

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 22, 2003

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. FIRST READING: Zoning Ordinance Amendment for Decks. PLANNING & ECONOMIC DEVELOPMENT
 - c. FIRST READING: Zoning Ordinance Amendment for Bed & Breakfast Facilities. PLANNING & ECONOMIC DEVELOPMENT
 - d. MDOT Contract for Phase IV of the Lakeshore Trail. LEISURE SERVICES
 - e. Lead Base Paint Abatement for 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES
 - f. Approval of Rehabilitation Contract with Lewis Johnson Construction for 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES
 - g. Budgeted Vehicle Replacement. DEPARTMENT OF PUBLIC WORKS
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - a. Second Quarter 2003 Budget Reforecast. FINANCE
- ❑ NEW BUSINESS:
 - a. DPW Reorganization Plan. DEPARTMENT OF PUBLIC WORKS

b. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following:

1. 1253 Calvin
2. 590 Catherine
3. 444 Orchard (Garage only)
4. 1447 Terrace (Garage only)
5. 984 Pine
6. 940 Wood
7. 472 Monroe

❑ ANY OTHER BUSINESS:

❑ PUBLIC PARTICIPATION:

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

❑ ADJOURNMENT:

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

2003-56 a)

Date: July 22, 2003
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 7, 2003; and the Regular Commission Meeting that was held on Tuesday, July 8, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JULY 22, 2003

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 5:30pm, Tuesday, July 22, 2003.

Mayor Warmington opened the meeting with a prayer from Reverend Nana Kratochvil from the Harbor Unitarian Universalist Congregation, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, Clara Shepherd and Lawrence Spataro; City Assistant Manager Lee Slaughter, City Attorney John Schrier and City Clerk Gail Kunding.

2003-56 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 7, 2003; and the Regular Commission Meeting that was held on Tuesday, July 8, 2003.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

b. FIRST READING: Zoning Ordinance Amendment for Decks.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) of the City's Zoning Ordinance in order to clarify the setbacks for decks, and to add definitions to Article II (Definitions) for "Deck", "Patio", and "Porch".

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended

c. FIRST READING: Zoning Ordinance Amendment for Bed & Breakfast Facilities. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Section 700 (Principal Permitted Uses) of Article VII (RM-1, Low Density Multiple-Family Residential) of the City's Zoning Ordinance in order to allow bed & breakfast facilities with more than 2 guest rooms.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their 7/10 meeting. The vote was unanimous with B. Mazade, T. Harryman and S. Warmington absent.

d. MDOT Contract for Phase IV of the Lakeshore Trail. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize the Mayor and Clerk to sign the agreement for construction of phase IV of the Lakeshore Trail.

FINANCIAL IMPACT: Bid price was \$314,267. State will pay \$240,000 and the City is to provide \$74,267.

BUDGET ACTION REQUIRED: None, the funds will come from the golf course fund.

STAFF RECOMMENDATION: Approve.

e. Lead Base Paint Abatement for 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the bid with West Michigan Construction for lead abatement at the City owned property of 351 Erickson for the total cost of \$22,980. After the lead abatement is completed the structure will be totally rehabilitated and sold to a qualified family for home ownership.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2002 HOME budget.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the low bid of \$22,980 from West Michigan Construction and authorize the mayor and clerk to sign the contract.

f. Approval of Rehabilitation Contract with Lewis Johnson Construction for 351 Erickson. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the contract with Lewis Johnson Construction 16076 Bonita Ct., Grand Haven, MI for the total rehabilitation of the City owned property located at 351 Erickson for the cost of \$45,900.

The property at 351 Erickson is part of the City's Comprehensive Neighborhood Redevelopment efforts under the Jackson Hill Urban Redevelopment Project. (WGIRTT)

After the rehabilitation is completed, the home will be sold to a qualified family under the City's ownership efforts.

FINANCIAL IMPACT: Funding will be allocated from the City's 2002 HOME fund budget.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the contract.

Motion by Vice Mayor Buie, second by Commissioner Schweifler to approve the Consent Agenda as read minus item g.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSED

2003-57 ITEMS REMOVED FROM CONSENT AGENDA

g. Budgeted Vehicle Replacement. DEPARTMENT OF PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase two 2004 Ford Explorers.

FINANCIAL IMPACT: Total Cost \$47,081.00.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of two Ford Explorers from Great Lakes Ford.

Motion by Commissioner Schweifler, second by Commissioner Spataro to table approval of purchase for 2004 Ford Explorers until August 12, 2003 Regular Commissioner Meeting.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSED

2003-58 UNFINISHED BUSINESS:

a. Second Quarter 2003 Budget Reforecast. FINANCE

SUMMARY OF REQUEST: At this time staff is transmitting the Second Quarter 2003 Budget Reforecast which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the second quarter budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: General fund revenues continue to deteriorate. The estimate for City income tax revenues has been reduced by \$200,000 and the shortfall in state shared revenues, when compared to the original budget, currently stands at \$515,220. We have included in the 2nd Quarter Reforecast the projected use of another \$500,000 in budget stabilization fund reserves. General fund expenditures are projected to be \$257,257 more than originally budgeted primarily due to large capital projects that were anticipated to be completed in 2002 when the 2003 budget was prepared.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the Reforecast to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the Reforecast and related budget amendments.

Motion by Commissioner Larson, second by Vice Mayor Buie to approve the Second Quarter 2003 Budget Reforecast.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 7/23/01 and interior inspection was conducted 8/21/01. A Notice and Order to repair was issued 8/2/01. The case was heard by the HBA on 9/6/01 and the case was tabled for 60 days at that time. The case was heard again 12/6/01 and the owner was again granted 60 days to complete the exterior repairs. On 6/6/02 the HBA granted 120 days to complete the exterior repairs. On 10/7/02 the HBA declared the property substandard and dangerous.

OWNER CONTACT: There has been no contact since the October 2002 HBA meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: General Funds

STATE EQUALIZED VALUE: \$16,200

ESTIMATED COST TO REPAIR: \$15,000

Motion by Commissioner Shepherd, second by Commissioner Larson to table the decision to demolish 1253 Calvin until the Regular Commission meeting on August 12, 2003 and have staff keep Commission informed of progress.

ROLL VOTE: Ayes: Warmington, Buie, Gawron, Larson, Schweifler, Shepherd, Spataro

Nays: None

MOTION PASSES

2. 590 Catherine

CASE # & PROJECT ADDRESS: #02-84, 590 Catherine, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Catherine between Maple and Chestnut. It was owned by Rosemary Williams (she presides th4ere), but has gone back to the state for taxes.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 11/12/02 and an interior inspection was conducted 1/22/03. A Notice and Order to repair was issued 3/21/03. On 4/21/03 the owner called the Inspection Department and asked what the notice of hearing was about. She was recommended to attend the meeting and state her intentions to the board. The case was heard before the HBA on 5/1/03 and they declared the structure substandard and dangerous on that date. The owner was not present for that meeting.

OWNER CONTACT: There has been no contact since the owner called the Inspection Department on 4/21/03.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$13,900

ESTIMATED COST TO REPAIR: \$8,000

3. 444 Orchard (Garage only)

CASE# & PROJECT ADDRESS: #02-73 - 444 Orchard (Garage only), Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Orchard between Wood and Williams. It was owned by Lucille Hayes, now deceased. Her daughter is trying to sell the property.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 9/11/02. A Notice and Order to repair was issued 9/26/02. The case was heard by the HBA on 3/6/03 and the garage was declared substandard and dangerous on that date.

OWNER CONTACT: The owner is deceased and her daughter scheduled the building inspector to do an inspection on the garage with her and he told her what repairs were required to be done. She didn't have the money to do the repairs and is trying to sell the house.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None.

STATE EQUALIZED VALUE: \$14,900

ESTIMATED COST TO REPAIR: \$2000 (Garage only)

4. 1447 Terrace (Garage only)

CASE# & PROJECT ADDRESS: #02-77 - 1447 Terrace - (Garage only), Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Terrace between Irwin and E. Grand. It is owned by Murray Vanderstelt.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 9/11/02. A Notice and Order to repair was issued 9/26/02. A permit to repair the garage was pulled by the owner 11/12/02 and expired on 1/12/03 before any work was done. The case was heard by HBA on 2/6/03 and the garage was declared substandard and dangerous on that date, but the owner was told the Director of Inspections would delay bringing it before City Commission until June 2003 to allow him time to repair. On 7/14/03 the owner was allowed to pull a new permit to repair the garage, but was informed that if the repairs were not completed by the 7/22/03 commission meeting, the case would move forward for their concurrence.

OWNER CONTACT: The owner has been in the office twice to pull a permit and was present at the HBA meeting to state that he wanted to repair the garage.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$24,400

ESTIMATED COST TO REPAIR: \$2000 - Garage only

5. 984 Pine

CASE# & PROJECT ADDRESS: #03-03 - 984 Pine St., Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Pine Street between Apple and Walton. It is owned by Gerald Fauer.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 1/28/03 after complaints from near by businesses and employees of the County Building of the danger of a board hanging loose from the top of the building. An interior inspection was conducted 2/26/03. An additional inspection report was written on 3/31/03 and the Notice and Order to repair was issued the same day. Because of the structural damage, architectural drawings are required for any repairs. The case was heard by the HBA on 6/5/03 and the structure was declared substandard and dangerous. The owner was not present at the meeting.

OWNER CONTACT: There has been no contact since the interior inspection.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: General Funds

STATE EQUALIZED VALUE: \$26,700

ESTIMATED COST TO REPAIR: \$25,000

6. 940 Wood

CASE# & PROJECT ADDRESS: #02-80 - 940 Wood St., Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Wood Street between Allen and Amity. It is owned by Janice Carter.

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on the garage on 9/11/02 and a notice and order to repair or remove was issued 9/26/02. The owner pulled a permit to repair the front portion of the home and garage on 10/18/02. The HBA heard the case on the garage on 12/5/02 and tabled the case for 210 days to allow the owner time to try to get help with repairing the roof and garage. On 4/15/03 the MPD notified the Director of Inspections the roof structure appeared to be near collapse. On that date the house inspection was conducted and on 5/2/03 the HBA heard the case. They declared the house substandard and dangerous, but voted to delay bringing the case to commission for 90 additional days. There has been no contact from the owner since the meeting in May.

OWNER CONTACT: There has been no contact since the interior inspection.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$15,200

ESTIMATED COST TO REPAIR: \$25,000

Motion by Commissioner Spataro, second by Vice Mayor Buie to concur with Housing Board of Appeals decision to demolish 590 Catherine, 444 Orchard (Garage only), 1447 Terrace (Garage only), 984 Pine and 940 Wood and authorize the Mayor and City Clerk to execute a contract for demolition with the lowest responsible bidder.

ROLL VOTE: Ayes: Spataro, Warmington, Buie, Gawron, Larson, Schweifler, Shepherd

Nays: None

MOTION PASSES

7. 472 Monroe

CASE# & PROJECT ADDRESS: #03-15, 472 Monroe, Muskegon, MI

LOCATION AND OWNERSHIP: This structure is located on Monroe between Seventh and Eighth Streets and is owned by First Concepts Development (Ed Brandel).

STAFF CORRESPONDENCE: A dangerous building inspection was conducted on 2/24/03 because of the length of time the structure was vacant and boarded. There have been numerous police reports and the City has had the structure boarded. A Notice and Order to repair or remove was issued 3/4/03. On 5/1/03 the HBA declared the structure substandard and dangerous. The owner was not present at the meeting. Ed Brandel called the Inspection office after the meeting and scheduled an interior

inspection for 5/22/03. The inspection was conducted and a copy of the report was faxed to him on 5/29/03. There has been no further contact.

OWNER CONTACT: There has been no contact since the interior inspection.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED: None

STATE EQUALIZED VALUE: \$23,400

ESTIMATED COST TO REPAIR: \$8,000

Motion by Commissioner Shepherd, second by Vice Mayor Buie to concur with the Housing Board of Appeals decision to demolish 472 Monroe and to authorize the Mayor and the City Clerk to execute a contract for demolition with the lowest, responsible bidder.

ROLL VOTE: Ayes: Buie, Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington

Nays: None

MOTION PASSES

2003-60 CLOSED SESSION: Pending litigation

Motion by Vice Mayor Buie, second by Commissioner Schweifler to go into closed session at 6:18pm.

ROLL VOTE: Ayes: Gawron, Larson, Schweifler, Shepherd, Spataro, Warmington, Buie

Nays: None

MOTION PASSES

Motion by Vice Mayor Buie, second by Commissioner Schweifler to go into open session at 7:18pm.

ROLL VOTE: Ayes: Larson, Schweifler, Shepherd, Spataro, Warmington, Buie, Gawron

Nays: None

MOTION PASSES

The Regular Commission Meeting for the City of Muskegon was adjourned at 7:18PM.

Respectfully submitted,



Gail Kunderinger, MMC

2003-5667

Commission Meeting Date: July 22, 2003

Date: July 11, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development 
RE: Zoning Ordinance Amendment for Decks

SUMMARY OF REQUEST:

Request to amend Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) of the City's Zoning Ordinance in order to clarify the setbacks for decks, and to add definitions to Article II (Definitions) for "Deck", "Patio", and "Porch".

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/10 meeting. The vote was unanimous with B. Mazade, T. Harryman and S. Warmington absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
July 10, 2003

Hearing; Case 2003-29: Staff-initiated request to amend Section 2307 (Permitted Yard Encroachments) of the zoning ordinance regarding setbacks for decks.

BACKGROUND

Section 2307 (Permitted Yard Encroachments) currently states the following:

2. Uncovered patios, rear and side yards: Attached terraces, patios, porches and decks no more than two feet above grade may be built to the rear or side property line where an established fence line exists. Otherwise, uncovered terraces, patios, porches and decks shall be a minimum of three (3) feet from rear and side property lines.

The current language is ambiguous. The word “otherwise” is intended to mean that if no established fence line exists then decks under 2 feet above grade must be at least 3 feet from the property line. However, this language could be interpreted to mean that decks over 2 feet above grade can be 3 feet from property lines. The building code treats decks over 2 feet above grade as part of the principal structure and the zoning ordinance should clearly state that they need to meet the same setback requirements as the principal structure (house).

Staff is proposing the following changes (deletions in ~~striketru~~, additions in *italic*):

2. ~~Uncovered patios, porches rear and side yards and decks:~~ *Attached terraces, Patios , porches and uncovered decks no more than two feet above grade may be built to the rear or side property line where an established fence line exists. Otherwise* If no established fence line exists, ~~terraces, patios , porches~~ and uncovered decks *no more than two feet above grade shall* must be a minimum of three (3) feet from rear and side property lines. *All decks or porches more than two feet above grade, must comply with the setback requirements of the principal structure.*

Staff is also proposing to add the following definitions to the ordinance:

Deck: *A floored structure, typically with a railing, that adjoins a house.*

Patio: *An uncovered, paved outside area used for several purposes including leisure, social gatherings, etc. Patios may be attached to a home or a separate area; they may be made from concrete, paving bricks or created from other similar products.*

Porch: *A covered entrance to a building, usually projecting from the wall.*

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on July 22, 2003, the City Commission of the City of Muskegon adopted an ordinance amending Section 2307 (Permitted Yard Encroachments of Article XXIII (General Provisions), and Article II (Definitions) of the Zoning Ordinance.

The amendment changes #2 of Section 2307 to the following:

2. Patios, porches and decks: Patios and uncovered decks no more than two feet above grade may be built to the rear or side property line where an established fence line exists. If no established fence line exists, patios and uncovered decks no more than two feet above grade must be a minimum of three (3) feet from rear and side property lines. All decks or porches more than two feet above grade, must comply with the setback requirements of the principal structure.

The amendment also adds definitions of "Deck", "Patio" and "Porch" to the Zoning Ordinance.

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 July 29, 2003

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
Its Clerk

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

Account No. 101-80400-5354

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO. 2111

An ordinance to amend the Zoning Ordinance of the City to amend Section 2307 (Permitted Yard Encroachments) of Article XXIII (General Provisions) and Article II (Definitions).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 2307 of the Zoning Ordinance of the City of Muskegon is hereby amended to replace #2 as follows:

2. Patios, porches and decks: Patios and uncovered decks no more than two feet above grade may be built to the rear or side property line where an established fence line exists. If no established fence line exists, patios and uncovered decks no more than two feet above grade must be a minimum of three (3) feet from rear and side property lines. All decks or porches more than two feet above grade, must comply with the setback requirements of the principal structure.

Article II of the Zoning Ordinance of the City of Muskegon is hereby amended to add the following definitions:

Deck: A floored structure that adjoins a house.

Patio: An uncovered, paved outside area used for several purposes including leisure, social gatherings, etc. Patios may be attached to a home or a separate area; they may be made from concrete, paving bricks or created from other similar products.

Porch: A covered entrance to a building, projecting from the wall.

This ordinance adopted:

Ayes: 7

Nayes: 0

Adoption Date: July 22, 2003

Effective Date: August 8, 2003

First Reading: July 22, 2003

Second Reading: _____

CITY OF MUSKEGON

By: _____

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

Commission Meeting Date: July 22, 2003 - Zoning Ordinance Amendments for Decks

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 22nd day of July, 2003, 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 22, _____, 2003.

Gail Kunding
Gail Kunding, MMC
Clerk, City of Muskegon

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

2003-56 c)

Commission Meeting Date: July 22, 2003

Date: July 11, 2003
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development
RE: Zoning Ordinance Amendment for Bed & Breakfast Facilities

SUMMARY OF REQUEST:

Request to amend Section 700 (Principal Permitted Uses) of Article VII (RM-1, Low Density Multiple-Family Residential) of the City's Zoning Ordinance in order to allow bed & breakfast facilities with more than 2 guest rooms.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends amendment of the Zoning Ordinance as described above.

COMMITTEE RECOMMENDATION:

The Planning Commission recommended approval of the request at their 7/10 meeting. The vote was unanimous with B. Mazade, T. Harryman and S. Warmington absent.

Staff Report [EXCERPT]
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
July 10, 2003

Hearing; Case 2003-26: Request to amend the Zoning Ordinance to permit tourist homes with more than 2 guest rooms in the RM-1, Low Density Multiple-Family Residential zoning district, by Elizabeth B. Sherman.

BACKGROUND

The applicant has purchased the former Bob Carr's House of Gifts and has converted it into a Tourist Home (Bed & Breakfast). The property is zoned RM-1, Low Density Multiple-Family Residential which allows this use, with up to 2 guestrooms. The applicant would like to add a third guestroom.

Tourist Homes are defined in the Zoning Ordinance as:

Tourist Home - Bed and Breakfast Facilities: Any dwelling used or designed in such a manner that certain rooms other than those used by the resident family, and occupied as a dwelling unit, are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

Tourist Homes are not considered to be home occupation businesses; in fact they are specifically mentioned under those uses which are prohibited as home occupation businesses:

- 5) A lodging service including but not limited to, a tourist home, motel or hotel

Tourist Homes are permitted in the RT district under special use permit and in the RM-1 district as a principal permitted use. All RM-1 principal permitted uses are also permitted in the RM-2 and RM-3 districts as well, by reference. The use is not mentioned anywhere else in the ordinance. Therefore, there is no zoning district which currently permits a tourist home to have more than 2 guestrooms.

Staff is proposing to amend the definition of Tourist Home as follows:

Tourist Home (Bed & Breakfast Facilities): A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit in which transient guests are provided a sleeping room and board in return for payment and which does not provide separate cooking facilities to such guests.

Staff is proposing the following regulations regarding Tourist Homes. The use would remain as a special use in the RT district and a principal use in the RM-1, RM-2 and RM-3 districts. Staff is also proposing that the use be added to the H district as a special use.

Tourist homes, under the following conditions:

- a. The owner/operator of the tourist home shall live full-time on the premises.*
- b. No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.*
- c. Breakfast shall be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.*
- d. No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.*
- e. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.*
- f. Signage shall conform to that which is permitted for home occupation businesses only.*
- g. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.*
- h. The property shall meet all local and state code requirements regarding bed and breakfast facilities.*

Parking requirements for Bed & Breakfast uses are already in place in the parking section of the ordinance. The ordinance requires one paved, off-street parking space for each guest room as well as two spaces for the permanent resident(s).

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

Please take notice that on July 22, 2003, the City Commission of the City of Muskegon adopted an ordinance amending Section 700 (Principal Permitted Uses) of Article VII (RM-1, Low Density Multiple-Family Residential), and Article II (Definitions) of the Zoning Ordinance.

The amendment changes #4 of Section 700 to the following:

4. Bed & Breakfast facilities, under the following conditions:
 - a. The owner or operator of the tourist home shall live full-time on the premises.
 - b. No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
 - c. Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.
 - d. No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.
 - e. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.
 - f. Signage shall conform to that which is permitted for home occupation businesses only.
 - g. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.
 - h. The property shall meet all local and state code requirements regarding bed and breakfast facilities.

The amendment also removes the current definition of "Tourist Home – Bed and Breakfast Facilities" from the ordinance and replaces it with a new definition for "Bed & Breakfast Facilities".

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 July ²⁹~~22~~, 2003

CITY OF MUSKEGON

By _____
Gail A. Kunding, MMC
Its Clerk

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

Account No. 101-80400-5354

CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

ORDINANCE NO 2112

An ordinance to amend the Zoning Ordinance of the City to amend Section 700 (Principal Permitted Uses) of Article VII (RM-1, Low Density Multiple-Family Residential) and Article II (Definitions).

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY ORDAINS:

Section 700 of the Zoning Ordinance of the City of Muskegon is hereby amended to replace #4 as follows:

4. Bed & Breakfast facilities, under the following conditions:
 - a. The owner or operator of the tourist home shall live full-time on the premises.
 - b. No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
 - c. Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.
 - d. No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.
 - e. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.
 - f. Signage shall conform to that which is permitted for home occupation businesses only.
 - g. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.
 - h. The property shall meet all local and state code requirements regarding bed and breakfast facilities.

Article II of the Zoning Ordinance of the City of Muskegon is hereby amended to delete the definition for "Tourist Home – Bed and Breakfast Facilities and replace it with the following definition:

Bed & Breakfast Facilities: A use which is subordinate to the principal use of a dwelling unit

as a single-family dwelling unit in which transient guests are provided a sleeping room and board in return for payment and which does not provide separate cooking facilities to such guests. Tourist Homes and Bed & Breakfast Facilities are identical for the purposes of this ordinance.

This ordinance adopted:

Ayes: 0

Nays: 0

Adoption Date: July 22, 2003

Effective Date: August 8, 2003

First Reading: July 22, 2003

Second Reading: _____

CITY OF MUSKEGON

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

Commission Meeting Date: July 22, 2003 - Zoning Ordinance Amendments for Bed & Breakfast Facilities

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 22nd day of July, 2003, 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 22, 2003.

Gail Kundinger
Gail Kundinger, MMC
Clerk, City of Muskegon

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

2003-56 d)

Date: July 10, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: MDOT Contract for Phase IV of the Lakeshore Trail

SUMMARY OF REQUEST:

To authorize the Mayor and Clerk to sign the attached agreement for construction of phase IV of the Lakeshore Trail

FINANCIAL IMPACT:

Bid Price was \$314,267. State will pay \$240,000 the City to provide \$74,267

BUDGET ACTION REQUIRED:

None, the funds will come from the golf course fund

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

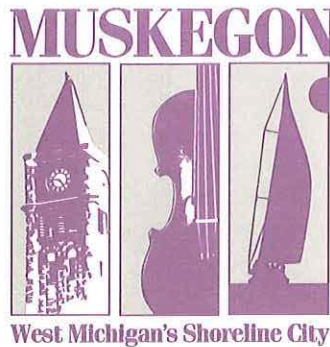
Police Dept.
231/724-6750
FAX/722-5140

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

Treasurer
231/724-6720
FAX/724-6768

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

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



Date: July 10, 2003
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: MDOT Contract for Phase IV of the Lakeshore Trail

Attached is the contract with MDOT for construction of Phase IV of the Lakeshore Trail. Staff is requesting that the commission adopt the attached resolution and authorize the Mayor and Clerk sign the Agreement. Phase IV of the Trail runs from Fisherman's Landing to Third St.

The contract provides \$240,000 in grant monies that the city will match with \$60,000. However, the bid for the project was \$314,267, so the city will need to provide \$74,267, which will come from the golf course fund.

Construction should begin on the project in late August with completion scheduled for next Spring.

Thank you for your consideration.

