

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 2007

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- CALL TO ORDER:
- PRAYER:
- PLEDGE OF ALLEGIANCE:
- ROLL CALL:
- HONORS AND AWARDS:
- INTRODUCTIONS/PRESENTATION:
- CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Precinct Boundary Modifications. CITY CLERK
 - C. Liquor Control Commission – Law Enforcement Recommendation for Topsy Toad. PUBLIC SAFETY
 - D. Maintenance Agreement for Two CSX Railroad Properties. PLANNING & ECONOMIC DEVELOPMENT
 - E. Budgeted Vehicle Replacement – Three Chevrolet Impalas. PUBLIC WORKS
 - F. Budgeted Vehicle Replacement – Three GMC Canyons. PUBLIC WORKS
- PUBLIC HEARINGS:
 - A. Request to Issue an Obsolete Property District – 585 W. Clay. PLANNING & ECONOMIC DEVELOPMENT
 - B. Request to Issue an Obsolete Property Certificate – 585 W. Clay. PLANNING & ECONOMIC DEVELOPMENT
 - C. Spreading of the Special Assessment Roll for Western Avenue, Third Street to Eighth Street. ENGINEERING
 - D. Spreading of the Special Assessment Roll for Getty Street, Hovey

Avenue to Keating Avenue. ENGINEERING

❑ COMMUNICATIONS:

❑ CITY MANAGER'S REPORT:

❑ UNFINISHED BUSINESS:

❑ NEW BUSINESS:

A. Waiver of Building Permit Fees – United Way. CITY MANAGER

B. Waiver of Building Permit Fees – Love, INC. CITY MANAGER

C. City – MDOT Agreement for the Traffic Signal Upgrade on Laketon Avenue from Creston Street to Barclay Street and the Traffic Signal Installations on Marquette Avenue at Harvey Street and Broadmoor Street. ENGINEERING

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

Date: August 14, 2007
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

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

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 14, 2007

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 14, 2007.

Vice Mayor Gawron opened the meeting with a prayer from Pastor Penny Johnson from the Oakcrest Church of God after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Vice Mayor Stephen Gawron, Commissioners Kevin Davis, Clara Shepherd, Lawrence Spataro, and Sue Wierengo, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker

Absent: Mayor Stephen Warmington (excused)

2007-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, July 24, 2007.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Precinct Boundary Modifications. CITY CLERK

SUMMARY OF REQUEST: State Election Law allows for 2,999 registered voters in each voting precinct. Precinct 1, Marquette School, currently has 3,148 voters. It is proposed to move 349 voters from the area bound by Wesley, Broadmoor, and the river to Precinct 2, Steele Junior High. This change will allow for 2,759 registered voters at Marquette School and 2,454 voters at Steele Junior High.

Precinct 9, the Fire Station, currently has 2,858 registered voters. The area is growing and the Fire Station is unable to accommodate a large line of voters. It is proposed to move 379 voters from the area bound by W. Laketon, Seaway, Young, and Barclay to Precinct 8, Nelson School. This change will allow for 2,479

voters at the Fire Station and 1,257 voters at Nelson School.

The proposed changes will not affect the Wards.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends adoption of the resolution.

C. Liquor Control Commission – Law Enforcement Recommendation for Topsy Toad. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting authorization to sign the Law Enforcement Recommendation form for changes that have been submitted to the Liquor Control Commission on behalf of the Topsy Toad. The changes involve two (2) new "Direct Connections" on the roof-top area. The new connections would include an additional restroom and an electrical access area. As a result of these changes, there would be a decrease in size in the outdoor service area.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the request.

D. Maintenance Agreement for Two CSX Railroad Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To enter into an agreement to maintain two vacant lots owned by CSX Railroads which are located at 313 Ottawa Street and 2447 S. Harvey Street and keep them in compliance with our ordinance regarding the noxious weeds and trash.

FINANCIAL IMPACT: None. CSX will pay for all costs within thirty days.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the proposed agreement and authorize the Mayor and City Clerk sign the agreement.

G. Resignations and Appointments from Various Boards. COMMUNITY RELATIONS COMMITTEE

SUMMARY OF REQUEST: Accept the resignation of Rich Taylor and Latesha Thomas and appointments of Chip VanderWier to the DDA, Doris Rucks to the Library Board, and Janice Kay Knox-Foster to the Equal Opportunity Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: The Community Relations Committee recommends acceptance of the resignations and the appointments.

Motion by Commissioner Carter, second by Commissioner Spataro to approve the Consent Agenda as presented minus items E and F.

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

Nays: None

MOTION PASSES

2007-67 ITEMS REMOVED FROM THE CONSENT AGENDA:

E. Budgeted Vehicle Replacement – Three Chevrolet Impalas. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three 2008 Chevrolet Impalas from Berger Chevrolet.

FINANCIAL IMPACT: \$45,648.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three Chevrolet Impalas from Berger Chevrolet.

Motion by Commissioner Davis, second by Commissioner Carter to approve the purchase of three Chevrolet Impalas from Berger Chevrolet.

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

Nays: None

MOTION PASSES

E. Budgeted Vehicle Replacement – Three GMC Canyons. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase three GMC Canyons from Glenn Buege GMC.

FINANCIAL IMPACT: \$34,524.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three GMC Canyons from Glenn Buege.

Motion by Commissioner Davis, second by Commissioner Carter to approve the purchase of three GMC Canyons from Glenn Buege.

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

Nays: None

MOTION PASSES

2007-68 PUBLIC HEARINGS:

A. Request to Issue an Obsolete Property District – 585 W. Clay. PLANNING

& ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested an issuance of an Obsolete Property District. The district would be located at 585 W. Clay Ave., Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution establishing an Obsolete Property District for 585 W. Clay, Muskegon, MI.

The Public Hearing opened to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close the Public Hearing and approve the resolution establishing an Obsolete Property District for 585 W. Clay.

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

Nays: None

MOTION PASSES

B. Request to Issue an Obsolete Property Certificate - 585 W. Clay.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested the issuance of an Obsolete Property Certificate for the property located at 585 W. Clay, Muskegon, MI. The building will be rehabilitated and will be mixed-use, with the top floor serving as residential and the bottom floor commercial. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City.

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

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution issuing an Obsolete Property Certificate for 585 W. Clay, Muskegon, MI.

The Public Hearing opened to hear and consider any comments from the public. Leland Davis, 1148 Terrace, commented.

Motion by Commissioner Davis, second by Commissioner Carter to close the Public Hearing and approve the resolution issuing an Obsolete Property Certificate for 585 W. Clay.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Western Avenue, Third Street to Eighth Street. ENGINEERING

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

FINANCIAL IMPACT: A total of \$53,169.90 would be spread against the 35 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 to hear and consider any comments from the public. No comments were made.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and approve the special assessment roll and adopt the resolution.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll for Getty Street, Hovey Avenue to Keating Avenue. ENGINEERING

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

FINANCIAL IMPACT: A total of \$73,799.36 would be spread against the 21 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 to hear and consider any comments from the public. Comments in opposition were heard from Annette Smedley, 3006 Glade, representing Harold Harvey, owner of 2124 Getty, 2112 Getty, and 1106 Getty; and from Julie Stone, 2845 Cline, Fruitport, owner of 2294 Getty.

Motion by Commissioner Spataro, second by Commissioner Shepherd to close

the Public Hearing and approve the special assessment roll and adopt the resolution.

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

Nays: None

MOTION PASSES

2007-69 NEW BUSINESS:

A. Waiver of Building Permit Fees – United Way. CITY MANAGER

SUMMARY OF REQUEST: To consider a request from United Way to waive building permit fees for the construction of a pavilion at the Grand Trunk to take place on September 7, 2007. The laying of the foundation will take place before that date.

FINANCIAL IMPACT: Approximately \$169.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request.

Motion by Commissioner Spataro, second by Commissioner Carter to deny the request to waive the fees.

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

Nays: None

MOTION PASSES

B. Waiver of Building Permit Fees – Love, INC. CITY MANAGER

SUMMARY OF REQUEST: To consider a request from Love, INC to waive building permit fees for the construction of accessible ramps.

FINANCIAL IMPACT: \$50 - \$65 per ramp.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request.

Motion by Commissioner Spataro, second by Commissioner Carter to deny the request to waive building permit fees.

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

Nays: None

MOTION PASSES

C. City – MDOT Agreement for the Traffic Signal Upgrade on Laketon Avenue from Creston Street to Barclay Street and the Traffic Signal Installations on Marquette Avenue at Harvey Street and Broadmoor Street. ENGINEERING

SUMMARY OF REQUEST: To approve the contract with MDOT for the traffic signal upgrade on Laketon Avenue from Creston Street to Barclay Street and the traffic signal installations on Marquette Avenue at Havery Street and Broadmoor Street and to approve the resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT: MDOT's participation is limited to the federal funds of \$308,000. The estimated total construction cost is \$379,000.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Approve the contract and resolution and authorize the Mayor and Clerk to sign both.

Motion by Commissioner Carter, second by Commissioner Shepherd to approve the resolution and contract with MDOT.

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

Nays: None

MOTION PASSES

D. Representation at the Michigan Municipal League Meeting.

SUMMARY OF REQUEST: It is time to nominate a representative and an alternate to represent the City of Muskegon at its annual Michigan Municipal League business meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends appointing a representative and an alternate.

Motion by Commissioner Spataro, second by Commissioner Wierengo to appoint Commissioner Clara Shepherd as the MML representative and City Clerk Ann Becker as the alternate.

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

Nays: None

MOTION PASSES

ANY OTHER BUSINESS: Commissioner Shepherd recognized Police Officer Andy Rush and Timothy VanderWier for removing a pit bull from an empty house. She also mentioned the Back to School Bash on August 22nd.

PUBLIC PARTICIPATION:

2007-70 CLOSED SESSION: Property acquisition.

Motion by Commissioner Spataro, second by Commissioner Davis to go into Closed Session.

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

Nays: None

MOTION PASSES

Motion by Commissioner Wierengo, second by Commissioner Carter to come out of Closed Session.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,



Ann Marie Becker, MMC
City Clerk

Date: August 7, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Precinct Boundary Modifications

SUMMARY OF REQUEST: State Election Law allows for 2,999 registered voters in each voting precinct. Precinct 1, Marquette School, currently has 3,148 voters. It is proposed to move 349 voters from the area bound by Wesley, Broadmoor, and the river to precinct 2, Steele Junior High. This change will allow for 2,759 registered voters at Marquette school and 2,454 voters at Steele Junior High. (See attached map)

Precinct 9, the Fire Station, currently has 2,858 registered voters. The area is growing and the Fire Station is unable to accommodate a large line of voters. It is proposed to move 379 voters from the area bound by W. Laketon, Seaway, Young, and Barclay to precinct 8, Nelson School. This change will allow for 2,479 voters at the Fire Station and 1,257 voters at Nelson School. (See attached map)

The proposed changes will not affect the Wards.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends adoption of the attached resolution.

2007-66(b)

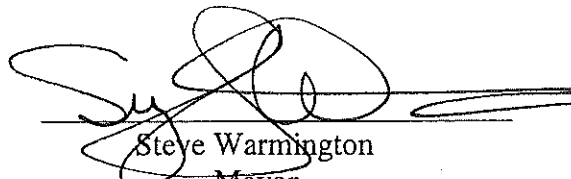
CITY OF MUSKEGON RESOLUTION

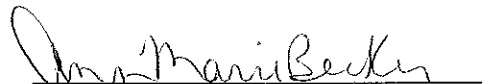
WHEREAS, neighborhoods in precinct 1 and precinct 9 have grown in population; and

WHEREAS, State Election Law mandates that the City of Muskegon keep its precinct below 2,999 registered voters;

NOW THEREFORE BE IT RESOLVED that the City Commission authorize the change in precinct lines for Precinct 1, Precinct 2, Precinct 8, and Precinct 9 as shown on the attached maps.

Signed this 14th day of August 2007.

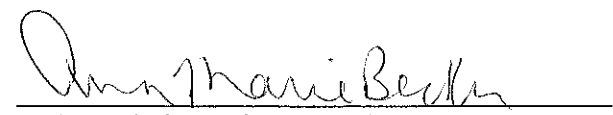

Steve Warmington
Mayor

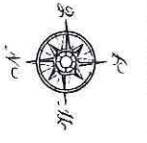

Ann Marie Becker, MMC
City Clerk

CERTIFICATION

This resolution was adopted at a regular meeting of the City Commission, held on August 14, 2007. 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

