

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:** Michigan Section America Water Works Association:
Regional Taste off Winner
- ❑ **INTRODUCTIONS/PRESENTATION:**
- ❑ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. FIRST READING: Rezoning Request for Properties Located at 692 and 706 W. Hackley. PLANNING & ECONOMIC DEVELOPMENT
 - C. Selection of Siding Contractors for Fiscal Year 2004 - 2005. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Selection of Siding Supplier for Fiscal Year 2004 - 2005. COMMUNITY & NEIGHBORHOOD SERVICES
- ❑ **PUBLIC HEARINGS:**
 - A. Spreading of the Special Assessment Roll for Walnut Street, Wilcox to Thompson. ENGINEERING
 - B. Spreading of the Special Assessment Roll for Sherman Blvd., Lincoln to Beach. ENGINEERING
 - C. Spreading of the Special Assessment Roll for Torrent Street, Sherman to Letart. ENGINEERING
 - D. Spreading of the Special Assessment Roll for Austin, Barney to Delano. ENGINEERING
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**

A. Amendment to Brownfield Plan – Art Works Apartments. PLANNING & ECONOMIC DEVELOPMENT

❑ **NEW BUSINESS:**

A. Steps to Reduce Outstanding Accounts Receivable. FINANCE

B. Designation of Voting Delegate and Alternate Voting Delegate for MML Annual Meeting. CITY CLERK

C. FIRST READING: Zoning Ordinance Amendment for Alcohol Sales. PLANNING & ECONOMIC DEVELOPMENT

D. Rezoning Request for Property Located at 407 Marquette Avenue (SE corner of Marquette Ave. and Wood St.). PLANNING & ECONOMIC DEVELOPMENT

❑ **ANY OTHER BUSINESS:**

❑ **PUBLIC PARTICIPATION**

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

❑ **ADJOURNMENT:**

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

Date: July 27, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, July 12, 2004; and the Regular Commission Meeting that was held on Tuesday, July 13, 2004.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 27, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, July 27, 2004.

Mayor Warmington opened the meeting with a prayer from City Treasurer Derrick Smith after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2004-65 HONORS AND AWARDS: Michigan Section America Water Works Association: Regional Taste off Winner

2004-66 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Commission Worksession that was held on Monday, July 12, 2004; and the Regular Commission Meeting that was held on Tuesday, July 13, 2004.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. FIRST READING: Rezoning Request for Properties Located at 692 and 706 W. Hackley. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to rezone properties located at 692 and 706 W. Hackley, from R-1, Single Family Residential to either B-2, Convenience and Comparison Business or B-4 General Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request to rezone the properties to B-2, Convenience and Comparison Business at the 7/15 meeting. The vote was unanimous with S. Warmington and J Aslakson absent.

C. Selection of Siding Contractors for Fiscal Year 2004 - 2005.

COMMUNITY & NEIGHBORHOOD SERVICE

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Lewis E. Johnson, 16076 Bonita Ct, Grand Haven, Cutting Edge Construction, 975 Washington, Muskegon and Gawlik Construction, 2084 Mary, Muskegon to install vinyl siding at an agreed price of \$70.00 (Seventy dollars) per building square for the siding program, 2004 - 2005 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2004-2005 CDBG Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

Motion by Vice Mayor Larson, second by Commissioner Spataro to approve the Consent Agenda with the exception of item d.

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

Nays: None

MOTION PASSES

2004-67 ITEM REMOVED FROM THE CONSENT AGENDA:

D. Selection of Siding Supplier for Fiscal Year 2004 - 2005. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve Community and Neighborhood Services Department selection of the vinyl siding supplier for fiscal year 2004 - 2005. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey, Muskegon for the price of \$38.94 (Thirty-eight dollars and ninety-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2004-2005 Siding Fund.

BUDGET ACTION REQUIRED: None required at this time.

STAFF RECOMMENDATION: To approve the request

Motion by Commissioner Spataro, second by Commissioner Carter to approve Premier Building Supplies as the supplier for vinyl siding for fiscal year 2004 - 2005.

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

Carter

Nays: None

MOTION PASSES

2004-68 PUBLIC HEARINGS:

A. Spreading of the Special Assessment Roll for Walnut Street, Wilcox to Thompson. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Walnut St., Wilcox to Thompson, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$12,641.10 would be spread against the thirteen (13) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

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

Motion by Commissioner Carter, second by Commissioner Davis to close the Public Hearing at 5:40 p.m. and approve the special assessment roll for Walnut Street, Wilcox to Thompson, and adopt the resolution.

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

Nays: None

MOTION PASSES

B. Spreading of the Special Assessment Roll for Sherman Blvd., Lincoln to Beach. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Sherman Blvd., Lincoln to Beach and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$38,155.33 would be spread against the eighteen (18) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:40 p.m. to hear and consider any comments from the public. Comments were heard from Ann Harker, 2432 Sherman; Dottie Kamp, 2494 W. Sherman; and a letter was received from Melvin Omstott, 2442

Sherman.

Motion by Commissioner Spataro, second by Vice Mayor Larson to close the Public Hearing at 5:47 p.m. and approve the special assessment roll for Sherman Blvd., Lincoln to Beach and adopt the resolution.

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

Nays: None

MOTION PASSES

C. Spreading of the Special Assessment Roll for Torrent Street, Sherman to Letart. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Torrent St., Letart Ave. To Sherman Blvd, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$11,572.54 would be spread against the four (4) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

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

The Public Hearing opened at 5:48 p.m. to hear and consider any comments from the public. No comments were heard.

Motion by Commissioner Gawron, second by Commissioner Spataro to close the Public Hearing at 5:49 p.m. and approve the special assessment roll for Torrent Street, Sherman to Letart and adopt the resolution.

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

Nays: None

MOTION PASSES

D. Spreading of the Special Assessment Roll for Austin, Barney to Delano. ENGINEERING

SUMMARY OF REQUEST: To hold a public hearing on the spreading of the special assessment for Austin, Barney to Delano, and to adopt the resolution confirming the special assessment roll.

FINANCIAL IMPACT: A total of \$54,002.10 would be spread against the forty-seven (47) parcels abutting the project.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve the special assessment roll and adopt

the resolution.

The Public Hearing opened at 5:50 p.m. to hear and consider any comments from the public. Comments were heard from Dan Mangione, representative from Westwood LLC, at 2174 Austin.

Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing at 5:53 and approve the special assessment roll for Austin, Barney to Delano and adopt the resolution.

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

Nays: None

MOTION PASSES

2004-69 UNFINISHED BUSINESS:

A. Amendment to Brownfield Plan – Art Works Apartments. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To hold a Public Hearing and approve the resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Boiler Works, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into an Art Works space (with residential and gallery space) will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the Public Hearing for July 13, 2004, at their June 22, 2004 meeting. Since that time, a notice of the Public Hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

Motion by Vice Mayor Larson, second by Commissioner Shepherd to amend the Brownfield Plan to include the property owned by Boiler Works, LLC.

ROLL VOTE: Ayes: Warmington, Carter, Larson, Shepherd

Nays: Davis, Gawron, Spataro

MOTION PASSES

2004-70 NEW BUSINESS:

A. Steps to Reduce Outstanding Accounts Receivable. FINANCE

SUMMARY OF REQUEST: Staff is proposing several steps to deal with unpaid account receivable balances including: 1) an amnesty program to run from July 28th through September 17th during which time persons having delinquent accounts will have a one-time opportunity to bring them current without penalty or interest, 2) outsource billing for the environmental program to Paramount Collections, 3) set a standard 30-day A/R appeal period and, 4) amend the fee schedule for newly issued environmental invoices and building demolition invoices to allow a 30% discount if paid within 30 days.

FINANCIAL IMPACT: These steps are intended to bring down outstanding A/R balances prior to year-end. Tighter accounting standards allow us to recognize only a portion of our total A/R balance at year-end. This will negatively impact the general fund fund balance and we are attempting to minimize the effect.

BUDGET ACTION REQUIRED: None at this time. Depending on the success of these steps, the budget at year-end will need to be adjusted to some degree due to the tighter standards.

STAFF RECOMMENDATION: Staff recommends the commission adopt a motion/resolution approving the above A/R initiatives.

COMMITTEE RECOMMENDATION: There is no committee recommendation.

Motion by Commissioner Spataro, second by Vice Mayor Larson to approve the accounts receivable initiatives.

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

Nays: None

MOTION PASSES

B. Designation of Voting Delegate and Alternate Voting Delegate for MML Annual Meeting. CITY CLERK

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an 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.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

Motion by Commissioner Spataro, second by Commissioner Carter to designate Commissioner Shepherd as the voting delegate and City Clerk Gail Kundinger

as the alternate for the MML Annual Meeting.

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

Nays: None

MOTION PASSES

C. FIRST READING: Zoning Ordinance Amendment for Alcohol Sales.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to amend language regarding alcohol sales.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 7/15 meeting. T. Harryman, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, and L. Spataro voted in favor of the change. B. Smith voted against. S. Warmington and J. Aslakson were absent.

Motion by Commissioner Spataro, second by Vice Mayor Larson to amend the zoning ordinance language regarding alcohol sales.

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

Nays: Shepherd

MOTION PASSES – REQUIRES SECOND READING

D. Rezoning Request for Property Located at 407 Marquette Avenue (SE corner of Marquette Ave. and Wood St.). **PLANNING & ECONOMIC DEVELOPMENT**

SUMMARY OF REQUEST: Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1 Limited Business.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION: The Planning Commission voted to deny the request at their 6/10 meeting. Commissioners S. Warmington and B. Smith voted against denial. Commissioner B. Mazade was absent.

Motion by Commissioner Spataro, second by Commissioner Gawron to concur with staff recommendation to deny the request to rezone property located at 407 Marquette.

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

Nays: Larson

MOTION PASSES

Motion by Commissioner Spataro, second by Vice Mayor Larson to waive the fee for the Public Hearing for special use permit for 407 Marquette.

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

Nays: Shepherd

MOTION PASSES

2004-71 ANY OTHER BUSINESS:

Motion by Commissioner Carter, second by Vice Mayor Larson to approve \$285 coming out of Mayor Warmington's travel to pay Commissioner Shepherd's MML registration.

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

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:30 p.m.

Respectfully submitted,



Gail A. Kunderger, MMC
City Clerk

Commission Meeting Date: July 27, 2004

Date: July 20, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Rezoning request for properties located at 692 and 706 W. Hackley.

SUMMARY OF REQUEST:

Request to rezone properties located at 692 and 706 W. Hackley, from R-1, Single Family Residential to either B-2, Convenience and Comparison Business or B-4, General Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

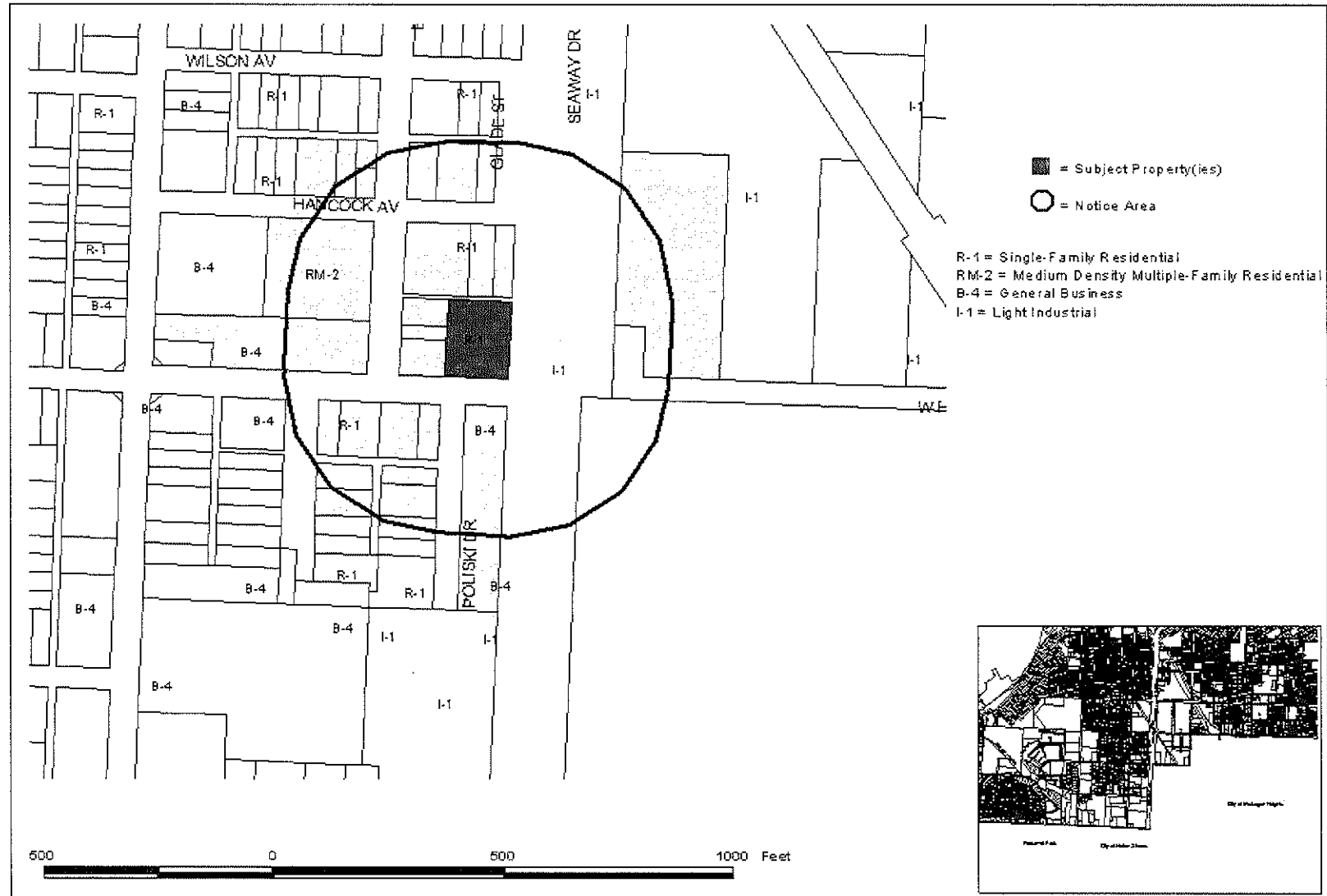
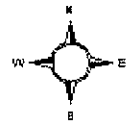
STAFF RECOMMENDATION:

Staff recommends approval of the request.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request to rezone the properties to B-2, Convenience and Comparison Business at their 7/15 meeting. The vote was unanimous with S. Warmington and J. Aslakson absent

**City of Muskegon
Planning Commission
Case # 2004-26**



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
July 15, 2004

Hearing; Case 2004-26: Request to rezone the properties located at 692 W. Hackley Ave and 706 W. Hackley Ave. from R-1, Single Family Residential to either B-2, Convenience and Comparison Business or B-4, General Business, by Doug Glomb

BACKGROUND

Applicant: Doug Glomb

Address/Location of Subject Property: 692 & 706 W. Hackley

Current Use: Two residential houses

Current Zoning: R-1, Single Family Residential

Proposed Zoning: B-2, Convenience and Comparison Business or B-4, General Business

STAFF OBSERVATIONS

1. The subject properties are located on Hackley Ave between Beidler St and Business – 31. Currently there are two residential homes on the properties. The property is located directly east of the Crown and Bridge Laboratory (dentist). To the South are residential uses and a muffler shop. Residential uses are on all other sides.
2. The proposed use of this property is for a new Chalet House of Flowers. They are currently located in the city at 2100 Henry Street. The owners are looking to expand the business.
3. The requirements for frontage and size are the same for B-2 as well as for B-4 zoning Districts. The minimum lot size is 10,980 square feet with 100 feet of frontage. 706 Hackley has 12,920 sqft and 692 Hackley has 6,460 sqft. Together they total to just under 20,000 sqft which is more than adequate for these zoning districts.
4. Staff has offered up two zoning districts for discussion because of the nature of the area. The street is busy, being a direct entrance from Business – 31. There are other B-4 Zoning classifications in the near vicinity (the closest one is across Hackley). Staff is including the preambles for both districts below:

ARTICLE XI - B-2 CONVENIENCE AND COMPARISON BUSINESS DISTRICTS

PREAMBLE

The B-2 Convenience and Comparison Business Districts are designed for the convenience and community shopping needs of residents in the Muskegon Area, and they are intended to be located in planned groups near the intersection of major thoroughfares. All business establishments shall be retail or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise provided by this Ordinance and specifically approved by the City.

