

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 12, 2001

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - a. Goodwill Industries International Employer of the Year Award
- ❑ PRESENTATIONS:
- ❑ CONSENT AGENDA:
 - a. Approval of Minutes. CITY CLERK
 - b. Consideration of Bids – Barney Ave., Valley to Roberts
ENGINEERING
 - c. Sealed Bid Equipment Sale PUBLIC WORKS
 - d. Budgeted Equipment Purchase. PUBLIC WORKS
 - e. Budgeted Equipment Purchase Portable Radios. PUBLIC WORKS
 - f. Julie Hackley Intern Wages 2001. AFFIRMATIVE ACTION
 - g. Lakeshore Pathway – Kirksey Property. PLANNING & ECONOMIC
DEVELOPMENT
 - h. Selection of Painters for the City Paint Program. COMMUNITY
RELATIONS
 - i. Quit Claim Deed for Streets in Harbour Towne. CITY MANAGER
 - j. Fireworks Display – Summer Celebration CITY CLERK
- ❑ PUBLIC HEARINGS:
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:
 - a. Donation Request from Miss Michigan Scholarship Program (Tabled
from May 22, 2001 meeting). CITY MANAGER

- b. Pere Marquette Request for Proposals. LEISURE SERVICES
- c. Cross Lake Ferry Committee (Tabled from May 22 2001 meeting).
CITY MANAGER

□ **NEW BUSINESS:**

- a. Downtown Development Authority Bond Refunding – Parameters Resolution. FINANCE
- b. Selection of Contractor for New Construction at 1706 Jarman.
COMMUNITY & NEIGHBORHOOD SERVICES
- c. Disclosure of Potential Conflict of Interest Under Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES
- d. Selection of Paint Supplier. WATER
- e. Selection of Contractor for Rehabilitation of City Owned Structure at 315 Catawba. COMMUNITY & NEIGHBORHOOD SERVICES
- f. Resolution in support of House Resolution #15, regarding directional drilling under the Great Lakes. COMMUNITY RELATIONS COMMITTEE
- g. Resolution Recognizing Muskegon Western Little League Baseball, LLC. Of Muskegon as non-profit organization for the purpose of obtaining a Gaming License. CITY CLERK

□ **ANY OTHER BUSINESS:**

□ **PUBLIC PARTICIPATION:**

□ **CLOSED SESSION:**

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

□ **ADJOURNMENT:**

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

City of
Muskegon
State of Michigan

PROCLAMATION
*Goodwill Industries International
Large Employer of the Year Award
June 1, 2001*

WHEREAS the City Of Muskegon wishes to congratulate Roger Eikenberry, President/Owner of Plumbs Inc., on the distinction of Goodwill Industries International Large Employer of the Year; and

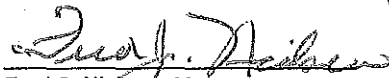
WHEREAS the City Of Muskegon is proud to have such a strong partnership with Goodwill Industries; and

WHEREAS the City Of Muskegon is truly thankful to have such a fine Company, which shows care, concern and value to the participants of Goodwill Industries; and

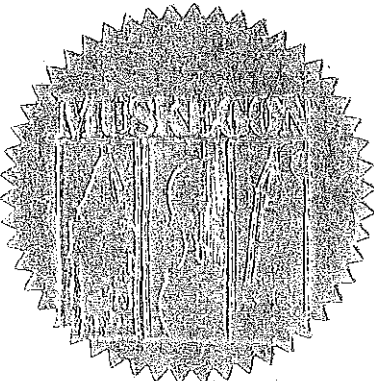
WHEREAS we publicly acknowledge the effort put forth in providing hands-on-training for the Retail and Customer Service training Program. Plumb's has always held a non-discriminatory philosophy concerning its employees and currently employs 56 full-time and 14 part-time people with disabilities or other barriers to employment; and

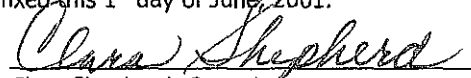
THEREFORE, NOW BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon, and speaking on behalf of the City Commission, call upon all citizens of Muskegon to join in congratulating Roger Eikenberry and the Plumb's Stores for this prestigious award.

IN WITNESS WHEREOF, We hereunto set our hand and cause the seal of the City of Muskegon to be affixed this 1st day of June, 2001.

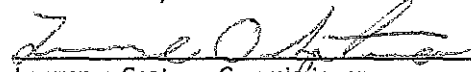

Fred J. Nielsen, Mayor

Scott Sieradzki, Vice Mayor

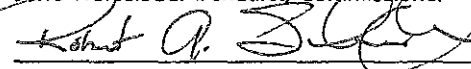



Clara Shepherd, Commissioner

John Aslakson, Commissioner


Lawrence Spataro, Commissioner

Jone Wortelboer Benedict, Commissioner


Robert Schweifler, Commissioner

Date: June 12, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, May 22, 2001.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 12, 2001

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, June 12, 2001.

Mayor Fred J. Nielsen opened the meeting by offering the prayer after which the members of the City Commission and the members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

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

2001-62 HONORS AND AWARDS:

a. Goodwill Industries International Employer of the Year Award.

Mayor Fred J. Nielsen made a presentation to Roger Eikenberry, President and Owner of Plumbs, Inc. for receiving the International Large Employer of the Year award from Goodwill Industries.

2001-63 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, May 22, 2001.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the Minutes.

b. Consideration of Bids – Barney Ave., Valley to Roberts. ENGINEERING

SUMMARY OF REQUEST: To award the contract for the reconstruction of Barney (including the lift station), from Valley to Roberts to Millbocker & Sons since they were the lowest responsible bidder with a bid price of \$439,720.15.

FINANCIAL IMPACT: The construction cost of \$439,720.15 plus related engineering expenses.

BUDGET ACTION REQUIRED: None, this project is in the 2001 budget.

STAFF RECOMMENDATION: Award the contract to Millbocker & Sons.

c. Sealed Bid Equipment Sale. PUBLIC WORKS

SUMMARY OF REQUEST: Approve the sale of the following City owned Equipment:

One (1) 1985 High Pressure Sewer Cleaner (Vactor) to Newkirk Electric for the bid price of \$48,500.00

One (1) 1979 Case Drott Cruise Air Excavator to Moyer and Company for the bid price of \$8,605.00.

FINANCIAL IMPACT: The combined sale amount of \$57,105.00 will be placed into the equipment fund to purchase equipment budgeted for 2001.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the sale of the 1985 Sewer Cleaner to Newkirk Electric at the bid price of \$48,500.00 and to approve the sale of the 1979 Case Drott cruise air Excavator to Moyer & Company at the bid price of \$8,605.00.

d. Budgeted Equipment Purchase. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase one (1) Combination High Pressure Sewer Cleaner and Catch Basin Cleaner (Vactor) from Jack Doheny Supplies for the bid price of \$236,744.00.

FINANCIAL IMPACT: \$236,744.00 Equipment Fund

BUDGET ACTION REQUIRED: None, The sale of our 1985 Vactor and Drott Excavator totaling \$57,105.00 along with eliminating \$11,000.00 for the purchase of an air compressor will bring this equipment purchase within budget. Original budget estimates for this purchase included the sale of the Vactor and Drott.