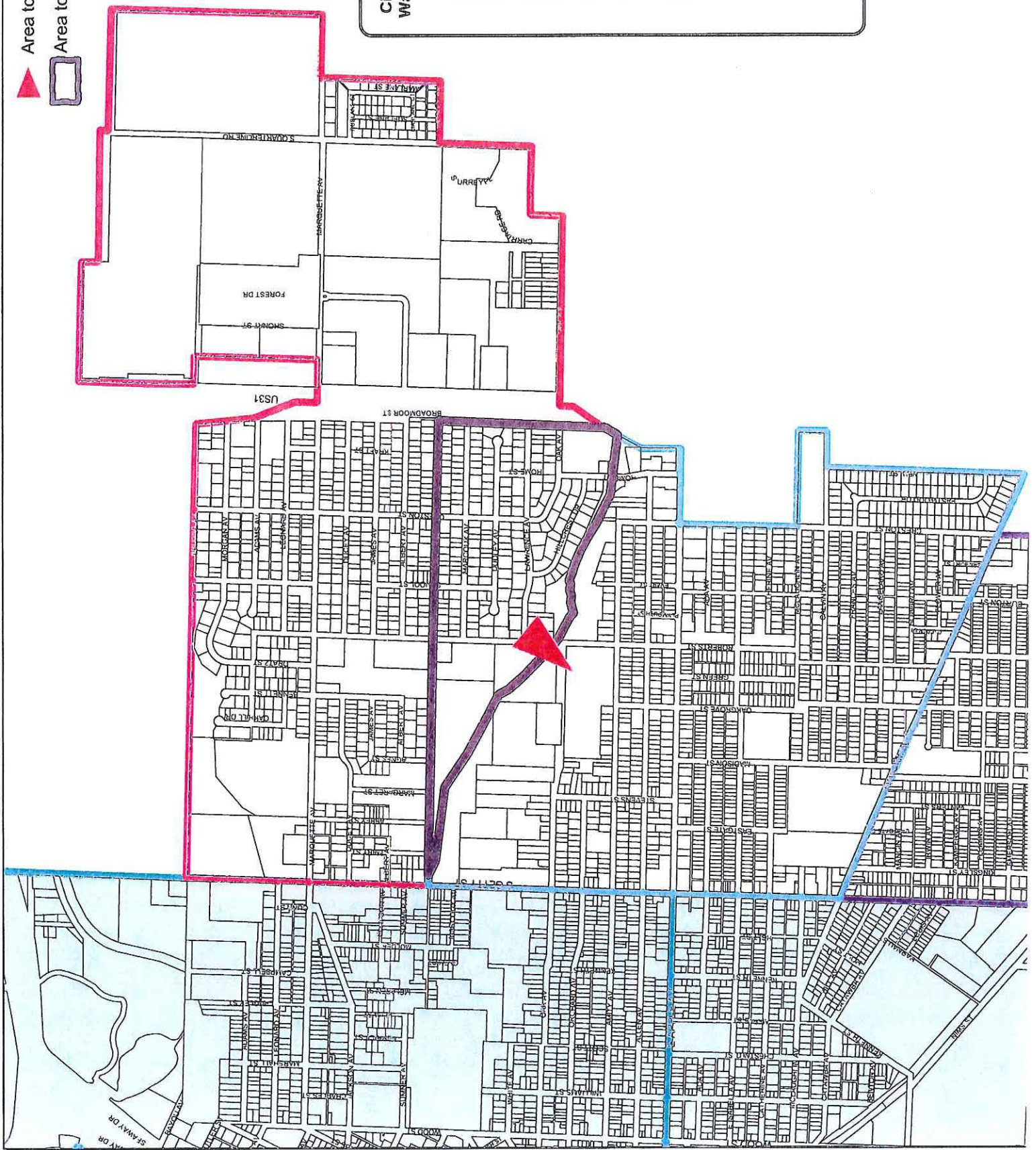
By: 
Ann Marie Becker, MMC
City Clerk



▲ Area to be joined with
◻ Area to be moved

**City of Muskegon
Wards & Precincts**

PRECINCTID	WARDID
01	1
02	2
03	3
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City of Muskegon Wards & Precincts

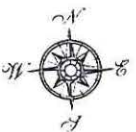
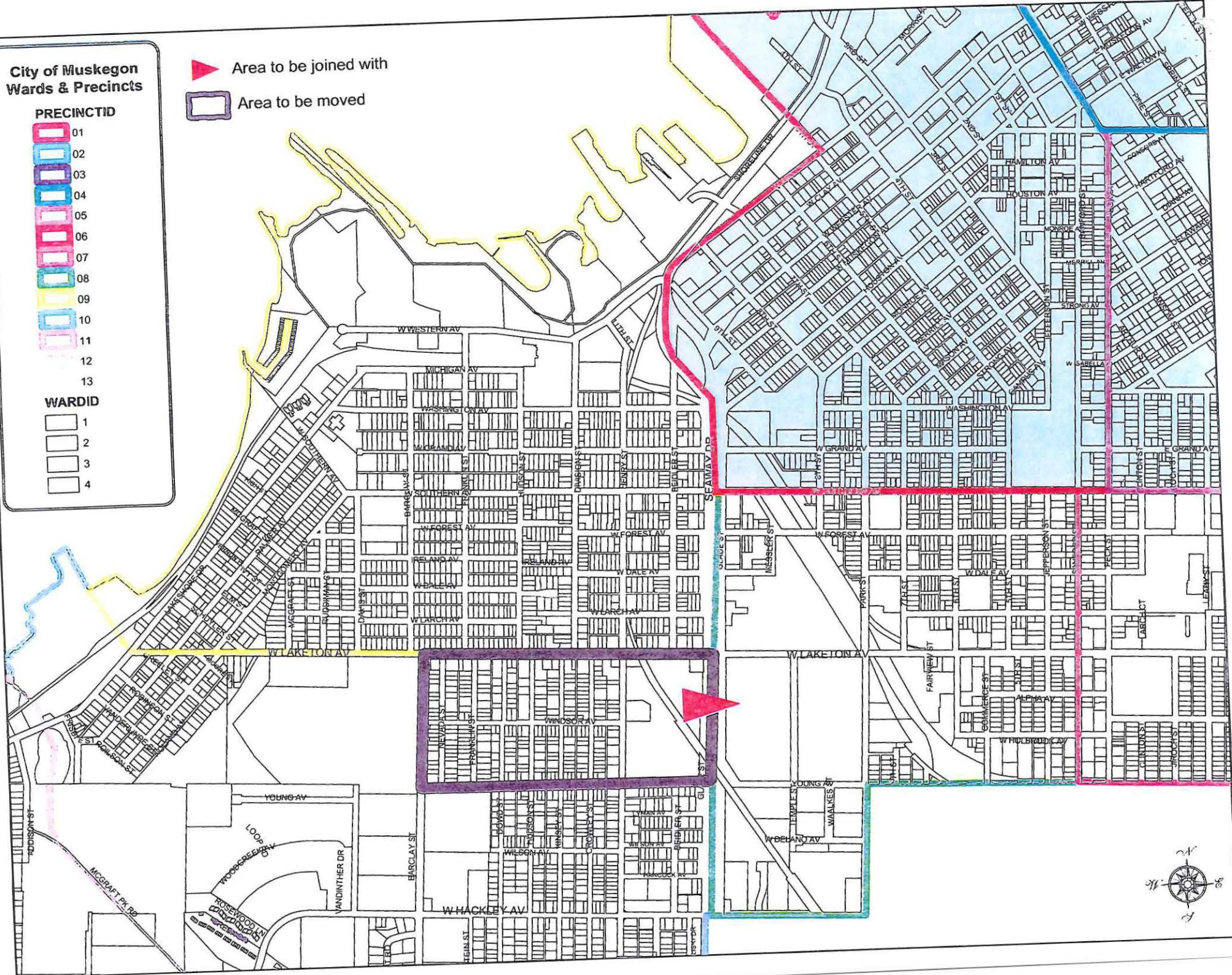
PRECINCTID

- 01
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WARDID

- 1
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- 3
- 4

-  Area to be joined with
-  Area to be moved



CITY COMMISSION MEETING
Tuesday, August 14, 2007

TO: Honorable Mayor and City Commissioners

FROM: Tony Kleibecker
Director of Public Safety

DATE: August 2, 2007

SUBJECT: Liquor Control Commission-Law Enforcement Recommendation-Tipsy
Toad

SUMMARY OF REQUEST:

The Director of Public Safety is requesting authorization to sign the Law Enforcement Recommendation form for changes that have been submitted to the Liquor Control Commission on behalf of the Tipsy Toad. The changes involve two (2) new "Direct Connections" on the roof-top area. The new connections would include an additional restroom and an electrical access area. As a result of these changes, there would be a decrease in size in the outdoor service area.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATIONS:

Approval of the request.

Commission Meeting Date: August 14, 2007

Date: August 8, 2007

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department *CBC*

RE: Maintenance Agreement for two CSX Railroad Properties

SUMMARY OF REQUEST:

To enter into an agreement to maintain two vacant lots owned by CSX Railroads which are located at 313 Ottawa Street and 2447 S. Harvey Street and keep them in compliance with our ordinance regarding the noxious weeds and trash.

FINANCIAL IMPACT:

None. CSX will pay for all costs within thirty days.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION:

To approve the proposed agreement and authorize the Mayor and City clerk to sign the agreement.

COMMITTEE RECOMMENDATION: None

Memo

To: Honorable Mayor and City Commission
From: Mike Cameron, Code Coordinator
CC: Bryon Mazade, City Manager
Date: August 8, 2007
Re: Lot Maintenance Agreement with CSX Railroad.

Attached you will find a maintenance agreement created by our attorney for the purpose of facilitating the maintenance of the two remaining properties owned by CSX Railroads in the City of Muskegon. The locations of the two properties are, 313 Ottawa, Ottawa and Marquette and 2447 S. Harvey St. Neither of the two properties currently has an active railway on them and since these are the only remaining properties in the area owned by CSX, it is difficult for them to maintain the properties for less costs then we can.

This agreement will allow the city to keep these two properties in good condition without the time and costs involved mailing letters, when violations are noted on either of the sites.



John A. Blanton
Property Management Specialist

500 Water Street J180
Jacksonville, FL 32202-4423
(904) 633-1594
FAX (904) 633-3460

July 18, 2007

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

RE: Maintenance Agreement with the City of Muskegon, MI File Reference No. QZ0185

Dear Mr. Cameron,

I am writing with regard to our conversation this morning concerning the agreement between the City of Muskegon and CSX Transportation for the control of vegetation on CSX owned properties as specified in the agreement. I am forwarding the signed agreement for approval by the City Council and execution the Mayor.

I appreciate your handling of this matter, and am pleased with the outcome. This agreement will allow CSX and the City to cooperate in keeping the CSX properties in good order, and allow CSX to maintain a positive image throughout the community.

Sincerely,

A handwritten signature in dark ink, appearing to read "John A. Blanton", written over a horizontal line.

John A. Blanton

RECEIVED
JUL 24 2007
CITY OF MUSKEGON
PLANNING DEPARTMENT

MAINTENANCE AGREEMENT

2007-66(d)

Effective August 31, 2007, the City of Muskegon, 933 Terrace Street, Muskegon, Michigan 49440 ("Muskegon") and the CSX Transportation, of 500 Water Street J180, Jacksonville, Florida ("CSX") agree as follows:

BACKGROUND

CSX owns or has rights in certain parcels of real property located in Muskegon, upon which grow grass, weeds, and other vegetation. It is inconvenient for CSX to control the growth of vegetation upon these properties in accordance with Muskegon ordinances. Muskegon has the ready ability to maintain these properties through mowing and removal of debris, and CSX desires Muskegon to perform such services for it.

1. **TERM.** Muskegon and CSX acknowledge that performance under this contract will commence immediately upon the full execution of this Agreement and shall continue in full force and effect unless terminated in accordance with Paragraphs 4 through 7 of this Agreement.

2. **MUSKEGON'S COMMITMENTS.** Muskegon agrees as follows:

- a. To provide mowing, debris removal, and similar services, as needed, during regular business hours from 7:30 a.m. until 3:30 p.m. Monday through Friday for all parcels of CSX real property identified on Exhibit A ("CSX Property") to this Agreement.
- b. To otherwise ensure that all parcels of CSX Property conform to Muskegon's noxious weed and vegetation, solid waste, and trash ordinances.

3. **CSX'S COMMITMENTS.** CSX agrees as follows:

- a. To grant to Muskegon and its employees or contractors a right to enter upon CSX Property for the purpose of mowing, debris removal, and similar services;
- b. To pay compensation to Muskegon at Muskegon's established rates for mowing, debris removal, and similar services on CSX Property;
- c. To pay all invoices with thirty days; and
- d. To pay 1% interest per month on all invoices unpaid after thirty days.

4. **TERMINATION.** This Agreement shall remain in effect until terminated by either party. Muskegon and CSX may terminate this Agreement for any reason, including the convenience of either party, and without penalty. A Termination Notice shall be in writing and comply with Paragraph 5, 7, and/or 7 of this Agreement. Termination shall become effective thirty days from the date of the Termination Notice.

5. **TERMINATION BY CSX.** Upon receipt of a Termination Notice from CSX, Muskegon shall have thirty days from the last date of service to invoice CSX for any outstanding balances that have not previously been invoiced. CSX shall be responsible for all costs of services and supplies either invoiced prior to receiving the Termination Notice or performed by Muskegon after receipt of the Termination Notice but before the effective date of termination. If CSX exercises its right to terminate this Agreement, it shall pay all outstanding invoices within 30 days from the effective date of termination.

6. **TERMINATION BY MUSKEGON.** Upon receipt of a Termination Notice from Muskegon, CSX shall have thirty days to pay for all services and supplies provided or ordered pursuant to this Agreement, whether invoiced or not. CSX shall promptly arrange for its own employees or those of a third-party vendor to perform the services provided by Muskegon under this Agreement and otherwise ensure compliance with Muskegon ordinances.

7. **NOTICES.** Any notice that either party may give or is required to give under this agreement shall be in writing and, if mailed, be effective three days after being sent by certified or registered mail, postage prepaid, addressed to the other party's address set forth in this Agreement or at any other address the other party provides in writing.

8. **GENERAL PROVISIONS.**

a. ***Entire Agreement.*** This Agreement shall constitute the entire agreement as to this subject, and shall supersede any other agreements, written or oral, that may have been made or entered into, by and between the parties with respect to the subject matter of this Agreement and shall not be modified or amended except in a subsequent writing signed by the party against whom enforcement is sought. All contemporaneous or prior negotiations and representations have been merged into this Agreement.

b. ***Binding Effect.*** This Agreement shall be binding upon, and inure to the benefit of and be enforceable by, the parties and their respective legal representatives, permitted successors and assigns.

c. ***Counterparts.*** This Agreement may be executed in counterparts, and each set of duly delivered identical counterparts which includes all signatories shall be deemed to be one original document.

d. **Non-Waiver.** No waiver by any party of any provision of this Agreement shall constitute a waiver by such party of such provision on any other occasion or a waiver by such party of any other provision of this Agreement.

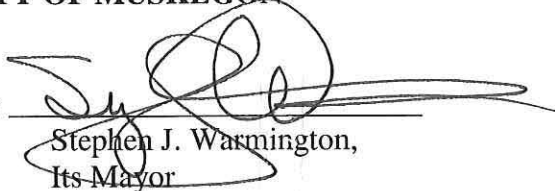
e. **Severability.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be impaired or affected.

f. **Assignment or Delegation.** Except as otherwise specifically set forth in this Agreement, neither party shall assign all or any portion of its rights and obligations contained in this Agreement without the express prior written approval of the other party, which approval may be withheld in the other party's sole discretion.

g. **Fax or Electronic Signatures.** The parties have agreed that electronic or fax copies of the signed Agreement shall constitute a valid, enforceable agreement. Each party will mail originals to the respective party upon their execution of this Agreement.

