CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 12, 2006

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. Approval of a Neighborhood Enterprise Zone Certificate for 286 Monroe. PLANNING & ECONOMIC DEVELOPMENT

C. Approval of a Neighborhood Enterprise Zone Certificate for 1203 4th Street. PLANNING & ECONOMIC DEVELOPMENT

D. Sale of a Buildable Vacant Lot at 209 E. Walton. PLANNING & ECONOMIC DEVELOPMENT

E. Policy Change to "Policy for Sale of City-Owned Residential Property". PLANNING & ECONOMIC DEVELOPMENT

F. Rejection of all Bids for Roof Replacement. PUBLIC WORKS

G. Expense for Stormwater Phase II Compliance 2007-2009. PUBLIC WORKS

H. Approval of Contractor for Rehabilitation of House at 451 East Isabella. COMMUNITY & NEIGHBORHOOD SERVICES

I. Lead Based Paint Abatement at 451 East Isabella. COMMUNITY & NEIGHBORHOOD SERVICES

J. Approval of Contractor for Rehabilitation of House at 214 Myrtle. COMMUNITY & NEIGHBORHOOD SERVICES

K. Lead Based Paint Abatement at 214 Myrtle. COMMUNITY & NEIGHBORHOOD SERVICES

L. **Defined Contribution Retirement Plan for New Hires (Police Patrol).** FINANCE

- **PUBLIC HEARINGS:**

A. **Request to Issue an Obsolete Property Certificate – 1133 Third Street.** PLANNING & ECONOMIC DEVELOPMENT

B. **Spreading of the Special Assessment Roll for Benton Avenue and Williams Street, Chestnut to Catawba.** ENGINEERING

C. **Spreading of the Special Assessment Roll for Park Street, Laketon to Southern.** ENGINEERING

D. **2007 Budget Adoption.** FINANCE

- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**
- **NEW BUSINESS:**

A. **Set Public Hearing for Amendment to Brownfield Plan – Redevelopment of the Century Club & Daniels and Redevelopment of Muskegon Savings Bank.** PLANNING & ECONOMIC DEVELOPMENT

B. **Set Public Hearing for Amendment to Brownfield Plan – Vida Nova at Edison Landing.** PLANNING & ECONOMIC DEVELOPMENT

C. **Extension of Contract to Market Seaway Industrial Park.** PLANNING & ECONOMIC DEVELOPMENT

D. **Extension of Tool & Die Recovery Zone Status for Northern Machine Tool.** PLANNING & ECONOMIC DEVELOPMENT

E. **Fire Station Construction Contract.** CITY MANAGER

- **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 LINDA POTTER, ACTING CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TDD: (231) 724-4172.

Date: **September 12, 2006**

To: **Honorable Mayor and City Commissioners**

From: **City Clerk**

RE: **Approval of Minutes**

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 22, 2006.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 12, 2006

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 12, 2006.

Mayor Warmington opened the meeting with a prayer from Reverend Michael Borgert from the 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: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioner Sue Wierengo, Chris Carter, Kevin Davis, Clara Shepherd, and Lawrence Spataro, City Manager Bryon Mazade, City Attorney John Schrier, and Acting City Clerk Linda Potter.

2006-74 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 22, 2006.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Approval of a Neighborhood Enterprise Zone Certificate for 286 Monroe. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone certificate has been received from Neighborhood Investment Corporation to rehabilitate a home in the Nelson neighborhood at 286 Monroe Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be $73,057. The rehab will consist of plumbing, electrical, drywall, carpentry, painting, floor coverings, and siding repair for the home. The applicant has met local and state requirements for the issuance of the Neighborhood Enterprise Zone certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the issuance of the Neighborhood Enterprise Zone certificate.

C. **Approval of a Neighborhood Enterprise Zone Certificate for 1203 4th Street.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone certificate has been received from Neighborhood Investment Corporation to rehabilitate a home in the Nelson neighborhood at 1203 4th Street. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be $35,220. The rehab will consist of windows, floor coverings, paint, drywall, carpentry, bathroom, and a new kitchen to the home. The applicant has met local and state requirements for the issuance of the Neighborhood Enterprise Zone certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 9 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve issuance of the Neighborhood Enterprise Zone certificate.

D. **Sale of a Buildable Vacant Lot at 209 E. Walton.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of a vacant buildable lot at 209 E. Walton to J2 Properties Development and Construction Company, LLC. The lot is 132 x 140 ft. and is being offered to J2 Properties Development and Construction Company, LLC for $4,125. This property will be split into two lots to construct two single-family homes facing Murphy Street. The proposed homes will have three bedrooms, two and a half bathrooms, a two stall attached garage, with one home consisting of 1,536 sq. ft. and the other one consisting of 1,400 sq. ft.

FINANCIAL IMPACT: The sale of this lot for the construction of two single family homes will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the sale at their regular meeting of August 22, 2006.

E. **Policy Change to "Policy for Sale of City-Owned Residential Property".** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the changes to the "Policy for Sale of City-Owned Residential Property" as follows: Page 2 item 7 – This is to increase the Home Design Credit from $2,500 to $3,500 and to place a time limit as to when it can be collected. Page 3 "Process for Purchasing Land" to change the name of the brochure to Purchase of City Owned Buildable Lots & Building Incentives. Page 4 "Title Evidence/Insurance" to correct a misspelled word from "spit" to "split".

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Land Reutilization Committee recommended approval of the policy change at their regular meeting of August 22, 2006.

F. **Rejection of all Bids for Roof Replacement.** PUBLIC WORKS

SUMMARY OF REQUEST: We are asking the Commission to reject all bids submitted for the replacement of the shop area roof at the Public Service Building. Each of the 3 bids taken exceeded the budgeted amount set aside for this project. We will re-bid with modified specifications which are expected to lower the expected bids to within the budgeted amount.

FINANCIAL IMPACT: $50,000 was budgeted in the Public Service Building Fund for shop roof replacement in 2006. All three bids were well over $100,000 each.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Reject all bids. This project will be re-bid.

G. **Expense for Stormwater Phase II Compliance 2007-2009.** PUBLIC WORKS

SUMMARY OF REQUEST: The Muskegon Area Storm Water Committee is asking for a commitment to Muskegon's share of the 2007-2009 Stormwater Phase II compliance program. Our total expense would be $31,571 payable at $10,524 for each year 2007-2009. This is to pay for professional services by our consultant, FTC&H to continue development of required plans for this consortium of municipalities. This is a 3% increase over the current year's amount, $9,917.

FINANCIAL IMPACT: This increase has been allocated under the Stormwater Management Budget of the General Fund for 2007.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve this commitment.

H. Approval of Contractor for Rehabilitation of House at 451 East Isabella. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Lewis E. Johnson Construction, 16076 Bonita Court, Grand Haven, MI for the completion of the rehabilitation of 451 E. Isabella, for the cost of $58,900. After the total rehabilitation is completed, the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angel neighborhood area under the Operation: Like a "Good Neighbor".

The City received four additional bids:

- Obenauf DePender Construction LLC, 4471 Thompkins Trail, Muskegon, MI for $68,578
- J2 Development & Construction, 109 West Laketon Avenue, Muskegon, MI for $75,010
- Higdon Builders Inc, 11180 East D Avenue, Richland, MI for $78,350
- Beattie Bros. Construction LLC, 2786 Holton-Whitehall Road, Twin Lake, MI for $104,995

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services office to develop a contract with Lewis E. Johnson Construction of Grand Haven, Michigan, and direct the Mayor and Clerk to sign the contract.

I. Lead Based Paint Abatement at 451 East Isabella. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Abatement Specialties Group Inc, 11180 East D Avenue, Richland, MI for the lead base paint abatement of the city-owned home at 451 E. Isabella for the cost of $32,650. The City received one additional bid from Statewide Abatement, 1720 Creston, North Muskegon, MI for $33,190. After the lead base paint abatement is complete, the structure will be totally rehabilitated and then sold to a qualified low to moderate income homebuyer.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2006-2007 HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services office to develop a contract with Abatement Specialties Group Inc. of Richland, MI, and direct the Mayor and Clerk to sign the contract.

J. **<u>Approval of Contractor for Rehabilitation of House at 214 Myrtle.</u>** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Success Enterprise, 2722 East Broadway, Muskegon, MI for the completion of the rehabilitation located at 214 Myrtle for the cost of $65,505. This property is located near the City's current Infill Development Project "Walton Street Renaissance". After the total rehabilitation is completed, the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angel neighborhood area under the Operation: "Market View Alley".

The City received five additional bids:

- Obenauf DePender Construction LLC, 4471 Thompkins Trail, Muskegon, MI for $77,060
- J2 Development & Construction, 109 West Laketon Avenue, Muskegon, MI for $94,120
- Holden Construction, 601 Amity, Muskegon, MI for $95,045
- Higdon Builders Inc., 11180 East D Avenue, Richland, MI for $103,500
- Beattie Bros. Construction LLC, 2786 Holton-Whitehall Road, Twin Lake, MI for $140,430

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Community and Neighborhood Services office to develop a contract with Success Enterprises and direct the Mayor and Clerk to sign the contract.

K. **<u>Lead Based Paint Abatement at 214 Myrtle.</u>** COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Success Enterprise, 2722 East Broadway, Muskegon, MI for the lead base paint abatement of the city-owned home at 214 Myrtle for the cost of $40,950.

The City received one additional bid from Abatement Specialties, 11180 East D Avenue, Richland, MI for $45,700. After the lead base paint abatement is complete, the structure will be totally rehabilitated and then sold to a qualified low to moderate income homebuyer.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2006-2007 HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services office to develop a contract with Success Enterprises of Muskegon, and direct the Mayor and Clerk to sign the contract.

L. <u>Defined Contribution Retirement Plan for New Hires (Police Patrol).</u> FINANCE

SUMMARY OF REQUEST: Through negotiation/arbitration with the Police Patrol Union, new employees hired after July 28, 2006, will be covered under a defined contribution pension program. In addition, current employees may also join the Defined Contribution plan on an elective basis during a window period. The new Defined Contribution plan calls for a city contribution of 10% and an employee contribution of 6% of wages.

Documents for this plan are the same as for the previous plan set-ups for Clerical, Fire, Non-union and 517M employees. Staff is requesting authorization to have the Mayor, Clerk and other required city officials sign the necessary documents to implement the new Defined Contribution plan for police patrol.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

Motion by Commissioner Carter, second by Commissioner Spataro to approve the consent agenda as read.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2006-75 PUBLIC HEARINGS:

A. <u>Request to Issue an Obsolete Property Certificate – 1133 Third Street.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, DAT Holdings LLC, 16012 Baird Drive, Spring Lake, MI has requested the issuance of an Obsolete Property Certificate for the property located at 1133 Third Street, Muskegon, MI. Total capital investment for this project is $175,000. The project consists of converting the building into a restaurant. Because of the amount of investment, the applicant is eligible for a 9 year certificate.

FINANCIAL IMPACT: If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval.

The Public Hearing opened at 5:49 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 5:52 p.m. and approve the request to issue an Obsolete Property Certificate for 1133 Third Street.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Benton Avenue and Williams Street, Chestnut to Catawba. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Benton & Williams Street from Chestnut to Catawba, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $32,272.55 would be spread against the sixteen 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 5:53 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Vice Mayor Gawron, second by Commissioner Carter to close the Public Hearing at 5:55 p.m. and spread the special assessment roll for Benton and Williams from Chestnut to Catawba.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Park Street, Laketon to Southern. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Park Street from Laketon to Southern, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of $78,723.20 would be spread against the 33 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 5:56 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:57 p.m. and approve the spreading of the special assessment roll for Park Street, Laketon to Southern.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Carter, Davis, and Gawron

Nays: None

MOTION PASSES

D. 2007 Budget Adoption. FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2007. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website. After hearing public comments, the City Commission may take action to adopt the 2007 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2006.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2007. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2007.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2007 City of Muskegon Budget resolution. Also, approval of the 3rd Quarter 2006 Budget Reforecast as shown in the Budget Book is recommended at this time.

The Public Hearing opened at 5:58 p.m. to hear and consider any comments from the public. No public comments were heard.

Motion by Commissioner Carter, second by Commissioner Shepherd to close the Public Hearing at 5:59 p.m. and approve the proposed 2007 Budget and the 3rd

Quarter 2006 Budget Reforecast.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Carter, Davis, Gawron, and Shepherd

Nays: None

MOTION PASSES

2006-76 NEW BUSINESS:

A. **Set Public Hearing for Amendment to Brownfield Plan – Redevelopment of the Century Club & Daniels and Redevelopment of Muskegon Savings Bank.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Western Avenue Properties, LLC and Port City Construction & Development Services, LLC, known as Western Avenue Properties, located at 350, 356, 360-366 W. Western, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into residential condominiums will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 5, 2006 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 10, 2006.

Motion by Commissioner Spataro, second by Commissioner Carter to set the Public Hearing for the Amendment to the Brownfield Plan for the redevelopment of the Century Club and Daniels and the Muskegon Savings Bank for October 10, 2006.

ROLL VOTE: Ayes: Warmington, Wierengo, Carter, Davis, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

B. Set Public Hearing for Amendment to Brownfield Plan – Vida Nova at Edison Landing. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by DDLH, LLC, known as Vida Nova at Edison Landing, located at 160 & 190 Viridian Drive, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into residential condominiums will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 5, 2006, and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 10, 2006.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to approve the resolution setting the Public Hearing for the amendment to the Brownfield Plan for Vida Nova at Edison Landing for October 10, 2006.

ROLL VOTE: Ayes: Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

C. Extension of Contract to Market Seaway Industrial Park. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: In 2004, C & A Commercial Real Estate was selected as the company to market Seaway Industrial Park properties, as well as one property located on Getty Street. A nine-month real estate agreement was originally signed by the Mayor, with a six-month extension signed by the City Manager in December 2004. City Commission granted C & A Commercial Real Estate another six-month extension in August 2005 and again in February 2006. Staff feels that Commission should review the performance of C & A Commercial Real Estate in order to determine if there should be another extension of the agreement for a six-month time period.

FINANCIAL IMPACT: The continued timely sale and development of these properties will bring more jobs to Muskegon in the near future, thus additional income tax being generated.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: No staff recommendation.

Motion by Commissioner Carter, second by Commissioner Shepherd to give an extension of the contract to market Seaway Industrial Park to C & A Commercial Real Estate for a six-month time period.

ROLL VOTE: Ayes: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

D. <u>Extension of Tool & Die Recovery Zone Status for Northern Machine Tool.</u> PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the Resolution extending the Tool & Die Recovery Zone for Northern Machine Tool. The City originally granted 15 years but other municipalities only granted 12 years for other companies in the Coalition, making Northern Machine Tool only eligible for 12 years. The law has since been amended, allowing differing lengths of time for different companies in the coalition. Northern Machine Tool is now requesting an extension to take advantage of the full 15 years.

