

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 12, 2000

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
 - a. **Civil Rights Act of 1964**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. **Approval of Minutes.** CITY CLERK
 - b. **FY 1998 Local Law Enforcement Block Grant Expenditures.** POLICE
 - c. **Muskegon/Muskegon Heights Renaissance Zone Cooperation Agreement.** PLANNING & ECONOMIC DEVELOPMENT
 - d. **Six Month Extension to Complete Construction of Home.** PLANNING & ECONOMIC DEVELOPMENT
 - e. **Sale of Vancant Non-Buildable Lots in East Muskegon.** PLANNING & ECONOMIC DEVELOPMENT
 - f. **MDOT/City of Muskegon State Highway Maintenance Contract.** PUBLIC WORKS
- ❑ **PUBLIC HEARINGS:**
 - a. **2001 Budget.** FINANCE
 - b. **Request for an Industrial Facilities Exemption Certificate – SAPPI Fine Paper.** PLANNING & ECONOMIC DEVELOPMENT
 - c. **Request for Time Extension for IFT Certificate No. 97-534 Neway Anchorlok International.**
 - d. **Create the Special Assessment District for Irwin Avenue.** ENGINEERING
 - e. **Spreading the Special Assessment Roll for Morton Avenue.** ENGINEERING

❑ **COMMUNICATIONS:**

❑ **CITY MANAGER'S REPORT:**

❑ **UNFINISHED BUSINESS:**

a. SECOND READING, Dangerous Building Ordinance. INSPECTION
SERVICES DEPARTMENT

b. Lighthouse Park. LEISURE SERVICES

❑ **NEW BUSINESS:**

a. FY 2000 Local Law Enforcement Block Grant. POLICE

b. Walker Arena Compressors. LEISURE SERVICES

c. Whittaker Electric Renaissance Zone Expansion, Parker Plastics.
PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION:**

❑ **CLOSED SESSION:**

- *Reminder: Individuals who would like to address the City Commission shall do the following:*
- Be recognized by the Chair.
- Step forward to the microphone.
- State name and address.
- Limit of 3 minutes to address the Commission.
- (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

❑ **ADJOURNMENT:**

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



City of
Muskegon
State of Michigan

WHEREAS, by Act of Congress of the United States dated July 2, 1964, the Civil Rights Act of 1964 was adopted banning discrimination because of a person's color, race, national origin, religion, or sex; and

WHEREAS, by Act of Congress of the United States dated December 6, 1865, the 13th Amendment of the Constitution of the United States was adopted abolishing slavery; and

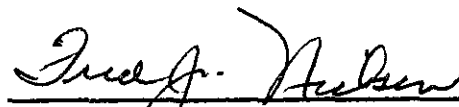
WHEREAS, by Act of Congress of the United States dated July 9, 1868, the 14th Amendment of the Constitution of the United States was adopted giving all persons born or naturalized in the United States the right to due process and equal protection under the law; and

WHEREAS, by resolution of the National League of Cities, we declare racism unjust and advocate equal rights for all.

NOW, THEREFORE, I, Fred J. Nielsen, Mayor of the City of Muskegon, Michigan, on behalf of the entire City Commission, do hereby proclaim September 20, 2000 as "Undoing Racism Day" in the City of Muskegon, Michigan, and urge all citizens to join together today for the first annual UNDOING RACISM DAY to reaffirm our commitment to ensure equality and freedom for all the people regardless of race, religion, sexual preference, or gender.



IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the City to be affixed this 12th day of September, 2000.


Fred J. Nielsen, Mayor

Date: September 12, 2000
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 22, 2000.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

SEPTEMBER 12, 2000

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, August 8, 2000.

Mayor Nielsen opened the meeting by introducing Pastor John Evans from the Greater Joy Outreach Church. Pastor Evans offered the opening prayer after which members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Fred J. Nielsen; Vice Mayor Scott Sieradzki; Commissioners Jone Wortelboer Benedict, Robert Schweifler, Clara Shepherd, Lawrence Spataro

Absent: None

Tardy: Commissioner John Aslakson (arrived at 5:36 p.m.)

HONORS AND AWARDS:

Mayor Nielsen presented Patrick Simpson, Fire Chief with an award from Scent-Lok for their outstanding efforts in protecting the company and most importantly containing a fire which broke out in the structure they were leasing during the 1998 Thanksgiving Holiday.

Mayor Nielsen presented Anthony Kleibecker, Police Chief with an award from Scent-Lok for their protective services during their extended residency in a building that left much to be desired in it's security attributes.

September has been declared National Alcohol & Drug Addiction Recovery Month.

There was a resolution proclaiming September 20, 2000 as "Undoing Racism Day" in the City of Muskegon, Michigan, and urging all citizens to join together for the first annual UNDOING RACISM DAY to reaffirm our commitment to ensure equality and freedom for all people regardless of race, religion, sexual preference, or gender.

2000-086 **CONSENT AGENDA:** Items listed under the Consent Agenda have been considered to be routine in nature and will be enacted in one motion. No separate discussion will be held on these items. If discussion of an item is required, it will be removed from the Consent Agenda and be considered separately.

a. Approval of Minutes.

CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, August 22, 2000.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. FY 1998 Local Law Enforcement Block Grant Expenditures.

POLICE

SUMMARY OF REQUEST: Police Department staff request that the Commission approve the use of Fiscal Year 1998 Local Law Enforcement Block Grant (LLEBG) money to purchase 3 Panasonic Toughbook Ruggedized laptop computers. This purchase includes additional hardware, which will allow the laptops to be mounted in the police cruisers. This would replace the current configuration of having a Mobile Data Terminal and a laptop in each cruiser. The Panasonic laptop will be dual function, allowing officers to run computer queries and complete reports in the field.

BUDGET ACTION REQUIRED: \$18,494.00 in grant money to be utilized for this purchase. Information Systems staff have assisted us in preparing this package. Funds from the Fiscal Year 1998 Local Law Enforcement Block Grant must be expended no later than September 30, 2000.

FINANCIAL IMPACT: Will reduce costs associated with maintaining two computers in each cruiser.

STAFF RECOMMENDATION: To grant approval for the use of Local Law Enforcement Block Grant funds for this project.

c. Muskegon/Muskegon Heights Renaissance Zone Cooperation Agreement.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution entering into an agreement with the City of Muskegon Heights to share (equally) the number of sub-zones available to each community (5 per community) and agreeing that the City of Muskegon will not withhold support for the expansion of existing, or the creation of, new Renaissance sub-zones by the City of Muskegon Heights. This agreement will only be valid upon

receipt of a resolution from the Muskegon Heights City Council agreeing to the same terms.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

d. Six Month Extension to Complete Construction of Home.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a six-month extension to allow Mr. Juan & Mrs. Antoinette Ware to complete construction of a single-family home on Meeking Street. The original agreement between the City and the Wares stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and worked with staff to select a competent builder to construct the home and feel that the six month extension will allow them enough time to build their home.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as, authorization for both the Mayor and the Clerk to sign the resolution and deed.

Motion by Commissioner Benedict, second by Commissioner Aslakson to approve the Consent Agenda with the exception of items (e) and (f).

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

Nays: None

ADOPTED

2000-087 ITEMS REMOVED FROM CONSENT:

e. Sale of Vacant Non-Buildable Lots in East Muskegon.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the sale of the vacant lots designated as map numbers 24-31-33-106-021 & 022 to Mr. Eddie Whisler of 1993 Austin. Each lot has approximately 33 feet of frontage but combined would meet the definition of a buildable lot. Staff and the Land Reutilization Committee agreed that the likelihood of someone purchasing the two lots for the construction of a new home was very low, and consequently recommended approval of the sale to Mr. Whisler. The parcels are being offered for \$100 each. The other adjacent property owner showed no interest in purchasing any of the lots.

FINANCIAL IMPACT: The sale of this lot will allow the property to be placed 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. The Land Reutilization Committee recommended this sale at their October 1999 meeting.

Motion by Commissioner Aslakson, second by Commissioner Schweifler to approve the sale of the vacant lots to Mr. Eddie Whisler of 1993 Austin.

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

Nays: None

ADOPTED

f. MDOT/City of Muskegon State Highway Maintenance Contract.
PUBLIC WORKS

SUMMARY OF REQUEST: The Michigan Department of Transportation (MDOT) desires to renew its contract with the City of Muskegon for road maintenance on State Highways located within the City of Muskegon.

The City of Muskegon designates Robert Kuhn, its Public Works Director, as the Maintenance Superintendent on state trunkline highways, and authorizes him and the City Clerk to execute this contract on the City's behalf.

This is a three-year renewable contract.

FINANCIAL IMPACT: Our annual contract with MDOT is approximately \$204,000 per year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Recommend approval of three-year contract, with the designation of Robert Kuhn as the Maintenance Superintendent, and authorizes him and the City Clerk to execute the contract on the City's behalf.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to renew the contract with the Michigan Department of Transportation for road maintenance on State highways located within the City of Muskegon and authorize Robert Kuhn, Public Works Director and the City Clerk to execute the contract on the City's behalf.

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

Nays: None

ADOPTED

2000-088 PUBLIC HEARINGS:

a. 2001 Budget.

FINANCE

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2001. The proposed 2001 budget has been available for public inspection at City Hall and at the Hackley Public Library since September 1st. At this time the City Commission may take action to adopt the 2001 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the 2001 budget be adopted no later than September 25, 2000.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2001. 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 2001.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2001 City of Muskegon Budget resolution. Also, approval of the 3rd quarter 2000 Budget Reforecast as shown in the Budget Book is recommended at this time. The Commission met in a Worksession Monday, September 11th to review the budget.

The Public Hearing opened at 5:53 p.m. to hear and consider any comments from the public. Tim Paul, Finance Director gave an overview of the item. Comments were heard from the Commission, no comments were heard from the public.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to close the Public Hearing at 6:00 p.m.

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

Nays: None

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Spataro to adopt the 2001 Budget.

ROLL VOTE: Ayes: Aslakson, Schweifler, Sieradzki, Spataro

Nays: Benedict, Nielsen, Shepherd

ADOPTED

b. Request for an Industrial Facilities Exemption Certificate - SAPPI Fine Paper.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, SAPPI Fine Paper, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities

Exemption Certificate. Total capital investment for this project is \$9,493,520 in personal property. The project will not create any new employment opportunities. SAPPI's current workforce is 735.

FINANCIAL IMPACT: The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting an Industrial Facilities Exemption Certificate for a term of 9 years.

The Public Hearing opened at 6:12 p.m. to hear and consider any comments from the public. Matt Dugener gave an overview of the item. No comments were heard.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing at 6:21 p.m. and to approve the issuance of an Industrial Facilities Exemption Certificate for SAPPI Fine Paper, 2400 Lakeshore Drive.

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

Nays: None

ADOPTED

c. Request for Time Extension for IFT Certificate No. 97-534, Neway Anchorlok International.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Neway Anchorlok International, 1950 Industrial Boulevard, Muskegon, Michigan has requested a time extension of Industrial Facilities Exemption Certificate No. 97-534.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the resolution granting a time extension on Industrial Facilities Exemption Certificate No. 97-534 for a term of 1 year.

The Public Hearing was opened at 6:22 p.m. to hear and consider any comments from the public. Matt Dugener gave an overview of the item. No comments were heard.

Motion by Vice Mayor Sieradzki, second by Commissioner Aslakson to close the Public Hearing at 6:24 p.m. and to approve a time extension of Industrial Facilities Exemption Certificate No. 97-534 for Neway Anchorlok International, 1950 Industrial Boulevard, Muskegon, Michigan.

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

Nays: None

ADOPTED

d. Create the Special Assessment District for Irwin Avenue.

ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the proposed special assessment of Irwin Avenue from Peck Street to Wood Street project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. Furthermore, if the district is created to award the contract to Felco Contractors since they were the lowest responsible bidder with a bid price of \$344,113.03.

FINANCIAL IMPACT: The construction cost of \$344,113.03 plus related engineering expenses.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the creation of the special assessment and assign two City Commissioners to the Board of Assessors by adopting the resolution. Also, if the district is created to award the contract to Felco Contractors.

The Public Hearing opened at 6:25 p.m. to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer gave an overview of the item. Ciggzree Morris, 311 W. Muskegon is opposed. Kevin McCloud, 196 Irwin is opposed. Russ Reagen, 211 Irwin is opposed. Janet Johnson, 191 Irwin is opposed.

Motion by Vice Mayor Sieradzki, second by Commissioner Aslakson to close the Public Hearing at 6:44 p.m. and create the special assessment district and appoint two City Commissioners to the Board of Assessors, and to award the contract to Felco Contractors.

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

Nays: None

ADOPTED

Mayor Nielsen appointed Vice Mayor Sieradzki and Commissioner Shepherd to the Board of Assessors.

e. Spreading the Special Assessment Roll for Morton Avenue.

ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Morton Avenue, Torrent Street to Bourdon Street, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$35,288.18 will be spread against the twelve 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 6:46 to hear and consider any comments from the public. Mohammed Al-Shatel, City Engineer gave an overview of the item. No comments were heard.

Motion by Commissioner Schweifler, second by Commissioner Aslakson to close the Public Hearing at 6:51 p.m. and to spread the special assessment for Morton Avenue, Torrent Street to Bourdon Street and to adopt the resolution confirming the special assessment roll.

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

Nays: None

ADOPTED

CITY MANAGER'S REPORT:

A worksession for the Smart Zone Project/High Tech Park will have to be planned. The Commissioners will be notified of when the meeting will take place.

2000-089 UNFINISHED BUSINESS:

a. SECOND READING, Dangerous Building Ordinance.

INSPECTION SERVICES DEPARTMENT

SUMMARY OF REQUEST: To adopt the ordinance, which is meant to clean up the dangerous building procedure. The procedure has proven to be somewhat cumbersome and troublesome in Circuit Court. This will give us a better chance in Circuit Court to overcome due process difficulties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance.

Motion by Commissioner Benedict, second by Commissioner Shepherd to adopt the ordinance to clean up the dangerous building procedures.

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

Nays: Sieradzki

ADOPTED

b. Lighthouse Park.

LEISURE SERVICES

SUMMARY OF REQUEST: The Beachwood/Bluffton Neighborhood Association has requested that the property within Pere Marquette that is across from Elliot Park be named Lighthouse Park with appropriate signage.

FINANCIAL IMPACT: None, except the cost of the sign.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve. The Leisure Services Board recommends approval.

Motion by Commissioner Aslakson, second by Commissioner Benedict to approve the property within Pere Marquette that is across from Elliot Park be named Lighthouse Park with appropriate signage.

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

Nays: None

Absent: Sieradzki (left the room momentarily)

ADOPTED

2000-090 NEW BUSINESS:

a. FY 2000 Local Law Enforcement Block Grant.

POLICE

SUMMARY OF REQUEST: Staff requests that the City Manager be authorized to negotiate an agreement with the County of Muskegon due to a Disparate Funding Certification and then submit the Fiscal Year 2000 Local Law Enforcement Grant Application in the amount of up to \$137,311. This grant requires local cash match up to \$15,257. This would be the amount of match used for law enforcement purposes and may be used for personnel or equipment. The exact amount to be placed in each category has not yet been determined. The grant requires the establishment of an Advisory Board to make recommendations prior to the grant funds being released. However, it would be our intent to continue the funding of an information systems person as well as a record's division person that we began funding under a previous block grant. We would be looking at using the remainder of the funds for much needed equipment due to our increased staffing.

The exact amount the City of Muskegon would receive and the corresponding match will not be known until negotiations with the County are finalized. However, due to the entire system being online, the Bureau of Justice Assistance is only allowing 30 days from the time of the grant announcement until all negotiations, hearings and applications are completed. Therefore, staff is asking for Commission approval at this time.

FINANCIAL IMPACT: \$137,311 maximum to be received from the U. S. Department of Justice, \$15,257 maximum required as a local cash match and must be placed in the same trust account as the federal grant funds.

Note that the grant covers a 2-year period.

BUDGET ACTION REQUIRED: A local cash match is required. If there were no sharing with the County the total match would be \$15,257. If there is sharing with the County of Muskegon, our required cash match would go down. This is a 10% cash match. These funds must be placed in the same interest bearing account as the federal grant funds and all interest earned must be spent on items allowable under the grant.

STAFF RECOMMENDATION: Staff recommends authorizing the City Manager to negotiate an agreement with the County Administrator and to then submit the Fiscal Year 2000 Local Law Enforcement Block Grant Application.

Motion by Commissioner Spataro, second by Commissioner Shepherd to authorize the City Manager to negotiate an agreement with the County of Muskegon due to a Disparate Funding Certification and then submit the Fiscal Year 2000 Local Law Enforcement Grant Application in the amount of up to \$137,311.

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

Nays: None

ADOPTED

b. Walker Arena Compressors.

LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the expenditure of up to \$20,000 for repairs to the Arena compressors.

FINANCIAL IMPACT: Not to exceed \$20,000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve

Motion by Commissioner Schweifler, second by Commissioner Spataro to authorize the expenditure of up to \$20,000 for repairs to the Arena compressors.

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

Nays: None

ADOPTED

c. Whittaker Electric Renaissance Zone Expansion, Parker Plastics.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 376 of 1996, as amended, Parker Plastics is requesting the approval of the resolution expanding the Whittaker Electric Renaissance Zone to incorporate a portion of the former Federal Mogul (Piston Ring) facility located on Laketon Avenue near Fairview Street. The proposed project will create 52 new permanent full-time jobs and result in the investment of \$2 million in

equipment and machinery as well as more than \$440,000 in improvements to the site and buildings. This request will utilize approximately \$1,430 of the City Revenue Investment Cap for the Renaissance Zone program.

FINANCIAL IMPACT: Certain real and personal property taxes will be exempt from collection for a period of 14 years beginning January 1, 2001. Additional income taxes will be collected as a result of this project.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution upon condition that Parker Plastics posts a performance bond equal to the amount of local taxes to be exempted over a period of 14 years.

Motion by Commissioner Shepherd, second by Commissioner Aslakson to approve the resolution expanding the Whittaker Electric Renaissance Zone to incorporate a portion of the former Federal Mogul facility located on Laketon Avenue near Fairview Street.

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

Nays: None

ADOPTED

2000-091 ANY OTHER BUSINESS:

Vice Mayor Sieradzki inquired about the Worksession on the Community Center. He also spoke regarding curb cuts in the Oakview Neighborhood. He reported that MichCon tore up sidewalks that were recently repaired.

Motion by Vice Mayor Sieradzki, second by Commissioner Benedict to make sure we can arrange to do the curb cuts, contact the schools regarding the cuts and to spend all available funds on the project.

Amendment by Commissioner Shepherd, second by Commissioner Spataro to table this request and discuss it at the next Regular Commission Meeting.

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

Nays: None

ADOPTED

PUBLIC PARTICIPATION:

Various comments were heard from the public.

Motion by Vice Mayor Sieradzki to allow Victor Sieradzki additional time to speak. No second was recognized by the Mayor.

CLOSED SESSION: To consider a personnel performance evaluation.

Motion by Commissioner Spataro, second by Commissioner Benedict to adjourn to Closed Session at 9:28 p.m. to consider a personnel performance evaluation.

ROLL VOTE: Ayes: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd
Nays: None

ADOPTED

Motion by Commissioner Aslakson, second by Commissioner Spataro to return to the Regular Commission Meeting at 10:29 p.m.

ROLL VOTE: Ayes: Aslakson, Schweifler, Sieradzki, Spataro
Nays: None
Absent: Benedict, Nielsen, Shepherd

ADOPTED

ADJOURNMENT:

The Regular Commission Meeting was adjourned at 10:30 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gail A. Kunding".

Gail A. Kunding, CMC/AEE
City Clerk

AGENDA ITEM
CITY COMMISSION MEETING
September 5, 2000

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Chief of Police

DATE: August 16, 2000

SUBJECT: FY 1998 Local Law Enforcement Block Grant

SUMMARY OF REQUEST: Police Department staff request that the Commission approve the use of FY 1998 Local Law Enforcement Block Grant (LLEBG) money to purchase 3 Panasonic Toughbook Ruggedized laptop computers. This purchase includes additional hardware which will allow the laptops to be mounted in the police cruisers. This would replace the current configuration of have a Mobile Data Terminal and a laptop in each cruiser. The Panasonic laptop will be dual function, allowing officers to run computer queries and complete reports in the field.

BUDGET ACTION REQUIRED: \$18,494.00 in grant money to be utilized for this purchase. IS staff have assisted us in preparing this package. Funds from the FY 1998 LLEBG must be expended no later than September 30, 2000.

FINANCIAL IMPACT: Will reduce costs associated with maintaining two computers in each cruiser.

STAFF RECOMMENDATION: To grant approval for the use of LLEBG funds for this project.

Muskegon Police Department
Anthony L. Kleibecker
Chief of Police

TO: Honorable Mayor and City Commissioners

FROM: Anthony L. Kleibecker, Chief of Police 

DATE: August 16, 2000

SUBJECT: FY 1998 Local Law Enforcement Block Grant

Attached you will find bids from 3 companies in regards to this proposed purchase. When all of the costs are tabulated, Office Machines Company of Muskegon comes in with the low bid. The Muskegon County Sheriff's Department has assisted us in this project and is using the same supplier.

If you have any questions, please don't hesitate to contact me.

Memorandum

To: Anthony Kliebecker

CC: Jim Maurer
From: Wayne B. Peterson
Date: 08/15/00
Subject: Multipurpose Laptops

Multipurpose Laptops for the Muskegon Police Department patrol cars. Jeff Lenartowitz has managed to get the CLUES software to work in a WINDOWS environment. Jeff has purchased Panasonic Toughbooks, Ruggedized, Model CF-27 to replace the current configuration of having two PC's in the County cars, One MDT and an additional PC for CLUES reporting. Here is a breakdown of the cost for three Laptops to be used in the MUPD patrol cars.

Description	Model	Price	Quantity	Total
CF-27 PII 333 Laptop computers	CF-27FCCKFAM	\$ 5034.00	3	\$ 15,102.00
Backlit Keyboard	CF-WMKB271	\$ 322.00	3	\$ 966.00
Keyboard Integration Charge		\$ 30.00	3	\$ 90.00
AC Auto Adapter	PA-1540-201	\$ 95.00	3	\$ 285.00
Port Replicator for floor mount	CF- WEB273	\$ 363.00	3	\$ 1,089.00
Gamber/Johnson Pan	GJ-PAN-CF27	\$ 75.00	3	\$ 225.00
Gamber/Johnson Pole	DS Pole	\$ 75.00	3	\$ 225.00
Gamber/Johnson Clevis	DS Clevis	\$ 66.00	3	\$ 198.00
24X CD-Rom	CF-VDD271	\$ 314.00	1	<u>\$ 314.00</u>
				\$18,494.00

The Toughbook™ 27: Fully Ruggedized. The Ultimate in Durability and Performance.

- Full Magnesium Case
- Spill-resistant Keyboard, LCD and Touchpad
- Shock-mounted HDD
- Ready for Wireless Communications



Now with
Intel® Pentium® II
300MHz CPU

Panasonic®
TOUGHBOOK™
27

TAKE IT.

1-800-662-3537

www.panasonic.com/toughbook

Panasonic is constantly enhancing product specifications and accessories. To find the most up-to-date information on the Toughbook 27, please visit our web site. Specifications subject to change without notice. All other trademarks are property of their respective owners.

CPU	• Intel® Pentium® II 300MHz processor • 512KB L2 cache (Pipeline Burst)	
Storage & Memory	• 64MB SDRAM standard, expandable to 192MB • 6.3GB HDD standard (up to 12GB HDD available) • Removable HDD is mounted in shock-absorbing gel and encased in stainless steel • Quick-access battery/HDD cover for easy HDD replacement • 1.44MB FDD	
Display	• 12.1" 800 x 600 TFT Active Matrix Color LCD with Touchscreen • Sealed LCD is spill-resistant and dust-resistant, IPX1 compliant • "DayBrite™ ARX" anti-reflective LCD for viewing even in bright sunlight • Magnesium LCD case is 20x stronger than ABS plastic cases • NeoMagic™ NM2200 video controller, 2.5MB VRAM • External video support up to 1024 x 768 at 16M colors	
Audio	• Yamaha YMF744 16-bit Sound Blaster Pro™ compatible audio controller • Integrated speaker • Convenient keyboard volume controls (Fn+F5/F6 keys)	
PC Cards	• Type II x 2 or Type III x 1 • Sealed, reinforced Aluminum Alloy PC Card door • Positive-lock PC Card door for reliability • ZV (Zoomed Video) Port and Cardbus Support	
Multimedia Pocket	• Holds 3.5" FDD (standard) • Accepts optional 24X (max) CD-ROM Drive (CF-VCD271) • CD-ROM and FDD can be used simultaneously (w/FDD cable CF-VCF271) • Accepts optional SuperDisk™ Pack (CF-VFS271) • Sealed, reinforced Aluminum Alloy Multimedia Pocket (MP) door • Positive-lock MP door for reliability	
Keyboard & Input	• 87-key, Windows® 95-ready keyboard • Enhanced pressure sensitive touchpad • Touchscreen LCD • Sealed, spill-resistant keyboard, LCD and touchpad for protection against dust, moisture and spills	
Interface	• Infrared • Serial • Parallel • External Video • External FDD Connection • External Keyboard/Mouse • USB • Port Replicator • Headphones/Speaker • Microphone/Line In	4Mbps IrDA - D-sub 9 pin - D-sub 25 pin - D-sub 15 pin - via parallel port with optional FDD cable - Mini-DIN 6 pin 4 pin 80 pin (Reinforced) - Mini-Jack Stereo - Mini-Jack
Power Supply	• Lithium Ion battery (10.8V, 3450mAh) • AC Adapter: AC 100V-240V 50/60Hz, Auto Sensing/Switching for worldwide power supply • Quick access battery/HDD cover for easy battery replacement • Battery charging time: approximately 2.5 hours/OFF, 4.5 hours/ON • Pop-up on-screen battery status reporting	
Power Management	• Suspend/Resume Function, Hibernation, ECO Mode, APM BIOS	
Software	• Preloaded Microsoft® Windows® 95 standard (Windows® NT available) • Setup, Diagnostics, DMI Viewer, PhoenixCard Manager™, On-line Reference Manual, Adobe® Acrobat® Reader, Panasonic® Hand Writing	
Security Features	• Password Security: Supervisor, User, Coffee Break • Integrated Kensington Lock Slot	
Warranty	• 3 year limited warranty, parts & labor	
Dimensions & Weight	• 2.3"(H) x 9.5"(D) x 11.8"(W) • 8.2 lbs., including battery, FDD and handle	
Accessories*	• Preloaded Microsoft® Windows® NT • 12GB HDD • 24X (max) CD-ROM Drive • SuperDisk™ Drive Pack • DVD-ROM Drive Pack • Desktop Port Replicator • Vehicle Mounting Port Replicator • High-gain Antenna Pass-thru Cable • Vehicle Mounting Port Replicator with Integrated High-gain Antenna Pass-thru Cable • FDD Cable • Battery Charger • Battery Pack • AC Adapter • Integrated Wireless Solutions – American Mobile (DataTAC) Network – CDPD Network – BellSouth (Mobitex) Network • BackLit Keyboard Upgrade • Memory Cards - Pentium® II configurations (SDRAM) – 16MB – 32MB – 64MB – 128MB - Pentium® MMX™ configurations (EDO RAM) – 16MB – 32MB – 64MB – 128MB	- CF27-NT - CF-VHDE120GB - CF-VCD271 - CF-VFS271 - CF-VDD272M - CF-VEB272 - CF-WEB273 - CF-WEW275 - CF-WEB273CBL - CF-VCF271 - CF-VCB251 - CF-VZSU04 - CF-AA1639M - CF-WMKB711 - CF-WMBA7116 - CF-WMBA7132 - CF-WMBA7164 - CF-WMBA71128 - CF-BA6116 - CF-BA6132 - CF-BA6164 - CF-BA61128

* Accessories may vary depending on your notebook configuration.
Please consult your reseller or Panasonic representative before purchasing accessories.