CITY OF MUSKEGON

By: _____


Stephen J. Warmington,
Its Mayor

By: _____


Ann Marie Becker, MMC
Its City Clerk

Date: August 17, 2007

CSX TRANSPORTATION

By: _____


Its: Property Management
Specialist

Date: July 18, 2007

EXHIBIT A

PROPERTY DESCRIPTION

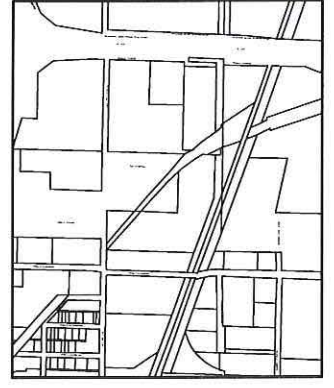
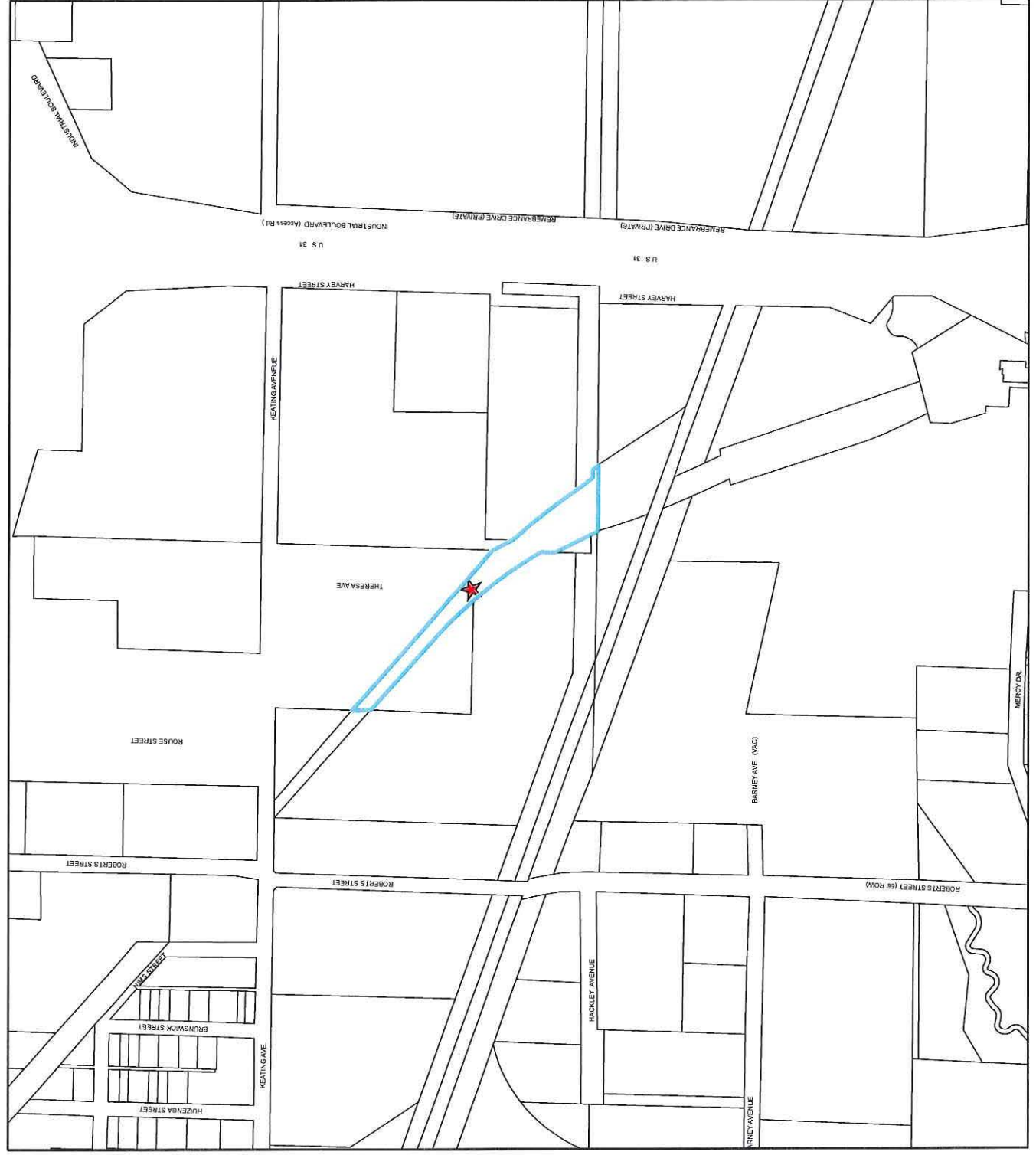
PARCEL IDENTIFICATION NUMBER

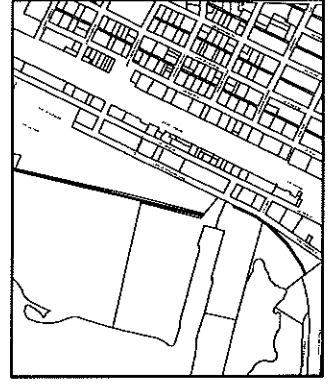
24-205-134-0004-00
24-133-200-9992-00

ADDRESS OF PROPERTY

313 OTTAWA STREET
2447 S. HARVEY STREET

★ Selected Property
□ Property Boundary





Date: August 14, 2007
To: City Commission
From: Community Relations Committee
RE: Resignation and Appointments from Various Boards

SUMMARY OF REQUEST: The following people have resigned from their respective committees. Applications are attached for those applicants who expressed an interest to serve on the board:

DDA – Resignation of Rich Taylor, term expires January 31, 2011 - Citizen.

Potential Applicant:

Chip VanderWier - Citizen

Library Board – Mayor/City Commission Appointment, term expires June 30, 2011.

Potential Applicants:

Doris Rucks (Recommended by Charles Johnson, Jr. President of the Board of Trustees of Hackley Public Library)

Donata Clanton

Ofelia Jimenez

Equal Opportunity Committee – Resignation of Latesha Thomas, term expires January 31, 2009 – Citizen.

Potential Applicant:

Janice Kay Knox-Foster – Resident

STAFF RECOMMENDATION: The Community Relations Committee recommends acceptance of the resignation of Rich Taylor and Latesha Thomas and the appointments of Chip Vanderwier to the DDA, Doris Rucks to the Library Board, and Janice Kay Knox-Foster to the Equal Opportunity Committee.

Date: 08/14/07
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase three 2008 Chevrolet Impalas from Berger Chevrolet.

FINANCIAL IMPACT: \$45,648.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three Chevrolet Impalas from Berger Chevrolet.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 08/14/07

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of the three 1998 sedans for 2007. These vehicles will be going to the Detective Bureau.

I have requested prices from area dealers as well as the statewide purchasing contract. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase three Chevrolet Impalas from Berger Chevrolet.

Equipment Purchase - 2007				
	<u>Berger Chevrolet</u>	<u>Sparta Chevrolet</u>	<u>Don Rypma</u>	
	<u>2525 28th S.E.</u>	<u>8955 Sparta Ave</u>	<u>8130 Whitehall Rd.</u>	
<u>Type of Vehicle</u>	<u>Grand Rapids,Mi 49512</u>	<u>Sparta,Mi 494345</u>	<u>Whitehall,Mi 49461</u>	
	(state contractor)			
3 Chevrolet Impalas	\$15,228.00	\$16,800.00	\$16,910.28	
Total	\$45,648.00	\$50,400.00	\$50,730.84	

Date: 08/14/07
To: Honorable Mayor and City Commission
From: DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase three GMC Canyons from Glenn Buege GMC.

FINANCIAL IMPACT: \$34,524.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of three GMC Canyons from Glenn Buege.

Memorandum

To: Honorable Mayor and City Commissioners

From: DPW

Date: 08/14/07

Re: Budgeted Vehicle Replacement

The Equipment Division has scheduled the replacement of the three small pickup trucks in 2007. Two of the vehicles will be used by our internal Building Maintenance employees (replacing a 1992 and 1999 trucks) the other will be used for water meter reading, replacing a 1999 truck.

I have requested prices from area dealers as well as the statewide purchasing contract. Attached is a summary of the bids.

In accordance with established purchasing policy, I am requesting permission to purchase three Chevrolet Canyons from Glenn Buege GMC.

Equipment Purchase - 2007				
	<u>Elhart</u>	<u>Don Rypma</u>	<u>Glenn Buege</u>	
	<u>922 Chicago Dr.</u>	<u>8130 Whitehall Rd</u>	<u>3625 Pennsylvania</u>	
<u>Type of Vehicle</u>	<u>Holland Mi. 49423</u>	<u>Whitehall Mi. 49461</u>	<u>Lansing Mi.48910</u>	
3 GMC Canyons	\$13,168.65	\$13,130.65	\$11,508.00	
Total	\$39,505.95	\$39,391.95	\$34,524.00	

Commission Meeting Date: August 14, 2007

Date: August 6, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to issue an Obsolete Property District – 585 W. Clay

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested an issuance of an Obsolete Property District. The district would be located at 585 W. Clay Ave, Muskegon, MI. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution establishing an Obsolete Property District for 585 W. Clay, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2007-68(a)

A resolution establishing an Obsolete Property Rehabilitation District.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker
Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on August 14, 2007. 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 Ann Marie Becker

Ann Marie Becker
Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 323 EXC SLY 61 FT TH'OF

Commission Meeting Date: August 14, 2007

Date: August 6, 2007
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request to issue an Obsolete Property Certificate – 585 W. Clay

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, Jack McPherson has requested the issuance of an Obsolete Property Certificate for the property located at 585 W. Clay, Muskegon, MI. The building will be rehabilitated and will be mixed-use, with the top floor serving as residential and the bottom floor commercial. Total capital investment for this project is \$200,000. The project will result in the creation of 20 new jobs in the City.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution issuing an Obsolete Property Certificate for 585 W. Clay, Muskegon, MI.

COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. 2007-68(b)

A resolution approving the application for an Obsolete Property Rehabilitation Exemption Certificate by Jack McPherson, 585 W. Clay.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

- A. The City Commission has received an Application for an Obsolete Property Rehabilitation Exemption Certificate from Jack McPherson, 585 W Clay , to apply to the improvements located in an Obsolete Property Rehabilitation District established by previous resolution.
- B. The City of Muskegon is a qualified local governmental unit as determined by STC Bulletin No. 9 of 2000, dated July 12, 2000.
- C. An Obsolete Property Rehabilitation District in which the application property is located was established after hearing on August 14, 2007, being the same date that the district was established.
- D. The taxable value of the property proposed to be exempt, plus the aggregate taxable value of properties already exempted under PA 146 of 2000 and under PA 198 of 1974, does not exceed five percent (5%) of the total taxable value of the City of Muskegon.
- E. In the event it is determined that the said taxable values do exceed five percent (5%), the City Commission determines further that the said excedence will not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of any affected taxing units.
- F. This resolution of approval is considered by the City Commission on August 14, 2007, after a public hearing as provided in Section 4(2) of PA 146 of 2000. The hearing was held on this date.
- G. The applicant, Jack McPherson, 585 W Clay, is not delinquent any taxes related to the facility.
- H. The exemption to be granted by this resolution is for six (6) years.
- I. The City Commission finds that the property for which the Obsolete Property Rehabilitation Exemption Certificate is sought is obsolete property within the meaning of Section 2(h) of Public Act 146 of 2000 in that the property, which is commercial, is functionally obsolete. The City has received from the applicant all the items required by Section 9 of the application form, being the general description of the obsolete facility, a general description of the proposed use, a description of the general nature and extent of

the rehabilitation to be undertaken, a descriptive list of fixed building equipment that will be part of the rehabilitated facility, a time schedule for undertaking and complete the rehabilitation, and statement of the economic advantages expected from the exemption.

- J. Commencement of the rehabilitation has not occurred before the establishment of the district.
- K. The application relates to a rehabilitation program that when completed will constitute a rehabilitated within the meaning of PA 146 of 2000 and will be situated within the Obsolete Property Rehabilitation District established by the City under PA 146 of 2000.
- L. Completion of the rehabilitated facility is calculated to and will, at the time of the issuance of the Certificate, have the reasonable likelihood to increase commercial activity and create employment; it will revitalize an urban area. The rehabilitation will include improvements aggregating more than ten percent (10%) of the true cash value of the property at the commencement of the rehabilitation.
- M. The City Commission determines that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by August 14, 2008, or one year after the Certificate is issued, whichever occurs later.
- N. That notice pursuant to statute has been timely given to the applicant, the assessor for the City of Muskegon, representatives of the affected taxing units and the general public.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. Based upon the statements set forth in, and incorporating the recitals to this resolution, the City Commission hereby approves the application filed by Jack McPherson, 585 W Clay, for an Obsolete Property Rehabilitation Exemption Certificate, to be effective for a period of six (6) years;
- 2. BE IT FURTHER RESOLVED, that this resolution of approval relates to the property set forth in Attachment A, the legal description containing the facilities to be improved;
- 3. BE IT FURTHER RESOLVED, that, as further condition of this approval, the applicant shall comply with the representations and conditions set forth in the recitals above and in the application material submitted to the City.

This resolution passed.

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

Nays: None

CITY OF MUSKEGON

By Ann Marie Becker
Ann Marie Becker, City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission held on August 14, 2007. 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 Ann Marie Becker
Ann Marie Becker, City Clerk

ATTACHMENT A: PROPERTY DESCRIPTION

CITY OF MUSKEGON REVISED PLAT OF 1903 LOT 6 BLK 323 EXC SLY 61 FT TH'OF

Jack McPherson
3046 Knollwood Ct.
Muskegon, MI 49441

August 3, 2007

City Commission

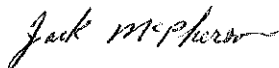
This is a letter of intention to provide details on my intent of renovation of my property at 585 W. Clay. The property was built in 1890 and was home to Carlson's Market. Upon my ownership, the building was abandoned. It is a two story building with a total square footage of 3,000 sq. feet.

