

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 22, 2014

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
 - A. Approval of Minutes. CITY CLERK
 - B. Permanent Traffic Control Order. PUBLIC WORKS
 - C. Approval of Vinyl Siding Installers for Fiscal Year 2014-2015. COMMUNITY & NEIGHBORHOOD SERVICES
 - D. Approval of the Housing Development Grant Agreement for Target Market Analysis. COMMUNITY & NEIGHBORHOOD SERVICES
 - E. Hours at City Parks – Ordinance Amendment. CITY CLERK
 - F. Michigan Irish Music Festival (MIMF) – Request to Serve Spirits at the Festival. PLANNING & ECONOMIC DEVELOPMENT
 - G. Vacation of the Alley between Vulcan Street and Brunswick Street, from Nims Street to Keating Avenue. PLANNING & ECONOMIC DEVELOPMENT
- ☐ **PUBLIC HEARINGS:**
 - A. Request for an Industrial Facilities Exemption Certificate – The Bold Companies. PLANNING & ECONOMIC DEVELOPMENT
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**

☐ **NEW BUSINESS:**

A. Approval of Sale of City-Owned Property at 2279 Austin. COMMUNITY & NEIGHBORHOOD SERVICES

B. Approval of Sale of City-Owned Home at 2035 Harding. COMMUNITY & NEIGHBORHOOD SERVICES

C. Concurrence with the Housing Board of Appeals Notice and Order to Demolish the Following: PUBLIC SAFETY

1747 7th Street

766 W. Southern

☐ **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.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE CUMMINGS, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

Date: July 22, 2014
To: Honorable Mayor and City Commissioners
From: Ann Marie Cummings, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes of the July 7th Commission Worksession Meeting, and the July 8th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
July 7, 2014
City Commission Chambers
5:30 PM

MINUTES

2014-50

Present: Commissioners Hood, Rinsema-Sybenga, Gawron, Johnson, Turnquist, and Spataro.

Absent: Commissioner German.

Codification of City Ordinances.

Approximately every ten years, the City's ordinances are reviewed for errors, omissions, additions, deletions, changes to sections affected by previous modifications, and to be sure they comply with State law. Staff, the City Attorney, and the Attorney from MuniCode reviewed all ordinances and have compiled a list of recommended changes that have been forward to Commissioners.

James Bonneville of MuniCode was present to explain the process of codification.

Ann Cummings, City Clerk, reviewed some specific changes that were given to Commissioners for review.

This item has been placed on the July 8, 2014 Commission Meeting for consideration.

Engineering Services – Muskegon/Webster.

This is a request to authorize staff to enter into an engineering services agreement with a firm to be selected by staff upon review of proposals which are due on the 11th of July. Staff's selection will be based on proposed schedule, project teams, and proposed fee.

The selected engineering firm will be responsible for collecting the survey information necessary to perform the design to reconstruct Muskegon & Webster from 9th Street to Spring Street using the recently awarded PRIP grant.

Now that the city has been granted the construction cost of \$3.3 million, it is necessary to amend the 2014/2015 budget to incorporate the cost for the engineering services which will be determined upon receiving the proposals on the 11th of July.

Motion by Vice Mayor Spataro, seconded by Commissioner Hood to authorize staff to select and enter into an engineering services agreement and incorporate the engineering cost of the Muskegon/Webster project into the 2014/2015 budget.

Roll Call Vote:

Ayes: Gawron, Hood, Spataro, Rinsema-Sybenga, Turnquist, and Johnson.

Nays: None.

MOTION PASSES

Any Other Business.

Commissioner Turnquist indicated the city needs a rule to not close any city park for the Fourth of July.

Public participation was accepted.

Adjournment.

Motion by Commissioner Hood, seconded by Commissioner Rinsema-Sybenga to adjourn at 6:17 p.m.

MOTION PASSES

**Ann Marie Cummings, MMC
City Clerk**

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 8, 2014

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, MI at 5:30 p.m., Tuesday, July 8, 2014.

Mayor Gawron opened the meeting with prayer from Mr. George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Willie German, Dan Rinsema-Sybenga, Byron Turnquist, and Eric Hood, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Marie Cummings.

Commissioner Ken Johnson arrived at 5:34 p.m.

2014-51 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes of the June 24th City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Farmers' Market – Second Amendment to Purchase Agreement. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Due to the weather conditions during the winter of 2013-2014, the construction of the new downtown Farmers' Market has taken longer than anticipated. Final items are being completed by the contractor, and final approvals and payments are required prior to transferring the property from the DMDC to the City. The City Commission approved a "First Amendment to Purchase Agreement" in May. It is necessary to extend the closing date further. Therefore, Commission is requested to enter into a "Second

Amendment to Purchase Agreement". The Amendment allows for continued operation of the Farmers' Market prior to the official closing on the property, with the City "fully responsible for any and all liability related to operating the Farmers' Market" during that time. The closing is moved to August 8, 2014, or before.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the "Second Amendment to Purchase Agreement" and authorize the City Manager's signature (after the fact).

C. Special Event Request – Catamaran Racing Association of Michigan.
PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: C.R.A.M. is holding their annual Catamaran sailing regatta at Pere Marquette Park, July 25 – 27, 2014. They are again requesting permission for their participants to camp overnight at the park, as they have done in previous years. They would like to use the City-owned parking lot across from the former Captain Jack's restaurant for overnight camping, provided that the new owners (Harris Hospitality) approve. If they are unable to use that lot, they request to use the parking lot at Harbour Towne beach.

They expect around 10 RV's in the lot overnight. This is the event's seventh year of operation and there have been no problems in the past with this group. They will provide proof of liability insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve overnight camping at Pere Marquette Park for this event on July 25, 26, and 27, 2014.

Motion by Commissioner Hood, second by Commissioner German to approve the Consent Agenda as read.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, and Spataro

Nays: None

MOTION PASSES

2014-52 NEW BUSINESS:

A. Codification of City Ordinances. CITY CLERK

SUMMARY OF REQUEST: Approximately every ten years, the City's ordinances are reviewed for errors, omissions, additions, deletions, changes to sections affected by previous modifications, and to be sure they comply with State law.