FINANCIAL IMPACT: The original estimates were that the City will forego approximately $7,300 per year for a total of approximately $109,545 in taxes for the 15-year period of the zone.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Resolution extending the Tool & Die Recovery Zone for Northern Machine Tool, and authorize the Mayor and Clerk to sign.

Motion by Commissioner Spataro, second by Commissioner Wierengo to approve the resolution extending the Tool & Die Recovery Zone for Northern Machine Tool.

ROLL VOTE: Ayes: Davis, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: None

MOTION PASSES

E. <u>Fire Station Construction Contract.</u> CITY MANAGER

SUMMARY OF REQUEST: To award a contract for the construction of a new central fire station at the corner of Terrace Street and Western Avenue. A recommendation will be made at the commission meeting after the bids can be analyzed.

FINANCIAL IMPACT: Approximately $3.5 million.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff will recommend the lowest responsible bidder at the meeting on Tuesday.

Motion by Commissioner Spataro, second by Vice Mayor Gawron to award the contract for the new fire station to Beckering Advisor Inc. with alternate #1.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Carter, and Davis

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commission discussed various items.

ADJOURNMENT: The City Commission Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Linda Potter

Linda Potter, CMC
Acting City Clerk

AGENDA ITEM No. ________

MUSKEGON CITY COMMISSION – September 12, 2006

TO:	Honorable Mayor & City Commissioners
FROM:	Planning Department CBC
DATE:	August 22, 2006
SUBJECT:	Approval of a Neighborhood Enterprise Zone Certificate for 286 Monroe

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Neighborhood Investment Corporation to rehabilitate a home in the Nelson neighborhood at 286 Monroe Avenue. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be $73,057. The rehab will consist of plumbing, electrical, drywall, carpentry, painting, floor coverings, siding repair, and HVAC for the home. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2006-74(b)

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE ISSUANCE OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Neighborhood Investment Corporation to rehabilitate a home at 286 Monroe Avenue in the Nelson neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for twelve (12) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by Neighborhood Investment Corporation be approved.

Adopted this, 12th day of September, 2006.

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

Nays: None

Absent: None

By: ______________________
Stephen J. Warmington, Mayor

Attest: Linda Potter
Linda Potter
Acting City Clerk

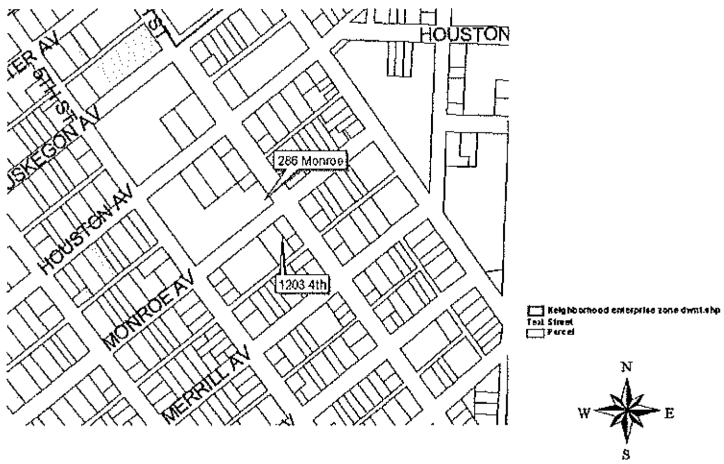
2006-74(b)

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 12, 2006.

By: Linda Potter
Linda Potter
Acting City Clerk

286 Monroe


HOUSTON
6TH ST
MUSKEGON AV
HOUSTON AV
MONROE AV
MERRILL AV
286 Monroe
1203 4th
Parcel
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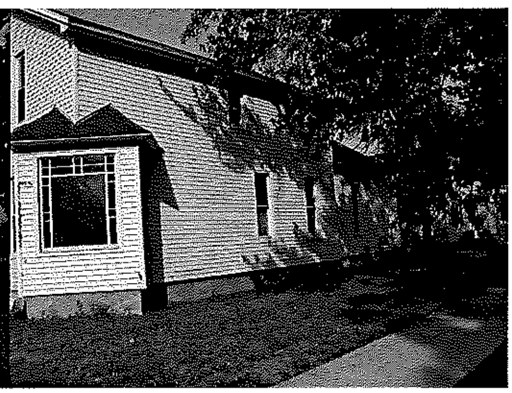


AGENDA ITEM No. _______

MUSKEGON CITY COMMISSION – September 12, 2006

TO:	Honorable Mayor & City Commissioners
FROM:	Planning Department CBL
DATE:	August 22, 2006
SUBJECT:	Approval of a Neighborhood Enterprise Zone Certificate for 1203 4th Street

SUMMARY OF REQUEST

An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Neighborhood Investment Corporation to rehabilitate a home in the Nelson neighborhood at 1203 4th Street. The home is located in a Neighborhood Enterprise Zone. The application states that the estimated cost for rehabilitation will be $35,220. The rehab will consist of windows, HVAC, floor coverings, paint, drywall, carpentry, bathroom, and a new kitchen to the home. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT

Taxation will be 50% of the State average for the next 9 years.

BUDGET ACTION REQUIRED

None.

STAFF RECOMMENDATION

Approve issuance of the NEZ certificate.

COMMITTEE RECOMMENDATION

None.

Resolution No. 2006-74(c)

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE ISSUANCE OF A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE

WHEREAS, an application for a Neighborhood Enterprise Zone Certificate has been filed with the City Clerk by Neighborhood Investment Corporation to rehabilitate a home at 1203 4th Street in the Nelson neighborhood, and;

WHEREAS, the applicant has satisfied both the local and state eligibility criteria for a Neighborhood Enterprise Zone Certificate;

WHEREAS, the Neighborhood Enterprise Zone Certificate will be good for nine (9) years;

NOW, THEREFORE, BE IT RESOLVED that the application for a Neighborhood Enterprise Zone Certificate for the rehabilitation of a home by Neighborhood Investment Corporation be approved.

Adopted this, 12th day of September, 2006.

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

Nays: None

Absent: None

By: ____________________
Stephen J. Warmington, Mayor

Attest: Linda Potter
Linda Potter
Acting City Clerk

2006-74(c)

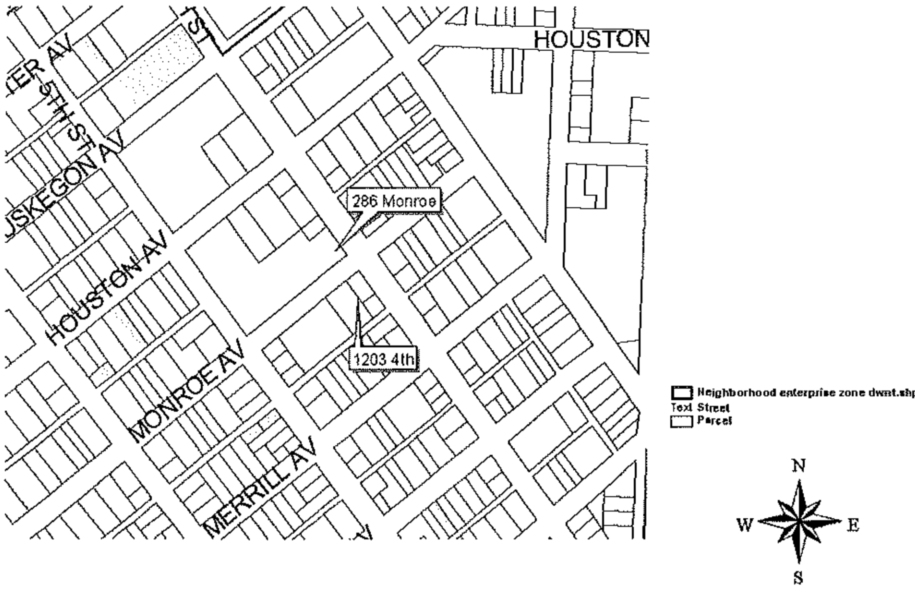
CERTIFICATION

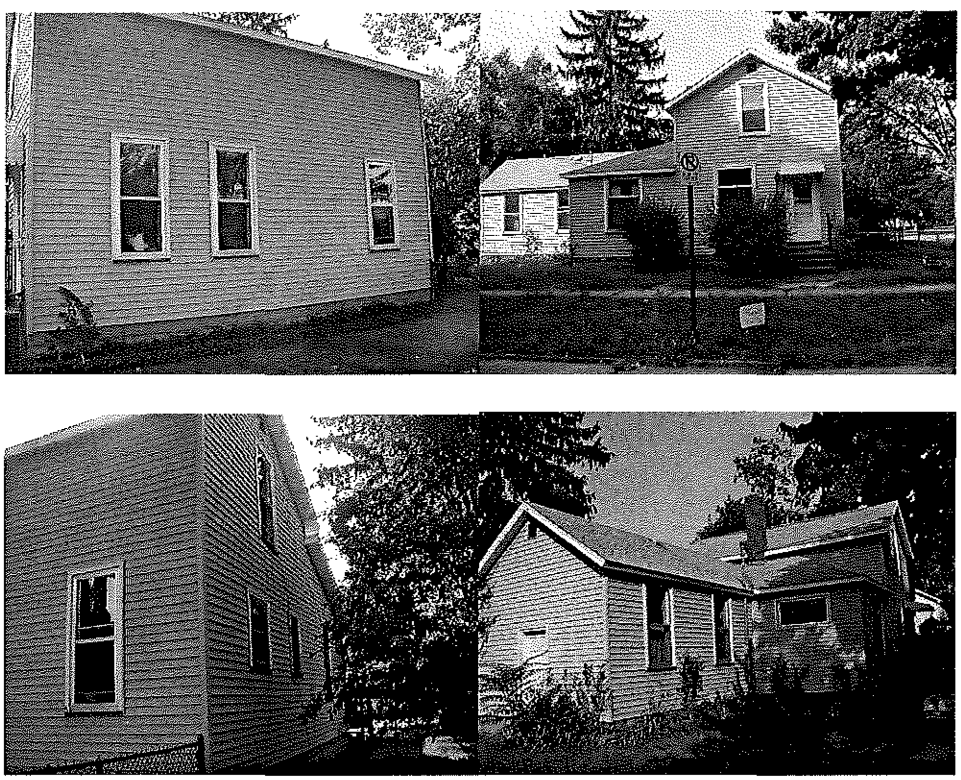
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 12, 2006.

By: Linda Potter

Linda Potter
Acting City Clerk

1203 4th Street





Commission Meeting Date: September 12, 2006

Date:	**August 22, 2006**
To:	**Honorable Mayor & City Commission**
From:	**Planning & Economic Development Department** CBC
RE:	**Sale of Buildable Vacant Lot at 209 E Walton.**

SUMMARY OF REQUEST:

To approve the sale of a vacant buildable lot at 209 E. Walton (Parcel #24-205-191-0009-00) to J2 Properties Development and Construction Company, LLC. The lot is 132 x 140 ft. and is being offered to J2 Properties Development and Construction Company, LLC $4,125. This property will be split into two lots to construct two single-family homes facing Murphy Street. The proposed homes will have three bedrooms, two and a half bathrooms, a two stall attached garage, with one home consisting of 1,536 sq. ft. and on consisting of 1,400 sq. ft.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommended approval of the sale at their regular meeting of August 22, 2006.

Resolution No. 2006-74(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF A BUILDABLE LOT AT 209 E. WALTON AVENUE IN ANGELL NEIGHBORHOOD FOR $4,125 as recommended by the Land Reutilization Committee at their regular meeting of August 22, 2006.

WHEREAS, J2 Properties Development and Construction Company, LLC be allowed to purchase the parcel designated as parcel number 24-205-191-0009-00, located at 209 E Walton Avenue for $4,125; and

WHEREAS, the price for parcel number 24-205-191-0009-00 is set by the City at $4,125, which is 75% of the True Cash Value (TCV) listed in the City Assessor's Office; and

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

WHEREAS, the sale is consistent with City policy regarding the disposition of buildable lots, in that, this property will be split for the construction of two single-family homes.

NOW THEREFORE BE IT RESOLVED, that parcel number 24-205-191-0009-00, located at 209 E. Walton Avenue be sold to J2 Properties Development and Construction Company, LLC for $4,125.

CITY OF MUSKEGON REVISED PLAT OF 1903 LOTS 9 AND 10 BLK 191

Adopted this 12th day of September, 2006

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

Nays: None

Absent None

By: [signature]
Stephen J. Warmington
Mayor

Attest: Linda Potter
Linda Potter
Acting City Clerk

2006-74(d)

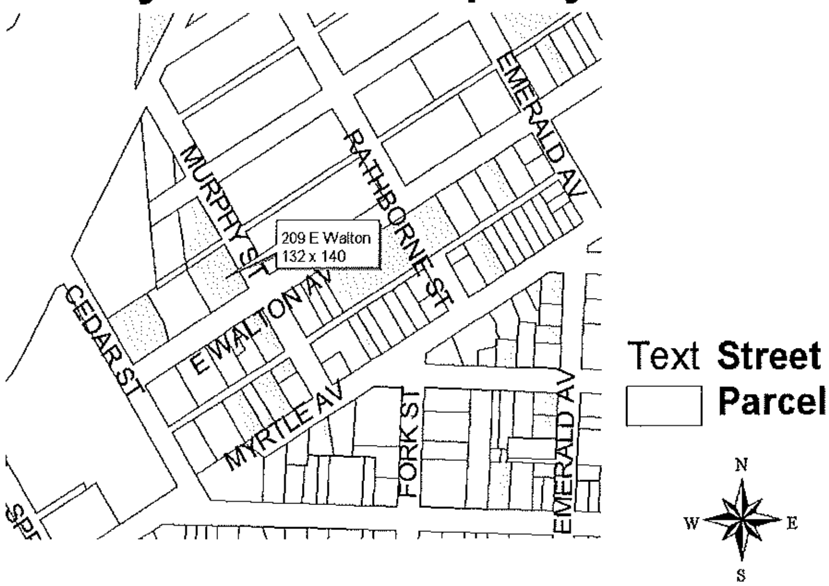
CERTIFICATION

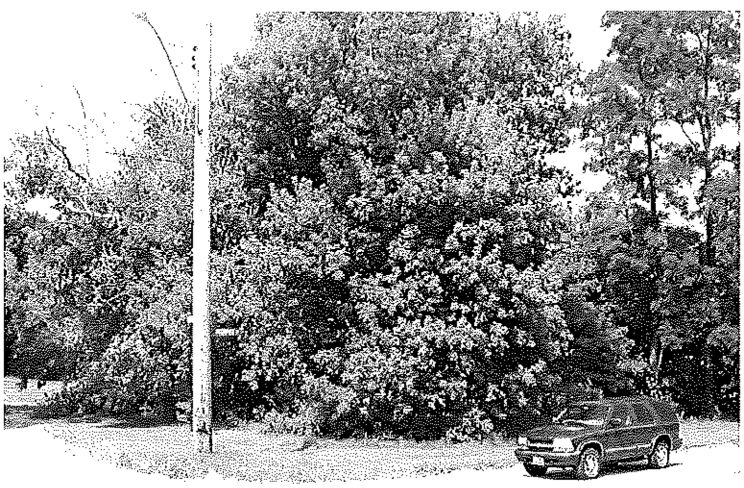
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 12, 2006.

