
- 4.7.1 The goals of such coordination shall be to encourage Permittee to conduct all work in the Public Rights-of-Way in conjunction with or immediately prior to any Street Construction or Street Resurfacing planned by Municipality.
- 4.8 Compliance with Laws. Permittee shall comply with all laws, statutes, ordinances, rules and regulations regarding the construction, installation, and maintenance of its Telecommunication Facilities, whether federal, state or local, now in force or which hereafter may be promulgate. Before any installation is commenced, Permittee shall secure all necessary permits, licenses and approvals from Municipality or other governmental entity as may be required by law, including, without limitation, all utility line permits and highway permits. Permittee shall comply in all respects with applicable codes and industry standards, including, but not limited to the National Electrical Safety Code (latest edition adopted by the Michigan Public Service Commission) and the National Electric Code (latest edition). Permittee shall comply with all zoning and land use ordinances and historic preservation ordinances as may exist or may hereafter be amended.
- 4.9 Street Vacation. If Municipality vacates or consents to the vacation of Public Rights-of-Way within its jurisdiction, and such vacation necessitates the removal and relocation of Permittee's facilities in the vacated right-of-way, Permittee shall, as a condition of this Permit, consent to the vacation and remove its facilities at its sole cost and expense when ordered to do so by Municipality or a court of competent jurisdiction. Permittee shall relocate its facilities to such alternate route as Municipality, applying reasonable engineering standards, shall specify.
- 4.10 Relocation. If Municipality requests Permittee to relocate, protect, support, disconnect, or remove its facilities because of street or utility work, or other public projects, Permittee shall relocate, protect, support, disconnect, or remove its facilities, at its sole cost and expense, including where necessary to such alternate route as Municipality, applying reasonable engineering standards, shall specify. The work shall be completed within a reasonable time period.
- 4.11 Public Emergency. Municipality shall have the right to sever, disrupt, dig-up or otherwise destroy facilities of Permittee if such action is necessary because of a public emergency. If reasonable to do so under the circumstances, Municipality will attempt to provide notice to Permittee. Public emergency shall be any condition which poses an immediate threat to life, health, or property caused by any natural or man-made disaster,

including, but not limited to, storms, floods, fire, accidents, explosions, water main breaks, hazardous material spills, etc. Permittee shall be responsible for repair at its sole cost and expense of any of its facilities damaged pursuant to any such action taken by Municipality.

- 4.12 Miss Dig. If eligible to join, Permittee shall subscribe to and be a member of "MISS DIG", the association of utilities formed pursuant to Act 53 of the Public Acts of 1974, as amended, MCL §460.701 et seq., and shall conduct its business in conformance with the statutory provisions and regulations promulgated thereunder.

- 4.13 Underground Relocation. If Permittee has its facilities on poles of Consumers Energy, Detroit Edison or another electric or Telecommunication provider and Consumers Energy, Detroit Edison or such other electric or Telecommunication provider relocates its facilities underground then Permittee shall relocate its facilities underground in the same location at Permittee's sole cost and expense.

- 4.14 Identification. All personnel of Permittee and its contractors or subcontractors who have as part of their normal duties contact with the general public shall wear on their clothing a clearly visible identification card bearing Permittee's name, their name, and photograph. Permittee shall account for all identification cards at all times. Every service vehicle of Permittee and its contractors or subcontractors shall be clearly identified as such to the public, such as by a magnetic sign with Permittee's name and telephone number.

5. Indemnification.

- 5.1 Indemnify. Permittee shall defend, indemnify, protect, and hold harmless Municipality, its officers, agents, employees, elected and appointed officials, departments, boards and commissions from any and all claims, losses, liabilities, cause of action, demands, judgments, decrees, proceedings, and expenses of any nature (collectively "claim" for this Part 5) (including, without limitation, attorneys' fees) arising out of or resulting from the acts or omissions of Permittee, its officers, agents, employees, contractors, successors, or assigns, but only to the extent such acts or omissions are related to the Permittee's use of or installation of facilities in the Public Rights-of-Way and only to the extent of the fault or responsibility of Permittee, its officers, agents, employees, contractors, successors and assigns.

- 5.2 Notice, Cooperation. Municipality will notify Permittee promptly, in writing, of any such claim and the method and means proposed by Municipality for defending or satisfying such claim. Municipality will cooperate with Permittee in every reasonable way to facilitate the defense of any such claim. Municipality will consult with Permittee respecting the defense and satisfaction of such claim, including the selection and direction of legal counsel.

- 5.3 Settlement. Municipality will not settle any claim subject to indemnification under this Part 5 without the advance written consent of Permittee, which consent shall not be unreasonably withheld. Permittee shall have the right to defend or settle, at its own expense, any claim against Municipality for which Permittee is responsible hereunder.

6. Insurance.

- 6.1 Coverage Required. Prior to beginning any construction in or installation of the Telecommunication Facilities in the Public Rights-of-Way Permittee shall obtain insurance as set forth below and file certificates evidencing same with Municipality. Such insurance shall be maintained in full force and effect until the end of the Term. In the alternative, Permittee may satisfy the requirement through a program of self-insurance, acceptable to Municipality by providing reasonable evidence of its financial resources to Municipality. Municipality's acceptance of such self-insurance shall not be unreasonably withheld.

- 6.1.1 Commercial general liability insurance, including Completed Operations Liability, Independent Contractors Liability, Contractual Liability coverage, railroad protective coverage and coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage, in an amount not less than Five Million Dollars (\$5,000,000).
- 6.1.2 Liability insurance for sudden and accidental environmental contamination with minimum limits of Five Hundred Thousand Dollars (\$500,000) and providing coverage for claims discovered within three (3) years after the term of the policy.
- 6.1.3 Automobile liability insurance in an amount not less than One Million Dollars (\$1,000,000).
- 6.1.4 Workers' compensation and employer's liability insurance with statutory limits, and any applicable Federal insurance of a similar nature.
- 6.1.5 The coverage amounts set forth above may be met by a combination of underlying (primary) and umbrella policies so long as in combination the limits equal or exceed those stated. If more than one insurance policy is purchased to provide the coverage amounts set forth above, then all policies providing coverage limits excess to the primary policy shall provide drop down coverage to the first dollar of coverage and other contractual obligations of the primary policy, should the primary policy carrier not be able to perform any of its contractual obligations or not be collectible for any of its coverages for any reason during the Term, or (when longer) for as long as coverage could have been available pursuant to the terms and conditions of the primary policy.

- 6.2 Additional Insured. Municipality shall be named as an additional insured on all policies (other than worker's compensation and employer's liability). All insurance policies shall provide that they shall not be canceled, modified or not renewed unless the insurance carrier provides thirty (30) days prior written notice to Municipality. Permittee shall annually provide Municipality with a certificate of insurance evidencing such coverage. All insurance policies (other than environmental contamination, worker's compensation and employer's liability insurance) shall be written on an occurrence basis and not on a claims made basis.
- 6.3 Qualified Insurers. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus line carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus line carriers shall be rated A+ or better by A.M. Best Company.
- 6.4 Deductibles. If the insurance policies required by this Part 6 are written with retainages or deductibles in excess of Fifty Thousand Dollars (\$50,000), they shall be approved by Manager in advance in writing. Permittee shall indemnify and save harmless Municipality from and against the payment of any deductible and from the payment of any premium on any insurance policy required to be furnished hereunder.
- 6.5 Contractors. Permittee's contractors and subcontractors working in the Public Rights-of-Way shall carry in full force and effect commercial general liability, environmental contamination liability, automobile liability and workers' compensation and employer liability insurance which complies with all terms of this Part 6. In the alternative, Permittee, at its expense, may provide such coverages for any or all its contractors or subcontractors (such as by adding them to Permittee's policies).
- 6.6 Insurance Primary. Permittee's insurance coverage shall be primary insurance with respect to Municipality, its officers, agents, employees, elected and appointed officials, departments, boards, and commissions (collectively "them"). Any insurance or self-insurance maintained by any of them shall be in excess of Permittee's insurance and shall not contribute to it (where "insurance or self-insurance maintained by any of them" includes any contract or agreement providing any type of indemnification or defense obligation provided to, or for the benefit of them, from any source, and includes any self-insurance program or policy, or self-insured retention or deductible by, for or on behalf of them).

7. Term.

- 7.1 Term. The term ("Term") of this Permit shall be until the earlier of:

7.1.1 Five years from the Date of Issuance; or _____

7.1.2 When the Telecommunication Facilities have not been used to provide Telecommunication Services for a period of one hundred

and eighty (180) days by Permittee or a successor or an assignee of Permittee; or

7.1.3 When Permittee, at its election and with or without cause, delivers written notice of termination to Municipality at least one hundred and eighty (180) days prior to the date of such termination; or

7.1.4 Upon either Permittee or Municipality giving written notice to the other of the occurrence or existence of a default by the other party under Sections 4.8, 6, 8 or 9 of this Permit and such defaulting party failing to cure, or commence good faith efforts to cure, such default within sixty (60) days (or such shorter period of time provided elsewhere in this Permit) after delivery of such notice; or

7.1.5 Unless Manager grants a written extension, one (1) year from the Date of Issuance if prior thereto Permittee has not started the construction and installation of the Telecommunication Facilities within the Public Rights-of-Way and two (2) years from the Date of Issuance if by such time construction and installation of the Telecommunication Facilities is not complete.

8. Performance Bond or Letter of Credit. Permittee shall post a bond (or letter of credit) for the purposes specified at Section 15(3) of Act 48 of the METRO Act.

9. Fees.

9.1 Establishment; Reservation. The METRO Act shall control the establishment of right-of-way fees. The parties reserve their respective rights regarding the nature and amount of any fees which may be charged by Municipality in connection with the Public Right-of-Way.

10. Removal.

10.1 Removal; Underground. As soon as practicable after the Term, Permittee or its successors and assigns shall remove any underground cable or other portions of the Telecommunication Facilities from the Rights-of-Way which has been installed in such a manner that it can be removed without trenching or other opening of the Public Rights-of-Way. Permittee shall not remove any underground cable or other portions of the Telecommunication Facilities which requires trenching or other opening of the Public Rights-of-Way except with the prior written approval of Manager. All removals shall be at Permittee's sole cost and expense.

10.1.1 For purposes of this Part 10, "cable" means any wire, coaxial cable, fiber optic cable, feed wire or pull wire.

10.2 Removal; Above Ground. As soon as practicable after the Term, Permittee, or its successors or assigns at its sole cost and expense, shall, unless waived in writing by Manager, remove from the Public Rights-of-Way all above ground elements of its Telecommunication Facilities,

including but not limited to poles, pedestal mounted terminal boxes, and lines attached to or suspended from poles.

- 10.3 Schedule. The schedule and timing of removal shall be subject to approval by Manager. Unless extended by Manager, removal shall be completed not later than twelve (12) months following the Term. Portions of the Telecommunication Facilities in the Public Rights-of-Way which are not removed within such time period shall be deemed abandoned and, at the option of Municipality exercised by written notice to Permittee as set forth in Part 12, title to the portions described in such notice shall vest in Municipality.

11. Assignment. Permittee may assign or transfer its rights under this Permit, or the persons or entities controlling Permittee may change, in whole or in part, voluntarily, involuntarily, or by operation of law, including by merger or consolidation, change in the ownership or control of Permittee's business, or by other means, subject to the following:

- 11.1 No such transfer or assignment or change in the control of Permittee shall be effective under this Permit, without Municipality's prior approval (not to be unreasonably withheld), during the time period from the Date of Issuance until the completion of the construction of the Telecommunication Facilities.

- 11.2 After the completion of such construction, Permittee must provide notice to Municipality of such transfer, assignment or change in control no later than thirty (30) days after such occurrence; provided, however,

- 11.2.1 Any transferee or assignee of this Permit shall be qualified to perform under its terms and conditions and comply with applicable law; shall be subject to the obligations of this Permit, including responsibility for any defaults which occurred prior to the transfer or assignment; shall supply Municipality with the information required under Section 3.1; and shall comply with any updated insurance and performance bond requirements under Section 6 and 8 respectively, which Municipality reasonably deems necessary.

- 11.2.2 In the event of a change in control, it shall not be to an entity lacking the qualifications to assure Permittee's ability to perform under the terms and conditions of this Permit and comply with applicable law; and Permittee shall comply with any updated insurance and performance bond requirements under Section 6 and 8 respectively, which Municipality reasonably deems necessary.

- 11.3 Permittee may grant a security interest in this Permit, its rights thereunder or the Telecommunication Facilities at any time without notifying Municipality.

12. Notices.

- 12.1 Notices. All notices under this Permit shall be given as follows:

12.1.1 If to Municipality, to: CITY OF MUSKEGON

12.1.2 If to Permittee, to: SHORELINE FIBER NETWORK PARTNERS

12.1.3 change of Address. Permittee and Municipality may change its address or personnel for the receipt of notices at any time by giving notice thereof to the other as set forth above.

13. Other items.

13.1 No Cable, OVS. This Permit does not authorize Permittee to provide commercial cable type services to the public, such as "cable service" or the services of an "open video system operator" (as such terms are defined in the Federal Communications Act of 1934 and implementing regulations, currently 47 U.S.C. §522(6), 573 and 47 CFR § 76.1500).

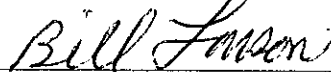
13.2 Effectiveness. This Permit shall become effective when Permittee has provided any insurance certificates and bonds required in Parts 6 and 8, and signed the acknowledgement of receipt, below.

13.3 Authority. This Permit satisfies the requirement for a permit under Sections 5 of the METRO Act [MCL 484.3105].

13.4 Interpretation and Severability. The provisions of this Permit shall be liberally construed to project and preserve the peace, health, safety and welfare of the public, and should any provision or section of this Permit be held unconstitutional, invalid, overbroad or otherwise unenforceable, such determination/holding shall not be construed as affecting the validity of any of the remaining conditions of this Permit. If any provision in this Permit is found to be partially overbroad, unenforceable, or invalid, Permittee and Municipality may nevertheless enforce such provision to the extent permitted under applicable law.

13.5 Governing Law. This Permit shall be governed by the laws of the State of Michigan.

City of MUSKEGON

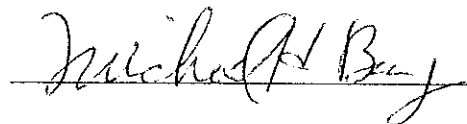


By: Bill Larson

Its: Vice Mayor

Date: 9-14-04

Acknowledgement of Receipt: Permittee acknowledges receipt of this Permit granted by Municipality.



By: Michael H. Bozym
Its: Superintendent/MAISD
Date: September 17, 2004

Date: August 18, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
RE: St. Joseph Park

SUMMARY OF REQUEST:

A petition has been received from the Nelson Neighborhood to rename Nelson Park on Monroe Ave. to St. Joseph Park in honor of the former St. Joseph's Church that leased the property to the City for the park

FINANCIAL IMPACT:

The cost to redo a sign

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The Leisure Services Board recommends approval

Date: August 18, 2004
To: Honorable Mayor and City Commissioners
From: Ric Scott
Re: St. Joseph's Park

The Nelson Neighborhood has submitted a petition to the Leisure Services Board requesting that Nelson Park on Monroe Ave. be renamed St. Joseph Park in honor of the former St. Joseph's Church that leased the property to the City for the park.