Staff, the City Attorney, and the Attorney from MuniCode reviewed all ordinances and have compiled a list of recommended changes that have been forwarded to Commissioners.

To simplify changes to any fees, we have removed the amount of fees in the ordinances and will add them into our user fee resolution to save future publication costs.

FINANCIAL IMPACT: This is a budgeted item and has been paid over a period of two fiscal years for a total price of \$18,675.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance to enact a new code of ordinances for the City of Muskegon and authorize the user fees to be added to the user fee resolution.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga to adopt the ordinance to enact a new code of ordinances for the City of Muskegon and authorize the user fees to be added to the user fee resolution.

ROLL VOTE: Ayes: Rinsema-Sybenga, Turnquist, Johnson, Gawron, Hood, Spataro, and German

Nays: None

MOTION PASSES

B. No Parking Front/Side Yard – Ordinance Amendment. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed amendment to Section 8.10(1) of the City Ordinance as it relates to parking violators that do not park in designated areas in residential sections.

The amendment would add subsection (y) “No Parking unimproved Front/side yards of a residential lot”, resulting in the issuance of a Municipal Civil Infraction.

The police department receives numerous complaints that vehicles park in these unimproved areas adding to property blight and generate unnecessary calls for service which cannot be mitigated by the police department at this time.

FINANCIAL IMPACT: Positive financial impact as fines may be received by violators not in compliance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approving this ordinance amendment as written.

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro to approve the ordinance amendment as written relating to no parking front/side

yard.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Hood, Spataro, German, and Rinsema-Sybenga

Nays: None.

MOTION PASSES

C. Consideration of Bids for Merrill Avenue Reconstruction between Fifth and Third. ENGINEERING

SUMMARY OF REQUEST: Award the reconstruction of Merrill from Fifth to Third contract to Accurate Excavators, LLC since they were the lowest responsible bidder with a total bid price of \$295,197.95.

FINANCIAL IMPACT: The construction cost of \$295,197.95.

BUDGET ACTION REQUIRED: None at this time; however, if the millage proposal does not pass, then funds will need to be transferred from Major Street Funds to Local Street.

STAFF RECOMMENDATION: Award the contract to Accurate Excavators, LLC.

Motion by Commissioner Johnson, second by Commissioner German to award the contract to Accurate Excavators, LLC.

ROLL VOTE: Ayes: Johnson, Gawron, Hood, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 6:25 pm.

Respectfully submitted,

Ann Marie Cummings, MMC
City Clerk

Date: July 22, 2014

To: Honorable Mayor and City Commissioners

From: DPW

RE: Permanent Traffic Control Order-Install "2 (two) hour parking" limit signs from 8:30am to 5:30pm in the specified downtown areas per Traffic Control Work Order #15-(2014).

SUMMARY OF REQUEST:

Authorize staff to install "2 (two) hour parking" limit signage from 8:30am to 5:30pm, where permissible to install, in the specified downtown areas bordering 7th Street up to Terrace Street and from Shoreline Drive to Muskegon Avenue, with the exception of 1st Street from Morris Street to Western Avenue, per Traffic Control Work Order # 15-(2014)

FINANCIAL IMPACT:

Cost of signs/posts and man-power to install, if approved.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize DPW staff to install "2 (two) hour parking" limit signs per Traffic Control Work Order #15-(2014).

COMMITTEE RECOMMENDATION:

City of Muskegon
Traffic Control Order
No. 15-(2014)

The following regulatory sign(s) shall be Installed/Removed at/from the location(s) specified below under location in accordance with the Michigan Manual of Uniform Traffic Control.

Device/Regulatory Sign(s) to be Installed/Removed: *Install 2-hour parking limit signage from 8:30am-5:30pm, where permissible to install, in the specified downtown areas bordering 7th Street up to Terrace Street and from Shoreline Drive to Muskegon Avenue with the exception of 1st Street from Morris to Western (which is already designated ½ hour parking from 7am to 9pm in front of the Post Office).*

Location: *7th Street up to Terrace Street and from Shoreline Drive to Muskegon Avenue (with the exception of 1st Street between Morris and Western Avenue).*

Recommendation:

McDermott Date: 7 / 7 / 14
Director of Public Works

[Signature] Date: 7 / 8 / 14
Police Chief

[Signature] Date: 7 / 7 / 14
City Manager

Commission Approval (required for Permanent TCO only):

_____ Date: ____/____/____
Commission Action #

Installation/removal

Date assigned: ____/____/____

By: _____
Traffic Supervisor

Date completed: ____/____/____

By: _____
Traffic Department Employee

☐ **Temporary;** does not require Commission Action, good for 90-days from Installation/Removal Date.

☐ **Permanent;** requires Commission Action

Commission Meeting Date: July 22, 2014

Date: July 15, 2014

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Vinyl Siding Installers for Fiscal Year 2014-2015

SUMMARY OF REQUEST: To approve Community and Neighborhood Services to sign a contract with Mark Tucker Construction, 1620 Fruitvale Rd., Holton, MI, and Cutting Edge, 766 Chatterson Road, Muskegon, MI to install vinyl siding at an agreed price of \$50.00 (fifty dollars) per building square for the Vinyl Siding Program's 2014 – 2015 fiscal year.

The Community and Neighborhood Services office received one other bid from vinyl siding installers:

- Schmidt Roofing and Construction, 552 W. Southern, Muskegon MI 49441: \$85.00 per building square

FINANCIAL IMPACT: Funding will be disbursed from the 2014–2015 Community Development Block Grant Vinyl Siding fund.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: To approve request.