By: Linda Potter

Linda Potter
Acting City Clerk

City-Owned Property to Sell





209 E. Walton

Commission Meeting Date: September 12, 2006

Date: **August 23, 2006**

To: **Honorable Mayor & City Commission**

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

RE: **Policy change to "Policy for Sale of City-Owned Residential Property"**

SUMMARY OF REQUEST:

To approve the changes to the "Policy for Sale of City-Owned Residential Property" as follows: Page 2 item 7 – This is to increase the Home Design Credit from $2,500 to $3,500 and to place a time limit as to when it can be collected. Page 3 "Process for Purchasing Land" to change the name of the brochure to Purchase of City Owned Buildable Lots & Building Incentives. Page 4 "Title Evidence/Insurance" to correct a misspelled word from "spit" to "split".

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee recommended approval of the policy change at their regular meeting of August 22, 2006

RESOLUTION NO. 2006-74(e)

MUSKEGON CITY COMMISSION

RESOLUTION TO ADOPT AN AMENDMENT TO THE "POLICY FOR SALE OF CITY-OWNED RESIDENTIAL PROPERTY"

WHEREAS, the City of Muskegon owns many lots and wishes to sell these lots, and;

WHEREAS, the City of Muskegon would like to change the Home Design Credit from $2,500 to $3,500 and add that there is a one year time limit to collect once the home is constructed;

WHEREAS, the City of Muskegon would like to change the brochure title from Purchase of City Owned Residential Property to Purchase of City Owned Buildable Lots & Building Incentives;

WHEREAS, the City of Muskegon would like to make a spelling correction from spit to split;

NOW, THEREFORE, BE IT RESOLVED that the City Commission hereby adopts the following policy amendment:

(to be changed on page 2)

In no case shall the total number of credits amount to more than $3,500 nor shall it exceed the purchase price of the land. This credit must be asked for within 1 (one) year of building completion by the purchaser/owner. All landscaping must be completed in order to qualify for the credit.

(to be changed on page 3)

....."Purchase of City Owned Buildable Lots & Building Incentives.

(to be changed on page 4)

.......sold and properties split for minimal amounts.......

Adopted this 12th day of September, 2006.

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

Nays: None

Absent: None

By ______________________
Stephen J. Warmington
Mayor

Attest Linda Potter
Linda Potter
Acting City Clerk

2006-74(e)

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on September 12, 2006. 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: Linda Potter

Linda Potter
Acting Clerk

City of Muskegon
Policy for Sale of City-Owned Residential Property

Objective

The City of Muskegon (the City) wishes to expand its residential tax base while simultaneously alleviating itself of the significant cost burden associated with year-round maintenance of vacant lots. The City reserves the right to join and split lots to assist with this process. All property will be sold as is. All sales are subject to City Commission approval.

Pursuant to the above, the City will periodically implement neighborhood marketing strategies. Elements of this policy may be superceded by a marketing strategy, if said strategy is approved by the City Commission as an exception to this policy, and only while said strategy is being utilized to market properties identified by the strategy.

Non-Buildable Lots/Marginal Lots

- Non-Buildable lots are defined as lots that are insufficient in size or configuration for new construction under the Zoning Ordinance. Marginal lots are defined as residential lots that are between 50 and 60 feet of frontage, however it would not be in the best interest of the neighborhood to create increased density, or would create buildable lots for adjoining property owners. These lots may only be sold to adjacent property owners; neighborhood organizations; or valid non-profit agencies, to expand/improve or beautify existing property. In the event that both adjacent owners seek to purchase a property, the City shall divide the property in the most equitable manner. Factors considered before approvals of property sales include but are not limited to the following:
    - Amount of existing property owned by interested parties
    - Current upkeep of existing property owned by interested parties
    - Evidence of unresolved zoning issues.
    - Unpaid environmental invoices or delinquent property taxes.

These lots will be sold for $1.

Buildable Lots

Buildable lots are defined as lots of legal record which are suitable in size and configuration under the Zoning Ordinance, for the construction of single-family homes, and may only be sold for such a purpose. As a condition of sale, structures built on these properties must be owner occupied for a minimum of 5 years. The buyer must [1]commence construction within 18 months of the date of purchase, or the property will revert back to the City's ownership, free and clear of any claim of the buyer. Buyers requiring frontage of 130' or more must build homes with a minimum of 2,500 square

[1] "Commence Construction" means that a buyer has been issued a residential building permit by the City of Muskegon and also (in the sole opinion of the City of Muskegon's Building Official) that at least seventy-five percent (75%) of the dwelling has been completed.

feet of living space and go before the Land Reutilization Committee (LRC) for a recommendation. All structures must conform to all City building and zoning requirements. These lots shall be sold for market value.

Home Design

Any person wishing to purchase land from the City for the purposes of constructing a single family or duplex structure (in areas zoned for duplexes) shall adhere to the following standards:

1. The structure shall have a minimum of 1,260 square feet of usable living space per unit (excluding all basement area).

2. The roof of the structure shall have a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5").

3. A single-story home shall have a variable roof line on the front elevation (e.g. gable, dormer or offset).

4. The building design shall be approved by the City and shall include at least two of the following:

   a. A covered front porch with design amenities (e.g., decorative railing). (potential $300 lot credit)

   b. A picture or bay window in the front elevation. (potential $500 lot credit)

   c. A starburst or other siding design features in roof gables or over doorways or windows. (potential $200 lot credit)

   d. Shutters or other acceptable outdoor window treatments (potential $100 lot credit)

   e. Brick or stone accents in the front elevation (potential $1,000 lot credit)

   f. Decorative windows (potential $200 lot credit)

5. A second story may be a potential $2,000 lot credit but may not be included as one of the two required design elements.

6. A "stick-built" home may be a potential $2,000 lot credit but may not be included as one of the two required design elements.

7. In no case shall the total number of credits amount to more than ~~$2,500~~ **$3,500 nor shall it exceed the purchase price of the land. This credit must be asked for within 1 (one) year of building completion by the purchaser/owner. All landscaping must be competed in order to qualify for the credit.**

8. The house shall have a garage or at least an 8 foot x 8 foot painted or vinyl covered wood storage shed constructed as per City requirements for sheds.

9. All bedrooms shall have at least one hundred (100) square feet of livable floor area.

10. At the time the building permit application is submitted, the plot plan and building design will be reviewed to determine compliance with all requirements of this policy.

11. Removal of existing trees shall be approved by zoning staff prior to lot clearing. Trees shall only be taken to accommodate the structure and driveway. A performance guarantee may be required of the owner or contractor for tree protection.

12. At least two (2) shade trees shall be provided on site of at least two and one-half (2.5") inches in diameter four feet from the ground. Preservation of existing trees may be considered in lieu of this requirement.

13. The lot shall be established with appropriate grass, ground cover or other plantings within one year of occupancy or the city may arrange for such planting and bill the owner.

The aforementioned conditions and credits shall be incorporated into a sales contract between the city and the buyer.

Large Blocks of Land

This type of lot is defined as contiguous property that would allow for the construction of a minimum of 3 single-family residential structures. It is the preference of the City that these lots be sold as a single parcel to individuals with the means to develop the land for multiple single family units or multi-family units such as townhouses, site condos; and the like. Development must conform to either Single Family or Multiple Family building/zoning requirements. All interested parties must comply with preliminary site review requirements as determined by the Zoning Administrator.

Process for Purchasing Land

The procedure for purchasing city-owned property can be found in a brochure produced by the Planning Department, entitled ~~"Purchase of City-Owned Residential Property".~~ **"Purchase of City Owned Buildable Lots & Building Incentives".**

Recording of the Deed

All property sales must be recorded with the Muskegon County Register of Deeds. This is the sole responsibility of the buyer. All sales will be handled as quit claim deeds.

Closing Costs

All closing costs will be split between the buyer and the seller.

Property Survey

All costs and activities associated with a survey are the sole responsibility of the buyer.

Environmental

Properties will be sold as is. Any environmental analysis is the sole responsibility of the buyer.

Title Evidence/Insurance

Quitting title of tax reverted properties sold and properties **split** for minimal amounts such as non-buildable lots, shall be the responsibility of the buyer.

Financing

Financing the acquisition of City-owned property and subsequent construction (if applicable) is the sole responsibility of the buyer. Failure to provide proof of adequate financing may be used as a basis for denial of a sale.

Appeal Procedure

Any denial of a sale can be appealed to the LRC using the appeals procedure as defined by the LRC. All sales whether appealed or not go before the City Commission for approval before a sale can be initiated.

Date: **August 30, 2006**

To: **Honorable Mayor and City Commission**

From: **Public Works**

RE: **Rejection of all bids for roof replacement**

SUMMARY OF REQUEST: We are asking the Commission to reject all bids submitted for the replacement of the shop area roof at the Public Service Building. Each of the 3 bids taken exceeded the budgeted amount set aside for this project. We will re-bid with modified specifications which are expected to lower the expected bids to within the budgeted amount.

FINANCIAL IMPACT:

$50,000 was budgeted in the Public Service Building Fund for shop roof replacement in 2006. All 3 bids were well over $100,000 each.

BUDGET ACTION REQUIRED:

None is needed.

STAFF RECOMMENDATION:

Reject all bids. This project will be re-bid.

Public Works

Memo

To: Bob Kuhn, DPW Director

From: Bob Fountain, Special Operations Supervisor

CC: Mohammed Al-Shatel, JR Gann

Date: August 30, 2006

Re: Rejection of all bids for roof replacement

One of our capital improvement items for the Public Service Building this year was to replace the roof over the shop area. We have experienced repeated leakage from this roof over the years. It was installed in 1985.

To take bids, we advertised in the Muskegon Chronicle on August 12. The bidding period opened on August 14. Sealed bids were opened on August 24 at 2:00 pm.

Three bids were received which are listed below.

Gale Roofing (Hart, MI)	$148,047
East Muskegon Roofing and Sheet Metal (Muskegon Twp.)	$136,880
J. Stevens Co. (Dalton Twp.)	$149,300

Unfortunately each of these bids far exceeded the $50,000 that we budgeted for this project. We had specified to strip off the old roof membrane and insulation down to the steel decking and replace with new materials.

We plan to re-bid the project with a new specification to utilize the existing roof membrane and insulation and re-seal joints and edges. A number of obsolete roof stack openings will be sealed also. This work would have a 10-year guarantee and is expected to cost well under the $50,000 we have budgeted. This will extend the life of this roof and end the continual leakage in a cost effective manner.

Therefore I am recommending that the Commission reject all bids as submitted. We will re-bid with the new specifications as soon as possible.

Date: September 11, 2006

To: Honorable Mayor and City Commissioners

From: Public Works

RE: Expense for Stormwater Phase II Compliance 2007-09

SUMMARY OF REQUEST: The Muskegon Area Storm Water Committee is asking for a commitment to Muskegon's share of the 2007-2009 Stormwater Phase II compliance program. Our total expense would be $31,571 payable at $10,524 for each year 2007-2009. This is to pay for professional services by our consultant, FTC&H to continue development of required plans for this consortium of municipalities. This is a 3% increase over the current year's amount, $9,917.

FINANCIAL IMPACT: This increase has been allocated under in the Stormwater Management Budget of the General Fund for 2007.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve this commitment.

City of Norton Shores
4814 Henry Street Norton Shores, Michigan 49441 www.nortonshores.org

July 27, 2006

Bob Fountain
Muskegon Dept. of Public Works
1350 E. Keating Avenue
Muskegon, MI 49442

Dear Mr. Fountain:

A meeting of the Muskegon Area Municipal Storm Water Committee (MAMSWC) was held on July 25, 2006, to discuss a proposal from our engineer, Fishbeck, Thompson, Carr & Huber, to extend their agreement with the MAMSWC by three years—2007 through 2009. A copy of the proposal with cost apportionment is attached.

The member units present at this meeting voted unanimously to extend the agreement with FTCH and to have me, as the Committee Chairperson, sign the agreement once all members of the MAMSWC have provided me a written financial commitment for their apportioned costs. This written commitment can be in the form of a signed resolution, if it is taken before your legislative body, or a letter from the staff member who can authorize the expenditure.

I would ask that you act on this as early as possible. I look to have commitments submitted by September 15, 2006, so that we can continue to move forward as a group.

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

Yours truly,

Gerald A. Bartoszek

Gerald A. Bartoszek
MAMSWC Chairperson

GAB/pw
Attachment

Administration/City Clerk (231) 798-4391 | Assessing Division (231) 799-6806 | Building Division (231) 799-6801 | Community Development (231) 799-6800 | Finance/Treasurer (231) 799-6805
Fire Department (231) 798-2255 | Parks/Recreation (231) 799-6802 | Police Department (231) 733-2691 | Public Works (231) 799-6803 | Streets Division (231) 798-2156 | Water/Sewer (231) 799-6804

Muskegon Area Storm Water Committee
Regulatory Compliance and SWPPI Implementation
Cost Allocation
2007 - 2009

PHASE II COMMUNITIES	2007 - 2009 COST	ANNUAL COST
Dalton Township	$8,939	$2,980
Egelston Township	$13,616	$4,539
Fruitport Charter Township	$12,305	$4,102
Laketon Township	$10,598	$3,533
City of Muskegon*	$31,571	$10,524
Muskegon Charter Township	$19,322	$6,441
Norton Shores	$22,700	$7,567
Roosevelt Park	$6,840	$2,280
Sullivan Township	$5,778	$1,926
Muskegon Heights	$11,263	$3,754
Muskegon County Administration and Drain Commissioner	$44,739	$14,913
Muskegon County Road Commission	$44,739	$14,913

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department** W.6.

RE: **Approval of Contractor for Rehabilitation of House at 451 East Isabella.**

SUMMARY OF REQUEST: To approve the contract with Lewis E. Johnson Construction, of 16076 Bonita Court, Grand Haven, Michigan, for the completion of the rehabilitation to be located at 451 E. Isabella, for the cost of $58,900 (Fifty-eight thousand nine hundred dollars).