RESOLUTION 2003-56 (d)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF PHASE IV OF THE LAKESHORE TRAIL TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Buie and supported by

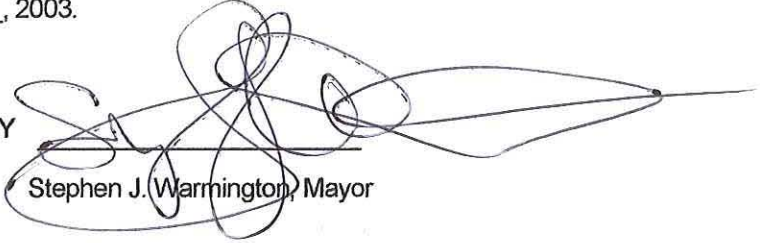
Commissioner Schweifler that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **03-5336** between the Michigan Department of Transportation and the City of Muskegon for the Construction of Phase IV of the Lakeshore Trail within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **03-5336** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 22nd day of July, 2003.

BY


Stephen J. Warmington, Mayor

ATTEST


Gail A. Kundergei, City Clerk

Gail A. Kundergei, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on July 22, 2003. 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. Kundergei, Clerk



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

July 8, 2003

Ms. Gail Kundering, Clerk
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536

RECEIVED
CITY OF MUSKEGON

JUL 09 2003

Dear Ms. Kundering:

RE: MDOT Contract No.: 03-5336
Control Section: STE 61407
Job Number: 50984

ENGINEERING DEPT.

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

- ___ **Please do not date the contracts.** MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.
- ___ **Secure the necessary signatures on all contracts.**
- ___ **Include a certified resolution.** The resolution should specifically name the officials who are authorized to sign the contracts.
- ___ **Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.**

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Division

Enclosure



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GLORIA J. JEFF
DIRECTOR

August 12, 2003

Ms. Gail Kunding, Clerk
City of Muskegon
933 Terrace Street
PO Box 536
Muskegon MI 49443-0536



Dear Ms. Kunding:

RE: MDOT Contract Number: 03-5336
Control Section: STE 61407
Job Number: 50984

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

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Division

Enclosure

cc: T. Todd, Design Support Area
A. Christensen, Financial Operations Division
Grand Region Engineer

cc: Engineering

TRANSPORTATION ENHANCEMENT
NON-TRUNKLINE
FEDERAL-AID
CONSTRUCTION BY LOCAL
AGENCY

DAB
Control Section STP 0261 (338)
Job Number 50984
Project STE 61407
Federal Item No. RR 3306
Contract No. 03-5336

THIS CONTRACT is made and entered into this date of AUG 07 2003,
by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter
referred to as the "DEPARTMENT"; and the CITY OF MUSKEGON, a Michigan municipal
corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing
the rights and obligations of the parties in agreeing to the following improvements, hereinafter
referred to as the "PROJECT":

Grading, multi-use pathway, and pedestrian bridge work for Phase IV of the Lakeshore
Trail (Shoreline Drive) from Third Street to Fisherman's Landing Park; and all together
with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of
transportation enhancement activities; and

WHEREAS, it has been determined that the PROJECT qualifies for such funding by
virtue of its direct relationship with the intermodal transportation system; and

WHEREAS, the PROJECT, at the request of the REQUESTING PARTY, is being
programmed with the United States Department of Transportation, Federal Highway
Administration, hereinafter referred to as the "FHWA", for implementation with the use of
Federal Funds under the following Federal program(s) or funding:

TRANSPORTATION ENHANCEMENT ACTIVITIES
SURFACE TRANSPORTATION PROGRAM

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

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

RECEIVED
CITY OF MUSKEGON
JUL 25 2003

RECEIVED
CITY OF MUSKEGON

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

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

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

3. The DEPARTMENT is authorized by the REQUESTING PARTY to perform such administration of the PROJECT as is necessary to assist the REQUESTING PARTY to qualify the PROJECT for Federal Aid. Such administration shall include programming the available Federal funds for the PROJECT with the FHWA and performing such review and oversight activities as are necessary to assist the REQUESTING PARTY in meeting applicable Federal and State requirements.

The DEPARTMENT shall authorize the REQUESTING PARTY to proceed with the PROJECT work in the following phases:

PHASE I:	ADVERTISING OF CONSTRUCTION CONTRACT
PHASE II:	AWARD OF CONSTRUCTION CONTRACT

The REQUESTING PARTY shall neither advertise nor award the construction contract for the PROJECT prior to receipt of written authorization from the DEPARTMENT to proceed.

The DEPARTMENT shall make a final acceptance inspection of the PROJECT as necessary to meet Federal Aid requirements. No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

4. The REQUESTING PARTY shall perform or cause to be performed all the PROJECT work. It is understood that portions or all of the PROJECT work will be placed under contract by the REQUESTING PARTY. The performance of the PROJECT work will be subject to the "General Agreement Provisions for Federal Aid Projects", attached hereto as "EXHIBIT I", pages 1 through 5, and made a part hereof, and the following conditions:

- A. The REQUESTING PARTY will, at no cost to the DEPARTMENT or the PROJECT, design or cause to be designed the PROJECT and shall accept full responsibility for that design. Any review undertaken by the DEPARTMENT are for its own purposes and are not to nor do they relieve the REQUESTING PARTY of liability for any claims, causes of action, or judgments arising out of the design of the PROJECT.

- B. The REQUESTING PARTY, prior to receiving authorization from the DEPARTMENT to advertise the construction contract, shall certify to the DEPARTMENT that the plans, specifications, and estimates for the PROJECT have been prepared in compliance with applicable State and Federal standards and regulations.
- C. The REQUESTING PARTY shall secure the DEPARTMENT'S approval of the contracting procedures to be followed by the REQUESTING PARTY in connection with the administration of the construction contract for the PROJECT. It is understood that the construction contract(s) for the PROJECT shall be publicly advertised and awarded on the basis of the lowest responsive bid in accordance with current FHWA and DEPARTMENT procedures.
- D. The REQUESTING PARTY, prior to receipt of authorization from the DEPARTMENT to award the construction contract, shall certify to the DEPARTMENT that the selection of the contractor was made in accordance with the terms of this contract and applicable Federal, State and local statutes, regulations, and ordinances.
- E. The REQUESTING PARTY will comply with all applicable State, Federal and local statutes, ordinances and regulations, including, but not limited to, those specifically relating to construction contract administration and obtain all permits, approvals, and give appropriate notifications that are required for the performance of the PROJECT work.

The REQUESTING PARTY agrees to comply with all applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended by 1995 PA 60, MCL 324.9101 et. seq., for all PROJECT work performed under this contract, and the REQUESTING PARTY shall require its contractors and subcontractors to comply with the same.

- F. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, special provisions, and the supplemental specifications and plans pertaining to the PROJECT, and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. The REQUESTING PARTY shall neither seek nor receive reimbursement for any extra work.
- G. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and

specifications are followed and shall perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

Should the REQUESTING PARTY elect to use consultants for construction engineering and inspection, the REQUESTING PARTY shall provide a full-time project manager employed by the REQUESTING PARTY who shall ensure that the plans and specifications are followed.

- H. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements or secure any and all necessary permits with railway companies, utilities, concerned state, federal, and local agencies etc., as may be necessary for the performance of work required for the PROJECT and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. The REQUESTING PARTY shall require the contractor who is awarded the contract for the construction of the PROJECT to provide, as a minimum, insurance in the amounts specified in and in accordance with the DEPARTMENT'S current Standard Specifications for Construction, and to:
 - (1) Maintain bodily injury and property damage insurance for the duration of the PROJECT.
 - (2) Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents, and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.
 - (3) Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current Standard Specifications for Construction and to provide copies of notices and reports prepared to those insured.

- J. (1) The REQUESTING PARTY shall, within 10 days of any ceremony to be held in connection with the PROJECT, notify the DEPARTMENT.
- (2) The REQUESTING PARTY shall, when issuing any news release or promotional material regarding the PROJECT, give the DEPARTMENT and FHWA credit for participation in the PROJECT.
- (3) Upon completion of all PROJECT work, the REQUESTING PARTY shall, within 60 days of said completion, prepare and submit a project report in accordance with current DEPARTMENT requirements. Said report & notification shall be submitted to:

Jacqueline G. Shinn, Transportation Enhancement Administrator
Office of Economic Development and Enhancement
425 West Ottawa, P.O. Box 30050
Lansing, Michigan 48909
Phone (517) 335-1069

- K. Upon completion of all PROJECT work, the REQUESTING PARTY shall so notify the DEPARTMENT and shall request a final acceptance inspection thereof. In the event that there is disagreement between the parties with respect to final acceptance, the DEPARTMENT'S decision shall be final and binding.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. Federal Funds shall be applied to the eligible items of PROJECT COST at a participation ratio equal to 80 percent up to an amount not to exceed \$240,000. The balance of the PROJECT COST, after deduction of Federal Funds, shall be paid by the REQUESTING PARTY. The PROJECT COST and the cost participation are estimated to be as follows:

<u>ESTIMATED COST</u>	<u>FEDERAL FUNDS*</u>	<u>REQUESTING PARTY FUNDS</u>
\$300,000	\$240,000	\$60,000

*The Federal Funds which shall be applied to the eligible items of PROJECT COST are limited to the amount provided herein. Any items of PROJECT COST not reimbursed by Federal Funds will be the sole responsibility of the REQUESTING PARTY.

6. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of PROJECT work. Billings for costs incurred by the REQUESTING PARTY under the terms of this contract shall be prepared and submitted to the DEPARTMENT by the REQUESTING PARTY for reimbursement with Federal Funds in accordance with the procedures of the DEPARTMENT. Progress billings may be submitted bi-

monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year billing. All billings shall be labeled either "Progress Bill Number _____" or Final Billing".

The REQUESTING PARTY shall not request reimbursement of more than 95 percent of its eligible costs until final acceptance of the PROJECT. The REQUESTING PARTY shall request a final acceptance inspection of the PROJECT in accordance with the provisions of Section 4 of this contract. Final acceptance shall be secured by the REQUESTING PARTY within six (6) months of the completion date set in the REQUESTING PARTY'S construction contract or subsequent extension approved by the DEPARTMENT. Should the REQUESTING PARTY fail to secure final acceptance of the PROJECT by the deadline as specified herein, the REQUESTING PARTY shall repay all Federal funds reimbursed for the PROJECT. Upon final acceptance of the PROJECT by the DEPARTMENT in accordance with the provisions of Section 4 of this contract and DEPARTMENT procedures, the REQUESTING PARTY may request final reimbursement.

7. The REQUESTING PARTY shall maintain accurate records and accounts relative to the cost of the PROJECT. Said accounts shall be retained for a period of three (3) years after final payment by the DEPARTMENT and shall be available for audit by the DEPARTMENT and the FHWA.

The REQUESTING PARTY, upon completion of the PROJECT and payment of all items of PROJECT COST related thereto, shall make a final accounting to the DEPARTMENT.

Reimbursement of any cost pursuant to this contract shall not constitute a final determination by the DEPARTMENT of the allowability of such cost and shall not constitute a waiver by DEPARTMENT of any violation of the terms of this contract committed by the REQUESTING PARTY. Final settlement of costs shall be made upon completion of all PROJECT work and the DEPARTMENT'S acceptance of an audit performed by a certified public accountant in accordance with 49 CFR Part 18.26, and OMB Circular A-133, and/or final audit by the DEPARTMENT. The REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of cost previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Fund in settlement of said claim.

8. It is understood that the REQUESTING PARTY is the owner of the facilities constructed as the PROJECT and that said facilities may require special or unusual operation and/or maintenance. The REQUESTING PARTY certifies, by execution of this contract, that upon completion of construction and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PROJECT, making ample provisions each year for the performance of such maintenance work as may be required.

On projects for the construction of bikeways, the REQUESTING PARTY will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.

On projects involving the restoration of historic facilities, the REQUESTING PARTY agrees that the project will not be advertised for bids until the owner of such facilities has granted an historic preservation easement to the State of Michigan in accordance with 1995 PA 60, for the purpose of insuring that the historic property will be preserved. The REQUESTING PARTY also agrees that such facilities shall be maintained and repaired by the REQUESTING PARTY or owner, as applicable, at no cost to the DEPARTMENT or the PROJECT, in such a manner as to preserve the historical integrity of features, materials, appearance, workmanship, and environment.

On projects which include landscaping, the REQUESTING PARTY agrees to perform or cause to be performed, at no cost to the DEPARTMENT, the watering and cultivating necessary to properly establish the plantings for a period of two growing seasons, in general conformance with Section 815.03(L) of the DEPARTMENT'S Standard Specifications for Construction. The REQUESTING PARTY shall maintain all plantings following completion of said period of establishment.

Failure of the REQUESTING PARTY to fulfill its responsibilities as outlined herein may disqualify the REQUESTING PARTY from future Federal-aid participation in Transportation Enhancement projects or in other projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

9. In addition to any protection afforded by a policy of insurance, the REQUESTING PARTY agrees to indemnify and save harmless the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and all officers, agents, and employees thereof:

- A. From any and all claims by persons, firms, or corporations for labor, materials, supplies or services provided to the REQUESTING PARTY in connection with the contract which the REQUESTING PARTY shall perform under the terms of this contract; and
- B. From any and all claims for injuries to, or death of, any and all persons, for loss of or damage to property, environmental damage, degradation, response and cleanup costs, and attorney fees or other related costs, arising out of, under, or by reason of this Agreement, including the design of the

PROJECT, except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agents, or employees.

The DEPARTMENT shall not be subject to any obligations or liabilities by contractors of the REQUESTING PARTY or their subcontractors or any other person not a party to this contract without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or subcontract or the solicitation thereof.

It is expressly understood and agreed that the REQUESTING PARTY shall take no action or conduct which arises either directly or indirectly out of its obligations, responsibilities, and duties under this contract, which results in claims being asserted against or judgments being imposed against the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission.

In the event that the same occurs, for the purpose of this contract, it will be considered as a breach of this contract thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan State Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

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

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

The providing of recommendations or advice by the DEPARTMENT does not relieve the REQUESTING PARTY of its exclusive jurisdiction of any of its highways and responsibility under MCL 691.1402, MSA 3.996(102).

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

11. The DEPARTMENT, by executing this contract and rendering services pursuant to this contract, has not and does not assume either: (1) jurisdiction of any REQUESTING PARTY highway for purposes of MCL 691.1402; MSA 3.996(102), or (2) ownership and control of any public building for purposes of MCL 691.1406; MSA 3.996(106). Exclusive jurisdiction

of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY.

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

13. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

14. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

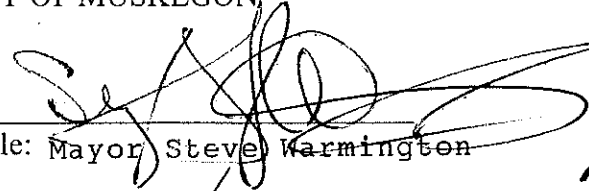
15. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolution approving said contract and authorizing the signatures thereto of the respective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

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

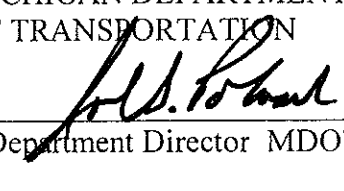
CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

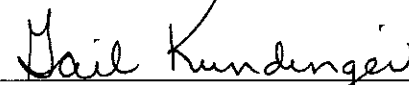
By


Title: Mayor Steve Warmington

By


Department Director MDOT

By


Title: City Clerk, Gail Kunderger



RESOLUTION 2003-56 (d)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF PHASE IV OF THE LAKESHORE TRAIL TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Vice Mayor Buie and supported by

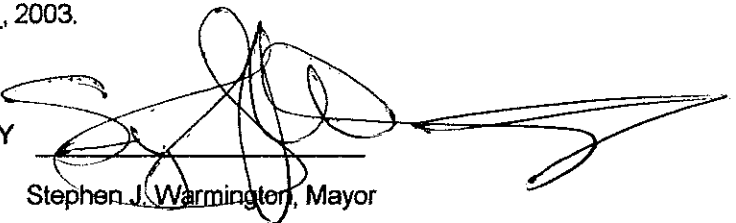
Commissioner Schweifler that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **03-5336** between the Michigan Department of Transportation and the City of Muskegon for the Construction of Phase IV of the Lakeshore Trail within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **03-5336** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 22nd day of July, 2003.

BY


Stephen J. Warmington, Mayor

ATTEST


Gail A. Kundinger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on July 22, 2003. 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

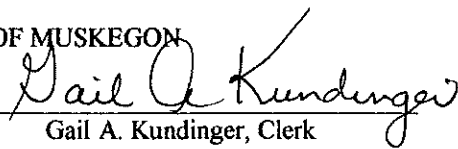

Gail A. Kundinger, Clerk

EXHIBIT I

GENERAL AGREEMENT PROVISIONS FOR FEDERAL AID PROJECTS

1. General Provisions:
 - A. The REQUESTING PARTY will comply with all FHWA requirements concerning special requirements of law, program requirements and other administrative requirements.
 - B. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
 - C. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.
2. Federal Clean Air Act of 1970: The political subdivisions which are a party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - A. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - B. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - C. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
3. Other Regulatory Requirements:
 - A. The REQUESTING PARTY hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements of 49 CFR Part 18 (U.S. DOT Implementation of the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or "Common Rule") as they relate to the application, acceptance and use of Federal Funds for this federally-assisted project.

B. The REQUESTING PARTY shall be responsible for the accurate and detailed accounting of the costs and expenses incurred in the performance of any part of the PROJECT work it agrees to undertake as provided within this contract. Said accounts shall be maintained in accordance with generally accepted government accounting principles and 49 CFR Part 18. Said accounts shall be made available for review and audit by the DEPARTMENT and, as required, by the FHWA and appropriate U.S. governmental agencies and shall be retained on file for a period of not less than three years from the date of the final payment for work conducted under this contract.

C. The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502, and OMB Circular A-133. All such audits are subject to the review and approval of the DEPARTMENT, the FHWA, and the Office of the Inspector General.

(1) Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

The agency shall submit two copies of:

The Reporting Package

The Data Collection Form

The management letter to the agency, if one issued by the audit firm

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

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

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

(4) Agencies must also comply with applicable State laws and regulations relative to audit requirements.

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

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

4. Retention and Custodial Requirements for Records:

A. Financial records, supporting documents, statistical records and all other records pertinent to this instrument shall be retained for a period of 3 years, with the following exception:

(1) If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.

(2) Records for nonexpendable property, if any, required with Federal Funds shall be retained for 3 years after its final disposition.

(3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.

B. The retention period starts from the date of the submission of the final expenditure report.

C. The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts and transcripts.

5. Equal Employment Opportunity:

A. The REQUESTING PARTY agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.

B. The REQUESTING PARTY agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contractors and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.

- C. The REQUESTING PARTY further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap, or age; and that it has an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
6. Copeland Act: All contracts in excess of \$2,000 for construction or repair awarded by the REQUESTING PARTY and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The REQUESTING PARTY shall report all suspected or reported violations to the DEPARTMENT.
7. Davis-Bacon Act: When required by the Federal program legislation, all construction contracts awarded by the REQUESTING PARTY and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The REQUESTING PARTY shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The REQUESTING PARTY shall report all suspected or reported violations to the DEPARTMENT.
8. Contract Work Hours and Safety Standards Act: Where applicable, all contracts awarded by the REQUESTING PARTY in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act, if applicable to construction work, provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or

contracts for transportation or transmission of intelligence.

9. Access to Records: All negotiated contracts (except those of \$25,000 or less) awarded by the REQUESTING PARTY shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.
10. Civil Rights Act: The REQUESTING PARTY shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - A. The primary purpose of and instrument is to provide employment, or
 - B. Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
11. Nondiscrimination: The REQUESTING PARTY hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the ground of race, color, national origin, sex, handicap, or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the REQUESTING PARTY receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
12. Rehabilitation Act: The REQUESTING PARTY shall comply with Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education and Welfare (45 CFR, Parts 80, 81 and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subject to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

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

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

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

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

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

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

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

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

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

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

2003-56 e)

Commission Meeting Date:

Date:

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Lead base Paint Abatement and 351 Erickson

SUMMARY OF REQUEST: To approve the bid with West Michigan Construction for lead abatement at the City owned property of 351 Erickson for the total cost of \$22,980.

After the lead abatement is completed the structure will be totally rehabilitated and sold to a qualified family for home ownership.

FINANCIAL IMPACT: Cost of the abatement will be allocated from the 2002 HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the low bid of \$22,980 from West Michigan Construction and authorize the mayor and clerk to sign the contract.

COMMITTEE RECOMMENDATION: None

Lead Abatement Bid Results

<u>West Michigan Construction</u>	\$22,980
2600 Patterson SE	
Grand Rapids, MI 49546	

Success Enterprise	\$26,200
2722 E. Broadway Ave.	
Muskegon, MI 49444	

A-1 Professional Construction	\$25,170
2600 Miller NW	
Grand Rapids, MI 49544	



LEAD BASE PAINT ABATEMENT AGREEMENT

This Lead Abatement Construction Agreement made as of the 23rd day of July, 2003 between the City of Muskegon (the "Owner") and West Michigan Construction ("Lead Abatement Contractor").

BACKGROUND

A. Lead Abatement Contractor (LAC) and Owner agree that LAC shall abate the lead based paint hazards in the Bid Proposal for **351 Erickson** a single family residence (the "Residence") attached as Exhibit C pursuant to the Infill Program, according to terms of this Agreement.

THEREFORE, the parties agree as follows:

1. **Price.** The price for Lead Abatement Construction shall be Twenty-two thousand nine hundred and eighty dollars (\$22,980). **The Price may change in the event the LAC and Owner, agree to change orders, modifications or extras, as defined below, in writing and signed by all the above.**

2. **Costs Included.** The Price shall include the cost of the building permit and all sales taxes incurred by Lead Abatement Contractor for materials purchased and installed in the Residence. The Price shall not include any other costs whatsoever associated with the construction of the Residence, including, but not limited to, utility bills, heating costs, sewer or water hook-up charges, trunkage fees, regional fees, or any other water, sewer or property tax assessments, each of which shall be Purchaser's sole responsibility.

3. **Payment of the Price.** The Price shall be paid in accordance with the following schedule ("Payment Schedule").

LAC may request draws from City of Muskegon acting as escrow agent. Draws may be requested no more than once per month. Requests for draws and documentation required will be in a format acceptable to the City, and shall include at a minimum lien waivers. The total amount of a draw may never exceed the percentage of completion, less a 10% holdback. The balance owed on the contract, including any holdback, shall be paid upon satisfactory results from a Full Clearance Assessment.

4. **Modifications/Extras.** No modifications to the Plans ("Modifications") or requests for additional construction ("Extras") shall be binding upon either party, unless the Modifications and/or Extras are set forth on a written change order that is signed by Lead Abatement Contractor and, City of Muskegon. The Change Order must provide a detailed description of the Modifications and/or Extras and the cost or credit to be charged. Where a Change Order increases or decreases the Price ("Adjusted Price"), the Adjusted Price shall be paid according to the remaining portion of the Payment Schedule.

5. **Possession.** Purchaser shall be entitled to possession of the Residence upon payment of the Price or Adjusted Price in full. Upon payment in full, Lead Abatement Contractor shall deliver to Owner a Full Clearance Assessment at contractor's expense a completed sworn statement and a full unconditional waiver of lien. Payment of the Price or Adjusted Price by Purchaser shall constitute the acceptance of the Residence.

6. **Estimated Completion Date.** Lead Abatement Contractor shall commence construction of the Residence within 30 days from the date the parties signs this agreement ("Commencement Date"). Lead Abatement Contractor shall endeavor to complete the Residence within 4 weeks of the Commencement Date ("Completion Date"). Provided, that both the Commencement Date and the Completion Date may be extended as a result of circumstances beyond the control of General Contractor, including, but not limited to, delays caused by suppliers or subcontractors, delays for utility hook-ups, Acts of God, labor disputes, governmental inspections, regulations, or permit processes, material back orders, Purchaser's requests for Change Orders, fire, injury or disability to General Contractor or weather.

7. **General Contractor Conditions.** This Agreement is subject to and includes all of the Contractor Conditions attached to this Agreement as Exhibit A.

**General Contractor – West Michigan
Construction**

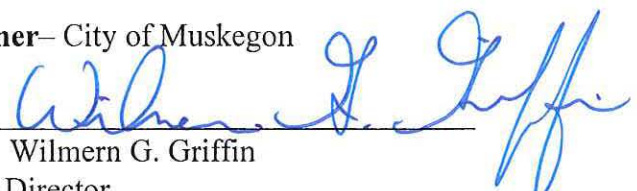
Dated: 7-24, 2003

By: 

Its: Contractor

Owner– City of Muskegon

Dated: 7-24, 2003

By: 
Wilmer G. Griffin

It's: Director

Witness

Dated: 7-24, 2003

By: 
Oneata Bailey

EXHIBIT A

CONTRACTORS CONDITIONS

1. **General Contractor's Warranties.** All building materials used in the construction of the Residence shall be new. General Contractor guarantees its workmanship for a period of one year from the date of final completion. Within that period, General Contractor may replace, at its option, any materials incorporated into the Residence which are defective, provided the manufacturer's warranty is still in full force and effect and, in fact, the manufacturer honors that warranty. To make a claim under this warranty, Purchaser must give General Contractor written notice of any such defect in the workmanship and/or materials promptly upon discovery and not later than expiration of the one year warranty period. This warranty does not apply to workmanship or materials requiring repair or replacement because of normal wear and tear or natural settling. General Contractor shall turn over and transfer to City all manufacturers' warranties that are delivered directly to General Contractor by the manufacturer. All warranties under this agreement shall transfer upon the date of sale to Buyer as the City's successor in interest.