STAFF RECOMMENDATION: Approve the purchase of one (1) Combination High Pressure Sewer Cleaner and Catch Basin Cleaner for the bid price of \$236,744.00 from Jack Doheny Supplies.

e. Budgeted Equipment Purchase Portable Radios. PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase Eighteen Portable Radio Units for Police/Fire and Twelve Portable Radio Units for DPW from Tele-Rad Inc. of Muskegon at the price of \$678.85 each.

FINANCIAL IMPACT: \$20,365.50 equipment fund.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: to approve the purchase of 30 portable radio units from Tele-Rad Inc. for the price of \$20,365.50.

g. Lakeshore Pathway – Kirksey Property. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Due to complications on the title, the City is unable to acquire the Kirksey Property directly for the Lakeshore Pathway. Therefore, it is necessary to condemn the property. Offer letters have been sent to all parties on the title commitment, with no response. Thus, the city Commission is requested to proceed with condemnation.

FINANCIAL IMPACT: The appraised value of the property is \$60,000, which will be paid for through the golf course proceeds.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and Declaration of Taking, and authorize the Mayor and the clerk to sign.

i. QuitClaim Deed for Streets in Harbour Towne. CITY MANAGER

SUMMARY OF REQUEST: To approve a resolution to accept a quitclaim deed for streets and easements in the HarbourTowne Condominium development.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution.

j. Fireworks Display –Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for July 4th, and July 8, 2001. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to approve the consent agenda as read with the exception of the removal of items f,h, which were removed.

ROLL VOTE: AYES; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,

NAYS; None

MOTION ADOPTED

2001-64 ITEMS REMOVED FROM THE CONSENT AGENDA:

f. Julia Hackley Intern Wages, 2001. AFFIRMATIVE ACTION

SUMMARY OF REQUEST: To approve an increased wage matrix for the 2001 interns in the Julia Hackley Internship program. An increased wage matrix will allow the City of Muskegon to remain competitive at attracting and retaining qualified candidates. The current wage matrix is \$5.50 to \$7.00 per hour. The proposed range or wage matrix is \$7.00 - \$10.00 per hour (which is comparable to our other seasonal non-union employees @ \$7.00 to \$14.30 per hour).

FINANCIAL IMPACT: Any wage increase will come directly from the Julia Hackley Funds allocated to the City of Muskegon. The City has received \$7,200.00 for 2001.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Recommends approval.

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to approve the increased in wage matrix for the Julia Hackley Internship Program.

ROLL VOTE: AYES; Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict,

NAYS; None

MOTION ADOPTED

h. Selection of Painters for the City Paint Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the Commission approve three (3) selected paint contractors for this summers paint program through the Community and Neighborhood Services Department.

FINANCIAL IMPACT: Expense will be covered through the 2001-2002 CDBG Paint and Siding Program.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the selections.

Moved by Vice Mayor Sieradzki, seconded by Commissioner Benedict to approve the three selected paint contractors for this summers paint program..

ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen,

NAYS; None

MOTION ADOPTED

PUBLIC HEARINGS: None

COMMUNICATIONS: None

CITY MANAGER'S REPORT: None

2001-65 UNFINISHED BUSINESS:

a. Donation Request from Miss Michigan Scholarship Program (Tabled from May 22, 2001 meeting). CITY MANAGER

SUMMARY OF REQUEST: To consider a request from the Miss Michigan Scholarship Program for a \$10,000 cash donation for scholarships for competing contestants. **Applicant requested that this item be withdrawn from the agenda.**

FINANCIAL IMPACT: \$10,000.00

BUDGET ACTION REQUIRED: Budget amendment would be required of request is approved.

STAFF RECOMMENDATION: To deny the request and consider funding for 2002 budget year.

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to refer to staff to discuss at the next Community Relations Meeting on July 2nd, 2001.

No Vote – Discussion on the item.

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to call the question.

ROLL VOTE: AYES; Shepherd, Spataro, Aslakson, Schweifler,

NAYS; Sieradzki, Benedict, Nielsen,

MOTION ADOPTED

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to move on original motion to refer the item to staff for report ant the next Community Relations Meeting in July.

ROLL VOTE: AYES; Spataro, Aslakson, Schweifler, Shepherd,

NAYS; Sieradzki, Benedict, Nielsen,

MOTION ADOPTED

b. Pere Marquette Request for Proposals. LEISURE SERVICES

SUMMARY OF REQUEST: To authorize staff to prepare and send out a Request for Proposals for limited commercial development of Pere Marquette Park.

FINANCIAL IMPACT: Unknown

BUDGET ACTION REQUIRED: none

STAFF RECOMMENDATION: Approval

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to deny request to authorize staff to prepare and send out Request for Proposals for limited development of Pere Marquette Park.

ROLL VOTE: AYES; Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki,

NAYS; None

MOTION ADOPTED

**c. Cross Lake Ferry Committee (Tabled from May 22, 2001 meeting).
CITY MANAGER**

SUMMARY OF REQUEST: A request was made to appoint two members of the City Commission to a committee to work on the Cross Lake Ferry project. There is currently a local work group made up of city staff and several other local agencies meeting together to work on this project. It is not necessary at this time to appoint two Commissioners to the work group.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To not appoint two Commissioners to the Cross Lake Ferry committee at this time.

Moved by Vice mayor Sieradzki, seconded by Commissioner Aslakson not to appoint two Commissioners to the Cross Lake Ferry committee.

ROLL VOTE: AYES; Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,

NAYS; None

MOTION ADOPTED

2001-69 NEW BUSINESS:

a. Downtown Development Authority Bond Refunding – Parameters Resolution. FINANCE

SUMMARY OF REQUEST: The City Commission has previously adopted a resolution authorizing issuance of Downtown Development Authority "refunding" bonds. The second Commission action required in the refunding process is adoption of the attached "parameters resolution" which sets forth specific procedures and terms for selling the bonds and authorizes staff to undertake specific actions to accomplish the sale. A third City Commission action will be required in coming weeks to approve the actual sale of bonds.

FINANCIAL IMPACT: If the refunding is completed, interest savings (on net present value basis) are projected to be \$1,525,000. This will help free up DDA tax increment dollars for use on other downtown projects.

BUDGET ACTION REQUIRED: None at this time. Once bonds are sold, debt service will be paid by DDA tax increments over the life of the bonds. (18 years)

STAFF RECOMMENDATION: Approval of the resolution.

Moved by Commissioner Aslakson, seconded by Vice Mayor Sieradzki to concur with staff to adopt the resolution for selling the DDA bonds.

ROLL VOTE: AYES; Benedict, Nielsen, Shepherd, Sieradzki, Spataro, Aslakson,

NAYS; Schweifler (No Vote – Out of the Room)

MOTION ADOPTED

b. Selection of Contractor for New Construction at 1706 Jarman. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To select Nobles Inc. with Mark Thompson as the general contractor to construct a designated house at the city-owned tax-reverted site at 1706 Jarman under – Operation Phoenix. The city received three bids with Nobles Inc. being the lowest at \$111,000. Once the house is completed the City of Muskegon will sell the home to a qualified homebuyer in association with one of the City's Community Housing Development Organizations.

FINANCIAL IMPACT: Funding will be allocated from the HOME budget 2000.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: to approve the awarding of the contract to nobles Inc. to construct the house under project Operation Phoenix.

Moved by Commissioner Shepherd, seconded by Commissioner Spataro to approve the selection of Nobles Inc. for the construction of the house at 1706 Jarman.