After the total rehabilitation is completed the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angel neighborhood area under the Operation: Like A "Good Neighbor"

The City received five (4) additional bids:

- **Obenauf DePender Construction LLC**, of 4471 Thompkins Trail Muskegon Michigan, for $ 68,578 (Sixty-eight thousand five hundred seventy-eight dollars)

- **J2 Development & Construction**, of 109 West Laketon Avenue Muskegon Michigan, for $ 75,010 (Seventy-five thousand ten dollars)

- **Higdon Builders Inc**, of 11180 East D Ave Richland Michigan, for $78,350 (Seventy-three thousand three hundred fifty dollars)

- **Beattie Bros. Construction LLC**, of 2786 Holton-Whitehall Road Twin Lake Michigan, for $ 104,995 (One hundred four thousand nine hundred ninety-five dollars)

FINANCIAL IMPACT: The funding for the project will be taken from the City's 2006-2007 HOME funds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the Community and Neighborhood Services office to develop a contract with Lewis E. Johnson Construction of Grand Haven Michigan and direct the Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None needed.

24-205-078-0002-00 451 E ISABELLA AVE STREET VIEW 07/03

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

W. 6

RE: **Lead Based Paint abatement at 451 East Isabella**

SUMMARY OF REQUEST: To approve the contract with **Abatement Specialties Group Inc**, of 11180 East D Ave Richland Michigan, for the lead base paint abatement of the city-owned home at 451 E. Isabella for the cost of $32,650. (Thirty-two thousand six hundred fifty dollars)

The City received one additional bid:

- **Statewide Abatement**, of 1720 Creston North Muskegon Michigan, for $33,190 (Thirty-three thousand one hundred ninety dollars)

After the lead base paint abatement is complete the structure will be totally rehabilitated and then sold to a qualified low to moderate-income homebuyer.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2006-2007 HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services office to develop a contract with Abatement Specialties Group Inc of Richland Michigan and direct Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None

24-205-078-0002-00 451 E ISABELLA AVE STREET VIEW 07/03

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

RE: **Approval of Contractor for Rehabilitation of House at 214 Myrtle.** W. G.

SUMMARY OF REQUEST: To approve the contract with Success Enterprise, of 2722 East Broadway Muskegon Michigan, for the completion of the rehabilitation to be located at 214 Myrtle, for the cost of $65,505 (Sixty-five thousand five hundred and five dollars). This property is located near the City's current Infill development Project "Walton Street Renaissance".

After the total rehabilitation is completed the home will be sold to a qualified first-time homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angel neighborhood area under the Operation: "Market View Alley"

The City received five (5) additional bids:

- **Obenauf DePender Construction LLC**, of 4471 Thompkins Trail Muskegon Michigan, for $ 77,060 (Seventy-seven thousand sixty dollars)
- **J2 Development & Construction**, of 109 West Laketon Avenue Muskegon Michigan, for $ 94,120 (Ninety-four thousand one hundred twenty dollars)
- **Holden Construction**, of 601 Amity Muskegon Michigan, for $95,045 (Ninety-five thousand forty five dollars)

24-205-206-0014-10 214 MYRTLE AVE STREET VIEW

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

From: **Community and Neighborhood Services Department**

RE: **Lead Based Paint abatement at 214 Myrtle** W.6.

SUMMARY OF REQUEST: To approve the contract with Success Enterprise, of 2722 East Broadway Muskegon, Michigan for the lead base paint abatement of the city-owned home at 214 Myrtle for the cost of $40,950. (Forty thousand nine hundred fifty dollars)

The City received one additional bid:

- **Abatement Specialties**, of 11180 East Dave Richland, Michigan, for $45,700 (Forty-five thousand Seven hundred dollars)

After the lead base paint abatement is complete the structure will be totally rehabilitated and then sold to a qualified low to moderate-income homebuyer.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2006-2007 HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Community and Neighborhood Services office to develop a contract with Success Enterprises of Muskegon, and direct Mayor and Clerk to sign the contract.

COMMITTEE RECOMMENDATION: None

24-205-206-0014-10 214 MYRTLE AVE STREET VIEW

Date: September 12, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Defined Contribution Retirement Plan for New Hires (Police Patrol)

SUMMARY OF REQUEST: Through negotiation/arbitration with the Police Patrol Union, new employees hired after 7/28/06 will be covered under a defined contribution pension program. In addition, current employees may also join the DC plan on an elective basis during a window period. The new DC plan calls for a city contribution of 10% and an employee contribution of 6% of wages.

Documents for this plan are the same as for the previous plan set-ups for Clerical, Fire, Non-union and 517M employees. Staff is requesting authorization to have the Mayor, Clerk and other required city officials sign the necessary documents to implement the new DC plan for police patrol.

FINANCIAL IMPACT: Moving to a defined contribution plan will help stabilize and better define the city's annual pension costs.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approval

COMMITTEE RECOMMENDATION: None

MERS REVISED UNIFORM DEFINED CONTRIBUTION PROGRAM RESOLUTION

WHEREAS, the MERS Plan Document of 1996, effective October 1, 1996, authorized a defined contribution option (Section 19A, Benefit Program DC) as a new benefit program that a participating municipality or court may adopt for MERS members to be administered under the discretion of the Municipal Employees' Retirement Board as trustee and fiduciary, directly by (or through a combination of) MERS or MERS' duly-appointed third-party administrator.

WHEREAS, as a new provision, Section 19A, along with the remainder of the Plan, received from the Internal Revenue Service a Letter of Favorable Determination (dated July 8, 1997) that the Plan is a qualified Plan under Section 401 of the Internal Revenue Code, and an exempt trust under Section 501.

WHEREAS, on May 5, 1997, the Municipal Employees' Retirement Board entered into an Alliance Agreement with ICMA-RC (the International City Management Association Retirement Corporation) as third-party administrator for the defined contribution plans under Plan Document Section 19A.

WHEREAS, on November 14, 2001, following MERS' due diligence search and review, the Retirement Board and ICMA-RC entered into the Amended and Restated Alliance Agreement (the "2001 Alliance Agreement") (Attachment 1) for third-party administrator services. Participating employees of MERS' municipalities and courts adopting Benefit Program DC receive enhanced services and favorable decreased participant fees under the 2001 Agreement. Additionally, such services and fees shall also be available where the participating municipality or court adopting Benefit Program DC has in effect (or subsequently establishes) an IRC section 457 deferred compensation plan or section 401(k) plan. Approval of this Revised Uniform Resolution by each MERS participating municipality and court which adopts or has adopted MERS Benefit Program DC is necessary and required in order that the benefits available under the 2001 Alliance Agreement may be extended to covered participants.

WHEREAS, this Revised Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, Section 36(2)(a), MCL 38.1536(2)(a), declaring that the Retirement Board "shall determine . . . and establish" all provisions of the retirement system. Under this authority, the Board authorized Section 19A, the Defined Contribution Benefit Program, which shall not be implemented unless in strict compliance with the terms and conditions of this Revised Resolution.

- It is expressly agreed and understood as an integral and nonseverable part of this Revised Resolution that Section 43B of the Plan Document shall not apply to this Revised Uniform Resolution and its administration or interpretation.
- In the event any alteration of the terms or conditions stated in this Revised Uniform Resolution is made or occurs, under Section 43B or other plan provision or other law, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the Defined Contribution Benefit

Program; to authorize the transfer of any defined benefit assets to the Defined Contribution Benefit Program; or to continue administration by the third-party administrator or by MERS directly.

WHEREAS, concurrent with this Revised Resolution, and as a continuing obligation, this governing body has completed and approved, and submitted to MERS documents necessary for adoption and implementation of the MERS Benefit Program DC. This obligation applies to any documents deemed necessary to the operation of the defined contribution program by MERS' third-party administrator.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts (or readopts) MERS Benefit Program Defined Contribution as provided below.

I. NEW EMPLOYEES

Effective July 28, 20 06, (to be known as the **ADOPTION DATE**), the City of Muskegon hereby adopts Benefit Program
(MERS municipality/court)
DC (as set forth in the MERS Uniform Defined Contribution Program Adoption Agreement) for Members of Police Patrol Bargaining Unit (specify employees/division #s) **first hired on and after the Adoption Date**, and optional participation for any employee or officer of this municipality otherwise eligible to participate in MERS under Sections 2B(3)(a) and 3(3) of the Plan Document who has previously elected to not participate in MERS. **ONLY THOSE EMPLOYEES ELIGIBLE FOR MERS MEMBERSHIP (SECTIONS 2B(3) AND 3 OF THE PLAN DOCUMENT) SHALL BE ELIGIBLE TO PARTICIPATE.**

(A) **CONTRIBUTIONS** shall be as allowed and specified in the Adoption Agreement (Attachment 2, completed and approved and a certified copy submitted to MERS concurrent with and incorporated by reference in this Resolution) **subject to the provisions of MERS Plan Document:** Section 19A(2) that employer contributions shall be in any percentage of compensation from 1% to the maximum allowed by the Internal Revenue Code, in increments of 0.1%; and Section 19A(3), under which an employee member may voluntarily contribute additional amounts to the extent allowed by the Code.

(B) **EARNINGS** under the Adoption Agreement shall include items of "Compensation" under Section 2A(6) of the MERS Plan Document, being the Medicare taxable wages reported on the member's W-2 statement.

(C) **VESTING** shall be as allowed and specified under:

(1) Plan Section 19A(12), whose text is set out in Section II(G) of this Revised Resolution: and

(2) the Adoption Agreement.

STOP *If covering new employees only, skip II and go to III on page 5.* ***STOP***

II. <u>OPTIONAL PROVISION FOR CURRENT MERS MEMBERS WHERE DC PROGRAM FOR NEW EMPLOYEES ESTABLISHED</u> (PLAN SECTION 19A(8)-(11))

THIS OPTIONAL PROVISION SHALL ONLY BE SELECTED WHERE THE TOTAL FUNDED PERCENT OF AGGREGATE ACCRUED LIABILITIES AND VALUATION ASSETS OF ALL RESERVES SPECIFIED IN TABLE 11 (OR SUCCESSOR TABLE) OF THE MOST RECENT MERS ANNUAL ACTUARIAL VALUATION REPORT IS AT LEAST SIXTY PERCENT (60%).

IT IS ADDITIONALLY RESOLVED, as provided in each of the following paragraphs:

(A) Effective on the **Adoption Date**, pursuant to Plan Section 19A(8)(b) all current MERS defined benefit members who are members of the same employee classification described in Section I above on the **Adoption Date** shall:

THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING

_____ where vested under this municipality's MERS vesting program (10, 8, or 6 years)

_____ where the employee has at least the following number of years of credited service for this municipality on **Adoption Date**:_____________ (insert whole number <u>less than vesting program</u>)

_____ without regard to vesting

be offered the opportunity to irrevocably elect coverage under Benefit Program DC, under the detailed procedures specified in Plan Section 19A(9)-(11).

(B) For each eligible employee, an opportunity to irrevocably elect to participate in Benefit Program DC shall be offered. Section 19A(9) specifies an employee's written election to participate shall be filed with MERS: (a) not earlier than the last day of the third month after this Resolution is adopted and received by MERS; and (b) not later than the first day of the first calendar month that is at least six months after MERS receives this Resolution. This means each eligible employee will have about 90 days to make the decision.

After MERS receives this Resolution, this governing body's authorized official and eligible employees will be advised by MERS of the election window timelines and other information to consider in making the irrevocable decision whether to participate in Benefit Program DC.

(C) Participation for those electing coverage shall be effective the first day of the first calendar month at least seven (7) months after MERS' receipt of the Resolution, here designated as being the month of _______________________, 20____, (insert month and year) which shall be known as the "**CONVERSION DATE.**"

(D) The opportunity for current employees on the **Adoption Date** to participate in the DC Program shall:

THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING

_____ apply to all employees who separate from or terminate employment with this municipality after the **Adoption Date** **and** before the **Conversion Date**, so long as the employee does not receive a retirement allowance from MERS based on service for this municipality.

_____ not apply to any employee who separates from or terminates employment with this municipality after the **Adoption Date**.

(E) **CONTRIBUTIONS** shall be as provided in Section I (A) above.

(F) **EARNINGS** shall be as provided in Section I (B) above.

(G) **VESTING** shall be as provided in Section I (C) above, and participants shall be credited, on participant written request and MERS' verification of such service, with all eligible service, if any, specified in Plan Section 19A(12) which states:

Where a member has previously acquired in the employ of any participating municipality or participating court:

(a) not less than 1 year of defined benefit service in force with a participating municipality or participating court;

(b) eligible credited service where the participating municipality or participating court has adopted the Reciprocal Retirement Act, 1961 PA 88;

(c) at least 12 months in which employer contributions by a participating municipality or participating court have been made on behalf of the member under Benefit Program DC,

such service shall on the member's written request to the employer and MERS' verification of such service be applied toward satisfying the vesting schedule for employer contributions. This requirement shall apply to all adoptions of Benefit Program DC on and after October 1, 2000; where previously adopted, the participating municipality or participating court may adopt this subsection (12) with full effectiveness as of the original defined contribution adoption date for the employer division involved.

(H) For each employee irrevocably electing to participate in Benefit Program DC, then under Plan Section 19A(11), MERS shall transfer to the member's credit (as adjusted through MERS' records to the **Conversion Date**) the **greater** of:

(1) The member's accumulated contributions; or

(2) The actuarial present value (as determined in Paragraph (I) below).

The transfer shall be made approximately 30 calendar days after the **Conversion Date**, and the transfer amount shall include pro-rated regular interest at the regular Board-established rate of (currently four percent (4%)) measured from the **Conversion Date** to the actual transfer date.

(I) Per Plan Section 19A(11)(b), the Retirement Board has established the assumptions for calculation of the actuarial present value of a member's accrued benefit that may be transferred. The assumptions are:

(1) **The interest rate in effect as of the Adoption Date, to determine actuarial present value, shall be the Board-established investment earnings rate assumption (currently eight percent (8.00%)).**

(2) **The funded level for the member's specific MERS division** (total funded percentage of the present value of accrued benefits and valuation assets of all reserves) **as of the Adoption Date** from the most recent MERS annual actuarial valuation report data provided by MERS' actuary. In the APV calculation, the funded level used shall be:

THE GOVERNING BODY SHALL
SELECT ONLY ONE OF THE FOLLOWING

_____ Funded level for the division (not to exceed 100% funded level).

_____ If greater than the division's funded level but not more than 100% funded level, then MERS is directed to compute the funded percentage for the transfer calculation on _______% funded basis (insert number not less than funded level percentage and not more than 100%). Where less than 100% funded level exists, this governing body recognizes that such direction shall increase its pension funding liability. MERS shall not implement such direction unless the governing body forwards to MERS sufficient cash up to the funded level selected for all members prior to the **Conversion Date**; if sufficient cash is not forwarded, then the governing body expressly covenants with MERS and directs, as a condition of this selection, to MERS billing and the governing body remitting to MERS all contributions necessary to fund the unfunded liability occasioned by the aggregate transfer of the difference between the actual funded level for the division and funded level directed above over a period of four (4) years.