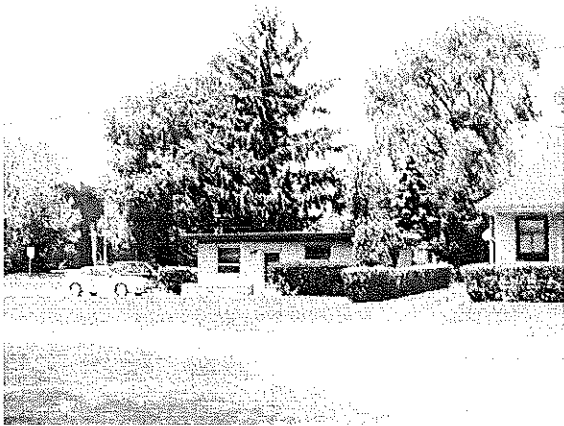
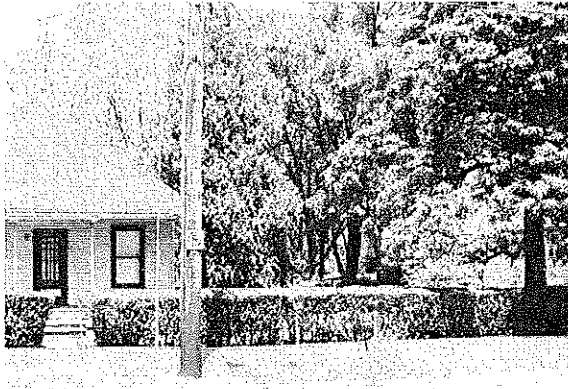
ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

5. The B-4 district does allow the same uses as in a B-2 district. A big difference between the B-2 and the B-4 classification is that the B-4 allows some automotive services as principal uses. The B-4 district allows more intense uses than the B-2 district.
6. The Future Land-Use Map shows the subject property as R1 and RT residential. The map also shows across seaway and to the south of the property as commercial. The map shows what is currently residential is slated for the future as residential.
7. The subject property is located in Sub-Area 6: Barclay Street Sub-Area:
 - ◆ It is the goal of the Master Plan to retain the mixed-use character of Sub-Area 6 and to demonstrate how varying land uses may co-exist, as well as compliment each other.
 - ◆ The area lying between Henry Street and Seaway Drive is slowly becoming a solid core area of commercial development. While some residential and industrial uses do exist, it is anticipated they will ultimately be replaced by commercial facilities.
 - ◆ Sub-Area issue: There is a lack of buffering between commercial and residential development.
 - ◆ Sub-Area issue: Due to its location, the City may experience a demand for the expansion of commercial development between Henry Street and Seaway Drive. This would necessitate the removal of homes (located in the area between Hackley and Young Streets). The City has invested considerable funds in this area for purposes of maintaining its residential character.
 - ◆ Master Plan Recommendation: Implement, through zoning, controls to ensure adequate buffers between commercial and residential development.
 - ◆ Master Plan Recommendation: Complete the full commercial development of that area lying between Henry Street, Laketon Avenue, Seaway Drive, and Sherman Boulevard.
8. Staff has received the following public comments:
 - ◆ Mr. Derouin of 696 Hancock left a phone message saying : As far as he is concerned go ahead and do it.
 - ◆ Betty Sifuentes of 2231 Poliski called in on 7/9 to say she has lived here all her life and is concerned about the junk and noise. She does not want to have to move. She does not want more noise. She says her sister lives next door and does not want it either.

PHOTOS



RECOMMENDATION

The future land use map shows these properties as residential, however the Master plan calls for the development of this area as commercial. Either of these Zoning classifications would work for the proposed business. The area already has B-4 in the vicinity. Staff is comfortable with either zoning classification although the B-2 would be of a lower intensity and may serve to buffer the residential units behind the property from traffic and higher intensity uses. While the proposed zoning does not agree with Future Land Use Map, this proposed zoning may be a positive for the area.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. **What** are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

Excerpt from draft of Minutes from July 15, 2004 Planning Commission Meeting

Hearing: Case 2004-26: Request to rezone the properties located at 692 W. Hackley Ave and 706 W. Hackley Ave. from R-1, Single Family Residential to either B-2, Convenience and Comparison Business or B-4, General Business, by Doug Glomb. B. Lazor presented the staff report. The subject properties are located on Hackley Ave between Beidler St and Business – 31. Currently there are two residential homes on the properties. The property is located directly east of the Crown and Bridge Laboratory (dentist). To the South are residential uses and a muffler shop. Residential uses are on all other sides. The proposed use of this property is for a new Chalet House of Flowers. They are currently located in the city at 2100 Henry Street. The owners are looking to expand the business. The requirements for frontage and size are the same for B-2 as well as for B-4 zoning Districts. The minimum lot size is 10,980 square feet with 100 feet of frontage. 706 Hackley has 12,920 sq. ft. and 692 Hackley has 6,460 sq. ft. Together they total to just under 20,000 sq. ft. which is more than adequate for these zoning districts. Staff has offered up two zoning districts for discussion because of the nature of the area. The street is busy, being a direct entrance from Business – 31. There are other B-4 Zoning classifications in the near vicinity (the closest one is across Hackley). The commission members were provided with the preambles for both zoning districts. The B-4 district does allow the same uses as in a B-2 district. A big difference between the B-2 and the B-4 classification is that the B-4 allows some automotive services as principal uses. The B-4 district allows more intense uses than the B-2 district. The Future Land-Use Map shows the subject property as R1 and RT

residential. The map also shows across Seaway and to the south of the property as commercial. The map shows what is currently residential is slated for the future as residential. The subject property is located in Sub-Area 6: Barclay Street Sub-Area: a) It is the goal of the Master Plan to retain the mixed-use character of Sub-Area 6 and to demonstrate how varying land uses may co-exist, as well as compliment each other. b) The area lying between Henry Street and Seaway Drive is slowly becoming a solid core area of commercial development. While some residential and industrial uses do exist, it is anticipated they will ultimately be replaced by commercial facilities. c) Sub-Area issue: There is a lack of buffering between commercial and residential development. d) Sub-Area issue: Due to its location, the City may experience a demand for the expansion of commercial development between Henry Street and Seaway Drive. This would necessitate the removal of homes (located in the area between Hackley and Young Streets). The City has invested considerable funds in this area for purposes of maintaining its residential character. e) Master Plan Recommendation: Implement, through zoning, controls to ensure adequate buffers between commercial and residential development. f) Master Plan Recommendation: Complete the full commercial development of that area lying between Henry Street, Laketon Avenue, Seaway Drive, and Sherman Boulevard. Staff has received the following public comments: 1) Mr. Derouin of 696 Hancock left a phone message saying : As far as he is concerned go ahead and do it. 2) Betty Sifuentes of 2231 Poliski called in on 7/9 to say she has lived here all her life and is concerned about the junk and noise. She does not want to have to move. She does not want more noise. She says her sister lives next door and does not want it either. C. Jude of 2229 Poliski called and is okay with a flower shop going in there, but opposes more noise. The future land use map shows these properties as residential, however the Master plan calls for the development of this area as commercial. Either of these Zoning classifications would work for the proposed business. The area already has B-4 in the vicinity. Staff is comfortable with either zoning classification although the B-2 would be of a lower intensity and may serve to buffer the residential units behind the property from traffic and higher intensity uses. While the proposed zoning does not agree with Future Land Use Map, this proposed zoning may be a positive for the area

B. Smith arrived at 4:09 p.m.

L. Spataro stated that it is good to see local businesses expanding. He asked the applicant if they had looked at other properties that have the correct zoning already. D. Glomb stated that they liked the location. L. Spataro asked if the homes would be moved or demolished. D. Glomb stated that they wouldn't be able to be moved due to the age of the homes. They will both be demolished and they will build a 2500 sq. ft. building on the site. L. Spataro asked about sheltering the business from the neighboring residential properties. D. Glomb stated that they would work with the Planning Commission and do whatever is needed.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

T. Johnson stated that this would be a good transitional area. It is hard to imagine new housing going there. He would be okay with a B-2 zoning district recommendation, but felt that B-4 would be too intense for the area. T. Harryman agreed. T. Johnson asked if there were any limitations to building size in the B-2 zoning district. B. Lazor stated that under a B-1 zoning district, there are limitations, but not under a B-2. L. Spataro stated that he has some concerns with this, but felt if it were rezoned there should be appropriate screening to the residential neighborhood. He could support a B-2 zoning. T. Johnson suggested having the site plan go before the Planning Commission due to the fact the commission members had some concerns with screening. L. Spataro stated that he would agree, but since the Planning Department is low on staff, he would be willing to allow the administration to view it because the applicant and staff has heard the concerns of the Planning Commission. B. Mazade agreed. He felt that screening is critical and that staff could review the site plan. T. Michalski felt that staff could approve the site plan.

A motion that the request to rezone properties at 692 and 706 W. Hackley, from R-1, Single Family Residential to B-2, Convenience and Comparison Business should be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by B. Mazade, supported by T. Johnson and unanimously approved.

CITY OF MUSKEGON

MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2137

An ordinance to amend the zoning map of the City to provide for a zone change for certain properties from R-1 "Single Family Residential" to B-2 "Convenience and Comparison Business"

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

The zoning map of the City of Muskegon is hereby amended to change the zoning of the following described properties from R-1 "Single Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON RIEGLERS SUB LOT 5

CITY OF MUSKEGON RIEGLERS SUB LOTS 3 & 4

This ordinance adopted:

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

Nays: None

Adoption Date: July 27, 2004

Effective Date: August 12, 2004

First Reading: July 27, 2004

Second Reading: N/A

CITY OF MUSKEGON

By: Gail A. Kunderger
Gail A. Kunderger, MMC, City Clerk

CERTIFICATE (Rezoning of 692 and 706 W. Hackley R-1 to B-2)

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 27th day of July, 2004, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: July 27, 2004.



Gail A. Kunding, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON

NOTICE OF ADOPTION

Please take notice that on July 27, 2004, the City Commission of the City of Muskegon adopted an ordinance amending the zoning map to provide for the change of zoning of the following properties from R-1 "Single Family Residential" to B-2 "Convenience and Comparison Business":

CITY OF MUSKEGON RIEGLERS SUB LOT 5

CITY OF MUSKEGON RIEGLERS SUB LOTS 3 & 4

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

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

Published August 2, 2004

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
City Clerk

Commission Meeting Date: July 27, 2004

Date: July 21, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Selection of Siding Contractors for fiscal year
2004 - 2005**

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign contracts with Lewis E. Johnson, 16076 Bonita Ct, Grand Haven, Cutting Edge Construction, 975 Washington, Muskegon and Gawlik Construction, 2084 Mary, Muskegon to install vinyl siding at an agreed price of \$70.00 (Seventy dollars) per building square for the siding program, 2004 – 2005 fiscal year.

FINANCIAL IMPACT: Funding will be disbursed from the 2004 – 2005 CDBG Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

COMMITTEE RECOMMENDATION: None

2004-2005 Vinyl Siding Installer Bid Results

		Installers				
Material	Measure ment	Wasco	Hollis	Cutting Edge	Lewis Johnson	Gawlik Constructions
Siding	sq.	40	0.45	65	70	70
Fascia	ft.	1.6	0.9	1	1	1
Soffit	ft.	1.6	1.1	1	1	1
DoorWrap	ea.	25	24	25	25	30
WindowWrap	ea.	20	24	25	25	30
Wood	ft.	22	1	1	1	1
TreatedWood	ft.	22	1.5	1	1	1
FanFold	sq.	5	0.25	10	8	10
Tyvek	sq.	5	0.25	10	8	10
TyvekCap	ft.	5.2	1.5	0.5	1	0.5
Total		\$ 147.40	\$ 54.95	\$ 139.50	\$ 141.00	\$ 154.50

Cost Estimate For A Story and 1/2 Home

Cutting Edge Construction		
Material	Measurements	Cost
Siding	18.75 sq	1218.75
Fascia	205 ft	205
Soffit	205 ft	205
DoorWrap	2	50
WindowWrap	20	500
Wood	385 ft	385
TreatedWood	51 ft	51
FanFold	18.75 sq	187.5
Tyvek	18.75 sq	187.5
TyvekCap	150 ft	75
Total		\$ 3,064.75

John Gawlik Construction		
Material	Measurements	Cost
Siding	18.75 sq	1312.5
Fascia	205 ft	205
Soffit	205 ft	205
DoorWrap	2	60
WindowWrap	20	600
Wood	385 ft	385
TreatedWood	51 ft	51
FanFold	18.75 sq	187.5
Tyvek	18.75 sq	187.5
TyvekCap	150 ft	75
Total		\$ 3,268.50

Lewis E. Johnson		
Material	Measurements	Cost
Siding	18.75 sq	1312.5
Fascia	205 ft	205
Soffit	205 ft	205
DoorWrap	2	50
WindowWrap	20	500
Wood	385 ft	385
TreatedWood	51 ft	51
FanFold	18.75 sq	150
Tyvek	18.75 sq	150
TyvekCap	150 ft	150
Total		\$ 3,158.50

Wasco Construction		
Material	Measurements	Cost
Siding	18.75 sq	750
Fascia	205 ft	26.5
Soffit	205 ft	26.5
DoorWrap	2	50
WindowWrap	20	400
Wood	385 ft	8470
TreatedWood	51 ft	1122
FanFold	18.75 sq	93.75
Tyvek	18.75 sq	93.75
TyvekCap	150 ft	780
Total		\$ 11,812.50

Hollis Construction		
Material	Measurements	Cost
Siding	18.75 sq	8.43
Fascia	205 ft	184.5
Soffit	205 ft	225.5
DoorWrap	2	48
WindowWrap	20	480
Wood	385 ft	385
TreatedWood	51 ft	76.5
FanFold	18.75 sq	4.62
Tyvek	18.75 sq	4.62
TyvekCap	150 ft	225
Total		\$ 1,642.17

Commission Meeting Date: July 27, 2004

Date: July 21, 2004

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

**RE: Selection of Siding Supplier for fiscal year 2004 -
2005**

SUMMARY OF REQUEST: To approve Community and Neighborhood Services department selection of the vinyl siding supplier for fiscal year 2004 – 2005. After reviewing all bids, the department selected the lowest bid by Premier Building Supplies located at 2151 S. Harvey – Muskegon for the price of \$38.94 (thirty-eight dollars and ninety-four cents) per building square for white and \$39.94 (thirty-nine dollars and ninety-four cents) per square for color.

FINANCIAL IMPACT: Funding will be allocated from the 2004 – 2005 Siding fund.

BUDGET ACTION REQUIRED: None required at this time

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: None

2004-2005 Vinyl Siding Supplier Bid Results

		Suppliers				
		Premier Muskegon	Premier-GR	ABC Supply	Carter	Menards
Supplies/est. Amounts						
White	18.75sq	730.21	721.87	755.43	712.31	785.25
J Vinyl	45	100.35	126	110.25	134.55	166.5
Outside	14	108.92	128	122.92	139.44	158.62
Inside	6	32.28	34.8	30.9	41.94	45.54
Utility Trim	15	33.45	48.75	39.75	55.35	48.75
Fascia	20	62.6	64	62.2	89.8	99.6
Soffit	20	136.4	144	122.2	179.8	156.8
Coil	4	181.16	210	195.4	199.96	206.35
Start	15	38.85	24.75	34.95	29.85	55.2
Nails	8lbs	6.24	8	6	7.92	9.76
Caulk	5	19.75	18	17.5	0	14.95
Trim Nails	5lbs	18.75	22.5	19.95	0	34.4
RJ Blocks	2	7.32	9	7.96	19.98	9.54
EJ Blocksq	2	8.92	9	7.96	19.98	8.92
DryerVent	1	7.05	7	3.98	8.99	6.94
Vents	8	141.84	200	144	207.92	164.48
Fanfold	18.75 sq	242.81	275.5	231	468.56	233.43
HouseWrap	18.75 sq	75	72	131.25	187.5	131.25
Total		\$ 1,951.90	\$ 2,123.17	\$ 2,043.60	\$ 2,503.85	\$ 2,336.28
w/Any Color		749.06	743.5	768.75		749.25
Total Color		\$ 1,970.75	\$ 2,144.80	\$ 2,056.92		\$ 2,300.28
Darker Color				821.62		785.25
Total Dark				\$ 2,109.79		\$ 2,336.28
Hickory						873
Total Hickory						\$ 2,424.03

Premier Building Products-Muskegon
2151 Harvey
Muskegon, MI 49442

Premier Building Products-Grand Rapids
2544 Thornwood St. SW
Wyoming, MI 49509

ABC Supply
123 W. Sherman Blvd
Muskegon, MI 49444

Menards
5487 Harvey
Fruitport, MI 49415

Carters
2626 E. Apple Ave
Muskegon, MI 49442

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: July 27, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Walnut St., Wilcox to Thompson

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Walnut St., Wilcox to Thompson**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$12641.10 would be spread against the thirteen (13) parcels abutting the project.