2. **License.** General Contractor is a residential General Contractor and a residential maintenance and alteration contractor and is required to be licensed under article 24 of Act 299 of the Public Acts of 1980, as amended, being sections 339.2401 to 399.2412 of the Michigan Compiled Laws. An electrician is required to be licensed under Act No. 217 of the Public Acts of 1956, as amended, being sections 338.881 to 338.892 of the Michigan Compiled Laws. A Plumber is required to be licensed under Act No. 266 of the Public Acts of 1929, as amended being sections 338.901 to 338.917 of the Michigan Compiled Laws. General Contractor is licensed by the State of Michigan as a licensed Michigan Contractor and maintains its license in good standing. General Contractor's License and ID numbers are _____ and _____, respectively.

3. **Laws, Ordinances and Regulations.** In connection with the construction of the Residence, General Contractor shall meet and comply with all applicable laws, ordinances, and regulations.

4. **Notice of Commencement.** Purchaser shall deliver a Notice of Commencement in accordance with the Michigan Construction Lien Act within ten days of this Agreement.

5. **Diligent Pursuit.** General Contractor shall diligently pursue its obligations under this Agreement. If Purchaser believes that General Contractor has failed to comply with this paragraph, it shall provide General Contractor not less than 15 days written notice of such non-compliance, a list of City specific complaints, and a reasonable time within which General Contractor shall cure any such reasonable complaints. Until City fully complies with the notice provisions set forth in this paragraph,

6. **Insurance.** City shall procure and maintain an "all risk" insurance policy and shall name General Contractor as an additional named insured. City shall provide General Contractor with evidence of such insurance upon request. General Contractor shall maintain a policy of General Contractor's insurance fully insuring the Residence from the date construction commences until the date of substantial completion. General Contractor shall provide Purchaser with evidence of such insurance upon request. Purchaser and General Contractor waive all rights against each other for damages caused by fire or other perils to the extent covered by insurance provided under this paragraph.

2. Miscellaneous.

9.1 Applicable Law. This Agreement is executed in, shall be governed by, and construed and interpreted in accordance with the laws of the State of Michigan.

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

9.3 Full Execution. This Agreement requires the signature of both parties. Until fully executed on a single copy or in counterparts, this Agreement is of no binding force or effect, and if not fully executed, this Agreement is void.

9.4 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original as against any party whose signature appears thereon, and all of which together shall constitute one and the same instrument. This Agreement shall become binding upon the parties when one or more counterparts, individually or taken together, shall bear the signatures of all parties.

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

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

9.7 No Discrimination. Discrimination on the basis of religion, race, creed, color, national origin, age, sex, marital status, or handicapped condition by either party in respect to the construction of the Residence is prohibited.

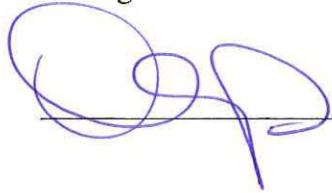
9.8 Assignment or Delegation. Neither General Contractor nor Purchaser may assign all or any part of this Agreement. Provided, that General Contractor may delegate all or any part of its obligations to perform the services under this Agreement, to any persons or entities that General Contractor, in its sole discretion, deems appropriate, including sub-contractors. Such delegation shall be at the sole expense of General Contractor unless otherwise provided.

9.9 Notices. All required or permitted written notices shall be deemed effective and duly given when: (i) personally delivered; (ii) sent by fax; (iii) one day after depositing in the custody of a nationally recognized receipted overnight delivery service; or (iv) two days after posting in the U.S. first class, registered or certified mail, postage prepaid, to the recipient party at the address as set forth at the outset of this Agreement, or to such other address as the recipient party shall have furnished to the sender in accordance with the requirements for the giving of notice.

9.10 Pronouns. For convenience, Purchaser has been referred to this Agreement sometimes in the singular and at other times in the plural.

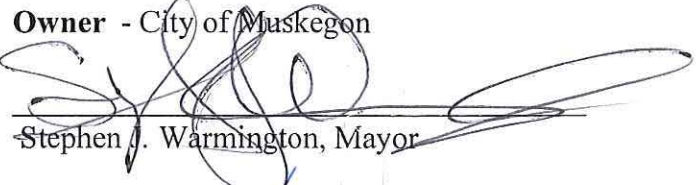
**Lead Abatement Contractor – West
Michigan Construction**

Dated: 7-24, 2003



Dated: Aug 4, 2003

Owner - City of Muskegon



Stephen J. Warmington, Mayor

Dated: Aug 4, 2003



Gail Kunding, City Clerk

EXHIBIT B
Legal Description

City of Muskegon revised plat of 1903

EXHIBIT C
Plans and Specifications

Commission Meeting Date: July 22, 2003

2003-56 f)

Date: July 15, 2003
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Approval of Rehabilitation Contract with Lewis
Johnson Construction for 351 Erickson

SUMMARY OF REQUEST: To approve the contract with Lewis Johnson Construction 16076 Bonita Ct. Grand Haven, MI for the total rehabilitation of the City owned property located at 351 Erickson for the cost of \$45, 900.

The property at 351 Erickson is part of the City's Comprehensive Neighborhood Redevelopment efforts under the Jackson Hill Urban Redevelopment Project. (WGIRTT)

After the rehabilitation is completed, the home will be sold to a qualified family under the City's ownership efforts.

FINANCIAL IMPACT: Funding will be allocated from the City's 2002 HOME fund budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the contract.

COMMITTEE RECOMMENDATION: None

351 Erickson Bid Result

Contractors

Lewis Johnson 16076 Bonita Ct. Grand Haven, MI 49417	\$45,900
--	----------

Wasco Construction* 500 W. Western Ave Muskegon, MI 49443	\$42,721.75
---	-------------

NOTE*

Wasco Construction was eliminated because the owner does not have a builder's license. The license contractor who is hired by Wasco Construction didn't have any positive references.

Therefore, Lewis Johnson was the sole bidder.



Date: 05/08/03 2003-579)
To: Honorable Mayor and City Commission
From: Brett Kraley, Equipment Supervisor DPW
RE: Budgeted Vehicle Replacement

SUMMARY OF REQUEST: Approval to purchase two 2004 Ford Explorers.

FINANCIAL IMPACT: Total Cost \$47,081.00

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of two Ford Explorers Great Lakes Ford.

Memorandum

To: Robert Kuhn
From: Brett Kraley
Date: 07/16/03
Re: Police Explorer

The Equipment Division has scheduled the replacement of six patrol cars for 2003. The Equipment Division has made changes in our techniques for replacement these vehicles and thus we have been able to extend their service life. As a result we *will not need to purchase 2003 models since we will be utilizing our remaining 2002 inventory.*

The Police Chief has requested that we replace the one cruiser currently assigned to the command staff with a special service Ford Explorer.

In conjunction with this, I would like to move up the replacement of the Chevrolet Tahoe that is scheduled for replacement next year. The 1997 Tahoe will be utilized by the Equipment Supervisor so that we can free up the back up Senior Transit Vehicle which he is currently using.

I have requested prices from area dealers as well as the statewide purchasing contract. The lowest responsible bidder for this purchase is Great Lakes Ford. (See attachment)

In accordance with established purchasing policy, I am requesting permission to purchase two Ford Explorers from Great Lakes Ford.

MUSKEGON POLICE DEPARTMENT
Office of the Chief

MEMORANDUM

TO: Mr. Brett Kraley
Department of Public Works

FROM: Anthony L. Kleibecker
Chief of Police

DATE: March 3, 2003

SUBJECT: Request for Replacement Vehicle

Per our previous discussion, I am requesting that we purchase a Chevy Tahoe SUV (police package) to replace the cruiser currently assigned to our command staff. The Tahoe will provide more storage for equipment that our supervisors need to carry. It will also accommodate our need for a vehicle, which is set up for incident command situations.

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

2003 Equipment Purchase Schedule

5720 Non-vehicular Equipment

Request	Description	Budgeted Amount	Total Budgeted Amount	Actual Amount	Ordered	Received
1	TV Truck	\$ 176,000	\$ 176,000	\$ 99,215	1	
1	Backhoe	\$ 65,000	\$ 65,000	\$ 57,000	1	1
1	Hoist	\$ -	\$ -	\$ 6,390	1	1

\$ 241,000 \$ 162,605

% Expended	67%
------------	-----

5746 Communications Equipment

Request	Description	Budgeted Amount	Total Budgeted Amount	Actual Amount	Ordered	Received
18	Portable Radios	\$ 700	\$ 12,600	\$ 750		
12	Radios DPW	\$ 700	\$ 8,400			
10	Equipment Radios	\$ 700	\$ 7,000			
6	Light Bars	\$ 1,400	\$ 8,400	\$ 2,532	1	1
6	CPI Sirens	\$ 180	\$ 1,080			
1	Communication Radio	\$ 640	\$ 640			
1	Service Monitor	\$ 20,000	\$ 20,000	\$ -		

\$ 58,120 \$ 3,282

% Expended	6%
------------	----

5730 Vehicles

Request	Description	Budgeted Amount	Total Budgeted Amount	Actual Amount	Ordered	Received
6	Police Patrol Cars	\$ 23,000	\$ 138,000			
5	3/4 ton pick up	\$ 20,000	\$ 100,000	\$ 68,894	4	
3	Plow Truck	\$ 75,000	\$ 225,000			
5	Mini Pickup	\$ 18,000	\$ 90,000			
1	Sedan DELAYED	\$ 20,000	\$ 20,000			

\$ 573,000 \$ 68,894

% Expended	12%
------------	-----

Total Capital

27% \$872,120 \$234,781

Equipment Purchase - 2003				
	<u>Signature Ford</u>	<u>Great Lakes Ford</u>	<u>Tony Betten & Sons</u>	<u>Fremont Ford</u>
	<u>3942 Lansing Rd</u>	<u>2469 Apple</u>	<u>3839 Plainfield</u>	<u>7148 W. 48th</u>
<u>Type of Vehicle</u>	<u>Perry Mi 48872</u>	<u>Mudskegon Mi. 49442</u>	<u>Grand Rapids Mi. 49525</u>	<u>Fremont Mi. 49412</u>
Two 2004 Ford Explorers	\$24,140.50	\$23,540.50	\$25,323.00	\$22,369.19
Delivery	\$ 240.00	\$ -	\$ -	
Total Cost	\$48,521.00	\$47,081.00	\$50,646.00	\$44,738.38

2003-58 a)

Date: July 8, 2003

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: Second Quarter 2003 Budget Reforecast

SUMMARY OF REQUEST: At this time staff is transmitting the **Second Quarter 2003 Budget Reforecast** which outlines proposed changes to the original budget that have come about as result of changes in policy priorities, labor contracts, updated economic conditions, or other factors. For the next meeting, an action item will be placed on the agenda for adoption of the second quarter budget reforecast together with any additional changes deemed necessary by Commissioners.

FINANCIAL IMPACT: General fund revenues continue to deteriorate. The estimate for city income tax revenues has been reduced by \$200,000 and the shortfall in state shared revenues, when compared to the original budget, currently stands at \$515,220. We have included in the 2nd Quarter Reforecast the projected use of another \$500,000 in budget stabilization fund reserves. General fund expenditures are projected to be \$257,257 more than originally budgeted primarily due to large capital projects that were anticipated to be completed in 2002 when the 2003 budget was prepared.

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: The City Commission should review the *Reforecast* to ensure it reflects their policy initiatives. At the next City Commission meeting, staff will request formal approval of the *Reforecast* and related budget amendments.

COMMITTEE RECOMMENDATION: There is no committee recommendation at this time.

Date: July 22, 2003

2003 - 59a)

To: Mayor and City Commisisoners

From: Robert Kuhn, DPW Director

Re: DPW Reorganization Plan

SUMMARY OF REQUEST: Proceed with reorganization of the DPW Division by eliminating one position and upgrading others to include the duties of the eliminated position.

FINANCIAL IMPACT: Annual savings will exceed \$60,000 initially

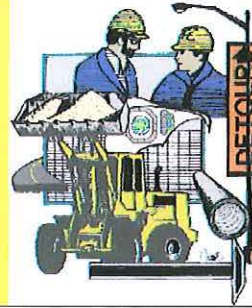
BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: The position of Deputy Director of Public Works will be eliminated. Five positions will be upgraded to accommodate these duties.

COMMITTEE RECOMMENDATION:

Muskegon Public Works

"We Give You The Works"



July 15, 2003

Bryon Mazade - City Manager
Mayor and City Commissioners

With the current economic climate within the City of Muskegon and with the recent departures of our Deputy Director of Public Works, and a highway supervisor, I would like to propose the following organizational changes. These changes will result in a significant cost savings to the City and attempt to divide out the duties of the Deputy Director who will not be replaced.

I have attached a proposed organizational chart, which portrays these changes.

1. Since the Deputy Director will not be replaced this will result in a annual cost savings of \$65,120 per year (2003). This figure does not include the additional savings from any benefits package.
2. 2 supervisor positions will be upgraded to "Superintendents". One will be the Superintendent of Public Works and the other shall be the Superintendent of Utilities. Both positions would be upgraded from Range VII to Range VI with the initial cost for this upgrade amounting to \$2618. (\$1314 each)
3. With the recent retirement of the Traffic Safety Supervisor, I propose to replace this position with an additional Highway Supervisor. The Traffic Supervisor's duties will now come under the responsibility of the Highway Department.
4. The Administrative Services Supervisor position was thoroughly reviewed by a study conducted by the Civil Service Office. Although this change in status should stand on its own merits, I am going to

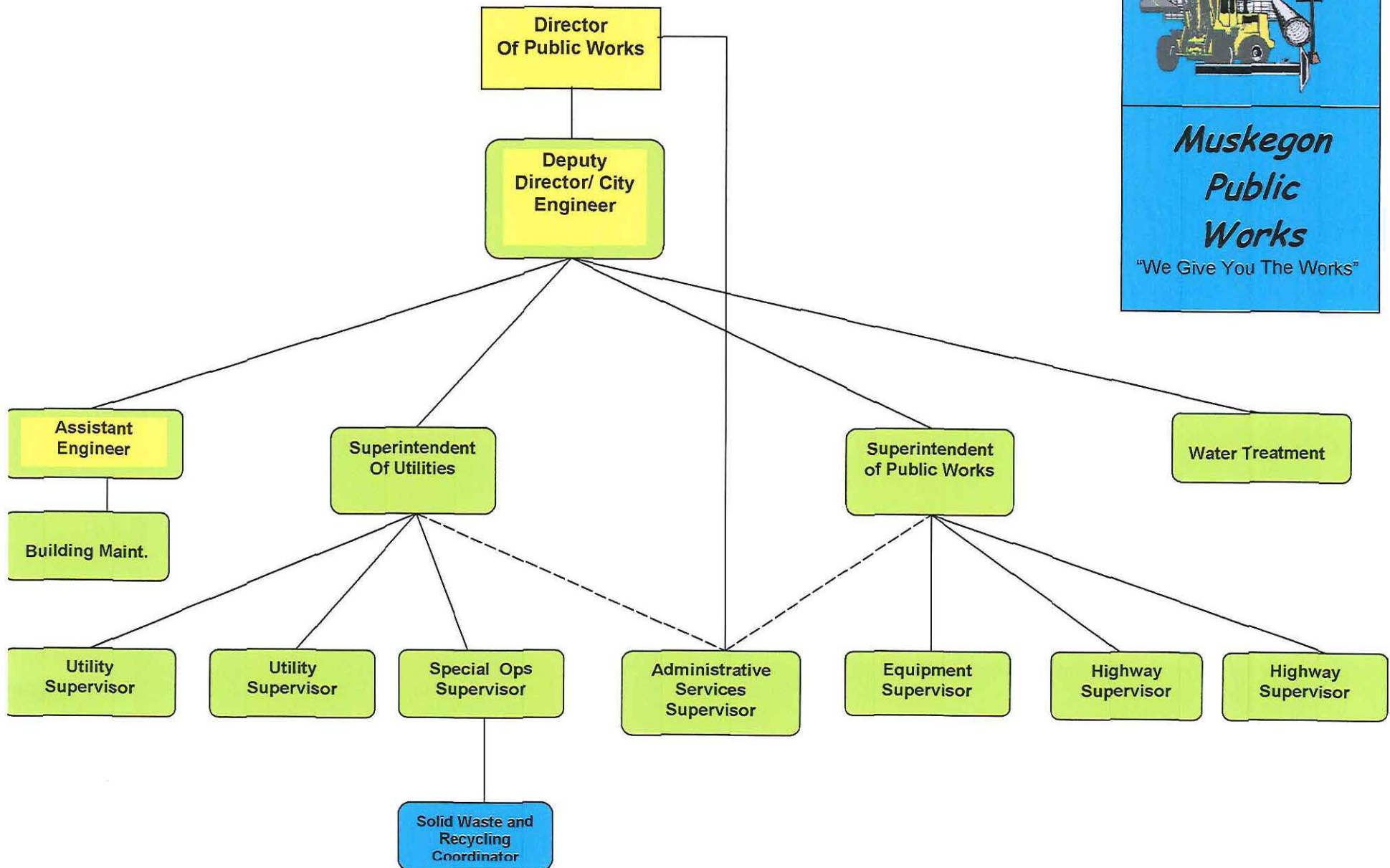
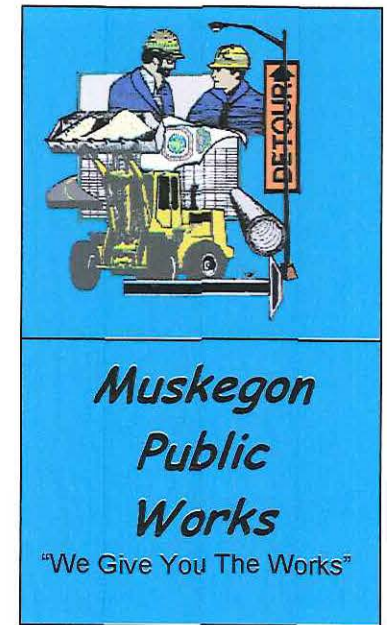
include it in this analysis in order to better justify the additional expense. Since this position performs the same functions as the rest of the DPW supervisors as outlined in the Civil Service report, this position should be upgraded to Range VIII although the Civil Service Study indicated Range VII was justified. The initial out of pocket expense is \$1443.

5. The City Engineer's position will be upgraded to include the title of Deputy Director of Public Works. (City Engineer and Deputy Director of Public Works) and a new salary range will be established for this position and shall be placed between Range III and Range II. This new range will be designated as Range IIB and will be placed at half way between range II and range III.
6. The Assistant City Engineer's position has been difficult to fill in the past because the salary range was not competitive with the job requirements. This position has been budgeted but will be upgraded to Range IV and made a Department Head position. By making the Assistant City Engineer a department head we give a considerable amount of control on how we fill that position. The total number of department heads with the Public Works Division would not change since the Deputy Director position was also at the department head level. With this upgrade we should now be able to fill the position.
7. With a capable department head within the Engineering Department, the Deputy Director/City Engineer can spend more time becoming familiar DPW operations. The Supervisors and Superintendents will have the benefit of his engineering expertise as well.
8. This organizational structure will provide for a smooth transition both in DPW and Engineering should the existing DPW Director retire or leave.
9. Civil Service has approved the 2 temporary appointments of two superintendents for a six-month period. At the end of six months this reorganization will be evaluated in order to determine if it is to be made permanent and the two positions posted.
10. Civil Service has approved the reclassification of the Administrative Services Supervisor.

Respectively Submitted;

Robert Kuhn PE
Director of Public Works
City of Muskegon Michigan

City of Muskegon Public Works Services Organizational Chart



DPW Reorganization Cost Analysis

Deputy Director's final salary **Immediate out of pocket**
\$65,978 plus fringes estimated at \$86,000

Savings from unfilled position				\$86,000
Upgrade 2 supervisors	from	R7 step 11	\$49,756	
	to	R6 step 9	\$51,070	
				\$2,628
Upgrade Admin Supv	from	R10 step 11	\$36,000	
	to	R8 step 1	\$37,443	
				\$1,443
Upgrade Assistant City Engineer		R5 step 5	\$48,755	
		R4 step 5	\$53,937	
				\$5,182
Upgrade City Engineer		R3 Step 11	\$69,428	
		R2B Step 10	\$70,874	
				\$1,446
	Additional Fringe Costs			8500
	Initial Annual Cost Savings			\$66,801

2003

NON-REPRESENTED EMPLOYEES SALARY SCHEDULE (3% increase)

SALARY SCHEDULE 11 STEPS

CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
RANGE 1	61,676	63,732	65,788	67,844	69,900	71,956	74,012	76,068	78,124	80,180	82,236
SCI 1 BI-WEEKLY	2,372.15	2,451.23	2,530.31	2,609.38	2,688.46	2,767.54	2,846.62	2,925.69	3,004.77	3,083.85	3,162.92
HOURLY	29.6519	30.6404	31.6288	32.6173	33.6058	34.5942	35.5827	36.5712	37.5596	38.5481	39.5365
RANGE 11	56,958	58,857	60,755	62,654	64,552	66,451	68,350	70,248	72,147	74,045	75,944
SCI 2 BI-WEEKLY	2,190.69	2,263.73	2,336.73	2,409.77	2,482.77	2,555.81	2,628.85	2,701.85	2,774.88	2,847.88	2,920.92
HOURLY	27.3837	28.2966	29.2091	30.1221	31.0346	31.9476	32.8606	33.7731	34.6861	35.5986	36.5115
RANGE 11B	54,567	56,379	58,191	60,003	61,815	63,627	65,428	67,250	69,063	70,874	72,686
RANGE 111	52,176	53,901	55,626	57,352	59,077	60,802	62,527	64,252	65,978	67,703	69,428
SCI 3 BI-WEEKLY	2,006.77	2,073.12	2,139.46	2,205.85	2,272.19	2,338.54	2,404.88	2,471.23	2,537.62	2,603.96	2,670.31
HOURLY	25.0846	25.9139	26.7433	27.5731	28.4024	29.2317	30.0611	30.8904	31.7202	32.5495	33.3788
RANGE 1V	44,945	46,443	47,941	49,439	50,937	52,436	53,934	55,432	56,930	58,428	59,926
SCI 4 BI-WEEKLY	1,728.65	1,786.27	1,843.88	1,901.50	1,959.12	2,016.77	2,074.38	2,132.00	2,189.62	2,247.23	2,304.85
HOURLY	21.6082	22.3284	23.0486	23.7688	24.4889	25.2096	25.9298	26.6500	27.3702	28.0904	28.8106
RANGE V	43,018	44,452	45,886	47,321	48,755	50,189	51,623	53,057	54,492	55,926	57,360
SCI 5 BI-WEEKLY	1,654.54	1,709.69	1,764.85	1,820.04	1,875.19	1,930.35	1,985.50	2,040.65	2,095.85	2,151.00	2,206.15
HOURLY	20.6817	21.3712	22.0606	22.7505	23.4399	24.1293	24.8188	25.5082	26.1981	26.8875	27.5769
RANGE V1	40,317	41,661	43,005	44,349	45,693	47,038	48,382	49,726	51,070	52,414	53,758
SCI 6 BI-WEEKLY	1,550.65	1,602.35	1,654.04	1,705.73	1,757.42	1,809.15	1,860.85	1,912.54	1,964.23	2,015.92	2,067.62
HOURLY	19.3832	20.0293	20.6755	21.3216	21.9678	22.6144	23.2606	23.9067	24.5529	25.1990	25.8452
RANGE V11-A	37,315	38,559	39,803	41,047	42,291	43,536	44,780	46,024	47,268	48,512	49,756
SCI 7 BI-WEEKLY	1,435.19	1,483.04	1,530.88	1,578.73	1,626.58	1,674.46	1,722.31	1,770.15	1,818.00	1,865.85	1,913.69
HOURLY	17.9399	18.5380	19.1361	19.7341	20.3322	20.9308	21.5288	22.1269	22.7250	23.3231	23.9212
RANGE V11-B	35,019	36,187	37,354	38,522	39,689	40,857	42,025	43,192	44,360	45,527	46,695
SCI 12 BI-WEEKLY	1,346.88	1,391.81	1,436.69	1,481.62	1,526.50	1,571.42	1,616.35	1,661.23	1,706.15	1,751.04	1,795.96
HOURLY	16.8361	17.3976	17.9587	18.5202	19.0813	19.6428	20.2043	20.7654	21.3269	21.8880	22.4495
RANGE V111	33,037	34,139	35,240	36,342	37,443	38,545	39,646	40,748	41,849	42,951	44,052
SCI 8 BI-WEEKLY	1,270.65	1,313.04	1,355.38	1,397.77	1,440.12	1,482.50	1,524.85	1,567.23	1,609.58	1,651.96	1,694.31
HOURLY	15.8832	16.4130	16.9423	17.4721	18.0014	18.5313	19.0606	19.5904	20.1197	20.6495	21.1788
RANGE 1X	29,112	30,082	31,053	32,023	32,994	33,964	34,934	35,905	36,875	37,846	38,816
SCI 9 BI-WEEKLY	1,119.69	1,157.00	1,194.35	1,231.65	1,269.00	1,306.31	1,343.62	1,380.96	1,418.27	1,455.62	1,492.92
HOURLY	13.9962	14.4625	14.9293	15.3957	15.8625	16.3288	16.7952	17.2620	17.7284	18.1952	18.6615
RANGE X	26,998	27,898	28,798	29,699	30,599	31,499	32,399	33,299	34,200	35,100	36,000
SCI 10 BI-WEEKLY	1,038.38	1,073.00	1,107.62	1,142.27	1,176.88	1,211.50	1,246.12	1,280.73	1,315.38	1,350.00	1,384.62
HOURLY	12.9798	13.4125	13.8452	14.2784	14.7111	15.1438	15.5764	16.0091	16.4423	16.8750	17.3077
RANGE X1	24,584	25,404	26,223	27,043	27,862	28,682	29,502	30,321	31,141	31,960	32,780
SCI 11 BI-WEEKLY	945.54	977.08	1,008.58	1,040.12	1,071.62	1,103.15	1,134.69	1,166.19	1,197.73	1,229.23	1,260.77
HOURLY	11.8192	12.2135	12.6072	13.0014	13.3952	13.7894	14.1837	14.5774	14.9716	15.3654	15.7596

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-80 Address: 940 Wood St.