III. IMPLEMENTATION DIRECTIONS FOR MERS BENEFIT PROGRAM DC THIRD-PARTY ADMINISTRATOR.

(A) The governing body of this MERS participating municipality or court as Employer desires that MERS Benefit Program DC be administered by MERS' duly-designated third-party administrator and that some or all of the funds held under such plan be invested in the TPA's retirement trust established for the collective investment of funds held under the Employer's retirement, defined contribution, and deferred compensation plans.

(B) The Employer hereby establishes MERS Benefit Program Defined Contribution as authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document, in the form of the third-party administrator's IRS-qualified retirement trust.

(C) The Declaration of Trust (Attachment 2, Appendix A, approved and adopted concurrent with and incorporated by reference in this Resolution) is operative and applies with respect to any MERS Benefit Program DC plan or deferred compensation plan previously or subsequently established by the Employer, if the assets are to be invested in the third-party administrator's retirement trust.

(D) Finance Director (use title of official, not name) shall be the Employer's MERS Benefit Program Defined Contribution Plan coordinator; shall receive necessary reports, notices, etc., from the third-party administrator or its retirement trust; shall cast, on behalf of the Employer, any required votes under the retirement trust; may delegate any administrative duties relating to the defined contribution plan to appropriate departments.

(E) The Municipal Employees' Retirement Board retains full and unrestricted authority over the administration of MERS Benefit Program Defined Contribution, including but not limited to the appointment and termination of the third-party administrator, or MERS' self-administration of the defined contribution program in whole or in part.

IV. EFFECTIVENESS OF THIS REVISED RESOLUTION

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the MERS Plan Document until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under Plan Document Section 19A, the 2001 Alliance Agreement, the Adoption Agreement, and this Resolution have been met. All dates for implementation of Benefit Program DC under Section 19A shall be determined by MERS from the date of filing with MERS of this Revised Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer's defined contribution plan coordinator identified in Section III (D) above.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the third-party administrator if necessary). Section 54 of the Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Revised Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

I hereby certify that the above is a true copy of a Resolution adopted at the official meeting held

on September 12, 2006. ____________________
(Signature of authorized official)

Please send MERS fully executed copy of: this Revised Resolution; Part II (Administrative Services Agreement) of the 2001 Alliance Agreement; Adoption Agreement with Declaration of Trust and certified minutes stating governing body approval, and/or union contract language.

Received and Approved by the Municipal Employees' Retirement System of Michigan

Dated: ________________, 2006 ____________________
(Authorized MERS signatory)

Att.

MERS UNIFORM DEFINED CONTRIBUTION PROGRAM ADOPTION AGREEMENT

The Employer, a participating municipality or participating court within the State of Michigan that has adopted MERS coverage, hereby establishes a Section 19A, Benefit Program DC to be known as Police Patrol DC Retirement Plan

(the "MERS Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust and attached Declaration of Trust of VantageTrust, as amended and as authorized by Section 19A of the Municipal Employees' Retirement System of Michigan Plan Document.

I. EMPLOYER: City of Muskegon
(Name of municipality or court)

II. The Effective Date of the Benefit Program DC shall be the first day of the Plan Year during which the Employer adopts the Plan, unless an alternate Effective Date is hereby specified: July 28, 2006.

III. Normal Retirement Age shall be age 51 (not to exceed age 65). Effective 12/31/06 Age 53 prior to that date

IV. ELIGIBILITY REQUIREMENTS

1. The following group or groups of Employees are eligible to participate in the Program:

   Members of Police Patrol Bargaining Unit
   (Specify employee classification **and** division numbers)

2. Only those Employees eligible for MERS Membership (Section 3 of the MERS Plan) shall be eligible to participate. (A copy of ALL employee enrollment forms must be submitted to MERS as well as ICMA.)

V. CONTRIBUTION PROVISIONS

1. The Employer shall contribute on behalf of each Participant 10 % of Earnings or $ N/A for the Plan Year (subject to the limitations of sections 415(c) and (e) of the Internal Revenue Code). Each Participant is required to contribute 6 % of Earnings for the Plan Year as a condition of participation in the Plan. (Write "0" if no contribution is required.)

Years of Service Completed	**Specified Vesting Requirements**
Zero	0 %
One	20 %
Two	40 %
Three	60 %
Four	80 %
Five	100 %
Six	%
Seven or more	100 %

VIII. Loans are permitted under the Program:

☐ Yes ☒ No

IX. The Plan will accept an eligible rollover distribution from an eligible retirement plan described in Section 401(a)(including "401(k)") or 403(a) of the Code, an annuity contract described in Section 403(b) of the Code, an eligible deferred compensation plan described in Section 457(b) of the Code maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, or an individual retirement account or annuity described in Section 408(a) or 408(b) of the Code, including after-tax employee contributions, as applicable.

☒ Yes ☐ No

X. The Employer hereby agrees to the provisions of the MERS Uniform Defined Contribution Program and agrees that in the event of any conflict between Section 19A and the MERS Plan, the provisions of Section 19A shall control.

XI. The Employer hereby appoints the ICMA Retirement Corporation as the Plan Administrator pursuant to the terms and conditions of the Plan.

The Employer hereby agrees to the provisions of the Plan.

XII. The Employer hereby acknowledges it understands that failure to properly fill out this Adoption Agreement may result in the ineligibility of the Plan in the Benefit Program DC.

In Witness Whereof, the Employer hereby causes this Agreement to be executed on this 12th day of September, 2006.

Employer: City of Muskegon

By: Stephen J. Warmington

Title: Mayor

Attest: Linda Potter

Linda Potter

Appendix A

DECLARATION OF TRUST

This Declaration of Trust (the "Group Trust Agreement") is made as of the 19th day of May 2001, by **VantageTrust Company**, which declares itself to be the sole Trustee of the trust hereby created.

WHEREAS, the ICMA Retirement Trust was created as a vehicle for the commingling of the assets of governmental plans and governmental units described in Section 818(a)(6) of the Internal Revenue Code of 1986, as amended, pursuant to a Declaration of Trust dated October 4, 1982, as subsequently amended, a copy of which is attached hereto and incorporated by reference as set out below (the "ICMA Declaration"); and

WHEREAS, the trust created hereunder (the "Group Trust") is intended to meet the requirements of Revenue Ruling 81-100, 1981-1 C.B. 326, and is established as a common trust fund within the meaning of Section 391:1 of Title 35 of the New Hampshire Revised Statutes Annotated, to accept and hold for investment purposes the assets of the Deferred Compensation and Qualified Plans held by and through the ICMA Retirement Trust.

NOW, THEREFORE, the Group Trust is created by the execution of this Declaration of Trust by the Trustee and is established with respect to each Deferred Compensation and Qualified Plan by the transfer to the Trustee of such Plan's assets in the ICMA Retirement Trust, by the Trustees thereof, in accord with the following provisions:

1. **Incorporation of ICMA Declaration by Reference; ICMA By-Laws.** Except as otherwise provided in this Group Trust Agreement, and to the extent not inconsistent herewith, all provisions of the ICMA Declaration are incorporated herein by reference and made a part hereof, to be read by substituting the Group Trust for the Retirement Trust and the Trustee for the Board of Trustees referenced therein. In this respect, unless the context clearly indicates otherwise, all capitalized terms used herein and defined in the ICMA Declaration have the meanings assigned to them in the ICMA Declaration. In addition, the By-Laws of the ICMA Retirement Trust, as the same may be amended from time-to-time, are adopted as the By-Laws of the Group Trust to the extent not inconsistent with the terms of this Group Trust Agreement.

   Notwithstanding the foregoing, the terms of the ICMA Declaration and By-Laws are further modified with respect to the Group Trust created hereunder, as follows:

   (a) any reporting, distribution, or other obligation of the Group Trust vis-à-vis any Deferred Compensation Plan, Qualified Plan, Public Employer, Public Employer Trustee, or Employer Trust shall be deemed satisfied to the extent that such obligation is undertaken by the ICMA Retirement Trust (in which case the obligation of the Group Trust shall run to the ICMA Retirement Trust); and

(b) all provisions dealing with the number, qualification, election, term and nomination of Trustees shall not apply, and all other provisions relating to trustees (including, but not limited to, resignation and removal) shall be interpreted in a manner consistent with the appointment of a single corporate trustee.

2. **Compliance with Revenue Procedure 81-100.** The requirements of Revenue Procedure 81-100 are applicable to the Group Trust as follows:

   (a) Pursuant to the terms of this Group Trust Agreement and Article X of the By-Laws, investment in the Group Trust is limited to assets of Deferred Compensation and Qualified Plans, investing through the ICMA Retirement Trust.

   (b) Pursuant to the By-Laws, the Group Trust is adopted as a part of each Qualified Plan that invests herein through the ICMA Retirement Trust.

   (c) In accord with the By-Laws, that part of the Group Trust's corpus or income which equitably belongs to any Deferred Compensation and Qualified Plan may not be used for or diverted to any purposes other than for the exclusive benefit of the Plan's employees or their beneficiaries who are entitled to benefits under such Plan.

   (d) In accord with the By-Laws, no Deferred Compensation Plan or Qualified Plan may assign any or part of its equity or interest in the Group Trust, and any purported assignment of such equity or interest shall be void.

3. **Governing Law.** Except as otherwise required by federal, state or local law, this Declaration of Trust (including the ICMA Declaration to the extent incorporated herein) and the Group Trust created hereunder shall be construed and determined in accordance with applicable laws of the State of New Hampshire.

4. **Judicial Proceedings.** The Trustee may at any time initiate an action or proceeding in the appropriate state or federal courts within or outside the state of New Hampshire for the settlement of its accounts or for the determination of any question of construction which may arise or for instructions.

IN WITNESS WHEREOF, the Trustee has executed this Declaration of Trust as of the day and year first above written.

VANTAGETRUST COMPANY

By: ______________________
Name: Paul F. Gallagher
Title: Assistant Secretary

Commission Meeting Date: September 12, 2006

Date:	**August 29, 2006**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBC
RE:	**Public Hearing - Request to issue an Obsolete Property Certificate – 1133 Third Street**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, DAT Holdings LLC, 16012 Baird Drive, Spring Lake MI, has requested the issuance of an Obsolete Property Certificate for the property located at 1133 Third Street, Muskegon, MI. Total capital investment for this project is $175,000. The project consists of converting the building into a restaurant. Because of the amount of investment, the applicant is eligible for a 9 year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval.

COMMITTEE RECOMMENDATION:

None

Michigan Department of Treasury
3674 (Rev. 6-05)

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by P.A. 146 of 2000. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b)General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.

Applicant (Company) Name (applicant must be the OWNER of the facility) DAT Holdings LLC		
Company Mailing address (No. and street, P.O. Box, City, State, ZIP code) 16012 Baird dr Spring Lake, Mi 49456		
Location of obsolete facility (No. and street, P.O. Box, City, State, ZIP Code) 1133 3rd st Muskegon Mi.		
City, Township, Village (indicate which)	County Muskegon	
Date of Commencement of Rehabilitation 5/1/06	Planned date of Completion of Rehabilitation 5/1/07	School District where facility is located (include school code) 61010
Estimated Cost of Rehabilitation $175,000.00	Number of years exemption requested 12 yrs	Attach Legal description of Obsolete Property on separate sheet Lot 13 & East ½ of lot 12 Block 367 Revised Plat of City of Muskegon, Liber 3 of Plats page 71

Expected project likelihood (check all that apply):

- [x] Increase Commercial activity
- [x] Retain employment
- [x] Revitalize urban areas
- [x] Create employment
- [ ] Prevent a loss of employment
- [x] Increase number of residents in the community in which the facility is situated

Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment 10

Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. [x]

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents) Dennis Thornley	Telephone Number (616) 847-6424	Fax Number (616) 846-2861
Mailing Address 16012 Baird dr, Spring Lake, Mi 49456		Email Address datoothdr@charter.net
Signature Dennis Thornley		Title President

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 to be completed by the assessor.

Signature	Date application received

FOR STATE TAX COMMISSION USE

Application Number	Date Received

Application for Obsolete Property Rehabilitation Exemption Certificate
1133 3rd St.

a) Property 1133 3rd. St. built in 1870/1880? 2 stories with basement approximately 4000 sq ft each Original use -- unknown Use today -- apartments on the upper floor, ¼ commercial rental main floor and ¾ unused for the past 12 years.

b) Proposed use --- Bakery/restaurant 100%

c) Return the facade to original look, new heating and cooling, new electrical, new water service, insulation, new windows, floors, interior walls, ceilings and doors.

d) New boiler and piping for heating and cooling. New electrical service for main floor. New doors, windows and insulation. New flooring , drywall, ceilings and light fixtures. New ovens , cook tops, refrigeration units, freezers, exhaust hoods and vents. Handicap bathrooms. New signs.

e) Timeline to completion ---12 to 18 months

f) The new business will add employment to the neighborhood, improve the aesthetics and increase activity to the 3rd St. area, hopefully stimulating more business to come back to the downtown area.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2006-75(a)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by DAT Holdings LLC.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from DAT Holdings LLC, to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.

B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.

C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on October 9, 2002, being the same date that the district was established.

D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.

E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said excedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.

F. This resolution of approval is considered by the City Commission on February 25, 2003, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.

G. The applicant, DAT Holdings LLC, is not delinquent any taxes related to the facility.

H. The exemption to be granted by this resolution is for nine (9) years.

I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

J. Commencement of the rehabilitation has not occurred before the establishment of the district.

K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.

L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.

M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by September 12, 2007, or one year after the Certificate is issued, whichever occurs later.

N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by DAT Holdings LLC for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of nine (9) years;

2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property described as: CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 13 BLK 367

3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: Nays

CITY OF MUSKEGON

By Linda Potter

Linda Potter, Acting City Clerk

2006-75(a)

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on September 12, 2006. 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 Linda Potter

Linda Potter, Acting City Clerk

Commission Meeting Date: September 12, 2006

Date:	**August 29, 2006**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBC
RE:	**Public Hearing - Request to issue an Obsolete Property Certificate – 1133 Third Street**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, DAT Holdings LLC, 16012 Baird Drive, Spring Lake MI, has requested the issuance of an Obsolete Property Certificate for the property located at 1133 Third Street, Muskegon, MI. Total capital investment for this project is $175,000. The project consists of converting the building into a restaurant. Because of the amount of investment, the applicant is eligible for a 9 year certificate.

FINANCIAL IMPACT:

If an Obsolete Property Certificate is issued, the property taxes would be frozen for the duration of the certificate.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval.