The total renovation will consist of a complete restoration of the façade to restore the building to its original architectural design aspects. The building will also be improved to comply with up to date codes and ADA standards such as a handicap accessible entrance and handicap restrooms. I will further restore the building to code by updating the heating and cooling, and replacing all of the windows. On the exterior of the building I plan to update all of the tuck pointing on the brick work and enhance the space with new landscaping. All of these improvements will comply with any historical district guidelines.

There are several different uses I am considering for the lower level of the property once all improvements are complete. I would like to either use it as it was originally used, as a small market, a retail space, ice cream parlor, a bar with combined restaurant or as an office space. Whichever I decide for the lower level, the top level will be used as residential space.

I would like to begin all restorations on or around August 15, 2007, with all restoration complete on August 15, 2008. I am estimating my total cost of renovation at \$175,000 to \$250,000. When complete I am projecting my new business will add at least 20 jobs to the downtown Muskegon area.

Sincerely,



Jack McPherson

Date

Encl: Restoration timeline

Restoration Timeline

August 2007 to October 2007

Tuck pointing
Windows
Front ADA compliance
Replacing all rotted or damaged wood
Rear staircase

November 2007 to April 2008

All interior work
heating and cooling
Restroom ADA compliance
Necessary build outs

May 2008 to August 2008

Landscaping
Any exterior work to be done



APPLICATION FOR OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE

This form is issued as provided by P.A. 146 of 2000. Filing of this form is voluntary. **This application should be filed after the district is established.** This project will not receive tax benefits until approved by the State Tax Commission.

INSTRUCTIONS: File the original and one copy of this form and the required attachments with the clerk of the local government unit. (The State Tax Commission requires one copy of the Application and the Resolution. The original is retained by the clerk.) Please see State Tax Commission Bulletin 9 of 2000 for more information about the Obsolete Property Rehabilitation Exemption.

TO BE COMPLETED BY CLERK OF LOCAL GOVERNMENT UNIT. Clerk must also complete sections 14, 15 and 17 on page 2.		THIS SECTION FOR USE BY THE STATE TAX COMMISSION	
Signature <i>[Signature]</i>		Application No.	
Date This Application Was Received <i>July 21, 2007</i>		Date Received	
TO BE COMPLETED BY APPLICANT (Applicant, do not write above this line. Begin entries at 1a below.)			
1a. Applicant (Company) Name (Applicant must be the OWNER of the facility) <i>Jack McPherson</i>		Important Note: If this application form (3674) is not fully completed, it will be returned by the Property Tax Division prior to any processing being done by the State Tax Commission	
b. Company Mailing Address (No. and Street, P.O. Box, City, State, ZIP) <i>3046 Knollwood Ct, 49441</i>			
c. Location of Obsolete Facility (No. and Street, City, State, ZIP) <i>585 W. Clay Ave 49440</i>		d. City/Twp./Village <i>Muskegon</i>	e. County <i>Muskegon</i>
2. Date of Commencement of Rehabilitation <i>July 2007</i>	3. Planned Date of Completion of Rehabilitation <i>July 2008</i>	4. School District Where Facility is Located <i>Muskegon</i>	a. School Code <i>010</i>
5. Estimated Cost of Rehabilitation <i>Too Be Determined 2008</i>		6. How Many Years of Exemption Requested? <i>6 yrs.</i>	
7. Project will have the reasonable likelihood to: (Check one or more) ☒ increase commercial activity ☒ create employment ☐ retain employment ☐ prevent a loss of employment ☒ revitalize urban areas ☐ increase the number of residents in the community in which the facility is situated 7a. Indicate the number of jobs to be retained or created as a result of rehabilitating the facility, including expected construction employment: <i>20</i>		8. Legal Description of Obsolete Property <i>Lot 6 Block 323 except sly 61 ft. there of. Revised Plat of 1903</i>	
9. The following must be provided to the local governmental unit as attachments to this application: (a) General description of the obsolete facility, (b) General description of the proposed use of the rehabilitated facility, (c) Description of the general nature and extent of the rehabilitation to be undertaken, (d) A descriptive list of the fixed building equipment that will be a part of the rehabilitated facility, (e) A time schedule for undertaking and completing the rehabilitation of the facility, (f) A statement of the economic advantages expected from the exemption.			
10. The State Treasurer may exclude from the specific tax up to 1/2 of the mills levied for local school operating purposes and for the State Education Tax. Please check the following box if you wish to be considered for this exclusion: ☐			
11. APPLICANT'S CERTIFICATION The undersigned, authorized officer of the company making this application certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way and that all of the information is truly descriptive of the property for which this application is being submitted. Further, the undersigned is aware that, if any statement or information which it provides is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy. The applicant certifies that this application relates to a rehabilitation program that, when completed, constitutes a rehabilitated facility, as defined by P.A. 146 of 2000 and that the rehabilitation of the facility would not be undertaken without the applicant's receipt of the exemption certificate. It is further certified that the undersigned is familiar with the provisions of P.A. 146 of 2000, of the Michigan Compiled Laws; and to the best of his/her knowledge and belief, (s)he has complied or will be able to comply with all of the requirements thereof which are prerequisite to the approval of the application by the local unit of government and the issuance of an Obsolete Property Rehabilitation Exemption Certificate by the State Tax Commission.			
12. Name of Person to Contact for Further Information <i>Jack McPherson</i>		Title <i>OWNER</i>	Telephone Number <i>(231) 759-4598</i>
Mailing Address <i>3046 Knollwood Court</i>			
13. Type Name of Company Officer		Title	Telephone Number ()
Signature <i>[Signature]</i>		Date <i>7-21-07</i>	

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

LOCAL GOVERNMENT ACTION

This section is to be completed by the clerk of the local governing unit before submitting the application to the State Tax Commission. Include a copy of the resolution which approves the application.

14. Action Taken

☒ Date of Action: August 14, 2007
☒ EXEMPTION APPROVED FOR 6 Years

 Ending December 31, 2013 (not to exceed 12 years)

☐ DISAPPROVED

15. RESOLUTION MUST CONTAIN THE FOLLOWING.

A copy of the resolution must be furnished to the State Tax Commission.

- ☐ A statement that the local unit is a Qualified Local Governmental Unit.
- ☐ A statement that the Obsolete Property Rehabilitation District was legally established including the date established and the date of hearing as provided by section 3 of P.A. 146 of 2000.
- ☐ A statement indicating whether the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under P.A. 146 of 2000 and under P.A. 198 of 1974 (IFT's) exceeds 5% of the total taxable value of the unit.
- ☐ If it exceeds 5% (see above), a statement that exceeding 5% will not have the effect of substantially impeding the operating of the Qualified Local Governmental Unit or of impairing the financial soundness of an affected taxing unit.
- ☐ A statement that the application was approved at a public hearing as provided by section 4(2) of P.A. 146 of 2000 including the date of the hearing.
- ☐ A statement that the applicant is not delinquent in any taxes related to the facility.
- ☐ A statement of the factors, criteria and objectives, if any, necessary for extending the exemption, when the certificate is for less than 12 years.
- ☐ A statement that the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000.

- ☐ A statement that all of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the Qualified Local Governmental Unit by the applicant.
- ☐ A statement that the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District.
- ☐ A statement that the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of P.A. 146 of 2000 and that is situated within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under P.A. 146 of 2000 to establish such a district.
- ☐ A statement that completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create employment, retain employment, prevent a loss of employment, revitalize urban areas, or increase the number of residents in the community in which the facility is situated. The statement should indicate which of these the rehabilitation is likely to result in.
- ☐ A statement that the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of P.A. 146 of 2000.
- ☐ A statement of the period of time authorized by the Qualified Local Governmental Unit for completion of the rehabilitation.

16. ASSESSOR:

Taxable Value

State Equalized Value (SEV)

 Current Taxable
Value and State
Equalized Value of
obsolete properties
broken down for:

Land	<u>13,301</u>	<u>13,435</u>
Buildings	<u>15,112</u>	<u>15,265</u>
Buildings on Leased Land	<u>—</u>	<u>—</u>
Other Personal Property	<u>—</u>	<u>—</u>
Year of Values	<u>2007</u>	<u>2007</u>

17. Name of Local Government Body

City of Muskegon

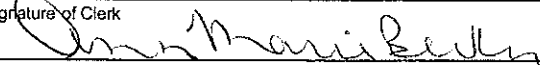
Date of Action on This Application

8-14-07

CLERK'S CERTIFICATION

The undersigned clerk certifies that, to the best of his/her knowledge, no information contained herein or in the attachments hereto is false in any way. Further, the undersigned is aware that if any information provided is untrue, the exemption provided by P.A. 146 of 2000 may be in jeopardy.

Signature of Clerk



Date

8-15-07

Telephone Number

(231) 724-6705

Clerk's Mailing Address

933 Terrace, Muskegon, MI 49440

City

Muskegon

ZIP Code

49440

Applications received after October 31 may not be acted upon in the current year.

This application is subject to audit by the State Tax Commission.

Mail completed Application and copy of Resolution to:

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

If you have any questions, please call (517) 373-2408 or 373-3302.

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: August 14, 2007

RE: Public Hearing
Spreading of the Special Assessment Roll
Western Ave., Third St. to Eighth St.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$53,169.90 would be spread against the thirty-five (35) 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. 2007-68(c)

Resolution Confirming Special Assessment Roll

For Western Ave. from Third St. to Eighth St.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **August 8, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR: **Western Ave., from Third St. to Eighth St.**

Continued...

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

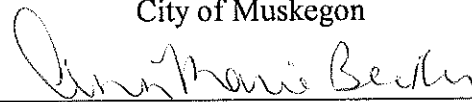
This resolution passed.

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

Nays: None

City of Muskegon

By



Ann Marie Becker, MMC
City Clerk

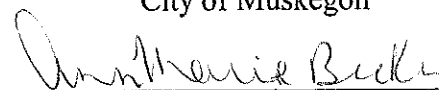
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 14, 2007**. 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 **August 14, 2007**.

City of Muskegon

By



Ann Marie Becker, MMC
City Clerk

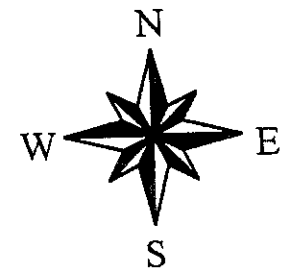
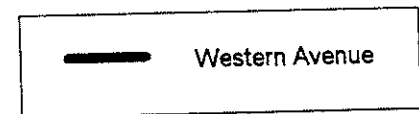
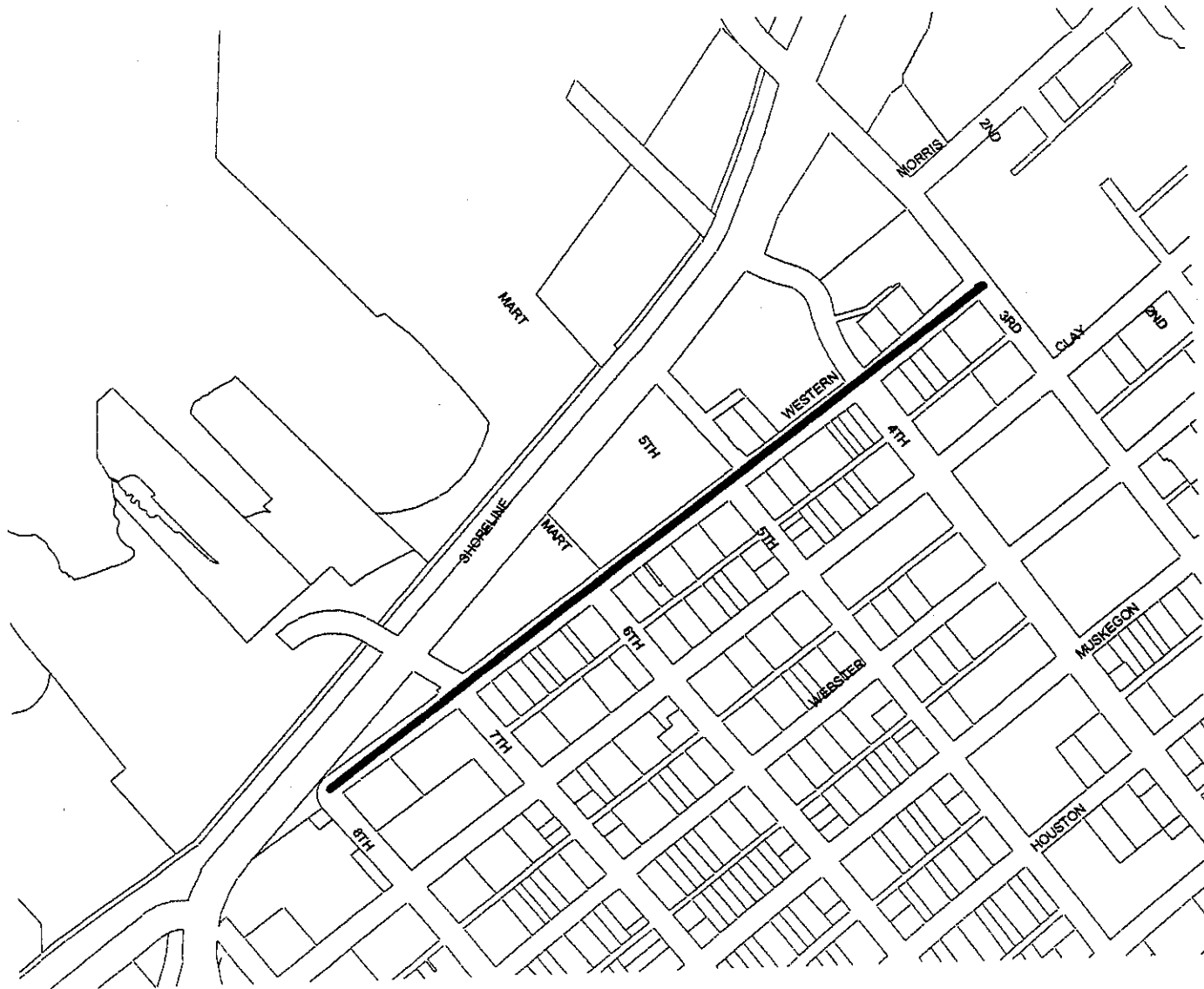
EXHIBIT A

WESTERN AVE., THIRD ST. TO EIGHTH ST.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Western Ave. from Third St. to Eighth St.