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AUGUST 14, 2000CITY OF MUSKEGONATTN: WAYNE PETERSONQUOTE FOR MUSKEGON POLICE DEPT.PANASONIC TOUGHBOOK MODEL 27 QUOTE:DESCRIPTIONINVESTMENT

CF-P11 333/13.3" XGA/128MB RAM/12GB HARD DRIVE
56K MODEM/ WIN95
CF-27FCCKFAM

\$ 5,034.00

OPTIONS:

CF-VCDD271 24X CD ROM

\$ 314.00

CF-WMKB271 BACKLIT KEYBOARD

\$ 322.00

KEYBOARD INTEGRATION CHARGE

\$ 30.00

PA 1540-201 AC AUTO ADAPTER

\$ 95.00

CF-WEB273 PORT REPLICATOR FOR THE FLOOR MOUNT

\$ 363.00

IN-THE-BOX PRICES

NO SHIPPING CHARGES

NOTE: PAYMENT IS DUE IN 5 DAYS AFTER DELIVERY

ERNIE UHLBECK

[View your Shopping Cart](#)

Item Display Page

CF-27FCCKFAM

Vendor : [Panasonic](#)Panasonic NotesDescription : Toughbook 27, PII 333 MHz, 13.3"XGA/TOUCH, 128RAM, 12GB HD, 24x
OptionalCD-ROM, Win 95

Price : 5,012.96

Updated : **Updated** 8/9/00 11:26:22 AMQuantity

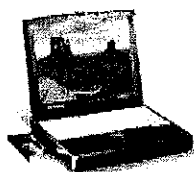
EDS Shopping Cart

Part #	Description	Price	Quantity	Line Total	Delete
CF-VCD271W	Internal 24X CD ROM Drive (for Pocket Slot) for TB-27	\$312.23	1 Update	\$312.23	Delete
CF-27FCCKFAM98	Toughbook 27, PII 333, 13.3	\$5,012.96	3 Update	\$15,038.88	Delete
CF-WEB273	Full Plate/Vehcl Port Rep, all ports + 2nd Serial for TB-27, Needs 3rd party mo	\$351.36	3 Update	\$1,054.08	Delete
CF-WMKB271	BackLit Keyboard for TB-27	\$315.85	3 Update	\$947.55	Delete

Quote Subtotal : **\$17,352.74**

Price good for 30 days

[Email your Quote](#)



Panasonic

All notebooks are **BRAND NEW** only! We don't sell refurbished computers or open boxes. To purchase, use our **secure on-line ordering system** that will also help you to learn about upgrade options and shipping costs. Just click on the **details** or **order** button of the item of your interest. You can also purchase separately **accessories and upgrades** for notebooks. Just click on **accessories** link under the name of the model of your interest. If you have any questions, please send us e-mail inquiry to sales@euclidcomputers.com about the items you are interested in or call us toll-free: 877-EUCLID1 (877-382-5431)

Model, (Part Number)	CPU	Display	HDD — RAM	CD- ROM — DVD	Modem	Dimensions — Weight	Warranty — Comments	Usually Ships	Price
Toughbook CF-17 (CF-17TR42AEMRAM) specifications accessories	Celeron 300MHz	TFT 8.4inch	4.0G — 64	optional	56K	9x7.4x1.7 — 3.8lbs	3 year — W98 ruggedized	delayed shipping	\$4495 details order
Toughbook 27 (CF-27EB6GCAM) specifications accessories review	Pentium II 300MHz	TFT 12.1inch	6.3G — 64/192	optional	optional	11.8x9.5x2.3 — 8.2lbs	3 years — W95 ruggedized Ask about special price	within 3- 4 days	\$4849 details order
Toughbook 27 (CF-27EB6GCAM98) specifications accessories	Pentium II 300MHz	TFT 12.1inch	6.0G — 64	optional	optional	11.8x9.5x2.3 — 8.2lbs	3 years — W98 ruggedized Ask about special price	next day	\$4849 details order
Toughbook 27 (CF-27EB6GCAMNT) specifications accessories	Pentium II 300MHz	TFT 12.1inch	6.0G — 64/192	optional	optional	11.8x9.5x2.3 — 8.2lbs	3 years — NT4.0 ruggedized Ask about special price	within 3- 4 days	\$4970 details order
Toughbook 27 (CF-27EB6GDAM) specifications accessories	Pentium II 300MHz	TFT 12.1inch	6.3G — 64/192	optional	optional	11.8x9.5x2.3 — 8.2lbs	3 years — W95 ruggedized Ask about special price	next day	\$5199 details order
Toughbook 27 (CF-27FCCKFAM98) specifications accessories	Pentium II 333MHz	TFT 13.3inch	12.0G — 128	optional	optional	—	— W98 ruggedized	delayed shipping	\$5749 details order
Toughbook 27 (CF-27EB6GCAM98CDP) specifications accessories	Pentium II 300MHz	TFT 12.1inch	6.0G — 64	optional	optional	11.8x9.5x2.3 — 8.2lbs	3 years — W98 ruggedized Ask about special price	next day	\$5835 details order

First Previous Showing 21-27 of 27

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APRIL 17, 2000

MUSKEGON COUNTY SHERIFF DEPT.

ATTN: JEFF

PANASONIC TOUGHBOOK MODEL 27 QUOTE:

DESCRIPTION

INVESTMENT

CF-P11 333/13.3" XGA/128MB RAM/12GB HARD DRIVE	\$ 4,900.00
56K MODEM/ WIN95	
CF-27FCKKFAM	
(WIN98 NOT AVAILABLE YET)	

OPTIONS:

CF-VCDD271 24X CD ROM	\$ 314.00
CF-WMKB711 BACKLIT KEYBOARD	\$ 322.00
KEYBOARD INTEGRATION CHARGE	\$ 30.00
CF-27 CAR MOUNT PORT REPLICATOR	\$ 363.00
CF-AA1639 AC ADAPTER	\$ 89.00
CF-VDD-272M DVD ROM	\$ 369.00

IN-THE-BOX PRICES
NO SHIPPING CHARGES

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PA 1540-201 = 95
Auto DC 70 AC plug lighter or mount
R



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Computer Applications Training

JULY 27, 2000

CENTRAL DISPATCH

ATTN: TIM KOENS

QUOTE FOR MUSKEGON TOWNSHIP POLICE DEPT.

PANASONIC TOUGHBOOK MODEL 27 QUOTE:

DESCRIPTION

INVESTMENT

CF-P11 333/13.3" XGA/128MB RAM/12GB HARD DRIVE
56K MODEM/ WIN95
CF-27FCCKFAM

\$ 5,059.00

OPTIONS:

CF-VCDD271 24X CD ROM

\$ 314.00

CF-WMKB711 BACKLIT KEYBOARD

\$ 322.00

KEYBOARD INTEGRATION CHARGE

\$ 30.00

PA 1540-201 AC AUTO ADAPTER
CF-VDD-272M DVD ROM

\$ 89.00

\$ 369.00

IN-THE-BOX PRICES

NO SHIPPING CHARGES

NOTE: PAYMENT IS DUE IN 5 DAYS AFTER DELIVERY

ERNIE UHLBECK

Shipping

Emergency Shipping
Transportation of Goods - Freight
Michigan Commodity Code - 962-86

Overnight and second day shipping are available under the State of Michigan End User Computing contract. Special shipping is only available on products that are not constrained by the manufacturer and in stock at the EDS warehouse, and is intended for emergency situations only. Once the order is placed with EDS and the order meets the above requirements, the order will be shipped to the customer either overnight or 2-day.

All purchase orders specifying overnight delivery will be charged \$83.00. The charge is for processing the order - freight/shipping charges are in addition to the processing fee. Second day delivery is available with no additional surcharge. However, customers will be charged for the actual freight/shipping costs associated with the second day delivery.

When you have an emergency business need necessitating overnight and/or second day shipment, please contact the EDS Customer Assistance Center (1-800-777-8923). To ensure product availability and timely receipt of the emergency order, please do the following:

- Verify the contents of the purchase order are STOCKED at the EDS Warehouse.
- FAX the purchase order to the EDS Customer Assistance Center by 2:00 P.M. Eastern Time (1-800-989-7765).
- Make sure the expedited delivery options are properly included on the purchase order.
- Please indicate your desire for EDS to ship goods overnight by placing the following information on the purchase order:

EDS Part Number	Description	Price
904-23270	Overnight Air Surcharge	\$83.00

Purchase orders must indicate the F.O.B. shipping point.

Special Deliveries include products sent to a "Ship To" address without a loading dock or personnel specifically assigned to receiving equipment. In order for EDS to successfully deliver a special delivery, instructions must be noted in the "Ship To" field on the purchase order. In addition, a call should be placed to the appropriate EDS customer assistance center representative, to let he/she know that they can expect to receive a special delivery order. These steps will help to ensure that special deliveries will be handled appropriately.

Last Revised: 09-July-99
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Send comments to: Nikki Riley or if your web browser cannot send mail, send directly to nikki.riley@eds.com

Commission Meeting Date: September 12, 2000

Date: August 31, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Muskegon/Muskegon Heights Renaissance Zone Cooperation Agreement

SUMMARY OF REQUEST:

To approve the attached resolution entering into an agreement with the City of Muskegon Heights to share (equally) the number of sub-zones available to each community (5 per community) and agreeing that the City of Muskegon will not withhold support for the expansion of existing or the creation of new Renaissance sub-zones by the City of Muskegon Heights. This agreement will only be valid upon receipt of a resolution from the Muskegon Heights City Council agreeing to the same terms.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution

COMMITTEE RECOMMENDATION:

None

MUSKEGON/MUSKEGON HEIGHTS
RENAISSANCE ZONE DESIGNATION COOPERATION AGREEMENT

WHEREAS, the Cities of Muskegon and Muskegon Heights were jointly designated by the State of Michigan as a Renaissance Zone beginning in the year 2000; and

WHEREAS, Public Act 376 of 1996, as amended, provides for the designation of ten (10) geographic areas as sub-zones within the larger Muskegon/Muskegon Heights Renaissance Zone; and

WHEREAS, upon initial designation of the Muskegon/Muskegon Heights Renaissance Zone in 2000, the City of Muskegon selected 2 geographic areas and the City of Muskegon Heights selected 4 geographic areas; and

WHEREAS, Public Act 376 of 1996, as amended, provides for the amendment of existing and creation of new geographic areas within the Muskegon/Muskegon Heights Renaissance Zone (up to a total of ten (10) distinct geographic areas); and

WHEREAS, it is in the best interest of the mutual redevelopment selected geographic areas within both the City of Muskegon and the City of Muskegon Heights that this agreement be executed.

NOW THEREFORE BE IT RESOLVED, that both the City of Muskegon and the City of Muskegon Heights agree that each community may select no more than 5 (for a total of 10) distinct geographic areas within their respective boundaries for designation as a Renaissance Zone.

BE IT FURTHER RESOLVED, that both the City of Muskegon and the City of Muskegon Heights agree not to withhold their support of the submission of selected geographic areas for designation as a Renaissance Zone within the other community.

IT IS FURTHER RESOLVED, that this agreement applies to the designation of a Renaissance Zone for both newly selected geographic areas as well as modified existing geographic areas

This agreement adopted this _____ day of _____, 2000.

City of Muskegon

City of Muskegon Heights

Witness

Witness

Commission Meeting Date: September 12, 2000

Date: August 24, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Six Month Extension to Complete Construction of Home

SUMMARY OF REQUEST:

To approve a six-month extension to allow Mr. Juan & Mrs. Antoinette Ware to complete construction of a single-family home on Meeking Street. The original agreement between the City and the Wares stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. The Wares have worked with staff to select a competent builder to construct the home and feel that the six month extension will allow them enough time to build their home.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as, authorization for both the Mayor and the Clerk to sign the attached resolution and deed.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2000-86(d)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING SIX MONTH EXTENSION TO COMPLETE CONSTRUCTION OF A SINGLE-FAMILY HOME ON MEEKING STREET.

WHEREAS, Juan and Antoinette Ware have submitted a request for a time extension; and

WHEREAS, Juan and Antoinette Ware have worked with staff to select a competent builder to complete construction of their home; and

WHEREAS, the completion of the new home will further enhance the ambiance of the City's residential area;

NOW THEREFORE BE IT RESOLVED, that Juan and Antoinette Ware be granted an additional six months to complete construction of their single-family home on Meeking Street.

Adopted this 12th day of September, 2000

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

Nays: None

Absent None

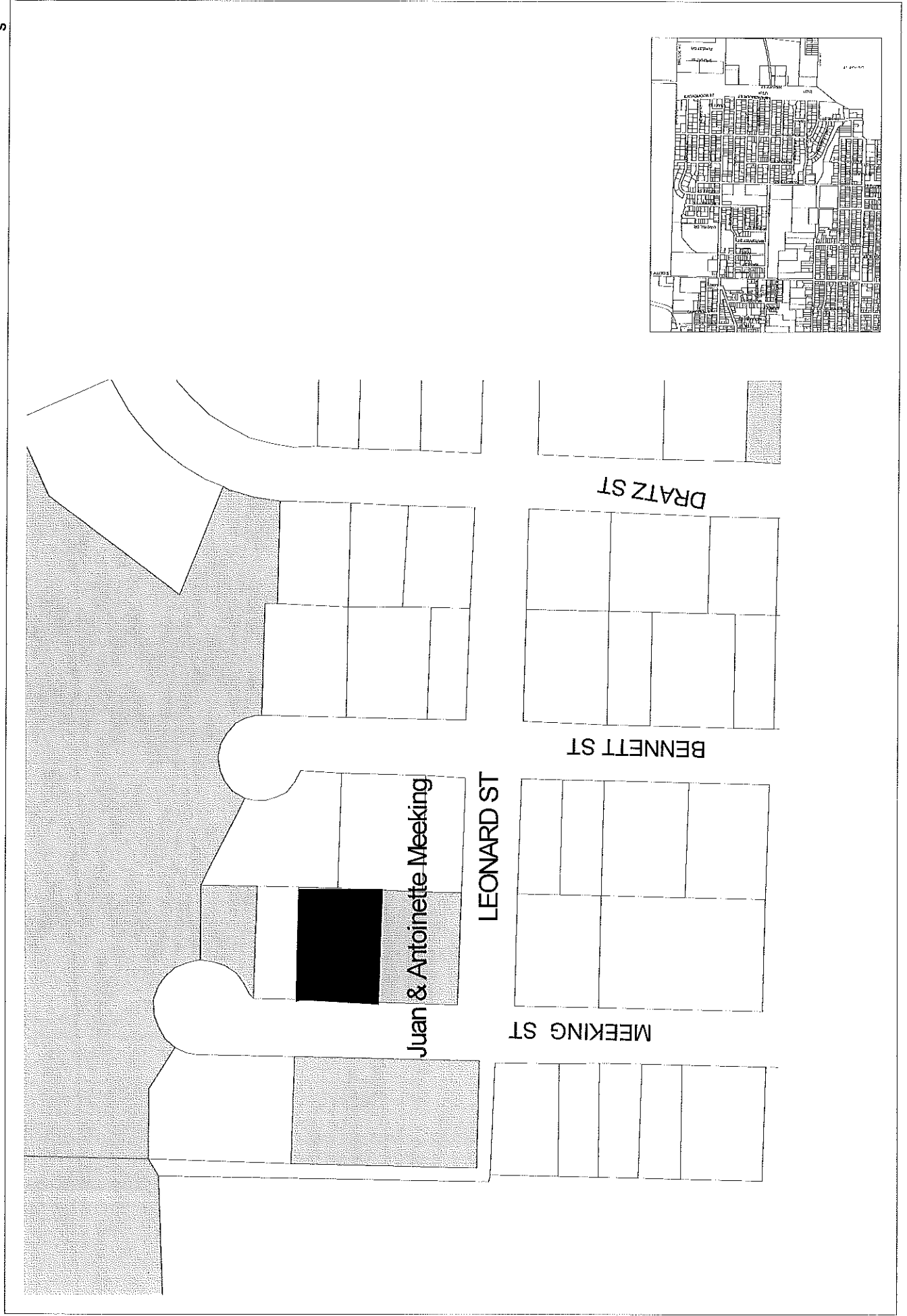
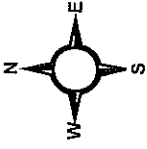
By: Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 12, 2000.

By: Gail Kunding
Gail Kunding, Clerk



Commission Meeting Date: September 12, 2000

Date: August 24, 2000
To: Honorable Mayor & City Commissioners
From: Planning & Economic Development
RE: Sale of Vacant Non-Buildable Lots in E. Muskegon

SUMMARY OF REQUEST:

To approve the sale of the vacant lots designated as map numbers 24-31-33-106-021 & 022 to Mr. Eddie Whisler of 1993 Austin. Each lot has approximately 33 feet of frontage but combined would meet the definition of a buildable lot. Staff and the LRC agreed that the likelihood of someone purchasing the two lots for the construction of a new home was very low, and consequently recommended approval of the sale to Mr. Whisler. The parcels are being offered for \$100 each. The other adjacent property owner showed no interest in purchasing any of the lots.

FINANCIAL IMPACT:

The sale of this lot will allow the property to be placed back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

The LRC recommended this sale at their October 1999 meeting.

Resolution No. 2000-87(e)

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE SALE OF TWO NON-BUILDABLE LOTS IN EAST MUSKEGON NEIGHBORHOOD FOR \$100 EACH.

WHEREAS, Mr. Eddie Whisler has paid \$100 each for map numbers 24-31-33-106-021 and 022, located on Austin;

WHEREAS, the sale would relieve the City of further maintenance costs;

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

NOW THEREFORE BE IT RESOLVED, that map numbers 24-31-33-106-021 and 022, located on Austin be sold to the above-mentioned buyer.

(Continental Add Lot 17 and 18 Blk 8)

Adopted this 12th day of September, 2000

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

Nays: None

Absent None

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

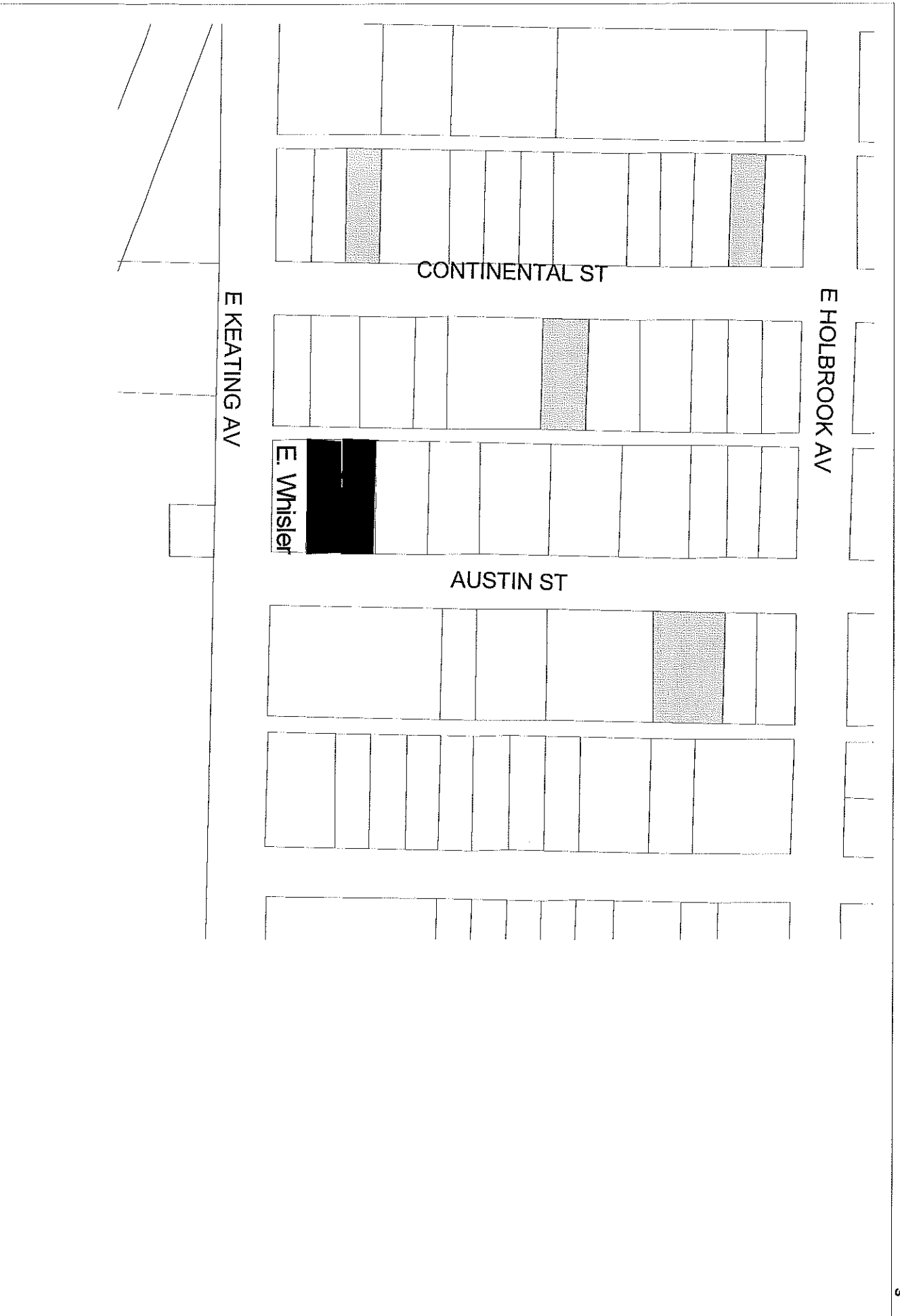
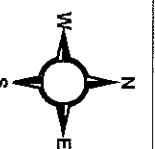
Attest: Gail Kunding
Gail Kunding, Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on September 12, 2000.

By: Gail Kunding
Gail Kunding, Clerk

Proposed Sale to Eddie Whisler
9/12/00



QUIT-CLAIM DEED

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

QUIT CLAIMS to EDDIE WHISLER and wife, LEOLA WHISLER, of 1993 Austin, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon, State of Michigan, to wit:

Lots 17 and 18 of Block 8 of CONTINENTAL ADDITION, to the City of Muskegon.

for the sum of Two Hundred Dollars (\$200).

This deed is exempt from real estate transfer tax pursuant to the provisions of MCLA 207.505(h)(i) and MCLA 207.526 Sec. 6(h)(i).

Dated this 18th day of September, 2000.

Signed in the presence of:

CITY OF MUSKEGON

Linda S. Potter
Linda S. Potter

By Fred J. Nielsen
Fred J. Nielsen, Its Mayor

Jo Ann Krukowski
Jo Ann Krukowski

and Gail A. Kunding
Gail A. Kunding, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 18th day of September, 2000, FRED J. NIELSEN and GAIL A. KUNDINGER, Mayor and Clerk, respectively, of the CITY OF MUSKEGON, a municipal corporation, on behalf of the City.

PREPARED BY: G. Thomas Johnson
G. Thomas Johnson, Parmenter O'Toole
175 W. Apple Ave., Muskegon, MI 49443-0786

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

WHEN RECORDED RETURN TO: Grantee

SEND SUBSEQUENT TAX BILLS TO: Grantee

Date: September 12, 2000
To: Mayor and City Commissioners
From: Robert Kuhn – Director of Public Works
RE: Renewal of Maintenance Contract with MDOT
Trunkline within the City of Muskegon

SUMMARY OF REQUEST: The Michigan Department of Transportation (MDOT) desires to renew its contract with the City of Muskegon for road maintenance on State Highways located within the City of Muskegon.

The City of Muskegon designates Robert Kuhn, its Public Works Director as the Maintenance Superintendent on state trunkline highways, and authorizes him and the City Clerk to execute this contract on the City's behalf.

This is a three-year renewable contract

FINANCIAL IMPACT: Our annual contract with MDOT is approximately \$204,000 per year.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Recommend approval of three-year contract, with the designation of Robert Kuhn as the Maintenance Superintendent, and authorizes him and the City Clerk to execute the contract on the City's behalf.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUNICIPAL RESOLUTION
2000-87(f)

Commissioner Shepherd offered the following resolution and moved for its adoption.

BE IT RESOLVED THAT the Municipal Trunkline Maintenance contract between the MICHIGAN DEPARTMENT OF TRANSPORTATION and the City of Muskegon for the period 10/1/2000 to 9/30/2004, is hereby accepted and Robert H. Kuhn is designated as Maintenance Superintendent on sections of State Trunkline Highways as shown on the Municipal Route Section Map and Budget Sheets.

The following City official Robert H. Kuhn, Director of Public Services is authorized to sign the said maintenance contract.

Supported by Commissioner Aslakson.

ADOPTED: Yeas: Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd

Nays: None

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of a resolution made and adopted at a regular meeting of the governing body of this municipality on the 12th day of September, 2000.



Gail A. Kunding, City Clerk

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION
COMMISSION
Barton W. LaBelle

Jack L. Gingrass

Lowell B. Jackson

John W. Garside

Betty Jean Awrey

Ted B. Wahby

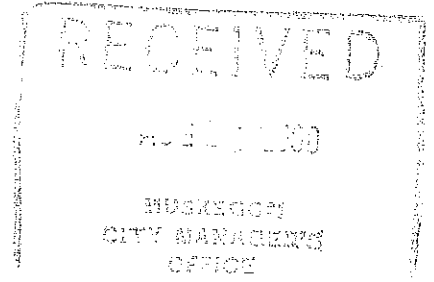
TRANSPORTATION BUILDING, 425 WEST OTTAWA POST OFFICE BOX 30050, LANSING, MICHIGAN 48909

PHONE: (517) 373-2090 TDD NO.: (517) 373-0012 FAX NO.: (517) 373-0167

James R. DeSana, Director

August 28, 2000

Bryon Mazade
City of Muskegon
933 Terrance Street
P.O. Box 536
Muskegon, Michigan 49443-0536



Dear: Mr. Mazade:

Re: State Trunkline Maintenance Contract: (Contract No.2000-0672)

Enclosed is a copy of the Michigan Department of Transportation's Title VI/EEO Compliance Application (Form 5013.) The compliance application must be completed and approved prior to the award of any contracts or grants.