COMMITTEE RECOMMENDATION:

None

cc: assessor

Michigan Department of Treasury
3674 (Rev. 6-05)

Application for Obsolete Property Rehabilitation Exemption Certificate

This form is issued as provided by P.A. 146 of 2000. This application should be filed after the district is established. This project will not receive tax benefits until approved by the State Tax Commission. Applications received after October 31 may not be acted upon in the current year. This application is subject to audit by the State Tax Commission.

INSTRUCTIONS: File the original and two copies of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires two copies of the Application and attachments. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption. The following must be provided to the local government unit as attachments to this application: (a) General description of the obsolete facility (year built, original use, most recent use, number of stories, square footage); (b)General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.

Applicant (Company) Name (applicant must be the OWNER of the facility)
DAT Holdings LLC

Company Mailing address (No. and street, P.O. Box, City, State, ZIP code)
16012 Baird dr Spring Lake, Mi 49456

Location of obsolete facility (No. and street, P.O. Box, City, State, ZIP Code)
1133 3rd St Muskegon Mi.

City, Township, Village (indicate which): City

County: Muskegon

Date of Commencement of Rehabilitation	Planned date of Completion of Rehabilitation	School District where facility is located (include school code)
5/1/06	5/1/07	61010

Estimated Cost of Rehabilitation	Number of years exemption requested	Attach Legal description of Obsolete Property on separate sheet
$175,000.00	12 yrs	Lot 19 & East ½ of lot 10 Block 367 Revised plat of City of Muskegon, Liber 3 of Plats page 71

Expected project likelihood (check all that apply):

- [x] Increase Commercial activity
- [x] Retain employment
- [x] Revitalize urban areas
- [x] Create employment
- [ ] Prevent a loss of employment
- [x] Increase number of residents in the community in which the facility is situated

Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: 10

Each year, the State Treasurer may approve 25 additional reductions of half the school operating and state education taxes for a period not to exceed six years. Check the following box if you wish to be considered for this exclusion. [X]

APPLICANT'S CERTIFICATION

The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate.

It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.

Name of Company Officer (no authorized agents)	Telephone Number	Fax Number
Dennis Thornley	(616) 847-6424	(616) 846-2861

Mailing Address	Email Address
16012 Baird dr, Spring Lake, Mi 49456	datoothdr@chartermi.net

Signature	Title
Dennis Thornley	President

LOCAL GOVERNMENT UNIT CLERK CERTIFICATION

Clerk must also complete Parts 1, 2 and 4 on Page 2. Part 3 to be completed by the assessor.

Signature	Date application received

FOR STATE TAX COMMISSION USE

Application Number	Date Received

Application for Obsolete Property Rehabilitation Exemption Certificate
1133 3rd St.

a) Property 1133 3rd. St. built in 1870/1880? 2 stories with basement approximately 4000 sq ft each Original use -- unknown Use today -- apartments on the upper floor, ¼ commercial rental main floor and ¾ unused for the past 12 years.

b) Proposed use --- Bakery/restaurant 100%

c) Return the facade to original look, new heating and cooling, new electrical, new water service, insulation, new windows, floors, interior walls, ceilings and doors.

d) New boiler and piping for heating and cooling. New electrical service for main floor. New doors, windows and insulation. New flooring , drywall, ceilings and light fixtures. New ovens , cook tops, refrigeration units, freezers, exhaust hoods and vents. Handicap bathrooms. New signs.

e) Timeline to completion ---12 to 18 months

f) The new business will add employment to the neighborhood, improve the aesthetics and increase activity to the 3rd St. area, hopefully stimulating more business to come back to the downtown area.

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2006-75(a)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by DAT Holdings LLC.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from DAT Holdings LLC, to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.

B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.

C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on October 9, 2002, being the same date that the district was established.

D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.

E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said excedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.

F. This resolution of approval is considered by the City Commission on February 25, 2003, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.

G. The applicant, DAT Holdings LLC, is not delinquent any taxes related to the facility.

H. The exemption to be granted by this resolution is for nine (9) years.

I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

J. Commencement of the rehabilitation has not occurred before the establishment of the district.

K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.

L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.

M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by September 12, 2007, or one year after the Certificate is issued, whichever occurs later.

N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by DAT Holdings LLC for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of nine (9) years;

2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property described as: CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 13 BLK 367

3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: Nays

CITY OF MUSKEGON

By Linda Potter

Linda Potter, Acting City Clerk

2006-75(a)

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on September 12, 2006. 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 Linda Potter

Linda Potter, Acting City Clerk

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 12, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Benton & Williams Sts., Chestnut St. to Catawba Ave.

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Benton & Williams Sts. from Chestnut St. to Catawba Ave.,** and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of $32,272.55 would be spread against the sixteen- (16) 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. 2006-75(b)

Resolution Confirming Special Assessment Roll

For **Benton & Williams Sts. From Chestnut St. to Catawba Ave.**

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 **February 14, 2006**, 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 **Benton & Williams Sts., Chestnut St. to Catawba Ave.**

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: Gawron, Shepherd, Spataro, Warmington, Wierengo,

Carter, and Davis

Nays: None

City of Muskegon

By Linda Potter

Linda Potter, Acting Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 12, 2006.** 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 12, 2006.**

City of Muskegon

By Linda Potter

Linda Potter, Acting Clerk

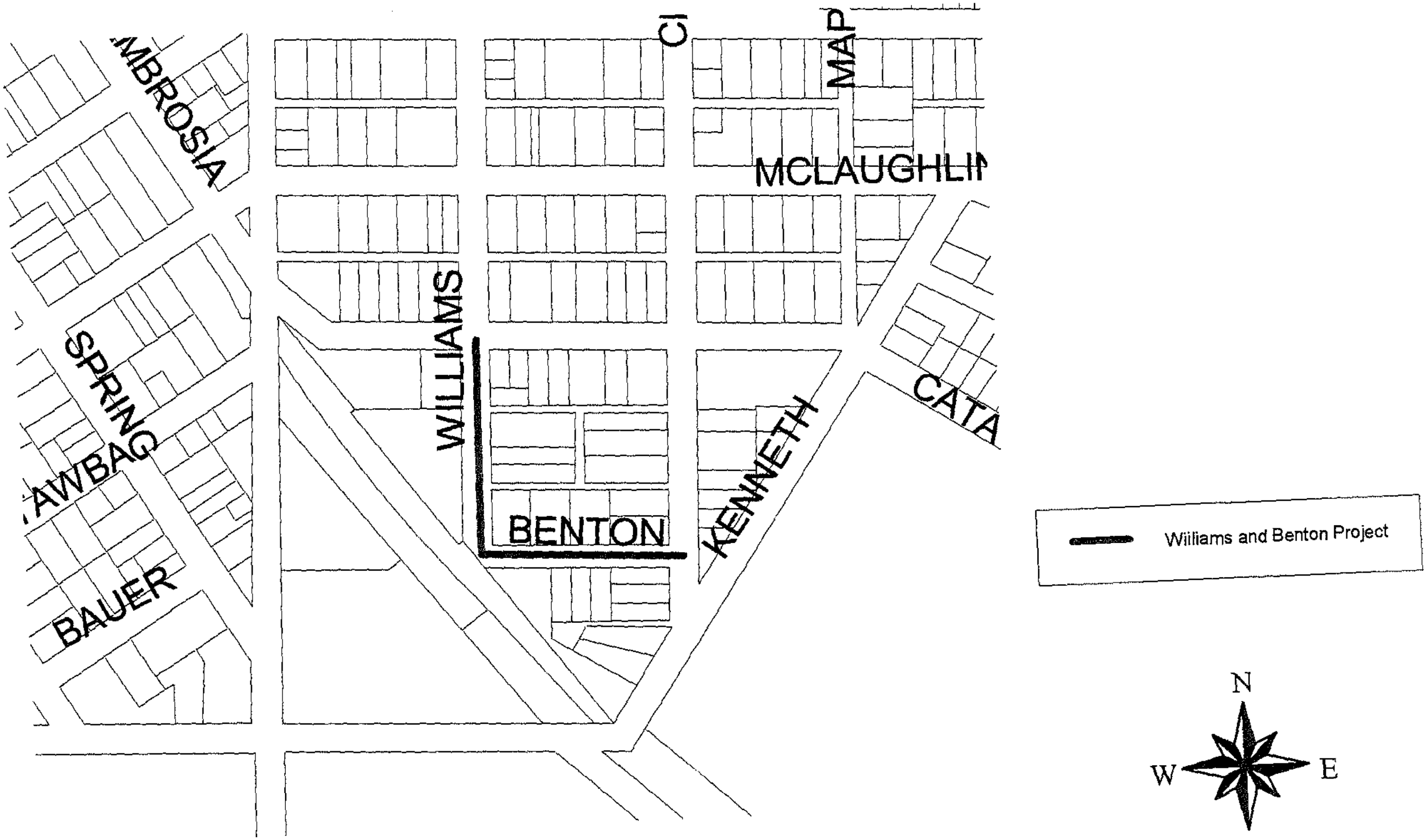
EXHIBIT A

Benton Ave. & Williams St. from Chestnut St. to Catawba Ave.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Benton Ave. & Williams St. from Chestnut St. to Catawba Ave.**

Williams and Benton Street



BENTON & WILLIAMS STS., CHESTNUT ST. TO CATAWBA AVE.

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 THE FOLLOWING:

H-1584 ,Benton Ave. & Williams St., Chestnut St. To Catawba 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 31th DAY OF AUGUST 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
22 DAY OF September, 2006.

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2012

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS

SPECIAL ASSESSMENT DISTRICTS:

PARK ST., LAKETON AVE. TO SOUTHERN AVE.
AND
BENTON & WILLIAMS STS., CHESTNUT ST. TO CATAWBA AVE.

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

All parcels abutting Park St. from Laketon Ave. to Southern Ave.
And
All parcels abutting Benton & Williams Sts. from Chestnut St. to Catawba Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **September 12, 2006 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 has 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 ROLLS IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLLS 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 DISTRICTS EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Linda Potter, Acting City Clerk

Publish: **SEPTEMBER 2, 2006**

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:

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

H 1584 **HEARING DATE** SEPTEMBER 12, 2006

BENTON ST. & WILLIAMS ST.,CHESTNUT ST. TO CATAWBA

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-771-000-0025-0	**479 CATAWBA AVE**	SHERMAN FREDERIC	1239 PECK ST.	MUSKEGON	MI	49441	$881.88	$0.00	***$881.88***
24-771-000-0024-1	**1282 WILLIAMS ST**	ERICKSON RUTHANN	1282 WILLIAMS ST	MUSKEGON	MI	49442	$830.00	$905.47	***$1,735.47***
24-771-000-0030-0	**1294 WILLIAMS ST**	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI	49443-0	$1,618.50	$0.00	***$1,618.50***
24-771-000-0032-0	**1302 WILLIAMS ST**	JEWETT NEVA J	1302 WILLIAMS ST	MUSKEGON	MI	49442	$809.25	$554.02	***$1,363.27***
24-771-000-0033-0	**1308 WILLIAMS ST**	CHAPMAN EDGAR JR	PO BOX 1121	MUSKEGON	MI	49443	$809.25	$554.02	***$1,363.27***
24-771-000-0041-0	**482 BENTON AVE**	MUSKEGON CONSTR	P O BOX 477	MUSKEGON	MI	49443	$1,296.88	$0.00	***$1,296.88***
24-771-000-0039-0	**494 BENTON AVE**	CHAPMAN EDGAR	2011 6TH ST	MUSKEGON	MI	49444-1	$1,826.00	$0.00	***$1,826.00***
24-771-000-0037-0	**504 BENTON AVE**	HICKS JAMES SR/LILLI	504 BENTON AVE	MUSKEGON	MI	49442	$1,826.00	$627.34	***$2,453.34***
24-771-000-0034-1	**1331 CHESTNUT ST**	WILSON JOHN L	1331 CHESTNUT ST	MUSKEGON	MI	49442	$1,369.50	$439.37	***$1,808.87***
24-771-000-0057-0	**463 CATAWBA AVE**	HAVERMANS THEOD	1167 PECK ST	MUSKEGON	MI	49441	$1,374.69	$724.46	***$2,099.15***
24-771-000-0064-0	**1311 WILLIAMS ST**	MUSKEGON CONSTR	PO BOX 477	MUSKEGON	MI	49443	$6,431.46	1,004.03	***$7,435.49***
24-771-000-0049-0	**1389 KENNETH ST**	WORKMAN JOHN J/CA	2044 WESTLAKE ROA	TWIN LAKE	MI	49457	$3,305.48	$0.00	***$3,305.48***
24-771-000-0048-0	**503 BENTON AVE**	GUSTIN KENNETH J	503 BENTON AVE	MUSKEGON	MI	49442	$913.00	$0.00	***$913.00***
24-771-000-0047-0	**505 BENTON AVE**	BAKER FRANKLIN III	737 W HACKLEY AVE	MUSKEGON	MI	49441	$913.00	$0.00	***$913.00***
24-771-000-0046-0	**511 BENTON AVE**	EDWARDS VIOLA	511 BENTON AVE	MUSKEGON	MI	49442	$913.00	$327.71	***$1,240.71***
24-771-000-0043-0	**1345 CHESTNUT ST**	CROWLEY ROBASTIN	1345 CHESTNUT ST	MUSKEGON	MI	49442	$1,369.50	$648.75	***$2,018.25***

HEARING DATE SEPTEMBER 12, 2006

BENTON ST. & WILLIAMS ST.,CHESTNUT ST. TO CATAWBA

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				**$26,487.38**	**$5,785.17**	**$32,272.55**

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

BOARD OF ASSESSORS

Dan Vandelis (For Larry) 9·25-06
LARRY MILLARD, DIRECTOR,COUNTY EQUALIZATIO DATE

Chris Carter 9-15-06
CHRIS CARTER CITY COMMISSIONER DATE

9-15-06
STEPHEN WARMINGTON CITY COMMISSIONER DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 12, 2006

RE: Public Hearing
Spreading of the Special Assessment Roll
Park St.,Laketon Ave. to Southern Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of $78,723.20 would be spread against the thirty-three- (33) 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. 2006-75(c)

Resolution Confirming Special Assessment Roll

For **Park St. from Laketon Ave. to Southern Ave.**

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 **February 14, 2006**, 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 **Park St., Laketon Ave. to Southern Ave.**

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: Shepherd, Spataro, Warmington, Wierengo, Carter,

Davis, and Gawron

Nays: None

City of Muskegon

By Linda Potter

Linda Potter, Acting Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 12, 2006**. 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 12, 2006.**