COMMITTEE RECOMMENDATION: None

2014-2015 CDBG - Vinyl Siding Installers

Bid Results

	MARK TUCKER	CUTTING EDGE	SCHMIDT ROOFING	Average	Low	High
	1620 Fruitvale Holton, MI	766 Chatterson Muskegon, MI	332 W. Southern Muskegon, MI			
Siding/Estimate <i>(per sq)</i>	\$37.00	\$50.00	\$85.00	\$57.33	\$37.00	\$85.00
Fascia <i>(per ft)</i>	\$1.00	\$1.00	\$190.00	\$64.00	\$1.00	\$190.00
Soffit <i>(per ft)</i>	\$1.00	\$1.00	\$3.00	\$1.67	\$1.00	\$3.00
Door Wrap <i>(each)</i>	\$20.00	\$25.00	\$25.00	\$23.33	\$20.00	\$25.00
Windows Wrap <i>(each)</i>	\$20.00	\$25.00	\$25.00	\$23.33	\$20.00	\$25.00
Wood <i>(per ft)</i>	\$1.00	\$1.00	\$2.75	\$1.58	\$1.00	\$2.75
Treated Wood/Cedar <i>(per ft)</i>	\$1.00	\$1.00	\$3.95	\$1.98	\$1.00	\$3.95
Fan Fold <i>(per sq)</i>	\$11.00	\$10.00	\$11.00	\$10.67	\$10.00	\$11.00
Tyvek Cap <i>(per sq)</i>	\$11.00	\$10.00	\$11.00	\$10.67	\$10.00	\$11.00
Tyvek Cap <i>(per ft)</i>	\$1.00	\$1.00	\$11.00	\$4.33	\$1.00	\$11.00

Commission Meeting Date: July 22, 2014

Date: July 16, 2014
To: Honorable Mayor and City Commission
From: Community and Neighborhood Services Department
RE: Approval of the Housing Development Grant Agreement for Target Market Analysis

SUMMARY OF REQUEST: The cities of Muskegon, Norton Shores, Muskegon Heights, along with the County of Muskegon, are interested in pursuing a Target Market Analysis Study to forecast our future housing needs; this will enable each city to have a tool for investors and developers and may lead to future investment. The agreement is with MSHDA for a match up to \$15,000 for this study.

FINANCIAL IMPACT: None at this time

STAFF RECOMMENDATION: To approve and authorize the City Manager to sign the attached Agreement and Designation Form.

HOUSING DEVELOPMENT GRANT AGREEMENT
Grant #HDF-283

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
735 East Michigan Avenue, Lansing, Michigan 48912

THIS GRANT AGREEMENT made and entered into as of June 26, 2014, by and between the City of Muskegon, a Michigan local unit of government, whose address is 933 Terrace Street, P.O. Box 536, Muskegon, Michigan 49443 (the "Grantee"), and the Michigan State Housing Development Authority, a public body corporate and politic of the State of Michigan, whose address is 735 East Michigan Avenue, Lansing, Michigan 48912 ("the Authority").

R E C I T A L S:

A. Section 23 of Public Act 346 of 1966, as amended (the "Act"), creates and establishes a housing development fund under the jurisdiction and control of the Authority, and further provides that the Authority may use the monies held in the housing development fund to make grants to local communities, as defined by the Authority in rules promulgated under the Act, or to public or private nonprofit organizations or local governmental agencies organized to provide assistance to persons and families of low or moderate income, in any amounts as the Authority determines, not to exceed the net costs, exclusive of any federal aid or assistance, incurred by the recipient in planning for or implementing housing assistance or community or housing development.

B. The Grantee has represented to the Authority that it fully intends to undertake or continue a program planning for or implementing housing assistance or community or housing development.

C. The Housing Development Fund Grant, HDF-283, in an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000) (the "Grant") is for a program more specifically described in Exhibit A attached hereto (the "Program").

D. The Authority, as a public body, is charged with the responsibility of regulating the use of funds advanced by it to assure that such funds are being used for purposes and in a manner that are in accordance with the Act and the Authority's General Rules.

E. The Authority has agreed to make the Grant to the Grantee on the condition that the Grantee agrees to the terms and conditions set forth below.

NOW, THEREFORE, in consideration of and as a condition to receiving the Grant, the Grantee agrees that:

1. The terms and conditions set forth herein are a reasonable and appropriate means to assure the use of funds in accordance with the Act and the Authority's General Rules, and the Resolutions.

2. All aspects of the Grantee's plan for the use of the Grant are specifically described in the Program attached hereto as Exhibit A, which Program is incorporated herein, and the Grantee will operate the Program as described in Exhibit A.

3. All actions of the Grantee and requirements of the Grantee's Program are subject to the terms of this Agreement, the provisions of the Act and the Rules of the Authority, being R 125.101, et seq.

4. The activities of the Grantee will be subject to the review of and, in the discretion of the Authority, audit by Authority staff to ensure compliance with this Agreement, the Act and the Authority's Rules, and the Grantee will provide any books, records or documents in such form and at such place as the Authority may request.

5. The Grantee agrees to draw down Grant proceeds only when and in such amounts as may be necessary to pay for the activities described in Exhibit A.

6. All requests for the disbursement of Grant proceeds shall be submitted to the Executive Director of the Authority or his designee, shall be made in writing, and shall include the amount of Grant proceeds to be disbursed, a description of the purposes for which the proceeds are to be used, copies of invoices, billings, or such other documentation as may be necessary to demonstrate project costs, and such other information as the Executive Director or his designee may request.

7. If an advance or a portion of the Grant for a specific purpose is not used for that purpose due to conditions that make it impossible to use as provided herein, or if the Grantee decides not to use the money, upon such decision, the sum shall be returned to the Authority immediately.

8. If any of the Grant proceeds are to be used for the construction or rehabilitation of housing, then:

a. prior to disbursement of funds, the Grantee shall prepare and submit to the Authority a detailed budget of the work to be done, including the cost per unit to be constructed or rehabilitated;

b. all housing units constructed or rehabilitated under the Grant will meet all local codes and will be maintained in good repair; and

c. all housing units constructed or rehabilitated under the Grant shall be affordable to persons whose incomes do not exceed 60 percent of the area median income, adjusted for family size for the area in which each unit will be located.

9. Any of Grantee's activities that are assisted by the use of Grant proceeds and the selection of persons for participation in the Program shall not discriminate against any person on the grounds of race, color, creed, religion, height, weight, sex, age (except for a Development specifically designed for elderly occupants), national origin, handicap, or marital or familial status except as provided by law. The Grantee shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988), the Americans with Disabilities Act, the Elliott-Larsen Civil Rights Act, and the Michigan Persons with Disabilities Civil Rights Act.