Western Avenue - Third to Eighth



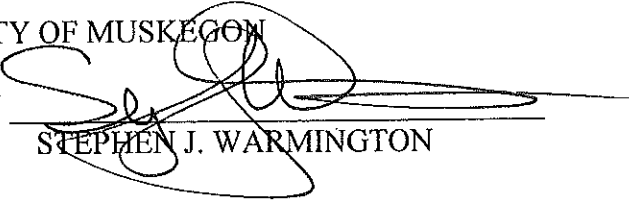
WESTERN AVE., THIRD ST. TO EIGHTH ST.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

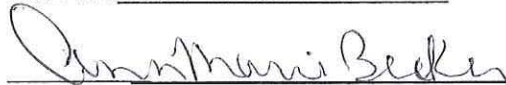
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

H-1593 ,Western Ave., 8th St. To 3rd St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd DAY OF AUGUST 2007



ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
17th DAY OF August, 2007.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

August 3, 2007

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE 35

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

WESTERN AVE., 8TH ST. TO 3RD ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, AUGUST 14, 2007 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 AUGUST 14, 2007 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. 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 \$219,000.00 of which \$53,169.90 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2,695.00 based on 154 feet assessable front footage at \$17.50 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$2,695.00 Following are the terms of the special assessment:

The total assessment of **\$2,695.00** may be paid in full any time by the due date of **October 15, 2007** without interest being charged. After this date, interest will be charged at the **annual rate of 5%** on the **remaining balance**. Assessments also may be paid over a ten-year period in ten equal principal installments of **\$269.50** (plus accrued interest). If you pay your assessment in installments, your annual installment (plus accrued 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 charge. **Should you wish to avoid having the annual installment placed on the property tax bill by making a separate payment or to pay the total balance due, please contact the Treasurer's office at (231) 724-6720.**

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

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

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 your 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
WESTERN AVE., 3RD STREET TO 8TH STREET H 1593
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
 Address: _____ Phone: _____ Race: _____
 Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

Total: \$ _____

PROPERTY INFORMATION

Proof Of Ownership: () Deed () Mortgage () Land Contract
Homeowner's Insurance Co: _____ **Expiration Date:** _____
Property Taxes: () Current () Delinquent Year(s) Due _____
 (Property taxes must be current to qualify and will be verified by CDBG staff)

OWNER'S SIGNATURE

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

FOR OFFICE USE ONLY

APPROVED () DENIED () DATE _____ CENSUS TRACT NO. _____
 SIGNATURE _____ TITLE _____
 COMMENTS/REMARKS _____

****ATTENTION APPLICANT**

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

CITY OF MUSKEGON
WESTERN AVE., 3RD STREET TO 8TH STREET H 1593
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 the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street 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 street 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 2006, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2007

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,210
2	32,240
3	36,270
4	40,365
5	43,550
6	46,800
7	49,985
8	53,235
For each extra, add	3,250

- ✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contain falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

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

SPECIAL ASSESSMENT DISTRICT:

WESTERN AVE., EIGHTH ST. TO THIRD ST.

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

All parcels abutting Western Ave. from 8th St. to 3rd St.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **August 14, 2007 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 have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

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

Ann Becker, City Clerk

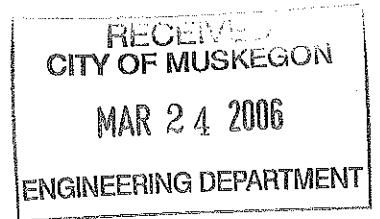
Publish: **AUGUST 4, 2007**

ADA POLICY

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

Ann Becker, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267



CITY OF MUSKEGON

Resolution No. 2006-25(e)

Resolution At First Hearing Creating Special Assessment District
For **WESTERN AVE., THIRD ST. TO EIGHTH ST.**
Location and Description of Properties to be assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **March 14, 2006** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **March 14, 2006**, there were 7.36 % 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

2. 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 Spataro and Wierengo 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 **11.8%** 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 Carter, Davis, Gawron, Spataro, Warmington, and
Wierengo

Nays None

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **March 14, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

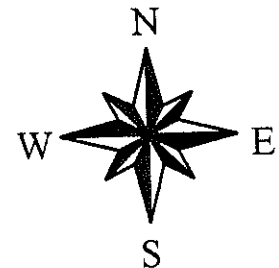
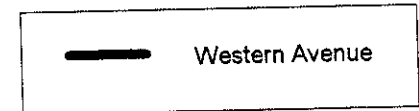
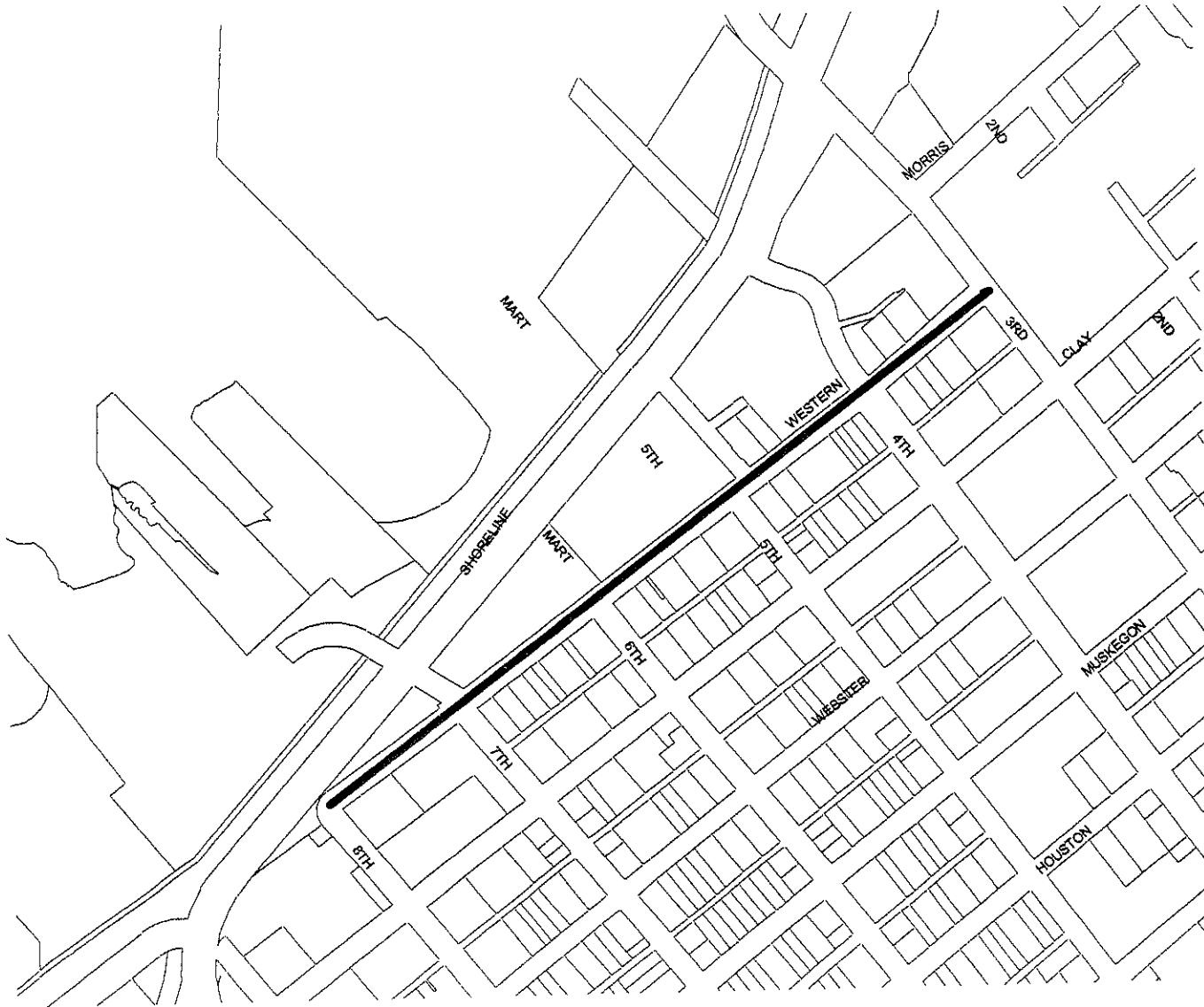
EXHIBIT A

WESTERN AVE., THIRD ST. TO EIGHTH ST.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Western Ave. from Third St. to Eighth St.

Western Avenue - Third to Eighth



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Western Ave., 8th St. to 3rd St.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd DAY OF MARCH, 2006.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

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

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

WESTERN AVE., 8TH ST. TO 3RD ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-316-0009-00	621	WESTERN AVE	MUSKEGON EAGLES #	621 W WESTERN AVE	MUSKEGON	MI 49440	\$2,212.88	\$0.00	\$2,212.88
24-205-316-0008-00	607	WESTERN AVE	WESTERN AVE LLC	605 W WESTERN AVE	MUSKEGON	MI 49440	\$560.00	\$0.00	\$560.00
24-205-316-0007-00	605	WESTERN AVE	WESTERN AVE LLC	605 W WESTERN AVE	MUSKEGON	MI 49440	\$420.00	\$0.00	\$420.00
24-205-316-0005-00	593	WESTERN AVE	MUSKEGON LAKEVIE	15877 LAKE AVE	GRAND HAVEN	MI 49417	\$1,365.00	\$0.00	\$1,365.00
24-205-316-0004-00	591	WESTERN AVE	OLSON THOMAS W	1582 BEACH ST	MUSKEGON	MI 49441	\$420.00	\$0.00	\$420.00
24-205-316-0001-00	587	WESTERN AVE	MUSKEGON SUMMER	587 W WESTERN AVE	MUSKEGON	MI 49440-1	\$1,540.00	\$0.00	\$1,540.00
24-205-315-0006-00	563	WESTERN AVE	3M INVESTMENTS LLC	565 W WESTERN AVE	MUSKEGON	MI 49440	\$1,155.00	\$0.00	\$1,155.00
24-205-315-0005-00	561	WESTERN AVE	MUSKEGON HERITAG	561 W WESTERN AVE	MUSKEGON	MI 49440	\$596.05	\$0.00	\$596.05
24-205-315-0005-10	557	WESTERN AVE	BOSMA TIMOTHY A	557 W WESTERN AVE	MUSKEGON	MI 49440	\$236.08	\$0.00	\$236.08
24-205-315-0004-00	555	WESTERN AVE	DINGER JAMES	1315 WAGNER RD	MUSKEGON	MI 49445	\$1,477.88	\$0.00	\$1,477.88
24-205-315-0003-00	545	WESTERN AVE	BABBITT E C/P R TRU	4473 CHERRYWOOD	MUSKEGON	MI 49441	\$1,732.50	\$0.00	\$1,732.50
24-205-315-0001-00	521	WESTERN AVE	BABBITT E C/P R TRU	4473 CHERRYWOOD	MUSKEGON	MI 49441	\$1,732.50	\$0.00	\$1,732.50
24-205-314-0006-00	505	WESTERN AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443	\$1,155.00	\$0.00	\$1,155.00
24-205-314-0005-00	495	WESTERN AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443	\$1,155.00	\$0.00	\$1,155.00
24-205-314-0003-00	489	WESTERN AVE	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443	\$2,695.00	\$0.00	\$2,695.00
24-205-314-0002-00	479	WESTERN AVE	DOWNTOWN DEVELO	900 THIRD ST SUITE	MUSKEGON	MI 49440	\$1,085.00	\$0.00	\$1,085.00
24-205-314-0001-10	477	WESTERN AVE	475 W WESTERN AVE	534 BEAR LAKE RD	MUSKEGON	MI 49445	\$402.33	\$0.00	\$402.33
24-205-314-0001-00	471	WESTERN AVE	COUNTY OF MUSKEG	990 TERRACE ST	MUSKEGON	MI 49442	\$399.18	\$0.00	\$399.18

WESTERN AVE., 8TH ST. TO 3RD ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-205-313-0006-00	451	WESTERN AVE	THE HERALD CO INC	981 THIRD	MUSKEGON	MI 49440	\$1,155.00	\$0.00	<i>\$1,155.00</i>
24-205-313-0005-00	441	WESTERN AVE	PCJ ENTERPRISE LLC	1461 EVANSTON AVE	MUSKEGON	MI 49442	\$806.40	\$0.00	<i>\$806.40</i>
24-205-313-0005-10	435	WESTERN AVE	PCJ ENTERPRISE LLC	1461 EVANSTON AVE	MUSKEGON	MI 49442	\$805.70	\$0.00	<i>\$805.70</i>
24-205-313-0003-00	425	WESTERN AVE	COUNTY OF MUSKEG	990 TERRACE STREE	MUSKEGON	MI 49442	\$1,540.00	\$0.00	<i>\$1,540.00</i>
24-205-313-0001-00	401	WESTERN AVE	COUNTY OF MUSKEG	401 W WESTERN AVE	MUSKEGON	MI 49440	\$1,347.50	\$0.00	<i>\$1,347.50</i>
24-205-570-0001-00	586	WESTERN AVE	COUNTY OF MUSKEG	990 TERRACE ST	MUSKEGON	MI 49442	\$6,808.55	\$0.00	<i>\$6,808.55</i>
24-205-568-0001-00	550	WESTERN AVE	MUSKEGON REDEV L	340 ROYAL POINCIAN	PALM BEACH	FL 33480	\$7,065.63	\$0.00	<i>\$7,065.63</i>
24-205-567-0001-40	500	WESTERN AVE	FARHAT E DAVID	233 WASHINGTON ST	GRAND HAVEN	MI 49417	\$1,147.65	\$0.00	<i>\$1,147.65</i>
24-205-567-0001-20	490	WESTERN AVE	PORT CITY CIO BLDG	490 W WESTERN AVE	MUSKEGON	MI 49440	\$886.73	\$0.00	<i>\$886.73</i>
24-205-567-0001-30	955	4TH ST	CITY OF MUSKEGON	933 TERRACE ST	MUSKEGON	MI 49443	\$3,906.88	\$0.00	<i>\$3,906.88</i>
24-205-567-0001-10	450	WESTERN AVE	450 W WESTERN LLC	4880 RAMBLING CRE	MUSKEGON	MI 49441	\$1,194.38	\$0.00	<i>\$1,194.38</i>
24-205-566-0013-00	442	WESTERN AVE	GUNDERSON DAVID D	442 W WESTERN AVE	MUSKEGON	MI 49440	\$1,248.63	\$0.00	<i>\$1,248.63</i>
24-205-566-0009-00	428	WESTERN AVE	MUSKEGON NIGHTS I	24725 GREENFIELD R	SOUTHFIELD	MI 48075	\$1,805.48	\$0.00	<i>\$1,805.48</i>
24-605-000-0001-00	939	3RD ST	MUSKEGON NIGHTS I	939 3RD ST	MUSKEGON	MI 49440	\$2,695.00	\$0.00	<i>\$2,695.00</i>
24-205-316-0009-10	609	WESTERN AVE	EMP LLC	16149 BAIRD CT	SPRING LAKE	MI 49456	\$417.03	\$0.00	<i>\$417.03</i>

H 1593

HEARING DATE AUGUST 14, 2007

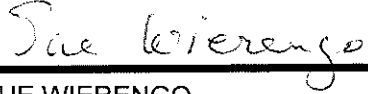
WESTERN AVE., 8TH ST. TO 3RD ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$53,169.90	\$0.00	\$53,169.90

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

BOARD OF ASSESSORS

	8/16/07
DAN VANDERKOOI, ACTING DIRECTOR, COUNTY EQUALIZATION	DATE
	8-16-07
LAWRENCE SPATARO	CITY COMMISSIONER
	DATE
	8-17-07
SUE WIERENGO	CITY COMMISSIONER
	DATE

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: August 14, 2007

RE: Public Hearing
Spreading of the Special Assessment Roll
Getty Street, Hovey Ave. to Keating Ave.