At their meeting on Monday, August 16th, the Leisure Services Board approved of the name change and is recommending to the City Commission that the park name be changed.

Staff recommends approval of the request. Our cost to make the change is simply making a new sign.

Thank you for your consideration.

AGENDA ITEM NO. _____
CITY COMMISSION MEETING _____

TO: HONORABLE MAYOR AND CITY COMMISSIONERS

FROM: Kenneth D. Grant, Income Tax Administrator

DATE: August 16, 2004

RE: Income Tax Refund Donation Program for 2004

SUMMARY OF REQUEST:

Approval to use the donations from the 2004 income tax returns to the BIG RED ED CLUB which is an activity of the Education Fund of the Muskegon Public Schools.

FINANCIAL IMPACT:

The average amount donated to previous Donation Programs is \$2,500. Each donated refund saves the city approximately two dollars. Last year 478 people donated their refund checks.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval recommended

COMMITTEE RECOMMENDATION:



August 16, 2004

Dear City Commissioners,

Every year our department attempts to find a donation program or event that appeal to the community. Each year approximately 600 people donate their refunds. The average amount donated each year is about \$2,500.00. Our donation programs serve a dual purpose:

- 1) To generate money for programs and/or events that not only benefits the city but the entire community.
- 2) To save the city money by reducing the number of checks written and using less postage.

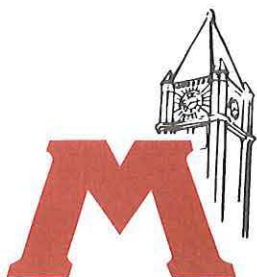
The Income Tax Department requests the authorization from the City Commissioners to designate the 2004 donations to the BIG RED ED CLUB. The funds generated from our donations will go to this educational program to support extraordinary experiences for students of Muskegon Public Schools in humanities, sciences, arts and mathematics.

Enclosed is additional information provided by the Muskegon Public Schools Education Fund.

Thanks for you consideration,

A handwritten signature in blue ink, appearing to read "Kenneth D. Grant", is written over a horizontal line.

Kenneth D. Grant
Income Tax Administrator



Muskegon Public Schools Education Fund

349 West Webster Avenue, Muskegon MI 49440, 231-720-2001

**MPS Education Fund
Board of Directors**

Theodore Olsen, Chair

Ann Cardon

Bradley Perkins

Barbara Grennan

Martha Hall

Judith Hayner

Morton Kantor

Richard Morgenstern

Harriet Oliver

James Olsen

Charles Poole

Kathleen Schottke

Joseph Schulze

Harold Workman

S. Arlyn Zack

July 30, 2004

Mr. Kenneth D. Grant
Income Tax Administrator
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Re: Donation of City Income Tax Overpayments to the "BIG RED ED CLUB"

Dear Mr. Grant:

In follow-up to your conversation regarding pursuing a request to have the BIG RED ED CLUB as the 2004 recipient of donated city income tax overpayments, we would like to formally ask that you bring our request to the City Commission for consideration.

The BIG RED ED CLUB is an activity of the Education Fund of the Muskegon Public Schools. The Education Fund is managed and invested as a fund of the Community Foundation for Muskegon County. The Trustees of the Education Fund determine the educational programming that will be funded each year. This determination is made on a competitive basis. Teachers from the Muskegon Public Schools submit grant requests annually for funding consideration. The goal is to fund extraordinary educational programs for the students of Muskegon Public Schools. Many programs have been funded, including the following examples:

- A rocket building program for all fifth graders
- A mask making project for an elementary school art program
- A coloring book program teaching water safety at Pere Marquette Park
- A "Claymation" computerized film project

All proceeds from the donations of city income tax overpayments will be deposited in the Fund at the Community Foundation for Muskegon County. Only the interest earnings would be used to fund extraordinary educational experiences for the students of Muskegon Public Schools.

If you will advise us as to when the City Commission will consider this request, representatives of the BIG RED ED CLUB will attend to answer any questions and explain further the program. I have attached several copies of our solicitation materials as well as material on our legacy giving program for review. Thank you very much for your assistance.

Sincerely,

Ted Olsen, Chairman
Muskegon Public Schools Education Fund



**Muskegon Public Schools
Education Fund Advisory Council**

Theodore Olsen, Chair
Bradley Perkins
Barbara Grennan
Ann Cardon
Martha Hall
Judith Hayner
Morton Kantor
Kathleen Schottke
Richard Morgenstern
Harriet Oliver
James Olsen
Charles Poole
Joseph Schulze
Harold Workman
S. Arlyn Zack



The BIG RED ED CLUB supports the
Muskegon Public Schools Education Fund.



The MPS Education Fund supports
creative teacher-designed projects for the classroom.



Join the BIG RED ED CLUB today!

R

onace Hogan, a seventh grade art teacher at Bunker Middle School, has experienced firsthand what the Education Fund can accomplish. Last year she received a \$693 grant to purchase supplies needed for a mask making project involving all seventh graders at Bunker. The project had the students explore culture and history through mask making. The students learned that different cultures used masks for different purposes including hunting, warding off illnesses, and for entertainment (Mardi Gras, for example).

The students each made four masks of different types and materials. Some used clay. Others used paper mache. And still others used metal. One of the masks had to be about an event in the student's life. Along with the masks, the students were required to keep a journal documenting their masks including the reason for doing the particular mask and relating the feelings they had while doing the project.

Ms. Hogan said, "This project was awesome. The kids enjoyed themselves and learned so much. They really got into doing the journal to complement the mask. This is how art should be!"

Supporting the Education Fund at Muskegon Public Schools through membership in the Big Red Ed Club does make a difference.

Mail in your membership application today to:

**BIG RED ED CLUB
Community Foundation for Muskegon County
425 W. Western Avenue
Muskegon MI 49440**

All checks should be made payable to MPS Education Fund - CFMC.

All donations are tax deductible and qualify for
the Michigan Tax Credit for Community Foundations.

➔ What is it?

The BIG RED ED CLUB is a new alumni and friends membership organization for the Muskegon Public Schools Education Fund which is held in trust by the Community Foundation for Muskegon County (CFMC). The sole purpose of the BIG RED ED CLUB is to raise funds which support extraordinary educational experiences for the students of Muskegon Public Schools in humanities, sciences, arts and mathematics.

➔ Who can belong?

Anyone who wants to help continue the Big Red tradition can belong. All Muskegon High School alumni are invited to join. Retirees, community leaders and staff are also welcome and encouraged to show their support of Muskegon Public Schools through membership.

➔ How much is it?

The annual membership cost is \$15.00. **However, you can give more.** A 1961 alumnus recently contributed \$30,000 to the Fund. You may also want to consider a legacy gift.

➔ How do I join?

Simply complete the form below and return it with your check. Renewing members will receive a logo decal. All new members will receive a BIG RED ED CLUB lapel pin. Members may also receive free subscriptions to the *Muskegon Mirror* newsletter and/or *Staff Matters*.

Become a Member Today!



Support Education Now!

MEMBERSHIP APPLICATION

☐ YES, I want to join the BIG RED ED CLUB today!

☐ YES, I want to renew my membership!

NAME _____

STREET _____ CITY _____

STATE _____ ZIP _____

ALUMNI? ☐ YES ☐ NO CLASS _____

RETIREE? ☐ YES ☐ NO DATE RETIRED _____

EMAIL ADDRESS _____

☐ I am interested in discussing a bequest in my will to the BIG RED ED CLUB. Please send me more information.

All membership contributions will be deposited to the MPS Education Fund, held by the Community Foundation of Muskegon.

I wish to contribute:

- ☐ \$15 Annual Membership (club gift)
- ☐ \$25.00 (club gift & *Muskegon Mirror*)
- ☐ \$50.00 (club gift & *Staff Matters*)
- ☐ \$100.00 (club gift & both publications)
- ☐ Other _____

VISA/MasterCard # _____

Expires _____

Signature _____

Please return your membership application with a check made payable to MPS Ed Fund-CFMC to: Community Foundation for Muskegon County, 425 West Western Ave., Muskegon MI 49440.



SUPPORT BIG RED EDUCATION NOW!

LEGACY GIVING PROGRAM

Muskegon Public Schools Education Endowment Program
Muskegon Public Schools
349 West Webster Ave., Muskegon MI 49440

The Muskegon Public Schools Education Endowment Fund provides for special and extraordinary educational programming for the students of the Muskegon Public Schools. The Endowment Fund is administered by the Community Foundation for Muskegon County. Only the earnings from the fund are used for programming. The uses of the fund are determined by the Board of Trustees of the Fund, most of whom are faculty or alumni. Programming is funded on a competitive basis upon annual requests from the faculty for funding.

I Leave a LEGACY



MUSKEGON PUBLIC SCHOOLS EDUCATION ENDOWMENT FUND
LEGACY GIVING PROGRAM

LEGACY GIVING PROGRAM

Any individual or business that contributes \$10,000 or more to the Muskegon Public Schools Education Endowment Fund will be considered a Legacy Giver to the Muskegon Public Schools and will be permanently recognized.



BENEFITS OF BECOMING A LEGACY GIVER

- You will be assisting the Muskegon Public Schools to provide extraordinary educational opportunities to young people.
- You will help preserve the Big Red tradition of quality education.
- You will be permanently identified as a contributor to the Muskegon Public Schools.
- You will be helping young people.
- You will be helping to provide innovative and creative educational opportunities for the students in the Muskegon Public Schools.

Contributions • Donations • Gifts • Bequests
Charitable Annuities • Appreciated Stock
IRA Distributions

LEGACY GIFTS

- Establishing a legacy giving program is new for the Muskegon Public Schools. But legacy giving is not a new concept for sustaining the district's endowment efforts. In fact, many benefactors have made bequests to the Muskegon Public Schools Education Endowment Fund since its founding, assuring that creative education will be available to generations to come.
- What is a legacy gift? It is a gift to the Muskegon Public Schools Education Endowment Fund. Making a gift is easy: you simply need to indicate in your estate planning that you want to leave a designated portion (percentage) or a specific dollar amount of your assets to the Muskegon Public Schools Education Endowment Fund. Other ways to give include donations, contributions, charitable annuities or a gift of appreciated stock.
- A legacy gift is a lasting gift, with endless benefits for the children of Muskegon Public Schools. By becoming a legacy giver, you, too, can help preserve the wonderful tradition of educational excellence of the Muskegon Public Schools.

YOUR QUESTIONS

■ HOW DO I MAKE A LEGACY GIFT?

Making a legacy gift is easy. Simply arrange with your attorney or estate planner to make a bequest to the Muskegon Public Schools Education Endowment Fund in your will.

■ WHAT WILL HAPPEN WITH MY GIFT WHEN I AM GONE?

The amount that you bequest to the Muskegon Public Schools Education Endowment Fund will be handled as you have directed in your will.

■ HOW WILL I BE RECOGNIZED FOR THIS GIFT?

The main recognition for a legacy gift will be a permanent acknowledgment of your gift that will be prominently displayed at either Muskegon High School or the Board of Education, depending on your wishes. Other recognition will be provided in newsletters and publications of the Muskegon Public Schools.

■ AT WHAT LEVEL OF CONTRIBUTION WILL MY BEQUEST BE CONSIDERED A LEGACY GIFT?

The minimum legacy gift is \$10,000. All legacy gifts will receive special recognition in Muskegon Public School newsletters and on signage.

■ WHEN ARE LEGACY GIVERS RECOGNIZED?

As soon as the Muskegon Public Schools Education Endowment Fund is made aware of your legacy gift, you will be recognized for it.



■ IS THE BIG RED ED CLUB A PART OF THE EDUCATION ENDOWMENT FUND?

Yes. All dues for the Big Red Ed Club are deposited in the Muskegon Public Schools Education Endowment Fund administered by the Community Foundation for Muskegon County.

■ HOW ELSE WILL LEGACY GIVERS BE RECOGNIZED?

Upon notification that you have given a legacy gift, the Muskegon Public Schools Education Endowment Fund will immediately recognize your gift in its newsletter. You will also be immediately placed on our roster of promised legacy givers. Additionally, you will be invited to our annual legacy givers luncheon honoring you for your contribution with a special program for current and potential legacy givers.

■ WHAT WILL BE DONE WITH MY LEGACY GIFT?

You can determine how your legacy gift is used. The Muskegon Public Schools suggest that your legacy gift be left to the Muskegon Public Schools Education Endowment Fund, administered by the Community Foundation for Muskegon County. This is the easiest, simplest means to leave your gift. However, if you would like to make other arrangements, we will do whatever you require to assist, and you can always be certain that your bequest will be administered according to your wishes. All gifts benefit the educational programming of the Muskegon Public Schools.

■ HOW ARE LEGACY GIFTS MANAGED?

The Community Foundation for Muskegon County manages the Muskegon Public Schools Education Endowment Fund. Only the earnings from the Endowment Fund are used to fund educational programming. The principal contribution will remain intact and grow over the years.

LEGACY GIVING BY BEQUEST

Gifts may be made by bequest through your will or trust. Your estate planner or advisor should use the following language or similar: "I give, devise and bequeath (either name a specific dollar amount or a percentage of your estate or trust) to the Muskegon Public Schools Education Endowment Fund." These funds are restricted funds, administered by the Community Foundation for Muskegon County and used for the purpose of providing funding for educational programming in Muskegon Public Schools.

To make a legacy gift, simply notify your estate planner of your intention. Also, please have your estate planner notify us so that we can give you immediate recognition as a legacy giver. Remember that any single gift of \$10,000 and more to the Muskegon Public Schools Education Endowment Fund is considered a legacy gift and will be recognized accordingly.

OTHER WAYS TO GIVE

- Contribute appreciated securities to the Muskegon Public Schools Education Endowment Fund.
- Contribute a depreciated asset. (Sell the security for a loss and take the appropriate deduction and contribute the proceeds to the Muskegon Public Schools Education Endowment Fund and receive the tax benefits of a charitable contribution.)
- If income is a concern, give a charitable gift annuity whereby you will receive income from the assets for life. The assets will be used to benefit the Muskegon Public Schools Education Endowment Fund.
- Designate the Muskegon Public Schools Education Endowment Fund as a beneficiary of your IRA.

Please consult with your individual legal/tax advisor to ascertain which tax benefits will be applicable to your specific donation. This informational pamphlet is not intended to provide individual legal/tax advice.



Becoming a Legacy Giver for the benefit of the Muskegon Public Schools is easy!

NAME(S) _____
COMPANY/ORGANIZATION _____
ADDRESS _____
CITY/ZIP/STATE _____
PHONE _____ FAX _____
E-MAIL _____

_____ I/we have become a Legacy Giver(s) for the Muskegon Public Schools by bequest of \$10,000 or more through my estate.

_____ I am interested in becoming a Legacy Giver, but would like to learn more about the program.

_____ I/we want to become a Legacy Giver(s) now for the Muskegon Public Schools and my/our gift is enclosed.

_____ You may use my name in Education Fund materials.

My Legacy Gift is to _____ honor _____ or made in memory of _____

If you would like to talk to someone about the Legacy Giving Program, please call the Muskegon Public Schools at 231.720.2004.