10. The Grantee assumes responsibility for any and all costs to implement the Grantee's Program exceeding the amount of the Grant.

11. In the event of a violation of any of the provisions of this Agreement, the Authority will notify the Grantee in writing of the violation and the Grantee will have a 30-day period in which to correct the violation. In the event the violation is not corrected to the satisfaction of the Authority within the time prescribed herein, the Authority may:

a. immediately terminate the Grant, without further notice, in a writing signed by

the Authority's Executive Director; and

- b. pursue any other remedy provided at law or in the Act.

The Grantee hereby agrees that an election by the Authority to pursue any one remedy shall not be construed to preclude or be a waiver of the right to pursue any other remedy available to it.

12. The term of this Agreement shall commence on June 26, 2014 and shall terminate on June 25, 2015, unless extended by the Authority in writing,

13. If any advance or portion of Grant funds used for the specific purpose assented to within this Agreement is not used for that specific purpose, the Grantee will reimburse the Authority for the full amount of the advance (or portion) not used for the specific purpose. Grant proceeds that have not been used for Grant purposes by June 25, 2015 will, within 30 days, be returned to the Authority.

14. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remaining portion hereof.

15. This Agreement may be signed in several counterparts and all so executed shall constitute one agreement, binding on all parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year shown above.

CITY OF MUSKEGON, A MICHIGAN LOCAL
UNIT OF GOVERNMENT

By: _____
Frank Peterson
Its: City Manager

MICHIGAN STATE HOUSING
DEVELOPMENT AUTHORITY

By: _____
Clarence L. Stone, Jr.
Its: Director of Legal Affairs

Exhibit A

Housing Development Fund Grant Agreement, HDF-283

The City of Muskegon, collaboratively with Muskegon Heights, Norton Shores, and the County of Muskegon will utilize Authority funds to initiate a residential Target Market Analysis (“TMA”) to identify opportunities for specific housing products and price ranges based on an in-depth assessment of their respective communities and target areas. The analysis will include the type and number of housing units that could be supported, ideal locations for development, specific amenities to include in designs, and absorption rate and period estimates.

Several areas of the county have been identified as potential development markets for housing opportunity investments. The Muskegon region has a strong history of partnerships and collaborations, and the communities are applying jointly to leverage limited resources.

The City of Muskegon would like the analysis to focus on downtown and adjacent neighborhoods, including the Nelson Neighborhood and 3rd Street District as it relates to the MI Neighborhood grant.

The City of Muskegon Heights would leverage a residential target market analysis of the entire city in order to encourage housing opportunities that makes sense toward stabilizing the community, and to support business growth. The City of Muskegon Heights is interested in determining what additional housing types would be recommended, along with other uses that should be encouraged. Of particular interest to the city is determining the desired density for housing in areas of the city.

The County of Muskegon is interested in pursuing a TMA for Muskegon County in general with a deeper look at the following communities: Roosevelt Park, Montague/Whitehall and Fruitport Township. The county would like to determine who is likely to live in those communities and the type of housing that they would purchase or rehabilitate.

The communities are committed to a substantial amount of advertising of the results from these market analyses. The planning departments in each city and the Board of County Commissioners will work toward proposals to MSHDA and private investors in order to captivate the recommended markets described from this study.

All communities have committed funds to this analysis in the following amounts: Muskegon, \$4,500, Muskegon County, \$5,500, Muskegon Heights, \$2,500, and Norton Shores, \$3,500.

Activity	Current Budget	
	MSHDA	OTHER (Non-MSHDA)
Target Market Analysis	\$15,000	\$16,000
TOTAL	\$15,000	\$16,000

Conditions and procedures of the grant:

- The City of Muskegon will consult with MSHDA staff for proper requirements to include in the request for proposals, including the scope of work, prior to posting.
- The City of Muskegon shall seek MSHDA staff review and approval prior to selecting a vendor for use of MSHDA funds, for which MSHDA will match up to 50% of the contract amount, not to exceed the total of this grant.
- Funds will be disbursed upon completion of the TMA.
- No funds will be disbursed for work conducted prior to, or after, the grant term. The Grantee is responsible for drafting the contract in a manner that aligns with the grant agreement's term of work.
- If the analysis determines a market for a particular housing type, a development project must be completed in each community within 3 years of this grant or it shall be repaid. The development project must be aligned with the results of the TMA.
- In such a case where one or more communities do not meet the development project requirement within three years, those communities shall be solely responsible for repayment of their portion of the matching funds from this grant. The City of Muskegon will only be responsible for their prorated matching funds.
- After the grant agreement is executed, but prior to disbursement of grant funds, MSHDA will require addendums signed by each community acknowledging the conditions of this grant.

The Grantee will provide quarterly progress reports. Reports should include financial status reports and detailed documentation, including invoices, itemized receipts, employee time dedicated to professional service delivery, and other such documentation that the Authority deems necessary to make a reasonable determination for eligible cost reimbursements in accordance with the Authority's Act and Rules governing Housing Development Fund grants. Travel, if necessary to the delivery of programming outlined in the application and grant agreement, shall be reimbursed up to the limits set annually by the Michigan DTMB. MSHDA staff will review the progress reports and will advise the Grantee in a timely manner if any problems arise that may affect the terms of this agreement.

AUTHORIZED SIGNATURE DESIGNATION FORM

Grant Number

The following individuals are approved to sign the required Grant Agreement and relative requests or reports for the above-mentioned grant.

(1)

Name _____

Signature

Title

(2)

Name _____

Signature

Title

Approved by:

Name

Signature

Title

Date: July 22, 2014
To: Honorable Mayor and City Commissioners
From: City Clerk
RE: Hours at City Parks - Ordinance Amendment

SUMMARY OF REQUEST:

Staff has found a discrepancy in the code of ordinances for park hours. City parks have opened at 5:00 a.m. for many years. Under the Uniform Traffic Code, Chapter 92-33, section 8.10 (v), it inadvertently list the park opening as 7:00 a.m.