SUMMARY OF REQUEST:

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

FINANCIAL IMPACT:

A total of \$73,799.36 would be spread against the twenty-one (21) 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. 2007-68(d)

Resolution Confirming Special Assessment Roll

For Getty St. from Hovey Ave. to Keating Ave.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **August 8, 2006**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR: **Getty St., from Hovey Ave. to Keating Ave.**

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By Ann Marie Becker
Ann Marie Becker, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **August 14, 2007**. 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 **August 14, 2007**.

City of Muskegon

By Ann Marie Becker
Ann Marie Becker, MMC
City Clerk

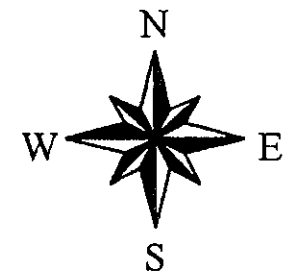
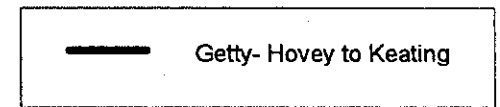
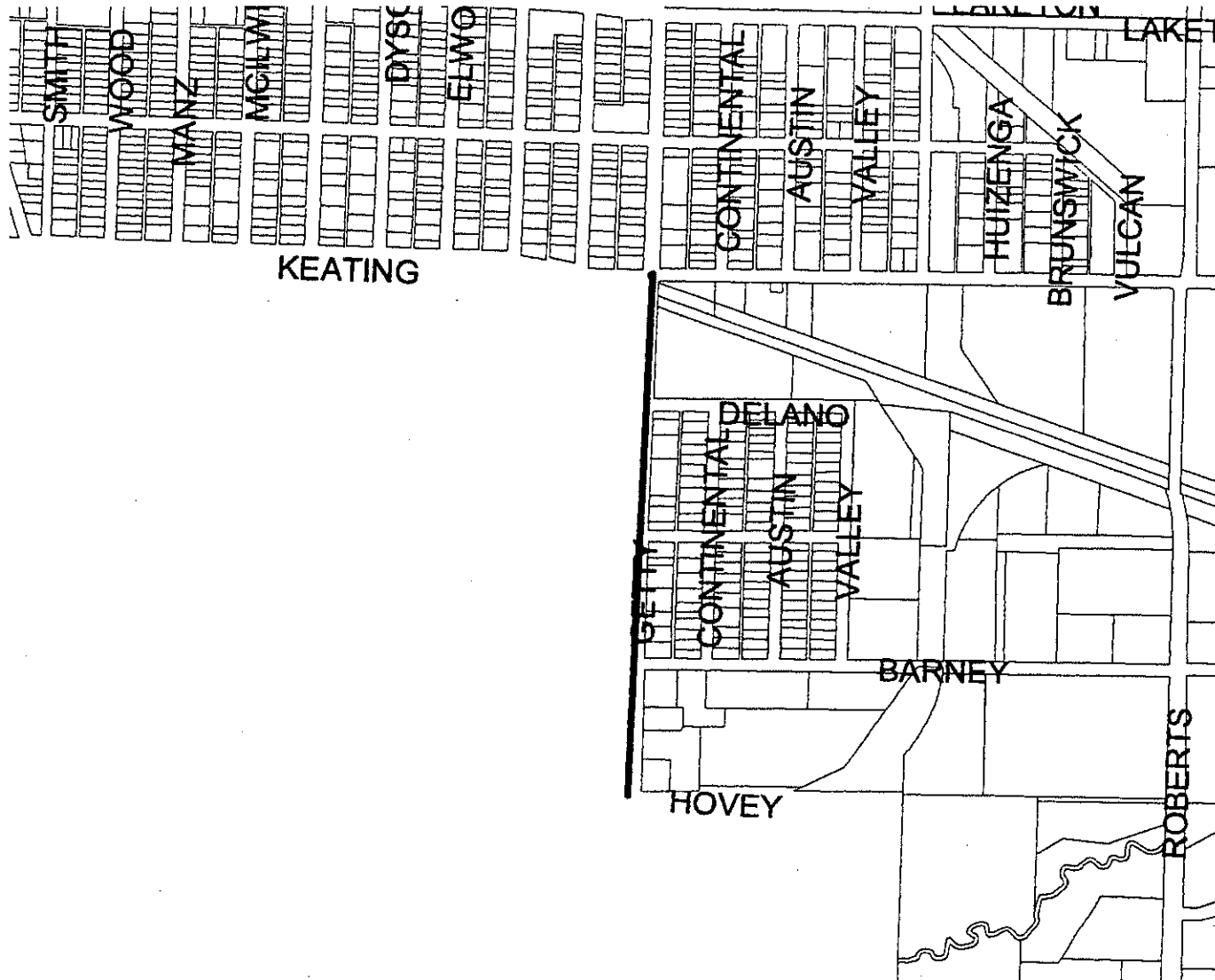
EXHIBIT A

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SPECIAL ASSESSMENT DISTRICT

All parcels abutting the east side of Getty St., from Keating Ave. to Hovey Ave.

Getty Street - Hovey to Keating



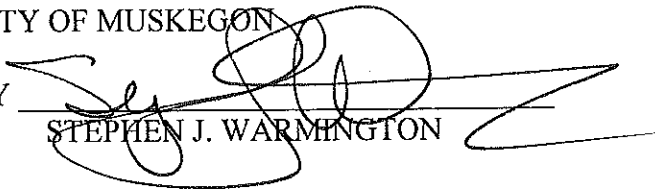
GETTY ST., HOVEY AVE. TO KEATING AVE.

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

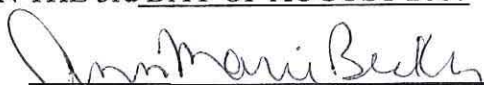
AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

**TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR THE
FOLLOWING:**

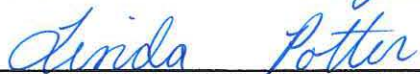
H-1620 ,Getty St., Hovey Ave. To Keating Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 3rd DAY OF AUGUST 2007



ANN MARIE BECKER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
17th DAY OF August, 2007.



NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 9-25-2012

August 3, 2007

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

1

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

GETTY STREET, KEATING AVE. TO HOVEY AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, AUGUST 14, 2007 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 AUGUST 14, 2007 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-4712) OR EMAIL ADDRESS : TAXTRIB@MICHIGAN.GOV. 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 \$387,500.00 of which \$73,799.36 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$ 391.68 based on 12.24 feet assessable front footage at \$32.00 per assessable foot for the street improvements. In addition, you will be assessed \$0.00 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$ 391.68. Following are the terms of the special assessment:

The total assessment of **\$ 391.68** may be paid in full any time by the due date of **October 15, 2007** without interest being charged. After this date, interest will be charged at the **annual rate of 5%** on the **remaining balance**. Assessments also may be paid over a ten-year period in ten equal principal installments of **\$ 39.17** (plus accrued interest). If you pay your assessment in installments, your annual installment (plus accrued 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 charge. **Should you wish to avoid having the annual installment placed on the property tax bill by making a separate payment or to pay the total balance due, please contact the Treasurer's office at (231) 724-6720.**

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

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

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

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

Sincerely,

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

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
GETTY STREET, KEATING AVE. TO HOVEY AVE. H 1620
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

Name: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Spouse: _____ Birthdate: _____ Social Security # _____ - _____ - _____
Address: _____ Phone: _____ Race: _____
Parcel # _____ Owner/Spouse Legally Handicapped Or Disabled? () Yes () No

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

ANNUAL Household Income: \$ _____	Wage earner:
(Must include <u>all</u> household income)	
_____	Wage earner:
_____	Wage earner:
_____	Wage earner:
Total: \$ _____	

PROPERTY INFORMATION

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

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

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

OWNER'S SIGNATURE

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

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

FOR OFFICE USE ONLY

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

SIGNATURE _____ TITLE _____

COMMENTS/REMARKS _____

****ATTENTION APPLICANT****

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

CITY OF MUSKEGON
GETTY STREET, KEATING AVE. TO HOVEY AVE.H 1620
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 the street abutting your property for repairs. To assist homeowners, who may have difficulty paying the cost of street 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 street 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 2006, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2007

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$28,210
2	32,240
3	36,270
4	40,365
5	43,550
6	46,800
7	49,985
8	53,235
For each extra, add	3,250

- ✓ **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. If current owner sells the home prior to the special assessment confirmation, the application is no longer valid. The City also reserves the right to reject any applications that contain falsified information or insufficient documentation. The City must complete the sidewalks. Costs incurred from repairs done by you or a private contractor will not be reimbursed.

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

SPECIAL ASSESSMENT DISTRICT:

GETTY STREET, KEATING AVE. TO HOVEY AVE.

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

All parcels abutting the east side of Getty St., from Keating Ave. to Hovey Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment roll will be held at the City of Muskegon Commission Chambers on **August 14, 2007 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 have been prepared and submitted for the purpose of said hearing and for examination by those persons to be assessed. The special assessment roll are on file and may be examined during regular business hours at the City Engineer's office between 8:00 a.m. and 5:00 p.m. on weekdays, except holidays.

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

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

Ann Becker, City Clerk

Publish: **AUGUST 4, 2007**

ADA POLICY

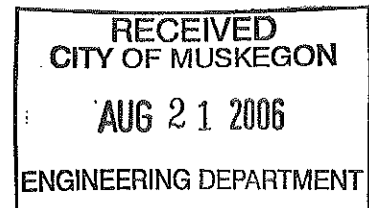
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

Ann Becker, City Clerk
933 Terrace Street, Muskegon, MI 49440
(231) 724-6705 of TDD (231) 724-6773

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2006-68(b)



Resolution At First Hearing Creating Special Assessment District
For **Getty St., Hovey to Keating**

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

RECITALS:

1. A hearing has been held on **August 8, 2006** 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 **August 8, 2006**, there were 89.02 % 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 Commissioner Carter and Mayor Warmington 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 **11.12%** 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 Carter, Davis, Gawron, Shepherd, Spataro, Warmington,
and Wierengo

Nays None

CITY OF MUSKEGON

By Linda Potter
Linda Potter, Acting City Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **August 8, 2006**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Linda Potter
Linda Potter, Acting City Clerk