ROLL VOTE: AYES; Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson, Benedict,

NAYS; None

MOTION ADOPTED

c. Disclosure of Potential Conflict of Interest Under Community Development Block Grant Program. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: Under Community Development Block grant regulations,

potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Michael & Evelyn Brown of 297 Washington, have applied for CDBG assistance under the City's Emergency Roof Program. They are the daughter and son-in-law of Clara Shepherd, a City Commissioner. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the City's Community and Neighborhood Services Dept., to submit the waiver of conflict of interest to the U.S. Department of Housing and Urban Development.

Moved by Commissioner Schweifler, seconded by Commissioner Spataro to approve the submission of the waiver of conflict of interest to HUD.

**ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Spataro,
Aslakson, Benedict, Nielsen,**

NAYS; None

MOTION ADOPTED

d. Selection of Paint Supplier. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To have the City Commission approve the CNS selection of O'Leary paint as the supplier for the 2001 Summer Paint Program. CNS received two (2) quotes from suppliers – O'Leary Paint, 3530 Airline Rd of Muskegon and Sherwin Williams, 2425 Henry St. of Muskegon. Because of past success, the CNS department would like to award the contract once again to O'Leary paint.

FINANCIAL IMPACT: Funds will be from the 2001 Community Development Block Grant Paint and Siding Program.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: to approve the selection of O'Leary Paint.

Moved by Commissioner Schweifler, seconded by Commissioner Shepherd to approve the selection of O'Leary Paint as the supplier of paint for the Paint Program.

Discussion on the item.

Moved by Commissioner Benedict, seconded by Commissioner Aslakson to table until further information can be obtained.

**ROLL VOTE: AYES; Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler,
Shepherd,**

NAYS; None

MOTION ADOPTED

e. Selection of Contractor for Rehabilitation of City Owned Structure at 315 Catawba. COMMUNITY & NEIGHBORHOOD SERVICES

SUMMARY OF REQUEST: To approve the selection of Nobles Inc. with the low bid of \$67,900. For the total rehabilitation of the tax-reverted structure at 315 Catawba. The City of

Muskegon received four (4) bids for this project.

After the total rehabilitation of the structure at 315 Catawba is completed, the structure will be sold to a qualified homebuyer in association with one of the City's Community Housing Development Organizations.

FINANCIAL IMPACT: Funds will be allocated from the City's HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Nobles, Inc. with Mark Thompson as the general contractor for the job of rehabilitating 315 Catawba.

Moved by Commissioner Spataro, seconded by Commissioner Shepherd to approve the selection of Nobles Inc. for the rehabilitation of the structure at 315 Catawba.

ROLL VOTE: AYES; Spataro, Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki,

NAYS; None

MOTION ADOPTED

- f. Resolution in support of House Resolution #15, regarding directional drilling under the Great Lakes. COMMUNITY RELATIONS COMMITTEE**

SUMMARY OF REQUEST: To adopt the resolution in support of House Bill #15.

Moved by Commissioner Benedict, seconded by Commissioner Shepherd to adopt the resolution in support of House Bill #15.

ROLL VOTE: AYES; Aslakson, Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro,

NAYS; None

MOTION ADOPTED

- g. Resolution recognizing Muskegon Western Little League Baseball, LLC. of Muskegon as a non-profit organization for the purpose of obtaining a gaming license.**

SUMMARY OF REQUEST: To adopt a resolution for Muskegon Western Little League Baseball LLC. of Muskegon recognizing this organization as a non-profit for the purpose of obtaining a charitable gaming license.

Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to recognize the non-profit status of Muskegon Western Little League LLC. with the amendment of the name correction.

ROLL VOTE: AYES; Benedict, Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,

NAYS; None

MOTION ADOPTED

2001-70 ANY OTHER BUSINESS:

Commissioner Spataro, along with Benedict and Aslakson congratulated citizens on the City of Muskegon for passing the Hackley library Millage.

2001-71 PUBLIC PARTICIPATION:

Various comments were heard from the public.

Moved by Commissioner Aslakson, seconded by Commissioner Schweifler to reconsider the issue of alley vacation at 1075 W. Laketon (Wesco) at the next Regular Commission Meeting.

ROLL VOTE: AYES; Nielsen, Schweifler, Shepherd, Sieradzki, Spataro, Aslakson,

NAYS; Benedict,

MOTION ADOPTED

2001-72 CLOSED SESSION: To discuss pending litigation.

Moved by Commissioner Schweifler, seconded by Commissioner Shepherd to adjourn to closed session at 7:23pm.

ROLL VOTE: AYES; Schweifler, Shepherd, Sieradzki, Aslakson, Benedict, Nielsen,

NAYS; Spataro, (No Vote- out of the room)

MOTION ADOPTED

Moved by Commissioner Aslakson, seconded by Commissioner Shepherd to return from closed session at 7:57pm.

ROLL VOTE: AYES; Shepherd, Sieradzki, Spataro, Aslakson, Benedict, Nielsen, Schweifler,

NAYS; None

MOTION ADOPTED

Moved by Commissioner Aslakson, seconded by Commissioner Shepherd to concur with staff to appeal the decision of the court in the case of City of Muskegon vs. Fire Fighters Union.

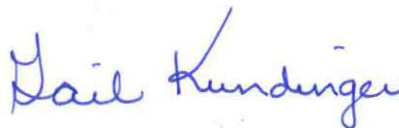
ROLL VOTE: AYES; Spataro, Aslakson, Nielsen, Schweifler, Shepherd,

NAYS; Sieradzki, Benedict,

MOTION ADOPTED

ADJOURNMENT: The regular Commission Meeting for the City of Muskegon was adjourned at 7:58pm.

Respectfully submitted,

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

Gail Kunding, CMC/AEE

City Clerk

Date: June 12, 2001
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Barney Ave., Valley to Roberts

SUMMARY OF REQUEST:

To award the contract for the reconstruction of Barney (including the Lift station), from Valley to Roberts to Millbocker & Sons since they were the lowest (see attached bid tabulation) responsible bidder with a bid price of \$439,720.15.

FINANCIAL IMPACT:

The construction cost of \$439,720.15 plus related engineering expenses.

BUDGET ACTION REQUIRED:

None, this project is in the 2001 budget.

STAFF RECOMMENDATION:

Award the contract to Millbocker & Sons.

COMMITTEE RECOMMENDATION:

✓

BID PROPOSAL

DESCRIPTION	QUANTITY	UNIT	ENGINEERS		MILLBOCKER		K & R		DOMRES		FELCO	
			ESTIMATE		& SONS				CONSTRUCTION		CONTRACTORS	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1 ADJUST MANHOLE CASTING	7	EACH	\$350.00	\$2,450.00	\$290.00	\$2,030.00	\$375.00	\$2,625.00	\$200.00	\$1,400.00	\$450.00	\$3,150.00
2 AGGREGATE BASE COURSE 22A AS-NEEDED	71	TON	\$20.00	\$1,420.00	\$20.00	\$1,420.00	\$17.85	\$1,267.35	\$30.00	\$2,130.00	\$45.00	\$3,195.00
3 AGGREGATE BASE COURSE 22A @ 8" C.I.P.	6250	SQ.YD.	\$7.00	\$43,750.00	\$5.00	\$31,250.00	\$6.50	\$40,625.00	\$7.50	\$46,875.00	\$5.35	\$33,437.50
4 BENDS D.C.I. 6" 45° M.J.	6	EACH	\$240.00	\$1,440.00	\$125.00	\$750.00	\$300.00	\$1,800.00	\$145.00	\$870.00	\$125.00	\$750.00
5 BENDS D.C.I. 8" 45° M.J.	4	EACH	\$260.00	\$1,040.00	\$190.00	\$760.00	\$350.00	\$1,400.00	\$190.00	\$760.00	\$150.00	\$600.00
6 BIT. LEVELING MIX 3B @ 165#/S.Y.	550	TON	\$42.00	\$23,100.00	\$32.37	\$17,803.50	\$32.37	\$17,803.50	\$34.36	\$18,898.00	\$35.00	\$19,250.00
7 BIT. TOP MIX 4C @ 165#/S.Y.	530	TON	\$48.00	\$26,400.00	\$34.69	\$19,079.50	\$34.69	\$19,079.50	\$36.63	\$20,146.50	\$37.00	\$20,350.00
8 CAP D.C.I. 6" M.J.	2	EACH	\$100.00	\$200.00	\$66.00	\$132.00	\$200.00	\$400.00	\$90.00	\$180.00	\$800.00	\$1,600.00
9 CATCH BASIN CASTING E.J.#7045 OR EQUAL	8	EACH	\$445.00	\$3,560.00	\$550.00	\$4,400.00	\$700.00	\$5,600.00	\$650.00	\$5,200.00	\$500.00	\$4,000.00
10 CATCH BASIN FLAT TOP	8	EACH	\$1,300.00	\$10,400.00	\$1,220.00	\$9,760.00	\$1,100.00	\$8,800.00	\$1,400.00	\$11,200.00	\$300.00	\$2,400.00
11 CEMENT	5	TON	\$175.00	\$875.00	\$170.00	\$850.00	\$175.00	\$875.00	\$110.00	\$550.00	\$225.00	\$1,125.00
12 CONC. CURB 6" x 14"	8	LIN. FT.	\$10.00	\$80.00	\$11.70	\$93.60	\$17.50	\$140.00	\$40.00	\$320.00	\$100.00	\$800.00
13 CONC. CURB & GUTTER F-4 MOD.	3150	LIN. FT.	\$10.00	\$31,500.00	\$7.66	\$24,129.00	\$9.50	\$29,925.00	\$10.50	\$33,075.00	\$9.30	\$29,295.00
14 CONC. DRIVE APPROACH 8" STD.	209	SQ.YD.	\$30.00	\$6,270.00	\$33.75	\$7,053.75	\$35.50	\$7,419.50	\$40.00	\$8,360.00	\$34.00	\$7,106.00
15 CONC. SIDEWALK 8"	875	SQ.FT.	\$2.50	\$2,187.50	\$3.65	\$3,193.75	\$3.85	\$3,368.75	\$4.00	\$3,500.00	\$8.00	\$7,000.00
16 CROSS D.C.I. 12" x 12" x 8" M.J.	1	EACH	\$500.00	\$500.00	\$600.00	\$600.00	\$825.00	\$825.00	\$1,000.00	\$1,000.00	\$800.00	\$800.00
17 CROSS D.C.I. 12" x 12" M.J.	1	EACH	\$550.00	\$550.00	\$720.00	\$720.00	\$925.00	\$925.00	\$1,000.00	\$1,000.00	\$900.00	\$900.00
18 CURB STOP 1 1/2" W/ BOX FORD B44-777M OR EQUA	1	EACH	\$300.00	\$300.00	\$335.00	\$335.00	\$350.00	\$350.00	\$300.00	\$300.00	\$600.00	\$600.00
19 EXCAVATION	1911	CU.YD.	\$8.00	\$15,288.00	\$13.70	\$26,180.70	\$9.00	\$17,199.00	\$6.50	\$12,421.50	\$5.00	\$9,555.00
20 HYDRANT STD.	4	EACH	\$1,300.00	\$5,200.00	\$1,250.00	\$5,000.00	\$1,200.00	\$4,800.00	\$1,650.00	\$6,600.00	\$1,800.00	\$7,200.00
21 MANHOLE CASTING E.J.#1000 OR EQUAL	8	EACH	\$400.00	\$3,200.00	\$500.00	\$4,000.00	\$650.00	\$5,200.00	\$500.00	\$4,000.00	\$400.00	\$3,200.00
22 MANHOLE STD. 4' I.D. 0' TO 10' DEEP	5	EACH	\$1,400.00	\$7,000.00	\$1,500.00	\$7,500.00	\$1,600.00	\$8,000.00	\$1,300.00	\$6,500.00	\$1,800.00	\$9,000.00
23 MANHOLE STD. 4' I.D. 10' TO 16' DEEP	2	EACH	\$2,000.00	\$4,000.00	\$2,500.00	\$5,000.00	\$2,100.00	\$4,200.00	\$1,600.00	\$3,200.00	\$2,600.00	\$5,200.00
24 PLUGS FOR 6" C700 E.S. VIT.	5	EACH	\$50.00	\$250.00	\$120.00	\$600.00	\$100.00	\$500.00	\$45.00	\$225.00	\$400.00	\$2,000.00
25 PLUGS FOR 12" C700 E.S. VIT.	2	EACH	\$75.00	\$150.00	\$130.00	\$260.00	\$125.00	\$250.00	\$60.00	\$120.00	\$700.00	\$1,400.00
26 PLUGS D.C.I. 8" M.J. W/2" TAP	6	EACH	\$90.00	\$540.00	\$111.00	\$666.00	\$215.00	\$1,290.00	\$125.00	\$750.00	\$400.00	\$2,400.00
27 PLUGS D.C.I. 12" M.J. W/2" TAP	2	EACH	\$140.00	\$280.00	\$135.00	\$270.00	\$315.00	\$630.00	\$225.00	\$450.00	\$680.00	\$1,360.00
28 REMOVING BIT. SURFACE (2' TO 3")	3890	SQ.YD.	\$4.00	\$15,560.00	\$1.80	\$7,002.00	\$3.50	\$13,615.00	\$3.20	\$12,448.00	\$2.35	\$9,141.50
29 REMOVING CONC. CURB	8	LIN. FT.	\$5.00	\$40.00	\$6.00	\$48.00	\$9.00	\$72.00	\$13.00	\$104.00	\$50.00	\$400.00
30 REMOVING CONC. CURB & GUTTER	69	LIN. FT.	\$8.00	\$552.00	\$4.30	\$296.70	\$5.50	\$379.50	\$3.00	\$207.00	\$25.00	\$1,725.00
31 REMOVING CONC DRIVE APPROACH	40	SQ.YD.	\$8.00	\$320.00	\$4.95	\$198.00	\$6.00	\$240.00	\$11.00	\$440.00	\$45.00	\$1,800.00
32 REPAIR SANITARY SERVICE	1	LUMP	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	\$400.00	\$400.00	\$3,000.00	\$3,000.00
33 SANITARY LIFT STATION COMPLETE	1	LUMP	\$80,000.00	\$80,000.00	\$109,000.00	\$109,000.00	\$99,875.00	\$99,875.00	\$90,000.00	\$90,000.00	\$101,000.00	\$101,000.00
34 SANITARY SERVICE 6" C700 E.S. VIT.	199	LIN. FT.	\$50.00	\$9,950.00	\$29.35	\$5,840.65	\$30.00	\$5,970.00	\$5.90	\$1,174.10	\$26.00	\$5,174.00
35 SANITARY SEWER 12" C700 E.S. VIT.	195	LIN. FT.	\$70.00	\$13,650.00	\$34.60	\$6,747.00	\$50.00	\$9,750.00	\$48.35	\$9,428.25	\$46.00	\$8,970.00
36 SLEEVES LONG 6" D.C.I. M.J.	3	EACH	\$250.00	\$750.00	\$245.00	\$735.00	\$700.00	\$2,100.00	\$240.00	\$720.00	\$350.00	\$1,050.00
37 STORM SEWER 12" C76 CL. III	224	LIN. FT.	\$30.00	\$6,720.00	\$24.00	\$5,376.00	\$30.00	\$6,720.00	\$29.60	\$6,630.40	\$25.00	\$5,600.00
38 STORM SEWER 15" C76 CL. III	530	LIN. FT.	\$35.00	\$18,550.00	\$27.00	\$14,310.00	\$35.00	\$18,550.00	\$32.00	\$16,960.00	\$35.00	\$18,550.00
39 TAP 1 1/2" W/ CORP. STOP PER DETAIL	1	EACH	\$600.00	\$600.00	\$720.00	\$720.00	\$350.00	\$350.00	\$325.00	\$325.00	\$600.00	\$600.00
40 TAPPING SLEEVE & VALVE 12"x 12" W/ BOX	2	EACH	\$4,000.00	\$8,000.00	\$3,500.00	\$7,000.00	\$3,500.00	\$7,000.00	\$2,725.00	\$5,450.00	\$4,500.00	\$9,000.00
41 TEE D.C.I. 12" x 12" x 6" M.J.	6	EACH	\$430.00	\$2,580.00	\$465.00	\$2,790.00	\$600.00	\$3,600.00	\$500.00	\$3,000.00	\$350.00	\$2,100.00
42 TEE D.C.I. 12" x 12" x 8" M.J.	4	EACH	\$470.00	\$1,880.00	\$483.00	\$1,932.00	\$600.00	\$2,400.00	\$515.00	\$2,060.00	\$375.00	\$1,500.00
43 TERRACE GRADING	1567	LIN. FT.	\$8.00	\$12,536.00	\$10.00	\$15,670.00	\$6.00	\$9,402.00	\$5.60	\$8,775.20	\$6.30	\$9,872.10
44 TRAFFIC CONTROL	1	LUMP	\$8,000.00	\$8,000.00	\$15,000.00	\$15,000.00	\$8,398.00	\$8,398.00	\$30,700.00	\$30,700.00	\$8,000.00	\$8,000.00
45 TRENCH REPAIR MAJOR ST. TYPE I	32	LIN. FT.	\$60.00	\$1,920.00	\$62.00	\$1,984.00	\$105.00	\$3,360.00	\$16.00	\$512.00	\$150.00	\$4,800.00
46 TRENCH REPAIR MAJOR ST. TYPE III	51	LIN. FT.	\$40.00	\$2,040.00	\$32.00	\$1,632.00	\$50.00	\$2,550.00	\$16.00	\$816.00	\$250.00	\$12,750.00
47 VALVE 6" GATE M.J. W/BOX	7	EACH	\$540.00	\$3,780.00	\$535.00	\$3,745.00	\$550.00	\$3,850.00	\$840.00	\$5,880.00	\$850.00	\$5,950.00
48 VALVE 8" GATE M.J. W/BOX	6	EACH	\$630.00	\$3,780.00	\$705.00	\$4,230.00	\$700.00	\$4,200.00	\$975.00	\$5,850.00	\$900.00	\$5,400.00
49 VALVE 12" GATE M.J. W/BOX	3	EACH	\$750.00	\$2,250.00	\$1,265.00	\$3,795.00	\$1,050.00	\$3,150.00	\$1,475.00	\$4,425.00	\$1,500.00	\$4,500.00
50 WATERMAIN 6" D.C.I. CL. 52	156	LIN. FT.	\$30.00	\$4,680.00	\$25.00	\$3,900.00	\$35.00	\$5,460.00	\$27.00	\$4,212.00	\$39.00	\$6,084.00
51 WATERMAIN 8" D.C.I. CL. 52	208	LIN. FT.	\$35.00	\$7,280.00	\$25.00	\$5,200.00	\$36.00	\$7,488.00	\$30.60	\$6,364.80	\$45.00	\$9,360.00
52 WATERMAIN 12" D.C.I. CL. 52	1751	LIN. FT.	\$40.00	\$70,040.00	\$27.00	\$47,277.00	\$38.00	\$66,538.00	\$38.90	\$68,113.90	\$50.00	\$87,550.00
53 WATER SERVICE 1 1/2" TYPE "K" COPPER	15	LIN. FT.	\$35.00	\$525.00	\$17.00	\$255.00	\$30.00	\$450.00	\$10.15	\$152.25	\$46.00	\$690.00
TOTALS				\$468,913.50		\$439,720.15		\$471,965.10		\$475,178.90		\$502,240.10