City of Muskegon

By Linda Potter

Linda Potter, Acting Clerk

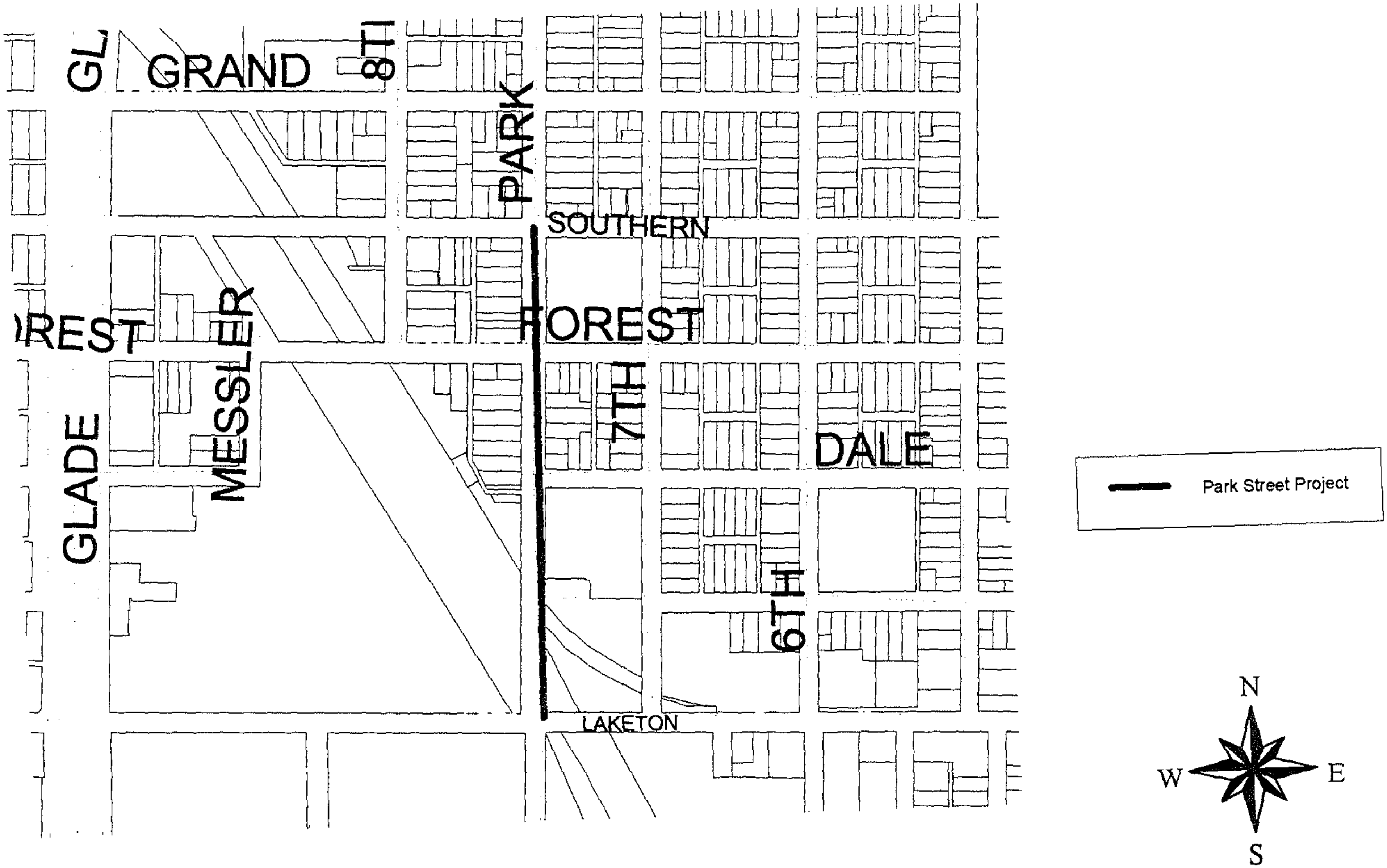
EXHIBIT A

Park St. from Laketon Ave. to Southern Ave.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **Park St. from Laketon Ave. to Southern Ave.**

Park Street - Laketon to Southern



PARK ST., LAKETON AVE. TO SOUTHERN AVE.

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 THE FOLLOWING:

H-1610 ,Park St., Laketon Ave. to Southern 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 31th DAY OF AUGUST 2006

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
22 DAY OF September, 2006.

Jo Ann M. Krukowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2012

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLLS

SPECIAL ASSESSMENT DISTRICTS:

WILLIAMS ST. & BENTON AVE., CHESTNUT ST. TO CATAWBA AVE.
AND
PARK ST., LAKETON AVE. TO SOUTHERN AVE.

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

All parcels abutting Williams St & Benton Ave. from Chestnut St. to Catawba Ave
And
All parcels abutting Park St. from Laketon Ave. to Southern Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **September 12, 2006 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 has 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 ROLLS IS CONFIRMED, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLLS 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 DISTRICTS EITHER IN PERSON OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

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

Linda Potter, Acting City Clerk

Publish: **SEPTEMBER 2, 2006**

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:

Linda Potter, Acting City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

 HEARING DATE SEPTEMBER 12, 2006

PARK ST.,LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-438-0015-0	**497 W FOREST AVE**	CITY OF MUSKEGON	933 TERRACE ST P O	MUSKEGON	MI	49443-0	$6,080.00	$0.00	***$6,080.00***
24-205-438-0009-1	**1717 PARK ST**	CROW DEVELOPMEN	1756 LAKESHORE DR	MUSKEGON	MI	49441	$8,032.00	$0.00	***$8,032.00***
24-205-438-0010-0	**1699 PARK ST**	CROW DEVELOPMEN	1756 LAKESHORE DR	MUSKEGON	MI	49441	$608.00	$0.00	***$608.00***
24-205-438-0009-0	**1689 PARK ST**	CROW DEVELOPMEN	1756 LAKESHORE DR	MUSKEGON	MI	49441	$480.00	$0.00	***$480.00***
24-205-438-0008-0	**1679 PARK ST**	TUMBLIN SHAWANDA	1679 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0007-0	**1671 PARK ST**	TICE KENNETH D	1671 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0006-0	**1663 PARK ST**	VETTER JEFF C	1663 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0005-0	**1657 PARK ST**	LOGAN ANGELA	1657 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0004-0	**1649 PARK ST**	GERMAN MARK L	1649 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0003-0	**1641 PARK ST**	LEEBALL MARK/JOAN	1633 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0002-0	**1633 PARK ST**	LEEBALL MARK T	1633 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-438-0001-1	**1625 PARK ST**	BALOGH STEPHEN	3043 N WORDEN RD	MUSKEGON	MI	49445	$1,600.00	$0.00	***$1,600.00***
24-205-430-0010-0	**1605 PARK ST**	RIVER CITY HOUSING	599 GRAND WOODS	GRAND RAPID	MI	49525	$1,600.00	$0.00	***$1,600.00***
24-205-430-0011-1	**1601 PARK ST**	REDDER MARSHALL	3960 30TH ST SW	GRANDVILLE	MI	49418	$800.00	$0.00	***$800.00***
24-205-430-0011-0	**1597 PARK ST**	LAKETOWN INVESTM	PO BOX 74	BYRON CENTE	MI	49315	$800.00	$0.00	***$800.00***
24-205-430-0012-0	**1589 PARK ST**	CITY OF MUSKEGON	PO BOX 536	MUSKEGON	MI	49443-0	$1,600.00	$0.00	***$1,600.00***
24-205-430-0013-0	**1583 PARK ST**	BARAJAS MARIA	1583 PARK ST	MUSKEGON	MI	49441	$1,536.00	$0.00	***$1,536.00***
24-205-430-0014-0	**1575 PARK ST**	BROOKS RENTAL PR	12603 VAN WAGONE	GRANT	MI	49327	$1,600.00	$0.00	***$1,600.00***

H 1610 **HEARING DATE** SEPTEMBER 12, 2006

PARK ST.,LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-430-0015-0	**1567 PARK ST**	STAGE JOSEPH R	1567 PARK ST	MUSKEGON	MI	49441	$1,600.00	$0.00	***$1,600.00***
24-205-430-0001-1	**447 W SOUTHERN AVE**	SCHWARTZ ROBBY P/	12891 OAK CREST LN	GRAND HAVEN	MI	49417	$1,600.00	$0.00	***$1,600.00***
24-205-460-0004-0	**410 W LAKETON AVE**	CITY OF MUSKEGON	PO BOX 536	MUSKEGON	MI	49443-0	$4,678.40	$0.00	***$4,678.40***
24-205-460-0003-0	**400 W LAKETON AVE**	MUSKEGON RESCUE	1691 PECK ST	MUSKEGON	MI	49441	$2,082.56	$0.00	***$2,082.56***
24-205-460-0002-0	**1767 PARK ST**	CITY OF MUSKEGON	933 TERRACE ST P	MUSKEGON	MI	49443-0	$2,583.04	$0.00	***$2,583.04***
24-205-450-0001-5	**1747 7TH ST**	VAN SLOOTEN TREE	1713 7TH ST	MUSKEGON	MI	49441	$2,519.36	$0.00	***$2,519.36***
24-205-450-0001-0	**1713 7TH ST**	VAN SLOOTEN TREE	1713 7TH ST	MUSKEGON	MI	49441	$9,704.64	$0.00	***$9,704.64***
24-205-439-0007-0	**1670 PARK ST**	HENDRIE WILLIAM L/C	1670 PARK ST	MUSKEGON	MI	49441	$1,595.20	$0.00	***$1,595.20***
24-205-439-0006-0	**1662 PARK ST**	HENDERSON DEBRA	1662 PARK ST	MUSKEGON	MI	49441	$1,595.20	$0.00	***$1,595.20***
24-205-439-0005-0	**1656 PARK ST**	REDDER MARSHALL	3960 30TH ST SW	GRANDVILLE	MI	49418	$1,595.20	$0.00	***$1,595.20***
24-205-439-0004-0	**1648 PARK ST**	CHERRY RICKY D/MEL	280 OTTAWA AVE	MUSKEGON	MI	49442	$1,595.20	$0.00	***$1,595.20***
24-205-439-0003-0	**1638 PARK ST**	FEDERAL HOME LOA	8250 JONES BRANCH	MC LEAN	VA	22102	$1,595.20	$0.00	***$1,595.20***
24-205-439-0001-0	**421 W FOREST AVE**	JPMORGAN CHASE B	4708 MERCANTILE D	FORT WORTH	TX	76137	$1,595.20	$0.00	***$1,595.20***
24-205-429-0001-0	**1580 PARK ST**	MUSKEGON PUBLIC S	349 W WEBSTER AVE	MUSKEGON	MI	49440	$0.00	$0.00	***$0.00***
24-205-451-0001-0	**1700 MESSLER ST**	BRUNSWICK CORP	525 W LAKETON AVE	MUSKEGON	MI	49441	$8,448.00	$0.00	***$8,448.00***

H 1610 **HEARING DATE** , 2005

PARK ST.,LAKETON AVE. TO SOUTHERN AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
	TOTALS			**$78,723.20**	**$0.00**	**$78,723.20**

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

BOARD OF ASSESSORS

Jim Valentini (For Larry) 9-25-06

LARRY MILLARD, DIRECTOR,COUNTY EQUALIZATIO DATE

Lawrence Spataro 9-13-06

LAWRENCE SPATARO CITY COMMISSIONER DATE

Clara Shepherd 9-13-06

CLARA SHEPHERD CITY COMMISSIONER DATE

Date: September 12, 2006

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: 2007 Budget Adoption

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2007. The proposed budget has been made available for public inspection at City Hall, Hackley Public Library and the City's website (www.shorelinecity.com). After hearing public comments, the City Commission may take action to adopt the 2007 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the budget be adopted no later than September 25, 2006.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2007. As proposed, the budget includes no property tax increase.

BUDGET ACTION REQUIRED: Adoption of the attached budget resolution provides the legal appropriation authority necessary for City departments to conduct operations in 2007.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2007 City of Muskegon Budget resolution that is attached. Also, approval of the 3rd Quarter 2006 Budget Reforecast as shown in the Budget Book is recommended at this time.

COMMITTEE RECOMMENDATION: The Committee of the Whole will review the budget at their September 11th work session.

CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2007 BUDGET

2006-75(d)

WHEREAS, the City Manager has submitted a proposed Budget for 2007 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2007 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, 2007 is hereby determined and adopted as follows:

GENERAL FUND

FUND ACTIVITY NUMBER	FUND/ACTIVITY NAME	AMOUNT
101-10101	City Commission	86,156
101-10102	City Promotions & Public Relations	8,729
101-10145	City Attorney	402,695
101-10172	City Manager	218,617
101-10875	Contributions to Outside Agencies	177,294
101-10891	Contingency and Bad Debt Expense	400,000
101-20173	Administration	172,692
101-20215	City Clerk & Elections	332,100
101-20220	Civil Service	184,068
101-20228	Affirmative Action	98,681
101-30202	Finance Administration	421,292
101-30205	Income Tax Administration	358,668
101-30209	Assessing Services	427,490
101-30805	Arena Administration	175,300
101-30248	Information Systems Administration	349,989
101-30253	City Treasurer	346,522
101-30851	Insurance Premiums	347,304
101-30906	Debt Retirement	261,194
101-30999	Transfers to Other Funds	808,046
101-40301	Police	8,470,172
101-50336	Fire	3,759,363
101-50387	Fire Safety Inspections	1,014.248
101-60265	City Hall Maintenance	256,988
101-60446	Community Event Support	34,750
101-60448	Streetlighting	572,325
101-60523	Sanitation	1,664,506
101-60528	Recycling	163,368
101-60550	Stormwater Management	16,991
101-60770	Senior Citizen Transit	54,306
101-70276	Cemeteries Maintenance	547,563
101-70585	Parking Operations	7,500
101-70751	Parks Maintenance	1,232,919
101-70357	Graffiti Removal	4,792
101-70757	McGraft Park Maintenance	54,306
101-70775	General Recreation	296,703
101-70863	Farmers' Market and Flea Market	37,826
101-80387	Environmental Services	353,251
101-80400	Planning, Zoning and Economic Development	460,865
101-90000	Major Capital Improvements	0
	Grand Total General Fund Appropriations	$24,582,786

OTHER BUDGETED FUNDS

FUND ACTIVITY NUMBER	FUND/ACTIVITY NAME	AMOUNT
202,204	Major Streets and State Trunklines	5,000,591
203	Local Streets	2,766,437
264	Criminal Forfeitures	63,000
285	Tree Replacement	3,200

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2007 are estimated as follows:

GENERAL FUND

FUND/ACTIVITY NAME	AMOUNT
Taxes	$ 14,794,300
Licenses and Permits	1,015,000
Federal Grants	88,325
State Grants	18,000
State Shared Revenue	4,628,616
Charges for Sales & Services	2,207,373
Interest & Rentals	468,900
Fines & Fees	592,000
Other Revenue	234,750
Other Financing Sources	255,000
Use of Fund Balance	280,522
Total General Fund Revenue Appropriations	$24,582,786

OTHER BUDGETED FUNDS

FUND ACTIVITY NUMBER	FUND/ACTIVITY NAME	AMOUNT
202,204	Major Streets and State Trunklines	5,027,969
203	Local Streets	2,794,797
264	Criminal Forfeitures	12,000
285	Tree Replacement	3,200

BE IT FURTHER RESOLVED that the operating expense projections for the following non-budget funds are hereby approved:

FUND ACTIVITY NUMBER	FUND/ACTIVITY NAME	AMOUNT
305	TIFA Debt Service	$60,000
394	Downtown Development Authority Debt	585,183
290	Local Finance Development Authority Debt	285,847
402	Arena Improvement Fund	20,000
403	Sidewalk Improvement Fund	395,828
404	Public Improvement Fund	2,297,223
482	State Grants Fund	1,505,000
590	Sewer	5,347,483
591	Water	6,170,826
594	Marina/Launch Ramp	1,055,326
661	Equipment	2,436,615
642	Public Service Building	565,516
643	Engineering Services Fund	647,297
677	General Insurance Fund	4,099,023

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 2006:

PURPOSE	MILLAGE (MILLS)
General Operating	8.5000
Sanitation Service	2.5000
Promotion	.0732
Total	11.0732

At a regular meeting of the City Commission of the City of Muskegon, on the 12th Day of September 2006, the foregoing resolution was moved for adoption by Commissioner Carter. Commissioner Shepherd supported the motion.