BUDGET ACTION REQUIRED:

None at this time.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

July 16, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

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

NOTICE OF HEARING TO CONFIRM SPECIAL ASSESSMENT ROLL

Dear Property Owner:

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

WALNUT ST., WILCOX TO THOMPSON

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JULY 27, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JULY 27, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$30,000.00 of which \$12,641.10 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$435 based on 25 feet assessable front footage at \$17.4 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$435 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years
Interest Rate: 5% per year
First Installment: \$43.5 PER YEAR
Due Date: September 27th, 2004

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON
STREET H-1531
SHERMAN BLVD., LINCOLN ST. to BEACH ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1531
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002	
65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

SPECIAL ASSESSMENT DISTRICTS:

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- All parcels abutting Austin St. from Barney Ave. to Delano Ave.
- All parcels abutting Sherman Blvd. from Lincoln St. to Beach St.
- All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and
- All parcels abutting Walnut St from Wilcox St. to Thompson Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **July 27, 2004 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JULY 17, 2004**

ADA POLICY

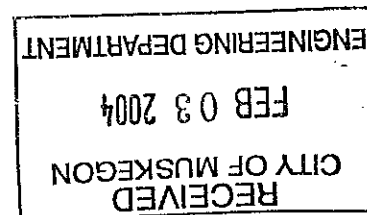
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

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

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2004-11(c)



Resolution At First Hearing Creating Special Assessment District
For **Walnut St., Wilcox to Thompson**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 27, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 27, 2004**, there were 24.09% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Warmington and Davis 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 40% 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: Shepherd, Spataro, Warmington, Carter, Davis, Gawron, Larson

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

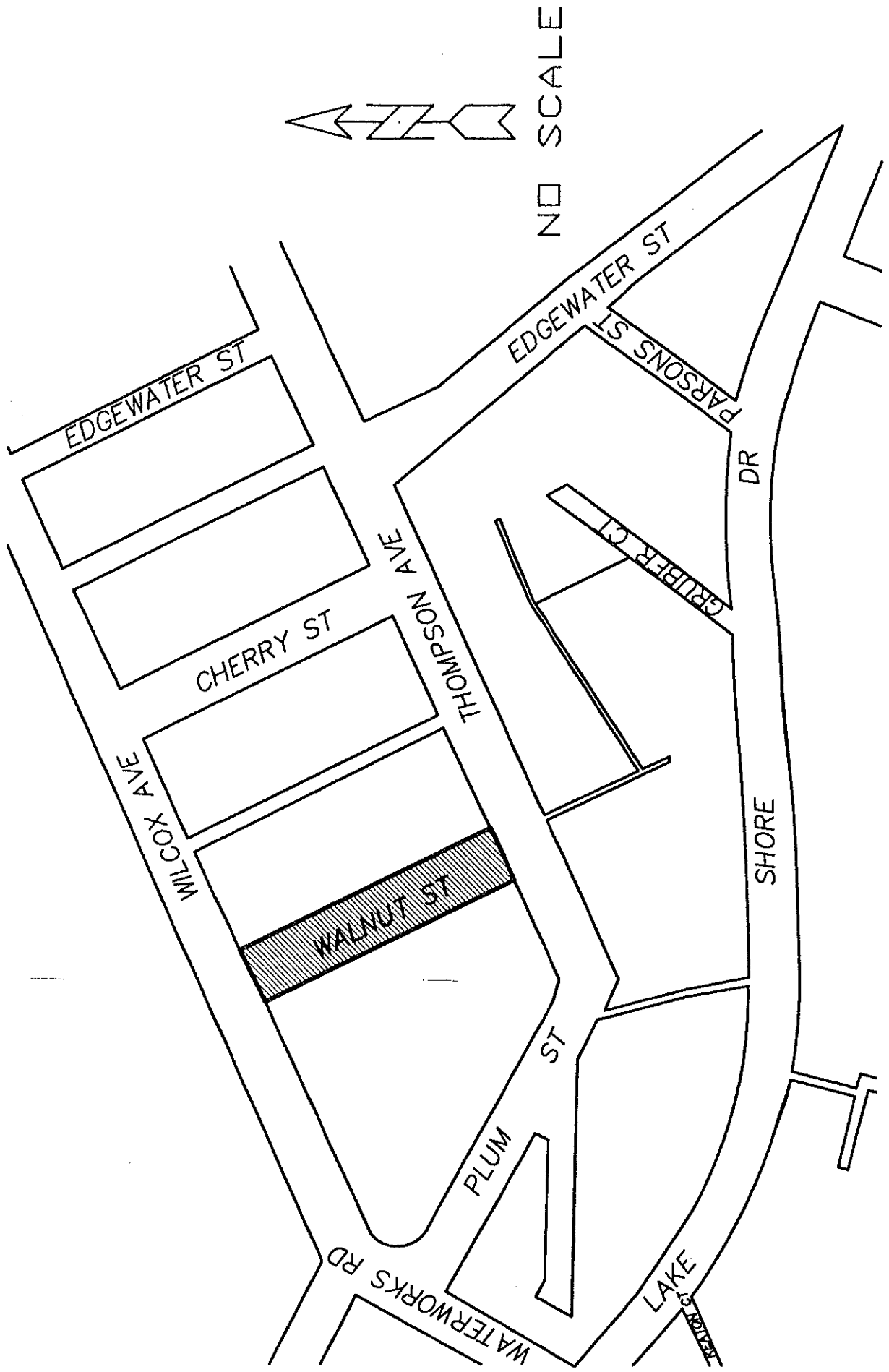
ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



WALNUT ST., WILCOX TO THOMPSON
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP		TOTAL
					/ SW		
24-205-728-0016-0	3339.0	WILCOX AVE	LEGGETT MELVIN TR 2023 ADDISON ST	MUSKEGON MI 49441	\$435.00	\$0.00	\$435.00
24-205-728-0015-0	1852.0	WALNUT ST	LEGGETT MELVIN TR 2023 ADDISON ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-728-0014-0	1860.0	WALNUT ST	KOLBERG KIRK N 1860 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-728-0012-0	1872.0	WALNUT ST	BAKKE LEON G/LINDA 1872 WALNUT ST	MUSKEGON MI 49441	\$1,740.00	\$0.00	\$1,740.00
24-205-728-0011-0	1880.0	WALNUT ST	GOFF SHIRLEY A 1880 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-728-0009-0	3320.0	THOMPSON A	UNITED PENTECOSTA 3320 THOMPSON AVE	MUSKEGON MI 49441	\$878.70	\$0.00	\$878.70
24-205-729-0001-0	1847.0	WALNUT ST	BLAKEMAN JOEL C 1847 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-729-0004-0	1851.0	WALNUT ST	PENA JESUS R/EVA M 1851 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-729-0005-0	1861.0	WALNUT ST	TORRESEN KATHLEE 1861 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-729-0006-0	1867.0	WALNUT ST	ABBOTT CHRISTOPHE 1867 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-729-0007-0	1873.0	WALNUT ST	BULLION LOYD 1873 WALNUT ST	MUSKEGON MI 49441	\$870.00	\$0.00	\$870.00
24-205-729-0008-0	1879.0	WALNUT ST	SWENSON RICHARD 1879 WALNUT ST	MUSKEGON MI 49441	\$1,740.00	\$0.00	\$1,740.00
24-205-729-0010-0	3324.0	THOMPSON A	POOL GERARD N TRU 3324 THOMPSON AVE	MUSKEGON MI 49441	\$887.40	\$0.00	\$887.40

H 1576

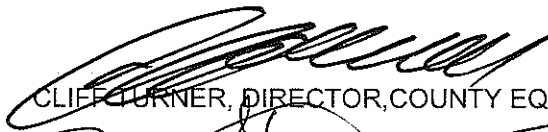
HEARING DATE JULY 27, 2004

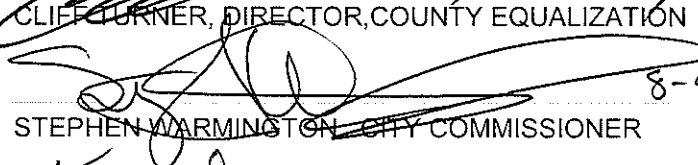
WALNUT ST., WILCOX TO THOMPSON
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$12,641.10	\$0.00	<u>\$12,641.10</u>

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

BOARD OF ASSESSORS

 07/30/04
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 8-9-04
STEPHEN WARMINGTON, CITY COMMISSIONER DATE

 28 July 04
KEVIN DAVIS CITY COMMISSIONER DATE

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Walnut St. , Wilcox St. to Thompson

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 16TH DAY OF JANUARY, 2004.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF February, 2004.

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

CITY OF MUSKEGON

Resolution No. 2004-68(a)

Resolution Confirming Special Assessment Roll

For Walnut St., Wilcox to Thompson

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 27, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Walnut St., Wilcox to Thompson

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

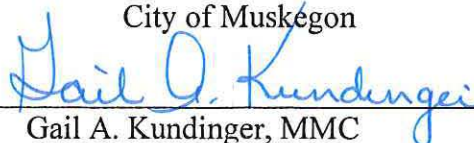
CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **July 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **July 27, 2004**.

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

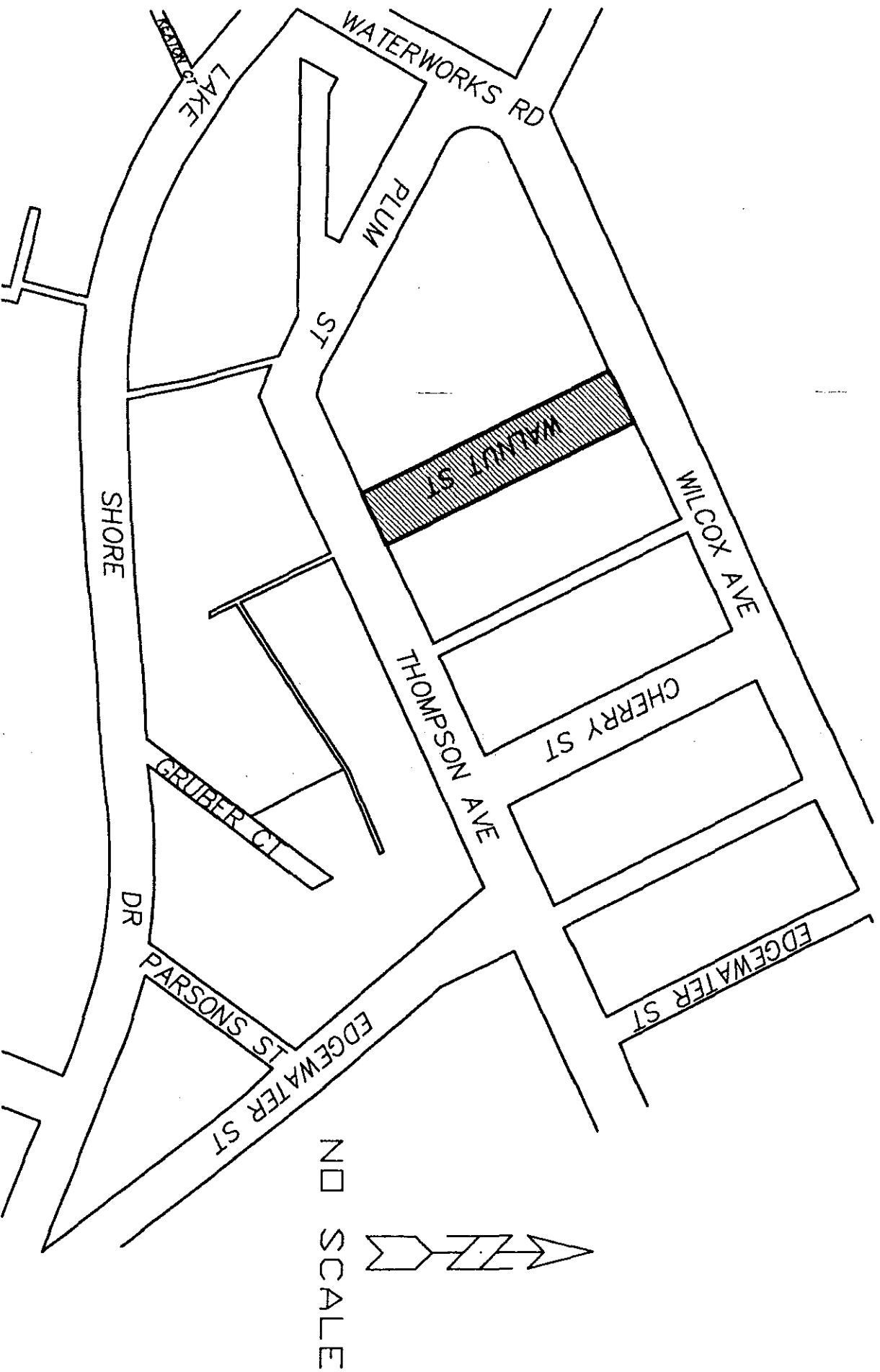
EXHIBIT A

WALNUT ST., WILCOX ST. TO THOMPSON AVE

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Walnut St., Wilcox to Thompson

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



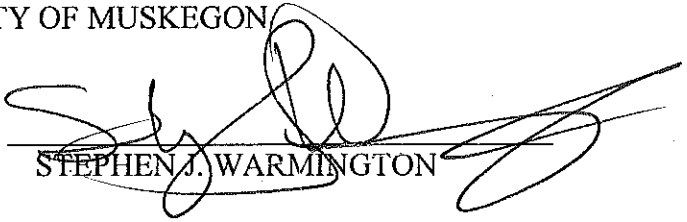
Walnut St., Wilcox to Thompson

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1576 Walnut St. , Wilcox St. to Thompson.

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 16th OF JULY, 2004

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
10th DAY OF August, 2004.

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

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: July 27, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Sherman Blvd. Lincoln to Beach

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Sherman Blvd., Lincoln to Beach**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$38,155.33 would be spread against the eighteen (18) 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:

July 16, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

2

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:

SHERMAN BLVD., LINCOLN ST. TO BEACH ST.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JULY 27, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JULY 27, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$460,000.00 of which \$38,155.33 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$3515 based on 100 feet assessable front footage at \$35.15 per assessable foot for the street improvements. In addition, you will be assessed \$0 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$3515. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$351.5 PER YEAR

Due Date: September 27th, 2004

CDBG Approved You Owe \$0.00

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mohammed Al-Shatel'.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON
STREET H-1531
SHERMAN BLVD., LINCOLN ST. to BEACH ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1531
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

SPECIAL ASSESSMENT DISTRICTS:

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- All parcels abutting Austin St. from Barney Ave. to Delano Ave.
- All parcels abutting Sherman Blvd. from Lincoln St. to Beach St.
- All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and
- All parcels abutting Walnut St from Wilcox St. to Thompson Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **July 27, 2004 at 5:30 p.m.**

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

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

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

Gail A. Kundering, City Clerk

Publish: **JULY 17, 2004**

ADA POLICY

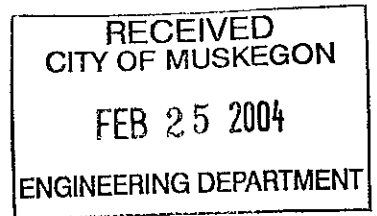
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

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

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2004-18(e)



Resolution At First Hearing Creating Special Assessment District

For **Sherman Blvd., Lincoln St. to Beach St.**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 10, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 10, 2004**, there were 60.14 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

3. The City Commission hereby appoints a Board of Assessors consisting of City Commissioners Davis and Larson 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 7.27% of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

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 **February 10, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunderger
Gail A. Kunderger, Clerk

SHERMAN BLVD., LINCOLN ST. TO BEACH ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-205-686-0008-0	2596.0	SHERMAN BLV	MURPHY CHAD/RITA L 2596 W SHERMAN BL MUSKEGON MI 49441	\$3,708.33	\$0.00	\$3,708.33
24-205-686-0010-0	2572.0	SHERMAN BLV	RAHRIG EUGENE 2572 W SHERMAN BL MUSKEGON MI 49441	\$3,515.00	\$0.00	\$3,515.00
24-205-686-0012-0	2566.0	SHERMAN BLV	KNOP MARY K 2566 W SHERMAN BL MUSKEGON MI 49441	\$3,515.00	\$0.00	\$3,515.00
24-205-686-0014-0	2550.0	SHERMAN BLV	MCMILLEN DONALD J 2550 W SHERMAN BL MUSKEGON MI 49441	\$1,757.50	\$0.00	\$1,757.50
24-205-685-0011-0	2586.0	FOUNTAIN ST	SHIELDS JAMES J 2586 FOUNTAIN ST MUSKEGON MI 49441	\$1,722.35	\$0.00	\$1,722.35
24-205-685-0012-0	2520.0	SHERMAN BLV	BENEDICT VICTORIA 2520 W SHERMAN BL MUSKEGON MI 49441	\$1,751.88	\$0.00	\$1,751.88
24-205-685-0013-0	2516.0	SHERMAN BLV	OPLINGER PAUL/SHEI 2516 W SHERMAN BL MUSKEGON MI 49441	\$1,853.81	\$0.00	\$1,853.81
24-205-685-0014-0	2510.0	SHERMAN BLV	LAIRD DONALD R TRU 2510 W SHERMAN BL MUSKEGON MI 49441	\$1,819.01	\$0.00	\$1,819.01
24-205-685-0015-0	2500.0	SHERMAN BLV	HALLMAN WENDELL M 2500 W SHERMAN BL MUSKEGON MI 49441	\$1,748.36	\$0.00	\$1,748.36
24-205-685-0016-0	2494.0	SHERMAN BLV	KAMP PAUL 2494 W SHERMAN BL MUSKEGON MI 49441	\$1,819.01	\$0.00	\$1,819.01
24-205-685-0017-0	2488.0	SHERMAN BLV	MASKELL ROBERT M 2488 W SHERMAN BL MUSKEGON MI 49441	\$1,818.66	\$0.00	\$1,818.66
24-205-685-0018-0	2480.0	SHERMAN BLV	JACOBSON MARK L 2480 W SHERMAN BL MUSKEGON MI 49441	\$1,748.36	\$0.00	\$1,748.36
24-205-685-0019-0	2474.0	SHERMAN BLV	BARDING JACK 2474 W SHERMAN BL MUSKEGON MI 49441	\$1,817.26	\$0.00	\$1,817.26
24-205-685-0020-0	2587.0	GROVE ST	MORTENSON MARGA 2587 GROVE ST MUSKEGON MI 49441	\$1,757.50	\$0.00	\$1,757.50
24-205-670-0007-0	2442.0	SHERMAN BLV	ONSTOTT MELVIN 2442 W SHERMAN BL MUSKEGON MI 49441	\$3,515.00	\$0.00	\$3,515.00
24-205-670-0009-0	2432.0	SHERMAN BLV	HARKER ANNE M 2432 W SHERMAN BL MUSKEGON MI 49441	\$1,652.05	\$0.00	\$1,652.05
24-205-670-0010-0	2414.0	SHERMAN BLV	MOAT JOSEPH B 836 DYKSTRA RD MUSKEGON MI 49445	\$2,636.25	\$0.00	\$2,636.25
24-205-694-0001-0	2801.0	LAKESHORE D	MUSKEGON COUNTR 2801 LAKESHORE DR MUSKEGON MI 49441	\$0.00	\$0.00	\$0.00

H 1531

HEARING DATE JULY 27, 2004

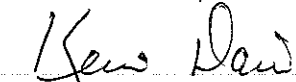
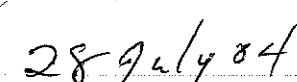
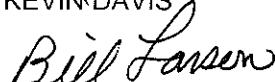
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$38,155.33	\$0.00	<u>\$38,155.33</u>

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

BOARD OF ASSESSORS

	
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION	DATE
	
KEVIN DAVIS	CITY COMMISSIONER DATE
	
BILL LARSON	CITY COMMISSIONER DATE

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Sherman Blvd.; Lincoln St. to Beach 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 30TH DAY OF JANUARY, 2004.