Date: 5/29/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, DPW Supervisor
RE: Sealed Bid Equipment Sale

SUMMARY OF REQUEST: Approve the sale of the following City owned Equipment.

One (1) 1985 High Pressure Sewer Cleaner (Vactor) to Newkirk Electric for the bid price of \$48,500.00

One (1) 1979 Case Drott Cruise Air Excavator to Moyer and Company for the bid price of \$8,605.00

FINANCIAL IMPACT: The combined sale amount of \$ 57,105.00 will be placed into the equipment fund to purchase equipment budgeted for 2001

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the sale of the 1985 Sewer Cleaner (Vactor) to Newkirk Electric at the Bid price of \$48,500.00 and to approve the sale of the 1979 Case Drott Cruise Air Excavator to Moyer and Company at the bid price of \$8,605.00

Memorandum

To: Bob Kuhn, Director of Public Works
CC: Ken Meyer, Deputy Director
From: Kelly DeFrench, Public Works Supervisor
Date: 5/30/2001
Re: Sealed Bid Equipment Sale



Sealed bids were received at the City Clerks office on May 29,2001 for the sale of our 1985 Vactor and 1979 Drott Excavator

Two (2) bids were received for the Vactor with Newkirk Electric of Muskegon being the high bidder at \$48, 500.00

One (1) bid of \$8,605.00 was received for the Drott Excavator from Moyer & Company of Niles MI

A minimum bid requirement of \$35,000 for the vactor and \$8,500 for the Drott Excavator were indicated in the bid proposal. Minimum bids were determined by market value as suggested by contacts I have made with professionals in the equipment sales business.

It is my recommendation that we sell the Drott Excavator and Vactor for the bid price received by Newkirk Electric and Moyer Company. The total amount of \$57,105.00 would then be placed into the Equipment fund to purchase equipment budgeted for 2001.

Equipment List 2001
City of Muskegon Sealed Bid Equipment Sale

1985 Vactor --Minimum bid \$35,000

1979 Case Drott Cruise Air Excavator --Minimum bid \$8,500

City of Muskegon
Invitation for Bids

The City of Muskegon will receive sealed bids until 2 pm local time on May 29th, 2001 at the City Clerks Office, City Hall, 933 Terrace Street, Muskegon, Michigan 49440, at which time and place all bids will be publicly opened and read allowed for the sale of the following equipment.

One (1) 1985 High Pressure combination sewer cleaner
(Vactor)

One (1) 1979 Case Drott Cruise Air Excavator

Additional information and arrangements to view and inspect the equipment can be made by contacting Kelly DeFrench at (231) 724-4184. The City of Muskegon reserves the right to reject any or all bids and to accept the bid it feels is in the best interest of the City.