*Checks should be made out to the **Muskegon Public Schools Education Endowment Fund**. Where applicable, contributions are tax deductible and qualify for the Michigan Tax Credit for Community Foundations.*

*Please detach this completed form and mail it (and your check, if applicable) to the **Muskegon Public Schools Education Endowment Fund, Legacy Giving Program, 349 W. Webster Avenue, Muskegon MI 49440**.*

Commission Meeting Date: September 14, 2004

Date: August 31, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Set Public Hearing for Amendments to Brownfield Plan – Former Muskegon Mall

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for amendments to the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendments, including the opportunity to express their views and recommendations regarding the proposed amendments at the public hearing. The amendments are for the inclusion of the former Muskegon Mall Property, now owned by Downtown Muskegon Development Corporation (DMDC) in the Brownfield Plan.

FINANCIAL IMPACT: Brownfield Tax increment Financing would be used to reimburse the City, DMDC, and possibly developers for "eligible expenses" incurred in association with development of the Mall, starting in 2012, when the Renaissance Zone status of the Mall property will begin to expire. DMDC currently estimates that full development of the Mall property will involve approximately \$60 million in private investment, resulting in a substantial increase in the local and school taxes generated by the property.

"Eligible Expenses" would be reimbursed starting in 2012, including the payment of 4% interest annually. The estimated tax capture and payment schedule is included as Attachment L-4 in the proposed Brownfield Plan Amendment. The City is also authorized by law to capture up to \$75,000/year to pay for "reasonable and actual administrative and operating costs of the Brownfield Redevelopment Authority. As such, \$50,000/year of the local tax increment will be captured to reimburse the Brownfield Authority for its administrative costs, for a total of \$550,000 over 11 years.

After all eligible costs incurred by the various parties are reimbursed (estimated to be in 2017), the BRA is authorized to continue to capture local taxes for five more years for deposit into a Local Site Remediation Revolving Fund. Current estimates indicate that approximately \$3,460,000 could be captured from the taxes on the Mall property for deposit into this local fund.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on September 8, 2004, and approve the Brownfield Plan Amendment adding the Muskegon Mall to the Brownfield Plan, and request the Muskegon City Commission set a public hearing on the Plan Amendments, and request notification of the taxing jurisdictions of the proposed amendment and its financial impact on each jurisdiction.

**RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

2004-81(g)

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 14th day of September, 2004, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Spataro, Carter, Davis, Gawron, Larson, and Shepherd.

ABSENT:

Members Warmington.

The following preamble and resolution were offered by Member Spataro and supported by Member Shepherd:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include the former **Muskegon Mall** Property, and

WHEREAS, the Authority has forwarded the Brownfield Plan Amendments to the City Commission requesting its approval of the Brownfield Plan Amendments and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].

2. A public hearing is hereby called on the 12th of October, 2004 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider

adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

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 publication of the notice shall be not less than 20 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

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

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON .AN AMENDMENT TO THE MUSKEGON BROWNFIELD
PLAN, AS APPROVED BY THE CITY OF MUSKEGON BROWNFIELD
REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on October 12, 2004, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

Former Muskegon Mall Property
100 Muskegon Mall
Muskegon, Michigan

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

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



Gail A. Kunding, City Clerk

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES:

Members Carter, Davis, Gawron, Larson, Shepherd, Spataro.

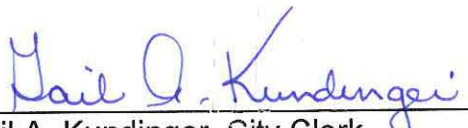
NAYS:

Members None.

RESOLUTION DECLARED ADOPTED.


Gail A. Kunding, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on September 14, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Gail A. Kunding, City Clerk

**CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY**

***BROWNFIELD PLAN AMENDMENT
DMDC REDEVELOPMENT PROJECT
FORMER MUSKEGON MALL***

Original Plan Approved by the Board of the City of Muskegon Brownfield Redevelopment Authority on **February 23, 1998**, with amendments approved August 10, 1998, June 13, 2000, April 15, 2003, July 7, 2003, April 20, 2004; and June 21 2004.

Original Plan Approved by the City Commission of the City of Muskegon on **April 14, 1998**, with amendments approved August 11, 1998; July 11, 2000; May 27, 2003, August 12, 2003, May 25, 2004; July 13, 2004; and July 27, 2004.

CITY OF MUSKEGON
BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN

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 - I. Northern Machine Tool (Approved July 13, 2004)
 - J. Terrace Lots Office Building (Approved July 13, 2004)
 - K. Art Works Apartments (Approved July 27, 2004)
 - L. Former Muskegon Mall (Approved _____)

I. INTRODUCTION

In order to promote the revitalization of commercial, industrial, and residential properties within the boundaries of the City of Muskegon (the "City"), the City established the City of Muskegon Brownfield Redevelopment Authority (the "Authority") pursuant to Act 381, Public Acts of Michigan, as amended ("Act 381"), and a resolution adopted by the Muskegon City Commission on February 10, 1998.

The major purpose of this Brownfield Plan ("Plan") is to promote the redevelopment of *eligible properties* within the City that are impacted by the presence of hazardous substances in concentrations that exceed Michigan's Part 201 Generic Cleanup Criteria Criteria ("*facilities*") or that have been determined to be Functionally Obsolete or Blighted. Inclusion of property within this Plan can facilitate financing of environmental response activities, infrastructure improvements, demolition, lead or asbestos abatement, and site preparation activities at *eligible properties*; and may also provide tax incentives to eligible taxpayers willing to invest in revitalization of *eligible properties*. By facilitating redevelopment of underutilized *eligible properties*, the Plan is intended to promote economic growth for the benefit of the residents of the City and all taxing units located within and benefited by the Authority.

This plan is intended to be a living document, which can be amended as necessary to achieve the purposes of Act 381. It is specifically anticipated that properties will be continually added to the Plan as new projects are identified. The Plan contains general provisions applicable to each site included in the Plan, as well as property-specific information for each project. The applicable Sections of Act 381 are noted throughout the Plan for reference purposes.

This Brownfield Plan contains the information required by Section 13(1) of Act 381, as amended. Additional information is available from the City Manager.

II. GENERAL PROVISIONS

A. Costs of the Brownfield Plan (Section 13(1)(a))

Any site-specific costs of implementing this Plan are described in the site-specific section of the Plan. Site-specific sources of funding may include tax increment financing revenue generated from new development on eligible brownfield properties, state and federal grant or loan funds, and/or private parties. Where private parties finance the costs of eligible activities under the Plan, tax increment revenues may be used to reimburse the private parties. The initial costs related to preparation of the Brownfield Plan were funded by the City's general fund. Subsequent amendments to the Plan are funded by the person requesting inclusion of a project in the Plan.

The Authority intends to pay for administrative costs and all of the things necessary or convenient to achieve the objectives and purposes of the Authority with any eligible tax increment revenues collected pursuant to the Plan, including, but not limited to:

- i) the cost of financial tracking and auditing the funds of the Authority,
- ii) costs for amending and/or updating this Plan, including legal fees, and
- iii) costs for Plan implementation

These eligible tax increment revenues are identified in the site-specific sections of this Plan. As noted above, most costs related to the preparation of Plan amendments are borne by the person requesting inclusion of a project within the Plan.

B. Method for Financing Costs of Plan (Section 13(1)(d) and (e))

The Authority does not intend at this time to incur debt, such as through the issuance of bonds or other financing mechanisms. In the future, the City or Brownfield Authority may incur some debt on a site-specific basis. Please refer to the site-specific section of this Plan for details on any debt to be incurred by the City or Authority. When a property proposed for inclusion in the Plan is in an area where tax increment financing is a viable option, the Authority intends to enter into Development Agreements with the property owners/developers of a properties included in the Plan to reimburse them for the costs of eligible activities undertaken pursuant to this Plan. Financing arrangements will be specified in the Development Agreement, and also identified in the Site Specific section of the Plan.

C. Duration of the Brownfield Plan (Section 13(1)(f))

The Plan, as it applies to a specific eligible property, shall be effective up to five (5) years after the year in which the total amount of any tax increment revenue captured is equal to the total costs of *eligible activities* attributable to the specific *eligible property*, or thirty (30) years from the date of approval of the Plan as it relates to an individual site, whichever is less. The total costs of *eligible activities* include the cost of principal and interest on any note or obligation issued by the Authority to pay for the costs of *eligible activities*, the reasonable costs of a work plan or remedial action plan, the actual costs of the Michigan Department of Environmental Quality's or Michigan Economic Growth Authority's review of the work plan or remedial action plan, and implementation of the *eligible activities*.

D. Displacement/Relocation of Individuals on Eligible Properties
(Section 13(1)(i, j, k, l))

At this time, *eligible properties* identified in this Plan do not contain residences, nor are there any current plans or intentions by the City for identifying *eligible properties* that will require the relocation of residences. Therefore the provisions of *Section 13(1)(i-l)* are not applicable at this time.

E. Local Site Remediation Revolving Fund (Section 8; Section 13(1)(m))

At the time this Plan includes a property for which taxes will be captured through the increment financing authority provided by Act 381, it is the Authority's intent to establish a Local Site Remediation Revolving Fund ("Fund"). The Fund will consist of tax increment revenues that exceed the costs of eligible activities incurred on an eligible property, as specified in *Section 13(5) of Act 381*. *Section 13(5)* authorizes the capture of tax increment revenue from an eligible property for up to 5 years after the time that capture is required for the purposes of paying the costs of eligible activities identified in the Plan. It is the intention of the Authority to continue to capture tax increment revenues for 5 years after eligible activities are funded from those properties identified for tax capture in the Plan. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for eligible activities under this Plan. It may also include funds appropriated or otherwise made available from public or private sources.

The Revolving Fund may be used to reimburse the Authority, the City, and private parties for the costs of eligible activities at *eligible properties* and other costs as permitted by Act 381. It may also be used for eligible activities on *eligible properties* for which there is no ability to capture tax increment revenues. The establishment of this Revolving Fund will provide additional flexibility to the Authority in facilitating redevelopment of brownfield properties by providing another source of financing for necessary eligible activities.

SITE SPECIFIC PROVISIONS

L. FORMER MUSKEGON MALL

Eligibility and Project Summary (Sec. 13(1)(h))

Downtown Muskegon Development Corporation (DMDC), a not-for-profit entity, was formed to acquire and develop the former Muskegon Mall site. Most of the buildings on this 23-acre site have recently been demolished, although five (5) buildings remain standing on the site at this time. (See Map included as Attachment L-1.) Two of the five will have their facades saved and reused: the former Century Club and the former Muskegon Savings Bank. The remaining three buildings are for sale and may be developed or deconstructed. The DMDC partners are the Community Foundation for Muskegon County, the Paul C. Johnson Foundation, and the Muskegon Area Chamber of Commerce. The City of Muskegon is an ex-officio member of the DMDC. DMDC intends to market this 23-acre site to developers to create a mixed use residential, commercial, and retail development.

All of the former Mall property is now included as one parcel, #61-24-921-312-0001-00 ("Property"). The legal description of the Property is included as Attachment L-2. This *eligible property* includes all personal property.

The Property is considered a "facility" pursuant to Part 201 of the Natural Resources and Environmental Protection Act, and is therefore an *eligible property* pursuant to Act 381. Soils samples collected by Environmental Resources Management in June 2004 found concentrations of lead and mercury that exceed the Part 201 generic residential cleanup criteria.

The Property will be marketed by DMDC as a multi-developer site. Lots will be sold according to the needs of each developer. To assure continued beautification, appropriate quality, and architectural integrity, restrictive covenants will be implemented by the DMDC to assure that the project develops according to the "Imagine Muskegon" plan. Overall guidelines for the development (i.e.: building height, style, etc.) will be developed as part of each sales agreement.

First, Second, Jefferson and Market Streets will be rededicated in a grid similar to the original street layout for downtown Muskegon. DMDC will sell the road and sidewalk right-of-ways to the City of Muskegon to accommodate rededication of these streets. The City will then construct the roads, sidewalks, streetscape, lighting and design. The street plan will follow closely the product of Imagine Muskegon, a planning charette involving more than 100 people in developing the vision for downtown Muskegon. This design approach will bring a lasting beauty to downtown Muskegon.

The site is serviced by city water and sewer, and has appropriate electric and natural gas supplies. Where appropriate, utilities will be upgraded and improved. Where possible, electrical service and cable will be put underground.

This development will help support and maintain the downtown's cultural institutions including the Museum of Art, the Muskegon County Museum, the Hackley Public Library, the Historic District and many historic churches. In addition, the development is key to the development of the broader downtown, supporting the Michigan Alternative and Renewable Energy Center and Great Lakes Water Resources Institute operated by Grand Valley University. It will also strengthen the further development of Edison Landing (Smartzone) and the WaterMark residences. The site is in a Tax-Free Renaissance Zone; therefore the taxes that companies and residents do **not** pay comprise nearly all the state and local taxes levied on business activity. Upon expiration of the Renaissance Zone status, phasing in in 2012 and expiring in 2014, the City of Muskegon intends for the Brownfield Redevelopment Authority to capture taxes to reimburse the costs of *eligible activities*, including infrastructure improvements, demolition, site preparation, and environmental response activities undertaken after this Plan was approved.

When the Project is completed, DMDC estimates private investment of \$60 million, and creation of 225 jobs.

Eligible Activities, Financing, Cost of Plan (Sec. 13(1)(a), (b), (c), (g))

Eligible activities that have been conducted on the property include conducting a Phase I and a limited Phase II Environmental Site Assessment, and demolition of most of the buildings. Additional *eligible activities* that are intended to be paid for through Brownfield tax increment revenues may include BEA and Due Care Response Activities; additional demolition; lead and asbestos abatement; public infrastructure improvements; and site preparation activities. Tax increment revenues will be used to reimburse the City, DMDC, and possibly developers for the cost of *eligible activities* undertaken by those parties and authorized pursuant to Act 381. No costs shall be reimbursed with school operating tax increment revenues unless they are conducted pursuant to a work plan approved by the Michigan Department of Environmental Quality or the Michigan Economic Growth Authority (MEGA).

The following are *eligible activities* that may be reimbursed through Brownfield tax increment revenues:

1. MEGA Act 381 Work Plan: The cost to prepare the MEGA Act 381 Work Plan for construction of the infrastructure and site preparation activities, in accordance with MEDC guidelines (including MEGA review costs of \$1,000) is estimated at \$3,500.

2. MDEQ Act 381 Work Plans: Costs to prepare MDEQ Act 381 work plans for BEA and Due Care response activities, plus costs for MDEQ work plan review (\$1,000 per work plan) are estimated at \$10,000.
3. Demolition Activities, including Lead and Asbestos Abatement: While most buildings on the Property have already been demolished, future developers may want to demolish one or more of the remaining buildings. Remaining demolition costs are estimated at \$100,000.
4. Public Infrastructure Improvements: First, Second, Jefferson and Market Streets will be rededicated in a grid similar to the original street layout for downtown Muskegon. DMDC will sell the road and sidewalk right-of-ways to the City of Muskegon to accommodate rededication of these streets. The City will then construct the roads, sidewalks, streetscape, lighting and design. The street plan will follow closely the product of Imagine Muskegon, a planning charette involving more than 100 people in developing the vision for downtown Muskegon. This design approach will bring a lasting beauty to downtown Muskegon. The estimated costs for these improvements are \$3,611,971. Additional details regarding these cost estimates can be found in Attachment L-3.
5. Site Preparation Activities: Surveys, borings, testing, staking, etc. costs are estimated at \$300,000.
6. BEA and Due Care Costs: Activities necessary for developers to undertake their environmental due diligence, and any necessary costs related to Due Care obligations, including preparation of Due Care Plans and implementation of Due Care Response Activities, are estimated at \$500,000. This amount is intended to accommodate the needs of the several developers anticipated to be involved in this Project.
7. Contingencies: Contingencies, estimated at 15% of estimated costs (which total \$4,525,471), would total \$678,821. A summary of all eligible expenses is included in Attachment L-3.