Title VI approval insures vendors contracting with MDOT have met the non-discrimination requirements of the Civil Rights Act of 1964. MDOT is a recipient of federal funds, therefore, the Department must comply with federal Title VI requirements. The purpose of the Title VI compliance application is to provide the Department with a method to ensure that all vendors receiving funds have a process in place to monitor equal opportunity.

If you have any questions regarding completing this form, please call Vanessa Bridges at (248) 967-0570, ext. 15.

Please mail the completed report to:

Michigan Department of Transportation

Office of Equal Opportunity

P.O. Box 30050

Lansing, MI 48909

Attn: Melissa Davis

If you have any questions regarding this letter or your contract, please call me at (517) 322-3306. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Cerqueira".

Cheryl Cerqueira

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

TRANSPORTATION
COMMISSION

Barton W. LaBelle

Jack L. Gingrass

Lowell B. Jackson

John W. Garside

Betty Jean Awrey

Ted B. Wahby

TRANSPORTATION BUILDING, 425 WEST OTTAWA POST OFFICE BOX 30050, LANSING, MICHIGAN 48909

PHONE: (517) 373-2090 TDD NO.: (517) 373-0012 FAX NO.: (517) 373-0167

James R. DeSana, Director

August 28, 2000

Bryon Mazade
City of Muskegon
933 Terrance Street
P.O. Box 536
Muskegon, Michigan 49443-0536

Dear: Mr. Mazade:

Re: State Trunkline Maintenance Contract No. 2000-0672

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

- ___ **Please do not date the contracts.** The contracts will be dated when they are executed. A contract is **not** executed unless it has been signed by all parties.
- ___ **Secure necessary signatures on both contracts.**
- ___ **Include a certified resolution. The resolution should specifically name the officials who are authorized to sign the contract.**
- ___ **Return both of the contracts to the Maintenance Division, 6333 Old Lansing Rd., Lansing MI 48917, for execution by MDOT.** A copy of the executed contract will be forwarded to you.

You may begin incurring costs in accordance with the terms of the executed contract. It is important to note that costs outside of the term of the contract are not allowable.

If you have any questions, please contact me at (517) 322-3306.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Cerqueira".

Cheryl Cerqueira, Contract Administrator
MDOT Maintenance Division

Enclosures

TITLE VI/EEO COMPLIANCE APPLICATION

Title VI of the Civil Rights Act of 1964, related statutes and regulations provide that no person shall on the ground of race, color, national origin, gender, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

COMPANY NAME City of Muskegon	TELEPHONE NUMBER (231)724-6705	
STREET ADDRESS 933 Terrace	FAX NUMBER (231)724-4178	
P.O. BOX 536	CITY Muskegon	
COUNTY Muskegon	STATE MI	ZIP CODE 49443-0536

TYPE OF COMPANY/ORGANIZATION (Check all that apply)

☐ Prime Contractor ☐ Supplier ☒ Governmental ☐ Consultant ☐ University

Other (Identify) _____

Procedures for monitoring and implementing equal employment opportunity procedures include but are not limited to the following:

- Employers / contractors must establish an Equal Opportunity Policy. Employers/contractors must accept as their operating policy the following: *It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment without regard to their race, religion, gender, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship pre-apprenticeship, and/or on-the-job training.*
- The employer / contractor must designate and make known to MDOT an Equal Opportunity Officer. The individual appointed must be capable of effectively administering and promoting an active program of equal employment opportunity and must be assigned adequate authority and responsibility to do so.
- The employer's / contractor's equal opportunity policies must be disseminated to all staff members authorized to hire, supervise, promote, and discharge employees, or who recommend such action. To ensure that the policy is known, periodic meetings of supervisory and personnel office employees must be conducted not less than once every six months.
- All employees, prospective employees and potential sources of employees should be advised of the employer's / contractor's equal opportunity policy. Notices and posters setting forth the employer's equal opportunity policy must be placed in areas readily accessible to the aforementioned. The employer's / contractors equal employment opportunity and the procedures to implement the policy must be brought to the attention of employees by means of meeting, employee handbooks, or other appropriate means.
- When advertising for employees, the employer/contractor must include, in all advertisements for employees the notation: *"An Equal Opportunity Employer."* All such advertisements must be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

- Employers / contractors must establish a process to investigate all complaints of alleged discrimination and take appropriate corrective action, including a method to inform all complainants of their avenues of appeal. Complainants should be advised of their right to file a complaint with governmental agencies (i.e., the State recipient, the Federal agency providing funds to the state recipient, the Department of Civil Rights, the Department of Justice, etc.).

For additional information regarding the completion of this form, contact MDOT'S Office of Equal Opportunity at (517) 241- 4427. A copy of 23 CFR Appendix A to Subpart A of Part 230 Special Provisions is available upon request, it provides specific information regarding equal employment opportunity responsibilities.

NAME AND TITLE OF THE EQUAL EMPLOYMENT OFFICER (this individual must be capable of effectively administering and promoting an active equal opportunity program and is assigned adequate authority and responsibility to carry out these duties.)

NAME (Please Print)	COMPANY/ORGANIZATIONAL TITLE (Please Print)
Kenneth M. James <i>Kenny</i>	City of Muskegon, Affirmative Action Dir. <i>9-6-00</i>

I certify that I will abide by the equal employment opportunity requirements outlined in this application. I also understand the provisions of Title VI and related statutes. This certification is also my assurance that I will not discriminate on the grounds of race, color, national origin, gender, age, or disability.

AUTHORIZED CORPORATE OR ORGANIZATIONAL OFFICER	TITLE	DATE
<i>Kenny</i>	AA Dir.	9-14-00

NOTE: You must notify MDOT within 45 days if any of the information you provided on this application changes.

Please return this application to:

Michigan Department of Transportation
Office of Equal Opportunity
P.O. Box 30050
Lansing, MI 48909

Web Address: WWW.MDOT.STATE.MI.US

Do not write in the area below

APPROVAL	DATE

MDOT NO. 2000-0672
ACCOUNT NO. 3841
REGION: GRAND
AGENDA: DAB

MICHIGAN DEPARTMENT OF TRANSPORTATION

CITY OF MUSKEGON

STATE HIGHWAY MAINTENANCE CONTRACT

THIS CONTRACT is made and entered into this date of _____ by and between the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," and the City of Muskegon, a Michigan municipal corporation, hereinafter referred to as the "MUNICIPALITY."

WITNESSETH:

WHEREAS, the DEPARTMENT has affirmatively found that contracting with this MUNICIPALITY for the maintenance of state trunklines and bridges within its jurisdiction is in the best public interest; and

WHEREAS, the DEPARTMENT and the MUNICIPALITY mutually agree to explore the potential for improving efficiency by the selective use of subcontracting materials and services with the private sector; and

WHEREAS, 1925 PA 17 Section 2, MCL 250.61 et seq; MSA 9.902, authorizes the DEPARTMENT to contract with the MUNICIPALITY for the construction, improvement, and/or maintenance of State trunkline highways. The DEPARTMENT, subject to the approval of State Administrative Board, will do all acts or things necessary to carry out the purpose of 1925 PA 17 supra; and

WHEREAS, the DEPARTMENT has so advised the State Transportation Commission and the Appropriations Committees of the Senate and House of Representatives in accordance with 1951 PA 51 Section 11c, MCL 247.661c; MSA 9.1097(11c);

NOW, THEREFORE, in consideration of the premises and the mutual undertakings of the parties hereto, it is agreed as follows:

Section 1. ORGANIZATION, EQUIPMENT AND FACILITIES

The MUNICIPALITY will provide personnel, equipment, and facilities to maintain the State trunkline highways and provide the services required under the terms of this Contract. The MUNICIPALITY will furnish the DEPARTMENT, upon request, with an organizational chart showing garage locations and names of supervisory personnel and any other information incidental to the performance of this maintenance contract.

Section 2. SCOPE OF WORK

- a. The MUNICIPALITY will perform maintenance work at the direction of the DISTRICT OPERATIONS ENGINEER of the DEPARTMENT, hereinafter referred to as the "DISTRICT OPERATIONS ENGINEER," acting under the general direction of the Engineer of Maintenance of the DEPARTMENT, hereinafter referred to as the "ENGINEER OF MAINTENANCE," under the terms of this Contract and as covered by the Line Item Budget for each fiscal year, which is incorporated herein by reference. Work for the Maintenance Division, including permit issuance and inspection, under this Contract will be performed in accordance with accepted maintenance practices on those sections of State Trunkline Highway shown in the current Municipal Maintenance Route Section Atlas, which may be amended by mutual agreement of the parties and which is incorporated herein by reference.
- b. Whenever the MUNICIPALITY performs permit assistance and inspection on behalf of the DEPARTMENT:
 - i. The DEPARTMENT will require as a condition of the issuance of all permits as to which the MUNICIPALITY will perform services for the DEPARTMENT, pursuant to this Contract, that the Permittee save harmless the State of Michigan, the Transportation Commission, the Department of Transportation, and all officers, agents, and employees thereof and the MUNICIPALITY, its officials, agents, and employees against any and all claims for damages arising from operations covered by the permit.
 - ii. The DEPARTMENT, for all permit activities for which it wishes the MUNICIPALITY to perform permit services for the DEPARTMENT pursuant to this Contract, will further require that the Permittee, except as to permits issued to governmental entities and public utilities or unless specifically waived by the MUNICIPALITY in writing, provide comprehensive general liability insurance, including coverage for contractual liability, completed operations, and/or product liability, X, C, & U, and contractor's protective liability with a blasting endorsement when blasting is involved or commercial general liability insurance that includes all the above, naming as additional parties insured on all such policies the State of

Michigan, the Michigan Transportation Commission, the Department of Transportation, and all officers, agents, and employees thereof, the MUNICIPALITY, its officials, agents, and employees and that the Permittee provide to the DEPARTMENT written proof of said insurance.

- iii. The amounts of such insurance will be no less than the following:

Comprehensive General Liability:

Bodily Injury	--	\$500,000 each occurrence
	--	\$500,000 aggregate
Property Damage	--	\$250,000 each occurrence
	--	\$250,000 aggregate

Commercial General Liability Insurance:

\$500,000 each occurrence and aggregate

- iv. Special maintenance work, work not covered by the Line Item Budget, and work for any other Division of the DEPARTMENT (non-maintenance work) may be performed under the terms of this Contract only upon written authorization approved by the DISTRICT OPERATIONS ENGINEER. Emergency work may be performed based on verbal approval given by the DISTRICT OPERATIONS ENGINEER or his authorized representative and must be subsequently supported in writing. Work performed by the MUNICIPALITY for any Division other than the Maintenance Division will be supervised by the Division issuing a state trunkline work authorization. The MUNICIPALITY and the DEPARTMENT may enter into separate agreements for the shared payment of installation, maintenance, and energy costs for traffic control devices.
- v. The DISTRICT OPERATIONS ENGINEER is hereby authorized to issue written orders, as are necessary, for the performance of maintenance work under the provisions of this Contract.

Section 3. INTEGRATION OF STATE AND MUNICIPAL WORK

The MUNICIPALITY will furnish sufficient personnel and equipment and approved material as needed to perform maintenance on state trunkline highways. Personnel and equipment will be used on municipal streets and state trunkline highways as conditions warrant.

Section 4. HIGHWAY MAINTENANCE SUPERINTENDENTS

The MUNICIPALITY hereby designates _____ as Maintenance Superintendent on state trunkline highways, who will supervise all work covered by this Contract. In the event the MUNICIPALITY desires to replace the Maintenance Superintendent, the MUNICIPALITY will notify the DEPARTMENT in writing.

Section 5. WAGE SCHEDULE

Wages paid by the MUNICIPALITY for work on state trunkline highways will be the same as on street work for the MUNICIPALITY.

Premium Pay and Overtime Pay (specify under what conditions and percentage of regular rate paid if not specified in the attached labor agreement.)

Pay for "show-up time" (Specify under what conditions and number of hours, if a minimum number is used and is not specified in the attached labor agreement).

No "stand by at home" pay will be included in charges for work on state trunkline highways.

The DEPARTMENT will reimburse the MUNICIPALITY for Direct Labor Overhead costs on all labor costs properly chargeable to the DEPARTMENT, including, but not limited to, vacation, sick leave, separation sick leave, holiday pay, workers' compensation, retirement, social security, group life insurance, hospitalization, longevity, unemployment insurance, and military leave, hereinafter referred to as "EMPLOYEE BENEFITS," in accordance with Section 14.

Section 6. MATERIALS TO BE ACQUIRED AND SPECIFICATIONS

Materials necessary for the performance of this Contract may, at the option of the MUNICIPALITY, be purchased by the MUNICIPALITY, unless otherwise directed by the DISTRICT OPERATIONS ENGINEER. The MUNICIPALITY will advertise and receive competitive bids when such purchases exceed Ten Thousand Dollars (\$10,000.00) or if required by Federal or State Law.

The MUNICIPALITY will retain documentation that such bids were taken. Failure to retain documentation that such bids were taken may result in denial of reimbursement of the costs of such materials.

The following materials: bituminous pre-mixed materials, bituminous materials, aggregates (except ice control sand), and traffic control devices used on state trunkline highways by the MUNICIPALITY will conform to current or supplemental specifications approved by the DEPARTMENT, unless otherwise approved in advance by the DISTRICT OPERATIONS ENGINEER. The DISTRICT OPERATIONS ENGINEER may require approval by the DEPARTMENT'S Materials and Technology Division or by a laboratory approved by that Division. Copies of said approvals will be placed on file in the offices of the MUNICIPALITY and the DISTRICT OPERATIONS ENGINEER. If DEPARTMENT-owned materials are stored jointly with MUNICIPALITY-owned materials, proper and adequate inventory records must be maintained by the MUNICIPALITY, clearly indicating the portion that is DEPARTMENT-owned.

Section 7. PRICE SCHEDULE OF MATERIALS AND SERVICES

Materials supplied by the MUNICIPALITY, including aggregates and bituminous materials using raw materials either partially or wholly obtained from municipally owned property, municipally leased (in writing) property, or by written permit from state or privately owned property, may be furnished at a firm unit price, subject to approval of source and price by the DISTRICT OPERATIONS ENGINEER. Firm unit prices are not subject to unit price adjustment by audit.

The DEPARTMENT may audit all records necessary to confirm accuracy of quantities for which reimbursement is requested. Reimbursement for all materials supplied by the MUNICIPALITY that are not included in the firm unit price schedule will be in accordance with Subsection 14C. Firm unit prices may be changed, added, or deleted upon written request by the MUNICIPALITY and approval by the DISTRICT OPERATIONS ENGINEER at least sixty (60) days prior to the effective date of the change, addition, or deletion.

FIRM UNIT PRICES			
PRICE ITEM	KIND	UNIT	PER UNIT

Listed items purchased from a vendor source or vendor stockpile for direct use on the trunklines are not eligible for firm unit price consideration and should be billed at vendor cost.

Section 8. SUBCONTRACTS

The DEPARTMENT, for cause and with prior notice to the MUNICIPALITY, may contract any portion of the work to be performed under this Contract. The MUNICIPALITY may subcontract any portion of the work to be performed under this Contract. Emergency work may be performed based on verbal approval given by the DISTRICT OPERATIONS ENGINEER or his authorized representative and must be supported by the subsequent submission within seven (7) days of a subcontract (Form 426). All subcontracts in excess of Twenty Thousand Dollars (\$20,000.00) must have the prior approval of the DISTRICT OPERATIONS ENGINEER and the State Administrative Board and will be advertised and awarded by competitive bid.

Those subcontracts that are \$20,000 or less, but greater than \$10,000, must be approved by the DISTRICT OPERATIONS ENGINEER in writing on form 426. Bid, price, or rate quotations for these subcontracts must be solicited from an adequate number of qualified sources. Documentation of the solicitations will be retained.

Failure to obtain the necessary approvals or to maintain documentation that bids, prices, or rate quotations were solicited, as required herein, may result in denial of reimbursement of the costs.

Subcontracted work, including equipment rental, that is \$10,000 or less does not require submission of form 426. However, an informational copy of the 426 may be required by the DISTRICT OPERATIONS ENGINEER.

Section 9. NON-DISCRIMINATION

In connection with the performance of maintenance work under this Contract, the MUNICIPALITY (hereinafter in Appendix A referred to as the "contractor") agrees to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix A, attached hereto and made a part hereof. The MUNICIPALITY further covenants that it will comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this Contract.

Section 10. ANTI-KICKBACK

No official or employee of the MUNICIPALITY or of the State of Michigan will receive direct or indirect remuneration from purchases of materials, supplies, equipment, or subcontracts required for state trunkline highway maintenance purposes.

Section 11. SCOPE OF CONTRACT

It is declared that the work performed under this Contract is a governmental function that the MUNICIPALITY performs for the DEPARTMENT. This Contract does not confer jurisdiction upon the MUNICIPALITY over the state trunkline highways encompassed by this contract or over any other state trunkline highways. This Contract may not be construed to confer temporary or concurrent jurisdiction in the MUNICIPALITY over a state trunkline highway. Nothing inconsistent with the underlying statutory jurisdiction, duties, prerogatives, and obligations of the DEPARTMENT is herein intended. The parties hereto further declare that this contract is not made for the benefit of any third party.

Section 12. INSURANCE

- a. The MUNICIPALITY will furnish the DEPARTMENT with a certificate of automobile liability insurance, which will be in compliance with the No-Fault Automobile Insurance laws of the State of Michigan. Insurance coverage will include owned, non-owned, and hired motor vehicles. Such insurance will be not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for bodily injury or death of any one person. Coverage for public liability, property damage, and combined single limit will also be in compliance with Michigan No-Fault Automobile Insurance laws. The MUNICIPALITY will also provide for thirty (30) days notice to the DEPARTMENT prior to cancellation, termination, or material change of the policy. The certificate of said insurance on DEPARTMENT Form 428 (Certificate of Insurance for State Highway Maintenance Contract) covering public liability and property damage, indicating thereon the policy number, the aforesaid thirty (30) days notice provisions, and the limits of liability will be attached to this Contract.

In the event the MUNICIPALITY is self-insured, a copy of the Secretary of State's certificate of self-insurance will also be attached to this Contract.

- b. In the event that the MUNICIPALITY receives a Notice of Intent to File Claim and/or any complaint filed by a person seeking to recover damages from the MUNICIPALITY for its alleged acts or omissions on a state trunkline highway, the MUNICIPALITY will immediately provide a copy of such notice to the Assistant Attorney General in Charge of the Highway Negligence Division (hereinafter referred to as the ASSISTANT ATTORNEY GENERAL), Transportation Building, 2nd Floor, Lansing, Michigan, 48913. Thereafter, the MUNICIPALITY will provide

copies of pleadings and other information regarding the claims or lawsuits when requested by the ASSISTANT ATTORNEY GENERAL and will comply with all the obligations, duties, and requirements of the general liability policy provided herein.

Section 13. WORKERS' DISABILITY COMPENSATION

The MUNICIPALITY will comply with the Michigan Workers' Disability Compensation Law as to all employees performing work under this Contract.

Section 14. REQUEST FOR REIMBURSEMENT

The DEPARTMENT will reimburse the MUNICIPALITY for the following costs in the performance of routine maintenance, non-maintenance, and all other work covered by this Contract, except as set forth in Sections 15,16,17, and 18.

- a. The DEPARTMENT share of actual cost of all direct labor employed in the performance of this Contract, including the expense of permit inspection, and field and office engineering, and including auditing expense in connection with projects on force account work by subcontractors.
- b. The DEPARTMENT share of the cost of EMPLOYEE BENEFITS as referred to in Section 5 as a percentage of payroll. Such percentage will be developed in conformity with the general accounts of the MUNICIPALITY on the previous fiscal year's experience.
- c. The DEPARTMENT share of the actual cost of MUNICIPALITY owned or purchased energy.
- d. The cost, after deduction of all discounts or rebates in excess of two percent (2%), of materials furnished by the MUNICIPALITY for use in the performance of this contract. In addition to the above costs of materials furnished by the MUNICIPALITY and materials furnished by the DEPARTMENT, the following may be charged by the MUNICIPALITY at its option:
 - i. The direct expenses of handling, such as unloading, processing, stockpiling, heating, or loading of materials in bulk, bags, or drums, such as aggregates, bituminous materials, and chemicals, on condition that reimbursement of such expenses is not provided elsewhere herein, provided that these costs can be identified within the records of the MUNICIPALITY.
 - ii. A five percent (5%) handling and storage charge may be added to the purchase price of all materials other than those set forth in (i) above, provided such materials are stocked in and distributed from approved storage facilities.

When reported by the MUNICIPALITY, charges for handling and storage in excess of five percent (5%) will be reimbursed to the MUNICIPALITY upon audit, provided that these charges can be identified and supported within the records of the MUNICIPALITY.

- e. The rental of equipment used in the performance of this Contract. The rental rates will be those established in the Table of Equipment Rental Rates issued by the DEPARTMENT for each year.
- f. The amounts paid by the MUNICIPALITY to a subcontractor, as provided for in Section 8.
- g. The cost to the MUNICIPALITY for labor, materials, and equipment rental incurred in connection with engineering, supervision, and inspection of subcontract work.
- h. Overhead in Accordance with Attached Overhead Schedule. The appropriate percentage will apply to the amounts payable under A, B, C, D, E, and F, plus the same percentage of the cost of materials furnished by the DEPARTMENT to the extent that such materials are placed on State trunkline highways by the MUNICIPALITY. At the time of audit, overhead will be adjusted to the percentage on the attached chart, based on actual expenditures for the audit periods October 1, 2000, through September 30, 2001; October 1, 2001, through September 30, 2002; October 1, 2002, through September 30, 2003; and October 1, 2003, through September 30, 2004.
- i. The MUNICIPALITY will be responsible for reporting the cost of the operation, maintenance, and amortization (if provided for in the Chemical Storage Facility Contract) of all chemical storage facilities built with DEPARTMENT participation.

The amount payable under Paragraph H is reimbursement to the MUNICIPALITY for all costs and expenses arising out of the performance of this Contract not elsewhere specifically covered herein and will be deemed to include salary and expenses (including transportation) of Maintenance Superintendents, salaries of clerical assistants, including radio communication staff, office expense, storage rentals on municipally owned property, and the cost of small tools, except that the MUNICIPALITY will be reimbursed for work performed by the Maintenance Superintendent making regular inspections of state trunkline highways in accordance with written instructions from the DISTRICT OPERATIONS ENGINEER, when specifically recorded on daily time sheets and reported as a direct labor charge.

It is further agreed that in smaller municipalities, the above designated Maintenance Superintendent may at times be engaged in tasks other than those of strictly supervisory nature, such as operator of a truck or other highway equipment, and that in all such cases the MUNICIPALITY may be reimbursed for such time worked on state trunklines, provided that

all such time for non-supervisory work be specifically recorded on the daily time sheet and reported on the Maintenance Payroll Report Form 410A, indicating thereon the exact dates on which he so worked, the number of hours worked, and the number of hours worked under each classification.

To be eligible for reimbursement under this Section, costs must be submitted to the DEPARTMENT prior to the start of the audit for each respective year of the contract period.

Section 15. WINTER MAINTENANCE

The MUNICIPALITY will be compensated for winter maintenance on the basis of actual expenditures only. Snow hauling from state trunklines will be paid at the rate of _____ percent (____%) of actual charges supported by proper documentation, but only upon authorization of the DISTRICT OPERATIONS ENGINEER. The frequency (annually, each storm, etc.) and method of authorization (written, verbal, etc.) will be at the discretion of the individual DISTRICT OPERATIONS ENGINEER. Snow hauling charges should be shown as Activity 149, "Other Winter Maintenance," on trunkline Maintenance Reports.

The MUNICIPALITY agrees that it will prohibit additional snow from being deposited on the highway right of way from side streets. The above percentage represents the DEPARTMENT'S share of snow removal from all trunklines in the MUNICIPALITY, including that snow moved into the right of way from on-street parking areas and adjacent sidewalks by the MUNICIPALITY in non-residential areas.

Section 16. PAVEMENT MARKING

Compensation for the item of "Pavement Marking" will be made on the basis of actual expenditure only, except in no case will the MUNICIPALITY be compensated for a total expenditure in excess of the amount designated for pavement marking in the Field Activity Budget for the appropriate state fiscal year. Only painting authorized by the DISTRICT OPERATIONS ENGINEER will be compensated for, and in no case will curb painting be included in charges for state trunkline maintenance.

Section 17. SWEEPING AND FLUSHING

Compensation for the item of "Sweeping and Flushing" will be made on the basis of actual expenditures only, except that in no case will the MUNICIPALITY be compensated for a total expenditure for sweeping and flushing in excess of the amount designated for sweeping and flushing on the Summary of the Field Activity Budget for the appropriate State fiscal year.

Section 18. TREES AND SHRUBS

Charges to Activity 121, "Trees and Shrubs," are to be shared equally by the MUNICIPALITY and the DEPARTMENT. If state and local forces combine efforts in tree trimming, this will be considered sharing equally. Dead tree removal charges to Activity 121 will be paid entirely by the DEPARTMENT.

Section 19. EQUIPMENT LIST

The MUNICIPALITY will furnish the DEPARTMENT with a list of equipment to be used in the performance of the contract on DEPARTMENT Form 471.

Section 20. RECORDS TO BE KEPT

The MUNICIPALITY will:

- a. Establish and maintain accurate records, in accordance with generally accepted accounting principals, of all expenses incurred for which payment is sought or made under this Contract, said records to be hereinafter referred to as the "RECORDS." Separate accounts will be established and maintained for all costs incurred under this Contract. The RECORDS include, but are not limited to:
 - i. Daily time cards for employees and equipment indicating the distribution to route sections and work items that must be signed by the employee and his immediate supervisor or by a timekeeper and the supervisor when a timekeeper is employed. Those MUNICIPALITIES using crew day cards may, if they prefer, retain crew day cards backed by a time record for the pay period signed as above in lieu of daily time cards detailing the distribution.
 - ii. Properly signed material requisitions (daily distribution slips) showing type of material, quantity, units, and date issued and indicating distribution thereof to route sections and work items.
 - iii. Such additional cost records as are necessary to support and develop unit cost charges and percentages applied to invoice costs. No such cost records are necessary in support of the overhead percentage or the five percent (5%) handling charge.
- b. Maintain the RECORDS for at least 3 years from the date of the DEPARTMENT's receipt of the statement of charges for the quarter ending September 30 of each year of this contract period. In the even of a dispute with regard to the allowable expenses or any other issue under this Contract, the MUNICIPALITY will thereafter continue

to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

- c. Allow the DEPARTMENT or its representative to inspect, copy, or audit the RECORDS at any mutually acceptable time. However, the MUNICIPALITY cannot unreasonably delay the timely performance of the audit.