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
11th DAY OF February, 2004.

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

①

Sherman

7-26-04

Muskegon City Commission,

My name is Melvin
Ouston, I am 62 yrs. old and
live at 2442 West Sherman
Blvd. I cannot be at the
meeting because I have to
work.

Anyway I want you to
know I object the special
assessment of 3515.00 on my
frontage.

With all the taxes that I
pay, this is not necessary.
Federal, State, Local, property,
gasoline, sales, City income
taxes, where does it end?

Also the golf course didn't
have to pay anything, because
of not having an entrance or
exit onto Sherman.

Well a few years ago I

(2)

7-26-04

paid to have my side road
which is Grove St. done
and I didn't have an entrance
or exit.

Where is the fairness?

Also the paving of Sherman
was voted down, we were
told every vote counts!
(For what?)

Also when the City income
tax was passed several years
ago, it was front page
news and I quote you
people saying "Watch us go
on the roads now with the
extra money"

I could go on, but I think
I made my point,

Thank you,
Frederic Orsott

CITY OF MUSKEGON

Resolution No. 2004-68(b)

Resolution Confirming Special Assessment Roll

For Sherman Blvd. Lincoln to Beach

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 10, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Sherman Blvd., Lincoln to Beach

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: Larson, Shepherd, Spataro, Warmington, Carter, Davis, and Gawron

Nays: None

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **July 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **July 27, 2004**.

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

EXHIBIT A

Sherman Blvd., Lincoln St. to Beach St.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Sherman Blvd., Lincoln St. to Beach St..

The map is titled "LOCATION MAP" at the top center. It shows the Muskegon Country Club Golf Course as a large rectangular area in the center. To the north of the golf course is Muskegon Lake, with a north arrow pointing upwards. To the west of the golf course is Lake Michigan, shown as a body of water with a wavy line. To the east of the golf course is a residential area with a grid of streets. The streets are labeled: "MUSKEGON ST" at the top, "MUSKEGON AVE" below it, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, "MUSKEGON AVE" below that, and "MUSKEGON AVE" at the bottom. A shaded area at the bottom of the map is labeled "PROJECT LOCATION".

PROJECT LOCATION

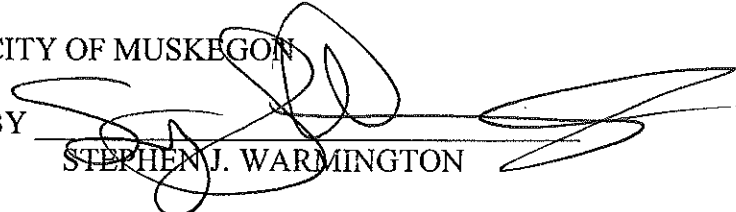
Sherman Blvd., Lincoln to Beach

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1531 Sherman Blvd. , Lincoln St. to Beach 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 16th OF JULY, 2004

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
10th DAY OF August, 2004.

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

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: July 27, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Torrent St., Sherman to Letart

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **TORRENT ST., LETART AVE. TO SHERMAN BLVD**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$11,572.54 would be spread against the four (4) 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:

July 16, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

Property Parcel Number: 24-XXX-XXX-XXXX-XX at 1916.0 W SHERMAN BLVD

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:

TORRENT ST., LeTART AVE. TO SHERMAN BLVD.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JULY 27, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JULY 27, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$64,000.00 of which \$8,808.24 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$2210.94 based on 62.9 feet assessable front footage at \$35.15 per assessable foot for the street improvements. In addition, you will be assessed \$829.3 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$3040.24. Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$304.02 PER YEAR

Due Date: September 27th, 2004

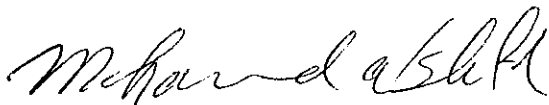
The total assessment may be paid in full any time prior to the due date shown above without interest being charged. After this date, interest will be charged at the rate shown above on the outstanding balance. Assessments also may be paid over a ten year period in ten equal principal installments. If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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON
STREET H-1531
SHERMAN BLVD., LINCOLN ST. to BEACH ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she **owns and occupies** the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1531
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

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

V. Additional Special Assessment Payment Assistance

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

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

SPECIAL ASSESSMENT DISTRICTS:

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- All parcels abutting Austin St. from Barney Ave. to Delano Ave.
- All parcels abutting Sherman Blvd. from Lincoln St. to Beach St.
- All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and
- All parcels abutting Walnut St from Wilcox St. to Thompson Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **July 27, 2004 at 5:30 p.m.**

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

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

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

Gail A. Kunding, City Clerk

Publish: **JULY 17, 2004**

ADA POLICY

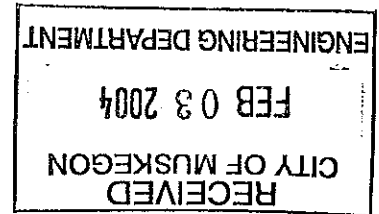
The City will provide necessary appropriate auxiliary aids and services, for example, signers for the hearing impaired, audiotapes for the visually impaired, etc., for disabled persons who want to attend the meeting, upon twenty-four hours notice to the City. Contact:

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

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2004-11(a)



Resolution At First Hearing Creating Special Assessment District
For **TORRENT ST., LETART AVE. TO SHERMAN BLVD.**
Location and Description of Properties to be Assessed:
See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **January 27, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **January 27, 2004**, there were 24.91% objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

Commissioners Davis and Larson 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 **15.73%** 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: Gawron, Larson, Shepherd, Spataro, Warmington, Carter, Davis

Nays: None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

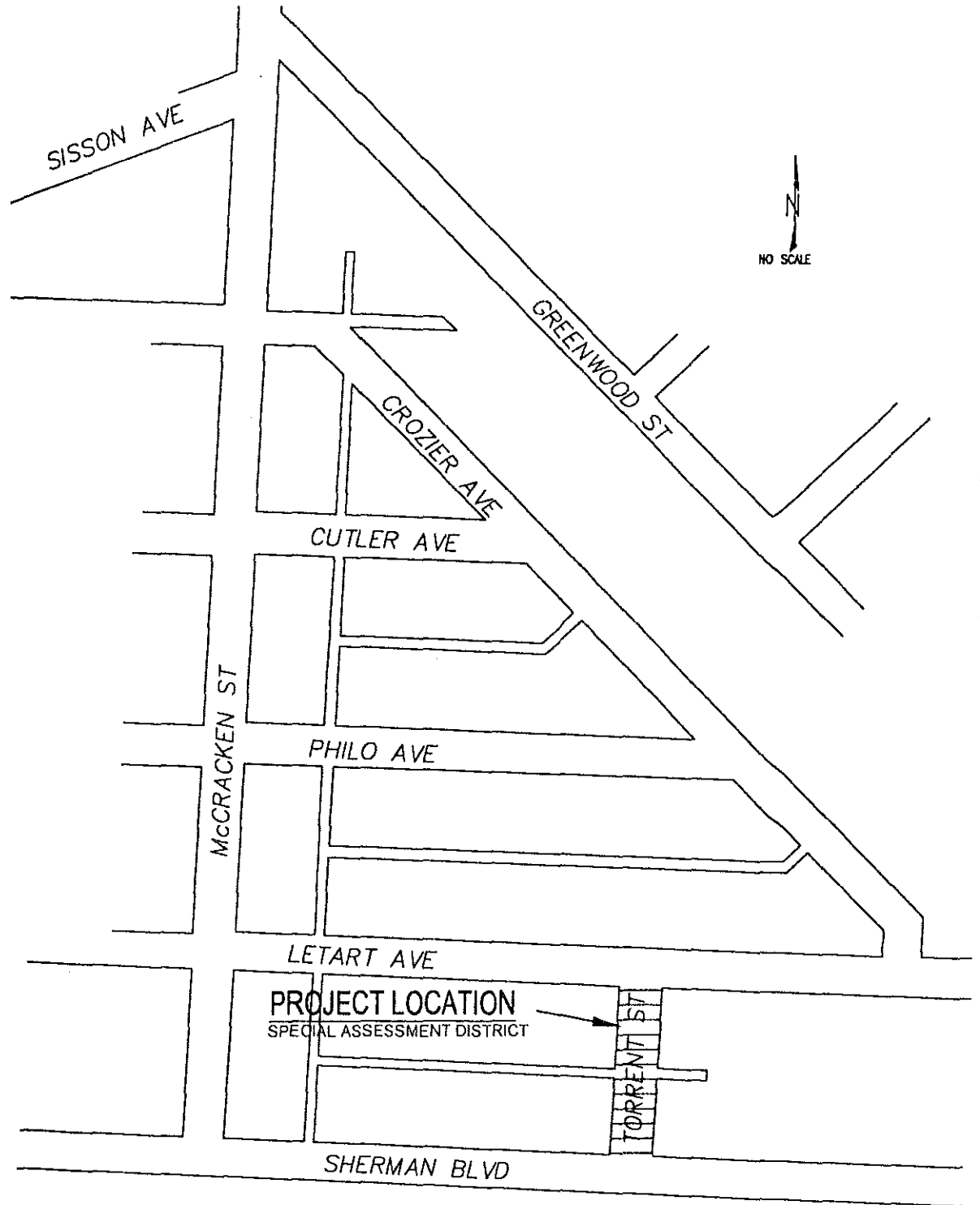
ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **January 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Torrent St. Sherman Blvd to LeTart 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 16TH DAY OF JANUARY, 2004.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
2nd DAY OF February, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 7-25-06

TORRENT ST., LETART AVE. TO SHERMAN BLVD.

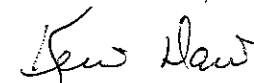
SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-645-000-0017-0	1916.0	SHERMAN BLV	SHEDD GARY/BETTY 550 W NORTON MUSKEGON MI 49444	\$2,210.94	\$829.30	\$3,040.24
24-645-000-0030-0	1909.0	LETART AVE	COVELL DOMINIC 1909 LETART MUSKEGON MI 49441	\$2,194.06	\$934.50	\$3,128.56
24-645-000-0018-0	1892.0	SHERMAN BLV	VANKLOMPENBERG K 1892 W SHERMAN BL MUSKEGON MI 49441	\$2,210.94	\$0.00	\$2,210.94
24-645-000-0029-0	1891.0	LETART AVE	BAILEY KRISTI A 1891 LETART AVE MUSKEGON MI 49441	\$2,192.31	1,000.50	\$3,192.81
TOTALS				\$8,808.24	\$2,764.30	<u>\$11,572.54</u>

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

BOARD OF ASSESSORS

 7/30/04
 CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION / DATE

 28 July 04
 KEVIN DAVIS CITY COMMISSIONER / DATE


 BILL LARSON CITY COMMISSIONER / DATE

CITY OF MUSKEGON

Resolution No. 2004-68(c)

Resolution Confirming Special Assessment Roll

For TORRENT ST., LETART AVE. TO SHERMAN BLVD.

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 27, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR TORRENT ST., LETART AVE. TO SHERMAN BLVD

Continued...

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

This resolution passed.

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

Nays: None

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **July 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **July 27, 2004**.

City of Muskegon

By



Gail A. Kunderinger, MMC
City Clerk

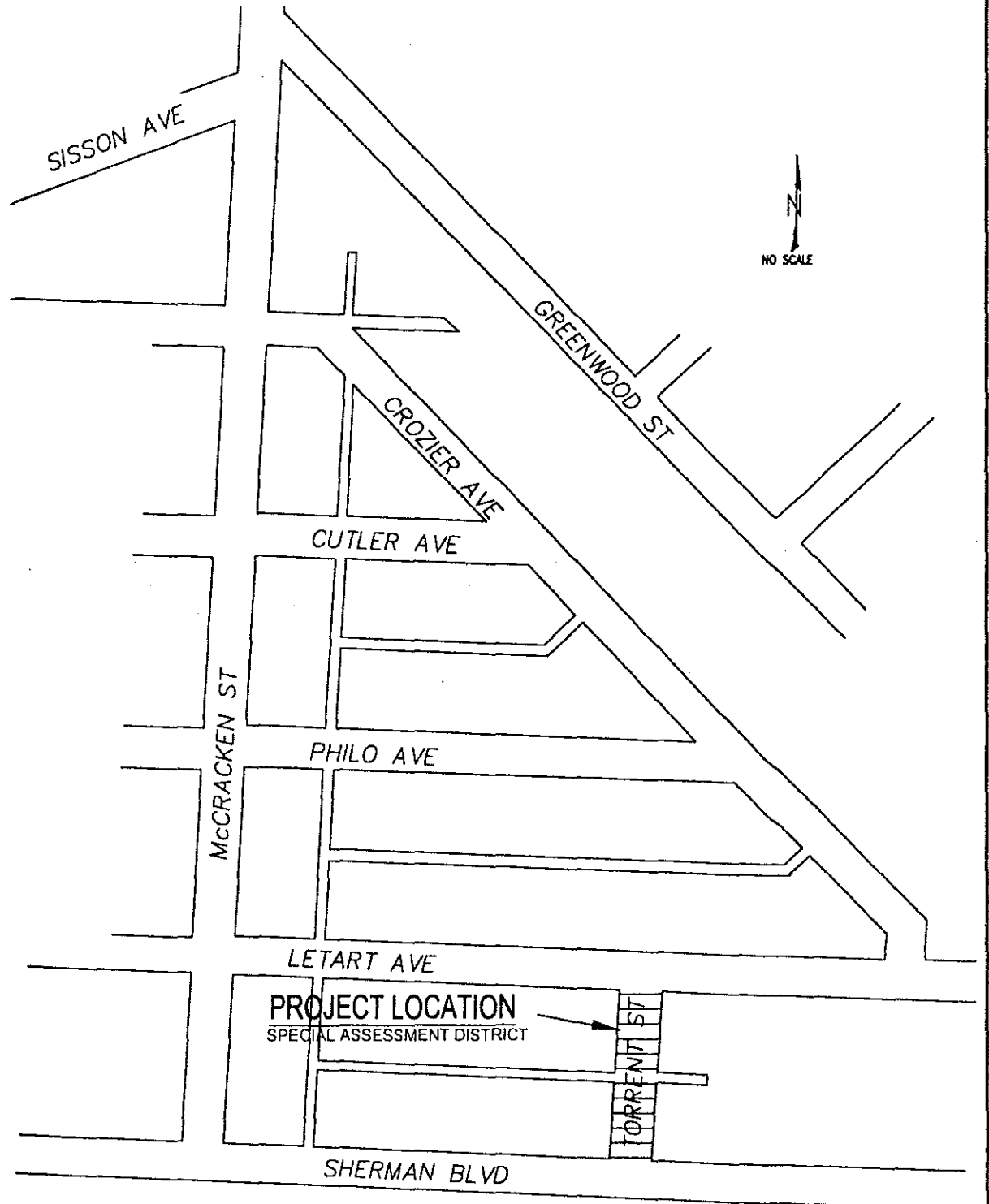
EXHIBIT A

TORRENT ST., LETART AVE. TO SHERMAN BLVD.

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Torrent St., Letart to Sherman Blvd.

EXHIBIT "A" SPECIAL ASSESSMENT DISTRICT



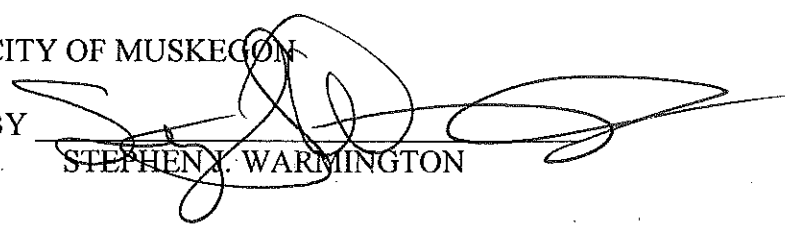
TORRENT ST., LETART AVE. TO SHERMAN BLVD

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1583 Torrent St. , Letart to Sherman Blvd.

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 16th OF JULY, 2004

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
10th DAY OF August, 2004.

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

TO: Honorable Mayor and City Commissioners

FROM: Engineering

DATE: July 27, 2004

RE: Public Hearing
Spreading of the Special Assessment Roll
Austin Barney to Delano

SUMMARY OF REQUEST:

To hold a public hearing on the spreading of the special assessment for **Austin, Barney to Delano**, and to adopt the attached resolution confirming the special assessment roll.

FINANCIAL IMPACT:

A total of \$54,002.10 would be spread against the forty -seven-(47) 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:

July 16, 2004

OWNERS NAME
OWNERS ADDRESS
OWNERS CITY, OWNERS STATE OWNERS ZIPCODE

32

Property Parcel Number: 24-XXX-XXX-XXXX-XX at PROPERTYADDRESS & 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:

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

Public Hearings

A public confirmation hearing will be held in the City of Muskegon Commission Chambers on Tuesday, JULY 27, 2004 at 5:30 P.M. You are entitled to appear at this hearing, either in person, by agent or in writing to express your opinion, approval, or objection concerning the special assessment. Written appearances or objections must be made at or prior to the hearing.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PROTEST YOUR ASSESSMENT EITHER IN WRITING OR IN PERSON AT THE HEARING. ALSO, IF THE SPECIAL ASSESSMENT IS CONFIRMED JULY 27, 2004 YOU WILL HAVE THIRTY (30) DAYS FROM THE DATE OF THE CONFIRMATION TO FILE A WRITTEN APPEAL WITH THE MICHIGAN TAX TRIBUNAL (517-334-6521). HOWEVER, UNLESS YOU PROTEST AT THIS HEARING EITHER IN WRITING OR BY AGENT, OR IN WRITING BEFORE OR AT THE HEARING, YOUR RIGHT TO APPEAL TO THE MICHIGAN TAX TRIBUNAL WILL BE LOST.