Resolution declared adopted.

Mayor

Linda Potter
City Clerk

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

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

RE: **Set Public Hearing for Amendment to Brownfield Plan- Redevelopment of the Century Club & Daniels and Redevelopment of Muskegon Savings Bank**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned Western Avenue Properties, LLC and Port City Construction & Development Services, LLC, known as Western Avenue Properties, located at 350, 356, 360-366 W. Western, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into residential condominiums will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 5, 2006 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 10, 2006.

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

2006-76(a)

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 12th day of September, 2006, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

ABSENT: Members

None

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

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 Redevelopment of the Century Club & Daniels and Redevelopment of Muskegon Savings Bank, 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 10th of October, 2006 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 10, 2006, 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:

Redevelopment of the Century Club & Daniels and
Redevelopment of Muskegon Savings Bank
350, 356, 360-366 W. Western Avenue
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.

Linda S. Potter

Linda S. Potter, Acting 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

Warmington, Wierengo, Carter, Davis, Gawron, Shepherd,

and Spataro

NAYS: Members

None

RESOLUTION DECLARED ADOPTED.

Linda S. Potter

Linda S. Potter, Acting 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 12, 2006, 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.

Linda S. Potter

City Clerk

Commission Meeting Date: September 12, 2006

Date: **September 5, 2006**

To: **Honorable Mayor & City Commission**

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

RE: **Set Public Hearing for Amendment to Brownfield Plan- Vida Nova at Edison Landing**

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned DDLH, LLC, known as Vida Nova at Edison Landing, located at 160 & 190 Viridian Drive, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into residential condominiums will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority met on September 5, 2006 and approved the Brownfield Plan Amendment and recommends the approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for October 10, 2006.

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

2006-76(b)

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 12th day of September, 2006, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

ABSENT: Members

None

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

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 Vida Nova at Edison Landing, 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 10th of October, 2006 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 10, 2006, 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:

Vida Nova at Edison Landing
160 & 190 Viridian Drive
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.

Linda S. Potter

Linda S. Potter, Acting 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

Wierengo, Carter, Davis, Gawron, Shepherd, Spataro, and Warmington

NAYS: Members

None

RESOLUTION DECLARED ADOPTED.

Linda S. Potter

Linda S. Potter, Acting 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 12, 2006, 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.

Linda S. Potter
City Clerk

Commission Meeting Date: September 12, 2006

Date:	**August 29, 2006**
To:	**Honorable Mayor and City Commissioners**
From:	**Planning & Economic Development** CBL
RE:	**Extension of Contract to Market Seaway Industrial Park**

SUMMARY OF REQUEST:

In 2004 C & A Commercial Real Estate was selected as the company to market Seaway Industrial Park properties, as well as one property located on Getty Street. A nine-month real estate agreement was originally signed by the Mayor, with a six-month extension signed by the City Manager in December 2004. City Commission grant C & A Commercial Real Estate another six-month extension in August 2005 and again in February 2006. Staff feels that Commission should review the performance of C & A Commercial Real Estate in order to determine if there should be another extension of the agreement for a six-month time period.

FINANCIAL IMPACT:

The continued timely sale and development of these properties will bring more jobs to Muskegon in the near future, thus additional income tax being generated.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION:

Resolution No. 2006-76(c)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING MARKETING CONTRACT FOR SEAWAY INDUSTRIAL PARK

WHEREAS, the City of Muskegon has completed the development of Seaway Industrial Park; and

WHEREAS, the City of Muskegon believes it is important that the property within the park be sold in a timely manner; and

WHEREAS, a Request for Proposals (RFP) was solicited from area commercial real estate agencies for the purpose of marketing Seaway Industrial Park to a wider area; and

WHEREAS, C & A Commercial Real Estate submitted the proposal that reflects the best interests of the City; and

WHEREAS, an extension of the present real estate agreement is in the best interest of the City.

NOW THEREFORE BE IT RESOLVED that the Muskegon City Commission does authorize the Mayor to sign on behalf of the City, an extension of the real estate agreement with C & A Commercial Real Estate for the purpose of marketing industrial property in Seaway Industrial Park.

Adopted this 12th day of September 2006.

AYES: Carter, Davis, Gawron, Shepherd, Spataro, Warmington, and Wierengo

NAYS: None

ABSENT: None

BY: Stephen J. Warmington
Mayor

ATTEST: Linda S. Potter
Linda S. Potter, CMC
Acting City Clerk

2006-76(c)

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on September 12, 2006.

Linda S. Potter

Linda S. Potter, CMC
Acting City Ckerk

C&A COMMERCIAL REAL ESTATE

To: Bryon Mazade, City Manager
Cathy Brubaker-Clark, Economic and Community Development Director
Lonna Angullm, Planner
From: Norm Cunningham and Dave Wendtland
Subject: Seaway Industrial Park
Date: September 11, 2006

We are providing this report as a benchmark of our efforts to market and sell the City's Seaway Industrial Park and Renaissance Zone. Our approach to marketing this property is to market the advantages of the sites and zone to the broadest audience of potential buyers through the several media selections as noted below. We believe we have been successful in getting this message out even in the sluggish economy Michigan and especially West Michigan has experienced over the past two years. We have assisted the City close on three properties and have one pending resulting in two new businesses locating in Muskegon – upon closing the pending purchase, and two retained and expanded. We have attracted more than twenty prospects to tour the sites, sent more than 600 email listings to prospects and have had many "hits" on our MLS listings. Details follow:

1. Listing Agreement – The Listing Agreement provides for an incentive to attract other brokers – a 55% share of the commission to the selling broker.
2. Listing/Marketing Packet – A comprehensive Marketing Packet was prepared including a) the Listings b) Investment Schedule c) Sample Development Agreement and, d) the Site Plan. This has reduced the time needed to arrive at an acceptable purchase agreement and facilitates good faith efforts between the City, Buyers and C&A Commercial.
3. Marketing Venues – C&A has exceeded the initial marketing program through expanded use of Commercial Advertising Websites while continuing standard listing venues and on site signage.
    a. SWMRIC – Seaway Lots have been continually posted on the Regional MLS. This provides access for Brokers and the general public. Since March of this year the listings have been accessed over 200 times by Brokers and over 30 times by non-brokers not including lots already sold.
    b. C&A Commercial – We continue to post the Seaway Lots on our web site.
    c. Loopnet – Loopnet is a National Network for Commercial Brokers and accessible to over 600,000 members. The listings have attracted over 5000 "hits" and over 150 emails have been sent to prospects.
    d. CIMLS – The Seaway lots have been posted on this site as well; although accessible to all Brokers and prospects, it does not track users.
    e. Home Magazine – C&A is the only Commercial/Industrial Broker in West Michigan utilizing this marketing venue. Over seven thousand are distributed monthly in Muskegon, Newaygo, Oceana and Ottawa Counties.
    f. Business Direct Weekly – The Listing in BDW covers all 10 counties of West Michigan.

4. Clients/Prospects – We have conducted over 20 on site tours and located three businesses in the City and have a fourth pending. We have also presented three other purchase offers which for various reasons did not close.

Our Marketing Program exceeds our competitors, and we continue to receive inquiries and requests for information on Muskegon and the Seaway Industrial Park. We look forward to continuing the good working relationship we have developed with the City through an extension of our listing agreement. If you have any questions or require additional information please contact either of us.

Commission Meeting Date: September 12, 2006

Date:	**August 29, 2006**
To:	**Honorable Mayor & City Commission**
From:	**Planning & Economic Development Department** CBC
RE:	**Extension of Tool & Die Recovery Zone Status for Northern Machine Tool**

SUMMARY OF REQUEST: To approve the attached Resolution extending the Tool & Die Recovery Zone for Northern Machine Tool. The City originally granted 15 years but other municipalities only granted 12 years for other companies in the Coalition, making Northern Machine Tool only eligible for 12 years. The law has since been amended, allowing differing lengths of time for different companies in the coalition. Northern Machine tool is now requesting an extension to take advantage of the full 15 years.

FINANCIAL IMPACT:

The original estimates were that the City will forego approximately $7,300.00 per year for a total of approximately $109,545 in taxes for the 15 year period of the zone.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the Resolution extending the Tool & Die Recovery Zone for Northern Machine Tool, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

RESOLUTION FOR EXTENDING YEARS

City of Muskegon
Muskegon County, Michigan
Resolution 2006-76(d)

A RESOLUTION TO EXTEND THE DURATION OF A TOOL AND DIE RENAISSANCE RECOVERY ZONE ("Recovery Zone") FOR Northern Machine Tool Company

WHERAS, the City of Muskegon desires to promote economic activity and maintain/increase the number of jobs available to residents of the area, and;

WHEREAS, certain industries in the state are facing difficult times and the tool and die industry, in particular, has sustained losses due to foreign competition and increased foreign productivity;

WHEREAS, the designation of a Recovery Zone will temporarily reduce the tax burden paid by the business enabling it to reposition itself to compete globally, and;

WHEREAS, the business has entered into a collaborative agreement with other business entities that have the appropriate North American Industrial classification, and;

WHEREAS, the qualified tool and die business property is property leased or owned by a tool and die business and used primarily for tool and die operations;

WHEREAS, should the area be designated a Recovery Zone, property within that zone will be exempt from taxes levied by the township, county, and other units of government as provided under the ACT, and;

WHEREAS, we estimate that the tax revenue lost would be a small fraction of the benefits the designation of a Recovery Zone will bring the community.

WHEREAS City of Muskegon had previously supported a Recovery Zone for this property for a period of up to 15 years in a previous resolution adopted on September 13, 2005.

WHEREAS, at the time of Recovery Zone designation by the State of Michigan all companies were required to have the same time period equal to the least amount a years approved by any single jurisdiction. For the Whitehall Township Tooling Coalition this length of Zone designation was 12 years that would expire on 12/31/2017.

WHEREAS, recent legislation has allowed individual businesses in a Recovery Zone to have differing time periods for the abatement.

THEREFORE BE IT RESOLVED, that City of Muskegon requests that the State of Michigan extend the duration of the Recovery Zone of the company identified by this resolution for an additional 3 years and would expire on 12/31/2020.

Adopted this 12th Day of September 2006.

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

Nays: None

Absent: None

BY: [signature]
Stephen J. Warmington
Mayor

ATTEST: Linda Potter
Linda Potter, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on September 12, 2006.

Linda Potter
Linda Potter, Acting City Clerk

AGENDA ITEM NO. ____________________

CITY COMMISSION MEETING ____________________________

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: September 6, 2006

RE: Fire Station Construction Contract

SUMMARY OF REQUEST:
To award a contract for the construction of a new central fire station at the corner of Terrace Street and Western Avenue. A recommendation will be made at the commission meeting after the bids can be analyzed.

FINANCIAL IMPACT:
Approximately $3.5 million.

BUDGET ACTION REQUIRED:
None.

STAFF RECOMMENDATION:
Staff will recommend the lowest responsible bidder at the meeting on Tuesday.

COMMITTEE RECOMMENDATION:
None.

FIRE STATION BIDS

FIRE STA BIDS 090506

Company	Street Address	City, State, Zip	Base Bid	Alternate
Triangle Associates	3769 Three Miles Rd NW	Grand Rapids MI 49534	$ 3,295,000	+ $ 7,000
Muskegon Quality Builders Inc (MQB)	2837 Peck St	Muskegon Heights MI 49444	$ 3,349,000	+ $ 7,200
Beckering Advisor Inc	650 44th St SE	Grand Rapids MI 49548	$ 3,212,890	- $ 27,000
Lakewood Inc	11253 James St	Holland MI 49424	$ 3,175,571	+ $ 19,000
Clifford Buck Construction Co Inc (Buck)	500 Irwin Ave	Muskegon MI 49442	$ 3,240,000	+ $ 4,400
Tridonn Construction Co	1461 Evanston Ave	Muskegon MI 49442	$ 3,280,000	+ $ 6,800
Muskegon Construction Co	PO Box 477	Muskegon MI 49443	$ 3,535,000	+ $ 9,500

HOOKER | DE JONG ARCHITECTS & ENGINEERS, P.C.
410 TERRACE PLAZA
MUSKEGON, MICHIGAN 49440

Post BID SUMMARY

Project: City on Muskegon Fire Station Project No.: 4-0185

Bid Date: September 11/2006

CONTRACTORS		Lakewood	Beckering			
BASE BID		$3,175,571	$3,212,890			
ALT #1		$19,000	-$27,000			
Total Base Bid		$3,194,571	3,185, 890			
1. Add Galv. to Tower		$5,975	$1,500			
2. F.R. plywood roof decking		$3,229	$3,500			
3		N.C.	N.C.			
4		N.C.	N.C.			
5		N.C.	N.C.			
6. Bunk Clarification		$100	N.C.			
7. Casework Clarification		$4,833	N.C.			
8		N.C.	N.C.			
9		N.C.	N.C.			
10		N.C.	N.C.			
11		N.C.	N.C.			
12. Corridor door 1/2hr rating		$180	$180			
Total change to Base Bid		$14,317	$5,180			
Adjusted BASE BID		$3,208,888	$3,191,070			