The following costs will be captured as allowed by law:

Brownfield Redevelopment Authority Administrative Costs: Reasonable and actual administrative and operating costs of the BRA from non-school taxes would be captured. \$50,000/year will be captured from this Property for Administrative Costs of the BRA.

Financing Costs: The BRA intends to capture tax increment revenue to pay for interest on the eligible expenses incurred. Interest is calculated at 4%, compounded annually, with payback beginning in 2012. The interest costs total \$3,292,239.

Local Site Remediation Revolving Fund: The BRA intends to capture local tax increment revenue for five additional years after all eligible activities plus interest are reimbursed, for deposit into the Local Site Remediation Revolving Fund. The amount of school operating taxes captured for the Revolving Fund will be limited to the amount of school operating taxes captured for MDEQ eligible activities under this Plan. Currently, the total amount to be placed into the Revolving Fund is estimated to be \$3,460,182. There will be no use of the Local Site Remediation Revolving Fund to finance this project.

An estimate of the yearly captured taxable value and tax increment revenues for from the Property are shown in the tax capture table included as Attachment L-4. This table also shows the estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions affected by this tax capture.

Financing (Section 13(1)(d))

Financing to pay for infrastructure costs may come from a variety of sources. DMDC is seeking grant monies to help pay for some of the infrastructure costs. Tax increment financing will not be used for *eligible activities* funded by grant funds. DMDC intends to invest \$1.2 million towards infrastructure costs upon sale of property in the Project. The City of Muskegon intends to invest \$450,000, also upon the sale of property. Developers are responsible for financing of demolition, BEA and Due Care costs. DMDC, the City, and developers would be reimbursed for *eligible activities*, with interest, through the Brownfield tax capture. A development agreement will be negotiated with any developer incurring *eligible expenses* to provide for reimbursement through tax increment financing.

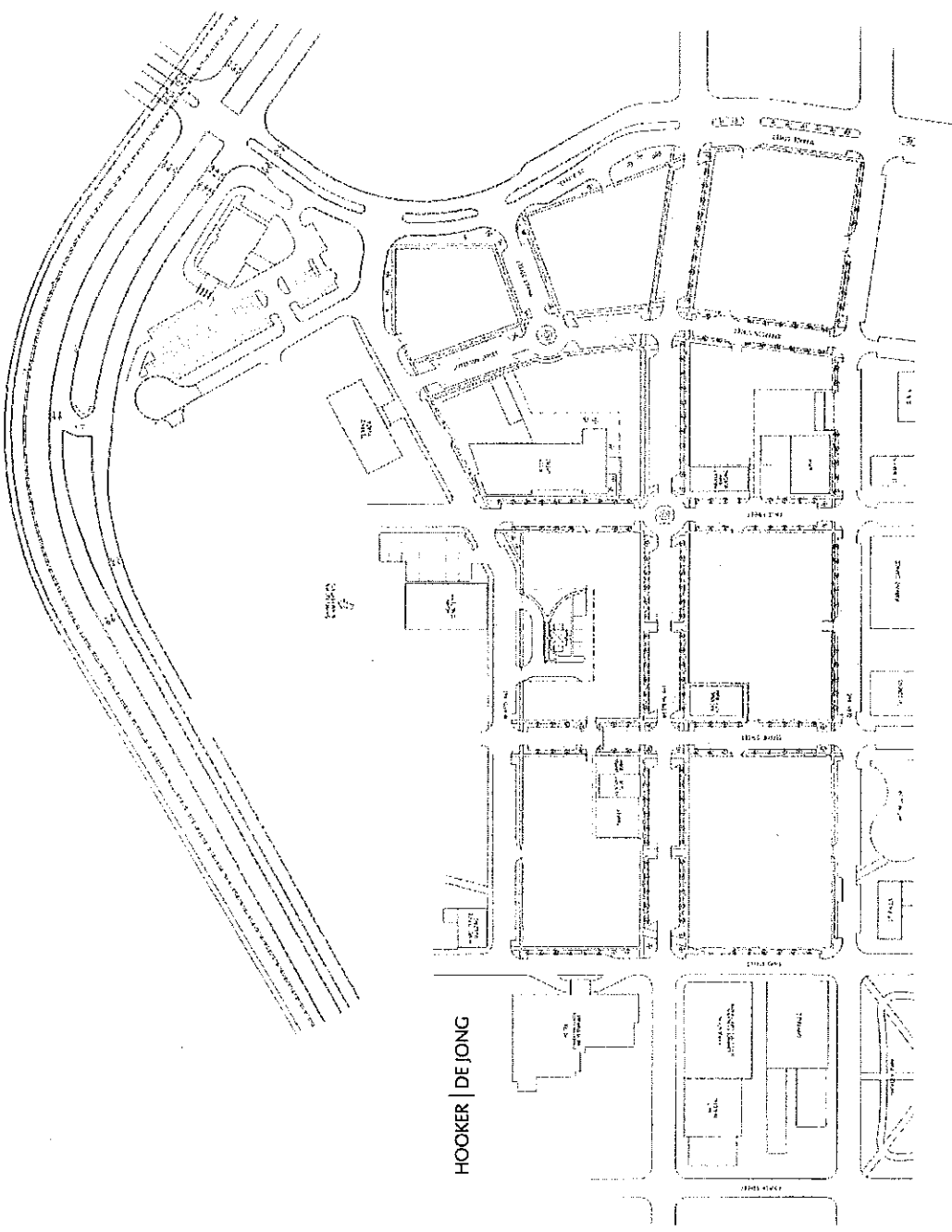
Effective Date of Inclusion in Brownfield Plan

The Former Muskegon Mall Property was added to this Plan on _____2004.

ATTACHMENT L-1

SITE MAP

FORMER MUSKEGON MALL



ATTACHMENT L-2

LEGAL DESCRIPTION
FORMER MUSKEGON MALL

CITY OF MUSKEGON
REVISED PLAT OF 1903
MUSKEGON MALL PROPERTY
THAT PART OF
BLK 309, BLK 310, BLK 311,
BLK 312, BLK 559, BLK 560,
BLK 561, BLK 564,
AND BLK 565 DESC AS
ENTIRE BLK 309
LYING WLY OF WLY LINE TERRACE ST AS RELOCATED
(WLY LINE OF TERRACE ST RELOCATED DESC AT END OF DESC)
INCLUDING E/W AND N/S ALLEYS VACATED IN SD BLK
ALSO BLK 310 LOTS 1 TO 11 INCLUSIVE
AND NLY 1/2 OF VAC E/W ALLEY ADJ THERE TO
AND LOT 18 AND SLY 1/2 OF E/W ALLEY ADJ THERE TO SD BLK 310
ALSO ENTIRE BLK 311 EXC E/W ALLEY IN SD BLK
ALSO ENTIRE BLK 312 INCLUDING ALL VAC ALLEYS IN SD BLK
ALSO LOTS 7 TO 16 INCLUSIVE BLK 559
LYING SLY OF MORRIS ST AND WLY OF TERRACE ST AS RELOCATED
(SEE DESCRIPTION OF MORRIS/TERRACE BELOW)
ALSO ENTIRE BLK 560 INCLUDING VAC ALLEY IN SD BLK
ALSO LOTS 3 TO 15 BLK 561 LYING SELY OF SELY LINE MORRIS ST
AND SELY 1/2 OF VAC 18 FT ALLEY THAT RUNS SW TO NE IN SD BLK 561
ALSO LOTS 1 AND 2 AND LOT 7 AND LOTS 8 TO 13 INCLUSIVE BLK 564
ALSO LOTS 1 TO 18 INCLUSIVE BLK 565
AND ENTIRE VAC ALLEY ADJ TO LOTS 3 TO 15 INCLUSIVE SD BLK 565
ALSO INCL ENTIRE VAC WESTERN AVE
ELY OF 3RD ST AND WLY OF TERRACE ST AS RELOCATED
ALSO INCL VAC JEFFERSON ST N OF CLAY AVE
ALSO INCL VAC JEFFERSON ST N OF WESTERN AVE
AND S OF MORRIS AVE
ALSO INCL VAC MARKET ST WLY OF TERRACE ST (RELOCATED) AND ELY
OF A LINE DESC AS BEG AT SE COR LOT 2 BLK 561
TH SELY ALD E LINE SD LOT 2 IF EXTENDED 33 FT
TH SWLY ALG C/L OF MARKET ST
TO INTERSECTION WITH WESTERN AVE FOR POR OF SD LINE
ALSO INCL SWLY 1/2 OF VAC 1ST ST
ADJ TO LOTS 13 14 AND ALLEY IN BLK 311
ALSO INCL ENTIRE VAC FIRST STREET
LYING N OF NLY ALLEY SD BLK 311
AND S OF A LINE DESC AS
COM AT NE COR LOT 13 BLK 564
TH NE ALONG EXTENTION OF N LINE SD LOT 13 10 FT M/L
TH S 86D 00M 00S E 5.66 FT
TH S 41D 33M 00S E 43.1 FT
TH S 86D 00M 00S E 17.9 FT

JUL 14 2004 12:31PM

MUSKEGON COUNTY

TH N 49D 00M 00S E 199.83 FT TO POE OF SD LINE
ALSO INCL THAT PART OF 2ND ST
LYING SLY OF SLY LINE OF ALLEY IN BLK 565
IF EXTENDED ELY TO NW COR LOT 8 BLK 564
ALSO INCL THAT PART OF SWLY 1/2 OF 2ND ST
ADJ TO LOT 18 BLK 565 AND LOT 8 BLK 564
(RELOCATED LINES OF MORRIS AVENUE AND TERRACE ST IS AS FOLLOWS:
COM AT SW COR LOT 19 BLK 309
TH NELY ALG N LINE CLAY AVE 338.40 FT FOR POB
OF WLY LINE TERRACE ST
TH N 34D 01M 00S W 190.25 FT
TH NWLY ALG SWLY LINE TERRACE ST
ON ARC OF 482.50 FT RAD CURVE TO LEFT 221.25 FT
(LONG CHORD BEARS N 50D 40M W 219.27 FT)
TH N 63D 48M W ALG SWLY LINE TERRACE ST 284.90 FT
TH N 63D 48M W ALG SWLY LINE TERRACE ST 211.80 FT
TH WLY ALG ARC OF 82 FT RAD CURVE TO LEFT 128.47 FT
(LONG CHORD BEARING S 71D 19M W 115.73 FT
TO SELY LINE MORRIS AVE)
AND POE OF WLY LINE TERRACE ST RELOCATED

ATTACHMENT L-3

SUMMARY OF ELIGIBLE ACTIVITIES & INFRASTRUCTURE COST DETAIL FORMER MUSKEGON MALL

BUDGET FOR ACT 381 *ELIGIBLE ACTIVITIES*
FORMER MUSKEGON MALL SITE
DOWNTOWN MUSKEGON, MICHIGAN

Act 381 Work Plan Development

MEGA Work Plan and MEGA Review	\$ 3,500
MDEQ Work Plan and MDEQ Review	\$ 10,000

Demolition

Demolition, including lead and asbestos abatement	\$ 100,000
---	------------

Public Infrastructure

Basic Street Repairs (see attached detail)	\$1,921,971
Widen and Improve Sidewalks Over Base Plan	200,000
Snowmelt system on Sidewalks	500,000
Street Lighting (50 units) plus installation	125,000
Utilities (gas, telephone, cable)	200,000
Landscaping and Sprinkling in Public Right of Way	215,000
Acquisition of property for Public ROW (roads)	\$ 450,000
Subtotal	\$3,611,971

Site Preparation

Survey, Borings, Testing, Staking, etc.	\$ 300,000
---	------------

Environmental Response Activities

BEA and Due Care Response Activities	\$ 500,000
--------------------------------------	------------

Total Eligible Activities	\$4,525,471
Contingency and Administration at 15%	\$ 678,821
TOTAL	\$5,204,292

FORMER MUSKEGON MALL PUBLIC INFRASTRUCTURE COST ESTIMATE

STREET IMPROVEMENTS	
WESTERN AVE. THIRD to TERRACE	\$ 612,789.20
SECOND ST. CLAY to MORRIS	\$ 171,556.50
FIRST ST. CLAY to MORRIS	\$ 174,652.80
JEFFERSON ST. CLAY to MORRIS	\$ 275,288.00
MARKET ST. JEFFERSON to TERRACE	\$ 71,280.00
TOTAL	\$ 1,305,566.50

WATERMAIN IMPROVEMENTS	
WESTERN AVE. THIRD to TERRACE	\$ 133,140.00
SECOND ST. CLAY to MORRIS	\$ 42,780.00
FIRST ST. CLAY to MORRIS	\$ 26,118.00
JEFFERSON ST. CLAY to MORRIS	\$ 76,020.00
TOTAL	\$ 278,058.00

SAN. SEWER IMPROVEMENTS	
WESTERN AVE. THIRD to TERRACE	\$ 194,460.00
FIRST ST. CLAY to MORRIS	\$ 44,676.00
JEFFERSON ST. CLAY to MORRIS	\$ 71,190.00
MARKET ST. JEFFERSON to TERRACE	\$ 28,020.00
TOTAL	\$ 338,346.00

TOTAL	\$ 1,921,970.50
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ATTACHMENT L-4

**TAX CAPTURE ESTIMATES
FORMER MUSKEGON MALL**

Former Muskegon Mail Tax Capture Estimates

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL	
SEV Year Improvement	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	731,300.00	
(Estimated Project is completed in 2025)																					
Total Taxable Value for Capture	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
(No capture until Year 2025 Press Out 2012)																					
Muskegon																					
School Operating	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00	
State Education Tax (SET)	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00	
Intermediate School District	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	3,759.60	
Muskegon Community College	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	2,203.70	
Library	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	
Muskegon County	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	6,666.20	
City of Muskegon	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	4,970.90	
TOTAL MUSKEGON	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	44,020.50	
Yearly Captured Tax																					
School Operating	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
State Education Tax (SET)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Intermediate School District	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Muskegon Community College	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Library	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Muskegon County	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
City of Muskegon	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Yearly Captured Taxes - School	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Yearly Captured Taxes - Local	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Commutative Captured Taxes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Cumulative Captured Taxes - School	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Total Cumulative Captured Taxes - Local	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Captured Taxes for Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
School Taxes for Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Local Taxes for Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Reimbursement Breakdown																					
DIAC	211,507.00	475,817.00	756,116.00	1,033,126.00	1,086,860.00	83,945.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
City	70,262.00	156,666.00	252,039.00	351,042.00	362,190.00	60,777.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Cumulative Capture for Reimbursement	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Captured Tax for Reimbursing Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
School Taxes for Reimbursing Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Local Taxes for Reimbursing Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Captured Tax for Administration	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
(Includes only local levies/increments)																					
Total Eligible Costs Reimbursed	1,650,000.00	1,200,000.00	450,000.00																		
Total Eligible Costs - DIAC	1,650,000.00	1,200,000.00	450,000.00																		
Total Eligible Costs - City of Muskegon	450,000.00																				
Total Interest Costs Reimbursed	3,252,239.00																				
Total Interest - DIAC	2,457,063.00																				
Total Interest - City of Muskegon	825,156.00																				
Total Eligible Costs Plus Interest	4,942,239.00																				
Total Amount to Reimbursing Fund																					
Total School Taxes to Reimbursing Fund																					
Total Local Taxes to Reimbursing Fund																					
Total Amount to Administration																					
Total School Taxes to Administration																					
Total Local Taxes to Administration																					
Total Local Taxes to Administration	\$ 550,000.00																				

Date: 08/30/04
To: Honorable Mayor and City Commission
From: DPW
RE: Plow Truck Purchase

SUMMARY OF REQUEST: Approval to purchase 2 cab and chassis from Woodland International.