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 **940 Wood St.** 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: #02-80 – 940 Wood St., Muskegon, MI

Location and ownership: This structure is located on Wood Street between Allen and Amity. It is owned by Janice Carter.

Staff Correspondence: A dangerous building inspection was conducted on the garage on 9/11/02 and a notice and order to repair or remove was issued 9/26/02. The owner pulled a permit to repair the front portion of the home and garage on 10/18/02. The HBA heard the case on the garage on 12/5/02 and tabled the case for 210 days to allow the owner time to try to get help with repairing the roof and garage. On 4/15/03 the MPD notified the Director of Inspections the roof structure appeared to be near collapse. On that date the house inspection was conducted and on 5/2/03 the HBA heard the case. They declared the house substandard and dangerous, but voted to delay bringing the case to commission for 90 additional days. There has been no contact from the owner since the meeting in May.

Owner Contact: There has been no contact since the interior inspection.

Financial Impact: CDBG

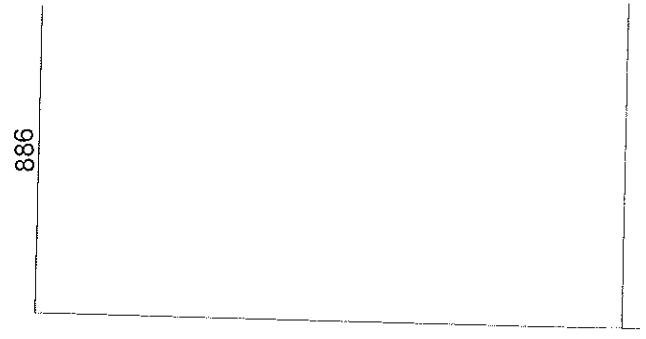
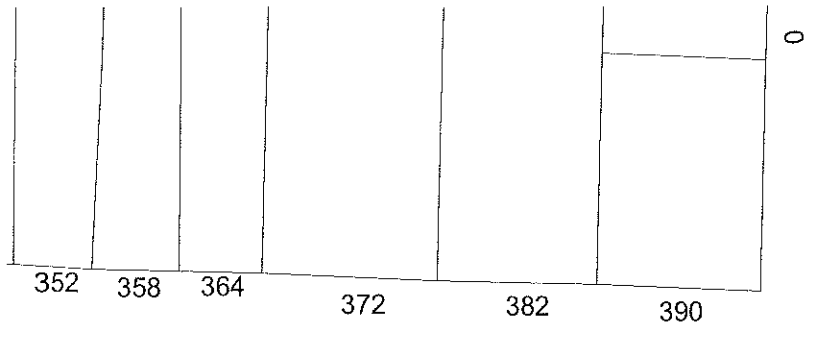
Budget action required: None

State Equalized value: \$15,200

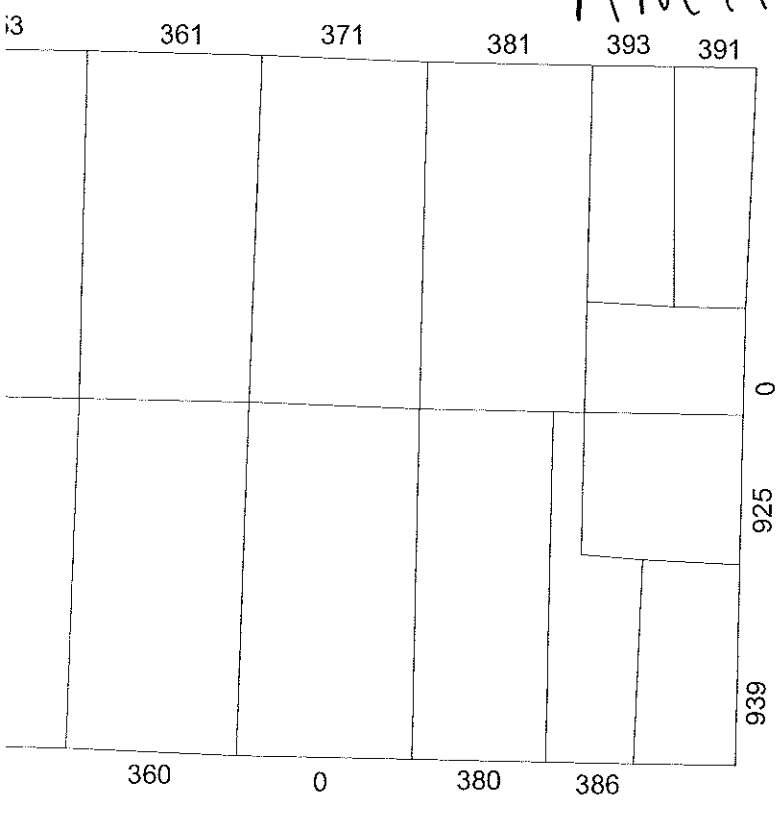
Estimated cost to repair: \$25,000

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

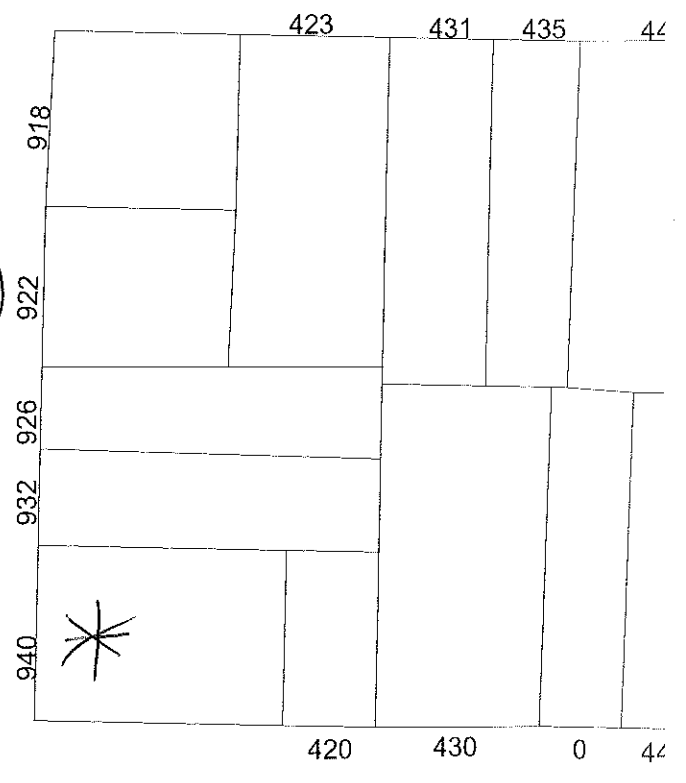
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.



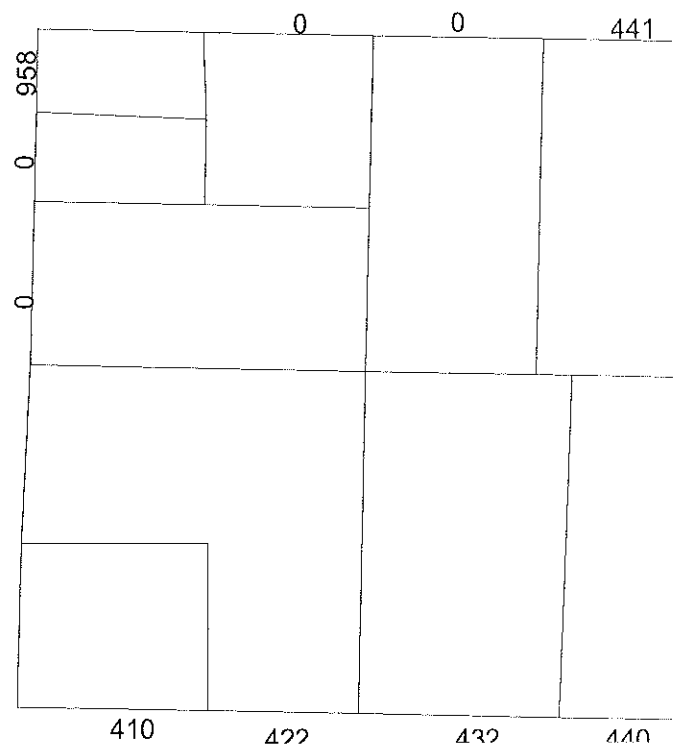
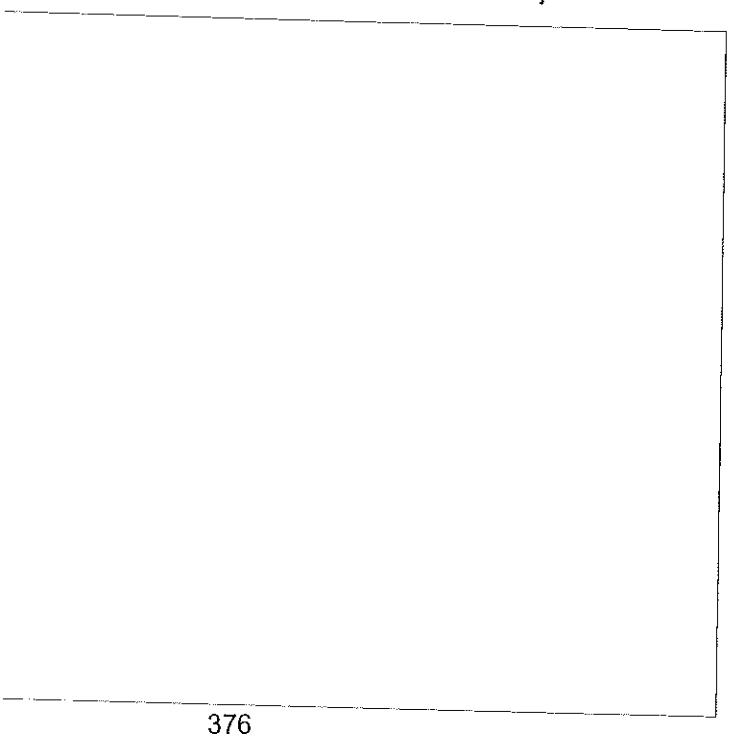
AMITY



WOOD



ALLEN





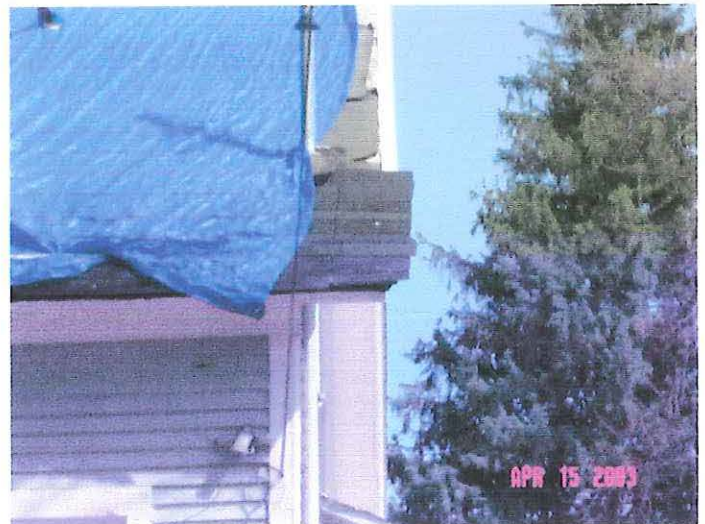
DSC00019.JPG



DSC00020.JPG



DSC00021.JPG



DSC00022.JPG

940 WOOD

4/15/03

For The Inspection Department
City of Muskegon

File #: 423327

FROM CITY ASSESSOR'S RECORDS

OWNER: Janice Carter
PROPERTY: 940 Wood
PARCEL NO: 24-205-055-0010-00
DESCRIPTION: W 97 feet of Lot 10 Blk 55

FROM RECORDS OF TRANSNATION TITLE

LIBER: 1930
PAGE: 283
DATE OF DEED: September 12,
GRANTOR NAME & ADDRESS: Arizona Barnes Estate, 8944 Nottingham
Dr., Ypsilanti, MI 48198
GRANTEE NAME & ADDRESS: Janice Carter, 1545 Engman, Muskegon, MI
49445
LIENS OR MORTGAGES: 3113/47, 3282/295, 3417/230
TODAY'S DATE: November 27, 2002
EFFECTIVE DATE: October 14, 2002 at 8:00 AM
Abstracted by: Cebra K. Newman/dk
TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

2.75
18.75

LINE

1990 PAGE 283

184

THE "GOOD" LINE OF LEGAL BLANKS
THE HICKLE PRESS INC. - FARMING

This Indenture

Made this 12th day of SEPTEMBER in the

year of our Lord, one thousand nine hundred and ninety-six
BETWEEN NORA WHITE, Independent Personal Representative of the Estate of Arizona
Barnes, Deceased, Muskegon County Probate Court File No. 96-71846-IE, of 8944
Nottingham Drive, Ypsilanti, MI 48198 part y of the first part,
and JANICE CARTER, of 1545 Engman, Muskegon, MI 49445

part y of the second part.
WITNESSETH, That the said part y of the first part, for and in consideration of the sum of
Two Thousand Three Hundred and 00/100 (\$2,300.00) Dollars

to her in hand paid by the said part of the second part, the receipt whereof is hereby
confessed and acknowledged, has granted, bargained, sold, remised, released, aliened and confirmed; and
by these presents does grant, bargain, sell, remise, alien and confirm unto the party of the second
part, and to her heirs and assigns, FOREVER, All certain piece
or parcel of land, situate, lying and being in the City of Muskegon
County of Muskegon State of Michigan, known and described as follows, to-wit:

The West 97 feet of Lot 10, Block 55 of the Revised Plat (of 1903) of the City of
Muskegon, as recorded in Liber 3 of Plats on Page 71, Muskegon County Records

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECORDED

1996 SEP 19 11:05

Carroll Carter

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise
appertaining; and the reversion or reversions, remainder or remainders, rents, issues and profits thereof; and
all the estate, right, title, interest, claim or demand whatsoever, of the said part y of the first part, either
in Law or Equity, of, in and to the above bargained premises, with the said hereditaments and appurtenances;
To Have and to Hold the premises as before described, with the appurtenances, unto the said part y
of the second part, her heirs and assigns, FOREVER. And the said part y
of the first part, for her heirs, executors, and administrators, does
covenant, grant, bargain and agree to and with the said part y of the second part, her
heirs and assigns, that the said part y of the first part has not heretofore
done, committed or wittingly or willingly suffered to be done or committed, any act, matter or thing whatsoever,
whereby the premises hereby granted, or any part thereof, is, are or shall, or may be charged or incumbered in
title, estate or otherwise howsoever.

In Witness Whereof, The said part y of the first part has hereunto set her hand
and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Mari Nelson
MARI NELSON

Raymond A Mullins
RAYMOND G MULLINS

Nora L. White
NORA WHITE, Independent Personal Represent-
ative of the Estate of Arizona Barnes,
Deceased



MICHIGAN REAL ESTATE TRANSFER TAX
DEPT. of TAXATION
MUSKEGON COUNTY, MI
070245 19 SEP 1996 2.75 C
00151723 18.75 S

NOTE. When conveyance is made by a Corporation as first party, use the first line for
name of Corporation; 2nd line for signature of President; 3rd line for signature
of Secretary. When an individual is first party, use the above lines for signatures.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

940 Wood

(Address of Property)

TO: All owners and interested parties:

Janice Carter, 940 Wood, Muskegon, MI 49442
Owner

Lakeshore Surety, P.O. Box 5053, Muskegon, MI 49445
(Other interested parties)

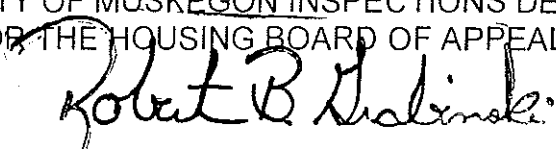
Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

On May 1, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Tuesday, July 22, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

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

Date: May 2, 2003

To: Janice Carter, 940 Wood, Muskegon, MI 49442
Owners Name & Address

Lakeshore Surety, P.O. Box 5053, Muskegon, MI 49445
Names & Addresses of Other Interested Parties

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 1, 2003 does hereby order that the following structure(s) located at **940 Wood**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

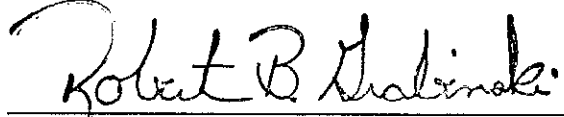
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission and the Director of Inspections will delay bringing this case to the City Commission until the first meeting in August, 2003 to allow you time to complete the repairs.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, reading "Robert B. Grabinski". The signature is written in dark ink and is positioned above a horizontal line.

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: April 18, 2003

Address of the Property: 940 Wood

TO: Janice Carter, 940 Wood St, Muskegon, MI 49442
[Name & Address of Owner]

Lakeshore Surety P.O. Box 5053, Muskegon, MI 49445
[Names & Addresses of Other Interested Parties]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443

Please take notice that on **Thursday, May 1, 2003**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your case.

At the hearing on Thursday, May 1, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

**940 Wood
Additional Items**

4/15/03

Inspection noted:

1. Residence - Roof system is failing.
2. Residence – Part of roof is stripped.
3. Residence – Shingles partially installed and are incorrect.
4. Residence – Water damage to 1st floor with tiles falling.
5. Residence – Water damage to 2nd floor with significant ceiling failure.
6. Residence – rafters in valley are rotted.
7. Residence – Windows are broken.
8. Residence – Foundation for side porch is failing.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

4-17-03
DATE

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO TABLE THIS CASE 210 DAYS

Date of Order: December 6, 2002

Address of the property: 940 Wood (Garage)

To: Janice Carter, 940 Wood St., Muskegon, MI 49442
Owners Name & Address

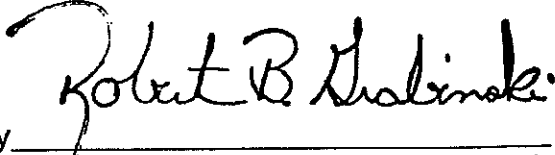
None
Names & Addresses of Other Interested Parties

CASE TABLED FOR 210 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled until July 2003. This will provide you with time to work with Community and Neighborhood Services to get help with the garage repairs.

If you have any questions, please call the Inspection Department at 231-724-6715.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS


By _____
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: November 25, 2002

Address of the Property: 940 Wood (Garage)

TO: Janice Carter, 940 Wood St., Muskegon, MI 49442
[Name & Address of Owner]

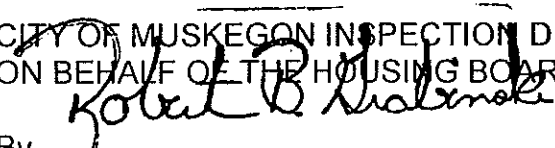
None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, December 5, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair issued 9/26/02.

At the hearing on Thursday, December 5, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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


By _____
Robert B. Grabinski, Director of Inspections

Start

Building Permit Application

Street Address:	940 WOOD ST				
Property Number:	24-205-055-0010-00				
Owners Name:	CARTER JANICE				
Owners Address:	940 WOOD MUSKEGON MI 49442				
Permit No:	BD-02-9065				
Requested by:	Owner				
Contractor:	N/A				
Architect:	N/A				
Category:	BUILDING				
Permit Type:	ROOFING				
Type of Building:	R				
Description:	TEAR OFF AND REROOF FRONT PORTION OF DWELLING AND FRONT PORTION OF GARAGE AND DOOR				
Dates:	App Date: 10/18/2002 Issue Date: 10/29/2002				
Value:	\$600.00				
<table border="1"><thead><tr><th>Item</th><th>Quantity</th></tr></thead><tbody><tr><td>Building Permit Fee</td><td>23.5</td></tr></tbody></table>		Item	Quantity	Building Permit Fee	23.5
Item	Quantity				
Building Permit Fee	23.5				

This application has been approved

CITY OF MUSKEGON

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

DATE: September 26, 2002

Address of the Property: 940 Wood (Garage), Muskegon, Michigan

TO: Janice Carter, 940 Wood St, Muskegon, MI 49442
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

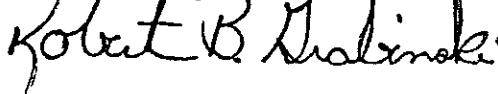
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 940 Wood (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

940 Wood

9/11/02

Inspection noted:

1. Roof deteriorated. Repair or replace.
2. Garage roof deteriorated. Repair or replace.
3. Doors missing or need repair (garage).
4. Siding must be painted on garage.
5. Footing and foundation of garage must be inspected.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

Case #02-80 – 940 Wood – Janice Carter, same address

Ms. Carter was present to represent this case. She stated that she has not been financially able to complete any repairs. She lives in this house part of the time and part time in North Muskegon. Don LaBrenz gave a history of the case. It began in 2002 and has deteriorated since then to the point of the roof leakage causing damage to the interior. Ms. Carter stated she applied for help with CNS, but can't get help because her taxes aren't paid. She is trying to get the money to pay her taxes soon and apply for help with CNS for the roof.

Nick Kroes asked why she lives there part time and she stated when it rains she doesn't stay there because of the leaking.

Clara Shepherd asked Ms. Carter if she owes on the house and if she could get a loan for the repairs. She stated she doesn't owe anything on the house, but doesn't want to take out a loan she can't make payments on.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence, but delay taking to city commission until August 2003.

A motion was made by Jon Rolewicz and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Nick Kroes
Jerry Bever
Clara Shepherd

The motion carried.

DANGEROUS BUILDING NEW CASES:

Case # 02-84 – 590 Catherine – Rosemary Williams, same address – State of MI

No one was present to represent this case. Don LaBrenz gave a history on the structure and stated the property has gone back to the State of Michigan. The

AGREEMENT

THIS AGREEMENT, made this June 8, 2004 by and between:
Press's LLC

(a corporation organized and existing under the law of the State of Michigan);
 (partnership consisting of _____); (an individual trading as _____
 _____); hereinafter called the "Contractor," and the City of
 Muskegon, Michigan, hereinafter called the "City".

WITNESSTH, that the Contractor and the City, for the consideration stated
 herein, mutually agree as follows:

ARTICLE 1. Statement of Work. The Contractor shall furnish all supervision,
 technical personnel, labor, materials, machinery, tools, equipment, and services,
 including utility and transportation services, and perform and complete all work
 required for the demolition and clearance of 940 Wood-Garage as well as
 required supplemental work for the completion of this project, all in strict
 accordance with the Contract, including all Addenda.

ARTICLE 2. Contract Price. The City will pay the Contractor for the performance
 of this Contract and the completion of the work covered therein an amount not to
 exceed \$715.