The amendment would change subsection (v) to list the hours of the park as being closed from the hours of 11:00 p.m. and 5:00 a.m.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance amendment.

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. _____**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 92 "Traffic and Vehicles," Article II "Uniform Traffic Code," Section 92-33 "Changes in code," Section 8.10 "Stopping, standing or parking vehicles; violations as civil infraction" of the Code of Ordinances of the City of Muskegon is amended as follows:

- (1) A person shall not stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic control device:
 - (a) On a sidewalk
 - (b) In front of a public or private driveway
 - (c) Within an intersection.
 - (d) Within 15 feet of a fire hydrant.
 - (e) On a crosswalk.
 - (f) Within 20 feet of a crosswalk or, if none, then within 15 feet of the intersection of property lines at an intersection of streets.
 - (g) Within 30 feet of any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of a street.
 - (h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - (i) Within 50 feet of the nearest rail of a railroad crossing.
 - (j) Within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of the entrance when property signposted.
 - (k) Alongside or opposite any street excavation or obstruction when such stopping, standing, parking would obstruct traffic.
 - (l) On the street side of any vehicle stopped or parked at the edge or curb of a street.
 - (m) On any bridge or other elevated structure on a street or within a street tunnel.
 - (n) Within 200 feet of an accident at which police officers are in attendance.
 - (o) In front of a theater.
 - (p) In any place or in any manner so as to block immediate egress from any emergency exit or exits which are conspicuously marked as building emergency exits.
 - (q) In any place or in a manner so as to block or hamper the immediate use of an immediate egress from any fire escape which is conspicuously marked as a fire escape and which provides an emergency means of egress from any building.
 - (r) At any place where official signs prohibit stopping, standing, or parking.
 - (s) In a parking space which is clearly identified by an official sign as being reserved for use by handicappers and which is on public property or private property that is

available for public use, unless the person is a handicapper as described in the act or unless the person is parking the vehicle for the benefit of a handicapper. A certificate of identification issued under section 675(5) of the Act (MCL 257.675(5)) to a handicapper shall be displayed on the lower left corner of the front windshield. A special registration plate issued under section 803d of the Act (MCL 257.803d) to a handicapper shall be displayed on the vehicle.

- (t) Within 500 feet of a fire at which fire apparatus are in attendance when the scene of the fire lies outside of a city or village. However, volunteer firefighters responding to the fire may park within 500 feet in a manner that does not interfere with fire apparatus at the scene. Vehicles legally parked before the fire shall be exempt from this subsection.
- (u) Along or on any unpaved parkway, except where the same is used for a driveway to enter private or public property.
- (v) In any public park, beach or other public area between the hours of 11:00 p.m. and 5:00 a.m.
- (w) In any public or municipal parking areas between the hours of 2:00 a.m. and 7:00 a.m.
- (x) Other than between painted lines in designated parking areas.
- (y) On unimproved side or front yards of residential lots.

This ordinance adopted:

Ayes: _____
Nays: _____

Adoption Date: _____
Effective Date: _____
First Reading: _____
Second Reading: _____

CITY OF MUSKEGON

By _____
Ann Cummings, MMC
City Clerk

CERTIFICATE

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 _____ day of _____, 2014, 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: _____, 2014

Ann Cummings, MMC
Clerk, City of Muskegon

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

CITY COMMISSION MEETING DATE

July 22, 2014

Date: July 16, 2014

To: Honorable Mayor and City Commissioners

From: Cathy Brubaker-Clarke, Director of Community & Economic Development

Re: Michigan Irish Music Festival (MIMF) – request to serve spirits at the festival

SUMMARY OF REQUEST: The Michigan Irish Music Festival has filed a special event application for their annual festival to be held at Heritage Landing September 11-14, 2014. They are requesting City Commission approval to serve spirits (Jameson Irish Whiskey) at the festival, as follows:

1. In measured 1.5 oz servings over ice or mixed with ginger ale.
2. At a tasting event on Saturday & Sunday, along with craft beer & cider tastings they have hosted in the past.

They have served liquor in the past (Baileys Irish Crème).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION:

COMMITTEE RECOMMENDATION: N/A

**ADDENDUM TO MIMF CITY COMMISSION AGENDA ITEM
RE: SALE OF SPIRITS (JAMESON IRISH WHISKEY) AT EVENT**

Conditions of liquor service, per applicants:

Patrons will be wrist-banded and private security will be on-site to ensure alcohol is consumed by patrons over 21 only.

There are two areas in which they would like to have the whiskey available:

1. Served out of one alcohol service area (bar), which is the raised deck area (formerly the Summer Celebration “sky deck”). Only patrons over 21 will be allowed in this area. However, patrons could exit this service area with the whiskey and travel to other areas of the festival, since the entire Heritage Landing will be a liquor-controlled area.

Whiskey will be served in 1.5 ounce portions using a measured pourer, with a price of \$5.00 (price is tentative).

It will be served “on the rocks” or mixed with ginger-ale.

2. They would also like to include Jameson whiskey in their tastings on Saturday and Sunday. The tastings have been held in the past, but with beer and hard cider only.

Tasting patrons would pay to attend a discussion of the history of, and differences in Irish whiskey, hosted by a Jameson’s representative. Four to five samples of different whiskeys would be served in ½ to 1-ounce servings, depending on the number of products the representative has available. Admission to the tasting event would be in addition to the festival admission.

Commission Meeting Date: July 22, 2014

Date: July 17, 2014
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
**RE: Vacation of the alley between Vulcan St and Brunswick St,
from Nims St to Keating Ave**

SUMMARY OF REQUEST:

Newkirk Electric at 1875 Roberts St is requesting to vacate the alley between Vulcan Street and Brunswick Street, from Nims Street to Keating Avenue. They would then replat the alley so they can utilize it for business operations.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends vacation of the street, with the condition that all utility easement rights be retained.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended vacation of the alley at their July meeting.