FINANCIAL IMPACT: Total Cost \$104,062.24

BUDGET ACTION REQUIRED: None. \$140,000 was budgeted for the total purchase.

STAFF RECOMMENDATION: Approve purchase of budgeted replacement cab and chassis from Woodland International.

Memorandum

To: Honorable Mayor and Commissioners

From: DPW

Date: 9/7/2004

Re: Plow Truck Replacement

The Equipment Division has budgeted for the replacement of two plow trucks for 2004. The trucks that we will be replacing are both 1988 vehicles.

We solicited bids from the top three truck dealers in the weight class that meet our specifications. They are Woodland International, Duthler Truck Center, and Freightliner of Grand Rapids. (See attachment)

We currently have fourteen International plow trucks in our fleet and have always received excellent service from Woodland International. Their close proximity to the city yards is beneficial when we need repair parts and warranty work.

In accordance with established purchasing policy, I am requesting that we purchase two cab & chassis from Woodland International.

2 Plow Truck Cab & Chassis			
		<u>Bid</u>	<u>Model</u>
Woodland International		\$ 104,062.24	International 7400SFA
274 W. Sherman			
Muskegon, MI 49444			
Duthler Truck Center		\$ 107,620.00	Sterling L7500
4525 Clay SW			
Grand Rapids MI 49548			
Freightliner		\$ 105,064.00	M2-106MD
5285 Clay Ave			
Wyoming, Mi 49548			

		Bid		Model
Woodland International 274 W. Sherman Muskegon, MI 49444		\$ 104,062.24		International 7400SFA
Duthler Truck Center 4525 Clay SW Grand Rapids MI 49548		\$ 107,620.00		Sterling L7500
Freightliner 5285 Clay Ave Wyoming, Mi 49548		\$ 105,064.00		M2-106MD

Date: 08/31/04
To: Honorable Mayor and City Commission
From: DPW
RE: Dump boxes and under body plows

SUMMARY OF REQUEST: Approval to purchase 2 dump boxes and under body plows.

FINANCIAL IMPACT: Total Cost \$49,578.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of 2 dump boxes and under body plows from Truck & Trailer Specialties.

Memorandum

To: Honorable Mayor and Commissioners

From: DPW

Date: 9/7/2004

Re: Dump boxes and under body plows

The Equipment Division has solicited bids to install the dump boxes and underbody scrapers on the two trucks that we plan to purchase this month. The bid calls for furnishing of material and complete installation of all the components used to outfit these trucks.

I recommend that we accept the bid from Truck & Trailer Specialties as they have installed equipment for the City of Muskegon for the last several years and we have been more than satisfied with their work. They are also low bid. (See attachment)

2 Dump boxes and under body plows

[illegible]

Date: 08/30/04
To: Honorable Mayor and City Commission
From: DPW
RE: Tractor

SUMMARY OF REQUEST: Approval to purchase one Freightliner CL 120 semi tractor from Freightliner of Grand Rapids.

FINANCIAL IMPACT: Cost per unit \$77,065.00

BUDGET ACTION REQUIRED: None. \$80,000 was budgeted for this purchase.

STAFF RECOMMENDATION: Approve purchase of one Freightliner CL 120 from Freightliner of Grand Rapids.

Memorandum

To: Honorable Mayor and Commissioners

From: DPW

Date: 9/7/2004

Re: Semi Tractor

The Equipment Division has budgeted for the replacement of our semi tractor that we use on large excavation jobs, to transport our heavy equipment, and to haul sweeper dirt. The unit that we currently are using is a 1994, which we bought used, and is becoming a maintenance problem.

We requested bids from area dealers that market this type of heavy-duty truck. We received bids from Woodland International, Freightliner of Grand Rapids, Michigan Kenworth, and Duthler Truck Center. (See attachment)

We had the opportunity to evaluate all of the trucks and find that all of them are satisfactory for the job intended. That said, purchase price is the deciding factor.

In accordance with established purchasing policy, I am requesting that we purchase one Freightliner CL 120 from Freightliner of Grand Rapids.

Tractor

		<u>Bid</u>	<u>Model</u>
Michigan Kenworth		\$ 87,229.00	Kenworth T800
7393 Expressway Court			
Grand Rapids Mi. 49548			
Woodland International		\$ 82,605.81	7600 SBA
274 W. Sherman Blvd			
Muskegon Mi. 49444			
Freightliner		\$ 77,065.00	Freightliner CL 120
5285 Clay Ave			
Wyoming, Mi 49548			
Duthler Truck Center		\$ 78,274.00	Sterling Lt 9513
4525 Clay Ave S.W			
Wyoming Mi. 49509			

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 14, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Strong, Jefferson to Peck

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Strong Ave. from Jefferson St. to Peck St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$29,371.29 would be spread against the thirteen-(13) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2004-82(a)

Resolution Confirming Special Assessment Roll

For Strong Ave. from Jefferson St. to Peck St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 9, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Strong Ave. from Jefferson St. to Peck St.

Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By Gail A. Kunding
Gail A. Kunding, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 14, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **September 14, 2004**.

City of Muskegon

By Gail A. Kunding
Gail A. Kunding, MMC
City Clerk

EXHIBIT A

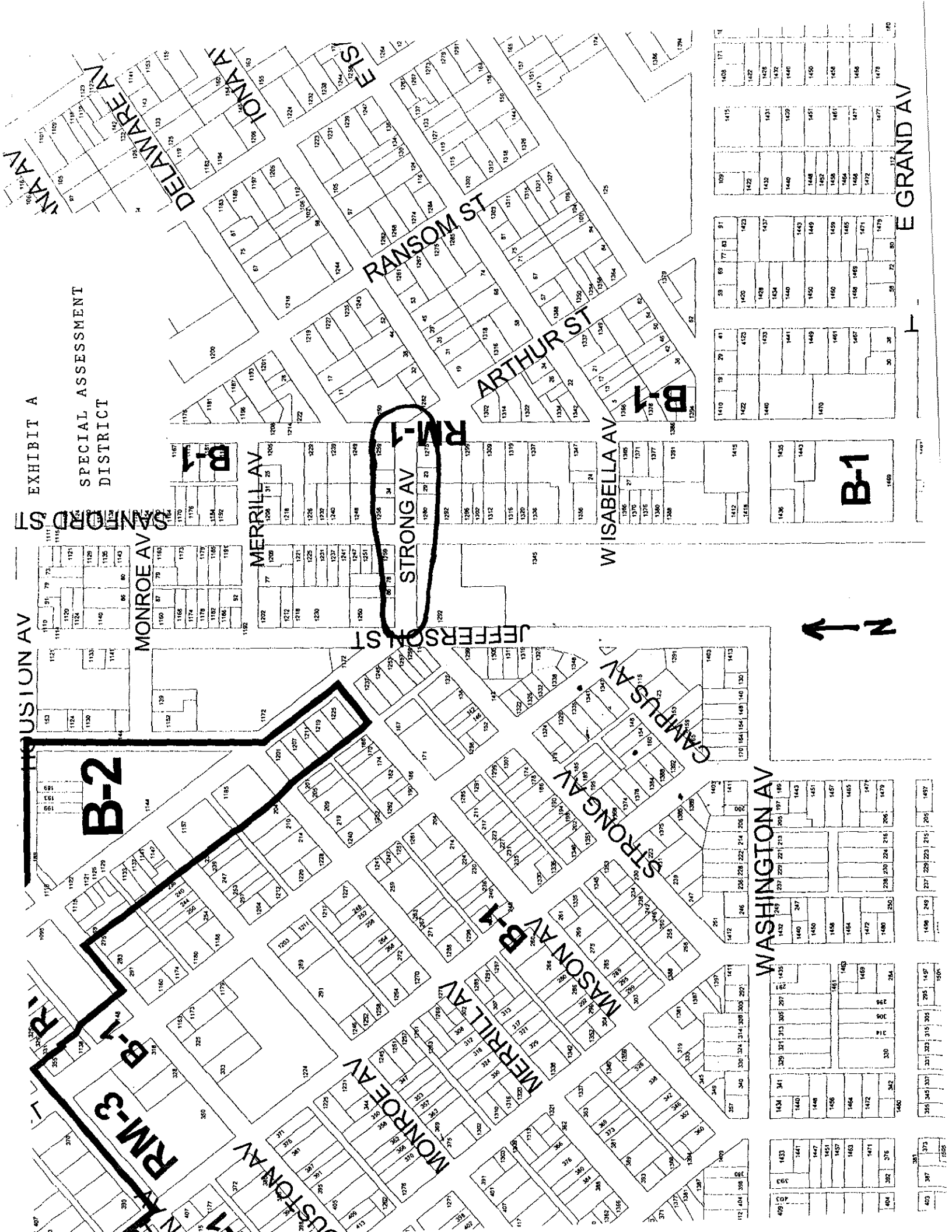
Strong Ave. from Jefferson St. to Peck St.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Strong Ave. from Jefferson St. to Peck St.

EXHIBIT A

SPECIAL ASSESSMENT
DISTRICT



STRONG AVE. FROM JEFFERSON ST. TO PECK ST.

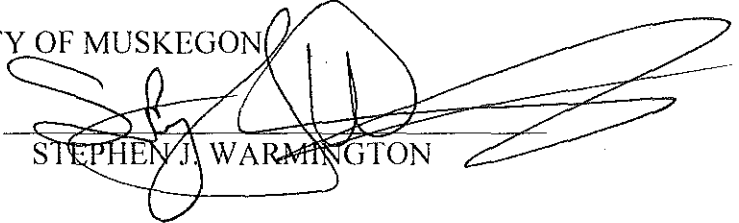
MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY

STEPHEN J. WARMINGTON

A large, stylized handwritten signature in black ink is written over the printed name "STEPHEN J. WARMINGTON". The signature is fluid and cursive, with a large loop at the end.

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1578 Strong Ave. , Jefferson St. to Peck St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd OF SEPTEMBER, 2004

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
3rd DAY OF September, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

September 3, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE| OWNERS ZIPCODE

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

STRONG AVE., JEFFERSON ST. TO PECK ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, SEPTEMBER 14, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED SEPTEMBER 14, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$91,000.00 of which \$29,371.39 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$3233.8 based on 92 feet assessable front footage at \$35.15 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$3233.8 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$323.38 PER YEAR
Due Date: November 15th, 2004

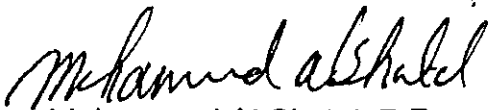
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in black ink, appearing to read "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

**CITY OF MUSKEGON – H 1578
STRONG, JEFFERSON TO PECK
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT**

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No
(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ **Wage earner:** _____
(Must include all household income)

_____ **Wage earner:** _____
_____ **Wage earner:** _____
_____ **Wage earner:** _____

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ **Expiration Date:** _____

Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER CONFIRMATION DATE OF 9/14/04.**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT -
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon, for roadway improvements, is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment **to the extent that funds is available.**

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2003

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**CAMPUS ST., JEFFERSON ST. TO WASHINGTON AVE.
AND
STRONG AVE., JEFFERSON ST. TO PECK ST.**

The location of the special assessment districts and the properties proposed to be assessed are:

**All parcels abutting Campus Ave. from Jefferson St. to Washington Ave.
And
All parcels abutting Strong Ave. from Jefferson St. to Peck St.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **September 14 , 2004 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Gail A. Kunder, City Clerk

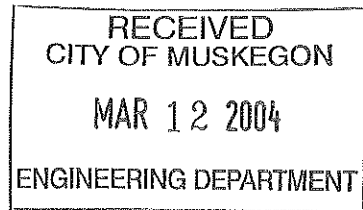
Publish: **SEPTEMBER 4, 2004**

ADA POLICY

The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunder, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2004-26(c)

Resolution At First Hearing Creating Special Assessment District
For Strong Ave. from Jefferson St. to Peck St.
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 9, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 9, 2004**, there were 46.06% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Shepherd and Gawron
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **27.81%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 9, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

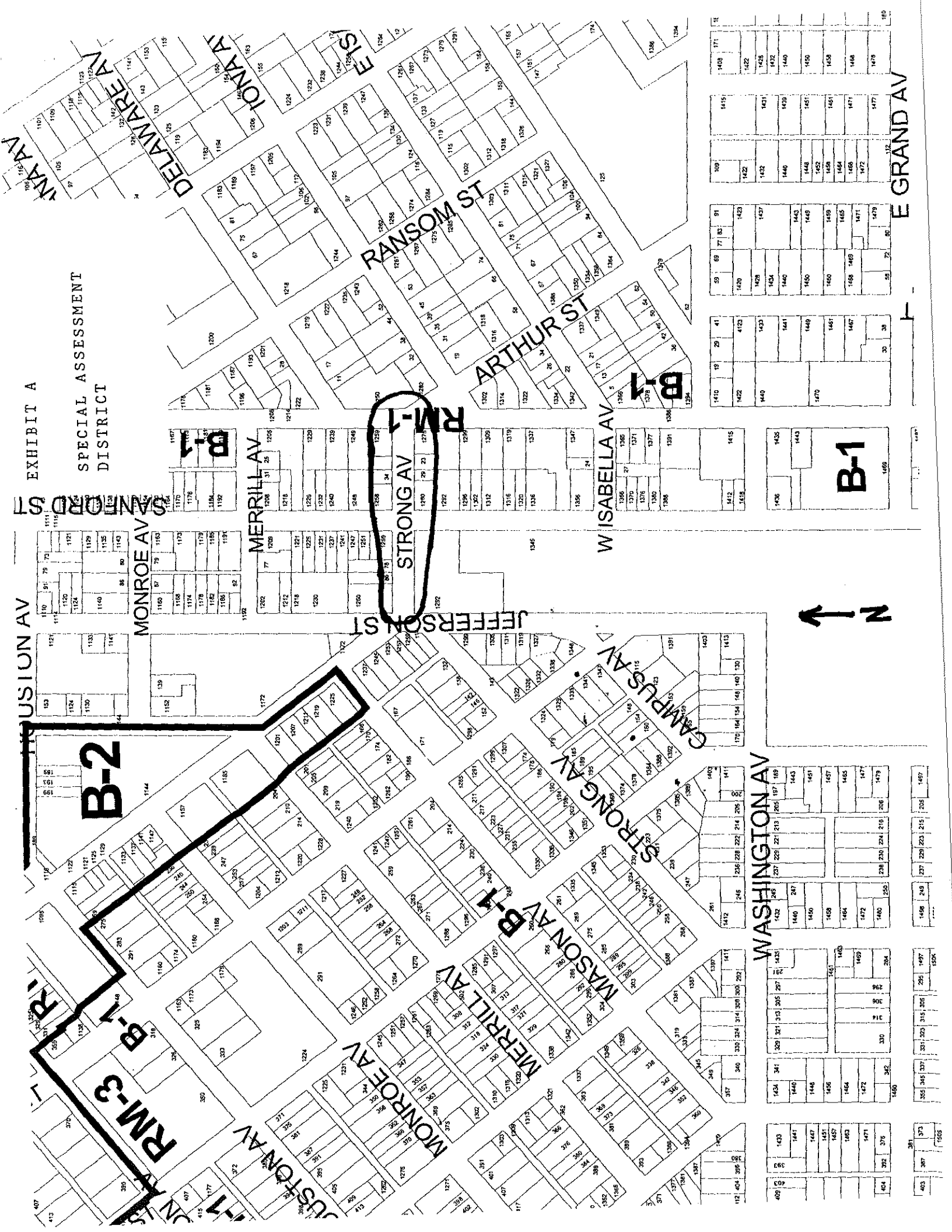
Strong Ave. from Jefferson St. to Peck St.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Strong Ave. from Jefferson St. to Peck St.