Section 21. CERTIFIED STATEMENT OF CHARGES

The MUNICIPALITY hereby certifies that, to the best of the MUNICIPALITY's knowledge, the costs reported to the DEPARTMENT for this Contract will represent only those items that are properly chargeable in accordance with the Contract. The MUNICIPALITY also hereby certifies that it has read the contract terms and is aware of the applicable laws, regulations, and terms of the Contract that apply to the reporting of costs incurred under terms of this Contract.

Requests for reimbursement to be made under Section 14 will be made quarterly on the basis of certified statements of charges that will be prepared and submitted by the MUNICIPALITY within thirty (30) days from the end of each quarter on forms furnished by the DEPARTMENT or using an equivalent approved alternative format. Costs submitted beyond 60 (sixty) days from the end of each quarter will include written justification for the delay and will be paid only upon approval of the DISTRICT OPERATIONS ENGINEER. Upon written request to the DISTRICT OPERATIONS ENGINEER, payments may be made to the MUNICIPALITY on a monthly basis, after submission to the DEPARTMENT of certified statements of costs for each monthly payment period, only during the quarter beginning January 1 through March 31 of each contract year.

Section 22. AUDIT

The MUNICIPALITY'S records will be subject to audit. Charges by the MUNICIPALITY for maintenance of state trunkline highways and authorized non-maintenance work performed under this Contract will not be adjusted (increased or decreased) by audit after twenty-four (24) months subsequent to the date of the DEPARTMENT's receipt of certified statement of charges for the quarter ending September 30 of each year of this contract period. This limitation will not apply in case of fraud or misrepresentation of material fact or if mutually agreed to in writing.

The firm unit prices for aggregates and bituminous materials that are processed and furnished by the MUNICIPALITY will not be subject to adjustment.

If any adjustments are to be made, the MUNICIPALITY will be notified of the tentative exceptions and adjustments within the above twenty-four (24) month period. The twenty-four (24) month period is intended only as a limitation of time for making adjustments and does

not limit the time for payment of such amounts. In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this Contract or questions the allowability of an item of expense, the DEPARTMENT will promptly submit to the MUNICIPALITY a Notice of Audit Results and a copy of the audit report, which may supplement or modify any tentative findings communicated to the MUNICIPALITY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the MUNICIPALITY will (a) respond in writing to the responsible Bureau of the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE." The RESPONSE will be clearly stated and will provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the MUNICIPALITY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE will refer to and apply the language of the Contract. The MUNICIPALITY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

Unless extended by the DEPARTMENT within 120 days after the date of Notice of Audit Results, the MUNICIPALITY will have an opportunity to appear before the DEPARTMENT's Disputed Audit Review (DART) to explain and support the RESPONSE. Within 30 days after DART considers the appeal, the DEPARTMENT will make its decision regarding any disallowed or questioned or no opinion expressed items.

The DEPARTMENT will make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the MUNICIPALITY, the MUNICIPALITY will repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the MUNICIPALITY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the (30) day period, the MUNICIPALITY agrees that the DEPARTMENT will deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the MUNICIPALITY under this Contract or any other agreement or payable to the MUNICIPALITY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of invoice. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of

Treasury common cash funds interest earnings. The MUNICIPALITY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the MUNICIPALITY in a timely filed RESPONSE.

Section 23. TERM OF CONTRACT

The term of this Contract is October 1, 2000, through September 30, 2004.

Section 24. TERMINATION OF CONTRACT

This Contract may only be terminated by either party during the months of April, May, or June. Written notice of termination must be given to the other party ninety (90) days prior thereto. This contract may be temporarily suspended by the DEPARTMENT when officially notified by the MUNICIPALITY that maintenance work can no longer be performed on a twenty four (24) hour, seven (7) day-a-week basis. At the time of suspension, the DEPARTMENT will assume all maintenance responsibilities with its own personnel, equipment, and materials.

Section 25. STATE OF MICHIGAN ADMINISTRATIVE BOARD RESOLUTION

The provisions of the State of Michigan Administrative Board Resolution of May 1, 1979, as amended, attached hereto, are hereby made a part of this Contract.

Section 26. CONTRACT CONTENT

In the event of any conflict between the Contract body and any Exhibit(s), Attachment(s), Appendices, or Authorizations hereto, the body of the Contract will govern.

Section 27. EFFECTIVE DATE OF CONTRACT

This Contract will become binding on the parties hereto upon signing by the duly authorized officials for the MUNICIPALITY and for the DEPARTMENT and upon the adoption of a resolution approving said contract and authorizing the signature(s) thereto of the respective official(s) of the MUNICIPALITY, a certified copy of which resolution will be attached to this contract, and with the approval of the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be awarded.

CITY OF MUSKEGON

BY: Gail A. Kundergen
TITLE CITY CLERK

BY: Robert H. Huber
TITLE Director of Public Works

MICHIGAN DEPARTMENT OF TRANSPORTATION

BY: _____
TITLE Department Director

MICHIGAN DEPARTMENT OF TRANSPORTATION

CONTRACT MUNICIPALITIES

OVERHEAD SCHEDULE

Following is the table of allowable percentages for Overhead, Supervision and Expense of small tools to be paid by the Michigan Department of Transportation in connection with State trunkline highways maintenance contracts. Small tool expense includes tarpaulin, barricades, hand sanders, torches, flags, picks, shovels, saws, axes, wheelbarrows and other tools up to seventy five dollars in value for each tool, except for those units presently classified in the Equipment Rental Rate Book.

Effective October 1, 2000, to September 30, 2004

Total amount paid under this contract to include Non-Maintenance, Routine Maintenance & Heavy Maintenance	Percent Allowed for Overhead	Percent Allowed for Small Tools	Total Percent Allowed
Up to \$25000	10.50	.50	11.00
25001 " 26000	10.40	"	10.90
26001 " 27000	10.30	"	10.80
27001 " 28000	10.20	"	10.70
28001 " 29000	10.10	"	10.60
29001 " 30000	10.00	"	10.50
30001 " 31000	9.90	"	10.40
31001 " 32000	9.80	"	10.30
32001 " 33000	9.70	"	10.20
33001 " 34000	9.60	"	10.10
34001 " 35000	9.50	"	10.00
35001 " 38000	9.40	"	9.90
38001 " 41000	9.30	"	9.80
41001 " 44000	9.20	"	9.70
44001 " 47000	9.10	"	9.60
47001 " 50000	9.00	"	9.50
50001 " 53000	8.90	"	9.40
53001 " 56000	8.80	"	9.30
56001 " 59000	8.70	"	9.20
59001 " 62000	8.60	"	9.10
62001 " 65000	8.50	"	9.00
65001 " 70000	8.28	"	8.78
70001 " 75000	8.07	"	8.57
75001 " 80000	7.86	"	8.36
80001 " 85000	7.64	"	8.14
85001 " 90000	7.43	"	7.93
90001 " 95000	7.21	"	7.71
95001 and over	7.00	"	7.50

STATE OF MICHIGAN

ADMINISTRATIVE BOARD RESOLUTION

OF

MAY 1, 1979

(As amended on December 2, 1980, April 7, 1981,
August 18, 1981, May 15, 1984, April 7, 1987,
December 15, 1987, January 5, 1988, May 2, 1989 and September 17, 1996)

**DEPARTMENT OF TRANSPORTATION
CONSTRUCTION AND MAINTENANCE CONTRACTS**

WHEREAS, pursuant to the provisions of Section 2, Act 17, Public Acts of 1925, as amended, all contracts entered into by the Michigan State Transportation Commission or the Michigan Department of Transportation, hereinafter referred to as the "Commission" and the "Department" respectively, require approval of the State Administrative Board, hereinafter referred to as the "Board", except, the Commission or the Department, without the approval of the Board, is authorized to contract for an amount not exceeding \$20,000.00 for each contract, for toilet vault cleaning, use of licensed sanitary landfills, pickup and disposal of refuse, pavement surfacing and patching, rental of equipment for emergency repairs and maintenance operations, curb replacement, maintenance of office equipment, installation of utility services and installation of traffic control devices and without such approval, may authorize Boards of County Road Commissioners, Township Boards, and Municipalities, under contracts for the maintenance of trunkline highways, to subcontract in amounts not to exceed \$20,000.00 for each subcontract;

WHEREAS, modification of highway construction and maintenance contracts is sometimes necessary;

WHEREAS, extra work is defined as any work which is determined to be essential to the satisfactory completion of the contract but which neither appears therein as a specific item of work nor is included in the price bid for other items in the contract;

WHEREAS, it is sometimes necessary in order to avoid delays and increased costs for the Department to authorize extra work by modification of the contract without obtaining specific prior approval of the Board for such modifications;

THEREFORE, BE IT RESOLVED by the State Administrative Board of the State of Michigan as follows:

1. Pursuant to applicable Public Acts, the Department, without obtaining the approval of this Board, in connection with any construction or maintenance contract, may contract for extra work or labor, or both, not exceeding \$48,000.00 per contract for contracts having a value

of \$800,000.00 or less and not exceeding 6% per contract for contracts having a value over \$800,000.00 under a contract with a private agency authorized by law, and for an amount not exceeding \$800,000.00 under a contract with Boards of County Road Commissioners, Township Boards, and Municipalities of this State, except that each job for extra or additional work or labor, or both, in excess of \$100,000.00 shall require approval of the State Administrative Board.

2. All agreements by the Department to pay for extra work on either a negotiated price or force account basis in excess of the amounts shown in paragraph 1 must be approved by the Board.
3. No extra work which may cause an increase in the contract price in excess of the amount shown in paragraph 1 shall be authorized by the Department prior to Board approval, unless and until the Attorney General has approved the authorization as being in compliance with all legal requirements. Provided, however, that extra work costing not more than \$25,000.00 may be authorized by the Department without prior approval of the Attorney General, if necessary to avoid construction delays or increased costs.
4. Department authorizations for extra work, requiring Board approval, given prior to Board approval shall be presented to the Board for subsequent approval or disapproval as quickly as possible, but in no case more than 60 days after the extra work has been authorized by the Department.
5. The Department shall not pay nor agree to pay any disputed claim for extra compensation for work already commenced or completed without approval of the Board.
6. No payments for extra work requiring Board approval shall be made until such Board approval has been obtained.
7. The Department is authorized to balance budgets for extra work recommendations or authorizations previously approved by the Board, by decreasing, in any amount, or increasing, not in excess of 15 percent, the original estimated amount without additional approval by this Board.
8. No payments for increased contract quantities shall be made by the Department unless and until the Board has given prior approval for such payments, except that payments for overruns may be made without Board approval if such payments do not exceed the following per cent of the original contract price: 10 percent on contracts of \$50,000.00 or more; 15 percent on contracts of \$25,000.00 to \$49,999.99; and 25 percent on contracts of less than \$25,000.00.
9. "The Department shall deduct from payments, and retain 2.5 percent of the total amount earned by a contractor. When the project reaches 90 percent completion, the amount of retainage may be reduced. Local units of government, performing as contractors to the Department, may be excluded from these retainage provisions.

In respect to contracts between the Department and Railroad companies, the 2.5 percent shall be retained until after final audit. The retainage provision may be waived for those Railroad companies the Department has determined to have had recent, acceptable history of both contract compliance and audit experience with the Department, and where there are no other circumstances indicating a need to maintain the retainage to reasonably protect the public interest."

10. The Department shall assess damages against any contractor who fails to have the job open to traffic or completed by the dates specified in the contract unless the contractor has been excused for such failure by the Department. The Department may, without approval of the Board, extend the time for opening to traffic or completion of the contract because of delays from unforeseen causes beyond the control and without the fault or negligence of the contractor, including and restricted to: acts of God; acts of public enemy; acts of Government, acts of the State or any political subdivision thereof; fires; floods; epidemics; strikes; or extraordinary delays in delivery of materials.

No excusal or waiver of damages, except as above provided, shall be final and binding upon the State unless and until approved by the Board, except excusals and waivers granted by the Department prior to the effective date of this Resolution pursuant to applicable specifications and other contract provisions.

11. The foregoing requirements established by the Board shall be made as express part of all construction and maintenance contracts entered into by the Commission, and the Department's standard and supplemental specifications shall be amended to reflect such requirements.
12. Policy Resolution A, approved by the Board on July 17, 1956, and the Resolutions of October 17, 1967, and May 6, 1975 as amended May 4, 1976, are hereby repealed, except that all rights, causes of action, claims, proceedings and suits existing on the effective date of this Policy Resolution shall continue unaffected.
13. Upon approval by the State Administrative Board, this Resolution shall be effective as of September 17, 1996.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms

as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

Date: September 12, 2000

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: 2001 Budget Adoption

SUMMARY OF REQUEST: This is the time set for a public hearing on the City's proposed budget for the year 2001. The proposed 2001 budget has been made available for public inspection at City Hall and at the Hackley Public Library since September 1st. At this time the City Commission may take action to adopt the 2001 budget with whatever changes or adjustments it deems necessary. In any event, City Charter requires the 2001 budget be adopted no later than September 25, 2000.

FINANCIAL IMPACT: The budget sets forth the priorities and overall financial plan for operations in the year 2001. 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 2001.

STAFF RECOMMENDATION: After receiving comments, close the public hearing and approve the proposed 2001 City of Muskegon Budget resolution that is attached. Also, approval of the 3rd Quarter 2000 Budget Reforecast as shown in the Budget Book is recommended at this time.

COMMITTEE RECOMMENDATION: The Committee of the Whole met in a special work session, Monday, September 11th to review the budget.

CITY OF MUSKEGON
RESOLUTION OF APPROPRIATION
2001 BUDGET

2000-88(a)

WHEREAS, the City Manager has submitted a proposed Budget for 2001 in accordance with the City Charter and Michigan Public Act 621 of 1978 known as the "Uniform Budgeting and Accounting Act"; and,

WHEREAS, the 2001 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, 2001 is hereby determined and adopted as follows:

GENERAL FUND

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
101-10101	City Commission	132,648
101-10102	City Promotions & Public Relations	34,000
101-10145	City Attorney	370,674
101-10172	City Manager	194,056
101-10875	Contributions to Outside Agencies	141,640
101-10891	Contingency and Bad Debt Expense	450,000
101-20173	Administration	181,339
101-20215	City Clerk & Elections	264,292
101-20220	Civil Service	197,982
101-20228	Affirmative Action	79,285
101-20744	Julia Hackley Internships	4,650
101-30202	Finance Administration	354,483
101-30205	Income Tax Administration	292,024
101-30209	Assessment Services	373,666
101-30248	Information Systems Administration	284,942
101-30253	City Treasurer	350,429
101-30851	Insurance Premiums	270,000
101-30906	Debt Retirement	265,098
101-30999	Transfers to Other Funds	1,371,000
101-40301	Police	6,644,225
101-40333	Police Narcotics Unit	508,343
101-50336	Fire	3,031,873
101-50387	Fire Safety Inspections	937,201
101-60265	City Hall Maintenance	273,256
101-60446	Community Event Support	97,882
101-60448	Street Lighting	532,064
101-60523	Sanitation	1,480,330
101-60528	Recycling	262,707
101-60770	Senior Citizen Transit	48,848
101-70276	Cemeteries Maintenance	494,246
101-70585	Parking Operations	50,156
101-70751	Parks Maintenance	1,255,308
101-70752	Forestry	161,636
101-70757	McGraft Park Maintenance	54,443
101-70775	General Recreation	293,373
101-70776	Inner City Recreation and Drug Education	193,429
101-70863	Farmers' Market and Flea Market	39,292
101-80387	Environmental Services	343,558
101-80400	Planning, Zoning and Economic Development	521,425
101-96000	Major Capital Improvements	245,000
	Grand Total General Fund Appropriations	<u>\$23,180,803</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	5,401,609
203	Local Streets	1,741,619
230	Enterprise Community	180,000
254	L.C. Walker Arena	861,416
211	Police Training	30,000
264	Criminal Forfeitures	75,000
297	Local Development Finance Authority II	650,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	181,093
306	Special Assessment Debt	243,418
394	Downtown Development Authority Debt	618,972

BE IT FURTHER RESOLVED that the revenues and other financing sources (including use of prior year balances) for Fiscal Year 2001 are estimated as follows:

GENERAL FUND

<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
Taxes	\$ 13,142,817
Licenses and Permits	991,000
Federal Grants	456,005
State Grants	0
State Shared Revenue	5,441,651
Charges for Sales & Services	1,824,457
Interest & Rentals	500,843
Fines & Fees	289,200
Other Revenue	362,650
Other Financing Sources	<u>180,000</u>
 Total General Fund Revenue	
Appropriations	<u>\$23,188,623</u>

OTHER BUDGETED FUNDS

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
202,204	Major Streets and State Trunklines	5,401,609
203	Local Streets	1,741,619
230	Enterprise Community	180,000
254	L.C. Walker Arena	861,416
211	Police Training	30,000
264	Criminal Forfeitures	75,000
297	Local Development Finance Authority II	650,000
260	Land Reutilization	1,000
285	Tree Replacement	3,000
305	TIFA Debt Service	181,093
306	Special Assessment Debt	243,418
394	Downtown Development Authority Debt	618,972

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

<u>FUND ACTIVITY NUMBER</u>	<u>FUND/ACTIVITY NAME</u>	<u>AMOUNT</u>
404	Public Improvement Fund	\$ 715,600
403	Sidewalk Improvement Fund	1,262,413
482	State Grants Fund	2,535,000
584	Municipal Golf Course	200,000
590	Sewer	4,270,947
591	Water	7,349,004
594	Marina/Launch Ramp	199,258
661	Equipment	1,979,157
642	Public Service Building	557,103
643	Engineering Services Fund	637,308
677	General Insurance Fund	3,421,019

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

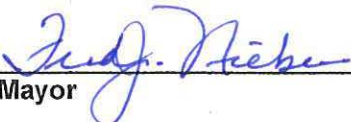
BE IT FURTHER RESOLVED, that the City Manager is hereby empowered to transfer appropriations within appropriation centers, and

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 24, 2000:

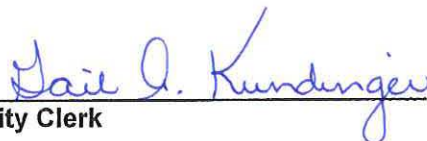
<u>PURPOSE</u>	<u>MILLAGE (MILLS)</u>
General Operating	7.0000
Sanitation Service	3.0000
Promotion	<u>.0859</u>
Total	10.0859

At a regular meeting of the City Commission of the City of Muskegon, on the Twelfth Day of September 2000, the foregoing resolution was moved for adoption by Commissioner Aslakson. Commissioner Spataro supported the motion.

Resolution declared adopted.



Mayor



City Clerk

Commission Meeting Date: September 12, 2000

Date: August 31, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *cbe*
**RE: Public Hearing - Request for an Industrial Facilities
Exemption Certificate - SAPPI Fine Paper**

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, SAPPI Fine Paper, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities Exemption Certificate. Total capital investment for this project is \$9,493,520 in personal property. The project will not create any new employment opportunities. SAPPI's current workforce is 735.

FINANCIAL IMPACT:

The City will capture certain additional property and income taxes generated by the expansion.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of (9) years.

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
SAPPI FINE PAPER**

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on December 14, 1983, this Commission by resolution established an Industrial Development District as requested by S.D. Warren Company, 2400 Lakeshore Drive, Muskegon, Michigan 49441; and

WHEREAS, SAPPI Fine Paper has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to a new machinery and equipment to be installed within said Industrial Development District; and

WHEREAS, before acting on said application the Muskegon City Commission held a public hearing on September 12, 2000, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, installation of machinery and equipment had not begun earlier than six (6) months before July 27, 2000, the date of the acceptance of the application for the issuance of an Industrial Facilities Tax Exemption Certificate; and

WHEREAS, installation of machinery and equipment is calculated to and will have the reasonable likelihood to retain, create, or prevent the loss of employment in Muskegon, Michigan; and

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

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

- 1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.
- 2) The application of SAPPI Fine Paper, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

Blks 598, 599, 600, 601, 602, 603, & 604, excluding Wly 260 ft. also Richards Street vacated from N line Lakeshore Drive to Shore of Muskegon Lake excluding C & O ROW also Lot 19 Blk 597 excluding com @ SE corner said Lot 19 thence Nwly on Ely line said Lot 125 ft. thence Wly 70 ft. thence Sely 125 ft. to S line said Lot thence Ely 70 ft. to POB.

- 3) The Industrial Facilities Tax Exemption Certificate is issued and shall be and remain in force and effect for a period of nine (9) years on personal property.

Adopted this 12th Day of September 2000

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

Nays: None

Absent: None

BY:

Fred J. Nielsen
Fred J. Nielsen, Mayor

ATTEST:

Gail Kunding
Gail Kunding, Clerk

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, 2000.

Gail Kunding
Gail Kunding, Clerk



City of Muskegon Industrial Development District Summary Sheet

Company Summary:

SAPPI Fine Paper, 2400 Lakeshore Drive, has requested the issuance of an Industrial Facilities Exemption Certificate. SAPPI is installing \$9,493,520 to upgrade machinery and equipment at the Muskegon plant. SAPPI manufactures high quality coated commercial printing paper products. This company has been very consistent in meeting their previous IFT goals. SAPPI Fine Paper (formerly S.D. Warren Co.) has historically been a stable company and employer for the Muskegon area. Due to the fact that the company is investing more than \$9 million, it is eligible for a three (3) year investment bonus in addition to the standard six (6) year exemption for personal property.

Employment Information:

Racial Characteristics:

White	614
Minority	121
Total	735

Gender Characteristics:

Male	643
Female	92
Total	735

Total No. of Anticipated New Jobs: 0

Investment Information:

Real Property:	\$0
Personal Property	\$9,493,520
Total:	\$9,493,520

Property Tax Information: (Annual)

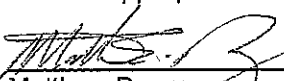
	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$256,325	\$95,885
Value of Abatement	\$128,163	\$47,942
Total New Taxes Collected	\$128,163	\$47,942

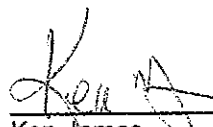
Income Tax Information: (Annual)

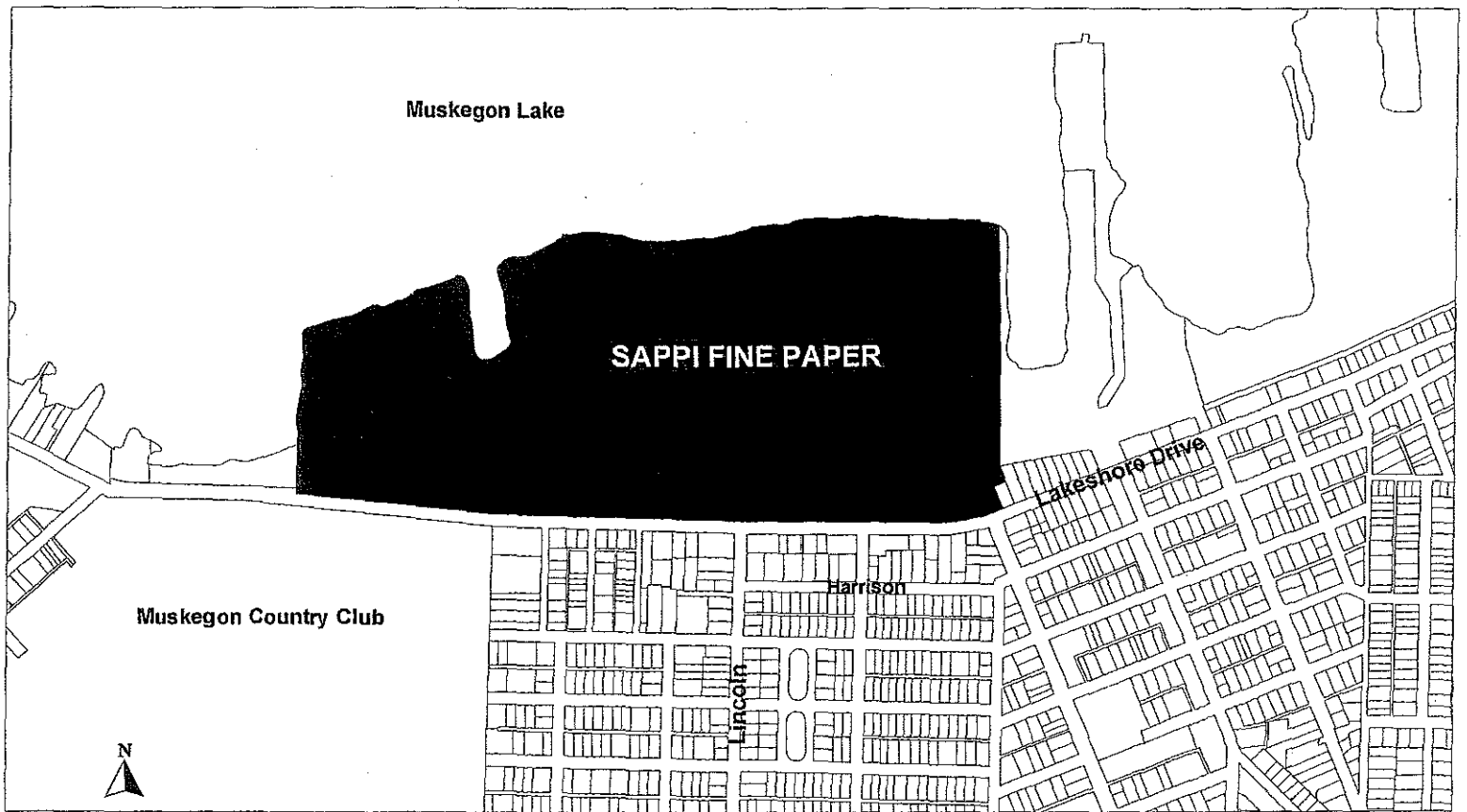
Total Additional Income Tax Generated: \$0

Company Requirements:

Adopted Affirmative Action Policy	☒ Yes	No
Meeting w/ City Affirmative Action Director	☒ Yes	No
Signed Tax Abatement Contract	☒ Yes	No
Taxes Paid In Full	☒ Yes	No
Appropriate Zoning	☒ Yes	No


Matthew Dugener
Business Development


Ken James
Affirmative Action



Commission Meeting Date: September 12, 2000

Date: September 5, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for Time Extension - IFT
Certificate No. 97-534 - Neway Anchorlok International

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Neway Anchorlok International, 1950 Industrial Boulevard, Muskegon, Michigan has requested a time extension of Industrial Facilities Exemption Certificate No. 97-534.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting a time extension on Industrial Facilities Exemption Certificate No. 97-534 for a term of (1) year.