PUBLISH: May 14, 2001

Please only bid on one (1) Item using this form

Which item are you bidding on	One (1) 1985 High Pressure Combination Sewer Cleaner (Vactor)
How much are you bidding	\$48,500.00 Forty-eight Thousand Five Hundred DOLLARS
Your Name	Ted Anton
Company Name	NEWKIRK ELECTRIC ASSOCIATES, INC.
Address	1875 Roberts Street
City- State- Zip	Muskegon, MI 49442
Phone Number	(231) 722-1691

The City of Muskegon reserves the right to reject any or all bids and to accept the bid it feels is in the best interest of the City

City of Muskegon Used Equipment Sale
Sealed Bid Form

Please only bid on one (1) Item using this form

***Each item is being sold as is where is.**

Which item are you bidding on

1979 Case Drott Craisc Air Excavator
\$ 8605.00

How much are you bidding

Your Name

H.I. Moyer

Company Name

Moyer & Company

Address

Box 355

City- State- Zip

Buchanan Mich 49107

Phone Number

616-697-8525

****** Place this form in an envelope clearly marked Sealed Bid Equipment Sale**

The City of Muskegon reserves the right to reject any or all bids and to accept the bid it feels is in the best interest of the City

Date: 5/30/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, Public Works Supervisor
RE: Budgeted Equipment Purchase

SUMMARY OF REQUEST: Approval to purchase one (1) Combination High Pressure Sewer Cleaner and Catch Basin cleaner (Vactor) from Jack Doheny Supplies for the bid price of \$236,744.00

FINANCIAL IMPACT: \$ 236,744.00 Equipment Fund

BUDGETED- \$ 175,000

BUDGET ACTION REQUIRED: None: The Sale of our 1985 Vactor and Drott Excavator totaling \$57,105 along with eliminating \$11,000 for the purchase of an air compressor will bring this equipment purchase within budget. Original budget estimates for this purchase included the sale of the Vactor and Drott.

STAFF RECOMMENDATION: Approve the purchase of one (1) Combination High Pressure Sewer Cleaner and Catch Basin Cleaner for the bid price of \$236,744.00 from Jack Doheny Supplies

Memorandum

To: Bob Kuhn, Director of Public Works
CC: Ken Meyer, Deputy Director
From: Kelly DeFrench, Public Works Supervisor
Date: 5/31/2001
Re: Budgeted Equipment Replacement (Vactor)

KD

Advertisement for Sealed bids for a High Pressure combination Sewer cleaner and catch basin cleaner were placed in the Muskegon Chronicle on April 4, 2001. Bids were to be received until 2 pm April 17, 2001

One bid was received from Jack Doheny Supplies for a Vactor unit at a price of \$ 236,744.00

Since 1975 The City of Muskegon has purchased 3 High Pressure Sewer Cleaning Units (Vactors) from Jack Doheny Supplies. We have had good service from Jack Doheny over the years and the Vactor units have been very dependable.

We have budgeted \$175,000 towards the purchase of a new vactor. Original budget estimates for this purchase included the sale of our 1985 Vactor and 1979 Drott Excavator. The combined sale of this equipment \$ 57,105 plus \$11,000 originally planned for an air compressor, which is no longer needed, brings the purchase of the new vactor unit within budget.

Doheny's bid proposal also offers a 50% 5 year \$118,372.00 guaranteed "buy back option" that we can use for future replacement of this equipment.

It is my intention, with your approval, to place this item on the June 12, 2001 City Commission agenda.

**CITY OF MUSKEGON
INVITATION FOR BIDS**

The City of Muskegon will receive sealed bids until 2:00 p.m. local time on April 17, 2001, at the City Clerk's Office, City Hall, 933 Terrace Street, Muskegon, Michigan, at which time and place all bids will be publicly opened and read aloud for the following Project:

15 Cubic Yard Liquid Capacity Combination High Pressure Sewer Jet Rodder & Catch Basin Cleaner.

The City of Muskegon reserves the right to reject any or all bids and to accept the bid it feels is in the best interest of the City.

GAIL A. KUNDINGER,
City Clerk

PUBLISH: April 4, 2001

**CITY OF MUSKEGON
BID PROPOSAL**

The undersigned proposes to furnish: **One (1) 60,000 GVW Chassis with 15 Cubic Yard Liquid Capacity High Pressure Jet Rodder & Catch Basin Cleaner**, in accordance with the attached specifications which are integral to this proposal, at the following price.

Company Name: Jack Doheny Supplies, Inc.

Quoting on: Module Vactor 2115 Chassis Sterling LT7501 Delivery 60 to 90 Days ARO

1 EACH 60,000 GVW Chassis with 15 Cubic Yard Liquid Capacity High Pressure Jet Rodder & Catch Basin Cleaner.

Total Unit Price \$ 236,744.00

Trade-in 1986 Vactor \$ - 25,000.00

Total Net Purchase Price \$ 211,744.00 'Net 30

(5) Year Lease Options: (5) Annual advance payments \$ * /Year

*BASED ON FIXED (1) Upfront 5-Year payment \$ *
RATE OF 5.99 PERCENT

Residual value purchase \$ 118,372.00 (Optional)
at end of Lease period.

Guaranteed Buyback: After five (5) years service \$ 118,372.00 (50% of Total Unit Price)
Jack Doheny Supplies, Inc.

State Guarantor After seven (7) years service \$ 94,697.60 (40% of Total Unit Price)

AWARD: The City of Muskegon reserves the right to award the proposal to the lowest responsible bidder meeting specifications; to reject low bids which have major deviations from the specifications; to accept a higher bid which has only minor deviations. The City reserves the right to select the most advantageous total package of equipment.

Submitted by: James J. Jenkins Date: April 13, 2001
Agent (Signature):

Printed/Typed: James J. Jenkins, Sales Representative

Jack Doheny Supplies, Inc.

WORLD'S LARGEST DEALER OF SEWER
CLEANING & AIR HANDLING EQUIPMENT

777 DOHENY COURT
P.O. BOX 609
NORTHVILLE, MI 48167

www.doheny-supplies.com

(248) 349-0904
FAX (248) 349-2774
WATS (800) 3 DOHENY

City Clerk's Office
City of Muskegon - City Hall
Attention: Mr. Kelly DeFrench, Public Utility Supervisor
933 Terrace Street
Muskegon, MI 49443

April 13, 2001

**RE: Bid for a Combination High Pressure Sewer Jet Rodder & Catch Basin Cleaner,
Due April 17, 2001 Until 2:00 P.M.**

Dear Mr. DeFrench:

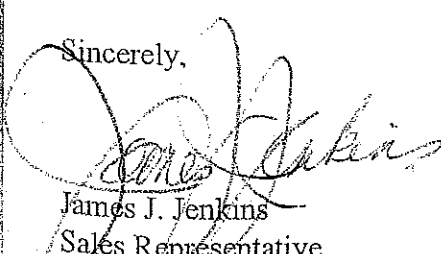
Jack Doheny Supplies, Inc. is pleased to submit a bid to provide the City of Muskegon with a new Vactor combination sewer-cleaning machine. The Vactor 2115 unit we are proposing meets your specification 100% without exception.