ARTICLE 3. CONTRACT: The executed contract shall consist of, but not be
 limited to, the following:

Invitation for Bids
 Instructions to Bidders
 Bid Proposal
 Agreement
 General Specifications for Project Performance
 Equal Opportunity and Employment Specifications
 Demolition and Site Clearance Specifications

This Agreement, together with other documents listed in Article 3, which said
 other documents are as fully a part of the Contract as if attached hereto or
 repeated herein, form the contract between the parties hereto.

In the event any provision in any component part of this Contract conflicts with
 any provision of any other component part, the Contractor shall contact the City
 immediately in writing for a determination, interpretation, and/or classification of
 conflicting parts and priority of same. Said determination from the City shall be in
 writing and shall become an Addendum to this Contract.

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

ATTEST:

CONTRACTOR:

BY: TAMMY Jager owner
Printed name and title

ATTEST:

Irene Dampsey

CITY OF MUSKEGON

BY: [Signature]
Mayor

Dail C. Kundergen
City Clerk

(SEAL)

CERTIFICATION (IF APPLICABLE)

I, Alan Jager, certify that I am the pres
of the Corporation named as contractor herein;

That TAMMY Jager, who signed this Agreement on behalf of the
Contractor, was then owner of said Corporation:

That said Agreement was duly signed for and in behalf of said Corporation by
authority of its governing body, and is within the scope of its corporate powers.

Signed:

[Signature]

(CORPORATE SEAL)

Alan Jager pres.
Printed Name and Title

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-84 Address: 590 Catherine

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 **590 Catherine** 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: #02-84, 590 Catherine, Muskegon, MI

Location and ownership: This structure is located on Catherine between Maple and Chestnut. It was owned by Rosemary Williams (she presides there), but has gone back to the state for taxes.

Staff Correspondence: A dangerous building inspection was conducted on 11/12/02 and an interior inspection was conducted 1/22/03. A notice and order to repair was issued 3/21/03. On 4/21/03 the owner called the Inspection Department and asked what the notice of hearing was about. She was recommended to attend the meeting and state her intentions to the board. The case was heard before the HBA on 5/1/03 and they declared the structure substandard and dangerous on that date. The owner was not present for that meeting.

Owner Contact: There has been no contact since the owner called the Inspection Department on 4/21/03.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$13,900

Estimated cost to repair: \$8,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.

489 498 502 0 520
A AV

488 493 497 0 508 523 530
RINE AV

489 497 509 519 531
AUGHLIN AV

1083 1093
CHESTNUT ST

1125 1120
MAPLE ST

CATHERINE





590 Catherine

For The Inspection Department
City of Muskegon

File #: 423759

FROM CITY ASSESSOR'S RECORDS

OWNER: Rosemary Williams
PROPERTY: 590 Catherine
PARCEL NO: 24-205-076-0010-00
DESCRIPTION: Lot 10 Blk 76

FROM RECORDS OF TRANSNATION TITLE

LIBER: 2192
PAGE: 51
DATE OF DEED: May 5, 1998
GRANTOR NAME & ADDRESS: State of Michigan, 430 W. Allegan St.,
Lansing, MI 48922
GRANTEE NAME & ADDRESS: State of Michigan, Department of Natural
Resources, Real Estate Division, PO Box 30448, Lansing, MI 48909-7948
LIENS OR MORTGAGES: 3072/662
TODAY'S DATE: December 23, 2002
EFFECTIVE DATE: October 23, 2002 at 8:00 AM

Abstracted by:



TRANSNATION TITLE INSURANCE COMPANY

The above information is to be used for reference purposes only and not to be relied upon as evidence of title and/or encumbrances. Accordingly, said information is furnished at a reduced rate, and the Company's liability shall in no event exceed the amount paid for said information, should evidence of title and/or encumbrances be desired, application for title insurance should be placed with Transnation Title Insurance Company.

LIBER 2192 of 051

STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

1999 JAN -8 PM 3:36

Carrie Carter
REGISTER OF DEEDS

Michigan Department of Treasury, LPS
455 (4-97) Formerly L-2349

STATE TREASURER DEED

Issued under authority of Section 211.67a, MCL.

182162

This deed is exempt from Real Estate
Transfer Tax and State Real Estate
Transfer Tax under MCL sections 207.505
(H) and 207.526 (H)(i) respectively

On this 5th of May, 1998 the grantor, Douglas B. Roberts, State Treasurer, State of Michigan, 430 W. Allegan St., Lansing, Michigan 48922, by his authorized representative Thomas E. Willard, quit-claims the following described property to the State of Michigan, whose address is, Department of Natural Resources, Real Estate Division, P.O. Box 30448, Lansing, Michigan 48909-7948.

Title became absolute in the State of Michigan by court decree of the Circuit Court of the County named below and nonredemption from the 1997 tax sale within the statutory period. Under section 67a of P.A. 206 of 1893, as amended, the grantor, for and in consideration of the premises, conveys to the grantee, State of Michigan, the following:

MUSKEGON County, State of Michigan.

Township of Blue Lake SN24
Town 12 North, Range 16 West Section 13
NW 1/4 of NE 1/4 of SW 1/4
61 04 013 017 00

Township of Blue Lake SN65
LAKE CRYSTAL ADDN TO FRUITVALE
Lots 9 & 10 Blk 3
61 04 321 724 00

Township of Blue Lake SN87
LAKEWOOD ADDITION NO 10 PLAT S F
Lots 47 to 49 Inc Blk 65
61 04 366 556 00

Continued on next page

Witnesses:

Wendy Shuster
Wendy Shuster
Donna Landis
Donna Landis

DOUGLAS B. ROBERTS, State Treasurer

By: *Thomas E. Willard*
Thomas E. Willard

Drafted by Jan Rial
Local Property Services Division
Treasury Building
Lansing, Michigan 48922

STATE OF MICHIGAN)
) SS
County of Ingham)

On this 18th day of December, 1998, the foregoing instrument was acknowledged before me by Thomas E. Willard, authorized representative of the State Treasurer.

Toni L. Falcon
Toni L. Falcon, Notary Public

My commission expires November 07, 2002

*DNR
PO 30028 Lansing 48909-7528*

7.00

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

590 Catherine

(Address of Property)

TO: All owners and interested parties:

State of MI, DNR Real Estate Div. P.O. Box 30448, Lansing, MI 48909-7948
(Other interested parties)

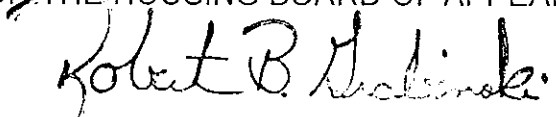
Rosemary Williams, 590 Catherine, Muskegon, MI 49442

On May 1, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Tuesday, July 22, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

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

Date: May 2, 2003

To: State of Michigan, DNR Real Estate Div., P.O. Box 30448, Lansing, MI
48909-7948

Owners Name & Address

Rosemary Williams, 590 Catherine, Muskegon, MI 49442

Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 1, 2003 does hereby order that the following structure(s) located at **590 Catherine**; Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

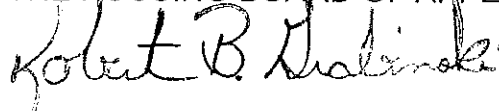
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: April 18, 2003

Address of the Property: 590 Catherine

TO: State of Michigan, DNR Real Estate Div., P.O. Box 30448, Lansing, MI 48909-7948

[Name & Address of Owner]

Rosemary Williams, 590 Catherine, Muskegon, MI 49442

[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, May 1, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the notice and order to repair or demolish the garage issued 3/2103.

At the hearing on Thursday, May 1, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By _____

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

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

DATE: March 21, 2003

Address of the Property: 590 Catherine

TO: State of Michigan, DNR Real Estate Div., P.O. Box 30448, Lansing, MI 48909-7948

[Name & Address of Owner]

Rosemary Williams, 590 Catherine, Muskegon, MI 49442
(Interested Parties)

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

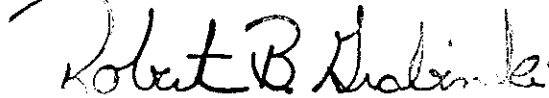
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 590 Catherine, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert B. Grabinski". The signature is written in a cursive, flowing style.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

590 Catherine
(INTERIOR INSPECTION)
1/22/03

Inspection noted:

1. Exterior lights improperly wired.
2. Wiring inadequate.
3. Light fixtures incomplete.
4. Windows missing or broken.
5. Roof rafter cut and broken.
6. Roof failing.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

1-22-03
DATE

CITY OF MUSKEGON

NOTICE FOR INTERIOR INSPECTION

DATE: December 18, 2002

Address of Property: **590 Catherine**

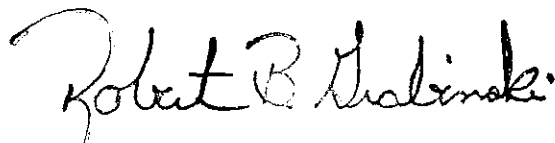
TO: Rosemary Williams, 590 Catherine, Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

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

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on **Wednesday, January 22, 2003** at **11:00 A.M.** Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

590 Catherine
11/12/02

Inspection noted:

1. Roof system on home deteriorating. Structural support on front of home failing – sagging front porch.
2. Shingles, drip edge falling off home.
3. Broken siding on home.
4. Exterior wood (siding-frames) in need of protection from elements.
5. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

11-12-02
DATE

Case # 02-84 – 590 Catherine – Rosemary Williams, same address – State of MI

No one was present to represent this case. Don LaBrenz gave a history on the structure and stated the property has gone back to the State of Michigan. The owner contacted the office the week before the meeting and she was told she needed to attend the meeting and also check on the land contract owner paying the taxes.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Nick Kroes
Jerry Bever
Clara Shepherd

The motion carried.

Case #02-62 – 259 Delaware – Michael Lewis, 590 Howell, Muskegon Hts.

Mr. Lewis was present to represent this case. Nick Kroes inquired on what his intentions were with the structure and Mr. Lewis stated he intends to finish the required repairs and live there. He has pulled all necessary permits and Don LaBrenz stated a progress inspection was conducted recently and the work is 80% complete. He is back before the board because his permit expired. Mr. Lewis stated he hopes to finish within 30 days.

Staff Recommendation: Table this case 90 days to allow the owner to finish repairs and have inspections.

A motion was made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

DATE: July 15, 2003
TO: Honorable Mayor and Commissioners
FROM: Robert B. Grabinski, Director of Inspection Services
RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-73 Address: 444 Orchard.

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 **444 Orchard (Garage only)** 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: #02-73 – 444 Orchard (Garage only), Muskegon, MI

Location and ownership: This structure is located on Orchard between Wood and Williams. It was owned by Lucille Hayes, now deceased. Her daughter is trying to sell the property.

Staff Correspondence: A dangerous building inspection was conducted on 9/11/02. A notice and order to repair was issued 9/26/02. The case was heard by the HBA on 3/6/03 and the garage was declared substandard and dangerous on that date.

Owner Contact: The owner is deceased and her daughter scheduled the building inspector to do an inspection on the garage with her and he told her what repairs were required to be done. She didn't have the money to do the repairs and is trying to sell the house.

Financial Impact: CDBG

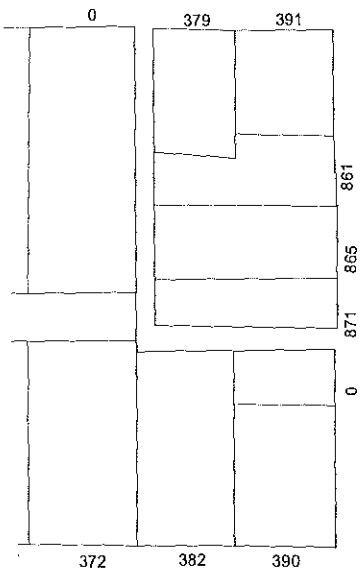
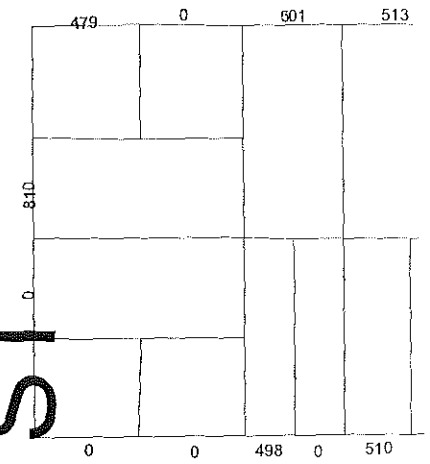
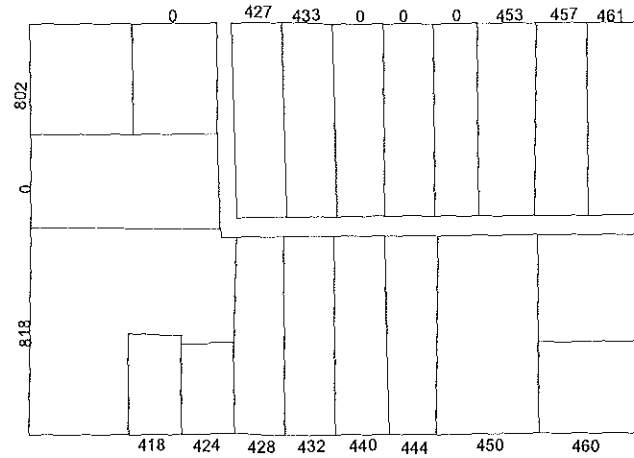
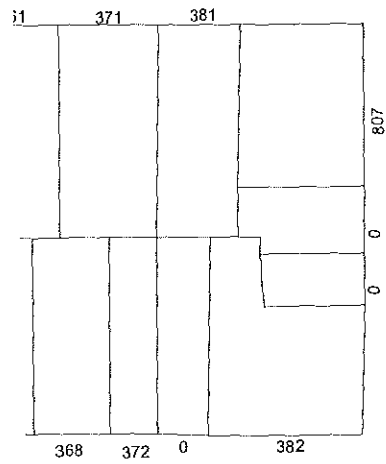
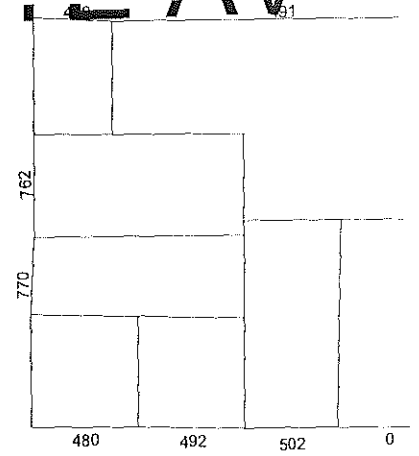
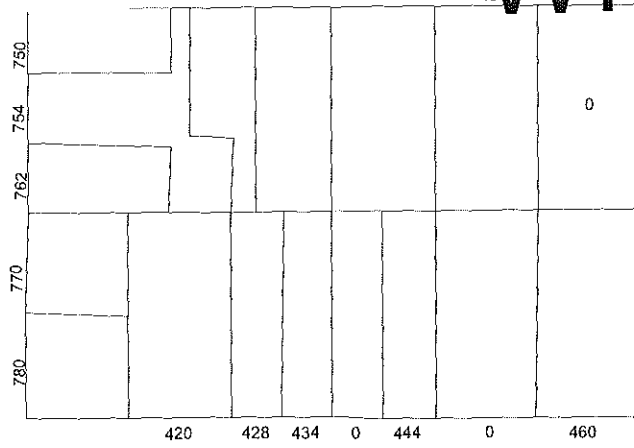
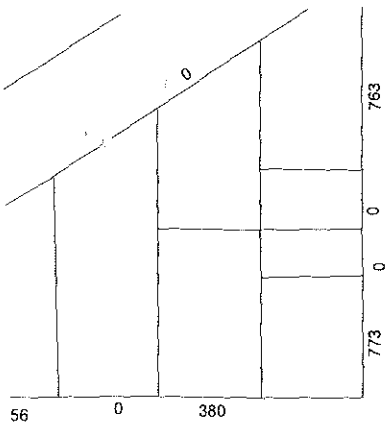
Budget action required: None

State Equalized value: \$14,900

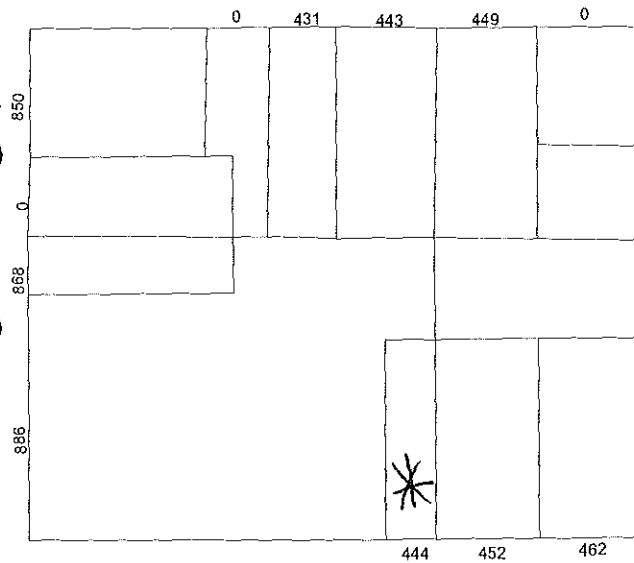
Estimated cost to repair: \$2000 (Garage only)

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

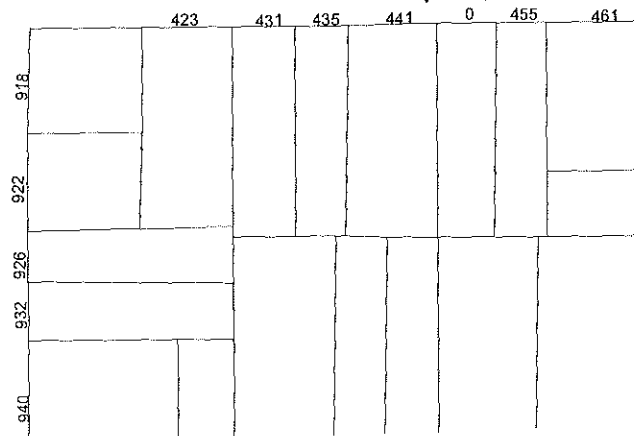
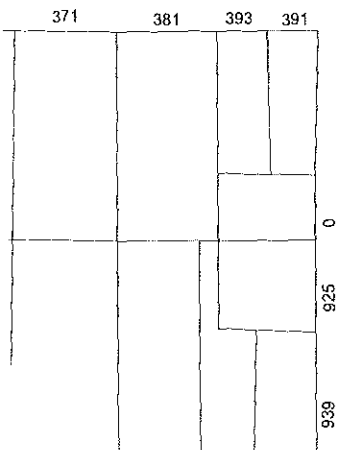
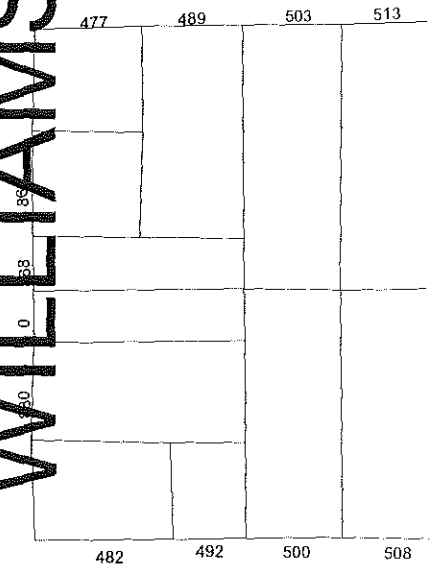
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.



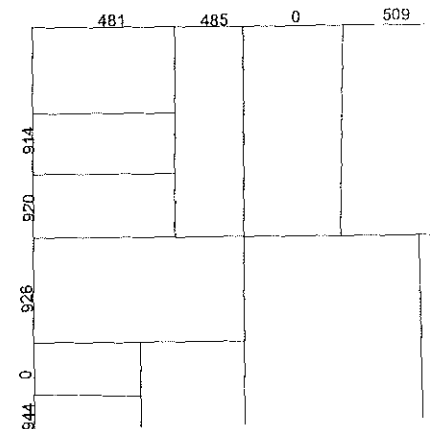
WOOD



WILLIAMS ST



ORCHARD





444 Orchard
Garage



444 Orchard
Garage

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

444 Orchard - Garage

(Address of Property)

TO: All owners and interested parties:

Lucille Hayes, 444 Orchard, Muskegon, MI 49442
Owner

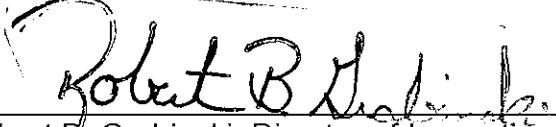
None
(Other interested parties)

On March 6, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Tuesday, July 22, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

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

Date: March 7, 2003

To: Norma Owens, 444 Orchard, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, March 6, 2003 does hereby order that the following structure(s) located at **444 Orchard (Garage)**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

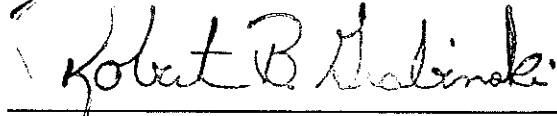
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

Memo

To: Bob Grabinski
From: Lorraine
CC: File
Date: March 6, 2003
Re: 444 Orchard - Garage

Norma Owens, daughter of deceased owner, Lucy Hayes, called this a.m. to ask about HBA meeting tonight. She cannot attend. She had an inspection on the garage October 18, 2002 and Henry Faltinowski met with her and told her what repairs are required. She can't afford to fix or demolish the structure and said she is trying to sell the house. I explained the bid process if the city plans to move forward to demolish the garage and told her it might be in her best interest to hire it out herself.

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: February 21, 2003

Address of the Property: 444 Orchard (Garage)

TO: Lucy Hayes, 444 Orchard, Muskegon, MI 49442
[Name & Address of Owner]

None

[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, March 6, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish issued 9/26/02.

At the hearing on Thursday, March 6, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By

Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

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

DATE: September 26, 2002

Address of the Property: 444 Orchard (Garage), Muskegon, Michigan

TO: Lucy Hayes, 444 Orchard, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

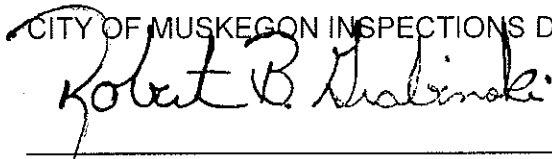
FAILURE TO COMPLY

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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 444 Orchard (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT

Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*444 Orchard
(GARAGE)*

9/11/02

Inspection noted:

1. Garage roof severely deteriorated with several holes. Needs to be replaced.
2. Exterior must be painted.
3. Service doors must be repaired.
4. Footing and foundation inspection required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Nick Kroes
Jerry Bever

Clara Shepherd

The motion carried.

Case #02-73 – 444 Orchard (Garage), Lucy Hayes, same address

Ms. Hayes was not present for the meeting, but called the Inspection Department to say she had no money to demolish the garage.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by John Warner and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Nick Kroes
Jerry Bever

Clara Shepherd

The motion carried.

Case #02-31 – 1232 Sanford – Todd Rachow, 2973 Tonawanda NE, Holland, MI 49446

Mr. Rachow was present and stated that he placed an offer on the house and it was just accepted the previous week. He is a licensed contractor and plans to repair the house and keep it as a single-family rental dwelling. He has other rentals in the city at this time. He also stated the garage will be torn down. He asked for 60 days to allow time to close on the sale. Mr. Grabinski asked if he will allow an interior inspection when he takes ownership and he stated yes.

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-77 Address: 1447 Terrace.

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 1447 Terrace (Garage only) 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: #02-77 – 1447 Terrace – (Garage only), Muskegon, MI

Location and ownership: This structure is located on Terrace between Irwin and E. Grand. It is owned by Murray Vanderstelt.

Staff Correspondence: A dangerous building inspection was conducted on 9/11/02. A notice and order to repair was issued 9/26/02. A permit to repair the garage was pulled by the owner 11/12/02 and expired on 1/12/03 before any work was done. The case was heard by the HBA on 2/6/03 and the garage was declared substandard and dangerous on that date, but the owner was told the Director of Inspections would delay bringing it before City Commission until June 2003 to allow him time to repair. On 7/14/03 the owner was allowed to pull a new permit to repair the garage, but was informed that if the repairs were not completed by the 7/22/03 commission meeting, the case would move forward for their concurrence.

Owner Contact: The owner has been in the office twice to pull a permit and was present at the HBA meeting to state that he wanted to repair the garage.