COMMITTEE RECOMMENDATION:

None

Resolution No. 2000-88(c)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING EXTENSION OF TIME TO COMPLETE TERMS OF IFT
CERTIFICATE NO. 97-534 - NEWAY ANCHORLOK INTERNATIONAL**

WHEREAS, pursuant to P.A. 198 of 1974, as amended, Neway Anchorlok International, has requested an extension of time to complete the installation of equipment abated under IFT Certificate No. 97-534; and

WHEREAS, the original certificate and Tax Abatement Contract between the City and Neway Anchorlok required that all equipment be installed by December 31, 1999; and

WHEREAS, Neway Anchorlok International has experienced several unexpected delays in the acquisition and installation of one component of the equipment listed in IFT Certificate No. 97-534 but expects that this equipment will be installed by December 31, 2000; and

WHEREAS, Neway Anchorlok International requests an extension for installation of equipment until December 31, 2000.

NOW THEREFORE BE IT RESOLVED, the Muskegon City Commission agrees to extend the time for the installation of machinery and equipment from December 31, 1999 to December 31, 2000 for IFT Certificate 97-534.

Adopted this 12th Day of September 2000.

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

Nays: None

Absent: None

By:

Fred J. Nielsen
Fred J. Nielsen, Mayor

Attest:

Gail Kundinger
Gail Kundinger, Clerk

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, 2000.

Gail Kundinger
Gail Kundinger, Clerk



Mr. Matt Dugener
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon, MI 49443

RECEIVED
AUG 23 2000
City Clerks Office

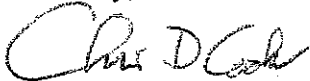
RE: Neway Anchorlok International, Inc
Request for extension of due date for Industrial Facility Exemption Certificate #1997-534

Within our application, an "E-coat paint system" is listed with a total cost of \$2,007,483. As of December 31, 1999 this system was not yet completed. We therefore request that the due date to complete the projects listed on the application be given a one-year extension to December 31, 2000.

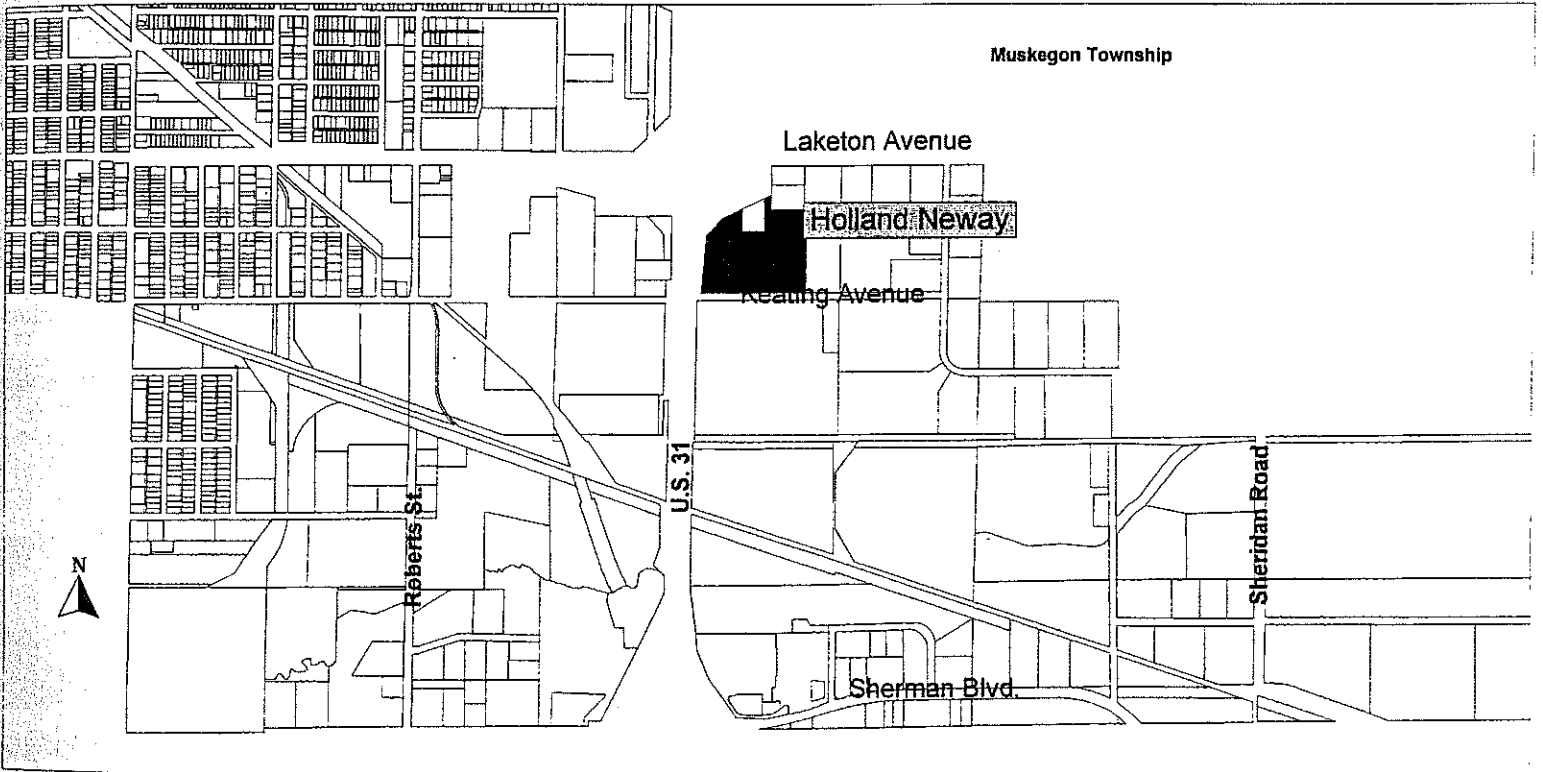
While the other items listed on the application could be completed within the time frame allowed, the E-coat paint system has yet to be completed. There are many factors into why Neway Anchorlok missed the target date. First, there were major design options which needed to be worked through and decided upon. Once this was done, the approval process took longer than anticipated. Also, the system is a one of a kind system; it therefore took more engineering hours and time to build than originally planned. In the middle of the project, there was a major change in the project scope that pushed out the completion time several months. Finally, we purchased the paint plant and material handling transporters from a vendor in the United Kingdom. The vendor had delays in their build schedule and we lost approximately four-six weeks in US customs.

If you require further information or clarification, please call me at (231) 777-4351.

Sincerely,

A handwritten signature in cursive script that reads 'Chris D Cook'.

Chris D Cook
Assistant Controller



Muskegon Township

Laketon Avenue

Holland Newway

Keating Avenue

U.S. 31

Roberts St.

Sheridan Road

Sherman Blvd.

CITY OF MUSKEGON

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning *a time extension of an Industrial Facilities Exemption Certificate*, as requested by Neway Anchorlok International, Inc., 1950 Industrial Boulevard, Muskegon, Michigan, as provided for by Act 198 of the Michigan Public Acts of 1974, as amended. The hearing will be held by the City Commission of the City of Muskegon on **September 12, 2000**, at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan. Owners of property and any residents or taxpayer of the City of Muskegon shall have the right to appear and be heard.

Gail Kunding, City Clerk

Publish: SEPT. 6, 2000

101-80699-5267

Date: September 12, 2000
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Public Hearing
Create Special Assessment District & Bid Consideration on:
Irwin, Peck to Wood

SUMMARY OF REQUEST:

To hold a public hearing on the proposed special assessment of the Irwin Ave. from Peck Street to Wood project, and to create the special assessment district and appoint two City Commissioners to the Board of Assessors if it is determined to proceed with the project. Furthermore, if the district is created to award the contract to Felco Contractors since they were the lowest responsible bidder with a bid price of \$344,113.03 (see bid tabulation).

FINANCIAL IMPACT:

The construction cost of \$344,113.03 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

To approve the creation of the special assessment and assign two City Commissioners to the Board of Assessors by adopting the attached resolution. Also, if the district is created to award the contract to Felco Contractors.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

Resolution No. 2000-88(d)

Resolution At First Hearing Creating Special Assessment District
For **IRWIN AVENUE FROM 38' EAST OF THE CENTERLINE OF PECK TO 234'
WEST OF THE CENTERLINE OF WOOD STREET.**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **SEPTEMEBR 12, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **SEPTEMBER 12, 2000**, there were 19.48 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

1. The City Commission hereby declares a special assessment district to include the property set forth in Exhibit A attached to this resolution.
2. The City Commission determines to proceed with the improvements as set forth in the

- feasibility study and estimates of costs, and directs the City Engineer to proceed with project design, preparation of specifications and the bidding process. If appropriate and if bonds are to be sold for the purposes of financing the improvements, the Finance Department shall prepare plans for financing including submission of application to the Michigan Department of Treasury and the beginning of bond proceedings.
3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Sieradzki and Shepherd and the City Assessor who are hereby directed to prepare an assessment roll. Assessments shall be made upon front foot basis.
4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **11.72 %** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict,
Nielsen

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **September 12, 2000**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

EXHIBIT A

Irwin Ave. from Peck Street to Wood

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of **IRWIN AVENUE FROM 38' EAST OF THE
CENTERLINE OF PECK TO 234' WEST OF THE CENTERLINE OF WOOD STREET**

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 12 TH DAY OF SEPTEMBER, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT DISTRICT:

All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON SEPTEMBER 2, 2000.

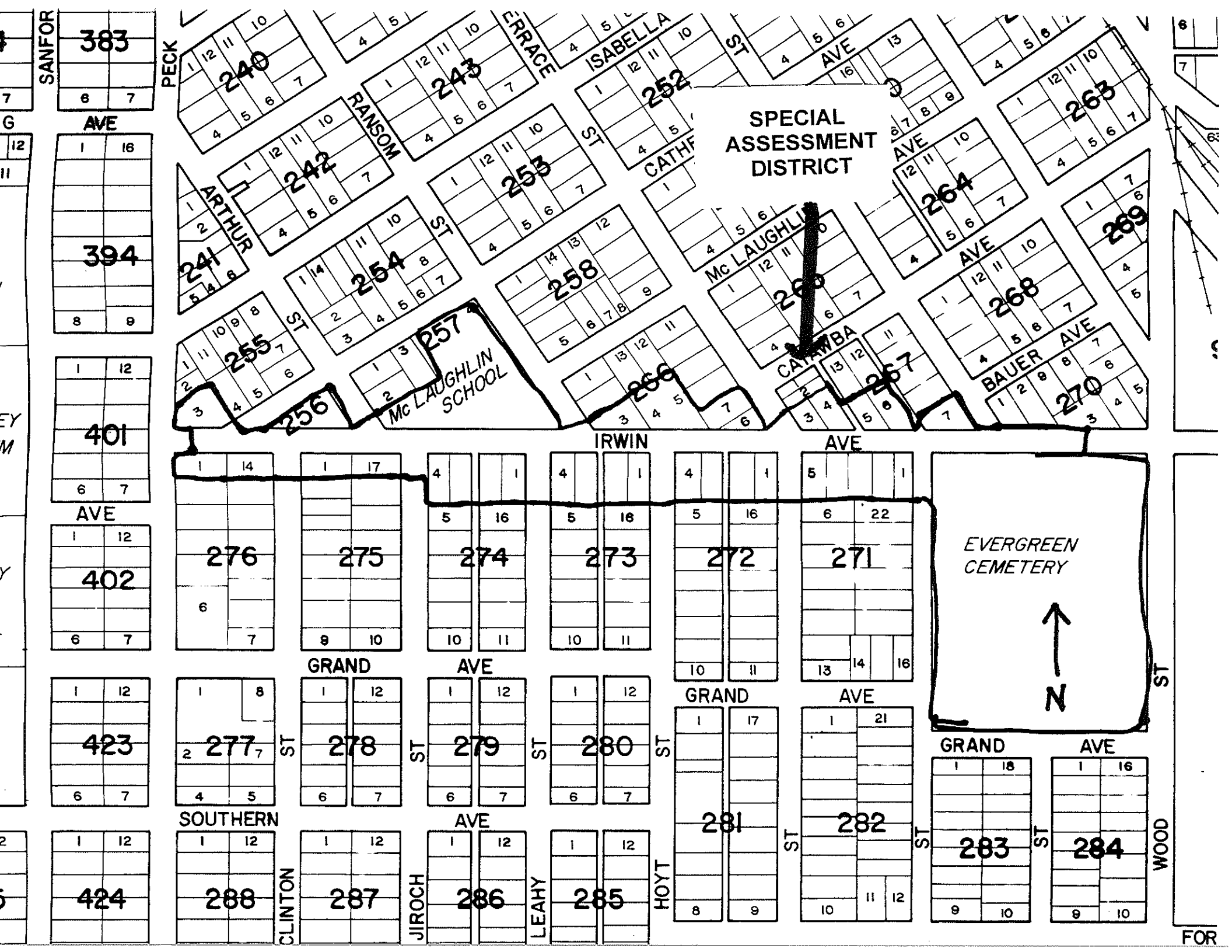
DEPONENT FURTHER SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS 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 1ST DAY OF SEPTEMBER, 2000.

Gail A. Kundergei
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
14th DAY OF September, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02



**ENGINEERING FEASIBILITY STUDY
IRWIN AVE.
PECK TO WOOD**

The Milling & resurfacing as well as curb & gutter replacement on Irwin between Peck and Wood was initiated by the City due to the conditions its in. The proposed resurfacing, we feel, is necessary to prevent this section of roadway from deteriorating to a point where resurfacing would not be a valid option and complete reconstruction would then be necessary, and subsequently increasing the cost to the property owners as well as to the City.

A memorandum from the Assessor's office, which addresses appraisal and benefits to abutting properties, is attached.

The preliminary cost estimate of the project is \$386,000.00. The total assessable amount is \$45,25.36 and the assessable footage on these improvement is 2,653.98 lineal feet, which translates into an estimated improvement cost of \$145.44 per assessable foot. The assessment amount will be at a cost not to exceed \$17.05 per assessable front foot.

MUSKEGON COUNTY

M I C H I G A N

173 E. APPLE AVE., BUILDING C, MUSKEGON, MICHIGAN 49442
(231) 724-6386
FAX (231) 724-1129

EQUALIZATION DEPARTMENT

BOARD OF COMMISSIONERS

Kenneth J. Hulka, Chair
Bill Gill, Vice Chair
Paul Baade
Douglas Bennett
Nancy G. Frye
Jacob O. Funkhouser
James J. Kobza
Louis McMurray
Clarence Start

August 29, 2000

Mohammed Al-Shatel, City Engineer
933 Terrace Street
Muskegon, MI 49443

Mr. Al-Shatel:

In accordance with your request, I have examined the proposed special assessment district entailing the milling and resurfacing of Irwin Avenue located between Peck Street and Wood Street. The purpose of this analysis is to document the reasonableness of this special assessment district by identifying and quantifying any accrued benefits. It is subject to the normal governmental restrictions of escheat, taxation, police power and eminent domain. The effective date is August 18, 2000.

In conclusion, it is my opinion that the special assessment amounts justly and reasonably represents the accrued benefits to the properties encompassed by this project. The amounts reflect the sum of the immediate estimated value enhancement and the intrinsic value that will accrue from an overall increase in property values due to an improved quality of life created by the proposed project. As previously presented, the proposed special assessment district encompasses a mixture of properties, but the front foot rate of \$17.05 appears reasonable in light of analysis that indicates a probable enhancement of \$19.50. The conclusions are based upon the data presented within this limited analysis in restricted format, and on supporting information in my files.

I

Sincerely,



Jerry A. Groeneveld, CMAE 3
Senior Appraiser

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

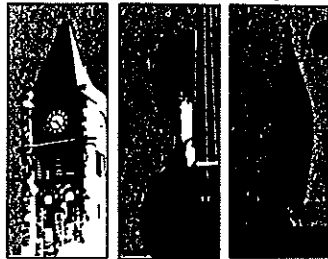
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

September 01, 2000

Parcel Number _____: at _____

NOTICE OF HEARING ON SPECIAL ASSESSMENT

Dear Property Owner:

The Muskegon City Commission is considering whether or not to create a special assessment district which would assess your property for the following paving project:

Irwin Avenue, Peck Street to Wood Street

The proposed special assessment district will be located as follows:

All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

It is proposed that a portion of the above improvement will be paid by special assessment against properties in the aforementioned district. Following are conditions of the proposed special assessment which are important to you.

Public Hearings

An initial public hearing to consider the creation of a special assessment district will be held at the City of Muskegon City Commission Chambers on September 12, 2000 at 5:30 P.M. You are encouraged to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the proposed special assessment. We are enclosing a Hearing Response Card for you to indicate your agreement or opposition to the special assessment. This card includes the property identification and description, assessable footage per City policy, and the estimated cost of the assessment. You may also appear, as above, in lieu of, or in addition to mailing your response card to the City Clerk. Written objections or appearances must be made at or prior to the hearing. NOTE: THE SPECIAL ASSESSMENT WILL BE CREATED OR NULLIFIED AT THIS HEARING. IT IS IMPORTANT FOR YOU TO COMMENT AT THIS HEARING IF YOU WANT YOUR OPINION COUNTED FOR THE SPECIAL ASSESSMENT.

A second public hearing will be held to confirm the special assessment roll after the project is under way. You will be mailed a separate notice for the second hearing. At this second hearing the special assessment costs will be spread on the affected properties accordingly. YOU ARE HEREBY NOTIFIED THAT YOU HAVE A RIGHT TO PROTEST YOUR ASSESSMENT AMOUNT AGAINST YOUR PARCEL EITHER IN WRITING OR IN PERSON AT THIS HEARING. IF THE SPECIAL ASSESSMENT ROLL IS CONFIRMED AT THE SECOND HEARING, YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF CONFIRMATION OF THE ROLL TO FILE A WRITTEN APPEAL WITH THE MICHIGAN STATE TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THE INITIAL HEARING OR AT THE SECOND HEARING CONFIRMING THE ROLL, EITHER IN PERSON, BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

By City Charter, if the owners of more than one-half of the properties to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

Estimated Costs

The total estimated cost of the street portion of the project is \$386,000 of which approximately 11.72% (\$45,250.36) will be paid by special assessment to property owners. Your property's estimated share of the special assessment is shown on the attached hearing response card. The remaining costs will be paid by the City.

The street assessment, which covers improvements to the roadway, may be paid in installments over a period of up to ten (10) years. Any work on drive approaches or sidewalks will be assessed to the property at actual contract prices and these costs may also be paid in installments over ten (10) years. Please note this work is in addition to the street special assessment.

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

I urge you to return the enclosed hearing response card indicating your preference and to attend the scheduled public hearing. Your views are important to the City and to your neighbors. Additional information, including preliminary project plans and cost estimates is available in the Engineering Department located on the second floor of City Hall. Regular business hours are from 8:00 A.M. to 5:00 P.M. Monday through Friday except holidays.

Sincerely,



Mohammed Al-Shatel, P.E.
City Engineer

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

**CITY OF MUSKEGON
IRWIN AVENUE H-1513
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the sidewalk assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2000, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation. Sidewalk repairs must be completed by the City of Muskegon. Costs incurred from repairs done by a private contractor or by doing them yourself, will not be reimbursed.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:

Parcel Number

MAP Number:

Assessable Frontage:

Estimated Front Foot Cost:

ESTIMATED TOTAL COST

Property Description

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking your time to vote on this important issue.

BOSCH JILLEEN K

CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
SPECIAL ASSESSMENT DISTRICT

PLEASE TAKE NOTICE that a special assessment district is proposed to be created by the Muskegon City Commission for the following project:

IRWIN AVE., PECK TO WOOD

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

All properties abutting **IRWIN AVENUE FROM 38' EAST OF THE CENTERLINE OF PECK TO 234' WEST OF THE CENTERLINE OF WOOD STREET.**

It is proposed that a percentage of the cost of the improvement will be paid through special assessments. Preliminary plans and cost estimates are on file in the City Hall in the Engineering Department and may be examined during regular business hours at the Engineering Department between 8:00 A.M. and 5:00 P.M. on weekdays, except holidays.

THE HEARING WILL BE HELD IN THE MUSKEGON CITY COMMISSION CHAMBERS ON **SEPTEMBER 12, 2000 AT 5:30 O'CLOCK P.M.**

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

By City Charter, if the owners of more than one-half of the property to be assessed shall object to the assessment in writing at or before the hearing, the improvement shall not be made unless the City Commission determines by affirmative vote of all its members that the safety or health of the public necessitates the improvement.

PUBLISH: **September 2, 2000**

Gail Kundering, City Clerk

ADA POLICY

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

Gail A. Kundering, City Clerk
933 Terrace Street, Muskegon, MI 49440
(616) 724-6705 or TDD (616) 724-6773

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

RECEIVED
SEP 06 2000
City Clerks Office

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street
Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	1410	PECK ST
Parcel Number	24-205-276-0001-00	
MAP Number:	24-31-29-301-001	
Assessable Frontage:	40.5	Feet
Estimated Front Foot Cost:	\$17.05	per Foot
ESTIMATED TOTAL COST	\$690.53	

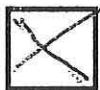
Property Description

WLY 86 FT LOT 1 BLK 276 R&M EXEMPTION-95-ROOF-\$500 AV

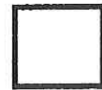
Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner

Margaret Kennedy Plichta

Owner

Signature

Margaret Kennedy Plichta

Signature

Address

1410 Peck Street

Address

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

RECEIVED
SEP 11 2000
City Clerks Office

Project Title: Irwin Avenue, Peck Street to Wood Street
Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

INSTRUCTIONS

If you wish to have your written vote included as part of the tabulation of votes forwarded to the City Commission for the scheduled public hearing, please return this card by the date indicated above. To use this response card please indicate whether you Oppose or Favor this special assessment project, sign the form and return it to the City Clerk's Office. To return this card by mail, simply fold on the dotted lines so the address on the reverse side is showing. Be sure to seal the form with a small piece of tape or staple prior to mailing.

Assessment Information

Property Address:	59	IRWIN AVE
Parcel Number	24-205-275-0001-00	
MAP Number:	24-31-29-302-001	
Assessable Frontage:	33.5	Feet
Estimated Front Foot Cost:	\$17.05	per Foot
ESTIMATED TOTAL COST	\$571.18	

Property Description

W 1/2 LOT 1 BLK 275

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner Jeffrey Misze

Owner _____

Signature [Signature]

Signature _____

Address 470 W. Tyler Rd
Muskegon, MI 49445

Address _____

Thank you for taking your time to vote on this important issue.

MSZE JEFFREY

RECEIVED
CITY OF MUSKEGON
SEP 12 2000

SPECIAL ASSESSMENT

HEARING RESPONSE CARD

ENGINEERING DEPT.

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address: 77 IRWIN AVE

Parcel Number: 24-205-275-0017-00

MAP Number: 24-31-29-302-003

Assessable Frontage: 41.5 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$707.58

Property Description

W 1/2 OF W 1/2 LOT 17 AND E 8 FT OF LOT 1 BLK 275

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner: Ann Casperson

Signature: Ann Casperson

Address: 83 Irwin

Owner:

Signature: [Signature]

Address:

Thank you for taking your time to vote on this important issue.

CASPERSON ELGIN J

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

RECEIVED
SEP 06 2000
City Clerks Office

Project Title: Irwin Avenue, Peck Street to Wood Street

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Assessment Information

Property Address: 181 IRWIN AVE

Parcel Number 24-205-273-0002-00

MAP Number: 24-31-29-304-003

Assessable Frontage: 53 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$903.65

Property Description

W 53 FT LOT 2 BLK 273

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Owner _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address: 171 IRWIN AVE

Parcel Number 24-205-273-0003-00

MAP Number: 24-31-29-304-002

Assessable Frontage: 63 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$1,074.15

Property Description

N 84 1/2 FT LOT 3 BLK 273

RECEIVED
SEP 11 2000
City Clerks Office

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

Ted Havermans

Owner

Signature

Ted Havermans

Signature

Address

171 Irwin, Woodbridge, NJ 07095

Address

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address: 191 IRWIN AVE

Parcel Number 24-205-273-0001-00

MAP Number: 24-31-29-304-004

Assessable Frontage: 36.5 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$622.33

RECEIVED

Property Description

N 47 FT LOT 1 & E 10 FT OF N 47 FT OF LOT 2 BLK 273

SEP 08 2000

City Clerks Office

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner JANET ORBECK (WIFE) JOHNSON

Signature Janet Johnson

Address 191 IRWIN

Thank you for taking your time to vote on this important issue.

WITT JANET ORBECK

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street
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Assessment Information

Property Address: 211 IRWIN AVE
Parcel Number 24-205-272-0004-00
MAP Number: 24-31-29-326-001
Assessable Frontage: 65.62 Feet
Estimated Front Foot Cost: \$17.05 per Foot
ESTIMATED TOTAL COST \$1,118.82

RECEIVED

SEP 08 2000

Property Description

LOT 4 BLK 272

City Clerks Office

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner JANET ORBECK (WIFE) JOHNSON

Owner _____

Signature _____

Signature _____

Address _____

Address _____

Thank you for taking your time to vote on this important issue.

WIFE JANET ORBECK

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

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Assessment Information

Property Address: 233 IRWIN AVE

Parcel Number 24-205-272-0002-00

MAP Number: 24-31-29-326-003

Assessable Frontage: 55.62 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$948.32

RECEIVED

SEP 08 2000

City Clerks Office

Property Description

W 55 5/8 FT LOT 2 BLK 272

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner JANET ORBECK (WIFE) JOHNSON Owner _____

Signature Janet Johnson Signature _____

Address 191 IRWIN Address _____

Thank you for taking your time to vote on this important issue.

WIT: JANET ORBECK

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

RECEIVED
SEP 11 2000
City Clerks Office

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address: 1377 TERRACE ST

Parcel Number 24-205-266-0007-00

MAP Number: 24-31-29-162-012

Assessable Frontage: 16.67 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$284.22

Property Description

LOT 7 BLK 266

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR



I AM OPPOSED



Owner PETER F. JOHNSON

Owner JANET O. JOHNSON

Signature Peter F. Johnson

Signature Janet O. Johnson

Address: 191 Irwin Muskegon MI

Address 191 IRWIN

Thank you for taking your time to vote on this important issue.

JOHNSON PETER F

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street
Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address:	286	IRWIN AVE
Parcel Number	24-205-267-0005-10	
MAP Number:	24-31-29-185-010	
Assessable Frontage:	39.25	Feet
Estimated Front Foot Cost:	\$17.05	per Foot
ESTIMATED TOTAL COST	\$669.21	

RECEIVED
SEP 12 2000
City Clerks Office
12:45 pm

Property Description

ELY 30 FT LOT 5 & THE WLY 3 FT LOT 6 BLK 267

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner GEORGE S. MORRIS

Signature George S. Morris

Address 311 W. MUSKEGON

Owner RICHARD L. MORRIS

Signature

Address 311 W MUSKEGON

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

RECEIVED

SEP 12 2000

City Clerks Office

Project Title: Irwin Avenue, Peck Street to Wood Street

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Assessment Information

Property Address: 196 IRWIN AVE

Parcel Number 24-205-266-0004-00

MAP Number: 24-31-29-162-008

Assessable Frontage: 76.5 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$1,304.33

Property Description

LOT 4 BLK 266

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

Owner

Kevin McCloud

Signature

Kevin McCloud

Address

196 Irwin

I AM OPPOSED

☒

Owner

Patrice McCloud

Signature

Patrice McCloud

Address

196 Irwin

Thank you for taking your time to vote on this important issue.