Costs

The final projected cost of the street improvement portion of the project is \$120,000.00 of which \$54,002.10 will be paid by special assessment. If the special assessment is confirmed, your property will be assessed \$932.43 based on 51.43 feet assessable front footage at \$18.13 per assessable foot for the street improvements. In addition, you will be assessed \$347.48 for driveway approach and/or sidewalk improvements made to your property for a total special assessment cost of \$1279.91 Following are the terms of the special assessment:

Assessment Period: Ten (10) Years

Interest Rate: 5% per year

First Installment: \$127.99 PER YEAR

Due Date: September 27th, 2004

CDBG Approved You Owe \$0.00

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Al-Shatel', written in a cursive style.

Mohammed Al-Shatel, P.E.
City Engineer

Enclosures

CITY OF MUSKEGON
STREET H-1531
SHERMAN BLVD., LINCOLN ST. to BEACH ST.
CDBG APPLICATION FOR WAIVER OF SPECIAL ASSESSMENT

HOUSEHOLD INFORMATION

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

(Please refer to your assessment letter for this information)

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

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

INCOME INFORMATION

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

PROPERTY INFORMATION

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

OWNER'S SIGNATURE

Owner's Signature: _____ **Date:** _____
By signing this application, the applicant verifies he/she owns and occupies the dwelling. The Applicant/Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant/Owner's knowledge and belief. The property owner's signature will be required prior to the application being processed. **NO APPLICATION WILL BE ACCEPTED AFTER APRIL 15, 2004**

FOR OFFICE USE ONLY

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

****ATTENTION APPLICANT****

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

**CITY OF MUSKEGON
STREET- H-1531
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
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 2003, pension or other benefit checks, bank statements for direct deposits or agency statements for all household income.

2002

65% MEDIAN HOUSEHOLD INCOME CHART	
FAMILY SIZE	INCOME LIMIT
1	\$27,885
2	31,850
3	35,880
4	39,845
5	43,030
6	46,326
7	49,400
8	52,585
For each extra, add	3,185

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

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

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

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

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

Special Assessment Payment Options

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

I. Lump Sum Payment in Full

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

II. Installment Payments

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

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

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

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

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

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

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

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

IV. Further Information About the Above Programs

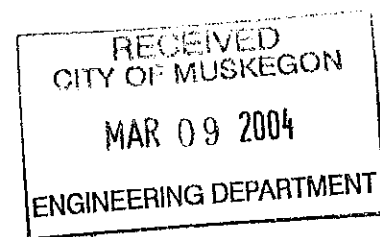
Further information about any of the above payment options may be obtained by calling either the **City Assessor's Office at 724-6708** or the **City Treasurer's Office at 724-6720**. Applications may be obtained at the Muskegon County Equalization Office in the Muskegon County building or City of Muskegon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

V. Additional Special Assessment Payment Assistance

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

CITY OF MUSKEGON

Resolution No. 2004-23(c)



Resolution At First Hearing Creating Special Assessment District

For **Austin, Barney to Delano**

Location and Description of Properties to be Assessed:

See Exhibit A attached to this resolution

RECITALS:

1. A hearing has been held on **February 24, 2004** at 5:30 o'clock p.m. at the City Commission Chambers. Notice was given by mail and publication as required by law.
2. That estimates of costs of the project, a feasibility report and valuation and benefit information are on file with the City and have been reviewed for this hearing.
3. At the hearing held **February 24, 2004**, there were 38.70 % objections by the owners of the property in the district registered at the hearing either in writing received before or at the hearing or by owners or agents present at the hearing, and the Commission has considered the advisability of proceeding with the project.

FINDINGS:

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

THEREFORE, BE IT RESOLVED:

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

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

4. Based on the City's Special Assessment policy and preliminary estimates it is expected that approximately **53.54%** of the cost of the street improvement will be paid by special assessments.
5. Upon submission of the special assessment roll, the City staff is hereby directed to notify all owners and persons interested in properties to be assessed of the hearing at which the City Commission will consider confirmation of the special assessment roll.

This resolution adopted.

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

Nays None

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

ACKNOWLEDGMENT

This resolution was adopted at a meeting of the City Commission, held on **February 24, 2004**.
The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CREATE A SPECIAL ASSESSMENT DISTRICT FOR THE FOLLOWING:

Austin St. Barney Ave. to Delano 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 13TH DAY OF FEBRUARY, 2004.

Gail A. Kunding
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
29th DAY OF February, 2004.

Linda S. Potter
NOTARY PUBLIC, MUSKEGON COUNTY, MICHIGAN
MY COMMISSION EXPIRES 2-25-06

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

SPECIAL ASSESSMENT DISTRICTS:

**AUSTIN ST., BARNEY AVE. TO DELANO AVE.
SHERMAN BLVD., LINCOLN ST. TO BEACH ST.
TORRENT ST., LETART AVE. TO SHERMAN BLVD.
AND
WALNUT ST., WILCOX ST. TO THOMPSON AVE.**

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

- All parcels abutting Austin St. from Barney Ave. to Delano Ave.
- All parcels abutting Sherman Blvd. from Lincoln St. to Beach St.
- All parcels abutting Torrent St. from Letart Ave. to Sherman Blvd.
and
- All parcels abutting Walnut St from Wilcox St. to Thompson Ave.

PLEASE TAKE NOTICE that a hearing to confirm the special assessment rolls will be held at the City of Muskegon Commission Chambers on **July 27, 2004 at 5:30 p.m.**

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

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

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

Gail A. Kundering, City Clerk

Publish: **JULY 17, 2004**

ADA POLICY

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

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

Acct# 643-60447-5267

CITY OF MUSKEGON

Resolution No. 2004-68(d)

Resolution Confirming Special Assessment Roll

For Austin St. Barney to Delano

Properties Assessed: See Exhibit A attached to this resolution.

RECITALS:

1. The City Commission determined to create a special assessment district covering the Properties set forth in Exhibit A attached to this resolution on **February 24, 2004**, at the first hearing.
2. The City has reviewed the special assessment roll which purports to levy a special assessment in the said district, levying on each property a portion of the cost which has been determined to be appropriate, considering the improvements, the benefit to the assessed properties, and the policies of the City.
3. The City Commission has received final bids for the construction and/or installation of the improvements and determines it to be fair and reasonable.
4. The City Commission has heard all objections to the roll filed before or at the hearing.

THEREFORE, BE IT RESOLVED:

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

RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL

FOR Austin St. Barney to Delano

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: Spataro, Warmington, Carter, Davis, Gawron, Larson, and Shepherd

Nays: None

City of Muskegon

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on **July 27, 2004**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

Further, I hereby certify that the special assessment roll referred to in this resolution was confirmed on this date, being **July 27, 2004**.

City of Muskegon

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

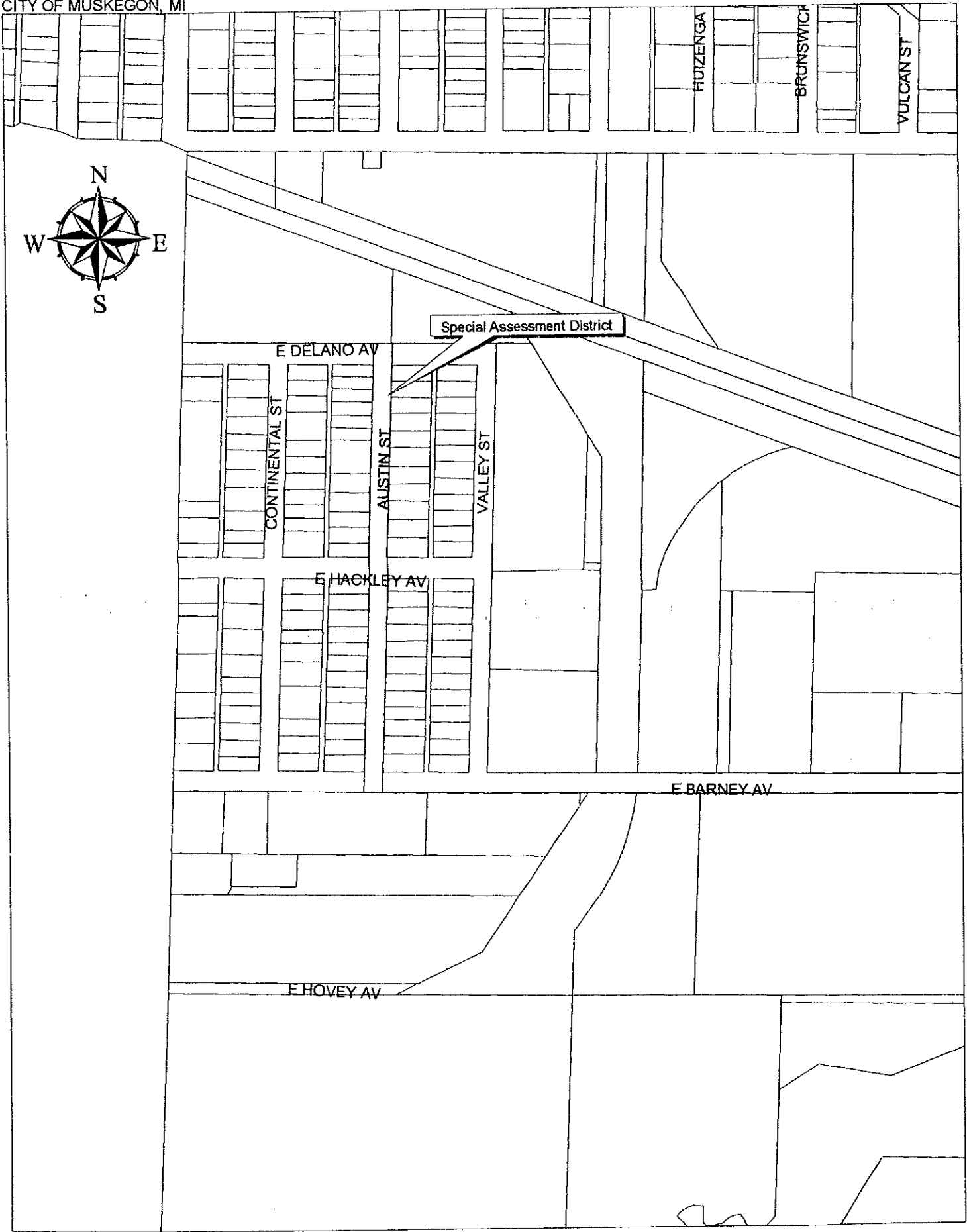
EXHIBIT A

AUSTIN FROM BARNEY TO DELANO

SPECIAL ASSESSMENT DISTRICT

All properties abutting that section of Austin from Barney to Delano

SPECIAL ASSESSMENT DISTRICT
CITY OF MUSKEGON, MI



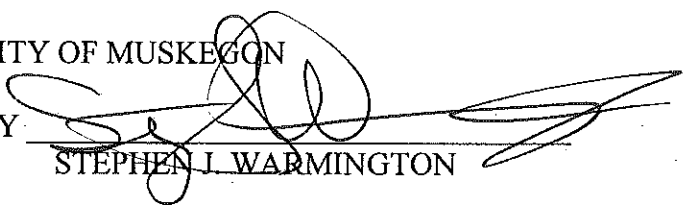
AUSTIN ST. BARNEY TO DELANO

MAYOR'S ENDORSEMENT AND WARRANT

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

CITY OF MUSKEGON

BY


STEPHEN J. WARMINGTON

AFFIDAVIT OF MAILING

STATE OF MICHIGAN)
) SS
COUNTY OF MUSKEGON)

TO CONFIRM THE SPECIAL ASSESSMENT DISTRICT FOR :

H-1576 Walnut St. , Wilcox St. to Thompson.

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 16th OF JULY, 2004

Gail A. Kunderger
GAIL A. KUNDINGER, CITY CLERK

SUBSCRIBED AND SWORN TO BEFORE ME THIS
10th DAY OF August, 2004.

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

Clark

H 1544

HEARING DATE JULY 27, 2004

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-860-000-0091-0	2295.0 AUSTIN ST	BROOKS TONIE D	2295 AUSTIN ST MUSKEGON MI 49444	\$907.59	\$0.00	\$907.59
24-860-000-0092-0	2285.0 AUSTIN ST	ANDERSON DORIS L/R	2285 AUSTIN STREET MUSKEGON MI 49442	\$907.59	\$307.09	\$1,214.68
24-860-000-0094-0	2283.0 AUSTIN ST	RICE MARK A/CHRISTI	2283 AUSTIN ST MUSKEGON MI 49442-0	\$907.59	\$307.09	\$1,214.68
24-860-000-0095-0	2279.0 AUSTIN ST	JOHNSON CHESTER	3300 BAKER ST MUSKEGON HTMI 49444	\$1,133.13	\$378.19	\$1,511.32
24-860-000-0096-0	2263.0 AUSTIN ST	BUSMAN DANIEL A	3845 FOREST EDGE MUSKEGON MI 49442	\$906.50	\$352.64	\$1,259.14
24-860-000-0098-0	2253.0 AUSTIN ST	CITICORP TRUST BAN	7467 NEW RIDGE RD HANOVER MD 21076	\$906.50	\$352.64	\$1,259.14
24-860-000-0099-0	2243.0 AUSTIN ST	R & R ESTATES LLC	3232 GLADE ST MUSKEGON HTMI 49444	\$906.50	\$363.15	\$1,269.65
24-860-000-0100-0	2239.0 AUSTIN ST	KITCHENS OTHELL	2239 AUSTIN MUSKEGON MI 49442	\$725.20	\$312.86	\$1,038.06
24-860-000-0101-0	2231.0 AUSTIN ST	BILLINGS ROBERT L	P.O. BOX 4483 MUSKEGON MI 49444	\$906.50	\$312.86	\$1,219.36
24-860-000-0102-0	2223.0 AUSTIN ST	SZOST PROPERTIES L	2410 W BARD RD MUSKEGON MI 49445	\$906.50	\$364.38	\$1,270.88
24-860-000-0104-0	2215.0 AUSTIN ST	SZOST PROPERTIES L	2410 W BARD RD MUSKEGON MI 49445	\$906.50	\$355.73	\$1,262.23
24-860-000-0105-0	2207.0 AUSTIN ST	PARKER GERALDINE	4228 HALL RD MUSKEGON MI 49442	\$906.50	\$0.00	\$906.50
24-860-000-0106-0	886.0 HACKLEY AVE	WILLIAMS VICTORIA A	886 E HACKLEY AVE MUSKEGON MI 49444	\$805.15	\$0.00	\$805.15
24-860-000-0107-0	2183.0 AUSTIN ST	JEMISON JOYCE	2183 AUSTIN ST MUSKEGON MI 49444	\$906.50	\$373.25	\$1,279.75
24-860-000-0108-0	2177.0 AUSTIN ST	SIMS JIMMY L JR	2177 AUSTIN ST MUSKEGON MI 49444	\$906.50	\$367.27	\$1,273.77
24-860-000-0110-0	2167.0 AUSTIN ST	GRANITE INVESTMEN	7211 HARVEY ST SPRING LAKE MI 49456	\$1,087.80	\$363.56	\$1,451.36
24-860-000-0111-0	2161.0 AUSTIN ST	LEE LINWOOD/LOUISE	3735 HIGHGATE RD MUSKEGON MI 49441	\$1,087.80	\$366.24	\$1,454.04
24-860-000-0113-0	2145.0 AUSTIN ST	GLEASON CLYDE A/M	2145 AUSTIN ST MUSKEGON MI 49444	\$1,813.00	\$353.67	\$2,166.67

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-860-000-0115-0	2137.0	AUSTIN ST	LABAN JOSEPH B II/Z 7879 EVANSTON AVE MUSKEGON MI 49442	\$725.20	\$0.00	\$725.20
24-860-000-0116-0	2131.0	AUSTIN ST	BAYMARK HOMES LLC 5479 PINE BLUFF LN MUSKEGON MI 49441	\$725.20	\$0.00	\$725.20
24-860-000-0117-0	2127.0	AUSTIN ST	FONDREN JOSHUA 2131 AUSTIN MUSKEGON MI 49444	\$725.20	\$0.00	\$725.20
24-860-000-0118-0	2121.0	AUSTIN ST	BILLINGS ROBERT III/K 2121 AUSTIN ST MUSKEGON MI 49444	\$725.20	\$0.00	\$725.20
24-860-000-0119-0	2115.0	AUSTIN ST	MALLARD MARY A 2115 AUSTIN ST MUSKEGON MI 49444	\$725.20	\$0.00	\$725.20
24-860-000-0120-0	2109.0	AUSTIN ST	DOHNAL CHRISTOPH 2109 AUSTIN ST 2 MUSKEGON MI 49444	\$725.20	\$0.00	\$725.20
24-860-000-0150-0	2294.0	AUSTIN ST	PRIETO ELVIRA 2294 AUSTIN MUSKEGON MI 49444	\$982.83	1,249.79	\$2,232.62
24-860-000-0149-0	2284.0	AUSTIN ST	REID CARY E 2284 AUSTIN ST MUSKEGON MI 49444	\$982.65	\$341.00	\$1,323.65
24-860-000-0147-0	2278.0	AUSTIN ST	GRISSOM HERBERT H 2278 AUSTIN ST MUSKEGON MI 49444	\$982.65	\$358.00	\$1,340.65
24-860-000-0146-0	2270.0	AUSTIN ST	BILLINGS ROBERT II 2263 VALLEY ST MUSKEGON MI 49444	\$725.20	\$0.00	\$725.20
24-860-000-0145-0	2262.0	AUSTIN ST	DILL RONALD H/TINA 2262 AUSTIN ST MUSKEGON MI 49444	\$932.43	\$277.99	\$1,210.42
24-860-000-0142-0	2248.0	AUSTIN ST	BILLINGS ROBERT L 2263 VALLEY ST MUSKEGON MI 49444	\$932.43	\$331.41	\$1,263.84
24-860-000-0141-0	2240.0	AUSTIN ST	CITY OF MUSKEGON 933 TERRACE ST MUSKGEON MI 49443-0	\$932.24	\$0.00	\$932.24
24-860-000-0140-0	2232.0	AUSTIN ST	ANDERSON CLARICE 2232 AUSTIN ST MUSKEGON MI 49444	\$932.43	\$347.48	\$1,279.91
24-860-000-0138-0	2224.0	AUSTIN ST	AMERICAN GENERAL 1910 E APPLE AVE ST MUSKEGON MI 49442	\$932.43	\$339.45	\$1,271.88
24-860-000-0137-0	2216.0	AUSTIN ST	GUERRERO ROBERT 2216 AUSTIN ST MUSKEGON MI 49444	\$932.43	\$0.00	\$932.43
24-860-000-0136-0	2208.0	AUSTIN ST	ROBINSON LINDA D 2208 AUSTIN ST MUSKEGON MI 49442	\$725.20	\$0.00	\$725.20
24-860-000-0135-0	916.0	HACKLEY AVE	RICE SHARON LOVE 916 E HACKLEY AVE MUSKEGON MI 49444	\$1,171.74	\$0.00	\$1,171.74