EXHIBIT A

SPECIAL ASSESSMENT
DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

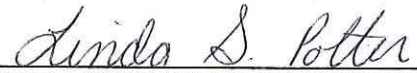
Strong Ave. Jefferson St. to Peck St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 27TH DAY OF FEBRUARY, 2004.



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
14th DAY OF March, 2004.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

STRONG AVE., JEFFERSON ST. TO PECK ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-384-0006-00	1260.0	JEFFERSON S	WILLIAMS INVESTMEN	2377 E RIVERWOOD	TWIN LAKE	MI 49457	\$3,233.80	\$0.00	\$3,233.80
24-205-384-0006-10	86.0	STRONG AVE	MAY PROPERTY MAN	3947 NORTON HILLS	MUSKEGON	MI 49441	\$1,406.00	\$0.00	\$1,406.00
24-205-384-0007-00	78.0	STRONG AVE	GODBOLD ANISSA	744 MOULTON AVE	N MUSKEGON	MI 49445	\$1,335.70	\$0.00	\$1,335.70
24-205-384-0007-20	1259.0	SANFORD ST	SMITH JAMES	1259 SANFORD ST	MUSKEGON	MI 49441	\$1,652.05	\$0.00	\$1,652.05
24-205-383-0006-00	1258.0	SANFORD ST	ASBELCO PROPERTY	830 TOSTENABE LN	MUSKEGON	MI 49445	\$1,441.15	\$0.00	\$1,441.15
24-205-383-0006-10	34.0	STRONG AVE	ASBELCO PROPERTY	830 TOSTENABE LN	MUSKEGON	MI 49445	\$1,757.50	\$0.00	\$1,757.50
24-205-383-0007-00	1249.0	PECK ST	LIVINGSTON JASON/LI	712 MOULTON AVE	NORTH MUSKEMI	49445	\$1,476.30	\$0.00	\$1,476.30
24-205-383-0007-10	1259.0	PECK ST	QUALITY COMMUNICA	1240 4TH ST	MUSKEGON	MI 49441	\$1,581.75	\$0.00	\$1,581.75
24-205-395-0001-00	1292.0	JEFFERSON S	ST JEAN'S CATHOLIC	1292 JEFFERSON	MUSKEGON	MI 49441	\$6,643.35	\$0.00	\$6,643.35
24-205-394-0001-00	1280.0	SANFORD ST	BECKMAN FLOYD	4106 FENNER	MUSKEGON	MI 49445	\$1,722.35	\$0.00	\$1,722.35
24-205-394-0001-10	29.0	STRONG AVE	CLOETINGH RUSSELL	1275 PECK ST	MUSKEGON	MI 49441	\$1,195.10	\$0.00	\$1,195.10
24-205-394-0016-00	23.0	STRONG AVE	CLOETINGH RUSSELL	1275 PECK ST	MUSKEGON	MI 49441	\$1,757.50	\$0.00	\$1,757.50
24-205-394-0015-00	1275.0	PECK ST	CLOETINGH RUSSELL	1275 PECK ST	MUSKEGON	MI 49441	\$2,882.30	1,286.44	\$4,168.74

H 1578

HEARING DATE SEPTEMBER 14, 2004

STRONG AVE., JEFFERSON ST. TO PECK ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$28,084.85	\$1,286.44	<u>\$29,371.29</u>

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

BOARD OF ASSESSORS

 9/16/04
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 9-16-04
CLARA SHEPERD CITY COMMISSIONER DATE

 9-22-04
STEPHEN SAWRON CITY COMMISSIONER DATE



Church of St. Jean Baptiste

1292 Jefferson St.
Muskegon, Michigan 49441-2027
231-722-2793
Fax 231-726-5976

September 10, 2004

Mr. Mohammed Al-Shatel, P. E.
City of Muskegon
933 Terrace Street
P O Box 536
Muskegon, MI 49443-0536

Dear Mr. Shatel,

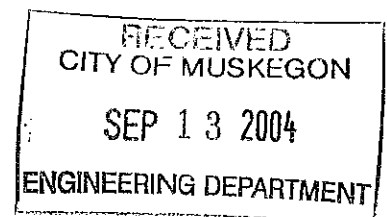
I am writing to protest the amount of the assessment to our church for the repaving of Strong Avenue. Please note the following:

1. New curbs were not needed. The old ones were in good condition.
2. New pedestrian walks at the corners were not needed. The old ones were intact.
3. The new driveway off of Strong was not needed. The old one was intact.
4. As far as we know, we were not hooked up to new utilities.
5. The only portion of the project we agreed was needed was the asphalt repairs to Strong. Even with this repair, the parishioners only use Strong one day a week – Sunday – so you have assessed us to pay for 25% of the special assessment with very little use or benefit.

I look forward to hearing from the City of Muskegon Commission regarding lowering the amount of our assessment.

Sincerely,

Rev. James B. Wyse, Pastor



TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 14, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Campus from Washington to approximately 100' north of Fourth St.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Campus Ave. from Washington to approximately 100' north of Fourth St.**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$28,086.26 would be spread against the fourteen-(14) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the special assessment roll and adopt the attached resolution.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2004-82(b)

Resolution Confirming Special Assessment Roll

For Campus Ave. from Washington to approximately 100' north of Fourth St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **March 9, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

1. That the special assessment roll submitted by the Board of Assessors is hereby approved.
2. That the assessments levied may be made in installments as follows: annual installments over ten (10) years. Any assessment that is paid in installments shall carry interest at the rate of five (5) percent per annum to be paid in addition to the principal payments on the special assessment.

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Campus Ave. from Washington to approximately 100' north of Fourth St.
Continued...

3. The Clerk is directed to endorse the certificate of this confirmation resolution and the Mayor may endorse or attach his warrant bearing the date of this resolution which is the date of confirmation.

This resolution passed.

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

Nays: None

City of Muskegon

By

Gail A. Kunding

Gail A. Kunding, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 14, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **September 14, 2004**.

City of Muskegon

By

Gail A. Kunding

Gail A. Kunding, MMC
City Clerk

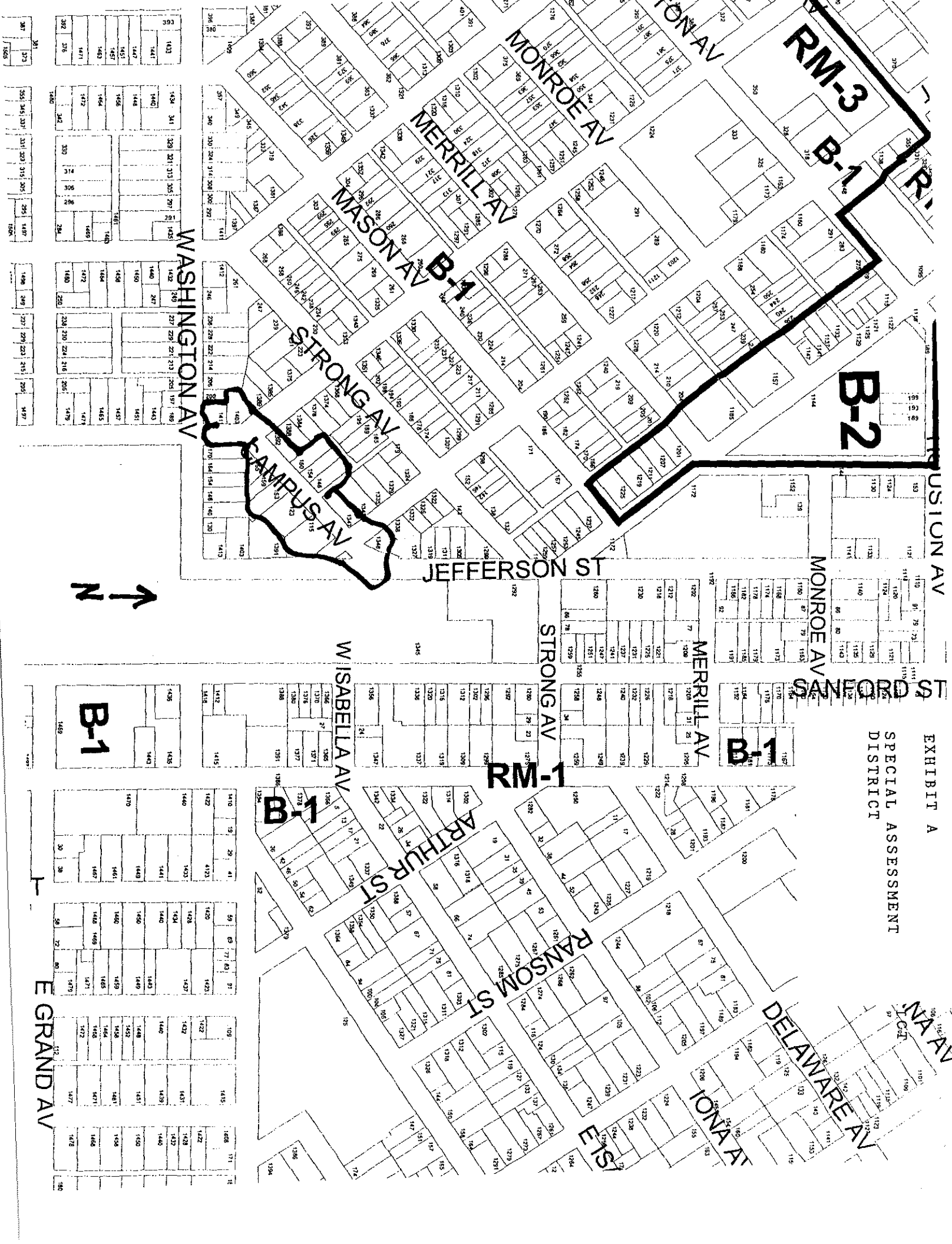
EXHIBIT A

CAMPUS AVE. FROM JEFFERSON ST. TO WASHINGTON AVE.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Campus Ave. from Washington to approximately 100' north of
Fourth St.**

EXHIBIT A
SPECIAL ASSESSMENT
DISTRICT



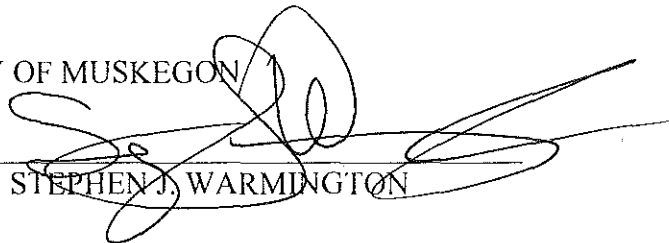
**CAMPUS AVE. FROM WASHINGTON TO APPROXIMATELY 100' NORTH OF
FOURTH ST.**

MAYOR'S ENDORSEMENT AND WARRANT

I, STEPHEN J. WARMINGTON, MAYOR OF THE CITY OF MUSKEGON, HEREBY
ENDORSE THE ABOVE CONFIRMATION RESOLUTION AND HEREBY WARRANT TO
THE CITY TREASURER THIS DATE THAT HE SHALL PROCEED TO COLLECT THE
ASSESSMENTS AT THE TIME AND IN THE MANNER SET FORTH ABOVE.

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1579 Campus Ave. , Jefferson St. to Washington Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd OF SEPTEMBER, 2004

Gail A. Kundergei
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
3rd DAY OF September, 2004.

Linda D. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

September 3, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTY ADDRESS & STREET

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

The Muskegon City Commission has previously approved the project described below and will now consider final confirmation of the special assessment roll:

CAMPUS ST., JEFFERSON ST. TO WASHINGTON AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, SEPTEMBER 14, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED SEPTEMBER 14, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$143,000.00 of which \$28,086.26 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2319.9 based on 66 feet assessable front footage at \$35.15 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2319.9 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$231.99 PER YEAR
Due Date: November 15th, 2004

The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If you pay your assessment in installments, your annual installment (including interest) will be included as a separate item on your property tax bill each year. Therefore, if you pay your property taxes through a mortgage escrow agent, you should notify them of this change. Early payments may be made at any time and are encouraged.

PLEASE NOTE THAT IF THE ASSESSMENT IS NOT CONFIRMED AT THE PUBLIC HEARING YOU WILL BE NOTIFIED. IF THE ASSESSMENT IS CONFIRMED, THIS LETTER WILL REPRESENT YOUR INITIAL BILLING IF YOU WISH TO PAY IN FULL PRIOR TO THE DUE DATE AND AVOID INTEREST COSTS. OTHERWISE, YOU WILL AUTOMATICALLY BE BILLED ON AN INSTALLMENT BASIS WITH THE FIRST INSTALLMENT SHOWN ON YOUR NEXT PROPERTY TAX BILL

If you have any specific questions about the work done please call the Engineering Department at 231- 724-6707 before the hearing date.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and Application for Waiver of Special Assesment for financial assistance .

Sincerely,

A handwritten signature in cursive script, reading "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON - H 1579
CAMPUS, JEFFERSON TO WASHINGTON
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

Number Living in Household: _____ List information for household members besides owner/spouse here.

Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____
Name _____	Birthdate _____	Social Security # _____ - _____ - _____

INCOME INFORMATION

ANNUAL Household Income: \$ _____ Wage earner: _____
(Must include all household income)

_____ Wage earner: _____
_____ Wage earner: _____
_____ Wage earner: _____

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract

Homeowner's Insurance Co: _____ Expiration Date: _____

Property Taxes: () Current () Delinquent Year(s) Due _____
(Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

Owner's Signature: _____ Date: _____

By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATIONS WILL BE ACCEPTED AFTER CONFIRMATION DATE OF 9-14-04.**

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

Please see reverse side for instructions on providing proof of income, ownership, and property insurance.