MC CLOUD KEVIN / PATRICE D

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please
Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street
Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address:	341	BAUER AVE
Parcel Number	24-205-270-0002-00	
MAP Number:	24-31-29-188-002	
Assessable Frontage:	37.5	Feet
Estimated Front Foot Cost:	\$17.05	per Foot
ESTIMATED TOTAL COST	\$639.38	

Property Description

LOT 2 EX SWLY 3 FT BLK 270

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Owner

JAMES BAUER

Signature _____

Signature

[Signature]

Address _____

Address

1396 PINE ST.

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

Project Title: Irwin Avenue, Peck Street to Wood Street

Project Description: All parcels abutting Irwin Avenue from 38' east of the centerline of Peck Street to 234' west of the centerline of Wood Street

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Assessment Information

Property Address: 1396 PINE ST

Parcel Number: 24-205-270-0001-00

MAP Number: 24-31-29-188-001

Assessable Frontage: 39.16 Feet

Estimated Front Foot Cost: \$17.05 per Foot

ESTIMATED TOTAL COST \$667.68

Property Description

LOT 1 & SWLY 3 FT LOT 2 BLK 270

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Owner JAMES BAUER

Signature _____

Signature [Signature]

Address _____

Address 1396 PINE ST.

Thank you for taking your time to vote on this important issue.

SPECIAL ASSESSMENT
HEARING RESPONSE CARD

To have your vote count, please

Return This Card By: September 12, 2000

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Assessment Information

Property Address:	0	IRWIN AVE
Parcel Number	24-205-270-0003-00	
MAP Number:	24-31-29-188-007	
Assessable Frontage:	34.25	Feet
Estimated Front Foot Cost:	\$17.05	per Foot
ESTIMATED TOTAL COST	\$583.96	

Property Description

PART OF LOT 3 COM AT SW COR LOT 3 TH E ALONG N LINE IRWIN AVE 59.07 FT TH N TO NLY LINE LOT 3 AT A PT 40.4 FT SLY FROM NE COR LOT 3 TH SWLY TO NW COR LOT 3 TH SE TO BEG BKL 270

Your vote COUNTS!

Please vote either in favor or opposed to the Special Assessment Street Paving Project.

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner _____

Signature _____

Address _____

Owner

Signature

Address

JAMES BAVER

[Signature]

1396 PINE ST.

Thank you for taking your time to vote on this important issue.

H-1513 IRWIN, PECK TO WOOD

PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	<u>FEET</u>	<u>PERCENTAGE</u>	total of 44-parcels FOR* OPPOSE*	
			5	15
			6	18
TOTAL ASSESSABLE FRONT FOOTAGE	2653.980		21	24
			25	26
FRONT FEET OPPOSED	517.070	19.48%		35
				42
RESPONDING FRONT FEET IN FAVOR	149.000	5.61%		43
				44
NOT RESPONDING - FRONT FEET IN FAVOR	1987.910	74.90%		29
				30
TOTAL FRONT FEET IN FAVOR	2136.910	80.52%		28

* THE RESPONSE CARD NUMBER ON THE LOWER RIGHT CORNER
hearing was on created on September 12 & Sheppard & Seiradsci were appointed.

BID TABULATION FOR:
H-1513 IRWIN AVENUE- PECK TO WOOD 8/29/00

ITEM DESCRIPTION	QUANTITY	UNIT	ENGINEERS ESTIMATE		FELCO		GRANT TOWER		JACKSON-MERKEY		K & R		LEE'S EXCAVATING		NASHVILLE	
			U. PRICE	T. PRICE	U. PRICE	T. PRICE	U. PRICE	T. PRICE	U. PRICE	T. PRICE	U. PRICE	T. PRICE	U. PRICE	T. PRICE	U. PRICE	T. PRICE
1 ADJUST MANHOLE CASTING	34	EACH	\$450.00	\$15,300.00	\$250.00	\$8,500.00	\$520.00	\$17,680.00	\$380.00	\$12,920.00	\$265.00	\$9,010.00	\$350.00	\$11,900.00	\$200.00	\$6,800.00
2 AGGREGATE BASE COURSE 22A @ 8" COMPACTED	1325	S YD	\$6.00	\$7,950.00	\$5.85	\$7,751.25	\$5.00	\$6,625.00	\$7.25	\$9,606.25	\$8.10	\$10,732.50	\$5.60	\$7,420.00	\$8.00	\$10,600.00
3 BITUMINOUS LEVELING MIXTURE 3B @ 165# S YD	703	TON	\$36.00	\$25,308.00	\$40.00	\$28,120.00	\$42.00	\$29,526.00	\$36.25	\$25,483.75	\$36.24	\$25,476.72	\$41.00	\$28,823.00	\$36.24	\$25,476.72
4 BITUMINOUS TOP MIXTURE 4B @ 165# S YD	703	TON	\$40.00	\$28,120.00	\$47.00	\$33,041.00	\$43.00	\$30,229.00	\$37.65	\$26,467.95	\$37.62	\$26,446.86	\$42.00	\$29,526.00	\$37.62	\$26,446.86
5 BORROW FILL	200	C YD	\$5.00	\$1,000.00	\$5.00	\$1,000.00	\$7.00	\$1,400.00	\$5.75	\$1,150.00	\$6.00	\$1,200.00	\$6.00	\$1,200.00	\$12.00	\$2,400.00
6 CATCH BASIN CASTING E.J. 7045 OR EQUAL	16	EACH	\$500.00	\$8,000.00	\$400.00	\$6,400.00	\$220.00	\$3,520.00	\$490.00	\$7,840.00	\$468.00	\$7,488.00	\$375.00	\$6,000.00	\$450.00	\$7,200.00
7 CATCH BASIN CASTIN E.J. 5105 OR EQUAL	1	EACH	\$500.00	\$500.00	\$425.00	\$425.00	\$250.00	\$250.00	\$490.00	\$490.00	\$435.00	\$435.00	\$375.00	\$375.00	\$400.00	\$400.00
8 CATCH BASIN, STANDARD	17	EACH	\$1,500.00	\$25,500.00	\$1,100.00	\$18,700.00	\$1,145.00	\$19,465.00	\$1,275.00	\$21,675.00	\$1,290.00	\$21,930.00	\$1,500.00	\$25,500.00	\$1,200.00	\$20,400.00
9 CEMENT	10	TON	\$200.00	\$2,000.00	\$200.00	\$2,000.00	\$168.00	\$1,680.00	\$175.00	\$1,750.00	\$125.00	\$1,250.00	\$20.00	\$200.00	\$150.00	\$1,500.00
10 COLD MILLING BITUMINOUS, 3" DEEP	24.02	STA	\$500.00	\$12,010.00	\$480.00	\$11,529.60	\$440.00	\$10,568.80	\$545.00	\$13,090.90	\$390.00	\$9,367.80	\$420.00	\$10,088.40	\$437.00	\$10,496.74
11 CONCRETE BASE, 8"	279	S YD	\$30.00	\$8,370.00	\$48.00	\$13,392.00	\$32.00	\$8,928.00	\$25.00	\$6,975.00	\$28.75	\$8,021.25	\$31.00	\$8,649.00	\$28.70	\$8,007.30
12 CONCRETE CURB AND GUTTER, F-4 MODIFIED	4596	L FT	\$9.00	\$41,364.00	\$9.00	\$41,364.00	\$9.50	\$43,662.00	\$8.20	\$37,687.20	\$11.25	\$51,705.00	\$12.00	\$55,152.00	\$7.55	\$34,699.80
13 CONCRETE DRIVE APPROACH, 6"	1056	S YD	\$30.00	\$31,680.00	\$28.00	\$29,568.00	\$28.00	\$29,568.00	\$23.00	\$24,288.00	\$34.00	\$35,904.00	\$22.50	\$23,760.00	\$24.60	\$25,977.60
14 CONCRETE SIDEWALK, 4"	3996	S FT	\$4.50	\$17,982.00	\$2.95	\$11,788.20	\$3.00	\$11,988.00	\$2.00	\$7,992.00	\$3.00	\$11,988.00	\$2.50	\$9,990.00	\$2.30	\$9,190.80
15 CONCRETE SIDEWALK, 6"	250	S FT	\$4.75	\$1,187.50	\$3.75	\$937.50	\$3.00	\$750.00	\$2.60	\$650.00	\$4.00	\$1,000.00	\$3.00	\$750.00	\$2.70	\$675.00
16 CORPORATION STOP, 1" MUELLER # 15000 OR EQUAL	29	EACH	\$250.00	\$7,250.00	\$300.00	\$8,700.00	\$206.00	\$5,974.00	\$290.00	\$8,410.00	\$215.00	\$6,235.00	\$100.00	\$2,900.00	\$300.00	\$8,700.00
17 CURB STOP W/BOX, 1" MUELLER # 15150 OR EQUAL	23	EACH	\$220.00	\$5,060.00	\$275.00	\$6,325.00	\$280.00	\$6,440.00	\$270.00	\$6,210.00	\$215.00	\$4,945.00	\$450.00	\$10,350.00	\$150.00	\$3,450.00
18 MANHOLE CASTING E.J. # 1000 OR EQUAL	12	EACH	\$400.00	\$4,800.00	\$400.00	\$4,800.00	\$224.00	\$2,688.00	\$480.00	\$5,760.00	\$400.00	\$4,800.00	\$350.00	\$4,200.00	\$350.00	\$4,200.00
19 MANHOLE, STANDARD, 4' I.D., 0-10' DEEP	1	EACH	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,577.00	\$1,577.00	\$1,370.00	\$1,370.00	\$1,450.00	\$1,450.00	\$2,500.00	\$2,500.00	\$1,200.00	\$1,200.00
20 METER PIT, COMPLETE	7	EACH	\$900.00	\$6,300.00	\$550.00	\$3,850.00	\$880.00	\$6,160.00	\$735.00	\$5,145.00	\$375.00	\$2,625.00	\$450.00	\$3,150.00	\$500.00	\$3,500.00
21 PAVEMENT PREPARATORY WORK	24.02	STA	\$200.00	\$4,804.00	\$300.00	\$7,206.00	\$246.00	\$5,908.92	\$110.00	\$2,642.20	\$210.00	\$5,044.20	\$230.00	\$5,524.60	\$300.00	\$7,206.00
22 RECONSTRUCT MANHOLE	6	V FT	\$350.00	\$2,100.00	\$100.00	\$600.00	\$640.00	\$3,840.00	\$445.00	\$2,670.00	\$325.00	\$1,950.00	\$60.00	\$360.00	\$300.00	\$1,800.00
23 REDUCER, 2" X 1" BRASS	3	EACH	\$100.00	\$300.00	\$50.00	\$150.00	\$300.00	\$900.00	\$45.00	\$135.00	\$115.00	\$345.00	\$300.00	\$900.00	\$100.00	\$300.00
24 REMOVING CATCH BASIN	15	EACH	\$450.00	\$6,750.00	\$500.00	\$7,500.00	\$650.00	\$9,750.00	\$520.00	\$7,800.00	\$388.00	\$5,820.00	\$1,500.00	\$22,500.00	\$300.00	\$4,500.00
25 REMOVING CONCRETE CURB	10	L FT	\$12.00	\$120.00	\$3.00	\$30.00	\$5.00	\$50.00	\$7.50	\$75.00	\$12.00	\$120.00	\$6.00	\$60.00	\$15.00	\$150.00
26 REMOVING CONCRETE SIDEWALK	4506	S FT	\$2.00	\$9,012.00	\$1.98	\$8,921.88	\$1.00	\$4,506.00	\$1.05	\$4,731.30	\$0.75	\$3,379.50	\$1.30	\$5,857.80	\$1.00	\$4,506.00
27 REMOVING DRIVE APPROACH	1056	S YD	\$5.00	\$5,280.00	\$6.00	\$6,336.00	\$2.00	\$2,112.00	\$8.75	\$9,240.00	\$7.00	\$7,392.00	\$0.60	\$633.60	\$10.00	\$10,560.00
28 REMOVING MANHOLE	6	EACH	\$500.00	\$3,000.00	\$700.00	\$4,200.00	\$500.00	\$3,000.00	\$660.00	\$3,960.00	\$465.00	\$2,790.00	\$1,500.00	\$9,000.00	\$300.00	\$1,800.00
29 REMOVING PAVEMENT INCLUDING CURB	2430	S YD	\$13.50	\$32,805.00	\$3.00	\$7,290.00	\$4.00	\$9,720.00	\$8.85	\$21,505.50	\$12.25	\$29,767.50	\$8.00	\$19,440.00	\$36.93	\$89,739.90
30 STORM SEWER, 12" C-76 CL III	614	L FT	\$28.00	\$17,192.00	\$22.00	\$13,508.00	\$32.00	\$19,648.00	\$26.50	\$16,271.00	\$43.00	\$26,402.00	\$20.00	\$12,280.00	\$32.00	\$19,648.00
31 TAP, 2" WITH VALVE	3	EACH	\$450.00	\$1,350.00	\$600.00	\$1,800.00	\$773.00	\$2,319.00	\$420.00	\$1,260.00	\$350.00	\$1,050.00	\$600.00	\$1,800.00	\$400.00	\$1,200.00
32 TERRACE GRADING	2402	L FT	\$10.00	\$24,020.00	\$4.80	\$11,529.60	\$13.00	\$31,226.00	\$5.50	\$13,211.00	\$27.00	\$64,854.00	\$10.50	\$25,221.00	\$6.00	\$14,412.00
33 TRAFFIC CONTROL	1	LUMP	\$15,000.00	\$15,000.00	\$10,300.00	\$10,300.00	\$13,384.00	\$13,384.00	\$16,865.00	\$16,865.00	\$7,700.00	\$7,700.00	\$7,500.00	\$7,500.00	\$11,750.00	\$11,750.00
34 WATER VALVE BOX, COMPLETE	9	EACH	\$225.00	\$2,025.00	\$300.00	\$2,700.00	\$550.00	\$4,950.00	\$390.00	\$3,510.00	\$250.00	\$2,250.00	\$150.00	\$1,350.00	\$300.00	\$2,700.00
35 WATER SERVICE, 1" TYPE "K" COPPER	940	L FT	\$20.00	\$18,800.00	\$20.00	\$18,800.00	\$20.00	\$18,800.00	\$16.75	\$15,745.00	\$14.00	\$13,160.00	\$30.00	\$28,200.00	\$16.50	\$15,510.00
36 WATER SERVICE, 2" TYPE "K" COPPER	115	L FT	\$30.00	\$3,450.00	\$30.00	\$3,450.00	\$42.00	\$4,830.00	\$23.50	\$2,702.50	\$19.00	\$2,185.00	\$35.00	\$4,025.00	\$20.00	\$2,300.00
TOTAL				\$397,189.50		\$344,113.03		\$373,622.72		\$347,284.55		\$416,219.33		\$387,085.40		\$399,402.72

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: September 12, 2000

RE: Public Hearing
Spreading of the Special Assessment Roll
MORTON TORRENT TO BOURDON

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **MORTON TORRENT TO BOURDON**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$35,288.18 will be spread against the Twelve (12) 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. 2000-88(e)

Resolution Confirming Special Assessment Roll

For MORTON BETWEEN TORRENT AND BOURDON

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 8, 2000**, 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 MORTON BETWEEN TORRENT AND BOURDON

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, Sieradzki, Spataro, Aslakson, Benedict, Nielsen,
Schweifler

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **September 12, 2000**. 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, 2000**.

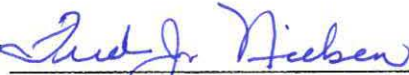
City of Muskegon

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

**MORTON BETWEEN TORRENT AND BOURDON
MAYOR'S ENDORSEMENT AND WARRANT**

I, FRED J. NIELSEN, 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 
FRED J. NIELSEN, MAYOR

AFFIDAVIT OF MAILING BY CITY CLERK

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

GAIL A. KUNDINGER, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT SHE IS THE CITY CLERK OF THE CITY OF MUSKEGON; THAT AT A HEARING HELD ON THE 12 TH DAY OF SEPTEMBER, 2000 THE CITY COMMISSION ADOPTED A RESOLUTION CONFIRMING THE FOLLOWING SPECIAL ASSESSMENT ~~DISTRICT~~: Roll.

All parcels abutting Morton Avenue, East of the easterly right of way line of Torrent Street, to the westerly right of way of Bourdon Street.

A NOTICE OF THE SAID HEARING WAS DULY PUBLISHED IN THE MUSKEGON CHRONICLE, A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF MUSKEGON, ON SEPTEMBER 2, 2000.

DEPONENT FURTHER 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 1ST DAY OF SEPTEMBER, 2000.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
18th DAY OF September, 2000.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN

MY COMMISSION EXPIRES 9-25-02

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

Assessor
616/724-6708
FAX/724-6768

Cemetery
616/724-6783
FAX/722-4188

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

Clerk
616/724-6705
FAX/724-6768

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

Engineering
616/724-6707
FAX/724-6790

Finance
616/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

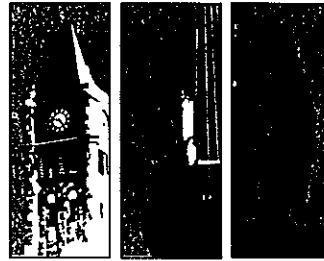
Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

September 1, 2000

Property Parcel Number: _____ at _____

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

Morton Avenue, Torrent Street to Bourdon Street

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, September 12, 2000 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED SEPTEMBER 12, 2000 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL. HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$118,500.00 of which \$35,288.18 (29.78%) will be paid by special assessment to property owners. If the special assessment is confirmed, your property will be assessed _____ based on _____ feet assessable front footage at \$33.40 per assessable foot for the street improvements. In addition, you will be assessed _____ for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of _____. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: _____

Due Date: November 13, 2000

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

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

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

Please refer to the enclosed sheet entitled Special Assessment Payment Options for more information on the payment options and financial assistance programs available.

Sincerely,

A handwritten signature in cursive script that reads "Mohammed Al-Shatel".

Mohammed Al-Shatel, P.E.
City Engineer

**CITY OF MUSKEGON
NOTICE OF PUBLIC HEARING
CONFIRMATION OF SPECIAL ASSESSMENT ROLL**

SPECIAL ASSESSMENT DISTRICT:

MORTON TORRENT TO BOURDON

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

All properties abutting MORTON BETWEEN TORRENT AND BOURDON

PLEASE TAKE NOTICE that a hearing to confirm the special assessment district will be held at the City of Muskegon Commission Chambers on **SEPTEMBER 12, 2000 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 roll that has been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll is on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

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

Gail A. Kundering, City Clerk

Publish: **SEPTEMBER 2, 2000**

ADA POLICY

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

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

CITY OF MUSKEGON

Resolution No. 2000-25(c)

Resolution At First Hearing Creating Special Assessment District
For **MORTON, TORRENT TO BOURDON**

Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **FEBRUARY 8, 2000** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **FEBRUARY 8, 2000**, there were 33.38% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **17.78%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

Ayes Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,
Benedict.

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **FEBRUARY 8, 2000**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXIHBIT A

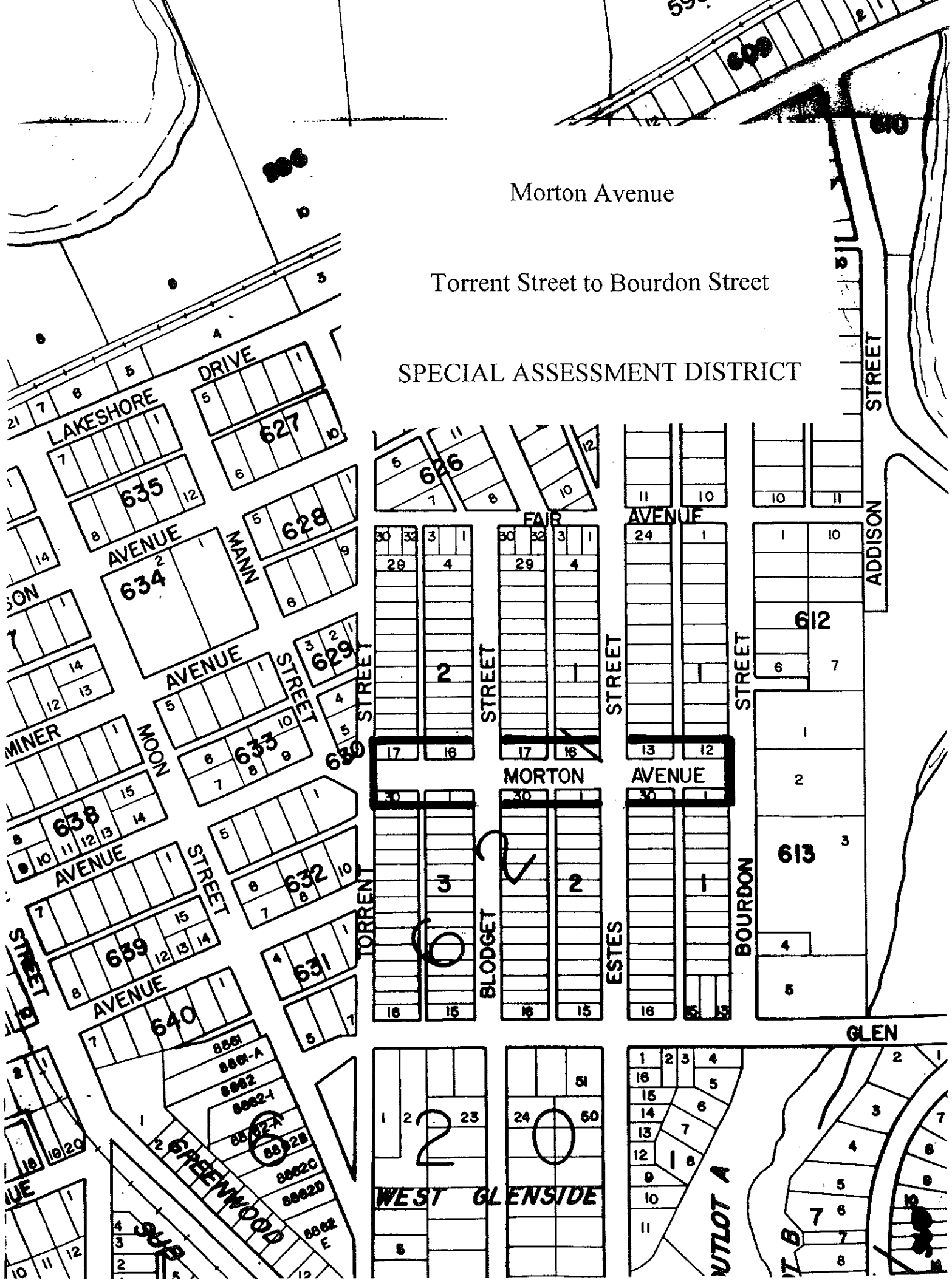
**Morton Avenue, Torrent Street to Bourdon Street
SPECIAL ASSESSMENT DISTRICT**

All properties abutting Morton Avenue from Torrent Street to Bourdon Street

Morton Avenue

Torrent Street to Bourdon Street

SPECIAL ASSESSMENT DISTRICT



**CITY OF MUSKEGON
MORTON AVENUE H-1218
REQUEST FOR WAIVER OF SPECIAL ASSESSMENT**

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

Dear Resident:

The City of Muskegon has selected your neighborhood and your property for its comprehensive sidewalk replacement program. City ordinances require that property owners be responsible for the repair/replacement of damaged or unsafe sidewalks adjoining their properties. To assist homeowners, who may have difficulty paying the cost of sidewalk repairs, the City offers assessment waivers through the Community Development Block Grant (CDBG) Program for eligible households and families. If you meet the CDBG program qualifications, the City may pay the sidewalk assessment for you to the extent that funds are available.

Application Requirements:

- ✓ **Applicants must submit proof that their total household income does not exceed 65% of Area Median Income** (see chart below); Proof of income may include copies of Wage & Tax Statement (W-2's) from the year 2000, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2000

65% MEDIAN HOUSEHOLD INCOME CHART

FAMILY SIZE	INCOME LIMIT
1	\$22,800
2	26,040
3	29,340
4	32,580
5	35,160
6	37,800
7	40,380
8	43,020
For each extra, add	3,240

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

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

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

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

The City reserves the right to verify all application information, and to reject any applications that contain falsified information or insufficient documentation. Sidewalk repairs must be completed by the City of Muskegon. Costs incurred from repairs done by a private contractor or by doing them yourself, will not be reimbursed.

CITY OF MUSKOGEE
STREET ASSESSMENT PROGRAM
APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

NAME: _____ BIRTHDATE: _____
SPOUSE'S NAME: _____ BIRTHDATE: _____
ADDRESS: _____ PHONE: _____
NUMBER OF UNITS: _____ PARCEL #: _____ PLATE #: _____
(Single family or # of Apts) (If known) (If known)
ETHNIC CLASS: _____ MARITAL STATUS: _____
(Asian, Black, Hispanic, Native American, White, etc) (Married, Single, Divorced, Widowed, Separated)
HANDICAPPED: () Yes () No FAMILY SIZE: _____
(Are you or your spouse legally handicapped or disabled?) (Number of people living in household)

MONTHLY HOUSEHOLD INCOME: \$ _____ SOURCE: _____
(Must include all household income)
_____ SOURCE: _____
_____ SOURCE: _____
Total: \$ _____ OTHER: _____

OWNERSHIP: () DEED () MORTGAGE () LAND CONTRACT
HOMEOWNER'S INSURANCE CO: _____ EXPIRATION DATE: _____
PROPERTY TAXES: () Current () Delinquent Year(s) Due (if any) _____

OWNER'S SIGNATURE: _____ Date: _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed.