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
24-860-000-0133-0	2184.0	AUSTIN ST	ACHTERHOFF JOHN E 1065 4TH ST STE B	MUSKEGON MI 49440	\$1,015.28 \$350.78	\$1,366.06
24-860-000-0132-0	2174.0	AUSTIN ST	WEST MAN LLC 4648 SUSAN	MUSKEGON MI 49441	\$1,015.28 \$345.84	\$1,361.12
24-860-000-0130-0	2164.0	AUSTIN ST	N & N ASSOCIATES LL 420 CARMEN DRIVE	SPRING LAKE MI 49456	\$1,015.28 \$343.57	\$1,358.85
24-860-000-0129-0	2156.0	AUSTIN ST	NIELSEN ROGER/JUA 420 CARMEN DR	SPRING LAKE MI 49456	\$942.76 \$0.00	\$942.76
24-860-000-0128-0	2148.0	AUSTIN ST	CHAPMAN SHERRY 2148 AUSTIN ST	MUSKEGON MI 49444	\$1,087.80 \$0.00	\$1,087.80
24-860-000-0126-0	2142.0	AUSTIN ST	ODNEAL WILLIE B 2142 AUSTIN ST	MUSKEGON MI 49444	\$942.76 \$358.85	\$1,301.61
24-860-000-0125-0	2132.0	AUSTIN ST	TOWNSEND DARLEEN 3355 HOYT ST	MUSKEGON MI 49444	\$942.76 \$0.00	\$942.76
24-860-000-0124-0	2124.0	AUSTIN ST	COLE PATRICIA 2124 AUSTIN ST	MUSKEGON MI 49444	\$942.76 \$0.00	\$942.76
24-860-000-0123-0	2116.0	AUSTIN ST	HERRON ALLEN 2116 AUSTIN ST	MUSKEGON MI 49444	\$942.76 \$0.00	\$942.76
24-860-000-0121-0	2108.0	AUSTIN ST	WARE FULTON 2108 AUSTIN ST	MUSKEGON MI 49444	\$942.76 \$0.00	\$942.76
24-860-000-0144-0	2256.0	AUSTIN ST	ERICKSON ROBERT S 2256 AUSTIN ST	MUSKEGON MI 49444	\$932.43 \$355.52	\$1,287.95

H 1544

HEARING DATE JULY 27, 2004

AUSTIN ST., BARNEY AVE. TO DELANO AVE.

SPECIAL ASSESSMENT ROLL

PARCEL	@	OWNER	MAILING ADDRESS	PAVING	DR APP / SW	TOTAL
TOTALS				\$43,771.80	10,230.30	<u>\$54,002.10</u>

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

BOARD OF ASSESSORS

 8/11/04
CLIFF TURNER, DIRECTOR, COUNTY EQUALIZATION DATE

 8/12/04
CHRIS CARTER CITY COMMISSIONER DATE

 8-11-04
STEPHEN GAWRON CITY COMMISSIONER DATE

Commission Meeting Date: July 13, 2004

Date: May 17, 2004
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
**RE: Public Hearing for Amendments to Brownfield
Plan- Art Works Apartments**

SUMMARY OF REQUEST: To hold a public hearing and approve the attached resolution approving and adopting amendments for the Brownfield Plan. The amendments are for the inclusion of property owned by Boiler Works, LLC in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in approving the Brownfield Plan amendments, although the redevelopment of the property into an Art Works space (with residential and gallery space) will add to the tax base of the City of Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Muskegon City Commission set the public hearing for July 13, 2004, at their June 22, 2004 meeting. Since that time, a notice of the public hearing has been sent to taxing jurisdictions, and it has been published twice in the Muskegon Chronicle. In addition, the Brownfield Redevelopment Authority approved the Plan amendment on June 21, 2004 and further recommends that the Muskegon City Commission approve the Plan amendment.

**RESOLUTION APPROVING THE BROWNFIELD PLAN AMENDMENT
ART WORKS APARTMENTS PROJECT**

City of Muskegon

County of Muskegon, Michigan

2004-69(a)

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City Commission Chambers, on the 27th day of July, 2004, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT: Members

Warmington, Carter, Davis, Gawron, Larson, Shepherd, and

Spataro

ABSENT: Members

None

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

WHEREAS, in accordance with the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), the City of Muskegon Brownfield Redevelopment Authority (the "Authority") has prepared and approved a Brownfield Plan Amendment to add the Art Works Apartments project; and

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

WHEREAS, the City Commission has provided notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the Brownfield Plan Amendment, as required by Act 381; and

WHEREAS, not less than 20 days has passed since the City Commission provided notice of the proposed Brownfield Plan to the taxing units; and

WHEREAS, a notice of the Public Hearing on the proposed Brownfield Plan Amendment was published twice in the Muskegon Chronicle, the first of which was not less than 20 days before the scheduled Public Hearing; and

WHEREAS, the City Commission held a public hearing on the proposed Brownfield Plan on July 13, 2004.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Definitions. Where used in this Resolution the terms set forth below shall have the following meaning unless the context clearly requires otherwise:

"Eligible Property" means the property designated in the Brownfield Plan as the Eligible Property, as described in Act 381.

"Brownfield Plan" means the Brownfield Plan prepared by the Authority, as transmitted to the City Clerk by the Authority for approval, copies of which Brownfield Plan are on file in the office of the City Clerk.

"Taxing Jurisdiction" shall mean each unit of government levying an ad valorem property tax on the Eligible Property.

2. Public Purpose. The City Commission hereby determines that the Brownfield Plan Amendment constitutes a public purpose.

3. Best Interest of the Public. The City Commission hereby determines that it is in the best interests of the public to promote the revitalization of eligible properties in the City to proceed with the Brownfield Plan Amendment.

4. Review Considerations. As required by Act 381, the City Commission has, in reviewing the Brownfield Plan Amendment, taken into consideration whether the Brownfield Plan Amendment meets the requirements set forth in Section 13 of Act 381.

5. Approval and Adoption of Brownfield Plan Amendment. The Brownfield Plan Amendment as submitted by the Authority is hereby approved and adopted. A copy of the Brownfield Plan and all amendments thereto shall be maintained on file in the City Clerk's office.

6. No Capture of Tax Increment Revenues by Authority. The Authority shall not capture Tax Increment Revenues on the Eligible Property, as described in the Brownfield Plan Amendment.

7. Disclaimer. By adoption of this resolution and approval of the Brownfield Plan Amendment, the City assumes no obligation or liability to the owner, developer or lessor of the Eligible Property for any loss or damage that may result to such persons from the adoption of this resolution and Brownfield Plan Amendment. The City makes no guarantees or representations as to

the determinations of the appropriate state officials regarding the ability of the owner, developer or lessor to qualify for a single business tax credit pursuant to Act 228, Public Acts of Michigan, 1975, as amended, or as to the ability of the Authority to capture tax increment revenues from the State and local school district taxes for the Brownfield Plan.

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

AYES: Members

Warmington, Carter, Larson, and Shepherd

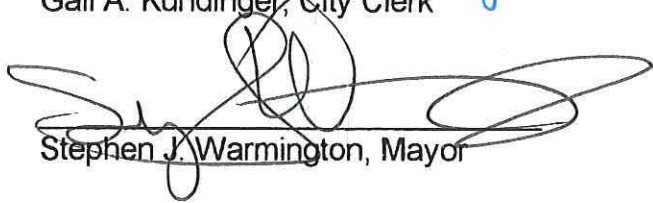
NAYS:

Members Davis, Gawron, and Spataro

RESOLUTION DECLARED ADOPTED.



Gail A. Kunderger, City Clerk



Stephen J. Warmington, Mayor

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on July 27, 2004, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



Gail A. Kunding, City Clerk

Marketing to Artist Groups in Primary and Secondary Market Areas

The following groups/organizations have been contacted by Woods Consulting and have expressed interest in the project to the extent that they will allow Woods to contact/survey their members to evaluate interest in the proposed project:

- Muskegon Museum of Art (list of artists on mailing list for regional competition hosted at Museum)
- Festival Grand Rapids (5,000 performers and 2,500 - 3,000 visual artists)
- Muskegon Community College/Art Department
- Kendall College of Art and Design
- Muskegon Civic Theatre
- Lakeland Painters
- Muskegon Artists Guild
- Grand Haven Area Arts Council
- Challenge Studio Artists (Challenge Machinery Building)—artists rent studio space for \$4.00 per square foot including utilities
- Arts Council of White Lake
- Holland Area Arts Council
- Galleries in Saugatuck
- Western Michigan Art Fair—large group of artists who appear at Summer Celebration fair

The Muskegon Museum of Art reports the following number of persons on their "Active Artist" list (artist submitted a piece of work to a regional competition within the past two years):

- 89 from the Muskegon area (zip codes 49440, 49441, 49442, 49444, 49445)
- 131 from all zip codes in Muskegon county
- 106 from Ottawa County (Holland and Grand Haven areas)
- 56 from the Grand Haven/Spring Lake area

In addition, the Museum reported the following number of "known artists" on its mailing list:

- 147 from Muskegon area (same zip codes as above)
- 192 from Muskegon county
- 137 from Ottawa county
- 79 from Grand Haven/Spring Lake area

Key Contacts:

- Nuveen Community Center for the Arts (Montague)
- Peter Johnson, White River Gallery (Montague)
- John Walson, Art Critic for Muskegon Chronicle
- Lee Collet, retired Art Instructor, MCC

Opportunity for Introducing Proposed Boilerworks Renovation to Artist Community

Muskegon Museum of Art is hosted a "Salon Thursday" on Thursday, February 12 from 5:30 p.m. and 8:00 p.m. The purpose of the event is for visual artists to present their work to peers and art admirers in a relaxed social environment. The Museum has offered the developer the opportunity to "showcase" the proposed development at the "Salon" and survey those present as to their interest in the project/likelihood to explore the project.

The artists invited to this event are those artists who are on the Museum's mailing list for its regional competition (they are artists of varying levels of accomplishment).

The Museum will host a second "Salon Thursday" in April, 2004 at which time the developers will have another opportunity to present the project to the artist community and to solicit both interest in the project and recommendations for interior design/layout.

BOILERWORKS QUESTIONS

1. Why did you tell us these units were committed to this plan for 15 years when you received extra points (35 total) for perpetuity?

I believe I told you that these units were committed to this plan for NO LESS THAN 15 years (the mandatory MSHDA compliance period), not 15 years.

2. Why are the 2 market rate units not listed on application?

The 2 market rate units will be constructed using conventional financing and are not considered to be a part of the tax credit project.

3. County Needs Score for this project is "1" out of a possible "10". Does this demonstrate low to no need for this project?

According to the MSHDA website, the federal government annually supplies information to update the County Needs Index based on the latest information from the U.S. Census Population Housing Figures IN ADDITION TO Unemployment Compensation totals from the Michigan Department of Career Development, Labor Statistics Division.

We contacted two people in the Low Income Housing Department at the Michigan State Housing Development Authority and neither could tell us what this score reflects.

You should be aware, however, that the census tract in which this project is to be developed has a needs score of "20" out of "20."

Also, 8 proposed projects to be built in Wayne County received tax credits last round. Wayne County has a County Needs Score of "0."

4. Community Revitalization points total "0". This cannot demonstrate revitalization.

I assume that you did not read the question here. If you had, you would have seen that these points were only available for projects that utilize EXISTING housing that is located in an area for which a community revitalization plan is in place. Boilerworks is obviously not existing housing. If you had read a couple of pages further in the application you would have seen that we did, in fact, receive 5 points for being located in a qualified census tract for which a community revitalization plan is in place and that can demonstrate that the housing contributes to the revitalization

plan. This was substantiated by the letter from Cathy Brubaker-Clarke stating that Boilerworks is identified in the Downtown/Lakeshore Redevelopment Plan.

5. Affirmative Fair Housing Marketing Plan makes no mention of artist. Why?

The Affirmative Fair Housing Marketing Plan is designed to promote equal housing choice for all prospective tenants regardless of race, color, religion, sex, disability, familial status or national origin. It has nothing to do with a person's occupation, hobby or talent.

6. Michael H. told us "No Section 8's" Jacobson, but on the application that he signed, it says that they must receive consideration and a place on the waiting list. Which is the accurate statement?

You are misquoting me again. I believe what I said was that this would not be a Section 8 based project. We would not deny a prospective tenant consideration because s/he is a Section 8 voucher holder. That goes against Fair Housing Laws.

7. HDC Construction is listed as the builder not Muskegon Construction. What are their specific roles?

HDC Construction is the general contractor as listed on the application to MSHDA. Muskegon Construction will have a contract with HDC to perform as the general contractor on the project and will perform all the work.

8. Will this be a fair market rate (Bacon Davis Act) project?

My response is based on the assumption that you are referring to Fair Labor Laws, such as Davis-Bacon. The Davis-Bacon and Related Acts applies to contractors and subcontractors who are performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) to public buildings or public works. Since Boilerworks is neither a public building nor public work, this does not apply. Also, Michigan's Prevailing Wage law covers construction workers employed on state financed or sponsored construction projects. This project is neither state financed or sponsored.



July 13, 2004

Steven Warmington
Mayor
City of Muskegon
City Hall
Muskegon, Michigan

Dear Mayor Warmington:

I am pleased to write to you to enthusiastically endorse the Art Works Muskegon development being planned for the Boilerworks building. This development designed and planned for artists will serve as a rallying point for our arts community and add a much needed resource for our artists. Not only does it provide much needed live and work space for artists and a gallery where residents and non residents can sell their art, this project also will provide a space that can be use for meeting and recital space. These benefits will be at no cost to the artists fortunate to live there, except for the affordable rents that are proposed.

The arts have made a significant contribution to Muskegon for many generations. The long range commitments made to foster these programs have made an everlasting impact on generations of our residents. As our core city has faced its problems, one enduring aspect has been the continuing strength of the art and cultural institutions of our community.

I believe that the addition of the Artworks building and its related programs will not only serve to aid the arts community, but the rehabilitation of the former Boilerwork's building in a historic fashion will serve as a meaningful connection to the past, while at the same time providing a significant stimulus for the future. This development is exactly what the arts community and the City of Muskegon needs. It is cultural development and economic revitalization both at the same time.

Not only is the building an important addition to our community, but the programming, and the proposed gallery/meeting space for which the developers have proposed will have significant impact. The proposal by the developers that the arts organizations play a meaningful role in the operation of the gallery/recital space will strengthen the arts

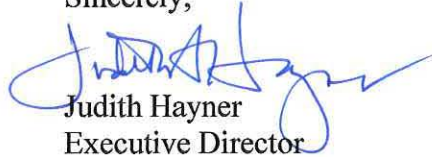
296 WEST WEBSTER AVENUE, MUSKEGON, MICHIGAN 49440

phone 231.720.2570 • fax 231.720.2585
www.muskegonartmuseum.org

activities in the community and give us more upon which to continue to build this important aspect of our community.

I urge you and the City Commission to not only approve the various aspects of this development, including the brownfield redevelopment plan and the historical designation as requested by the developers, but to give any and all other assistance and cooperation that may further insure the completion of this development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith Hayner", with a stylized flourish extending to the right.

Judith Hayner
Executive Director

Responses to Questions from Commissioner Davis:

ESRI projects the market area for the ArtWorks project (the communities of Muskegon, Muskegon Heights, Roosevelt Park, Norton Shores, and parts of Muskegon Twp. to grow in population at an annual rate of 0.5% between 2003 – 2008. ESRI also projects the number of HH to grow at annual rate of 0.84% during that same period of time. The higher growth rate for household formation reflects new households being formed by young people beyond high school age who are choosing to remain in the community.

1. Ability to shop downtown: Income ranges for target households (other than the special needs units) is \$17,160 - \$29,400. If these households are spending no more than 30% of their income on housing expenses, this will provide additional income to spend on other goods and services.

According to the 2000 Census, 39.6% of all renter HH in the City of Muskegon (2471 renter HH out of 6241) were spending more than 30% of household income on rent. If this project comes on-line, 27 households may have that situation improved.