**CITY OF MUSKEGON
STREET ASSESSMENT PROGRAM
COMMUNITY DEVELOPMENT BLOCK GRANT -
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

Note: You may receive this application several times – If you have already applied, please discard.

Dear Resident:

The City of Muskegon, for roadway improvements, is specially assessing property owners in your area. City ordinances require that property owners be responsible for the special assessment for roadwork done to their property's assessable frontage. To assist homeowners, who may have difficulty paying the costs of the special assessment, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay for your special assessment to the extent that funds is available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2003	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,215
7	49,400
8	52,585
For each extra, add	3,185

- ✓ **Applicants must submit proof that they both own and occupy property at the time of application;** Land Contract purchasers must obtain approval of titleholder prior to receiving assistance. Proof of ownership should be a deed, mortgage, or land contract; proof of occupancy can be a copy of a driver's license or other official document showing both your name and address.
- ✓ **Applicants must submit proof of current property insurance.**

Please complete the first four (4) sections of the application on the reverse side of this notice, and return it, along with supporting documentation, to:

**City of Muskegon
Community & Neighborhood Services
933 Terrace Street, 2nd Floor
Muskegon, MI 49440**

For further information, please contact this office by calling 724-6717, weekdays from 8:30 a.m. and 5:00 p.m.

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation.

Special Assessment Payment Options

Property owners in the City of Muskegon who are being specially assessed for street, sidewalk or other public improvements may pay their assessment in the following ways:

I. Lump Sum Payment in Full

Assessments may be paid in full within sixty (60) days of the confirmation of the special assessment roll *without interest*.

II. Installment Payments

Assessments not paid within the first sixty (60) days may be paid in installments over several years as follows:

Street and Alley Assessments – Ten (10) years equal annual principal payments. For example, if the amount of your assessment is \$850.00, you will be billed \$85.00 per year plus applicable interest as described below.

Driveway, Sidewalk, and Approach Assessments - Ten (10) years equal annual principal payments plus applicable interest as described below.

Interest – Simple interest is charged at the rate of 5.00% per year *unless* the City has borrowed money to complete the project for which you are assessed and has pledged you assessments for repayment of the borrowed money. In such cases, the interest you are charged is equal to the interest rate the City must pay on the borrowed money plus 1.00%.

III. Special Assessment Deferral (Low Income Seniors and Disabled Persons)

To qualify for a special assessment deferral you or your spouse (if jointly owned) must:

- Be 65 years or older or be totally or permanently disabled.
- Have been a Michigan resident for five (5) years or more and have owned and occupied the homestead being assessed for five (5) years or more.
- Be a citizen of the U.S.
- Have a total household income not in excess of \$16,823.00
- Have a special assessment of \$300.00 or more.

Under this program the State of Michigan will pay the entire balance owing of the special assessment, including delinquent, current, and further installments. At the time of payment a lien will be recorded on your property in favor of the State of Michigan. Repayment to the State must be made at the time the property is sold or transferred or after the death of the owner(s). During the time the special assessment is deferred interest is accrued at the rate of 6.00% per year.

IV. Further Information About the Above Programs

Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon Assessor's Office in City Hall.

V. Additional Special Assessment Payment Assistance

Qualified low and moderate income homeowners who are being assessed may be eligible for payment assistance through the City of Muskegon Community Development Block Grant (CDBG) Program. Assistance from this program will be available to the extent that funds are available. To obtain further information and determine whether you are eligible, contact the **Community and Neighborhood Services Department at 724-6717**.

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARINGS
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS**

SPECIAL ASSESSMENT DISTRICTS:

**CAMPUS ST., JEFFERSON ST. TO WASHINGTON AVE.
AND
STRONG AVE., JEFFERSON ST. TO PECK ST.**

The location of the special assessment districts and the properties proposed to be assessed are:

**All parcels abutting Campus Ave. from Jefferson St. to Washington Ave.
And
All parcels abutting Strong Ave. from Jefferson St. to Peck St.**

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **September 14 , 2004 at 5:30 p.m.**

At the time set for the hearing the City Commission will examine and determine whether to approve the special assessment rolls that have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment rolls are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING OR DID SO AT THE PREVIOUS HEARING ON THIS SPECIAL ASSESSMENT DISTRICT EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

You are further notified that at the first hearings the City Commission determined that the special assessment districts should be created, the improvements made, and the assessments levied. The purpose of these hearings is to hear objections to the assessment rolls and to approve, reject, or correct the said rolls.

Gail A. Kunding, City Clerk

Publish: **SEPTEMBER 4, 2004**

ADA POLICY

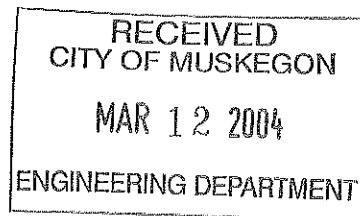
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Gail A. Kunding, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2004-26(d)



Resolution At First Hearing Creating Special Assessment District
For Campus Ave. from Washington to approximately 100' north of Fourth St.
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 9, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 9, 2004**, there were 31.35% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

1. The City Commission has examined the estimates of cost to construct the project including all assessable expenses and determines them to be reasonable.
2. The City Commission has considered the value of the property to be assessed and the value of the benefit to be received by each property proposed to be assessed in the district after the improvements have been made. The City Commission determines that the assessments of costs of the City project will enhance the value of the properties to be assessed in an amount at least equivalent to the assessment and that the improvement thereby constitutes a benefit to the property.

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City

Commissioners Shepherd and Gawron
and the City Assessor who are hereby directed to prepare an assessment roll.
Assessments shall be made upon front foot basis.

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **19.86%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 9, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

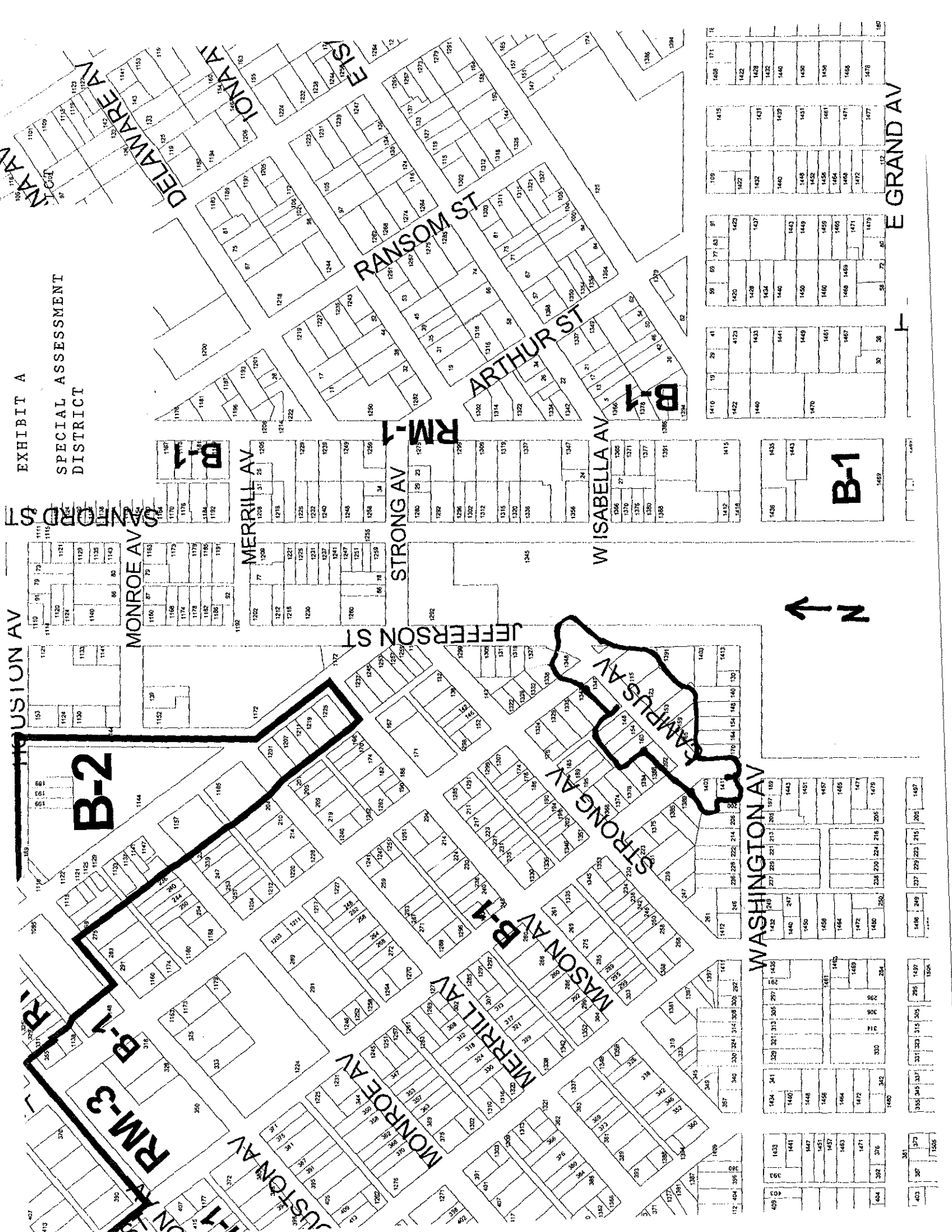
EXHIBIT A

CAMPUS AVE. FROM JEFFERSON ST. TO WASHINGTON AVE.

SPECIAL ASSESSMENT DISTRICT

**All properties abutting that section of Campus Ave. from Washington to approximately 100' north of
Fourth St.**

EXHIBIT A
SPECIAL ASSESSMENT
DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Campus Ave. Jefferson St. to Wahington Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 27TH DAY OF FEBRUARY, 2004.



GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
11th DAY OF March, 2004.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-06

CAMPUS ST., JEFFERSON ST. TO WASHINGTON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-398-0012-10	1411.0	5TH ST	THOMAS EDNA J	190 WASHINGTON AV	MUSKEGON	MI 49441	\$2,319.90	\$0.00	\$2,319.90
24-205-398-0013-00	1403.0	5TH ST	CROCKER JAMES D/K	1403 5TH ST	MUSKEGON	MI 49441	\$959.60	\$0.00	\$959.60
24-205-397-0009-20	1392.0	5TH ST	BISSON RICHARD E	1392 5TH ST	MUSKEGON	MI 49441	\$2,109.00	\$0.00	\$2,109.00
24-205-397-0007-00	160.0	CAMPUS AVE	THURSTON ARTHUR	3164 DUNE ST	MUSKEGON	MI 49441	\$1,511.45	\$0.00	\$1,511.45
24-205-397-0006-00	154.0	CAMPUS AVE	FETTIG TODD M/ERIN	154 CAMPUS AVE	MUSKEGON	MI 49441	\$1,517.07	\$0.00	\$1,517.07
24-205-397-0006-10	148.0	CAMPUS AVE	WINEGAR R/KLINGEM	148 CAMPUS AVE	MUSKEGON	MI 49441	\$1,502.66	\$0.00	\$1,502.66
24-205-397-0005-00	1347.0	4TH ST	ERICKSON DAVID/JAN	1347 4TH	MUSKEGON	MI 49441	\$2,319.90	\$0.00	\$2,319.90
24-205-399-0006-00	170.0	WASHINGTON	DORSEY PAMELA J	170 WASHINGTON AV	MUSKEGON	MI 49441	\$2,706.55	\$0.00	\$2,706.55
24-205-399-0008-00	165.0	CAMPUS AVE	PASTOOR TODD J	165 CAMPUS AVE	MUSKEGON	MI 49441	\$2,917.45	\$0.00	\$2,917.45
24-205-399-0009-00	159.0	CAMPUS AVE	WINEGAR PHYLLIS C	159 CAMPUS AVE	MUSKEGON	MI 49441	\$1,335.70	\$0.00	\$1,335.70
24-205-399-0001-00	153.0	CAMPUS AVE	STEIN JEAN M	153 CAMPUS AVE	MUSKEGON	MI 49441	\$1,968.40	\$0.00	\$1,968.40
24-205-399-0001-10	123.0	CAMPUS AVE	NEAL PATRICIA L	123 CAMPUS	MUSKEGON	MI 49441	\$3,125.89	\$0.00	\$3,125.89
24-205-399-0001-20	115.0	CAMPUS AVE	ROZYSKI STEPHEN C	115 CAMPUS	MUSKEGON	MI 49441	\$1,529.03	\$0.00	\$1,529.03
24-205-396-0004-20	1348.0	4TH ST	2005 C/W 24-205-396-0	1338 4TH ST	MUSKEGON	MI 49441	\$2,263.66	\$0.00	\$2,263.66

H 1579

HEARING DATE SEPTEMBER 14, 2004

CAMPUS ST., JEFFERSON ST. TO WASHINGTON AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$28,086.26	\$0.00	<u>\$28,086.26</u>

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

BOARD OF ASSESSORS

	9/16/04
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION	DATE
	9-16-04
CLARA SHEPERD	CITY COMMISSIONER DATE
	9-22-04
STEPHEN GAWRON	CITY COMMISSIONER DATE

CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2005 BUDGET

WHEREAS, the City Manager has submitted a proposed Budget for 2005 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2005 proposed Budget has been reviewed by the City Commission following a public hearing for which due notice was given; NOW, THEREFORE, BE IT RESOLVED that the Budget for the City of Muskegon for the fiscal year beginning January 1, 2005 is hereby determined and adopted as follows:

GENERAL FUND

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
101-10101	City Commission	87,658
101-10102	City Promotions & Public Relations	15,188
101-10145	City Attorney	401,000
101-10172	City Manager	206,199
101-10875	Contributions to Outside Agencies	152,500
101-10891	Contingency and Bad Debt Expense	450,000
101-20173	Administration	169,748
101-20215	City Clerk & Elections	342,947
101-20220	Civil Service	168,000
101-20228	Affirmative Action	86,198
101-20744	Julia Hackley Internships	8,000
101-30202	Finance Administration	415,791
101-30205	Income Tax Administration	340,900
101-30209	Assessing Services	406,461
101-30248	Information Systems Administration	336,411
101-30253	City Treasurer	388,201
101-30851	Insurance Premiums	349,375
101-30906	Debt Retirement	3,000
101-30999	Transfers to Other Funds	890,000
101-40301	Police	8,037,516
101-50336	Fire	3,488,809
101-50387	Fire Safety Inspections	932,324
101-60265	City Hall Maintenance	248,666
101-60446	Community Event Support	65,720
101-60448	Streetlighting	533,600
101-60523	Sanitation	1,566,550
101-60528	Recycling	165,027
101-60550	Stormwater Management	13,917
101-60770	Senior Citizen Transit	61,987
101-70276	Forestry & Cemeteries Maintenance	487,898
101-70585	Parking Operations	35,040
101-70751	Parks Maintenance	1,154,811
101-70357	Graffiti Removal	5,000
101-70757	McGraft Park Maintenance	46,881
101-70775	General & Inner City Recreation	383,397
101-70863	Farmers' Market and Flea Market	43,911
101-80387	Environmental Services	312,355
101-80400	Planning, Zoning and Economic Development	407,108
101-90000	Major Capital Improvements	10,000
	Grand Total General Fund Appropriations	<u>\$23,218,094</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	7,863,475
203	Local Streets	2,158,272
254	L.C. Walker Arena	923,764
264	Criminal Forfeitures	10,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	60,000
306	Special Assessment Debt	70,000
394	Downtown Development Authority Debt	700,000