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

STAFF SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

H-1218

Morton Avenue, Torrent Street to Bourdon Street

SPECIAL ASSESSMENT ROLL

PARCEL	@						PAVING	DR APP / SW	TOTAL
24-777-002-0001-00	2209	ESTES ST	BOWMAN VICKI H	2209 ESTES	MUSKEGON	MI 49441	\$2,070.80	\$0.00	\$2,070.80
24-777-001-0001-00	1761	MORTON A	FELLOWS CHAD M	1761 MORTON AVE	MUSKEGON	MI 49441	\$2,077.48	\$801.48	\$2,878.96
24-235-002-0017-00	2192	TORRENT S	FURST JOANNA M	2192 TORRENT ST	MUSKEGON	MI 49441	\$2,084.16	\$1,439.94	\$3,524.10
24-235-001-0017-00	2192	BLODGETT	GAHAN M/DECKER J II	2192 BLODGETT	MUSKEGON	MI 49441	\$2,070.80	\$851.69	\$2,922.49
24-295-000-0013-00	2192	ESTES ST	MARTINEAU STEVE J	10364 DUTCH SETTLE	MARCELLUS	MI 49067	\$2,070.80	\$831.84	\$2,902.64
24-777-003-0030-00	2208	TORRENT S	MERCURIO SANDY/BLOD	2208 TORRENT ST	MUSKEGON	MI 49441	\$2,084.16	\$1,089.21	\$3,173.37
24-777-003-0001-00	2207	BLODGETT	NOBES WILLIAM	2207 BLODGETT ST	MUSKEGON	MI 49441	\$2,070.80	\$1,063.29	\$3,134.09
24-235-002-0016-00	2191	BLODGETT	ROLLIN JAYNE ET AL	2191 BLODGETT ST	MUSKEGON	MI 49441	\$2,070.80	\$570.00	\$2,640.80
24-295-000-0012-00	2191	BOURDON	SELBY SCOTT A	2191 BOURDON	MUSKEGON	MI 49441	\$2,077.48	\$612.02	\$2,689.50
24-235-001-0016-00	0	ESTES ST	SHUNTA DANIEL	2187 ESTES	MUSKEGON	MI 49441	\$2,070.80	\$737.22	\$2,808.02
24-777-002-0029-00	2214	BLODGETT	SIMON JEFFREY/KOWAL	2214 BLODGETT STR	MUSKEGON	MI 49441	\$2,070.80	\$977.06	\$3,047.86
24-777-001-0030-00	2208	ESTES ST	WOHLFARD SCOTT A/LIS	2208 ESTES	MUSKEGON	MI 49441	\$2,070.80	\$1,424.75	\$3,495.55

H-1218

Morton Avenue, Torrent Street to Bourdon Street

SPECIAL ASSESSMENT ROLL

PARCEL	@	PAVING	DR APP / SW	TOTAL
TOTALS		\$24,889.68		\$35,288.18

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

BOARD OF ASSESSORS

CLIFF TURNER DIRECTOR, COUNTY EQUALIZATION DATE

SCOTT SEIRADZKI DATE

CLARA SHEPHERD DATE

Date: August 22, 2000
To: Honorable Mayor and City Commissioners
From: Inspection Services Department
RE: Dangerous Building Ordinance

SUMMARY OF REQUEST: To adopt the ordinance, which is meant to clean up the dangerous buildings procedure. The procedure has proven to be somewhat cumbersome and troublesome in circuit court. This will give us a better chance in circuit court to overcome due process difficulties.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance.

law offices of

PARMENTER O'TOOLE

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

*on agenda
Aug 22nd*

July 18, 2000

RECEIVED
JUL 19 2000
City Clerks Office

Ms. Gail A. Kunding
City Clerk
City Hall
Muskegon, MI 49443-0536

Re: Dangerous Building Ordinance
Our File 100-182(18)

Dear Gail:

Enclosed is a proposed Ordinance which is meant to clean up the Dangerous Buildings procedure. The procedure has proven to be somewhat cumbersome and troublesome in circuit court. This will give us a better chance in circuit court to overcome due process difficulties.

This matter has been worked on with Bob Grabinski for several weeks. He has new forms all set to go if this ordinance is passed. If there are any questions, please let me know.

Very truly yours,

G. Thomas Johnson

G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ/mmf

Enclosure

cc: Mr. Bryon L. Mazade
Mr. Bob Grabinski

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorensen
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

August 11, 2000

Mr. Robert B. Grabinski
Inspection Department
City of Muskegon
Muskegon, MI 49440

Dear Bob:

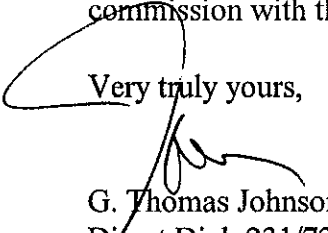
Enclosed please find a copy of the revised ordinance draft and the forms which contain several revisions. I think these are clearer and should take care of the problem you raised in your voice mail while I was gone. In essence, we are still starting out with an order to repair or remove. Only one of the alternatives would be checked. If we deliver an order to repair and they fail to take out the permits or commence within 30 days we would give them the second notice which is a notice to go to the building board of appeals for demolition. You see that on the notice of hearing to the building board of appeals it now provides for the opportunity to repair but the HBA is in charge.

Then you see that the HBA may either order to demolish or order to demolish with the repair opportunity. In either case, the only thing that goes to the city commission is a request to demolish, in the first case after a failure to demolish, in the second case after botching the opportunity to repair.

The search warrant forms are not changed.

Please let me know if there are any problems. Gail will have this early in the week of August 14 when you are back. I assume she will check with you to see whether you are ready to go to commission with the ordinance. The forms don't have to be presented to the commission.

Very truly yours,


G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com
GTJ/mmhf
Enclosures

c: Gail A. Kunding (w/o encls) ✓

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Kaare
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1920-1966
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1903-1993
Cyrus M. Poppen
1903-1996

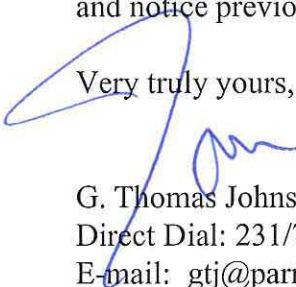
August 11, 2000

Ms. Gail A. Kunderinger
City Clerk
City of Muskegon
P.O. Box 536
Muskegon, MI 49443-0536

Dear Gail:

At Bob Grabinski's request I have made changes in the ordinance and the notice of adoption for the dangerous building ordinance. I would appreciate your substituting these for the ordinance and notice previously sent and placing it on the agenda at the appropriate time.

Very truly yours,



G. Thomas Johnson
Direct Dial: 231/722-5400
E-mail: gtj@parmenterlaw.com

GTJ/mmf

c: Robert B. Grabinski (w/encl)

CITY OF MUSKEGON

ORDINANCE NO. 2032

An Ordinance amending the City of Muskegon Ordinances concerning procedures in dangerous building cases.

THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 4-24 of the Code of Ordinances concerning proceedings, notices and orders in dangerous building cases is amended in the following respects:

1. Section 4-24(b)(3) is amended to read as follows:

(3) A statement of the action required to be taken as determined by the building official:

a. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within thirty (30) days from the date of the order and completed within the time limits of the building permit, which limits, for dangerous buildings, shall be determined by the building official, taking into account the condition of the building or structure, but not to exceed one year.

b. If the building official has determined that the building or structure must be vacated, the order shall require such vacation within a reasonable time certain from the date of the order.

c. If the building official determines the building must be demolished (removed) the order shall state the date by which removal must be accomplished.

2. Section 4-24(c) is amended to read in its entirety as follows:

(c) *Noncompliance.* Where an order under this section is not complied within the time specified, the City shall institute proceedings to repair or demolish (remove) the structure. Said proceedings shall be as follows:

(1) a hearing before the housing board of appeals shall be scheduled;

(2) notice of the said hearing shall be sent by certified mail to all owners shown on the tax assessment records, the holder of a recorded mortgage, a tenant under any written lease which has been recorded, any principal occupant and any owner otherwise known to the City, such as Land Contract vendors and vendees (all called herein "interested persons").

The notice shall specify the time and place of the hearing, and notify all interested persons that they shall have the opportunity to show cause why the structure should not be demolished or repaired.

The notice shall be mailed at least 10 days before the hearing date. Personal service may be used in lieu of certified mail. In all cases a copy of the notice shall be posted upon a conspicuous part of the structure and shall constitute notice to all interested persons.

3. Section 4-25, regarding proceedings before the Housing Board of Appeals and City Commission shall be amended to read as follows:

Sec. 4-25. Hearings.

The Housing Board of Appeals shall take and record testimony of the inspection personnel, the owner of the property and any interested party. The Housing Board of Appeals shall make written findings of fact and conclusions concerning the applicability of the ordinance and render its decision, either dismissing the proceedings, ordering the building to be demolished or providing for an opportunity to repair or demolition.

If it is determined by the Housing Board of Appeals that the building or structure should be demolished, it shall so order, recommending a time or times to comply after City Commission final action. The Housing Board of Appeals may enter a conditional order giving an opportunity to repair, simultaneously ordering demolition if repairs are not timely accomplished.

A copy of the findings and order of the Housing Board of Appeals shall forthwith be served on the owner and other interested parties in the manner set forth in section 4-24.

Following such determination by the Housing Board of Appeals, it shall file a written report of its findings and its order with the City Commission for the City of Muskegon and request that the City Commission review and concur with its decision.

If demolition is ordered, or if the interested party or parties fail to comply with the requirements of an Opportunity to Repair, the City shall issue a notice giving the date and time the matter is to be heard by the City Commission and serve same on all interested parties at least 10 days prior to the hearing and in the manner provided in section 4-24.

City Commission Hearing. At the City Commission hearing, the owner or other interested persons shall be given the opportunity to show cause why the structure(s) should not be demolished but repaired, and the City Commission shall either approve, disapprove or modify the order of the Housing Board of Appeals. After the hearing, the order of the City Commission shall be served on the owner and all interested parties in the manner provided in section 4-24. The City Commission may require a deposit of funds adequate for demolition in the event it allows an interested person to repair, and it may determine and attach any conditions to the permit. Any permit issued by the City in a dangerous building case shall be limited in time for completion during a period reasonably determined by the City, taking into account the condition of the building or structure, but not to exceed one year.

In the event the owner or other interested parties fail to comply with the order of the City Commission within the time limited or as conditioned, the City may cause the building or structure to be demolished or repaired first utilizing any funds deposited. The cost (in excess of the deposit) of the demolition or repair shall be collected by the City in the manner following:

An interested party shall be notified of the amount of such costs by first class mail; if he or she fails to pay within 30 days after the mailing of the notice, the City may recover the costs from the owner, owners or person interested as a personal obligation by filing an action for recovery in the courts. The City may further, or alternatively, add the premises to the next tax roll of the City and collect the costs in the same manner in all respects as provided by law for the collection of taxes. Defendants in the personal action, if any, shall receive credit for all amounts collected through the tax collection procedure, but shall be liable for any uncollected amounts. In the event the City collects through the personal action any amount of the costs incurred, the tax lien shall be thus reduced .

(Ord. No. 931, § 1, 6-10-86; Ord. No. 1074, § 1, 5-24-94)

4. Section 4-27 concerning penalties is amended to read as follows:

Sec. 4-27. Rights of action under this article and penalties for violation.

Any violation of this ordinance concerning dangerous buildings shall constitute a civil infraction. The foregoing shall not preclude the City from

making application to a court of competent jurisdiction for equitable or injunctive relief.

5. Section 4-28 concerning appeals to Circuit Court is amended to read as follows:

Sec. 4-28. Appeal from City Commission Order; Petition for Writ of Superintending Control.

An owner or interested person aggrieved by any final decision or order of the City Commission may appeal the decision or order to the Circuit Court for the County of Muskegon by filing a petition for an order of superintending control within 21 days from the date of mailing of the City Commission decision. The order of the City Commission shall be stayed pending the outcome of all court proceedings if a petition is timely filed.

This ordinance adopted:

Ayes: Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd
Nays: Sieradzki

Adoption Date: 9-12-00

Effective Date: 9-29-00

First Reading: 8-22-00

Second Reading: 9-12-00

CITY OF MUSKEGON

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

CERTIFICATE

This ordinance was adopted at a meeting of the City Commission, held on 12th of September, 20 00. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

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

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that on September 12, 2000, the City Commission of the City of Muskegon passed an ordinance amending the Dangerous Building Code of the City. The amendments are procedural in nature and are summarized as follows:

1. **Sec. 4-24(b)(3).** This section, concerning permits issued if a dangerous building is ordered repaired, now limits the time a building permit for a dangerous building will be valid to one year or such shorter time the building official deems reasonable, considering the condition of the building.

2. **Sec. 4-24(c).** The procedure, including notice before the Housing Board of Appeals, provides a hearing before the Housing Board of Appeals in the event of the failure to comply with repair or demolition orders of the City. There are provisions regarding notice and the interested persons to whom notice must be sent.

3. **Sec. 4-25. Hearing, testimony, appeal, etc.** The procedures after the Housing Board of Appeals hearing are simplified. The ordinance provides that after decision of the Housing Board of Appeals, its order and decision shall be placed before the City Commission with notice to interested persons. The City Commission may concur in the Housing Board of Appeals' decision, disapprove, or modify the decision.

There is a provision for filing a petition for an order of superintending control before the circuit court by an interested person aggrieved by the City Commission's final decision. Upon filing any such petition, any City order regarding demolition is stayed.

Full copies of the said ordinance amendments are on file and may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

CITY OF MUSKEGON

Published September 19, 2000

By _____
Gail A. Kunding, Its Clerk

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

TABLE OF CONTENTS

- 1. Ordinance Amendment**
- 2. Notice/Order from Inspector**
- 3. HBA Notice of Hearing**
- 4. HBA Order to Demolish**
- 5. HBA Order to Repair or Demolish**
- 6. Notice of Hearing before City Commission if Repair Not Accomplished**
- 7. City Commission Determination and Notice (where concurs with demolition)**

CITY OF MUSKEGON

NOTICE AND ORDER TO REPAIR OR REMOVE (DEMOLISH) A STRUCTURE

Address of the Property: _____

Muskegon, Michigan

Description of the Structure: _____

TO: _____

[Name of Owner]

[Address of Owner]

[Names of Other Interested Parties]

[Addresses]

The Building Inspection Department of the City of Muskegon has determined that the structures above described are dangerous, substandard, and constitute a nuisance in violation of the Dangerous Buildings Ordinance of the City.

You are hereby notified that the City will proceed to demolish or cause the demolition and removal of the said structure unless you accomplish the actions indicated below within the time limits indicated (only one to be checked):

1. _____ Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.

2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

The conditions which cause the said structures to be dangerous, substandard and a nuisance are listed in the attached schedule.

FAILURE TO COMPLY

After 30 days from mailing this notice, if you have not complied with the above, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing. You may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire. You will have the opportunity to show cause why the structure shall not be ordered demolished.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By _____
_____, _____
Position

Dated: _____

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at _____,
Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a
public nuisance.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By _____
_____, _____
Position

Dated: _____

(Detailed records of inspections are attached for further information.)

AFFIDAVIT OF MAILING AND POSTING

STATE OF MICHIGAN
COUNTY OF MUSKEGON

_____ being duly sworn states that he/she mailed the Notice and Order to Repair or Demolish, dated _____, 20____, the structure at _____, Muskegon, Michigan, to the following persons by certified mail, addressed to each of them at their last known address or the address shown on tax records. The said mailing occurred on _____, 20____.

TO: _____
[Name of Owner]

[Address of Owner]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
[Names of Other Interested Parties]	[Addresses]

The undersigned further states that the structure at _____, Muskegon, Michigan, was posted with a copy of the said notice on _____, 20____.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public, Muskegon County, Michigan
My commission expires: _____

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

NOTICE OF HEARING

Address of the Property: _____
Muskegon, Michigan

Description of the Structure: _____

TO: _____
[Name of Owner]

[Address of Owner]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
[Names of Other Interested Parties]	[Addresses]

Please take notice that on _____, 20____, the City of Muskegon Housing Board of Appeals will hold a hearing at _____ at _____ o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous and demolished, or demolished after an opportunity to repair.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on _____, 20_____.

At the hearing on _____, 20____, at _____ o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By _____
_____, _____
Position

**AFFIDAVIT OF SERVICE OR MAILING OF
NOTICE OF HEARING BEFORE THE HOUSING BOARD OF APPEALS**

STATE OF MICHIGAN
COUNTY OF MUSKEGON

_____ being duly sworn states that he/she delivered or mailed by certified mail a copy of the above Notice of Hearing before the Housing Board of Appeals the owners and interested parties set forth in the notice, the said notice dated _____, 20____, by certified mail. The date of mailing was _____, 20____. The date of personal service (if any) was _____, 20____. Personal service was made on the following persons:

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, Muskegon County, Michigan
My commission expires: _____

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

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on _____, 20____, does hereby order that the following structure(s) located at _____, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

[Description of the structure(s)]

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

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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

[Chairperson] or [Member]

Dated: _____, 2000

NOTICE OF HEARING BEFORE THE CITY COMMISSION

TO: All owners and interested parties:

[Name of Owner]

[Address of Owner]

[Names of Other Interested Parties]

[Addresses]

The City Commission will hold a hearing on _____, 20____, to consider the above decision of the Housing Board of Appeals. You may appear at the hearing on _____, 20____, at _____ p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTION DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By _____
_____, _____
Position

Dated: _____, 2000

AFFIDAVIT OF SERVICE OR MAILING

STATE OF MICHIGAN
COUNTY OF MUSKEGON

_____ being duly sworn states that he/she delivered or mailed by certified mail a copy of the attached order for demolition entered by the Housing Board of Appeals with notice of City Commission hearing to the owners and interested parties set forth in the order, the said order dated _____, 20____, by certified mail. The date of mailing was _____, 20____. The date of personal service (if any) was _____, 20____. Personal service was made on the following persons:

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, Muskegon County, Michigan
My commission expires: _____

**CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS**

ORDER TO REPAIR OR DEMOLISH

Address of the Property: _____
Muskegon, Michigan

Description of the Structure: _____

TO: _____
[Name of Owner]

[Address of Owner]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
[Names of Other Interested Parties]	[Addresses]

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely fashion. Therefore, it is ordered that the owner or interested parties shall apply for all permits required to accomplish the repairs of the conditions found in the schedule and record attached to this order within 30 days from the date of this order. All repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days.

AFFIDAVIT OF SERVICE OR MAILING

ORDER TO REPAIR OR DEMOLISH

STATE OF MICHIGAN
COUNTY OF MUSKEGON

_____ being duly sworn states that he/she delivered or mailed by certified mail a copy of the attached Order to Repair or Demolish entered by the Housing Board of Appeals to the owners and interested parties set forth in the order, the said order dated _____, 20____, by certified mail. The date of mailing was _____, 20____, The date of personal service (if any) was _____, 20____. Personal service was made on the following persons:

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, Muskegon County, Michigan
My commission expires: _____

FAILURE TO COMPLY - DEMOLITION ORDER
TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to apply for all permits required to effectuate the said repairs or fail to commence physical repair within 30 days, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structure.

In such case, the Director of Inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board for demolition, and, further, to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By _____
_____, Its _____
Position

Dated: _____, 20__

CITY OF MUSKEGON

**NOTICE OF HEARING BEFORE THE CITY COMMISSION
AFTER FAILURE TO COMPLY WITH OPPORTUNITY TO REPAIR,
AND SEEKING DEMOLITION AND REMOVAL**

Address of the Property: _____
Muskegon, Michigan

Description of the Structure: _____

TO: _____
[Name of Owner]

[Address of Owner]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
[Names of Other Interested Parties]	[Addresses]

On _____, 20____, the Housing Board of Appeals ordered an Opportunity to Repair the above structure, which required the issuance of appropriate permits within 30 days of that order and the commencement of physical repair within the said 30 days.

You have not satisfied the requirements for repair set forth in the Order of the Housing Board of Appeals; therefore, the order of the Housing Board of Appeals constitutes an order to demolish and remove the structure(s). You are hereby notified that on _____, 20____, at _____ o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, the City Commission will hold a hearing to determine whether to concur with the Housing Board of Appeals decision to demolish and remove the structure. You may appear at that time to show cause why the structure should not be demolished. You are entitled to have counsel of your choice present, if you desire. City Commission may concur in demolition, or disapprove or modify the Housing Board of Appeals decision.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By _____
_____, Its _____

NOTICE OF CITY COMMISSION DETERMINATION

Address of the Property: _____

Muskegon, Michigan

Description of the Structure: _____

TO: _____

[Name of Owner]

[Address of Owner]

[Names of Other Interested Parties]

[Addresses]

Please take notice that on _____, 20____, the City Commission determined to concur with the order of the Housing Board of Appeals to demolish the above structure. You are hereby notified that, unless you obtain the issuance of the appropriate demolition permit and demolish the structure within 30 days, the City shall enter upon the property and demolish the said structure.

If you disagree with the decision of the City Commission, you have the right to file a petition for superintending control in the Circuit Court for the County of Muskegon within 21 days after the date of mailing of this notice.

CITY OF MUSKEGON INSPECTION DEPARTMENT

By _____

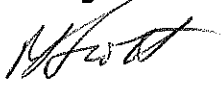
_____,
Position

AFFIDAVIT OF MAILING

_____, being duly sworn states that he/she mailed the
above notice to the persons named therein at their last known addresses by certified mail. The
said notice was deposited in the United States mail, postage prepaid, on
_____, 20____.

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, Muskegon County, Michigan
My commission expires: _____

Date: July 26, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Lighthouse Park

SUMMARY OF REQUEST:

The Beachwood/Blufton Neighborhood Association has requested that the property within Pere Marquette that is across from Elliot Park be named Lighthouse Park with appropriate signage

FINANCIAL IMPACT:

None, except the cost of the sign

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

The Leisure Services Board Recommends approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

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

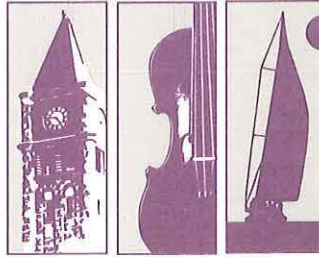
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: July 26, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott *RS*

Re: Lighthouse Park

The Beachwood/Blufton Neighborhood Association has requested that the property across from Elliot Park, which is within Pere Marquette Park, be named Lighthouse Park. A copy of their letter is attached.

At their meeting on July 17, 2000, the Leisure Services Board recommended approval of the request.

This property is currently overgrown and not used, except that a lift station is located on it. Staff would recommend approval of the request. Current City policy requires that the City Commission approve the naming of any park.

Thank you for your consideration.



The Beachwood/Bluffton Neighborhood Association

2261 Surfwood Drive

Muskegon, MI 49441

Phone (231) 759-0551

June 26, 2000

Mr. Ric. Scott, Leisure Services Director
City of Muskegon
933 Terrace Street
Muskegon, MI 49443

Dear Mr. Scott,

The Beachwood/Bluffton Neighborhood Association is requesting a park sign for the area bounded by Beach Street on the West, Fulton Street on the North, Nelson Street on the East, and Sand Alley on the South.

We have researched the history of the site and determined that the first lighthouse and lighthouse tender's house were located on this property. We would therefore suggest it be named "Lighthouse Park" to commemorate its historic significance to Muskegon and the neighborhood. We believe a sign will also generate interest. We are suggesting the sign be similar in size and character the "Margaret Drake Elliot Park" sign.

The Neighborhood Association is currently working the city staff to adopt this portion of Pere Marquette Park as a neighborhood project. Jon Colburn, the City's Horticulturalist, is working with us to plan and develop this historic site. It is the Association's intent to develop it as a natural/quiet site with birdhouses, benches, natural vegetation and some pathways...a place where citizens can come to reflect, observe, and enjoy.

We hope to begin our work this summer with cleaning and removing undesirable vegetation as determined appropriate in the opinion of Mr. Colburn in consultation with the neighborhood.

Thank you for your interest and consideration of our request.

Sincerely,

Beachwood/Bluffton Neighborhood Association

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners
FROM: Tony Kleibecker, Chief of Police
DATE: September 1, 2000
SUBJECT: FY 2000 Local Law Enforcement Block Grant

SUMMARY OF REQUEST:

Staff requests that the City Manager be authorized to negotiate an agreement with the County of Muskegon due to a Disparate Funding Certification and then submit the FY 2000 Local Law Enforcement Grant Application in the amount of up to \$ 137,311. This grant requires local cash match up to \$ 15,257. This would be the amount of match assuming no sharing with the County of Muskegon. The funds must be used for law enforcement purposes and may be used for personnel or equipment. The exact amount to be placed in each category has not yet been determined. The grant requires the establishment of an Advisory Board to make recommendations prior to the grant funds being released. However, it would be our intent to continue the funding of an information systems person as well as a record's division person that we began funding under a previous block grant. We would be looking at using the remainder of the funds for much needed equipment due to our increased staffing.

The exact amount the City of Muskegon would receive and the corresponding match will not be known until negotiations with the County are finalized. However, due to the entire system being online, the Bureau of Justice Assistance is only allowing 30 days from the time of the grant announcement until all negotiations, hearing and application are completed. Therefore, staff is asking for Commission Approval at this time.

FINANCIAL IMPACT:

\$137,311 maximum to be received from the U.S. Dept. of Justice
\$15,257 maximum required as a local cash match and must be placed in the same trust account as the federal grant funds.

Note that the grant covers a 2-year period.

BUDGET ACTION REQUIRED:

A local cash match is required. If there were no sharing with the County the total match would be \$15,257. If there is sharing with the County of Muskegon, our required cash match would go down. This is a 10% cash match. These funds must be placed in the same interest bearing account as the federal grant funds and all interest earned must be spent on items allowable under the grant.

STAFF RECOMMENDATION:

Staff recommends authorizing the City Manager to negotiate an agreement with the County Administrator and to then submit the FY 2000 Local Law Enforcement Block Grant Application.

COMMITTEE RECOMMENDATION:

Date: August 31, 2000
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Walker Arena Compressors

SUMMARY OF REQUEST:

To authorize the expenditure of up to \$20,000 for repairs to the Arena compressors

FINANCIAL IMPACT:

Not to exceed \$20,000

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

Leisure Service
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FAX/724-1196

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

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

Neigh. & Const.
Services
231/724-6715
FAX/726-2501

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

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

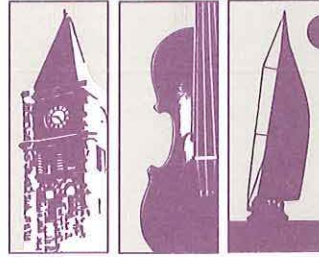
Public Works
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Treasurer
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FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Date: August 31, 2000

To: Honorable Mayor and City Commissioners

From: Ric Scott 

Re: Walker Arena Compressors

There have been problems with the compressors at Walker Arena since shortly after they were installed. Over the last year it has been discovered that they were never assembled correctly, and therefore, never operated properly. We have started the legal proceedings against the installer.

In the meantime, we need to open two of the three compressors to determine if there are any problems with them. The company currently performing the maintenance on the machines, who also discovered the problems, are very sure that at least one compression spring needs to be replaced.

The total estimated cost if everything needed to be fixed would not exceed \$20,000. The money to pay this bill would come from litigation. I have enclosed a copy of Tom Johnson's letter recommending that we do this work.

I would recommend that you authorize staff to proceed with this work.