2. MSHDA requires Woods Consulting and other "market analysts" to estimate demand for tax credit projects based upon their (MSHDA's) formula. This estimating technique requires that we create an estimate of household income distribution for all renter households, then estimate the number of income-qualified households, and finally estimate the number of income-qualified households that are likely to re-locate in the year the project comes on the market (typically 27% of renter HH re-locate in any given year based upon historical patterns). We have to estimate demand from existing households (based upon 2000 Census data) plus projected number of new households (from ESRI data).
3. The US Census does not estimate the number of individuals employed in the "arts" therefore, there is no clear answer to your question. Based upon conversations with arts organizations, many individuals who are attempting to establish a career in the arts are, in fact, employed in retail trade or service sector occupations. Their art is an "avocation" that they are attempting to grow into a "vocation" from which they can earn a living.
4. The arts organizations contacted by Woods Consulting agreed to allow us to contact their members or students at the time the Artwork project was ready to "go to market". It is very difficult to "test" a concept with potential buyers until you have some level of specific features – size of units, rents, date of

entry. When the project is finally approved, we will utilize these contacts to conduct a more detailed marketing effort to reach prospective tenants.

The market study was prepared for the purpose of demonstrating to MSHDA and to other investors, that there was a sufficiently large market of income-qualified households in the market area and that the existing supply of "affordable" housing was not experiencing large vacancy rates. The market study demonstrates those facts. It also demonstrates the number of individuals who are actively involved in the "arts" in Muskegon County and the surrounding counties.

5. The City of Muskegon in its 2000 Housing Plan reported that 3419 of the City's rental households had incomes at or below 50% of area median income. 82% of the City of Muskegon's very low income households reported that their housing cost payments exceeded 30% of household income with 54% of these households reporting that their housing costs exceeded 50% of household income.
6. Age of Housing Stock (2000 Census): the median year housing stock was built is 1956 for the market area. Over 90% of the properties within the market area were built prior to 1990 with 35% of the rental properties built prior to 1950.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 13, 2004

CITY COMMISSION CHAMBERS @ 5:30 P.M.

Request to Speak

CITIZEN'S CONCERN FORM

This request must be returned to the City Clerk first before concern(s) can be brought in front of the Commission. Please state name and address at the microphone for the record.

Name

Paul Veltekamp

Phone

727-9908

Address

592 W. Maskyn Ave

Signature

[Signature]

Description of Concern

Boiler Works

Staff person who you have already contacted _____

Request amount of Time 3 minutes _____

10 minutes _____ (for representing a group)

Request for special equipment (specify) _____

***Please make sure that all cell phones are turned off during meeting.

Date: July 27, 2004

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Steps to reduce Outstanding Accounts Receivable

SUMMARY OF REQUEST: Staff is proposing several steps to deal with unpaid account receivable balances including: 1) an amnesty program to run from July 28th through September 17th during which time persons having delinquent accounts will have a one-time opportunity to bring them current without penalty or interest, 2) outsource billing for the environmental program to Paramount Collections, 3) set a standard 30-day A/R appeal period and, 4) amend the fee schedule for newly issued environmental invoices and building demolition invoices to allow a 30% discount if paid within 30 days.

FINANCIAL IMPACT: These steps are intended to bring down outstanding A/R balances prior to year-end. Tighter accounting standards allow us to recognize only a portion of our total A/R balance at year-end. This will negatively impact the general fund fund balance and we are attempting to minimize the effect.

BUDGET ACTION REQUIRED: None at this time. Depending on the success of these steps, the budget at year-end will need to be adjusted to some degree due to the tighter standards.

STAFF RECOMMENDATION: Staff recommends the commission adopt a motion/resolution approving the following A/R initiatives:

1. Amnesty program as outlined in the attached memo;
2. Approval of environmental/demolition A/R outsourcing arrangement with Paramount;
3. Implementation of 30-day A/R appeal period; and,
4. Changes to fee schedule for environmental/demolition invoices allowing for a 30% discount if paid within 30 days.

COMMITTEE RECOMMENDATION: There is no committee recommendation.

Memo

To: City Commission City Manager

From: Finance Director

Date: July 20, 2004

Re: Steps to Reduce A/R Balances

At the recent Commission worksession, I noted that one of the budget challenges we confront in 2004 is a tightening of accounting standards related to accounts receivable. Briefly, the new standard allows us to book as year-end receivables in the general fund only those accounts receivable collectable within 60 days of year-end. Previously, we had greater latitude to consider as receivables accounts that might be not be collected for as much as twelve months after year-end. This change could negatively impact the general fund fund balance by as much as \$400,000.

It is in the city's interest to make every effort to reduce outstanding receivables from their current levels before year-end. Accordingly, we are recommending (and seek your approval) for the following actions:

- *A/R Amnesty Program* – Staff is proposing a one-time amnesty program allowing persons with delinquent city invoices (excluding some items listed below) to pay the original balance without penalty or interest. Terms of the amnesty program proposal are as follows:
 - **Amnesty Period:** Wednesday, July 28, 2004 until 5:00PM Friday, September 17, 2004.

- **Benefit:** During the amnesty period, penalties, interest, and fees will be forgiven if the original underlying liability is paid in full or, if a signed payment agreement acceptable to the city is entered into. Delinquent items not satisfied during this period will be assessed full penalties, fees, interest and collection costs and will be subject to collection efforts of the city and its agents to the fullest extent allowed by law.
- **Notice:** The city or its agents will send written notification of the amnesty period to eligible debtors of record. Failure to receive notice will not be grounds for extending the terms of the program. Additional notice will be published on the city's website (www.shorelinecity.com) and in appropriate newspapers or other publications.
- **Items Included:**
 - delinquent invoices for lot mowing or lot cleanup;
 - delinquent invoices for demolitions;
 - delinquent invoices for miscellaneous city services;
 - delinquent water/sewer bills (excluding Muskegon Township customers and excluding amounts owed by other government units);
 - delinquent city income taxes (amnesty for penalties only; interest cannot be waived under state law);
 - Final determination as to whether an item is covered under the program rests solely with the City.
- **Items NOT Included:**
 - Delinquent real or personal property taxes;
 - Parking tickets;
 - Traffic violations;
 - Any items included in pending court cases;
 - Final determination as to whether an item is covered under the program rests solely with the City.
- **Information:** More information is available from the City Treasurer's Office (231) 724-6720 or Paramount Collection Services (231) 744-3600.

- Outsource Billing for Environmental Program – The biggest A/R problem is with invoices for environmental services (e.g. lot mowing, junk removal, etc.) and demolitions. Currently, city staff prepares invoices for these services and attempts collection before sending them on to a collection agency. Only a small number (under 5%) are paid prior to going to the collection agency. We believe it more efficient and effective for the city's collection agency (Paramount) to handle these billings from day one. This will allow them to work these difficult cases during the first 30 days when chances of collection success are greatest. In addition, these invoices will be isolated from the city's A/R system and booked as revenue only when payments are received. Attached is a proposal from Paramount to provide this service.
- 30-day Appeal Period Policy – We have significant problems with people ignoring invoices/statements from the city and responding only when the collection agency gets involved. In many cases the person then attempts to appeal the matter many months after the initial violation was issued. This consumes staff time and greatly confuses the collection effort. We are proposing to limit the timeframe for appeals to 30 days from the date of the original invoice. Please understand that the invoice date is typically 30 days after the work has been done and 30 – 45 days after initial notification. This also is consistent with the water system ordinance, which provides for a 30-day appeal period.
- Fee Changes – As incentive to pay invoices in a timely manner, we are proposing that effective after September 17, 2004 (amnesty period), new invoices for environmental and demolition issues provide for a 30% discount if paid within thirty days.
- Publicize Worst Offenders – Some cities have had success with difficult collection cases by publicizing names of "worst offenders" in recognition of the fact that unpaid invoices ultimately become the burden of the general taxpayer. We have asked legal staff to help design guidelines for such a program and will report back to you prior to implementation.

Please let me know if you have any questions. Thank you.

Memo

To: Mr. Tim Paul, Finance Director, City of Muskegon
From: Kirstin DeMaio, Collection Manager
CC:
Date: July 21, 2004
Re: Accounts Receivables Proposal

Paramount Collection Service, LLC, is a fully licensed, bonded and insured collection agency operating in Muskegon County, Michigan under the Department of Commerce with license number 2401001767.

Paramount Collection Service, LLC, hereinafter referred to as PCS, is located at 307 Center Street, North Muskegon, Michigan 49445. PCS was founded in Muskegon County in 1933 and has remained locally owned and operated.

PCS has a current contract with the City of Muskegon to collect past due accounts receivables on a contingency basis and has also provided precollection services to the City.

After recent discussion, PCS proposes to provide to the City of Muskegon the following additional services:

- Billing Service - The City of Muskegon will transfer the initial invoices for the environmental services to PCS via electronic submission. PCS will then send an invoice for each account on approved and customized letterhead for the City of Muskegon. Each account will be processed through the NCOA (National Change of Address Database) and include a self addressed envelope and direct questions to the proper personnel at the City. Each invoice will state net terms of 20% discount if paid in full within thirty days. PCS proposes to invoice each account for a flat fee of 70 cents. This will include the customized letter, self addressed envelope, postage and NCOA processing that will provide forwarding addresses for the previous two years.
- Precollection Service - Any accounts that are not paid within the first thirty day initial invoicing will transfer automatically into precollection. Each account will then receive a letter stating that they have been placed in the precollection program at Paramount Collection Service and payments and questions and disputes will be directed to the agency. PCS previously worked precollection accounts on a per charge basis of \$2.00 per account for two letters that were sent during a thirty day period and directed most correspondence to the City. PCS proposes to change the precollection program to a more intensive program of suggested forty-five to

sixty days. Instead of a charge per account, PCS will work on a lower contingency rate of 10% per account. PCS believes this will accelerate the accounts receivables at the City of Muskegon by increasing the invoicing of accounts and the earlier intervention of a third party.

- Full Phase Collection – Any accounts not paid or making agreed upon satisfactory payment arrangements during the precollection phase will be transferred to the full phase collection with the previously contracted 30% contingency rate.

As stated previously, benefits of this proposal is the probable acceleration of the accounts receivables inventory. Another benefit is the reallocation of employee usage as the manpower required to mail invoices would be eliminated. With the intervention of the agency in the precollection phase, employee time and energy could be directed toward recovering more profitable accounts.

Please let me know if there are any questions regarding this information. I can be contacted at (231)744-3600 extension 5.

Date: July 27, 2004
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
**RE: Designation of Voting Delegate and Alternate
Voting Delegate for MML Annual Meeting**

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an 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.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

COMMITTEE RECOMMENDATION:

PLEASE RETURN BY SEPTEMBER 9, 2004

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 Gail Kunding

Title City Clerk

Official action of governing body on July 27, 2004
(date)

Submitted by Gail A. Kunding

Municipality City of Muskegon, 933 Terrace, Muskegon, MI



July 6, 2004

OFFICIAL NOTICE TO MEMBER CITIES AND VILLAGES
OF THE MICHIGAN MUNICIPAL LEAGUE

(Please present at the next Council or Commission Meeting)

Dear Official:

The annual meeting of the members of the Michigan Municipal League will be held on Mackinac Island, September 30 through October 2, 2004. The business session is scheduled for 10:45 a.m. on Thursday, September 30, at the Grand Hotel. 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.
2. Policy. To vote on statements of policy and resolutions properly brought before the annual meeting.
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 September 9, 2004.

In connection with the designation of an official representative of the member to the annual meeting, your attention is invited to the following provisions of the Bylaws of the Michigan Municipal League:

"Section 4.4 - Votes of Members. Each member city and village 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 city or village 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.

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
200 Minneapolis Avenue
Gladstone, MI 49837-1931
Phone: 906-428-0100
Fax: 906-428-0101

President
JAMES SINCLAIR
Mayor Pro Tem, Rogers City

Vice President
GRETCHEN DRISKELL
Mayor, Saline

Trustees
ALEX ALLIE
City Manager, Huntington Woods

KATHLEEN BUCKNER
Councilmember, Center Line

SHEILA COCKREL
Councilmember, Detroit

MICHAEL CZYMBOR
City Administrator, Milan

BARBARA HOLT
Mayor Pro Tem, Walker

JERRY IRBY
Mayor, Marquette

ROBERT JONES
Mayor, Kalamazoo

KAREN LAWRENCE-WEBSTER
Finance Director/Treasurer, Saginaw

THOMAS MARKUS
City Manager, Birmingham

MICHAEL MATHENY
Mayor, Grand Blanc

SPENCER NEBEL
City Manager, Sault Ste. Marie

FLORENCE SCHRADER
Treasurer, Ubly

MARGENE ANN SCOTT
Councilmember, Madison Heights

CLARA SHEPHERD
Commissioner, Muskegon

WILLIAM STEWART
City Manager, Coldwater

JOSEPH YUCHASZ
Village President, Elk Rapids

Executive Director
GEORGE D. GOODMAN

Election of Trustees

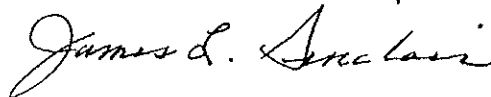
In connection with election of officers, under Section 5.3 of the Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names 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.

Resolution

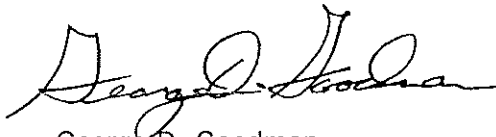
In connection with consideration of resolutions and statements of policy, under Section 4.5 of the Bylaws of the League, the Board of Trustees acts as the Resolutions Committee, and no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is submitted to the meeting by the Board of Trustees. The proposed Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be printed and distributed prior to the Convention, 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 29, at the Grand Hotel on Mackinac Island for the purpose of considering such other matters as may be requested by the membership.

Sincerely,



James L. Sinclair
President



George D. Goodman,
Executive Director

GDG/dl
Enc.

Commission Meeting Date: July 27, 2004

Date: July 20, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment for alcohol sales

SUMMARY OF REQUEST:

Request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Use language in regards to permit uses serving and selling alcohol.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance to amend language regarding alcohol sales.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/15 meeting. T. Harryman, B. Mazade, P. Sartorius, T. Johnson, T. Michalski, and L. Spataro voted in favor of the change. B. Smith voted against. S. Warmington and J. Aslakson were absent.

Commission Meeting Date: June 22, 2004

Date: June 15, 2004
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CBC*
RE: Rezoning request for property located at 407 Marquette Ave.
(SE corner of Marquette Ave. and Wood St.)

SUMMARY OF REQUEST:

Request to rezone property located at 407 Marquette Ave., at the SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map and Master Land Use Plan.

COMMITTEE RECOMMENDATION:

The Planning Commission voted to deny the request at their 6/10 meeting. Commissioners S. Warmington and B. Smith voted against denial. Commissioner B. Mazade was absent.

CITY OF MUSKEGON

RESOLUTION #2004- 70(d)

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 407 Marquette Ave., at SE corner of Marquette Ave. and Wood St., from R-1, Single-Family Residential to B-1, Limited Business was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on June 10, 2004, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map and Master Land Use Plan;

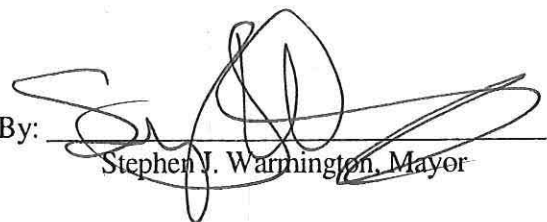
NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 27th day of July, 2004.

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

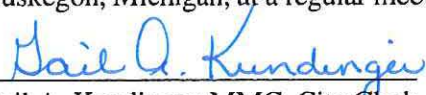
Nays: Larson

Absent: None

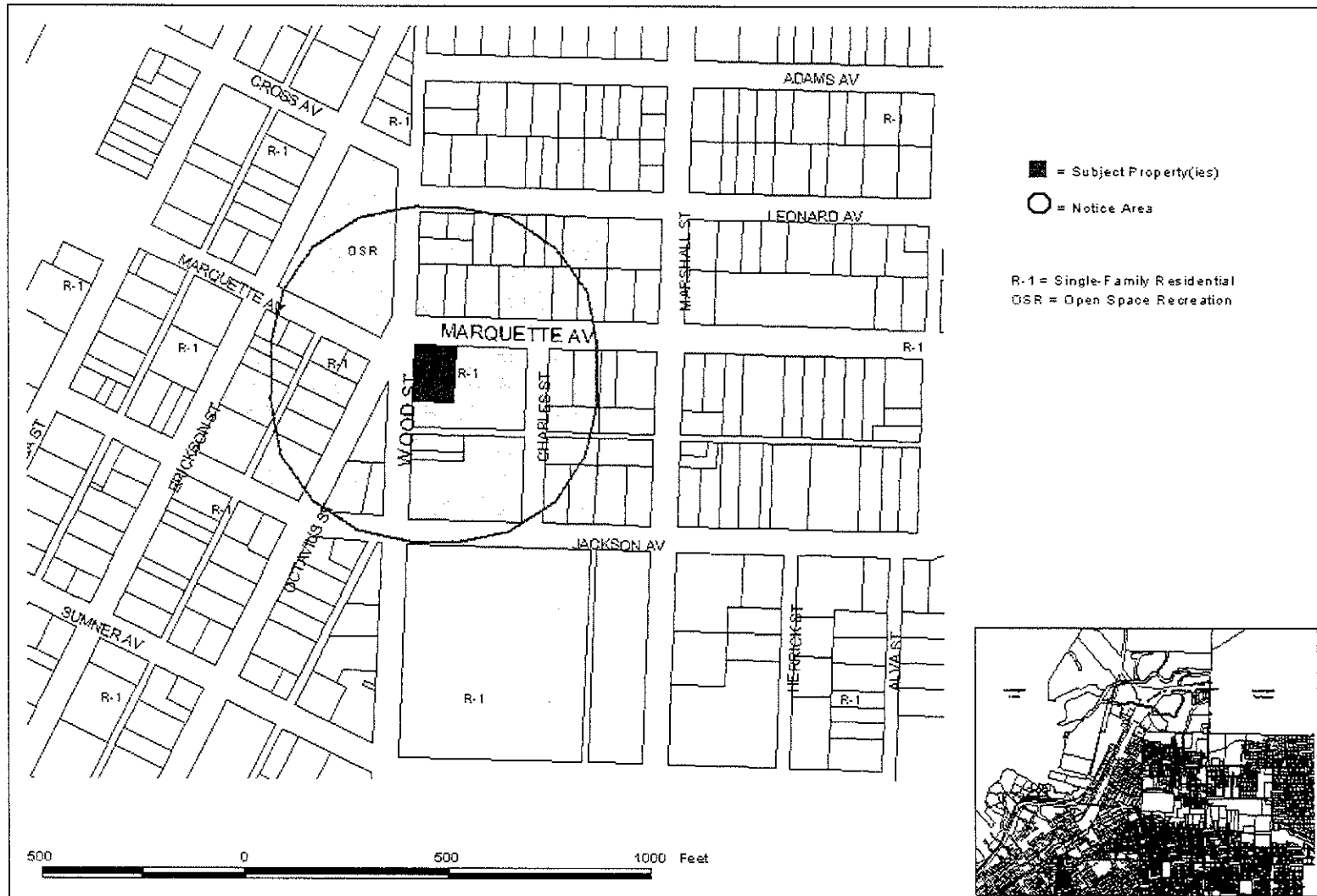
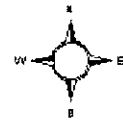
By: 

Stephen J. Warmington, Mayor

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan, at a regular meeting held on July 27, 2004.