As you have discovered as you gathered information about these machines, Vactor is the world's best selling combination sewer cleaner. Dedication to world-class quality has brought Vactor this recognition. Its single-cylinder pump is widely regarded as the best in the industry. We have customers who have run these pumps for more than a decade without major repair. Please compare this fact to triplex pumps, which require a major overhaul every 12-18 months.

Like Vactor, Jack Doheny Supplies is dedicated to world-class service. We maintain a parts inventory in excess of \$5 million so your Vactor stays productive and on the streets. Our commitment to training is tops in the industry and is an important part of our commitment to being your partner for a successful sewer-cleaning program.

Please review the enclosed proposal and call me at your earliest convenience if you have questions or need more information. I look forward to speaking with you soon, and I especially look forward to delivering a new Vactor to the City of Muskegon.

Sincerely,


James J. Jenkins
Sales Representative
Jack Doheny Supplies, Inc.

JJJ:ner

Date: 5/30/2001
To: Honorable Mayor and City Commission
From: Kelly DeFrench, Public Works Supervisor
RE: Budgeted Equipment Purchase Portable Radios

SUMMARY OF REQUEST: Approval to purchase Eighteen Portable Radio Units for Police/Fire and Twelve Portable Radio Units for DPW from Tele-Rad Inc. of Muskegon at the price of \$ 678.85 each.

BUDGETED- \$ 21,000

FINANCIAL IMPACT: \$20,365.50 EQUIPMENT FUND

BUDGET ACTION REQUIRED: None:

STAFF RECOMMENDATION: To Approve the purchase of 30 Portable Radio Units from Tele-Rad Inc. for the price of \$20,365.50

Memorandum

To: Robert Kuhn, Director of Public Works
From: Kelly Defrench, Public Works Supervisor
Date: 6/1/2001
Re: Budgeted Radio Replacement

KD

We have budgeted \$21,000 for the purchase of 18 portable radios for Police/Fire, and 12 portable radios for DPW. Tele-Rad of Muskegon has quoted a price of \$20,365.50 for the 30 Portable Units

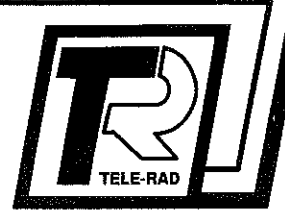
Attached is a request for Commission approval of the budgeted radio replacements for 2001. Again we are requesting to purchase Motorola brand equipment, due to franchise sales territories Tel-Rad of Muskegon is able to provide the lowest price.

I have compared the prices to past purchases of this equipment and there is a small increase on the portable units.

The State Contract did not bid anything comparable. Although other manufactures do build comparable radios, we made a decision to go with Motorola radio equipment in the past, and our goal is to maintain the same model radio in the fleet so that we do not have any compatibility problems with other existing equipment.

The current units continue to give us excellent service life, do to their high quality and reliability. It is my recommendation that we continue to use this model to remain compatible with the rest of our units.

Tele-Rad, Inc.
 1387 E. Laketon Ave.
 Muskegon, MI 49442
 (231) 726-3121 / (800) 968-7336
 FAX: (231) 726-2923



QUOTATION

Date: 5-29-01

Quotation Number: MUS-01-1

For: CITY OF MUSKEGON
 ATTN: DARRELL
 1350 E. KEATING AVE.
 MUSKEGON, MICHIGAN

We are pleased to submit the following quotation:

Job Description: PORTABLE RADIO (HT- 750)

EQUIPMENT AND ACCESSORIES:

QTY	MODEL	DESCRIPTION	PRICE	TOTAL
1	HT-750	SIXTEEN CH., VHF, 5 WATT PORTABLE RADIO	\$641.23	\$641.23
		INCLUDES:		
		RAPID CHARGER		
		HIGH CAPACITY NiMH BATTERY		
		VHF ANTENNA		
		BELT CLIP		
		TWO YEAR WARRANTY		
		OPTIONS: (NOT INCLUDED IN PRICE)		
		EXTENDED SERVICE PLAN (TOTAL 3 YEARS)	\$28.00	
		SPEAKER / MICROPHONE	\$63.00	
		INTRINSICALLY SAFE (OMIT STD. BATTERY)	\$57.00	
		EXTENDED SERVICE PLAN (TOTAL 5 YEARS)	\$84.00	

Equipment and Accessories Total \$641.23

LABOR:

UNIT	DESCRIPTION	CHARGES	TOTAL
	PROGRAMMING FOR THE RADIOS AVAILABLE		

Prepared by: Keith Johnson
 Sales Representative

Accepted by: _____

Labor Total
 Sub Total \$641.23
 Sales Tax EXEMPT
 Shipping & Handling \$9.62
 Quotation Grand Total \$650.85

28.00

78.85

Commission Meeting Date: June 12, 2001

Date: June 4, 2001
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department
RE: Lakeshore Pathway- Kirksey Property

SUMMARY OF REQUEST: Due to complications on the title, the City is unable to acquire the Kirksey Property directly for the Lakeshore Pathway. Therefore, it is necessary to condemn the property. Offer letters have been sent to all parties on the title commitment, with no response. Thus, the City Commission is requested to proceed with condemnation.

FINANCIAL IMPACT: The appraised value of the property is \$60,000, which will be paid for through the golfcourse proceeds.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the attached Resolution and Declaration of Taking, and authorize the Mayor and Clerk to sign.

COMMITTEE RECOMMENDATION: None.

**CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

RESOLUTION NO. 2001-63(g)

A resolution determining the necessity to acquire land for public purposes by eminent domain.

The City Commission of the City of Muskegon hereby RESOLVES:

Recitals

1. The City of Muskegon is presently engaged in developing and acquiring a property located in Blocks 578 and 580 of the Revised Plat of 1903 of the City of Muskegon for the purpose of constructing a non-motorized vehicle and pedestrian path.
2. It appears that it is necessary to begin eminent domain proceedings because of the status and results of negotiations that have been carried on by the City.
3. The establishment of the said improvements at the said location will be advantageous to the development of the recreational, transportation and pedestrian needs and development of the City of Muskegon, and it is in the best interests of the City to establish the said improvements. Plans have been prepared and developed to sufficiently indicate the location of the improvements and their effect on the land to be acquired.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

1. The City Commission hereby declares and determines that it is in the public interest and constitutes a public purpose to acquire the property set forth in Schedule A attached to this resolution for the purpose of acquiring sufficient land to construct the non-motorized vehicle and pedestrian path.
2. The City Commission further declares and determines that it is necessary to construct the said improvements in Blocks 558 and 563 of the Revised Plat of the City of Muskegon, and the said improvements are necessary for the use and benefit of the public.
3. It is further declared and determined that it is necessary to acquire and take the fee simple estate in real property, fully described in Schedule A, without the consent of the owners thereof, for the purpose of constructing the said improvements. The said described parcel is necessary for the use and benefit of the public and a good faith written offer to purchase said parcel has been made. The City Attorney is directed to institute condemnation proceedings against the owners and any other parties in interest in the said described parcel which has been deemed necessary for the acquisition and construction of the said improvements.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute the Declaration of Taking in the form attached to this resolution.

This resolution passed.