Financial Impact: CDBG

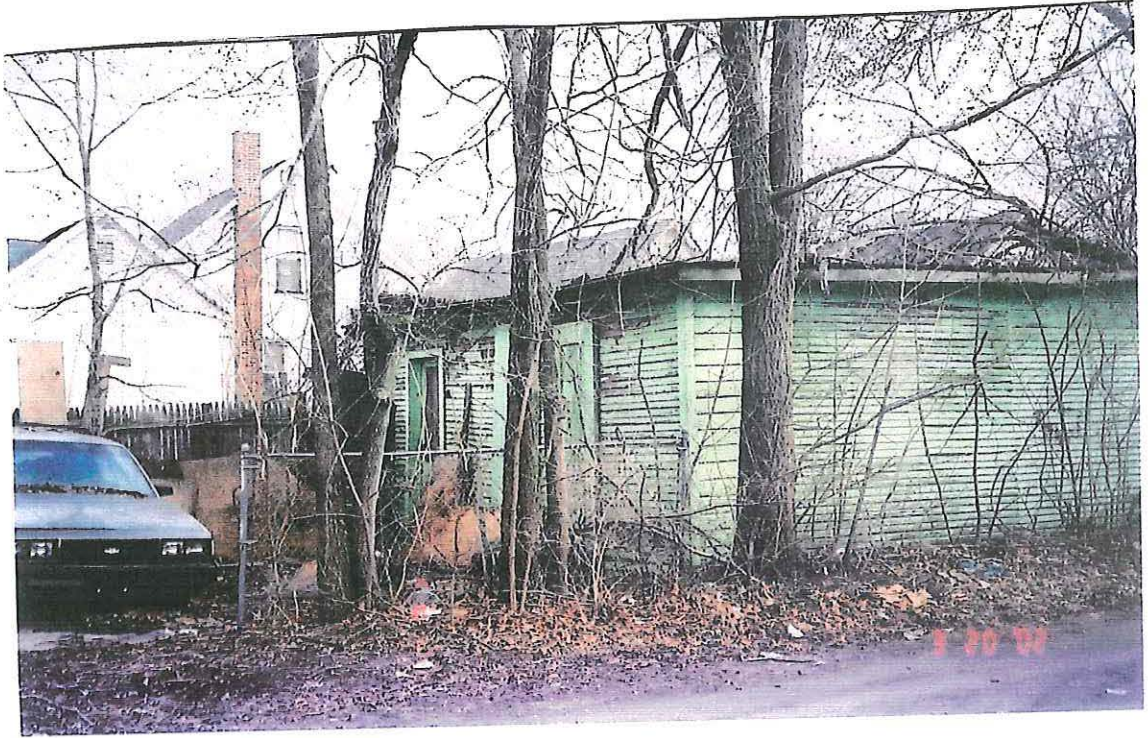
Budget action required: None

State Equalized value: \$24,400

Estimated cost to repair: \$2000 – Garage only

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.



1447 Terrace
Garage

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

1447 Terrace - Garage

(Address of Property)

TO: All owners and interested parties:

Murray Vanderstelt, 1459 Terrace, Muskegon, MI 49442
Owner

None
(Other interested parties)

On February 6, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Tuesday, July 22, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS


By _____

Robert B. Grabinski, Director of Inspections

EXPIRES 7-22-03

BUILDING PERMIT APPLICATION

City of Muskegon

933 Terrace St. P.O. Box 536

Muskegon, MI 49443-0536

(231)724-6758

Date 7-14-03

Permit #

I. JOB LOCATION

Job Address 1449 TERRACE		Has a plan review been completed for this project? YES ☐ NO ☐ NOT REQUIRED ☐	
Name of Owner/Agent MURRAY VANDERSTEE		Owner Telephone 722-6497	
Owner Address 1449 TERRACE	City MUSK	State MUSK	Zip Code -42

II. CONTRACTOR / OWNER INFORMATION

☐ Contractor ☒ Homeowner	Name	License Number	Expiration Date
Address (Street & Name)		City	State
Telephone Number ()		Federal employer ID Number (or reason for exemption)	MESC Employer Number (or reason for exemption)
Workers Compensation Insurance Carrier (or reason for exemption)		Contractor information registered with the City of Muskegon YES ☐ NO ☐	

III. ARCHITECT OR ENGINEER

Name (Company or Individual)				
Address		City	State	Zip code
				Telephone Number

IV. TYPE OF JOB

Class of work (check all that apply)				
NEW BUILDING ☐	ADDITION ☐	ALTERATION ☐	REPAIR ☐	
RESIDENTIAL ☐	COMMERCIAL ☐	INDUSTRIAL ☐	OTHER ☐	
Description of work REPAIR ROOF (450) ON GARAGE				

V. FEE - Enter the value of the proposed project.

State the total cost of the improvement, including excavation, building, plumbing, electrical, mechanical and architectural costs	\$	Permit Fee
		32.65

Separate permits are required for Plumbing, Mechanical, and Electrical work.

NO WORK IS TO START PRIOR TO THE ISSUANCE OF BUILDING PERMIT
(PROJECTS STARTED WITHOUT A PERMIT MAY BE SUBJECT TO INVESTIGATION FEES)

Received By

Mm

Approved

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

VI. APPLICANT SIGNATURE

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.

Signature of licensee or property owner

Murray A. Vandenberg

Date

7-14-03

BUILDING PERMIT

CITY OF MUSKEGON

DATE 7-14 20 03 PERMIT NO. _____

LOCATION 1449 TERRACE OWNER M. VANDERSTELT
(NO.) (STREET)

CONTRACTORS NAME OWNER

DESCRIPTION OF WORK REPAIR (45Q) OF GARAGE ROOF

EXPIRES: 7-22-03

THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY. ENCROACHMENTS ON PUBLIC PROPERTY, NOT SPECIFICALLY PERMITTED UNDER THE BUILDING CODE, MUST BE APPROVED BY THE JURISDICTION. STREET OR ALLEY GRADES AS WELL AS DEPTH AND LOCATION OF PUBLIC SEWERS MAY BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS. THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION RESTRICTIONS.

MINIMUM OF THREE CALL
INSPECTIONS REQUIRED FOR
ALL CONSTRUCTION WORK:

1. FOUNDATIONS OR FOOTINGS.
2. PRIOR TO COVERING STRUCTURAL MEMBERS (READY TO LATH).
3. FINAL INSPECTION BEFORE OCCUPANCY.

APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE. WHERE A CERTIFICATE OF OCCUPANCY IS REQUIRED, SUCH BUILDING SHALL NOT BE OCCUPIED UNTIL FINAL INSPECTION HAS BEEN MADE.

WHERE APPLICABLE SEPARATE
PERMITS ARE REQUIRED FOR
ELECTRICAL, PLUMBING AND
MECHANICAL INSTALLATIONS.

POST THIS CARD SO IT IS VISIBLE FROM STREET

WORK SHALL NOT PROCEED UNTIL THE INSPECTOR HAS APPROVED THE VARIOUS STAGES OF CONSTRUCTION

THIS PERMIT WILL BECOME NULL AND VOID IF WORK IS NOT STARTED WITHIN TIME LIMITS SET BY THE CITY OF MUSKEGON HOUSING BOARD OF APPEALS. IT EXPIRES ON THE DATE NOTED ABOVE.

INSPECTIONS INDICATED ON THIS CARD CAN BE ARRANGED FOR BY TELEPHONE OR WRITTEN NOTIFICATION.

**NOTICE OF RESOLUTION
DANGEROUS BUILDING PROCEEDING**

TO ALL INTERESTED PARTIES:

TAKE NOTICE that the Housing Board of Appeals for the City of Muskegon has determined that the building located on the following described property constitutes a dangerous building and has recommended to the City Commission that it shall be demolished. If demolished, the cost incurred by the City of Muskegon for demolition shall become a lien on this property. The determination was made by the Housing Board of Appeals on 1447 Terrace. The property is described as follows:

*Blk 272 Lot 18

Also known as: 1447 Terrace

Any person interested in the property should consult with the Office of the City Clerk for the City of Muskegon for further information.

Witnesses:

Raylene Whitlow
Raylene Whitlow

Gail A. Kunderger
Gail A. Kunderger, Clerk

Linda Potter
Linda Potter

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 19th day of February 2003 by Gail A. Kunderger, Clerk respectively, for and on behalf of the City of Muskegon.

Linda S. Potter
Linda S. Potter, Notary Public
Muskegon County, Michigan
My commission expires: 2-25-06

Prepared By & Upon Recording Return To:
John C. Schrier, Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786

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

Date: February 10, 2003

To: Murray Vanderstelt, 1459 Terrace, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 6, 2003 does hereby order that the following structure(s) located at **1447 Terrace (Garage)**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

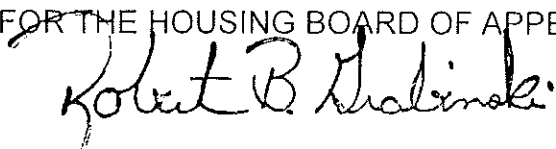
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This order is not final until concurred with by the City Commission and the Director of Inspections will delay bringing this case to the City Commission until the first meeting in June, 2003 to allow you time to repair the garage.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: January 23, 2003

Address of the Property: 1447 Terrace - Garage

TO: Murray Vanderstelt, 1459 Terrace, Muskegon, MI 49442
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, February 6, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to repair or demolish issued 9/26/02.

At the hearing on Thursday, February 6, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

BUILDING PERMIT APPLICATION

City of Muskegon
933 Terrace St. P.O. Box 536
Muskegon, MI 49443-0536
(231)724-6758

Date 11-12-02

Permit # _____

I. JOB LOCATION

Job Address <u>1449 Terrace</u>		Has a plan review been completed for this project? YES ☐ NO ☐ NOT REQUIRED ☐	
Name of Owner/Agent <u>Murray Vanderstelt</u>		Owner Telephone _____	
Owner Address _____	City _____	State _____	Zip Code _____

II. CONTRACTOR /OWNER INFORMATION

☐ Contractor ☒ Homeowner	Name <u>Vanderstelt</u>	License Number _____	Expiration Date _____
Address (Street & Name) _____		City _____	State _____
Telephone Number () _____		Federal employer ID Number (or reason for exemption) _____	
MESC Employer Number (or reason for exemption) _____		Workers Compensation Insurance Carrier (or reason for exemption) _____	
Contractor information registered with the City of Muskegon YES ☐ NO ☐		Zip Code _____	

III. ARCHITECT OR ENGINEER

Name (Company or Individual) _____			License Number _____	
Address _____	City _____	State _____	Zip code _____	Telephone Number _____

IV. TYPE OF JOB

Class of work (check all that apply)				
NEW BUILDING ☐	ADDITION ☐	ALTERATION ☐	REPAIR ☐	
RESIDENTIAL ☒	COMMERCIAL ☐	INDUSTRIAL ☐	OTHER ☐	
Description of work <u>Searoff + Le Roof Garage + Repair walls</u>				

V. FEE - Enter the value of the proposed project.

State the total cost of the improvement, including excavation, building, plumbing, electrical, mechanical and architectural costs \$ _____	Permit Fee <u>23-50</u>
--	-------------------------

Separate permits are required for Plumbing, Mechanical, and Electrical work.

NO WORK IS TO START PRIOR TO THE ISSUANCE OF BUILDING PERMIT

(PROJECTS STARTED WITHOUT A PERMIT MAY BE SUBJECT TO INVESTIGATION FEES)

Expires 1-12-03

Received By

SH

Approved

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

VI. APPLICANT SIGNATURE

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523a, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines."

Signature of licensee or property owner

Murray R. Vanderstelt

Date

11-12-02

CITY OF MUSKEGON

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

DATE: September 26, 2002

Address of the Property: 1447 Terrace (Garage), Muskegon, Michigan

TO: Murray Vanderstelt, 1459 Terrace St, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. _____ Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

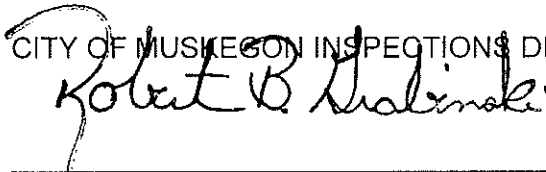
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1447 Terrace (Garage), Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTIONS DEPARTMENT



Robert B. Grabinski, Director of Inspections

**CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT**

*1447-1449 Terrace
(GARAGE)*

9/11/02

Inspection noted:

1. Scrape and paint exterior.
2. Walls rotted and partially missing.
3. Roof deteriorated.
4. Repair fence.
5. Footing and foundation permit required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / leg
HENRY FALTINOWSKI, BUILDING INSPECTOR

9-25-02
DATE

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Clara Shepherd
Jerry Bever

Nick Kroes

The motion carried.

Case #02-77 – 1447 Terrace (Garage) – Murray Vanderstelt, 1459 Terrace

The owner was present to represent this case. He is waiting for good weather to repair the garage. He had a permit, but it expired 1/12/03. Mr. Grabinski stated he needs a new permit and the garage needs roof and some wall repair. Clara Shepherd stated the yard is full of debris and needs to be cleaned up. Officer Stier spoke to him about the junk cars in the yard also.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, but delay forwarding to city commission for their concurrence until the first meeting in June.

A motion was made by Randy Mackie and seconded by Jerry Bever to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Clara Shepherd
Jerry Bever

Nick Kroes

The motion carried.

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 03-03 Address: 984 Pine St.

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 **984 Pine St.** 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: #03-03 - 984 Pine St., Muskegon, MI

Location and ownership: This structure is located on Pine Street between Apple and Walton. It is owned by Gerald Fauer.

Staff Correspondence: A dangerous building inspection was conducted on 1/28/03 after complaints from near by businesses and employees of the County Building of the danger of a board hanging loose from the top of the building. An interior inspection was conducted 2/26/03. An additional inspection report was written on 3/31/03 and the notice and order to repair was issued the same day. Because of the structural damage, architectural drawings are required for any repairs. The case was heard by the HBA on 6/5/03 and the structure was declared substandard and dangerous. The owner was not present at the meeting.

Owner Contact: There has been no contact since the interior inspection.

Financial Impact: None

Budget action required: General Funds

State Equalized value: \$26,700

Estimated cost to repair: \$25,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.

TERRACE ST

E MC

E WALTON AV

SPRING ST

PINE ST

APPLE

CONCORD AV

HARTFORD AV

IANA AV

D ST

CK ST



984 - PINE



DSC00039.JPG



DSC00040.JPG



DSC00041.JPG



DSC00042.JPG



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100121035

August 3, 2001

1. Beginning Date: 12/27/2000, at 8:00 A.M.

Please See Attached Liber 3123, Page 72, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 6/27/2001, at 8:00 A.M.

Documents

Deeds:

Liber 3123, Page 072

Mortgages:

NONE

Taxes:

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,185.03, if paid by August 31, 2001.

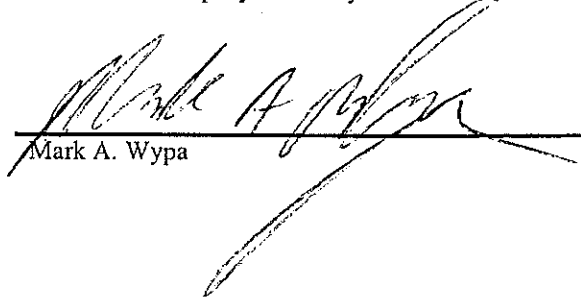
Note:

Permanent Parcel No.: 61-24-205-216-0005-00.
2001 State Equalized Value: \$21,900.00.
2001 Taxable Value: \$20,517.00.
Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon County, Michigan, against:

Gerald Fauer

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount paid for this information.


Mark A. Wypa

2.30
22.50
25.80

LIBER 3123 PAGE 072

168 9 ✓
STATE OF MICHIGAN
COUNTY OF MUSKEGON
RECEIVED FOR RECORD

200 DEC 27 PM 1:43

Mark F. Fairchild
REGISTER OF DEEDS

WARRANTY DEED

THE GRANTOR: KATHLEEN A. SNIDER, a married woman,

WHOSE ADDRESS IS: 52 N. Bear Lake Rd., Muskegon, MI 49445

CONVEYS AND WARRANTS
TO THE GRANTEE: GERALD A. FAUER, a married man,
1511 Albert, Muskegon, MI 49442

WHOSE ADDRESS IS: ~~2022 Muskegon, North Muskegon, MI 49445~~

the real estate situated in the City of Muskegon, Muskegon County, Michigan, more fully
described as 24.205216-0005-0000

Lot Five (5) of Block Two hundred sixteen (216) of the Revised Plat (of 1903)
of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon
County Records.

together with all improvements, fixtures, easements, and appurtenances associated with the
real estate ("Property"), subject to easements, restrictions, interests, and reservations of
record; taxes and assessments not yet due and payable; and any matters that would be
disclosed by an accurate ALTA/ACSM Urban Land Title Survey.

This Deed is given for the consideration of THREE THOUSAND Dollars (\$3,000.00).

MICHIGAN REAL ESTATE TRANSFER TAX
DEPT of TREASURY
MUSKEGON COUNTY, MI
168749/27/DEC 20 01
00173497
25.80
3.30 C
22.50 S

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

984 Pine

(Address of Property)

TO: All owners and interested parties:

Gerald Fauer, 1511 Albert, Muskegon, MI 49442
Owner

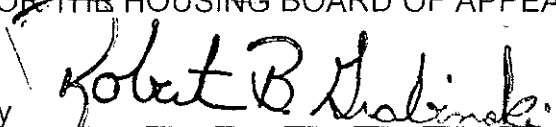
None
(Other interested parties)

On June 5, 2003 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on Tuesday, July 22, 2003 to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

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

Date: June 6, 2003

To: Gerald Fauer, 1511 Albert St., Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, June 5, 2003 does hereby order that the following structure(s) located at 984 Pine, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

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

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: May 22, 2003

Address of the Property: 984 PINE

TO: Gerald Fauer, 1511 Albert St. Muskegon, MI 49442
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, June 5, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish issued 3/31/03.

At the hearing on Thursday, June 5, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

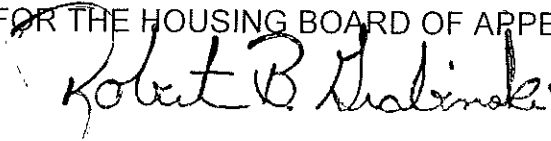
By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large initial "R".

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

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

DATE: March 31, 2003

Address of the Property: **984 PINE**

TO: Gerald Fauer, 1511 Albert St. Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

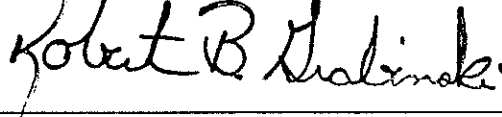
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **984 Pine**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, looping "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

984 Pine

3/31/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Structural damage to upper building roof system. Incomplete repairs made and not installed to code. Rotted, water soaked rafters; require removal of all damaged structural members.
3. Must submit construction documents from registered design professional (Michigan) on all repairs – fire separation – proposed use of building.
4. All repairs and remodeling must meet Michigan Building Code 2000 requirements.
5. Lower section of building has numerous water damage and structural concerns. Construction documents and design professional required.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

3-31-03
DATE

PLAN REVIEW WORK SHEET FOR 984 PINE PERMIT # _____

DATE 3/31/2003 REVIEWER H. W. T.

- ☒ MUST MEET 2000 MICHIGAN BUILDING CODE
- ☐ MUST MEET 2000 MICHIGAN RESIDENTIAL CODE
- ☒ MUST MEET BARRIER FREE REQUIREMENTS OF THE 2000 MICHIGAN BUILDING CODE
- ☒ AN APPROVED SET OF DRAWINGS SHALL BE ON SITE AND AVAILABLE AT THE TIME OF ALL SCHEDULED INSPECTIONS
- ☒ ANY CHANGES MADE DURING CONSTRUCTION, NOT SHOWN ON THE APPROVED DRAWINGS, SHALL BE SUBMITTED FOR APPROVAL BY THE BUILDING OFFICIAL
- ☒ ALL INSPECTIONS REQUIRED BY THIS PERMIT WILL BE PERFORMED BY CITY OF MUSKEGON. ALL WORK MUST BE INSPECTED AND APPROVED BEFORE COVERING.
- ☒ BUILDING PERMIT MUST BE ISSUED BEFORE ANY WORK IS BEGUN, INCLUDING DEMOLITION.
- ☒ SEPARATE PERMITS REQUIRED FOR ANY ELECTRICAL, MECHANICAL OR PLUMBING WORK REQUIRED.
- ☒ ALL ZONING REQUIREMENTS MUST BE MET.
- ☐ ARCHITECTURAL SEALED DRAWINGS REQUIRED.
- ☐ ALL FOOTINGS MUST BE INSPECTED AFTER FORMING, AND APPROVED BEFORE POURING. MINIMUM FOOTING DEPTH IS 42 INCHES.
- ☐ ALL FOUNDATIONS MUST BE INSPECTED AFTER ANY REQUIRED ANCHORS AND REINFORCING HAS BEEN INSTALLED AND APPROVED BEFORE SILL PLATE IS INSTALLED.
- ☐ IF SILL STRAPS ARE USED, MANUFACTURERS SPECIFICATIONS MUST BE SUBMITTED.
- ☒ SEALED DRAWINGS OF ENGINEERED COMPONENTS (TRUSSES, BEAMS, MANUFACTURED JOISTS, ETC) MUST BE SUBMITTED FOR APPROVAL, AND BE ON SITE DURING ROUGH IN INSPECTION

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

984 Pine St.
(INTERIOR INSPECTION)
2/26/03

Inspection noted:

1. Replace all plumbing & mechanical.
 2. Electric service is missing cover.
 3. Electric wiring on 2nd floor to be completely replaced.
 4. Wiring on 1st floor has been exposed to the elements and has deteriorated.
 5. Numerous open junction boxes.
 6. Light fixtures and wiring are hanging down.
- Note: Architectural drawings required before any renovation.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

2-26-03
DATE

CITY OF MUSKEGON

NOTICE OF INTERIOR INSPECTION

DATE: February 3, 2003

Address of Property: 984 PINE St.

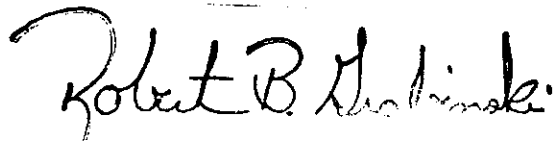
TO: Gerald Fauer, 1511 Albert St., Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

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

We intend to inspect the interior of the building(s). Please be present to allow an interior inspection of the above described properties on Wednesday, February 26, 2003 at 3:00 P.M. Failure to appear and allow the inspection will result in this office seeking a search warrant to conduct the inspection.

CITY OF MUSKEGON INSPECTION SERVICES



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

984 Pine St.

1/28/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Roof system on building is deteriorating, incomplete roof repairs and rotting sheathing, incomplete flashing, parapet and cap are incomplete.
3. Fascia is falling off building – dangerous over sidewalk. Fascia is falling off around perimeter of building.
4. Siding is incomplete.
5. Back block walls of building are in need of structural repair; broken and missing block.
6. Foundation rim is in need of structural repair; rotted plate and open foundation.
7. Exposed OSB soffit rotting - unprotected wood on building envelope – deteriorating trim, doors, etc.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski / lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

1-28-03
DATE

The motion carried.

Case #03-03 – 984 Pine St.

There was no one present to represent this case. Mr. Grabinski gave a history of the case and stated if this building comes down he will not pilaster the wall – he will take down both walls.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Nick Kroes and seconded by Jerry Bever to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

John Warner
Randy Mackie
Jon Rolewicz
Nick Kroes
Jerry Bever
Clara Shepherd

Greg Borgman

The motion carried.

Case #02-94 – 914 W. Southern – Bank One/Barb Delello representative

Barb Delello stated that she is a realtor and deals with bank foreclosures. The bank just got possession of this house and got the tenant out May 28th. She stated in foreclosures the properties can be assigned to 4-5 banks, so it takes some time. Her intent is to rehab the house and sell.

Mr. Grabinski stated this property has been a problem for a long time and lending institutions don't care about the City of Muskegon, so it's buyer beware.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-37 Address: 1253 Calvin.

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 1253 Calvin 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: #01-37 – 1253 Calvin, Muskegon, MI

Location and ownership: This structure is located on Calvin between Roberts and Creston and is owned by Elizabeth Klein.

Staff Correspondence: A dangerous building inspection was conducted on 7/23/01 and an interior inspection was conducted 8/21/01. A notice and order to repair was issued 8/2/01. The case was heard by the HBA on 9/6/01 and the case was tabled for 60 days at that time. The case was heard again 12/6/01 and the owner was again granted 60 days to complete the exterior repairs. On 6/6/02 the HBA granted 120 days to complete the exterior repairs. On 10/7/02 the HBA declared the property substandard and dangerous.