CITY OF MUSKEGON

RESOLUTION #2014-

RESOLUTION TO VACATE A PUBLIC ALLEY

WHEREAS, a petition has been received to vacate the alley between Vulcan Street and Brunswick Street, from Nims Street to Keating Avenue; and

WHEREAS, the Planning Commission held a public hearing on July 10, 2014 to consider the petition and subsequently recommended the vacation; and

WHEREAS, due notice had been given of said hearing as well as the July 22, 2014 City Commission meeting to consider the recommendation of the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Commission deems it advisable for the public interest to vacate and discontinue the alley between Vulcan Street and Brunswick Street, from Nims Street to Keating Avenue; and

BE IT FURTHER RESOLVED that the City Commission does hereby declare the said portion of street vacated and discontinued provided, however, that this action on the part of the City Commission shall not operate so as to conflict with any fire access or the utility rights heretofore acquired by the City or by any public service utility in the City of Muskegon, operating in, over and upon said portion of street hereby vacated, and it is hereby expressly declared that any such rights shall remain in full force and effect;

BE IT FURTHER RESOLVED that after any maintenance and repair by the City, the city shall restore the disturbed area to the grade and paving in existence at the time of vacation. The City shall not be responsible to replace special planting, landscaping, fences or any structure. No structure shall be placed in the vacated street which, in the sole judgment of the City, will interfere with the repair or maintenance of utilities in the easement, public or private.

Adopted this 22nd day of July, 2014.

Ayes:

Nays:

Absent:

By: _____
Stephen J. Gawron, Mayor

Attest: _____
Ann Cummings, MMC, City Clerk

CERTIFICATE (Vacation of the alley between Vulcan Street and Brunswick Street, from Nims Street
to Keating Avenue)

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 22, 2014.

Ann Cummings, MMC
Clerk, City of Muskegon

**CITY OF MUSKEGON
PLANNING COMMISSION
STAFF REPORT (EXCERPT)**

Hearing, Case 2014-08: Request for an alley vacation for the alley between Vulcan St and Brunswick St from Nims St to Keating Ave, by Newkirk Electric.

STAFF OBSERVATIONS

1. Nims St and Vulcan St were recently vacated so that Newkirk Electric could utilize their property at 1975 Vulcan St and fence in all of their properties.
2. Newkirk Electric would now also like to vacate the alley between Vulcan St and Brunswick St from Nims St to Keating Ave. so that they may have more space to utilize. This would also help with maintenance of the area, since it would be difficult for anyone to maintain the alley space once a fence is put up between the company and the residential homes.
3. Notice was sent to property owners and tenants within 300 feet of the alley. At the time of this writing, staff has not received any comments from the public.

Alley looking north from Keating Ave



Alley looking south from Nims St



Commission Meeting Date: July 22, 2014

Date: July 17, 2014
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Public Hearing - Request for an Industrial Facilities Exemption Certificate – The Bold Companies

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, The Bold Companies, 2291 Olthoff Dr, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be \$403,031 in personal property and will create 20 jobs. This qualifies them for a tax abatement of nine years under the current City policy.

FINANCIAL IMPACT:

The City will capture certain additional property taxes generated by the expansion (see attached Summary Sheet).

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of six (6) years for personal property.

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
*The Bold Companies***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on July 26, 1983, this Commission by resolution established an Industrial Development District as requested by the City of Muskegon for Port City Industrial Park, including the property leased by The Bold Companies, 2291 Olthoff Dr, Muskegon, Michigan 49444; and

WHEREAS, The Bold Companies has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment has been installed within said Industrial Development District ; and

WHEREAS, said application was filed no later than six months after project commencement and the Muskegon City Commission held a public hearing on July 22, 2014, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

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

CITY OF MUSKEGON PORT CITY INDUSTRIAL CENTER #4 LOT 52 & E 25 FT LOT 53

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

Adopted this 22nd Day of July 2014.

Ayes:

Nays:

Absent:

BY: _____
Stephen J. Gawron
Mayor

ATTEST: _____
Ann Cummings
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on July 22, 2014.

Ann Cummings
Clerk



West Michigan's Shoreline City

City of Muskegon Industrial Facilities Exemption Application Summary Sheet

Employment Information: 88 employees

Racial Characteristics:

White	77
Minority	11
Total	88

Gender Characteristics:

Male	68
Female	20
Total	88

Total No. of Anticipated New Jobs: 20

Investment Information:

Real Property:	\$0
Personal Property	\$403,031
Total:	\$403,031

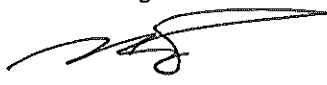
Property Tax Information: (Annual)	<u>All Jurisdictions</u>	<u>City Only</u>
Total New Taxes Generated	\$ 6,683	\$ 2,231
Value of Abatement	\$ 3,342	\$ 1,115
Total New Taxes Collected	\$ 3,342	\$ 1,115

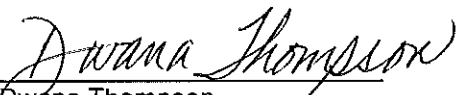
Income Tax Information: (Annual)

Total Additional Income Tax Generated: \$ 3,494

Company Requirements:

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


Mike Franzak
Planner III


Dwana Thompson
Affirmative Action Director

CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT

Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, (“City”) and THE BOLD COMPANIES (“Company”).

Recitals:

A. The Company has applied to City for the establishment of an industrial development district or industrial rehabilitation district pursuant to the provisions of Act 198 of the Public Acts of 1974, as amended, which act requires a contract between the City and the Company to be agreed and submitted with the Company’s subsequent anticipated application for an industrial facilities exemption certificate.

B. That in addition to the statutory requirement, the City has determined that it is in the best interests of the taxpayers, property owners and residents of the City that this Agreement be approved and executed prior to the establishment of the requested district, and the City deems this Contract, together with the conditions set forth in the said Act to constitute a necessary element in the City’s determination whether or not to create the district.

C. The Company intends to install the project set forth in its application (“project”) which it believes qualifies for the process of establishing the district and the application for industrial facilities exemption certificate.