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2005 are estimated as follows:

GENERAL FUND

<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
Taxes	\$ 13,508,325
Licenses and Permits	980,500
Federal Grants	184,717
State Grants	17,000
State Shared Revenue	4,688,657
Charges for Sales & Services	2,157,104
Interest & Rentals	215,053
Fines & Fees	477,000
Other Revenue	457,250
Other Financing Sources	580,000
Use of Fund Balance	<u>0</u>
 Total General Fund Revenue	
Appropriations	<u>\$23,265,606</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	7,863,475
203	Local Streets	2,158,272
254	L.C. Walker Arena	923,764
264	Criminal Forfeitures	10,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	60,000
306	Special Assessment Debt	70,000
394	Downtown Development Authority Debt	700,000

BE IT FURTHER RESOLVED that the operating expense projections for the following non-budget funds are hereby approved:

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
404	Public Improvement Fund	\$ 55,000
403	Sidewalk Improvement Fund	608,333
482	State Grants Fund	3,400,000
590	Sewer	4,758,440
591	Water	9,745,336
594	Marina/Launch Ramp	2,261,677
661	Equipment	2,331,531
642	Public Service Building	575,101
643	Engineering Services Fund	633,203
677	General Insurance Fund	4,125,802

BE IT FURTHER RESOLVED, that there is hereby appropriated for said fiscal year the several amounts set forth above which, pursuant to the "Uniform Budget and Accounting Act", define the City of Muskegon's appropriation centers, and

BE IT FURTHER RESOLVED, that the City Manager is hereby empowered to transfer appropriations within appropriation centers, and

BE IT FURTHER RESOLVED, that there is hereby levied a general tax as herein fixed on each dollar of taxable valuation for the purposes herein outlined, said levy to be applied on all taxable real and personal property in the City of Muskegon as set forth in the assessment roll dated May 2004:

<u>PURPOSE</u>	<u>MILLAGE (MILLS)</u>
General Operating	7.5000
Sanitation Service	2.5000
Promotion	<u>.0768</u>
Total	10.0768

At a regular meeting of the City Commission of the City of Muskegon, on the twenty-third Day of September 2004, the foregoing resolution was moved for adoption by Commissioner _____, Commissioner _____ supported the motion.

Resolution declared adopted.

Mayor

City Clerk

Date: September 8, 2004

To: Honorable Mayor and City Commissioners

From: City Treasurer

RE: Approval of Pay Station Agreement with USA Mail Today,
Muskegon, Michigan

SUMMARY OF REQUEST:

In an attempt to better serve those individuals who are unable to come to City Hall to pay their utility bills, the City Treasurer requests to allow payments to be made at USA Mail Today located at 1071 S. Getty St., Muskegon, Michigan.

FINANCIAL IMPACT:

We anticipate a decrease in delinquent utility bills due to the convenience of a "one stop" payment location and a possible increase in utility cash flows to the City of Muskegon.

BUDGET ACTION REQUIRED:

There is a five dollar (\$5.00) monthly fee to be billed quarterly to the City of Muskegon.

STAFF RECOMMENDATION:

The staff recommends the approval of the service agreement with USA Mail Today to accept City of Muskegon utility bill payments at their location.

COMMITTEE RECOMMENDATION:

The Committee of the Whole will meet on Monday, September 13th to further discuss this item.

**WATER/SEWER BILL PAYMENT STATION
SERVICE AGREEMENT**

THIS AGREEMENT, entered into as of 20th day of August, 2004, between **USA MAIL TODAY**, 1071 South Getty Street, Muskegon, Michigan, ("Agency"), and **CITY OF MUSKEGON**, 933 Terrace Street, Muskegon, Michigan, ("Client").

WITNESSETH:

WHEREAS, Agency is fully Bonded to perform the contracted service; and,

WHEREAS, Client has water/sewer bills that it desires to have customers make payments at Agency's location for customer convenience, and,

WHEREAS, Client and Agency have agreed upon the terms and conditions to be executed by Agency;

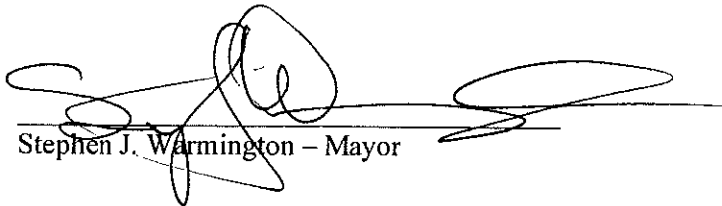
NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Agency will accept current City of Muskegon Water/Sewer Bills. Agency will not accept water shut off notices or other special billings issued by Client.
2. Agency agrees not to make any arrangements, representations, or other acts that could be construed as an act of an agent or officer of the Client.
3. Agency agrees to indemnify, defend and hold Client harmless from and against any and all claims, demands, debts, actions, or causes of actions of whatever type or nature arising in any way from or connected with any activity of Agency, its agents, attorneys, or employees, in the collection or the attempt to collect any account or accounts referred to it by Client under this Agreement.
4. Agency will provide said service to the public at no cost the Client. Any charges, surcharges, bank charges and all other tangible fees will be the burden of the customer.
5. Payments from Agency to Client will be made electronically via ACH, after 12:00 p.m. on the next business day after receipt from customer. Agency agrees to remit to Client a list of payments made on accounts and amounts via e-mail no later than 12:00 p.m. the next business day after receipt from customer. Original paper billings used in payment processing will be either delivered by the Agency to the Client, picked up by the Client, or mailed by the Agency to the Client on a weekly basis.
6. Client agrees to pay a surcharge of five dollars (\$5.00) per month to Agency to cover administrative costs, which is to be billed quarterly by Agency to Client.
7. A review of this agreement will occur after the first one hundred and eighty (180) days to examine the total volume and payments made to make any adjustments and alterations to this agreement as needed to meet the requirements of both parties involved.

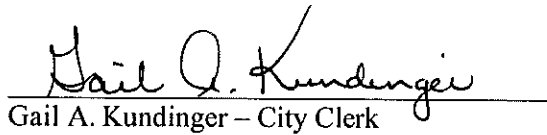
8. Confidentiality. Both parties agree to keep confidential all customer information, personal bank account information, and all other tangible documents as prescribed by law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date and year first above written.

CITY OF MUSKEGON

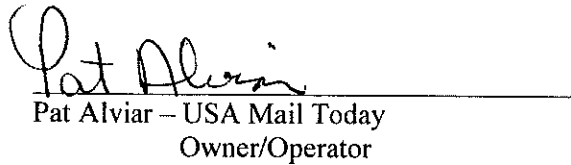

Stephen J. Warmington – Mayor

9-14-04
Effective Date


Gail A. Kunding – City Clerk

9-14-04
Effective Date

USA MAIL TODAY


Pat Alviar – USA Mail Today
Owner/Operator

8-25-04
Effective Date

DATE: August 31, 2004
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040007 Address: 523 W. Webster.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **523 W. Webster – JUST OUTSIDE OF AREA 10** 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: # EN-040007 – 523 W. Webster

Location and ownership: This structure is located on Webster between Sixth and Seventh and was owned by William Gooden, who is recently deceased.

Staff Correspondence: This case began 1/26/04 because of numerous complaints of parties and the police being called. The notice and order to repair was issued on 1/26/04. The case went before the HBA on 6/4/04 and George Gooden was present. The HBA declared the structure with a 60 day delay before sending to commission.

Owner Contact: At the HBA meeting George Gooden stated he was awarded this property when it went through Probate after William Gooden's death. He stated he is not sure what he'll do with the property, but asked if he could use it as a "guest house" for friends to stay in. He also stated if it cost too much to repair he would tear it down. He was present at the party that the police shut down in April. At the HBA meeting he was ordered to bring in a copy of the Probate order showing he was the owner and if progress was being made on repairs the case would not be forwarded to city commission. No copy of the Probate order has been submitted, nor permits applied for.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$17,600

Estimated cost to repair: \$25,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 14, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

523 W. Webster

(INTERIOR INSPECTION)
6/16/04

Inspection noted:

1. Electric service to be replaced to meet 2003 Michigan Residential Code.
2. Assure grounding at 3 wire outlets.
3. Provide GFI protection where required by 2003 Michigan Residential Code.
4. Water piping to be replaced.
5. Mechanical needs to be serviced and certified.
6. Chimney needs liner.
7. Waste pipe requires repair.
8. Replace all damaged exterior siding.
9. Scrape and paint entire home or install new siding.
10. Home foundation is failing – rebuild failing sections to meet 2003 Michigan Residential Code. Foundation wall failure, floor joists are improperly supported; large bows in flooring.
11. Upper landing has structural failure; cracked joists, no hangers.
12. Replace all damaged floor, wall, ceiling damage.
13. Outer staircase needs guardrails, handrails to meet 2003 Michigan Residential Code. Close off risers over 4 inches high.
14. Replace window frame openings (rotted out).

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

523 W. Webster

1/26/04

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. See attached Property Maintenance Inspection Report dated November 25, 2003.
3. Foundation is failing.
4. Construction permits are required prior to any work commencing.

Please contact Inspection Services with any questions: 231-724-6715.

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

Henry Faltinowski, Building Inspector

DATE

DSC00171.JPG



523 W. Webster

DATE: August 31, 2004
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040048 Address: 1842 Franklin.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1842 Franklin –South of AREA 12** 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: # EN-040048– 1842 Franklin

Location and ownership: This structure is located on Franklin between Laketon and Windsor and is owned by William Grimm.

Staff Correspondence: This case began 4/29/04 because of numerous complaints of a dangerous situation for neighborhood children. The owner started an addition on the house and stopped after the blocks were laid. The area was filled with water and neighbors were concerned about children falling in. The notice and order to repair/remove was issued 4/30/04 and on 6/3/04 the HBA heard the case. The case was tabled indefinitely to allow the owner time to complete the repairs and pull a permit for the scope of the work being done. The case was brought back to the HBA 8/5/04 and was declared dangerous.

Owner Contact: Mr. Grimm was present at both HBA meetings and stated he wanted to complete the repairs. On August 24th an inspector noted the house had been demolished, but the site not totally cleared. The blocks from the addition and the original foundation is still remaining.

Financial Impact: General Funds

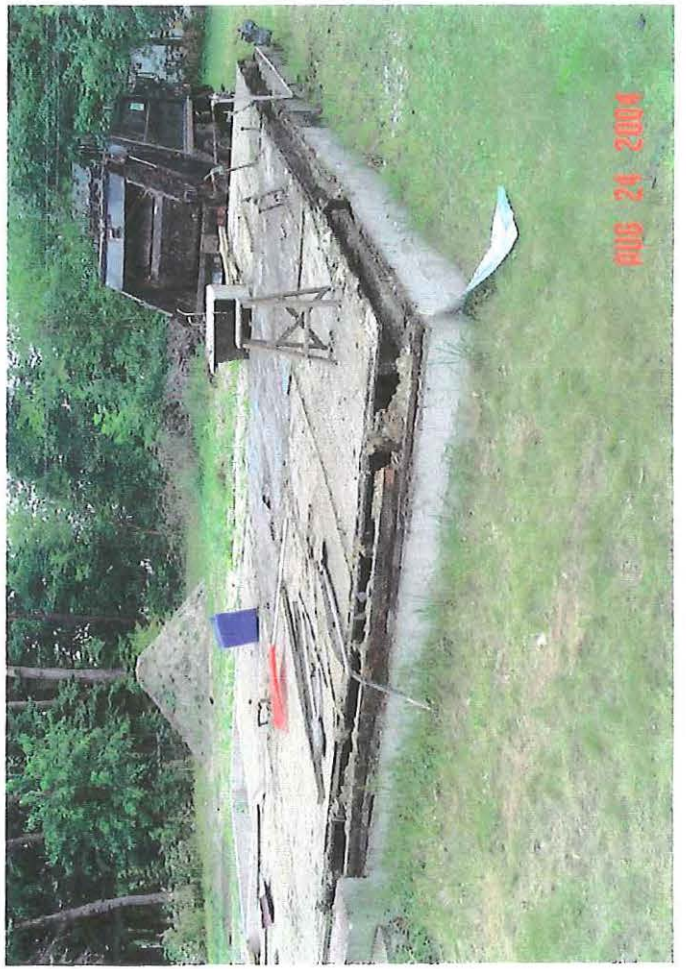
Budget action required: None

State Equalized value: \$12,700

Estimated cost for site clearance: \$2500

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 14, 2004.



1842 FRANKLIN

DATE: August 31, 2004
TO: Honorable Mayor and Commissioners
FROM: Anthony L. Kleibecker, Director of Public Safety
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN-040036 Address: 1130 Sanford.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1130 Sanford – AREA 10** 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: # EN-040036 – 1130 Sanford

Location and ownership: This structure is located on Sanford between Houston and Monroe and is owned by Countrywide Home Loans in California.

Staff Correspondence: This case began 5/04 because of the house being vacant, open and large amount of trash & debris left. A dangerous building inspection was conducted on 3/5/04 and the notice and order to repair was issued on 3/22/04. On 5/6/04 the HBA declared the structure substandard and dangerous. An interior inspection was conducted 7/2/04.

Owner Contact: The contractor working for the mortgage company scheduled the interior inspection and stated he would be doing repairs on the house. After receiving the inspection report, Amanda from Countrywide Mortgage stated they will be selling the house as is.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$16,600

Estimated cost to repair: \$30,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, September 14, 2004.

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1130 Sanford

(INTERIOR INSPECTION)
7/2/04

Inspection noted:

1. Rewire house to meet 2003 Michigan Residential Code.
2. Install smoke alarms hardwired with battery back up to meet 2003 Michigan Residential Code.
3. Wire garage to meet 2003 Michigan Residential Code if applicable.
4. Repair rafter tails on south side; severe sag.
5. All interior ceiling, wall and floor damage must be repaired/replaced.
6. Remove cantiliver from front porch.
7. All handrails/guardrails to meet 2003 Michigan Residential Code.
8. Seal off attic area – upper.
9. Egress windows to meet 2003 Michigan Residential Code.
10. Repair stairs, tread.
11. Complete plumbing and mechanical to be replaced to meet 2003 Michigan Residential Code.

PLEASE CONTACT INSPECTION SERVICES WITH ANY QUESTIONS: 231-724-6715.

ALL WORK REQUIRES A BUILDING PERMIT. THIS PERMIT MUST BE OBTAINED PRIOR TO WORK BEGINNING.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1130 Sanford

3/5/04

Inspection noted:

1. Garage roof -siding is missing-rotting. Doors are broken or missing.
Replace roof covering.
2. Window framing and siding on home requires repair/replacement.
3. Rotted basement window sills and frames – replace.
4. Numerous broken windows – replace.
5. All exterior handrails, guardrail must meet code.
6. Scrape and paint siding on home or replace.
7. Replace all roof covering on home.
8. Interior inspection with building, plumbing, mechanical, and electrical inspectors required.
9. All work requires construction permits. These permits must be obtained prior to work beginning.

Please contact Inspection Services with any questions at 231-724-6715.

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

HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



1130 Sanford