Owner Contact: There has been no contact since the October 2002 HBA meeting.

Financial Impact: None

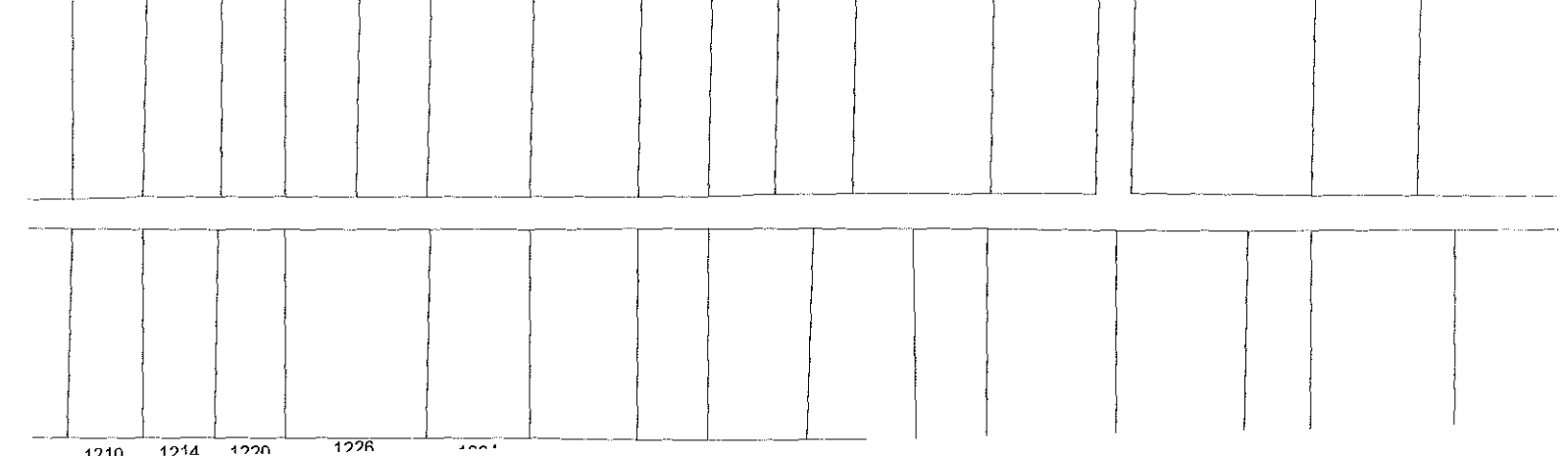
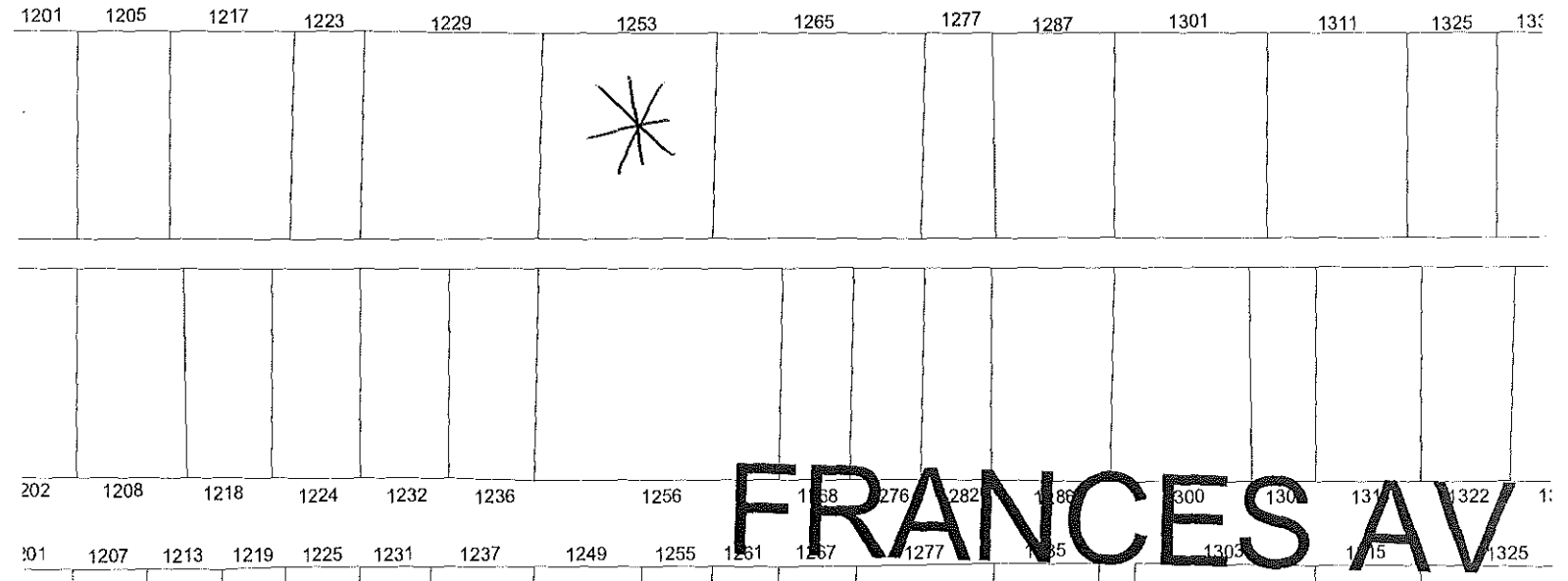
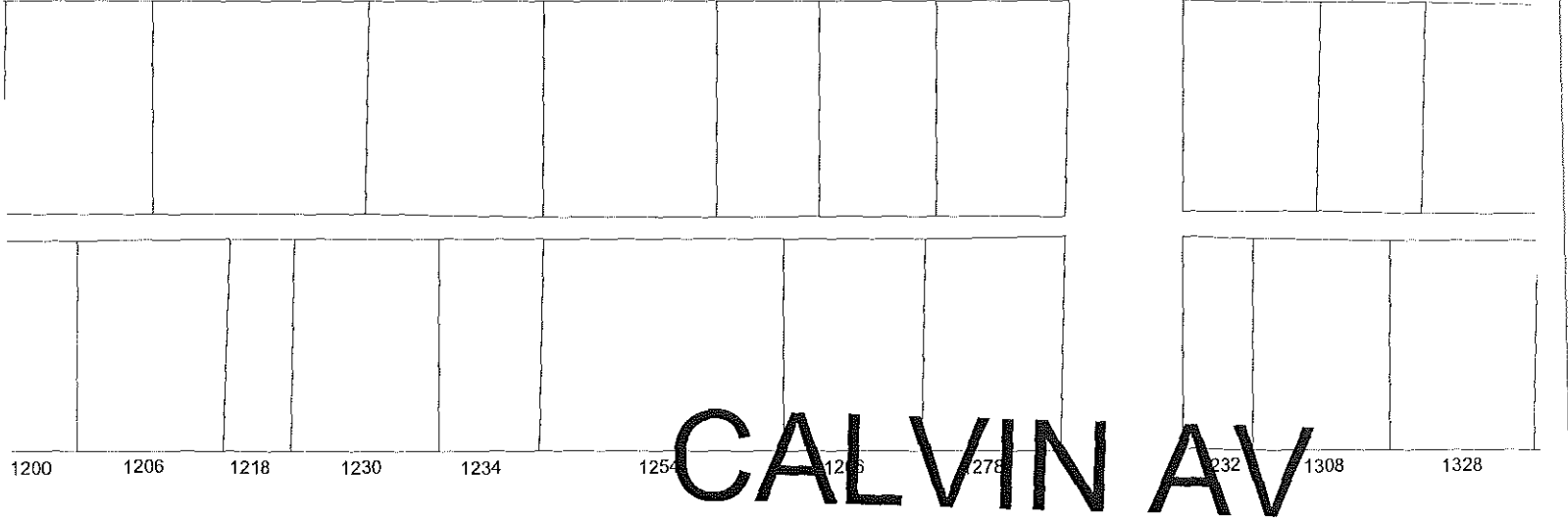
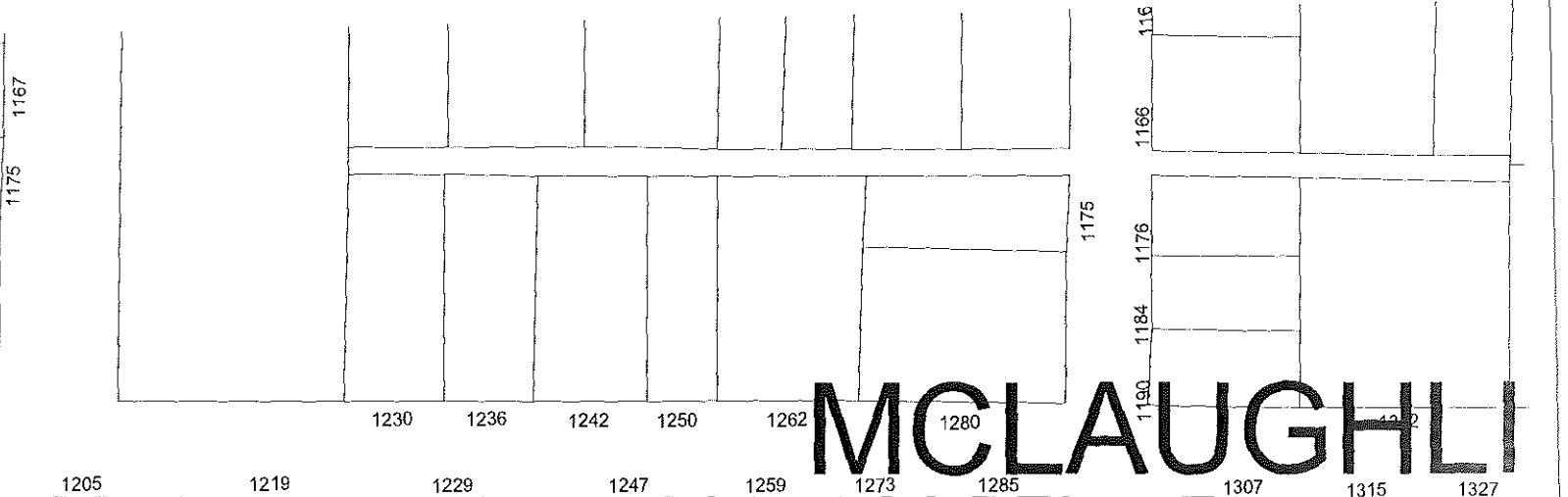
Budget action required: General Funds

State Equalized value: \$16,200

Estimated cost to repair: \$15,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.





1253 Calvin
Census # 4



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100120955
July 31, 2001

1. Beginning Date: 5/13/97, at 8:00 A.M.

Please See Attached Liber 1983, Page 202, County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 6/22/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1982, Page 202

Mortgages:

NONE

Taxes:

Possible Sidewalk Assessment in the year 2002.

Possible Water/Sewer Usage Fees.

Proof of payment of invoice fees, due and payable to City of Muskegon Treasurer in the amount of \$60.00.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$582.64, if paid by August 31, 2001.

Note:

Permanent Parcel No.: 61-24-685-008-0013-00.

2001 State Equalized Value: \$13,400.00.

2001 Taxable Value: \$10,087.00.

Non-Homestead Property.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of County, Michigan, against:

Elizabeth Gubocki
4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.
7. Note: In consideration of the fact that the above information is to be used for reference purposes only and not relied upon as evidence of title, it is furnished at a reduced rate and this Company's liability is limited to the amount

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: July 11, 2003

1253 Calvin

(Address of Property)

TO: All owners and interested parties:

Elizabeth Gubocki, 1940 Woodward, Muskegon, MI 49442
Owner

None
(Other interested parties)

On October 3, 2002 the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **Tuesday, July 22, 2003** to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on Tuesday, July 22, 2003, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPT.
FOR THE HOUSING BOARD OF APPEALS

By 

Robert B. Grabinski, Director of Inspections

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

Date: October 7, 2002

To: Elizabeth Klein, 1940 Woodward, Muskegon, MI 49442
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, October 3, 2002 does hereby order that the following structure(s) located at 1253 Calvin, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

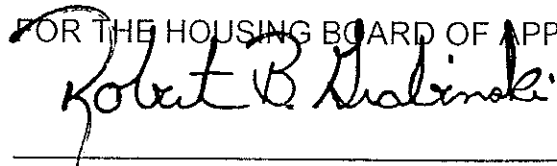
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: September 19, 2002

Address of the Property: 1253 Calvin

TO: Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI 49327
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, October 3, 2002, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review the status of the repairs.

At the hearing on Thursday, October 3, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski

Robert B. Grabinski, Director of Inspections

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

ORDER TO TABLE THIS CASE 120 DAYS

Date of Order: June 11, 2002

Address of the property: **1253 Calvin**

To: Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI 49327
Owners Name & Address

None
Names & Addresses of Other Interested Parties

CASE TABLED FOR 120 DAYS

The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled for 120 days to finish the exterior repairs. All exterior repairs are to be completed in that time and inspections called for.

This case will be reviewed again at the October Housing Board of Appeals meeting, which you will be notified of.

If you have any questions, please call the Inspection Department at 231-724-6715.

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Director of Inspections

Memo

FR 1-744-2559
MON-750-4934

To: Robert Grabinski
From: Lorraine Grabinski
CC: File
Date: 06/05/02
Re: 1253 Calvin

Beth Gubocki contacted the office this morning. She cannot make the HBA meeting 6/6, due to her work schedule. She is asking for a 120 day extension to finish the roof because of finances and personal reasons. She is getting married August 17 and will then be able to sell her house and have the money to finish the roof. She talked to Ardyce (CNS) about getting help, but didn't qualify because the roof doesn't leak.

She wanted to schedule a meeting with Bob Grabinski. I told her that might not be necessary if she could update me on where she's at with repairs. I will call her on Friday or Monday to let her know Bob's decision.

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

NOTICE OF HEARING

Date: May 23, 2002

Address of the Property: 1253 Calvin

TO: Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI 49327
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

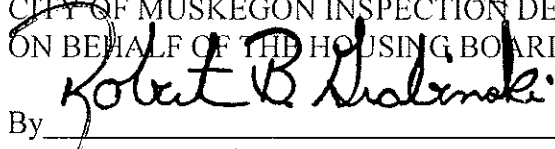
Please take notice that on **Thursday, June 6, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is **to review your progress on the said structure.**

At the hearing on Thursday, June 6, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By


Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS
NOTICE OF HEARING

Date: February 26, 2002

Address of the Property: 1253 Calvin, Muskegon MI

Description of the Structure: Pomona Park Addition Lots 13 & 14 Blk 8 & E ½ Garden St.
vacated

TO: Elizabeth Gubocki, 12689 Patricia Ave, Grant, MI 49327
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

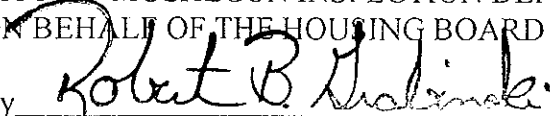
Please take notice that on **Thursday, March 7, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your progress on the exterior repairs.

At the hearing on Thursday, March 7, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By



Robert B. Grabinski, Director of Inspections

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

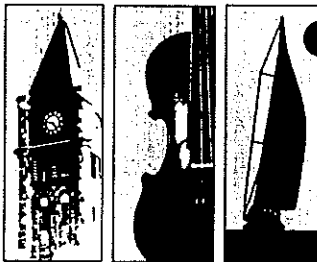
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

December 10, 2001

Elizabeth Gubocki
12689 Patricia Ave.
Grant, MI 49327

Re: 1253 Calvin

Dear Ms. Gubocki:

On December 6, 2001 the Housing Board of Appeals heard your case on the above structure.

The board's determination on this case is to grant you a sixty day extension to complete the exterior repairs.

If you have any questions, please contact this office at (231) 724-6715.

Sincerely,

Robert B. Grabinski
Director of Inspections
RBG/lg



CITY OF MUSKEGON

INSPECTION DEPARTMENT

(231) 724-6715

INSPECTION SHEET For 1253 CULIN

PROGRESS
REPORT.

☒ Building	☐ Electrical	☐ Mechanical	☐ Plumbing	☐ Zoning
☐ Footing	☐ Service	☐ Underground	☐ Underground	
☐ Rough In	☐ Rough In	☐ Rough In	☐ Rough In	
☐ Final	☐ Final	☐ Final	☐ Final	
☐ _____	☐ _____	☐ _____	☐ _____	

Inspector Henry F. Date 11/13/2001 Approved ☐ yes ☐ no

Reason making good progress
siding 99% complete
stack pouring Foundation
block.

Correct prior to _____ and call for reinspection.

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING (BUILDING) BOARD OF APPEALS
NOTICE OF HEARING

Date: November 21, 2001

Address of the Property: 1253 Calvin, Muskegon MI

Description of the Structure: Pomona Park Addition Lots 13 & 14 Blk 8

TO: Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI 49327
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, December 6, 2001**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your progress on the exterior repairs as required in the order to repair issued 9/10/01.

At the hearing on Thursday, December 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

ORDER TO REPAIR OR DEMOLISH

Date of Order: September 10, 2001

Address of the property: **1253 Calvin**

Description of the structure: Pomona Park Addition Lots 13 & 14 Blk 8

To: Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI 49327
(Name & Address of Owner)

None
(Names & Addresses of Other Interested Parties)

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely fashion. Therefore, it is ordered that the owner or interested parties shall apply for all permits required to accomplish the repairs of the conditions found in the inspection report attached to this order and complete all exterior repairs within **60 days**. All interior repairs shall be accomplished in the time limited by the permits issued relevant to the said repairs, and physical repair must be commenced within the said 30 days of obtaining those permits.

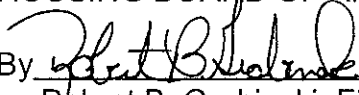
FAILURE TO COMPLY – DEMOLITION ORDER

TO BE SUBMITTED TO THE CITY COMMISSION

In the event the owners or interested parties fail to apply for all permits required to effectuate the said repairs or fail to commence physical repair within 60 days, then the above order of the Housing Board of Appeals shall constitute an order to demolish the said structures.

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

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Fire Marshal

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

NOTICE OF HEARING

Date: August 22, 2001

Address of the Property: 1253 Calvin Muskegon, Michigan

Description of the Structure: Lots 13 & 14 Blk 8 of Pomona Park Addition & E 1/2 Garden St.
Vacated

TO: Elizabeth & Hedwig Gubocki, 12689 Patricia, Grant, MI 49327
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, September 6, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/1/01.

At the hearing on Thursday, September 6, 2001, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Fire Marshal/Inspection Services

CITY OF MUSKEGON

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

DATE: August 1, 2001

Address of the Property: 1253 Calvin St., Muskegon, Michigan

Description of the Structure: Lots 13 & 14 of Block 8 of Pomona Park Addition

TO: Elizabeth & Hedwig Gubocki, 48 N. North St. White Cloud, MI 49349
[Name & Address of Owner]

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

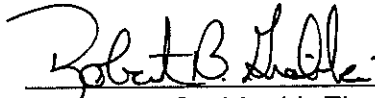
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1253 Calvin St.** Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, appearing to read "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Fire Marshal/Inspections

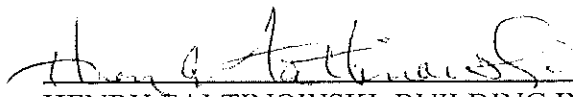
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

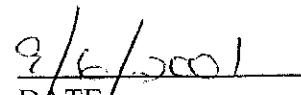
1253 Calvin
(INTERIOR INSPECTION)
August 21, 2001

Inspection noted:

1. Additions on home have insufficient structural ceiling and rafter members to safely carry design loads. Need to 2000 incorporate members to Michigan Residential Code.
2. Service to be replaced. All wiring must comply with 1999 Michigan Electrical Code.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1253 Calvin St.

7/23/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Three permits in window.
3. Work has not been completed on permits and no inspections have been made.
4. Home is boarded up.
5. Missing siding, exposed sheathing – rotting, sheathing in contact with ground. *9/14/2001 permit*
6. Chimney deteriorating, in need of repair. Mechanical certification to verify *9/14/2001 permit* safety.
7. Fascia and soffit in need of repair.
8. Large drop in roof rafters.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.


HENRY FALTINOWSKI, BUILDING INSPECTOR

7/30/2001
DATE

Case #01-037 – 1253 Calvin – Elizabeth Gubocki, 12689 Patricia, Grant, MI

Ms. Gubocki was present to represent this case. Mr. Grabinski gave a history on this case. This case came to Inspection Department by the Neighborhood Association. Mr. Grabinski attended a Neighborhood meeting and this address was one of their issues. He stated the problem with this property is that permits are pulled and the work starts, then stops. This has happened for the last three years. An interior inspection was conducted 9/6/01. The interior repairs needed are small in number, but significant expense there. The Inspection Department is asking for a realistic time line to get the repairs done. The home has been used only for storage in the past and this is also an issue. The owner stated that this property belongs to her mother. Her mother is currently in a nursing home, but she plans to bring her back home. She has worked on the home previous to her mother becoming ill. That is when the work stopped. The owner has estimates for the repairs. Mr. Kroes inquired about having the money to do the interior repairs. Ms. Gubocki stated that she does have the money. She also stated that she didn't know there was a time frame on permits. She stated that she can complete the exterior repairs within 60 days.

Staff Recommendation: Table this case for 60 days to allow Ms. Gubocki to contact Henry Faltinowski to develop a time table for completion of interior repairs and also within the 60 days the exterior repairs be completed. If progress is not made it will be brought back to the HBA.

Motion: Motion made by Randy Mackie, seconded by John Warner to support staff's recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clinton Todd
Fred Nielsen

The motion carried.

Case # 01-022 – 869 Emerald – Collie Dotson 869 Emerald, Muskegon, MI

No one was in attendance to represent this case. Mr. Grabinski gave a history of the case. It is a vacant piece of property. It came to the Inspection Department by a police report. It was wide open and had broken windows. Once inside the

Case #01-037 – 1253 Calvin – Elizabeth Gubocki 12689 Patricia, Grant, MI

Ms. Gubocki was present to represent this case. She had some pictures to show her progress and stated that repairs are going well. Mr. Grabinski stated this case is back before the board because when she was last brought before the board she was given 60 days to complete the exterior repairs and the 60 days is up. She has made a lot of progress, but not everything was completed. Mr. Grabinski asked if she had a timeline as far as the roof is concerned. Ms. Gubocki asked for a 60 day extension. The property is vacant at this time.

Staff Recommendation: Give until June 1, 2002 to complete the remaining exterior repairs as long as Ms. Gubocki continues to have contact with our office and continue with progress.

Motion made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Fred Nielsen
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #00-57 – 2082 Estes – David VanKammen, 2086 Estes, Muskegon

Mr. VanKammen was not present, but he did submit a letter to the Inspection Office with his plans and a request of an extension until May 1, 2002 to complete.

Staff Recommendation: Accept the owner's request for an extension until May 1, 2002.

Motion made by Jerry Bever and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman

NAYES:

EXCUSED:

ABSENT:

HOUSING BOARD OF APPEALS
MEETING MINUTES
6/6/02
5:30 P.M.

ATTENDANCE: Greg Borgman, John Warner, Randy Mackie, Jonathan Rolewicz, and Nick Kroes

ABSENT:

EXCUSED: Jerry Bever and Clara Shepherd

STAFF: Robert Grabinski, Henry Faltinowski, Don LaBrenz, and Lorraine Grabinski

GUESTS: David VanKammen, Bill Gill, Mary & Willie Fields, Scott Livingston, Attorney Bowen, realtors & representative of buyer for 1624 Wood St.

Meeting minutes: A motion was made by John Warner and seconded by Randy Mackie to approve the May minutes. The motion passed.

REVIEW CASES:

#01-037 – 1253 Calvin – Elizabeth Gubocki, 12689 Patricia Ave. Grant, MI

Ms. Gubocki was not present, but she called the Inspection office and asked for 120-day extension to finish the roof. She could not be at the meeting because of her work schedule. She is getting married in August and will then sell her house in Grant and have the money to finish the house on Calvin. She has made good progress so far.

Staff Recommendation: Table this case for 120 days to allow owner to finish roof repairs.

A motion was made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
John Warner
Jon Rolewicz
Nick Kroes

Jerry Bever
Clara Shepherd

The motion carried.

Ms. Klein was present to represent this case. She gave a history of the work that has been done and stated that she spoke with CNS about getting help with the roof. Since the roof is not presently leaking, she cannot get help. She checked on getting a loan, but was denied.

Mr. Grabinski stated that previously there was significant progress, but she has not called for any inspections recently or made contact with the Inspection office. He also stated there is a significant amount of work left to be done yet and had hoped for more to be completed at this time. The need to be sure of financial backing before taking on these projects was stressed. Ms. Klein was told that she and her mother need to re-examine the situation because of the financial drain.