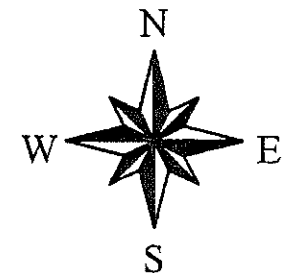
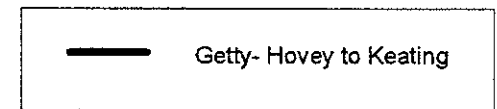
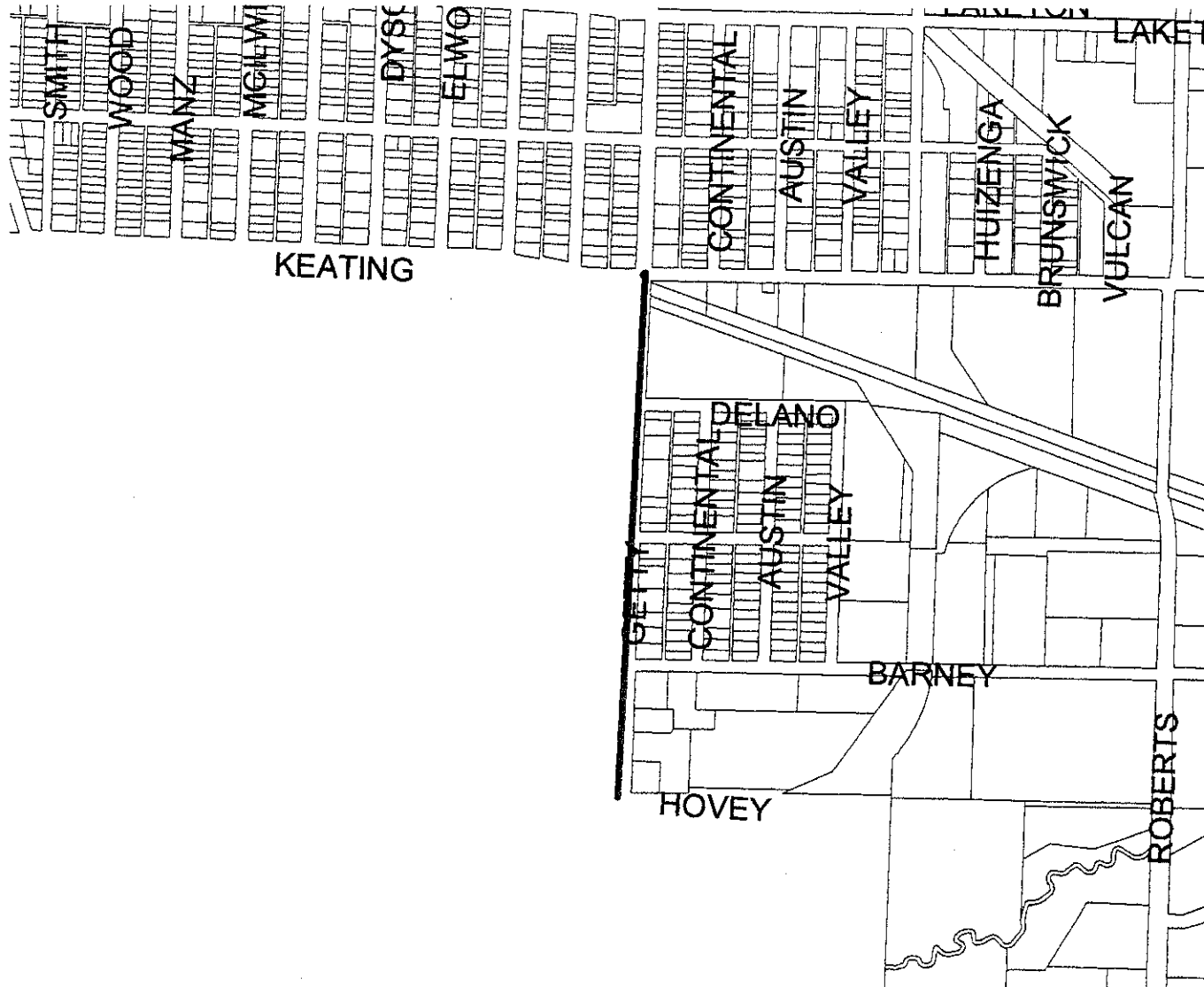
EXHIBIT A

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SPECIAL ASSESSMENT DISTRICT

All parcels abutting the east side of Getty St., from Keating Ave. to Hovey Ave.

Getty Street - Hovey to Keating



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Getty Street Keating Ave. to Hovey Ave.

THE DEPONENT SAYS THAT THE NOTICE OF HEARING WAS SERVED UPON EACH OWNER OF OR PARTY IN INTEREST IN PROPERTY TO BE ASSESSED IN THE SPECIAL ASSESSMENT DISTRICT WHOSE NAME APPEARS UPON THE LAST TAX ASSESSMENT RECORDS OF THE CITY OF MUSKEGON BY MAILING SUCH NOTICE IN A SEALED ENVELOPE BY FIRST CLASS UNITED STATES MAIL, WITH POSTAGE PREPAID, ADDRESSED TO EACH SUCH OWNER OR PARTY IN INTEREST AT THE ADDRESS SHOWN ON SAID LAST TAX ASSESSMENT RECORDS BY DEPOSITING THEM IN AN OFFICIAL UNITED STATES MAIL RECEPTACLE ON THE 28TH DAY OF JULY, 2006.

Linda Potter
LINDA POTTER, ACTING CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
11 DAY OF August, 2006.

John M. Krutowski
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 05-13-2012

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS				PAVING	DR APP / SW	TOTAL
24-133-100-0011-00	2010	GETTY ST	BABBITT SEAN	7282 LEONARD ST NE ADA	MI	49301	\$391.68	\$0.00	\$391.68
24-133-100-0028-00	2020	GETTY ST	BABBITT SEAN	7282 LEONARD ST NE ADA	MI	49301	\$2,214.40	\$0.00	\$2,214.40
24-133-100-0015-00	2040	GETTY ST	PJA DEVELOPMENTS	3380 GLADE ST	MUSKEGON	MI 49444	\$15,761.60	\$0.00	\$15,761.60
24-860-000-0001-00	2106	GETTY ST	HARVEY HAROLD E	2956 DEBAKER RD	MUSKEGON	MI 49444	\$1,280.00	\$0.00	\$1,280.00
24-860-000-0002-00	2112	GETTY ST	HARVEY HAROLD E	2956 DEBAKER RD	MUSKEGON	MI 49444	\$2,560.00	\$0.00	\$2,560.00
24-860-000-0007-00	2152	GETTY ST	LISINSKI DEBRA L	1980 MICHILLINDA RD	TWIN LAKE	MI 49457	\$6,144.00	\$0.00	\$6,144.00
24-860-000-0012-00	2174	GETTY ST	LOERA VALENTINO	PO BOX 4546	MUSKEGON	MI 49444	\$1,536.00	\$0.00	\$1,536.00
24-860-000-0013-00	2184	GETTY ST	J F B USED CARS	2184 S GETTY ST	MUSKEGON	MI 49444	\$2,560.00	\$0.00	\$2,560.00
24-860-000-0015-00	814	HACKLEY AVE	BIKSACKY JOSEPH F	5671 GRANDEL	MUSKEGON	MI 49442	\$1,350.40	\$0.00	\$1,350.40
24-860-000-0016-00	2214	GETTY ST	MURAT CARL	2214 S GETTY ST	MUSKEGON	MI 49444	\$2,560.00	\$0.00	\$2,560.00
24-860-000-0018-00	2222	GETTY ST	MURAT CARL	2214 S GETTY ST	MUSKEGON	MI 49444	\$1,280.00	\$0.00	\$1,280.00
24-860-000-0019-00	2226	GETTY ST	JBS SHEET METAL IN	2226 S GETTY ST	MUSKEGON	MI 49442	\$3,840.00	\$0.00	\$3,840.00
24-860-000-0022-00	2244	GETTY ST	WRIGHT GERALD K	2081 E VIRGINIA DR	MUSKEGON	MI 49444	\$3,840.00	\$0.00	\$3,840.00
24-860-000-0025-00	2270	GETTY ST	GOMEZ ANTHONY S	16500 HICKORY ST	SPRING LAKE	MI 49456-1	\$2,560.00	\$0.00	\$2,560.00
24-860-000-0027-00	2280	GETTY ST	KITTEL ROY	2280 S GETTY ST	MUSKEGON	MI 49444	\$2,560.00	\$0.00	\$2,560.00
24-860-000-0029-00	2294	GETTY ST	STONE JULIE L	3755 HENRY ST APT 1	MUSKEGON	MI 49441	\$2,668.80	\$0.00	\$2,668.80
24-133-300-0006-00	2306	GETTY ST	PAWN IT ALL LLC	PO BOX 122	NUNICA	MI 49448	\$3,856.00	\$0.00	\$3,856.00
24-133-300-0010-00	2350	GETTY ST	A T & E LLC	2350 S GETTY ST	MUSKEGON	MI 49444	\$4,000.00	\$0.00	\$4,000.00

GETTY STREET, KEATING AVE. TO HOVEY AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-133-300-0013-10	2386	GETTY ST	TILFORD LARRY J/ON 3889 EASTBROOK DR MUSKEGON MI 49444	\$2,373.12	\$0.00	\$2,373.12
24-860-000-0004-00	2124	GETTY ST	HARVEY HAROLD E/H 2956 DEBAKER RD MUSKEGON MI 49444	\$3,840.00	\$0.00	\$3,840.00
24-133-300-0013-00	2370	GETTY ST	PK EMERALD LLC PO BOX 391 SPRING LAKE MI 49456	\$5,110.08	\$0.00	\$5,110.08
24-133-100-9993-00	900	BARNEY ST	MICHIGAN SHORE RAI 400 W 15TH ST SUITE AUSTIN TX 78701-1	\$1,513.28	\$0.00	\$1,513.28
TOTALS				\$73,799.36	\$0.00	<u>\$73,799.36</u>

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

BOARD OF ASSESSORS

 8/16/07
 DAN VANDERKOOI, ACTING DIRECTOR, COUNTY EQUALIZATION DATE

 8/17/07
 CHRIS CARTER CITY COMMISSIONER DATE

 8-17-07
 STEPHEN WARMINGTON CITY COMMISSIONER DATE

Jennifer A. O'Neil
Larry J. Tilford

3889 Eastbrook Dr.
Muskegon, MI 49444
231-767-9476 (Home)
231-855-3501 (Business)

August 14, 2007

City of Muskegon – Board of Commissioners
City Hall Chambers Room 107
933 Terrace St.
Muskegon, MI 49440

Dear Commissioners:

Larry Tilford and Jennifer O'Neil, owners of property located @ 2386 S. Getty St. wish to cast a negative vote towards the special assessment of costs related to repaving Getty St. from Hovey to Keating. We voiced this opinion in the first meeting that was held, in which all of the property owners present, and those who were able to respond to the first "short notice" letter, agreed that the property owners should not be responsible for costs relating to this project.

As outlined in the print out attached (Project Management & Engineering for the Municipality of Anchorage Alaska), "Major roads, such as collectors and arterials, are fully funded through municipal and state capital programs". This should also be the case for Getty St. repairs. Getty St. is a main artery for Muskegon and is used to transport people from Business 31 into other areas in inner Muskegon. Since this road is a means of transportation for many others than just the property owners and their customers, the cost should be funded through other means than a special assessment to the owners who were also inconvenienced by this as well.

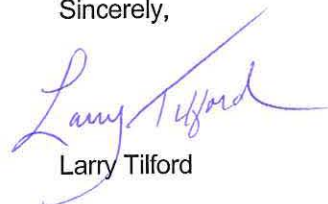
As a finance manager for a government entity, I understand the need for obtaining and using grant money when available however; I also understand that many other financing options need to be looked into at the time of planning. The businesses on Getty St. are small independently owned businesses, not huge corporations that can easily absorb these costs. For a business which is operating at the margin, these costs can be devastating. I would also assume that in these times in which companies are folding, moving and laying off people, we need to assist the small business which are still employing the residents of this community.

We thank you for your time and consideration in this manner and look forward to having this resolved this evening circumventing the need to appeal this with the State of Michigan tax tribunal.

Sincerely,


Jennifer O'Neil

Sincerely,


Larry Tilford



Municipality of Anchorage, Alaska

Project Management & Engineering

4700 S. Bragaw St., Anchorage, Alaska 99507


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Road Improvement District Program Information

[Road Construction](#)[Photo Gallery](#)[Project Information](#)[Project Funding](#)[Road Improvement Districts](#)[Road Bond Propositions](#)[Park Bond Propositions](#)[Project Bid Schedule](#)[Average Bid Prices](#)[Flood Hazard Permits](#)

A Road Improvement District (RID) is a method of funding local road improvements in which the Municipality finances, designs, and constructs the requested improvements if property owners agree to repay a portion of the costs through special assessments. Major roads, such as collectors and arterials, are fully funded through municipal and state capital programs. In upgrade RIDs, where local roads are improved to an upgraded standard (such as gravel to pavement), the Municipality pays 30% of the costs if property owners agree to pay the remaining 70%. In reconstruction RIDs, where local roads are reconstructed to the same standard, the Municipality pays 90% of the costs, if property owners agree to pay the remaining 10%.



These funding programs have some restrictions and are not available in all areas of Anchorage. Below is an overview of the RID process:

Step 1. Initiation:

RIDs are initiated with a written request from a benefiting property owner to the RID Coordinator. The letter should identify the subject road(s) and the type of improvements requested. If the road has municipal maintenance and is in an area with a funding program, the project is added

Related Links

- [Capital Improvement](#)
- [2003 Budget](#)

Related Agencies

- [Parks & Recreation](#)
- [Street Maintenance](#)
- [Traffic Department](#)
- [Transportation Plan](#)

External Links

- [Alaska DOT](#)
- [Federal DOT](#)
- [Federal Highway Ad](#)
- [South Coastal Trail](#)
- [State Road Construc](#)

the list of projects to be petitioned.

Step 2. Petitioning:

Once the improvements and the benefiting property are defined, costs and assessments for each parcel are estimated. The assessments vary for each parcel based primarily on lot size and lot frontage. Petition statements are then mailed to each property owner with information including the estimated cost, the estimated assessment, payment options, and an anticipated project schedule. Property owners indicate on these statements whether they are in favor or opposed to the RID, and return them to the Municipality. A neighborhood meeting is usually held during the petition process.

Step 3. Approval:

If property owners representing more than 50% of the assessable costs respond in favor, the RID passes and documents are prepared for the required assembly approval. A public hearing is held before assembly action. The assembly must agree that the assessments are proportionate to the benefit being received.

Step 4. Project Development:

Upon assembly approval, the district is created and the project is designed and constructed. This process usually takes 1-3 years depending on the size of the project and the availability of funding.

Step 5. Final Assessments:

When project costs are totaled, final assessments are calculated and the information is mailed to property owners. Final assessments cannot exceed the estimated amount by more than 10% without property owner approval. Then, a property owner meeting is scheduled to discuss any concerns about the final assessment calculations and documents are prepared for final assembly action to levy final assessments. A public hearing is held before Assembly action levying the assessment.

Step 6. Billing:

Assessment billing occurs about 2 months after assembly action to levy the assessments. The annual billings give the property owners the option of paying the assessment in full or through the payment plan presented to them in the RID process.

Please contact the RID Coordinator at 343-8120 for additional information. An RID can be initiated with a written request to the RID Coordinator at P.O. Box 196650 Anchorage, Alaska 99519 or by email to LamsonJL@muni.org.

632 W. 6th Avenue Anchorage, Alaska 99501

PO Box 196650 Anchorage, Alaska 99519

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AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 1, 2007

RE: Waiver of Building Permit Fees

SUMMARY OF REQUEST:

To consider a request from United Way to waive building permit fees for the construction of a pavilion at the Grand Trunk to take place on September 7, 2007. The laying of the foundation will take place before that date.

FINANCIAL IMPACT:

Approximately \$169.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To deny the request.

COMMITTEE RECOMMENDATION:

None.