Thank you for your consideration.

law offices of | **PARMENTER O'TOOLE**

175 W. Apple Avenue • P.O. Box 786 • Muskegon, Michigan • 49443-0786
Phone 231.722.1621 • Fax 231.722.7866 or 728.2206

Fax 722 1214; 724 1196

August 21, 2000

Mr. Bryon Mazade
Mr. Ric Scott
City of Muskegon

Re: Arena Compressor claim v. Rink Systems et al.

Dear Bryon and Ric,

In reviewing for litigation to recover the cost of repairs to the compressors at the arena, I recommend that you consider performing the repairs, so that as we sue for the cost, we will have a figure for the repair expenses to sue for. This saves expense and time in litigation, since we will have a reliable money amount we actually spent, and not have to rely on estimates and educated guesses.

The estimate by Hurst, which RCI agrees to, is \$8,424.00 per machine, plus the work (apparently nominal), to connect the piping, which has been installed ready for further connection. These estimates, and the news about the pipe connections, are according to Neil Hawryliw. I do not know the dates of the estimates. If the commission were to authorize up to \$20,000.00 for this, hopefully it could be timely completed.

We would proceed to sue for the actual repairs to date, and the new repairs above, together for the loss in extra electric costs estimated by the engineer from Hooker DeJong.

While it is better to start suit after the repairs are completed, we can start before. If it is possible to do them now, however, we should do that.

Yours truly,

G. Thomas Johnson

G. Thomas Johnson
George D. Van Epps
John M. Briggs, III
Michael L. Rolf
George W. Johnson
W. Brad Groom

John C. Schrier
Christopher L. Kelly
Linda S. Koore
Philip M. Stoffan
William J. Meier

James R. Scheuerle
Keith L. McEvoy
Anna K. Urlick
Scott R. Sewick
Jennifer L. Hylland
Jeffery A. Jacobson

Of Counsel
Thomas J. O'Toole
Eric J. Fauri

Retired
Robert L. Forsythe
Arthur M. Rude
Harold M. Street

Paul T. Sorenson
1920-1966
George A. Parmenter
1903-1993
Cyrus M. Poppen
1903-1996

Commission Meeting Date: September 12, 2000

Date: September 7, 2000
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Whittaker Electric Renaissance Zone Expansion - Parker Plastics

SUMMARY OF REQUEST:

Pursuant to P.A. 376 of 1996, as amended, Parker Plastics is requesting the approval of the attached resolution expanding the Whittaker Electric Renaissance Zone to incorporate a portion of the former Federal Mogul (Piston Ring) facility located on Laketon Avenue near Fairview Street. (see attached map). The proposed project will create 52 new permanent full-time jobs and result in the investment of \$2 million in equipment and machinery as well as more than \$440,000 in improvements to the site and buildings. This request will utilize approximately \$1,430 of the City Revenue Investment Cap for the Renaissance Zone program.

FINANCIAL IMPACT:

Certain real and personal property taxes will be exempt from collection for a period of 14 years beginning January 1, 2001. Additional income taxes will be collected as a result of this project.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution upon condition that Parker Plastics posts a performance bond equal to the amount of local taxes to be exempted over a period of 14 years (see attached development agreement).

COMMITTEE RECOMMENDATION:

None

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING EXPANSION OF WHITTAKER ELECTRIC
RENAISSANCE ZONE**

WHEREAS, pursuant to Public Act 376 of 1996, as amended, existing Round II Renaissance Zones have been enabled to modify existing and create new sub-zones (up to 10); and

WHEREAS, the City of Muskegon is committed to the economic growth and well being of its residents; and

WHEREAS, the City of Muskegon is in agreement with the concepts of Renaissance Zones and desires to utilize such zones for the revitalization of certain areas within the City and

WHEREAS, the City of Muskegon has adopted a policy governing the expansion of existing and the creation of new sub-zones; and

WHEREAS, Parker Plastics, LLC, has entered into a development agreement with the City of Muskegon governing the expansion of the Whittaker Electric Renaissance Zone; and

WHEREAS, the City of Muskegon wishes to amend the boundaries of the Whittaker Electric Sub-Zone to include the property commonly known as the Federal-Mogul property to wit:

All of Block One of Dennis Smith and Company's Second Addition to the City of Muskegon according to the recorded plat thereof, together with the vacated alley 16 ft in width contiguous to said block 1 on the Swly side thereof and lying between said block 1 and the G.R. and I. Railroad R-O-W

Also, Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 of Block 2 of the Dennis Smith and Company's Second Addition to the City of Muskegon according to the recorded plat thereof together with that portion of the vacated alley running North and South through said Block 2 lying S of the N line of Lot 4 extended Ely to meet the N line of Lot 17 also the vacated portion of Fairview Street lying S of the N line of Lot 8 Block 1, if extended Ely across Fairview Street to meet the N line of Lot 4 Block 2 of Dennis Smith and Company's Second Addition to the City of Muskegon and lying N of Alpha Avenue, also vacated portion of Alpha Avenue lying W of the E line of Lot 11 Block 2 of Dennis Smith and Company's Second Addition to the City of Muskegon and lying E of the G.R. and I. Railroad R-O-W

And

Lot 1,2, and the W 123.08 feet of the N 19.41 feet of Lot 3 Block 8 of Erwin and Keating's Addition to the City of Muskegon according to the recorded plat thereof together with the vacated alley 16 feet in width adjacent thereto contiguous to said Block 8 on the Swly side thereof and lying between said Block 8 and the G.R. & I. Railroad R-O-W. Except that part contained in the following desc: commence at the NE corner of Lot 1 Block 9 Erwin and Keating Addition to the City of Muskegon for POB, thence N 02 degrees 04 Min 00 Sec W along W line of Sixth Street 457.46 ft to the N face of a brick wall, thence S 86 degrees 02 min 35 sec W 147.02 ft. along said brick wall, thence S 1 degrees 58 min 40 sec E 140.37 feet along W face of a brick wall, thence S 87 degrees 57 mins 20 sec W 17.87 feet along a brick wall, thence S 02 degrees 00 min 00 sec E along W face of a brick wall a distance of 168.77 feet, thence S 88 degrees 07 min 10 sec W 123.08 feet to Wly line of a 16 foot vacated alley, said line also being Ely line of Block G of Erwin & Keating's Addition, thence Sely along said line on the arc of a 1362.97 foot radius curve to the left a distance of 328.17 feet (central angle of said curve is 13 degrees 47 min 44 sec and the long chord bears S 47 degrees 37 min 10 sec E 327,33 ft), thence N 32 degrees 15 min 55 sec E 97.05 feet to POB.

NOW THEREFORE BE IT RESOLVED, that the Muskegon City Commission hereby approves the amendment of the Whittaker Electric Zone to include property commonly known as the Federal-Mogul Property.

BE IT FURTHER RESOLVED, that the Muskegon City Commission, in accordance with P.A. 376 of 1996, as amended, consents to the exemption of all taxes levied against all property located within or persons residing within the Federal-Mogul property and is aware that the following estimated property tax revenue forfeiture will result by placing said property in a Renaissance Zone during the first full year of operation.

1)	City of Muskegon:	\$1,429
2)	Muskegon County:	\$1,273
3)	Muskegon Community College:	\$318
4)	Muskegon Area ISD:	\$399
5)	Muskegon Public Schools:	\$4526
6)	State School Aid Millage:	\$849
7)	Total of All Jurisdictions:	\$8794

Adopted this 12th day of September 2000.

AYES: Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,
Benedict

NAYS: None

ABSENT: None

BY:

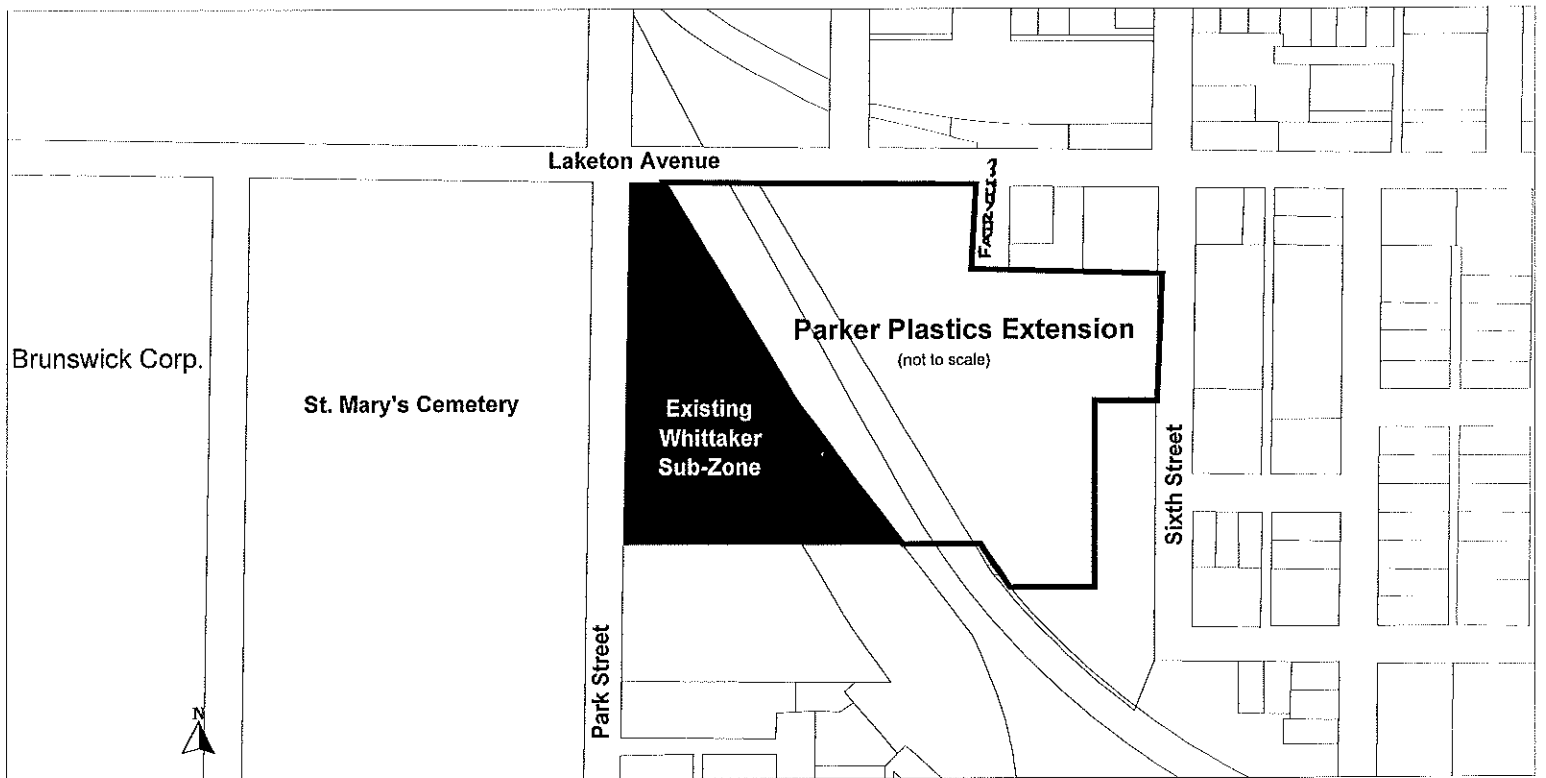
Fred J. Nielsen
Fred J. Nielsen, Mayor

ATTEST:

Gail Kunding
Gail Kunding, Clerk

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, 2000.

Gail Kunding
Gail Kunding, Clerk





Parker Plastics, LLC • 801 W. Norton • Muskegon, MI 49441
616.842.9336 • Fax 616.842.9337 • parkerplasticsllc.com

August 14, 2000

Matthew Dugener, Business Development Specialist
Planning & Economic Development Department
933 Terrace Street
Muskegon, MI 49440

Re: Green Mountain Plastics L.L.C. Renaissance Zone - Parker Plastics L.L.C.

Dear Mr. Dugener:

Thank you for your recent visit to our proposed Renaissance Zone property commonly referred to as the "Federal Mogul Building". As we showed you, our project should meet all of the City of Muskegon's requirements for Renaissance Zone approval. We are anticipating a long and successful relationship with the City of Muskegon.

Parker Plastics L.L.C. ("Parker") has a patented process to recycle plastic waste into secondary resource material for existing companies. Our current products are cornerguard for the packaging industry and steel coil separators. The state-of-the-art technology allows us to process tons of plastic that would otherwise be disposed of in the state landfills. Parker is currently processing 250,000 pounds of plastic per week.

To expand, Parker needs 100,000 square feet of manufacturing space and an additional 70,000 square feet of storage in the second phase of development. The Federal Mogul building meets all current needs of expansion. There are no existing Renaissance Zone properties available for this size of an operation.

There are two parcels being requested for Renaissance Zone approval: 1839 Sixth Street (Federal Mogul building) and 1713 Seventh Street (Howmet/Misco building). The State Equalized Values of the two properties currently are \$145,800 and \$64,900 respectively.

Parker proposes to bring state-of-the-art plastic manufacturing to the facility, using extrusion and compression molding technologies. The first line, anticipated to be in operation in May 2001, would be a metal and plastic molding line that would run 24 hours per day, a minimum of five days per week. The second line would be a manufacturing line building packaging products, estimated to be in operation by June 2001.

It is estimated that the total investment, beyond the original property cost, would be two million dollars, including tooling and machinery purchased by customers of Parker.

The following site improvements have been scheduled with Muskegon contractors:

1. New roof- Estimated cost \$139,000
2. New fascia- Estimated cost \$90,000
3. Tear down of interior building #3 and rebuild- Estimated cost \$75,000
4. New floor- Estimated cost \$40,000
5. Raising of roof- Estimated cost \$50,000
6. Interior painting and remodeling \$20,000
7. Paving of existing back yard area- Estimated \$25,000
8. Fence repairs- Estimated \$5,000

Parker estimates 52 jobs to be created within the first two years. Our initial phase will have three lines for three shifts utilizing three operators per shift, one supervisor per shift, two floor technicians per shift, and one maintenance personnel per shift. In addition, two sales persons, three engineers and a plant manager will be employed. In the second year, raw material production would be started in Muskegon, adding 25 jobs to the existing 27.

Attached is our Engineer's drawings of the current layout for production at the new facility. Currently the property is in disrepair. The roofs on all three buildings on the property leak. The property is a Federal Superfund site that requires another 3 to 20 years to remediate, making it difficult for the seller to dispose of the property. Parker has agreed to a working relationship with the Seller, allowing its environmental equipment to remain on the property in a working relationship with Parker. The building has low ceilings, making manufacturing difficult. The exterior of the building is in disrepair and a "blight" on the community.

Parker is willing to introduce City of Muskegon officials to its customers, who have open purchase orders for Parker products and raw materials, evidencing the viability of the project. Parker will provide any letter of commitment required by city officials.

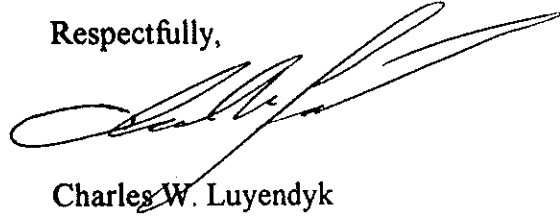
The property is in an industrial zone, contiguous to an existing Renaissance Zone property. Improvements to the property will help enhance the current declining image of Laketon Avenue businesses.

Parker is ready to complete its purchase of the building upon designation of Renaissance Zone status. Parker is currently in operation and would transfer its technology to Muskegon immediately. The only limitation currently in front of Parker is working around a vast amount of equipment and underground wells currently being used for environmental remediation. Also, a projected \$21,000 to \$700,000 cost of a BEA with the State of Michigan is currently at issue. Engineering solutions to be presented to the State of Michigan within 30 days should bring final resolution to this hurdle.

The request is to expand the existing Renaissance zone to the Federal Mogul building and to create a new zone for the Misco property. The applicant, Green Mountain Plastics L.L.C., which is purchasing the property, is a Michigan Limited Liability Company, which will lease the property to Parker Plastics L.L.C. Both companies have common ownership. All City accounts, if any, are current with the City of Muskegon.

This project is ready to begin immediately in Muskegon. We anticipate being a good corporate citizen and anxiously await our arrival here. If you have any questions, please feel free to contact the undersigned.

Respectfully,

A handwritten signature in black ink, appearing to read 'Charles W. Luyendyk', with a long, sweeping horizontal stroke extending to the right.

Charles W. Luyendyk

Site/Building Requirements

The applicant has agreed to improvements to the site and buildings as outlined in the Renaissance Zone Policy (see attached development agreement for details).

Evaluation Factors

A. Primary

1. The applicant cannot undertake this project in an existing Renaissance Zone because all of the industrial property in existing Renaissance Zone is being utilized.
2. The project has expressed full commitment from the property owner and the business that will operate on the property.
3. The project meets the required number of threshold criteria for the expansion of an existing zone.

B. Secondary

1. The amount of new income taxes based on the 52 at an average manufacturing wage of \$8 hour will result in an additional \$8,653 which is more than the current property taxes.
2. \$2.5 million
3. The project recruits a new business into the City while creating 52 new permanent full-time jobs
4. The rehabilitation and reuse of this property should increase the marketability of the surrounding area and subsequently result in additional private development.
5. N/A
6. The amount of tax loss does not exceed the City Tax Revenue Investment Cap
7. N/A
8. The redevelopment/reuse of the subject property will assist in the redevelopment of the Laketon Avenue corridor.
9. N/A
10. Based on agreed upon site improvements for this project the project will be close to achieving State Certified Industrial Park Standards. The buildings will likely not conform to State Industrial Park Standards due to the type and time period of construction.
11. The project is consistent with City plans
12. The applicant company is new to the City and therefore has not been in violation of any city ordinance or policy. The attached development agreement identifies that the buildings must be brought to code and any back taxes will be paid at the time of closing.

In summary the proposed project complies with nearly every aspect of the City of Muskegon Renaissance Zone Policy.

DEVELOPMENT AGREEMENT
CITY OF MUSKEGON RENAISSANCE ZONE

THIS IS AN AGREEMENT between the CITY OF MUSKEGON, a municipal corporation, of 933 Terrace Street, Muskegon, Michigan 49441 ("City") and PARKER PLASTICS, LLC, and GREEN MOUNTAIN PLASTICS, LLC, both Michigan limited liability companies, of 801 W. Norton, Muskegon, Michigan 49441 ("Company").

Recitals:

A. The City has received and application from the Company and intends to consider the location in a Renaissance Zone by the Company, and as a condition thereof this Agreement must be approved and executed by the Company prior to the establishment and location of the business in the Renaissance Zone. Upon approval of Renaissance Zone status for the Company, the City will sign this Agreement. The City deems this Agreement to constitute a necessary element in the City's determination regarding the location of Company in the Renaissance Zone, and the City relies upon the undertakings of Company in this Agreement to allow and to continue the Renaissance Zone status of the Company.

B. The Company intends to install the project set forth in its letter of August 14, 2000 and its Application for Renaissance Zone location and approval. The Company understands that the City relies upon the undertakings of the Company in this Agreement to establish and to continue the Company's status as a Renaissance Zone Company.

NOW THEREFORE THAT PARTIES AGREE:

1. **DOCUMENTS ATTACHED.** Included in this Agreement are the following documents which have been collected and relied upon by the parties:

1.1 The letter of August 14, 2000 from Charles W. Luyendyk on behalf of Parker Plastics, LLC.

1.2 The Application prepared and filed by Parker Plastics, LLC.

1.3 Copy of the Renaissance Zone Act, as amended to date.

1.4 City of Muskegon **Development Agreement Policy for Expanding Existing or Establishing New Renaissance Sub-Zones.**

1.5 Exhibit containing Site/Building requirements for this project applying Article VII of the Development Agreement Policy.

2. **COMPANY AGREEMENT.** The Company agrees to the following commitments which it shall perform in a timely and reasonably acceptable manner:

2.1 The improvement of the Federal Mogul Building at 1839 Sixth Street, Muskegon, Michigan, to comply with all construction codes, to meet its needs to operate its business on the property.

2.2 The improvement, to comply with all construction codes, of the Howmet/Misco Building at 1713 Seventh Street for said purposes. [This requirement is reserved for the Howmet/Misco Building when its Renaissance Zone status is established, which may require a different schedule by addendum].

2.3 The installation on the premises of the current plastic manufacturing facilities, operations may begin in May 2001 on the first line, and June 2001 on the second line.

2.4 The investment of the amounts set forth in the letter of August 14, 2000.

2.5 The creation of fifty-two jobs within the first two years of operation.

2.6 The closing of the purchase of the properties.

2.7 The performance of all other undertakings set forth in the August 14, 2000 letter and the Application.

2.8 Assurance and completion at real estate closing(s) of the payment of all real and personal property taxes due for all years prior to the creation of the Renaissance Zone on the properties.

2.9 Cooperation with City representatives to supply all requested and required documentation necessary in the City's reasonable judgment to determine compliance with the undertakings set forth in this Agreement and its attachments.

2.10 During the entire period for which the Renaissance Zone status is in effect, the level of jobs, production and utilization of improvements and equipment as set forth in the attachments, shall be sustained and maintained.

2.11 The Company shall take all required precautions to avoid the release of any hazardous substance in violation of any environmental law on its premises, and shall report any releases to the appropriate authority in a timely and complete manner, providing copies of said documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

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

2.13 The Company shall improve the properties and improvements, as contemplated in Article VII of the Development Agreement Policy, in accordance with the provisions of the Exhibit attached covering Site/Building requirements. These

requirements shall be in addition to any zoning or site plan requirements of the Planning Commission or City Commission.

3. AGREEMENT BY THE CITY. Provided this Agreement has been executed and further provided all applications concerning Renaissance Zone status have been properly filed, the City shall, in a timely manner, proceed with the appropriate meetings or applications including as necessary the State of Michigan Renaissance Zone Review Board, and with all local review entities required by law. The City may consider this agreement in a meeting separate from and prior to the meeting or meetings in which the City or any entity considers the creation of the district or approval of the applicant for Renaissance Zone status.

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

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

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

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

4.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the attachments within the times required hereby.

4.5 The bankruptcy or insolvency of the Company.

4.6 The failure to pay any taxes other than those exempted by the Renaissance Zone Act, and the failure to pay any special assessments levied on the Company's property timely after levy or final appeal.

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

5. REMEDIES ON DEFAULT. In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process. The amounts due by reason of the exercise of the remedies shall be immediately payable by the Surety executing the performance guarantee required by this agreement.

5.1 In the event of closing as specified in section 4.2 above and after investigation of the facts and a public hearing, the Company and its surety shall be

immediately liable for amounts below, to be paid forthwith to the City, and the Renaissance Zone status of the Company shall be revoked or void, with the following consequences::

5.1.1 The Company shall pay to the City, for pro rata distribution to any taxing unit which has not been reimbursed by the State or to the State of Michigan, an amount equal to all real and personal property taxes which have been excused.

5.1.2 The Company shall pay to the State of Michigan all amounts of the corporate income tax which have been abated under the Renaissance Zone Act, if any.

5.1.3 The Company shall immediately pay to the City any corporate City income tax which has been abated pursuant to the Renaissance Zone Act.

5.2 Failure to Install Improvements. In the event the improvements, renovations and the equipment have not been completed or installed by the time set forth in the attachments, the said improvements and equipment shall be placed on the next tax roll, and in addition the Company shall reimburse the City, taxing units or State for all abated taxes on said property. The performance guarantee amount shall be paid to the City.

5.3 Failure to Expend the Funds Represented. Whether or not the installations have been completed, if the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the Company shall show cause to the City why its Renaissance Zone status should not be determined to be revoked or void. The performance guarantee amount shall be paid to the City.

5.4 Job Creation and Retention. In the event the promised numbers of jobs have not been created or retained, the amount of the performance guarantee shall be paid to the City.

5.5 Other Violations. For any material violations of this Agreement, the City reserves the right to seek declaration by a court or entity with authority that the Renaissance Zone status of the Company is void or revoked. The performance guarantee amount shall be paid to the City.

5.6 Special Assessment. For any amount due to be paid to the City as a result of default by the Company, the Company consents that the City shall have a personal action against the Company and its Surety for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company, personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes.

5.7 City Considerations for Determination in Matters of Default. The City shall not unreasonably take any action which may result in invocation of the remedies above. It shall take the following factors into consideration:

- .1 The economic conditions, if any, reasonably known to the City, which are found to be directly related to the default or circumstance causing the proposed action by the City.
- .2 The performance of the Company in meeting the commitments and requirements of the Application, the submitted materials, and the provisions of the Certificate and this Agreement.
- .3 Whether the effect on the City's finances of the Company's actions is material and substantial.
- .4 Whether the circumstance affecting the status of the company was created by occurrences beyond the control of the Company or could have been avoided, and, in particular, whether the Company could economically and feasibly continue to perform as required by this Agreement.

5.8 Performance Guarantee The company shall deposit with the City a Performance Guarantee such as a Surety Bond issued by a surety licensed in the State of Michigan and acceptable to the City, or in the alternative, an irrevocable letter of credit on a bank organized as a national bank or under the laws of the State of Michigan, (either being called the "Guaranty Document"), in the amount of \$100,000.00. The Guaranty Document shall unconditionally obligate the Company and the Surety or bank to pay an amount to the City in the event of default, to be equal to the taxes abated to the date of default, together with all taxes which may be abated in the event Renaissance Zone status cannot be revoked or voided for any subsequent period the default continues, plus any costs to the city caused by the failure of the company to comply, including, without limitation, any costs of cure incurred by the city to bring the improvements on the property into compliance with this agreement or planning or zoning requirements.

6. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan, and in particular the Renaissance Zone Act of the State, as amended.

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

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

9. Effective Date. This Agreement shall be effective on the date the State of Michigan Administrative Board approves the amendment to the City of Muskegon/Muskegon Heights Renaissance Zone.

10. Invalidity. In the event any provision of this agreement is declared invalid by a court or tribunal having competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

CITY OF MUSKEGON,
a municipal corporation

By Fred J. Nielsen
Fred J. Nielsen, Mayor

and Gail A. Kunderinger
Gail A. Kunderinger, Clerk

Dated: Sept - 12, 2000

PARKER PLASTICS, LLC
a Michigan limited liability company

By Michael J. Jensen
Its Member

and _____
Its _____

Dated: 9-12, 2000

GREEN MOUNTAIN PLASTICS, LLC
a Michigan limited liability company

By Michael J. Jensen
Its Member

and _____
Its _____

Dated: 9-12, 2000

EXHIBIT

REQUIREMENTS TO COMPLY WITH ARTICLE VII OF THE DEVELOPMENT AGREEMENT POLICY

1. Twenty foot wide landscape buffer along the entire Laketon Ave. frontage. To meet with Planning Commission approval.
2. Removal / replacement of chain link fence along Laketon Ave. frontage. Any new fence may not exceed a height of six feet, and may not be within the required twenty foot landscaping setback. No barbed wire or electric fence may be used.
3. Removal / replacement of the "Federal Mogul" pole sign. Any new sign must meet the requirements of the Zoning Ordinance.