Clara Shepherd asked Ms. Klein where she now lives and if her mother has access to any funds to finish her house repairs. Ms. Klein stated all of her mother's funds pay for her nursing care. Ms. Shepherd also stated that she feels the HBA gave her ample time to complete the repairs. She was also asked why she doesn't move into the house. She stated that she was recently married and her husband has children and a bigger house to accommodate the family.

There was also discussion on exactly what repairs are left to be completed. The trusses on the addition were not done correctly and have to be corrected. Randy Mackie asked if removing the addition was a possibility. Nick Kroes also asked about selling it.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building, and forward to city commission for their concurrence.

A motion was made by Clara Shepherd and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Nick Kroes
Jerry Bever
Jon Rolewicz
Clara Shepherd
John Warner

The motion carried.

~~#02-020 – 80 Hamilton (Garage) – Scott Livingston, 712 Moulton, Muskegon,
MI 49445~~

~~Mr. Livingston was present to represent this case. Mr. Grabinski stated that Henry Faltinowski (building inspector) did an inspection on this garage on 9/27/02 and he reported the repairs are about 80% complete. Mr. Livingston stated his contractor was in an accident and he wants to delay putting the siding on the back of the garage. He has the other repairs completed and does not~~

DATE: July 15, 2003

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 03-15 Address: 472 Monroe.

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 **472 Monroe** 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: #03-15, 472 Monroe, Muskegon, MI

Location and ownership: This structure is located on Monroe between Seventh and Eighth Streets and is owned by First Concepts Development (Ed Brandel).

Staff Correspondence: A dangerous building inspection was conducted on 2/24/03 because of the length of time the structure was vacant and boarded. There have been numerous police reports and the city has had the structure boarded. A notice and order to repair or remove was issued 3/4/03. On 5/1/03 the HBA declared the structure substandard and dangerous. The owner was not present at the meeting. Ed Brandel called the Inspection office after the meeting and scheduled an interior inspection for 5/22/03. The inspection was conducted and a copy of the report was faxed to him on 5/29/03. There has been no further contact.

Owner Contact: There has been no contact since the interior inspection.

Financial Impact: CDBG

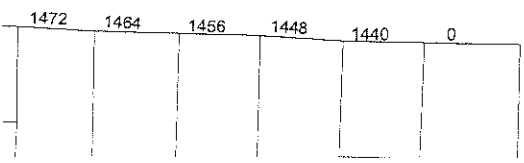
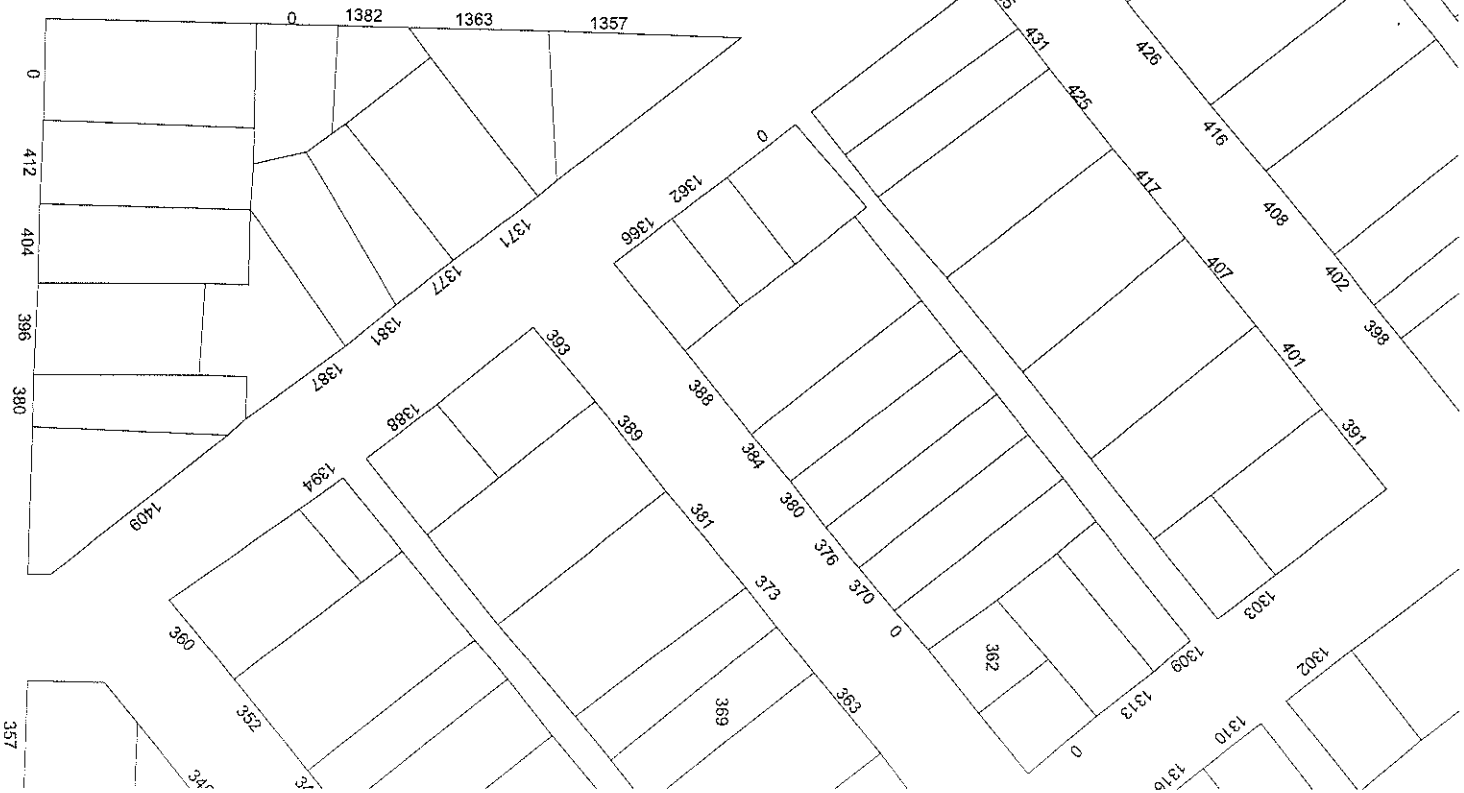
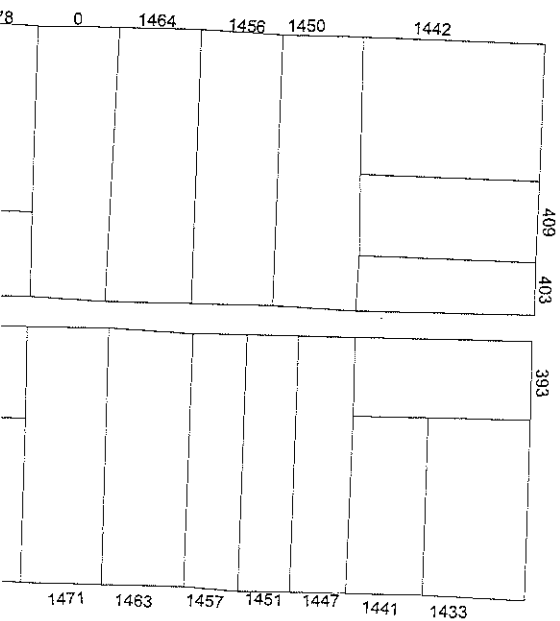
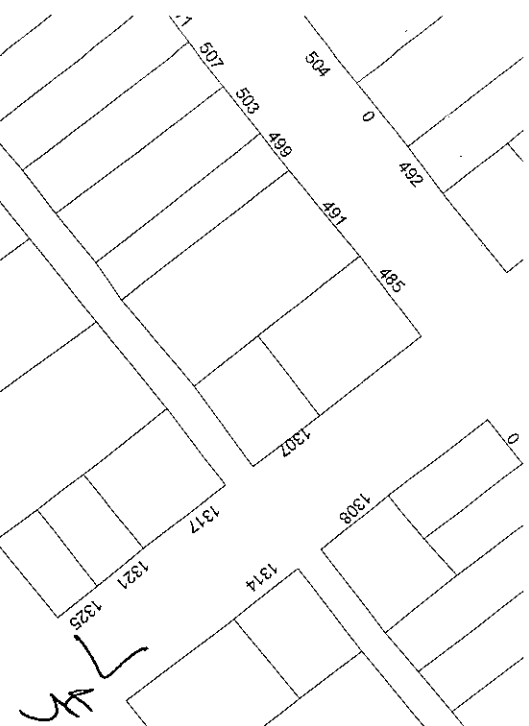
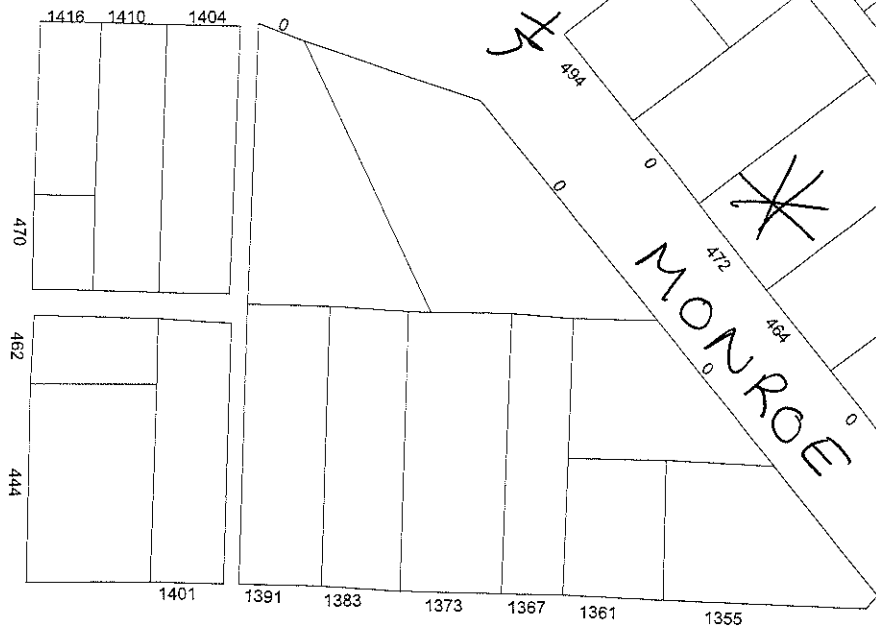
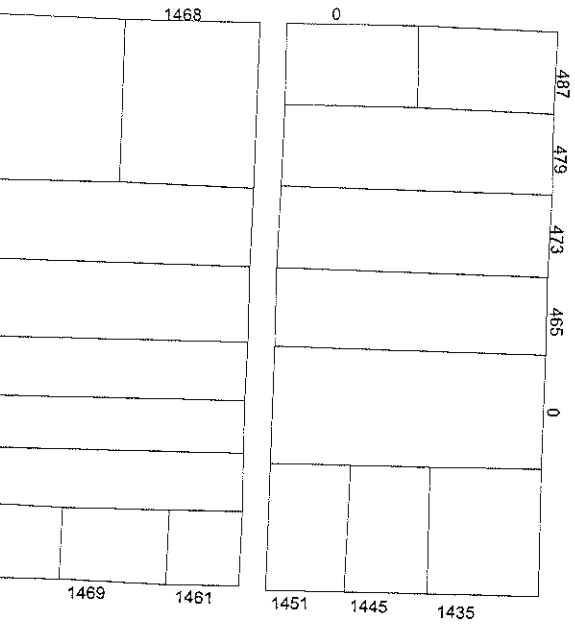
Budget action required: None

State Equalized value: \$23,400

Estimated cost to repair: \$8,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, July 22, 2003.





472 Monroe

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
472 Monroe
(INTERIOR INSPECTION)
5/22/03

Inspection noted:

1. Broken front porch light.
2. Open wire by back door.
3. Loose light in basement.
4. Open wire in kitchen.
5. Electric service needs to be moved away from sewer lines and sump pit.
6. Hard wired w/battery back up smoke detectors are required.
7. GFI's in kitchen and bathrooms required.
8. Burned receptacle in living room.
9. No exterior light boxes.
10. Guardrail is required on basement stairs.
11. Floor coverings required throughout.
12. Repair or replace broken windows.
13. Repair damaged walls and ceilings throughout.
14. Repair bathrooms.
15. Smoke detectors required – hard wired with battery back up.

All work requires a building permit. This permit must be obtained prior to work beginning.
Please contact Inspection Services with any questions: 231-724-6715.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE
DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS
AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE
MUSKEGON CITY CODE.

Henry Faltinowski
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-22-03
DATE

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

Date: May 2, 2003

To: First Concepts Development, 880 1st, Muskegon, MI 49441
Owners Name & Address

Primestone Development, 105 W. Exchange, Spring Lake, MI 49456
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 1, 2003 does hereby order that the following structure(s) located at **472 Monroe**; Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, reading "Robert B. Grabinski", written over a horizontal line.

Robert B. Grabinski, Director of Inspections

Incident Report

MUSKEGON POLICE DEPARTMENT

2003-004863-I

Incident No 2003-004863-I		Date & Time Rept 03/09/2003 15:18		Offense: 98007 SUSPICIOUS SITUATIONS	
Occurred From: 03/09/2003 15:18		Occurred Until: 03/09/2003 15:18		Incident Location 472 MONROE AV	
Current Disp CLOSED		Disposed To CLOSED LORD		Municipality MUSKEGON	District 111
Disposition Date 03/09/2003		Juveniles Only? NO		TTY Sent? NO	Cancelled? TTY number
Photos? NO	Consent? NO	Affidavit? NO		Optional Date/Time / / 00:00	
Officer Assigned 10646 NELSON, ERIC ANTHONY				Investigating Officer	

N O T E S Copy to Inspections for board up repair. Lt. Lord

===== [03/09/2003] --- [15:18] =====
WIDOWS BUSTED

OFFENSE: BURGR B&E of Residence

=CAD TIMES: 15:18;15:18;15:18;15:23;

P	Name/Address/Phone		Description	
	NO PERSONS			
	Description/Name/Comments		Make/Model/Stat	Serial No./Qty/Value
	NO PROPERTY			
	Status/Plate Type/VIN		Reg/Evid/Value	Description
	NO VEHICLES			
	Category		Description	
	NO M.O. INFORMATION			

Continued

MUSKEGON POLICE DEPARTMENT

2003-004863-I

Incident No	Date & Time Rept	Offense: 98007
2003-004863-I	03/09/2003 15:18	SUSPICIOUS SITUATIONS

N TAKEN FROM WORDPERFECT DOCUMENT 2003004863.001

A 09 March 2003

R 1518 Hrs.

R

A 472 Monroe

T

I While on routine patrol on the 400 block of Monroe I noticed
V a boarded up house, 472 Monroe, with some busted windows. I
E notified CPD of my findings and investigated further.

Upon approaching the house I noted fresh footprints in the snow leading to the front door and also going to the rear of the house. There was a posting on the front door from City Inspections concerning the condition of the house. The first floor windows on the front of the house were boarded up, but the second floor windows were not, and were busted out. As I walked around the house, the windows on both sides were boarded, but a basement window on the west side was not and was busted. I looked in through the basement window and could see that the snow on the floor was not disturbed. I continued to the back of the house and noted that some of the windows were boarded and others not. There was a window on the first floor that was busted out, and upon looking in through the window, noted that the snow on the floor was not disturbed. The footprints in the snow lead from Monroe, to the house, back to Monroe again.

No other action taken.

Request a copy be sent to Inspections.

CLEAR

E NELSON #18

CITY OF MUSKEGON
CITY OF MUSKEGON HOUSING BOARD OF APPEALS

NOTICE OF HEARING

Date: April 18, 2003

Address of the Property: 472 Monroe

TO: First Concepts Development LLC, 880 1st, Muskegon, MI 49441
[Name & Address of Owner]

None
[Names & Addresses of Other Interested Parties]

Please take notice that on Thursday, May 1, 2003, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to repair or demolish issued 3/4/03.

At the hearing on Thursday, May 1, 2003, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By Robert B. Grabinski
Robert B. Grabinski, Director of Inspections

Memo

To: PIONEER RESTORATION
ATTN: DEB
From: Lorraine
CC:
Date: March 12, 2003
Re: REQUEST FOR BOARD UP

PLEASE BOARD THE FOLLOWING PROPERTIES:

ADDRESS	LOCATION TO BOARD/SECURE
472 Monroe	Any broken windows and unsecured doors

IF YOU HAVE ANY QUESTIONS PLEASE DON'T HESITATE TO CALL ME AT
(231) 724-6757.

THANKS !

CITY OF MUSKEGON

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

DATE: March 4, 2003

Address of the Property: 472 MONROE

TO: First Concepts Development LLC, 880 1st, Muskegon, MI 49441
[Name & Address of Owner]

None
(Interested Parties)

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

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

1. X Obtain the issuance of all permits required to accomplish the repair of the structure defects listed in the attached schedule within 30 days of this notice. All repairs shall be accomplished within the times set forth in the permits. All work must be physically commenced within 30 days of the date of this notice.
2. Obtain the issuance of the appropriate permit for the demolition of structures within 30 days, and accomplish the demolition thereof within 60 days of this notice.

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

FAILURE TO COMPLY

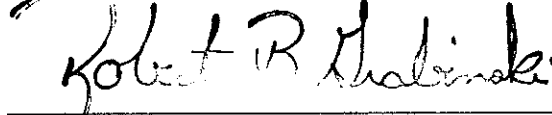
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 472 Monroe, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

A handwritten signature in black ink, reading "Robert B. Grabinski". The signature is written in a cursive style with a large, stylized "R" at the beginning.

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

472 Monroe Ave.

2/24/03

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Home boarded.
3. Broken out windows basement, main level, upper levels.
4. Siding being stripped from home.
5. Porches and deck must have handrails and guardrails to code.

BASED UPON MY RECENT INSPECTION OF THE ABOVE PROPERTY, I HAVE DETERMINED THAT THE STRUCTURE MEETS THE DEFINITION OF A DANGEROUS AND/OR SUBSTANDARD BUILDING AS SET FORTH IN SECTION 4-23 OF THE MUSKEGON CITY CODE.

Henry Faltinowski /lg
HENRY FALTINOWSKI, BUILDING INSPECTOR

3-3-03
DATE

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

Inspection Services
231/724-6715
FAX/726-2501

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

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

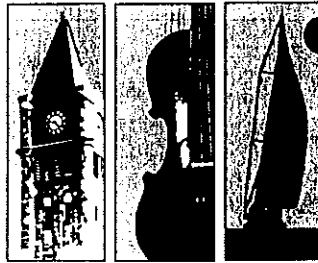
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 14, 2002

First Concepts Development LLC
880 1st St. Suite 101
Muskegon, MI 49441

Dear Property Owner:

Subject: Board-up: 472 Monroe Ave, Muskegon MI

The structure owned by you at the subject address has recently been found to be dangerous because it is unsecured. Unsecured structures are not only an invitation to children, but also to vagrants, vandals, and others who would use them for illegal purposes.

To combat this, City building regulations require that windows, doors, or other openings on vacant structures be kept intact and securely locked or neatly boarded up in order to prevent entrance by unauthorized persons. Please board up/secure all doors and first floor windows of all structures. **Boarding must be done with exterior grade plywood at least ½ inch thick which is painted to blend with the colors of the building so as to be as inconspicuous as possible.**

Please note, however, that under City ordinance a property may not remain boarded up for longer than 180 consecutive days. As a dangerous building, your structure(s) must be secured within ten (10) days of the date of this notice. If the building is not secured within this time frame, the City of Muskegon will take action to have it secured and the cost assessed against the property.

Any unpaid invoices could be sent to a collection agency and may affect your credit rating if not paid.

If you have any questions concerning this
724-6715.

Sincerely,

Robert B. Grabinski

Robert B. Grabinski
Fire Marshal/Inspections Dept.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

4424 2696 ET00 0250 0002

BLU 472 Monroe

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)
First Concepts (Anthony Brandel)
Street, Apt. No., or PO Box No.
880 1st Suite 101
City, State, ZIP+4
Muskegon MI 49441

See Reverse for Instructions

City of Muskegon, 933 Terrace Street, P.

Incident Report

MUSKEGON POLICE DEPARTMENT

2002-000627-I

Incident No 2002-000627-I		Date & Time Rept 01/09/2002 11:05		Offense: 99008 GENERAL ASSISTANCE	
Occurred From: 01/09/2002 11:05		Occurred Until: 01/09/2002 11:05		Incident Location 472 MONROE	
Current Disp CLOSED		Disposed To CLOSED FINE		Municipality MUSKEGON	
				District 111	
Disposition Date 01/14/2002		Juveniles Only? NO		TTY Sent? NO	
				Cancelled? NO	
Photos? NO		Consent? NO		Affidavit? NO	
				Optional Date/Time / / :	
Officer Assigned 10482 BROWERS, KRISTI IRENE				Investigating Officer 10793 WOODARD, CHRISTOPHER IAN	
NOTES	Copy to Patrol folder and Community Officer for follow up. Sgt Flynn				
	Informational				
	Name/Address/Phone			Description	
	BROWN, ALBERTA 464 MONROE MUSKEGON MI 49442 (231) 726-5497			Born 01/06/1938 FEMALE Hgt. 0' 0" WHITE Wgt. 0 Hair Eyes	
	REPORT/BY 99008 01/09/2002			GENERAL ASSISTANCE	
PERSONS	FIRST CONCEPT DEVELOPMENT 880 1ST MUSKEGON MI 49440			Born / / BUSINESS Hgt. 0' 0" UNKNOWN Wgt. 0 Hair Eyes	
	OWNER 99008 01/09/2002			GENERAL ASSISTANCE	
	Description/Name/Comments Make/Model/Stat Serial No./Qty/Value				
	NO PROPERTY				
	Status/Plate Type/VIN Reg/Evid/Value Description				
	NO VEHICLES				
	Category		Description		
	NO M.O. INFORMATION				

Incident No	Date & Time Rept	Offense: 99008
2002-000627-I	01/09/2002 11:05	GENERAL ASSISTANCE

N TAKEN FROM WORDPERFECT DOCUMENT 2002000627.001

A 1-9-02

R

R ALBERTA BROWN, 726-5497, called and stated that she lives next
A door to 472 Monroe and wants to have officers check it. Alberta
T stated that a very full dumpster is in the driveway and the windows
I and doors are boarded up. Alberta stated that the front door is
V now exposed and the board is not secure. Also stated was children
E have been playing inside 472 and she doesn't believe it is safe.
Alberta also advised that adults have been going into the home
during night hours.

Alberta called the dumpster company and was advised that First
Concept Development ordered the dumpster.

I made a phone call to the City Assessor's Office who stated
the property is owned by First Concept Development. There is no
phone number for that company.

Request for patrol checks please.

K. Browsers

Continued

MUSKEGON POLICE DEPARTMENT

2002-000627-I

Incident No 2002-000627-I	Date & Time Rept 01/09/2002 11:05	Offense: 99008 GENERAL ASSISTANCE
------------------------------	--------------------------------------	--------------------------------------

S TAKEN FROM WORDPERFECT DOCUMENT 2002000627.002

U 1-11-02

P

P

L

E

M

E

N

T

Officer Stafford and I went to 472 Monroe today at about 1018am and found the east side door standing open. Officers searched the interior of the house finding nothing. I was unable to secure the door due to the way it had been kicked in. I will drop a copy of this report off to inspections. Woodard}25

Reviewed 01-14-02 SGT T. FINE

Continued

MUSKEGON POLICE DEPARTMENT

2002-000627-I

Incident No	Date & Time Rept	Offense: 99008
2002-000627-I	01/09/2002 11:05	GENERAL ASSISTANCE

S TAKEN FROM WORDPERFECT DOCUMENT 2002000627.003

U 1-22-02

P

P

L I received a call from Alberta Brown this morning stating that the
E dumpster she called about before is still sitting in the driveway
M of 472 Monroe as it has been for about four months. Alberta said
E the dumpster has been full for quite some time and she would like
N some action taken to get it removed. Alberta said that the house
T continue to have the door kicked in. Woodard}25

A motion was made by Clara Shepherd and seconded by John Warner to accept staff recommendation and add to the motion that the house be inspected.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Randy Mackie
Jon Rolewicz
John Warner
Nick Kroes
Jerry Beyer
Clara Shepherd

The motion carried.

Case #03-15 – 472 Monroe – First Concept Development, 880 1st, Muskegon

No one was present to represent this structure. It has been vacant and is deteriorating. There are broken windows on the second floor and the city has had the first floor boarded.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

Greg Borgman
Nick Kroes
Randy Mackie
Clara Shepherd
Jon Rolewicz
John Warner
Jerry Bever

The motion carried.

Case #03-05 – 71 W. Southern – Andrew Johnson, Fruitport, MI