AGENDA ITEM NO. _____

CITY COMMISSION MEETING _____

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: August 1, 2007

RE: Waiver of Building Permit Fees

SUMMARY OF REQUEST:

To consider a request from Love, INC to waive building permit fees for the construction of accessible ramps.

FINANCIAL IMPACT:

\$50 - \$65 per ramp.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To deny the request.

COMMITTEE RECOMMENDATION:

None.



Love INC
Love In the Name of Christ
Of Muskegon County

*Twenty five Years in Muskegon County!
Helping Churches Help People*

RECEIVED

July 17, 2007

JUL 25 2007

MUSKEGON
CITY MANAGER'S OFFICE

Bryon Mazade, City Manager
City of Muskegon
933 Terrace
Muskegon MI 49442

Dear Mr. Mazade:

Project Ramp of Muskegon County (administered by LOVE, INC) serves low-income people with permanent disabilities by constructing ramps that make their homes accessible throughout Muskegon and Oceana Counties

With volunteer support, this group is able to construct ramps for the cost of the materials only. All labor is provided by volunteers beginning with the actual drawing to the final boards being installed. When first organized, Project Ramp was able to secure building permits at no cost from all the area municipalities. However, recently several local governments have begun charging LOVE, Inc. for the building permits, which adds to the final cost of these ramps. As you are aware, LOVE, Inc. is a non-profit agency and does not have extra money for these additional costs.

Materials are purchased through Keene Lumber at a reduced cost thanks to their generosity. However costs of lumber have increased recently. Even though Project Ramp is able to construct ramps for the cost of the material only, the cost still averages between \$1,000 - \$1,500 per ramp. Nearly all ramps are paid for through public funding or through service groups such as VFW's, churches, etc. These funding organizations **do not cover the cost of the permit** and this puts an added burden on Muskegon County LOVE, Inc., which is already strapped for funding. Many elderly and people with disabilities are unable to pay the cost of the ramp and do not have access to any local funding. With their limited incomes, even paying for a building permit can be a huge burden for them. These individuals are put on a waiting list until funds are located. This may be months, during which time that individual is unable to leave or return to the home without a great deal of difficulty and assistance.

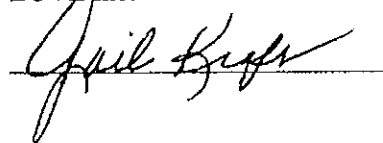
Therefore, with this letter, we are formally requesting that the cost of the building permit, for LOVE, Inc. to have these ramps constructed, be waived.

There are currently 26 people in Muskegon and Oceana Counties waiting for ramps. Multiply that times the cost of permits and you can understand why we are requesting waivers.

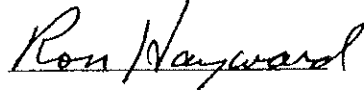
Thank you in advance for considering this request.

Sincerely,
Project Ramp Member Agencies:

Gail Kraft, Director
LOVE Inc.



Ron Hayward,
LOVE Inc. Volunteer



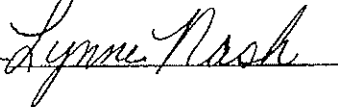
Cindy Musick,
LOVE Inc.



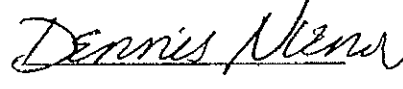
Sue McCrimmon,
Muskegon CMH



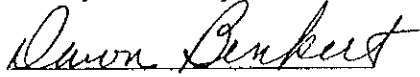
Lynne Nash,
Disability Connection



Dennis Nienow, Supervisor
Muskegon DHS



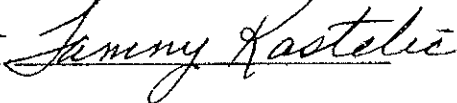
Dawn Benkert,
County Health Dept. /CSHCS



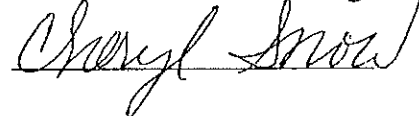
Jane O'Lonegan, P.T.
Hackley VNS



Tammy Kastelic,, Care Manager
HHS, Health Options



Cheryl Snow, Program Director
Senior Resources Care Management



Date: April 24, 2007
To: Honorable Mayor and City Commissioners
From: Engineering
RE: City – MDOT Agreement for the traffic signal upgrade on Laketon Ave. from Creston St. to Barclay St. and the traffic signal installations on Marquette Ave. at Harvey St. and Broadmoor St.

SUMMARY OF REQUEST:

To approve the attached contract with MDOT for the traffic signal upgrade on Laketon Ave. from Creston St. to Barclay St. and the traffic signal installations on Marquette Ave. at Harvey St. and Broadmoor St. and to approve the attached resolution authorizing the Mayor and City Clerk to sign the contract.

FINANCIAL IMPACT:

MDOT's participation is limited to the federal funds of \$308,000. The estimated total construction cost is \$379,000.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

Approve the attached contract and resolution and authorize the mayor & clerk to sign both.

COMMITTEE RECOMMENDATION:

RESOLUTION 2007-69(c)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE TRAFFIC SIGNAL UPGRADE ON LAKETON AVE. FROM CRESTON ST. TO BARCLAY ST. AND THE TRAFFIC SIGNAL INSTALLATIONS ON MARQUETTE AVE. AT HARVEY ST. AND BROADMOOR ST. TOGETHER WITH OTHER NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK ANN BECKER TO EXECUTE SAID CONTRACT

Moved by Commissioner Carter and supported by

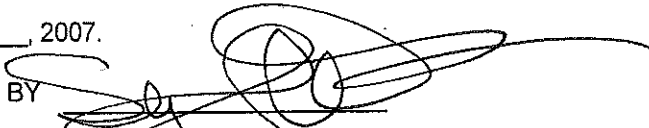
Commissioner Shepherd that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **07-5379** between the Michigan Department of Transportation and the City of Muskegon for **the traffic signal upgrade on Laketon Ave. from Creston St. to Barclay St. and the traffic signal installations on Marquette Ave. at Harvey St. and Broadmoor St.** within the City is in the best interests of the City of Muskegon.

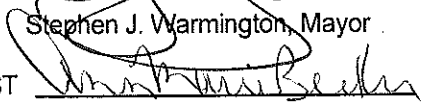
RESOLVED, that entry by the City into Contract Agreement Number **07-5379** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 14th day of August, 2007.

BY


Stephen J. Warmington, Mayor

ATTEST

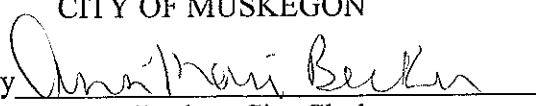

Ann Becker, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on August 14, 2007. 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


Ann Becker, City Clerk

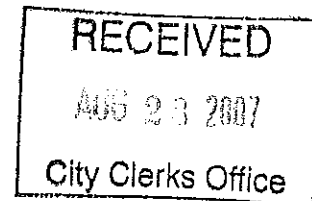


JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

August 23, 2007



Ms. Anne M. Becker
Clerk
City of Muskegon
933 Terrace Street, P.O. Box 536
Muskegon, MI 49443-0536

Dear Ms. Becker:

RE: MDOT Contract No.: 07-5379
Control Section: CMG 61400; CM 61400
Job Number: 90396; 90397

Enclosed is a fully executed copy of the above noted agreement.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Support Area

Enclosure

cc: Project Accounting
M. Harbison, Design Support Area
Grand

C: Engineering

CMAQ

DAB

Control Section	CMG 61400; CM 61400
Job Number	90396; 90397
Project	CMG 0761(025) CM 0761(024)
Federal Item No.	JJ 2804; RR 5822
CFDA No.	20.205 (Highway Research Planning & Construction)
Contract No.	07-5379

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of AUG 23 2007, 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 "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated June 28, 2007, attached hereto and made a part hereof:

PART A – CMG 61400; JOB # 90396; CMG 0761(025); JJ 2804

Traffic signal upgrading and concrete sidewalk ramp work along Laketon Avenue from Barclay Street to Creston Street; and all together with necessary related work.

PART B – CM 61400; JOB # 90397; CM 0761(024); RR 5822

Traffic signal upgrading work at the intersection of Marquette Avenue and Harvey Street and at the intersection of Marquette Avenue and Broadmoor Street; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

CONGESTION MITIGATION AND AIR QUALITY

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in accordance with the following:

PART A

Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at the established Federal participation ratio equal to 100 percent up to an amount not to exceed \$250,000. The balance of the PART A portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

PART B

Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PART B portion of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$58,000. The balance of the PART B portion of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(l); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent

effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

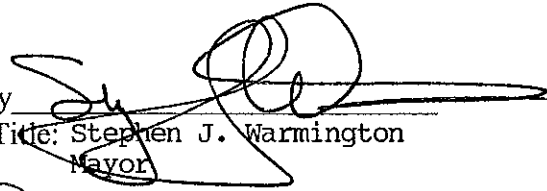
- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

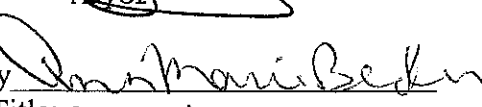
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Title: Stephen J. Warmington
Mayor

By 
Department Director MDOT

By 
Title: Ann Marie Becker, MMC
City Clerk



June 28, 2007

EXHIBIT I

CONTROL SECTION	CMG 61400; CM 61400
JOB NUMBER	90396; 90397
PROJECT	CMG 0761(025); CM 0761(024)

ESTIMATED COST

CONTRACTED WORK

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated Cost	\$291,700	\$125,800	\$417,500

COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$291,700	\$125,800	\$417,500
Less Federal Funds*	<u>\$250,000</u>	<u>\$ 58,000</u>	<u>\$308,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ 41,700	\$ 67,800	\$109,500

*Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at a participation ratio equal to 100 percent up to an amount not to exceed \$250,000. Federal Funds shall be applied to the eligible items of the PART B portion of the PROJECT COST at a participation ratio equal to 80 percent up to an amount not to exceed \$58,000.

NO DEPOSIT

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 and Title 49 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (6012.1): Preliminary Engineering
 - b. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - c. FAPG (23 CFR 635A): Contract Procedures
 - d. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments-Allowable Costs
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - d. FAPG (23 CFR 635A): Contract Procedures
 - e. FAPG (23 CFR 635B): Force Account Construction
 - f. FAPG (23 CFR 645A): Utility Relocations, Adjustments and Reimbursement
 - g. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)

- h. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - i. FAPG (49 CFR 18.22): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments—Allowable Costs
- 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, 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 shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall 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.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

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 shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or 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 shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and

arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY 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.

The DEPARTMENT shall 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 REQUESTING PARTY, the REQUESTING PARTY shall 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 REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY 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 the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. 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 REQUESTING PARTY 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 REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$500,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package
The Data Collection Form
The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant number(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

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2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).
5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree 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 parties further covenant that they will comply with the Civil Rights Acts 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 the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

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

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:**

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:**

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Date: August 13, 2007
To: Honorable Mayor and City Commissioners
From: City Clerk's Office
RE: Representation at the MML Meeting

SUMMARY OF REQUEST: It is time to nominate a representative and an alternate to represent the City of Muskegon at its annual Michigan Municipal League business meeting.

Financial Impact: None

Staff Recommendation: Staff recommends appointing a representative and an alternate.



August 6, 2007

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council or Commission Meeting)

Dear Official:

The Annual Convention of the Michigan Municipal League will be held in Acme, September 18-20, 2007. **The annual meeting is scheduled for 11:00 a.m. on Wednesday, September 19, at the Grand Traverse Resort. The meeting will be held for the following purposes:**

1. **Election of Trustees.** To elect six members of the Board of Trustees for terms of three years each (see page 2).
2. **Policy.** To vote on statements of policy and resolutions properly brought before the annual meeting. All member municipalities planning on submitting resolutions for consideration at the annual meeting are reminded that under the Bylaws, the deadline for receiving resolutions is August 17, 2007 (see page 2).
3. **Other Business.** To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than August 27, 2007.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the MML Bylaws:

“Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative.”

President
Vicki Barnett
Mayor,
Farmington Hills

Vice President
Gladys A. Solokis
Mayor, Gaylord

Trustees
Robin E. Beltrami
Councilmember, Troy

Robert F. Cameron
Village President,
Newberry

LaVern Dittenber
Mayor, AuGres

Deborah L. Doyle
Councilmember,
Durand

Dana W. Foster
City Manager, Brighton

George Heartwell
Mayor, Grand Rapids

Jeffrey Jenks
Mayor Pro Tem
Huntington Woods

Kwame M. Kilpatrick
Mayor, Detroit

Linda L. Gedeon-Kuhn
Commissioner,
Bridgman

Larry Nielsen
City Manager, Bangor

John C. Siira
City Manager,
Wakefield

Karl S. Tomion
City Manager,
Port Huron

Kenneth Tousignant
Mayor, Iron Mountain

Gary Tuzinowski
Councilmember,
Algonac

Thomas L. Youatt
City Administrator,
Harbor Beach

John J. Zech
City Manager, Wayne

Executive Director
Daniel P. Gilmartin

1. Election of Trustees

Regarding election of officers, under Section 5.3 of the MML Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions *

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the MML Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus the deadline this year for the MML to receive resolutions is August 17th.

"Every proposed resolution submitted by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or modification thereof."

The proposed 2007-08 Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership are available on the MML website*, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Wednesday, September 18, at the Grand Traverse Resort in Acme for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

* The proposed 2007-08 MML Policies are available on the MML website at <http://www.mml.org>. If you would like to receive a copy of the proposed policies by fax, please call the League at 800-653-2483.

Sincerely,



Vicki Barnett
President



Daniel P. Gilmartin
Executive Director

Enc.

PLEASE RETURN BY AUGUST 27, 2007

Our official representative at the Annual Business
Meeting of the Michigan Municipal League will be:

Name Clara Shepherd

Title City Commissioner

Our alternate official representative will be:

Name Ann Marie Becker

Title City Clerk

Official action of governing body on August 14, 2007
(date)

Submitted by Ann Marie Becker, City Clerk

Municipality City Of Muskegon