Gail A. Kunderin, MMC, City Clerk

**City of Muskegon
Planning Commission
Case # 2004-24**



Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
June 10, 2004

Hearing: Case 2004-1: Request to rezone the property located at 407 Marquette Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Ray Reasonover.

BACKGROUND

This is a case that was heard by the Planning Commission during the regular January meeting. Due to unforeseen circumstances, the City Commission has asked staff to restart the rezoning process with the Planning Commission. Minutes from the January meeting are provided at the end of this case for your reference.

1. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two special use permits in place on this property – one for the mini-mart and a second for a youth recreational center which has never materialized.
2. The subject property is currently zoned R-1, Single-Family Residential. The Zoning Ordinance was amended several years ago to allow existing previously nonconforming commercial structures in residential districts to be used for various low-scale commercial uses. This language is how the special use permits on the subject property were approved. The intent of this language is to allow some practical use for these buildings which would not likely be either renovated or torn down for residential uses and would otherwise sit vacant. The language also allows small scale, low intensity uses, similar to those allowed in the B-1, Limited Business zoning district, in or near neighborhoods. This helps to promote the idea of 'neighborhood businesses'.
3. When the language was included that allowed these commercial buildings to be used commercially in residential zones, several conditions were also included. One of these conditions is that certain types of uses are prohibited under this language, "*Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.*"
4. When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since

that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store.

5. As the sale of alcohol is prohibited on this site both by the ordinance language allowing the property to be re-used commercially and by the approved Special Use Permit for this property, the applicant is asking that the property be rezoned to a commercial designation. The prohibition against alcohol sales does not appear in the B-1 district language – it was added specifically to the special use permit language for commercial buildings in residential districts. If the property were to be rezoned to B-1 and the Special Use Permit were dissolved (since the use of the property as a store would be allowed in the B-1 district by right, the Special Use Permit would no longer be necessary), then the applicant would be free to seek a liquor license in order to sell alcohol on the property.
6. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes.
7. The closest area to the subject property which is already currently zoned for commercial use is at the corner of Marquette Ave. and Getty St., where there is some B-1 zoning. There is not much commercial zoning existing within the Jackson Hill neighborhood. The subject property is located at probably the busiest corner in this neighborhood. If any commercial zoning were to be located in this neighborhood, the subject property would probably be the most practical spot for it. However, the zoning ordinance does permit small scale commercial use on this property without it needing to be rezoned, and the special use permit language is even more restrictive than the B-1 district, which helps to further protect the surrounding neighborhood.
8. The Future Land Use Map shows the subject property as “Single & Two-Family”.
9. The Master Land Use Plan states:
 - ◆ It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion.
 - ◆ Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area.
10. The Master Plan recommends for this sub-area:
 - ◆ Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.
11. Staff received the following email on 5-31-04

City of Muskegon Planning Commission
P.O. Box 536
Muskegon, MI 49443

Dear Sir/Madam:

I am writing in opposition to the zoning request to change 401 Marquette to Limited Business.

This corner is in the midst of the Jackson Hill neighborhood. As you are well aware, the Jackson Hill area is making a turn-around and becoming a safe and pleasant neighborhood for families again. A number of homes have been fixed up and there are more and more homeowners in the area.

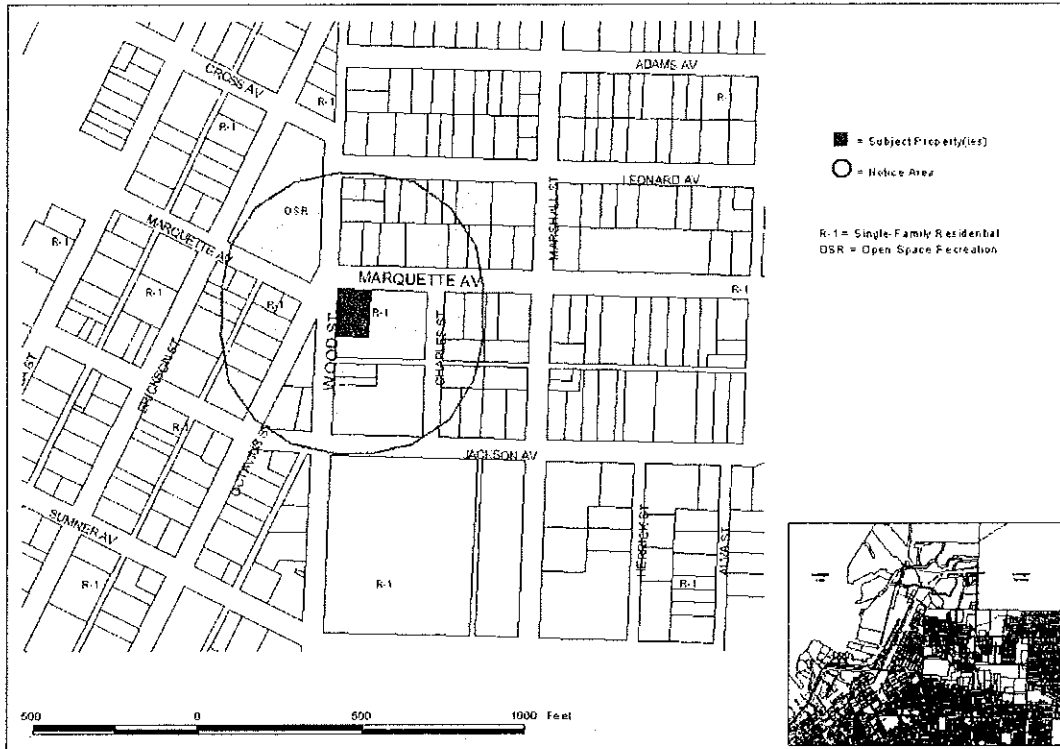
The corner proposed for changing to limited business is directly across from a neighborhood park, where children walk to play and families have picnics. The neighborhood park reinforces the residential feel of the neighborhood and the family oriented atmosphere.

The business that is currently located on that corner is an eyesore. Instead of increasing its presence, it should be removed.

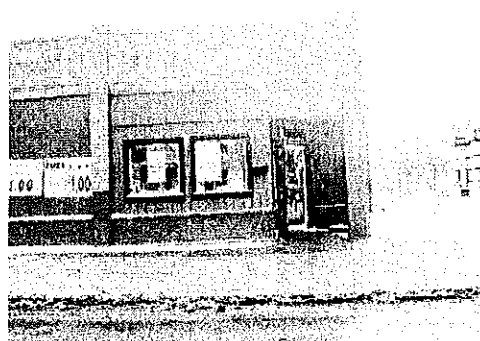
Sincerely,

Cathy Simons
455 Leonard Street

City of Muskegon
Planning Commission
Case # 2004-24



PHOTOS



ORDINANCE EXCERPTS

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]

...

2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]

...

2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:

...

3. Churches and other facilities normally incidental thereto subject to the following conditions:

- ...
4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
 5. Cemeteries.
 6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
- ...
7. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
 8. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

...

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

...

ARTICLE X - B-1 LIMITED BUSINESS DISTRICTS

PREAMBLE

The B-1 Limited Business Districts are designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only such uses as are necessary to satisfy those limited basic, daily shopping and/or service needs, which by their very nature are not similar to the shopping patterns of the B-2 convenience and Comparison, B-3 Central Business District, and B-4 General Business Districts. B-1 Districts are also intended to be utilized at planned locations in the City as zones of transition between major thoroughfares and residential areas, and between intensive nonresidential areas and residential areas. In the B-1 District all business establishments shall be retail and/or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced. All business, servicing or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, or in an area specifically approved by the City.

SECTION 1000: PRINCIPAL USES PERMITTED

In a B-1 Limited Business District no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware. No individual uses, either freestanding or in a group of uses, shall exceed two thousand five hundred (2,500) square feet in area.
2. Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: Shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker,

tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.

3. Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
4. Office buildings for any of the following types of occupations: executive, administrative and professional. No individual use shall exceed two thousand five hundred (2,500) square feet in area.
5. Residential uses as part of a building in this zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, provided that the minimum lot area requirements of the RM-1 District are met.
6. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
7. Uses similar to the above Principal Uses Permitted.

SECTION 1001: SPECIAL LAND USES PERMITTED

The following area, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there are no external changes made to the buildings or properties.

1. Restaurants, or other places serving food, except drive-in or drive-through restaurants.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
...
3. Accessory buildings and accessory uses customarily incidental to the above Special Land Uses Permitted.
4. Uses similar to the above Special Land Uses Permitted.

SECTION 1002: PLANNED UNIT DEVELOPMENTS

...

SECTION 1003: AREA AND BULK REQUIREMENTS [amended 4/00]

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Excerpt minutes from the January 15 Planning Commission Meeting]

Hearing: Case 2004-1: Request to rezone the property located at 407 Marquette Ave. from R-1, Single-Family Residential to B-1, Limited Business, by Ray Reasonover. D. Steenhagen presented the staff report. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two special use permits in place on this property – one for the mini-mart and a second for a youth recreational center, which has never materialized. The subject property is currently zoned R-1, Single-Family Residential. The Zoning Ordinance was amended several years ago to allow existing previously nonconforming commercial structures in residential districts to be used for various low-scale commercial uses. This language is how the special use permits on the subject property were approved. The intent of this language is to allow some practical use for

these buildings which would not likely be either renovated or torn down for residential uses and would otherwise sit vacant. The language also allows small scale, low intensity uses, similar to those allowed in the B-1, Limited Business zoning district, in or near neighborhoods. This helps to promote the idea of 'neighborhood businesses'. When the language was included that allowed these commercial buildings to be used commercially in residential zones, several conditions were also included. One of these conditions is that certain types of uses are prohibited under this language, "*Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; uses serving or selling alcohol, manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.*" When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store. As the sale of alcohol is prohibited on this site both by the ordinance language allowing the property to be re-used commercially and by the approved Special Use Permit for this property, the applicant is asking that the property be rezoned to a commercial designation. The prohibition against alcohol sales does not appear in the B-1 district language – it was added specifically to the special use permit language for commercial buildings in residential districts. If the property were to be rezoned to B-1 and the Special Use Permit were dissolved (since the use of the property as a store would be allowed in the B-1 district by right, the Special Use Permit would no longer be necessary), then the applicant would be free to seek a liquor license in order to sell alcohol on the property. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes. The closest area to the subject property which is already currently zoned for commercial use is at the corner of Marquette Ave. and Getty St., where there is some B-1 zoning. There is not much commercial zoning existing within the Jackson Hill neighborhood. The subject property is located at probably the busiest corner in this neighborhood. If any commercial zoning were to be located in this neighborhood, the subject property would probably be the most practical spot for it. However, the zoning ordinance does permit small scale commercial use on this property without it needing to be rezoned, and the special use permit language is even more restrictive than the B-1 district, which helps to further protect the surrounding neighborhood. The Future Land Use Map shows the subject property as "Single & Two-Family". The Master Land Use Plan states: It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening, fashion. Single-family homes are found throughout the sub-area including many new homes located in the Marquette neighborhood. They range from well to poorly maintained dwellings. Sub-Area 12 has the highest concentration of homes experiencing significant site deterioration. A variety of schools and churches are interspersed throughout and compliment the residential flavor of the area. The Master Plan recommends for this sub-area: Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4. B-1 is intended as a 'neighborhood' commercial zoning designation, and only allows small scale, low intensity commercial uses. The square footage of most permitted uses in the B-1 district is limited to 2,500 square feet. If the Planning and City Commissions were inclined to approve a rezoning for this property to a commercial designation, staff would feel most comfortable with the B-1 district there. However, since the existing ordinance language and special use permit do allow small scale commercial uses (including the current use) at this site without a rezoning, staff would recommend denial of this request.

D. Steenhagen stated that in 1997 a use variance was issued, but not used. One of the conditions was that alcohol wouldn't be sold. In 1999 there was a request to rezone the property to B-2, which was denied.

The commission members were provided with a copy of a signed petition in favor of this request by the applicant. T. Michalski asked if there were any laws governing a liquor license within the proximity of a church. D. Steenhagen stated that State law doesn't allow it within 500 ft. of a church or school. B. Smith asked about the youth center. D. Steenhagen stated that the applicant for the youth center was still interested in pursuing this, it hadn't happened yet. T. Johnson asked if the grocery store was currently operating at the location. D. Steenhagen stated that it was. R. Reasonover stated that he is

the owner of the property. He also owns the grocery store. He explained what his intentions were for the store. He would like to help people in the neighborhood by having grocery delivery for senior citizens. He would like to be able to offer the things that the people in the neighborhood could purchase, as many of them don't have a vehicle. He has had many requests from his patrons who would like to be able to purchase beer and wine. J. Aslakson asked if the applicant was aware of the condition that no alcohol could be sold on the property when he purchased it. R. Reasonover stated that he was. B. Smith asked if he had spoken to anyone from the Jackson Hill Church. R. Reasonover stated that he hadn't, but his son had spoken to some of the members. They weren't as concerned about the sale of beer and wine as they were about the possibility of the sale of lotto and loitering. P. Sartorius asked if staff had heard from the neighborhood association. D. Steenhagen stated that she hadn't. R. Reasonover stated that he had spoken to them. P. Sartorius asked if there were any other stores in this area. R. Reasonover stated that there aren't. T. Johnson asked if the neighborhood association had any concerns. R. Reasonover stated that he had spoken to the president of the neighborhood association. They discussed some of the concerns and the president had told him that they didn't have any problem with this request as long as the concerns were addressed. Some of the concerns were patrons loitering around the building and trash not being disposed of properly. He stated that he would be adding more lighting to the exterior and if he needed to; he would hire a security guard. P. Sartorius read the petition that the applicant had provided. He stated that there were 6 1/3 pages of signatures.

A motion to close the public hearing was made by J. Aslakson, supported by B. Smith and unanimously approved.

B. Mazade and S. Warmington arrived at 4:19 p.m.

J. Aslakson stated that it would be more profitable to have beer and wine on the premises. He would have a problem with approving this request. The first problem is that there are vacant lots near this site and there has been a lot of new construction in the area. He felt that it may be more difficult for the new construction to continue for the vacant lots around the market if it were to sell beer and wine. Another problem he has is that SUP's stay with the property. Should Mr. Reasonover sell the property later on, it doesn't mean that the new owner would continue with the service that Mr. Reasonover would like to provide. D. Steenhagen added that if the property were to be rezoned, any special use permits as well as their conditions, would be moot. L. Spataro stated that he is also uncomfortable with approving this request. He named off other stores that were close to this neighborhood that already sell beer and wine.

A motion that the request the property at 407 Marquette Ave. as described in the public notice, from R-1, Single-Family Residential to B-1, Limited Business be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by J. Aslakson, supported by L. Spataro and approved with B. Smith and T. Michalski voting nay and B. Mazade and S. Warmington abstaining.

RECOMMENDATION

B-1 is intended as a 'neighborhood' commercial zoning designation, and only allows small scale, low intensity commercial uses. The square footage of most permitted uses in the B-1 district is limited to 2,500 square feet. If the Planning and City Commissions were inclined to approve a rezoning for this property to a commercial designation, staff would feel most comfortable with the B-1 district there. However, since the existing ordinance language and special use permit do allow small scale commercial uses (including the current use) at this site without a rezoning, staff would recommend denial of this request.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. What, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.
2. What are the **precedents and the possible effects** of precedent which **might result from the approval or denial** of the petition.
3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services and facilities and/or programs** that might reasonably be required in the future if the petition is approved.
4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.
5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**.
6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - a. **Surface water** drainage problems
 - b. **Waste water** disposal problems
 - c. Adverse effect on surface or subsurface **water quality**
 - d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas**.

DETERMINATION

The following motions are offered for consideration:

I move that the request the property at 407 Marquette Ave. as described in the public notice, from R-1, Single-Family Residential to B-1, Limited Business be recommended for (approval/denial) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (compliance/lack of compliance) with the intent of the City Master Land Use Plan and zoning district intent.