D. The City, provided this Agreement is executed, will determine whether to create the district based upon the potential for the production of permanent jobs, the continuation or increase of economic activity, planning and zoning considerations and the City’s general plan and intentions regarding economic development. In addition to the City policy considerations and predictions that the Company’s proposed district and certificate benefit the community in those ways, the City has further determined that the contractual commitments made by the Company to thereby assist the community shall be binding on the Company and necessary to continue the tax exemption made possible by the certificate.

NOW THEREFORE THE PARTIES AGREE:

1. **COMPANY AGREEMENT.** The Company irrevocably commits to the investment, job retention and job creation promises made in its application, a copy of which is attached hereto and incorporated herein. In particular the Company agrees:

- 1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission.
- 1.2 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate.
- 1.3 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of \$403,031 in personal property improvements as shown in the application.
- 1.4 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.
- 1.5 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.
- 1.6 The Company shall not appeal the valuation of any real or personal property at the facility to the Michigan Tax Tribunal or the State Tax Commission.
- 1.7 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.
- 1.8 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.
- 1.9 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.
- 1.10 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

1.11 The Company shall continue to operate its business location in the City, containing the same number of and type of jobs, for the term of the certificate.

2. **AGREEMENT BY THE CITY.** Provided this contract has been executed and further provided all applications to create the district and achieve the industrial facility exemption certificate have been properly filed, the City shall, in a timely manner, determine in a public meeting to create the district and receive, process, and approve thereafter the Company's application for an industrial facilities exemption certificate. The City may consider this contract in a meeting separate from and prior to the meeting in which the City considers the creation of the district and approval of the application for certificate. Further, the City shall require the submission of this contract signed by the Company together with its applications, before creating the district.

3. **EVENTS OF DEFAULT.** The following actions or failures to comply shall be considered events of default by the Company:

3.1 Failure to meet any of the commitments set forth above.

3.2 The closing of the Company's facilities in the City. Closing shall mean for purpose of this Agreement, the removal, without transfer to another site within the City of substantially all of the production facilities, and the elimination of substantially all the jobs created or retained thereby, which are set forth in the Company's application.

3.3 Failure to afford to the City the documentation and reporting required.

3.4 The failure to create or retain jobs, meet affirmative action goals or expend the funds on equipment and improvements as represented in the application within the times required hereby.

3.5 The bankruptcy or insolvency of the Company.

3.6 The failure to pay any and all taxes and assessments levied on the Company's property or any other taxes, local, state or federal, including but not limited to City income taxes and the withholding of said City income taxes from employees as required by the City Income Tax Ordinance.

3.7 The performance or omission of any act which would lead to revocation under MCLA 207.565, being §15 of the Act.

3.8 The violation of any provisions, promises, commitments, considerations or covenants of this Agreement.

4. **REMEDIES ON DEFAULT.** In the event of any of the above defaults the City shall have the following remedies which it may invoke without notice, except as may be reasonably required by the Company's rights to due process:

4.1 In the event of closing as determined after investigation of the facts and a public hearing, the Company shall be immediately liable for penalties to be paid forthwith to the city as determined as follows:

4.1.1 The Company shall pay to the City for prorata distribution to the taxing units experiencing the abatement, an amount equal to the difference between the industrial facilities tax which it has paid, and the total property taxes to the relevant taxing units which it would have paid, given its installations of improvements and equipment, during the years for which the certificate was in effect.

4.1.2 Immediate Revocation. The Company hereby consents to revocation to the IFT certificate before the State Tax Commission, without hearing, and the City shall submit a copy of this Agreement to the State Tax Commission in connection with its revocation procedure, giving notice that the default has occurred and immediate revocation should occur.

4.2 In the event the improvements and equipment have not been installed before the two (2) year period, in addition to the revocation procedures before the State Tax Commission, the abatement should immediately be reduced by the City proportionately, and any installations which have not been finished at the end of said two (2) year period shall not be eligible for the abatement thereafter and shall be placed on the regular tax roll.

4.3 Failure to Expend the Funds Represented. In the event, (whether or not the installations have been completed), the Company has not expended the funds it has represented on its application that it would invest for the installation of equipment, the abatement shall be reduced prorata, and any remaining value of equipment shall be placed on the regular tax roll.

4.4 Job Creation and Retention. In the event the promised number of jobs have not been created or retained at the end of the two (2) years after the grant of the certificate by the State Tax Commission, the abatement shall be proportionately reduced.

4.5 Affirmative Action Goals. In the event, after one (1) year from the grant of the certificate by the State Tax Commission, the affirmative action goals of the City for additional jobs have not been met on a prorata basis, the abatement shall be revoked.

4.6 For other violations of this Agreement or for actions or omissions by the Company amounting to grounds for revocation by statute, the City shall recommend to the State Tax Commission immediate revocation of the certificate.

4.7 Special Assessment. For any amount due to be paid to the City, under this Section 4, the Company consents that the City shall have a personal action against the Company for the said amount, and in addition, cumulatively, and not by election, the City shall have a special assessment lien on all the property of the Company personal and real, located in the City, for the collection of the amounts due as and in the manner of property taxes and in such case the collection of the said special assessment shall be accomplished by addition by the City to the Company's property tax statement regularly rendered.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.

6. Counterparts. This Agreement may be executed in one or more counterparts. Notwithstanding such execution all such counterparts shall constitute one and the same Agreement.

7. Benefit. This Agreement shall be binding upon and inure to the benefit of the respective parties, their successors and personal representatives.

8. Effective Date. This Agreement shall be effective on the date the State of Michigan Tax Commission grants the company at Industrial Facilities Exemption Certificate.

CITY OF MUSKEGON

By _____
Stephen J. Gawron, Mayor

Date _____

and _____
Ann Cummings, Clerk

Date _____

By _____
Its _____

Date _____

Commission Meeting Date: July 22, 2014

Date: July 15, 2014

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned Property at 2279 Austin

SUMMARY OF REQUEST: To approve the attached resolution and direct the Mayor and Clerk to sign Quit Claim Deed to Mark and Christine Rice, of 2283 Austin, for the property at 2279 Austin, including the garage. Mr. and Mrs. Rice will purchase it for \$700.00

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through the HOME program to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct CNS staff to file the Quit Claim Deed.

COMMITTEE RECOMMENDATION: None.

MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY CITY-OWNED PROPERTY AT 2279 AUSTIN

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of the property at 2279 Austin Street to Mark and Christine Rice.

Adopted this 22nd day of July, 2014.

Ayes:

Nays:

By _____
Stephen J. Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

Commission Meeting Date: July 22, 2014

Date: July 15, 2014

To: Honorable Mayor & City Commission

From: Community and Neighborhood Services Department

RE: Approval of Sale of City-owned home at 2035 Harding

SUMMARY OF REQUEST: To approve the attached resolution and instruct the Community and Neighborhood Services department to complete the sales transaction between Ms. Sharon L. Williams for the rehabilitated home at 2035 Harding, which is part of the City's HOME Infill Program through the U. S. Department of Housing and Urban Development. Ms. Williams purchase price is \$85,000.

FINANCIAL IMPACT: The proceeds from the sale will be used to continue the rehabilitation of vacant houses through the HOME program to sustain our current investments to stabilize and revitalize neighborhoods.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the resolution and direct the CNS staff to complete the sale.

COMMITTEE RECOMMENDATION: None.



MUSKEGON CITY COMMISSION

RESOLUTION TO APPROVE THE PURCHASE OF
CURRENTLY CITY-OWNED PROPERTY AT 2035 HARDING

WHEREAS, the City of Muskegon is dedicated to the redevelopment of its neighborhoods and;

WHEREAS, the City of Muskegon is dedicated to promoting high quality affordable single-family housing in the community and;

WHEREAS, the City of Muskegon is dedicated to promoting homeownership throughout its neighborhoods;

NOW THEREFORE, BE IT RESOLVED that the City Commission hereby approves the sale of 2035 Harding to Sharon L. Williams. Ms. Williams will purchase the house as an owner-occupied structure.

Adopted this 22nd day of July, 2014.

Ayes:

Nays:

By _____
Stephen J. Gawron, Mayor

By _____
Ann Marie Cummings, MMC City Clerk

COMMISSION DATE: July 22, 2014

DATE: 07/07/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN140063

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1747 7TH ST** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days by the owner or agent or infraction tickets may be issued for noncompliance and/or that administration may be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN140063 - 1747 7TH ST

Location and ownership: This structure is located on 7th St. between E. Laketon Ave. and W. Larch Ave. and is owned by VAN SLOOTEN TREE FARMS INC.

Staff Correspondence: A dangerous building inspection was conducted on 2/4/2014 & by SAFEbuilt on 4/1/2014. The Notice and Order to Repair was issued on 2/18/2014. On 6/5/2014 the HBA declared the structure substandard and dangerous.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$ 47,500

Estimated cost to repair: \$ 275,000

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Additional Information (History):

Owner Contact:

Van Slooten Tree Farms

N&O = Signed by Mary Van Slooten

HBA Meeting = Signed by Mary Van Slooten #1

HBA Tabled = Mary Van Slooten signed the card#1

HBA Meeting = Mary Van Slooten signed #2

HBA Determination = signed by Karen Van Slooten (sent to Mark Van Slooten)

County Treasurer

HBA Meeting = Card signed by Colleen M #1

HBA Tabled = Tony M. signed the card#1

HBA Meeting = Signed by J. Matthews.

HBA Determination = Signed by Angie Kroll

Permits obtained: None.

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

CITY OF MUSKEGON
CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202
MUSKEGON, MI 49440
(231) 724-6702 (Office)
(231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

1747 7TH ST
2/4/2014

Inspection noted:

- 1) Roof is completely caved in for a large portion of the building.



BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.

Additional inspection performed by SAFEbuilt:

1747 7TH STREET

1. This building has partly collapsed and is in very bad disrepair. The roof is bad and the building is badly water damaged with rotten wood. I talked to the owner Mr. Van Slooten he bought the building cheap a few years ago and is using it for storage. He intends to repair it sometime. He is 87 years old. He would not let me go into other parts of the building stating it was too dangerous.
2. This will need new framing
3. Wood trusses and rafters
4. New floor joists
5. New floor sheeting
6. New roof sheeting and roofing
7. New brick work
8. New windows
9. And will need new insulation and drywall.
10. The fire sprinkler is not working and has been removed from most of the building
11. This will need all new wiring and plumbing and heating.
12. The north part of the building collapsed a few years ago and there is litter in the lot yet.

COMMISSION DATE: JULY 22, 2014

DATE: 07/07/2014

TO: Honorable Mayor and Commissioners

FROM: Jeffrey Lewis, Director of Public Safety

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN140153

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **766 W SOUTHERN AVE** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: # EN140153 - 766 W SOUTHERN AVE

Location and ownership: This structure is located on W. Southern Ave. between Beidler St. and Henry St. and is owned by ALEXANDER RUSSELL R.

Staff Correspondence: A dangerous building inspection was conducted on 3/24/2014. The Notice and Order to Repair was issued on 3/26/2014. On 6/5/2014 the HBA declared the structure substandard and dangerous.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$ 2,500

Estimated cost to repair: Due to the demolition being over half demolished; the cost to repair would be new construction.

Staff Recommendation: To concur with the Housing Board of Appeals decision to demolish.

Additional Information (History):

Owner Contact:

Russell Alexander:

N&O - card signed by Russell Alexander

HBA Meeting - card signed by Russell Alexander

HBA Determination letter - the card nor the letter have been returned.

County Treasurer:

N&O - card signed by Angie Kroll

HBA Meeting - card signed by J. Matthews

HBA Determination - card signed by Angie Kroll

Permits obtained: Nothing new.

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

CITY OF MUSKEGON
CODE COMPLIANCE DEPARTMENT
933 TERRACE ST STE 202
MUSKEGON, MI 49440
(231) 724-6702 (Office)
(231) 724-6790 (Fax)

DANGEROUS BUILDING REPORT

766 W SOUTHERN AVE

Inspection noted:

Home is ½ demolished. The permit has expired.



BASED UPON A RECENT INSPECTION OF THE ABOVE PROPERTY, IT HAS BEEN DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 10-61 OF THE MUSKEGON CITY CODE.