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

Nays None

CITY OF MUSKEGON

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

CERTIFICATE

This resolution was adopted at a meeting of the City Commission, held on June 12, 2001. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

SCHEDULE A

That part of Blocks 578 and 580 of the Revised Plat of 1903 of the City of Muskegon, described as commencing at the Southeast corner of Lot 4, Block 577 of said Revised Plat of 1903; thence South 88 degrees 40 minutes 42 seconds West along the North right-of-way line of Western Avenue 847.60 feet; thence North 01 degree 31 minutes 57 seconds West 256.10 feet; thence North 32 degrees 02 minutes 28 seconds East 47.00 feet; thence North 55 degrees 40 minutes 08 seconds East 89.20 feet; thence North 35 degrees 29 minutes 57 seconds West 127.65 feet; thence North 02 degrees 27 minutes 17 seconds West 553.00 feet; thence South 55 degrees 37 minutes 53 seconds West 243.00 feet; thence North 34 degrees 22 minutes 07 seconds West 235.92 feet to the point of beginning; thence South 50 degrees 44 minutes 04 seconds West 329.75 feet; thence South 20 degrees 19 minutes 09 seconds West 96.30 feet; thence South 23 degrees 53 minutes 54 seconds East 405.55 feet; thence North 34 degrees 34 minutes 00 seconds West along the Northeast line of "Lakeshore Yacht Harbor" as recorded in Liber 1290, Page 64 and amended in Liber 1295, Page 438, 86.43 feet; thence North 23 degrees 53 minutes 54 seconds West 327.11 feet; thence North 20 degrees 19 minutes 09 seconds East 107.14 feet; thence North 50 degrees 44 minutes 04 seconds East 335.70 feet; thence South 33 degrees 32 minutes 57 seconds East 16.08 feet to the point of beginning.

City of Muskegon
Muskegon County, Michigan

DECLARATION OF TAKING
2001-63(g)

Land in Blocks 578 and 580, City of Muskegon.

A statement of necessity has been made by the City Commission of the City of Muskegon setting forth that the construction of a non-motorized vehicle and pedestrian path is necessary. As a result, it is necessary to acquire certain property for said purpose, and a good faith written offer to purchase said parcels of property has heretofore been made.

Therefore, by virtue of the authority vested in the City of Muskegon by law and constitution, and pursuant to 1980 PA 87, MCLA 213.51, MSA 8.265(1), it is now declared that by the filing of the Complaint and this Declaration in the Circuit Court for the County of Muskegon, title to the property hereinafter described is taken in the name of the City of Muskegon for the purpose of constructing a non-motorized vehicle and pedestrian path.

A description of the property taken sufficient for its identification, the names of the persons interested in said property, so far as known, a statement of the estate or interest being taken, and statement of the sum of money estimated by complainant to be just compensation for the part to be taken is as follows:

Legal Description

See attached Schedule A

In addition a lease of the land between the above described property and the shore of Muskegon Lake, as agreed between Kirksey Investment Corporation and the City is taken, and the said acquisition of the property and the lease is further subject to agreements previously made in a purchase agreement between the City and Kirksey.

Estate to be acquired: Fee Simple and the leasehold interest, subject to the provisions of the agreement dated _____, signed by Kirksey Investment Corporation and the City of Muskegon.

Owners and Interested Parties: Westran Corporation
Kirksey Investment Corporation
Terry Van Donkelaar, d/b/a Tervan Tooling
Old Kent Bank, a/k/a Old Kent Fifth-Third Bank
TIC United Corp.

Estimated Just Compensation: \$60,000.00

Dated: June 14, 2001

CITY OF MUSKEGON

By Fred J. Nielsen
Fred J. Nielsen, Mayor

And Gail A. Kundinger
Gail A. Kundinger, City Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 6/12/01

TO: Honorable Mayor and City Commissioners
FROM: Bryon L. Mazade, City Manager
DATE: June 5, 2001
RE: Quit-Claim Deed for Streets in Harbour Towne

SUMMARY OF REQUEST:

To approve a resolution to accept a quit-claim deed for streets and easements in the Harbour Towne Condominium development.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the resolution.

COMMITTEE RECOMMENDATION:

None.

DEDICATION OF PUBLIC STREETS AND EASEMENTS

2001-63(i)

John Darien Homes, Inc., a Michigan corporation, of 3430 Pigeon Hill, Muskegon, Michigan 49441, does hereby forever dedicate and set apart the use of the property described on attached Exhibit A ("Property"), for the use and enjoyment of the general public as public streets and as easements of the City of Muskegon. Further, the Property described in this Dedication is also dedicated by the City of Muskegon for use as public streets and easements, and, as acknowledged by both parties, to be owned by the City in fee simple as the result of a certain Quit-Claim Deed dated May 10, 2001. It is the intent of the parties that the said Property shall be used for streets and easements; but, in the event of the vacation or abandonment of any of the said public streets or easements, the City, being the remaining owner of the said Property, shall use the Property for any lawful purpose.

IN WITNESS WHEREOF the Grantor has caused this instrument to be executed this 25th day of July, 2001.

WITNESSES:

Brenda Moore
Brenda Moore

Grantor --

JOHN DARIEN HOMES, INC.

By John Darien
John Darien, President

And _____
_____, _____

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 25 day of July, 2001 by John Darien and _____, President and _____, respectively, for and on behalf of JOHN DARIEN HOMES, INC.

Jeanne M. Rebedew
Notary Public, Muskegon County, Michigan
My commission expires: _____

JEANNE M. REBEDEW
NOTARY PUBLIC MUSKEGON CO., MI
MY COMMISSION EXPIRES Jun 25, 2004

ACCEPTANCE OF DEDICATION AND CONVEYANCE

The dedication set forth above, and the conveyance from John Darien Homes, Inc., by quit-claim deed, is hereby accepted by the City of Muskegon, Michigan

Date of acceptance: June 12, 2001

WITNESSES:

CITY OF MUSKEGON

Linda Potter
Linda Potter

By Fred J. Nielsen
Fred J. Nielsen, Mayor

JoAnn Krukowski
JoAnn Krukowski

And Gail A. Kunderger
Gail A. Kunderger, Its Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

The foregoing instrument was acknowledged before me this 14th day of June, 2001, by Fred J. Nielsen and Gail A. Kunderger, Mayor and Clerk, respectively, for and on behalf of the CITY OF MUSKEGON.

Linda S. Potter

Notary Public, Muskegon County, Michigan
My commission expires: 9-25-02

Prepared by and when recorded return to:
G. Thomas Johnson
Parmenter O'Toole
175 W. Apple Ave., P.O. Box 786
Muskegon, MI 49443-0786
Telephone: 231/722-1621

LEGAL DESCRIPTION

EAST AND WEST HARBOUR TOWNE CIRCLE DRIVE
66-FOOT WIDE RIGHT-OF-WAY

A 66-FOOT WIDE RIGHT-OF-WAY FOR THE USE OF THE PUBLIC TO BE KNOWN AS HARBOUR TOWNE DRIVE; LYING WITHIN THE PARCEL OF LAND COMMONLY KNOWN AS HARBOUR TOWNE; BEING A PORTION OF BLOCK 742, BLOCK 740, BLOCK 737, BLOCK 749 AND BLOCK 751, OF THE REVISED PLAT OF THE CITY OF MUSKEGON, AND ALSO INCLUDING LOTS 8-14, BLOCK 752, LOTS 1-5 AND 10-14 AND VACATED ALLEY ADJACENT THERETO, BLOCK 755, REVISED PLAT OF THE CITY OF MUSKEGON, AND ALSO INCLUDING LOTS 8-14, BLOCK 756, CENTRAL LAND COMPANY SUBDIVISION, LOTS 1-7, BLOCK 756 OF THE REVISED PLAT OF THE CITY OF MUSKEGON, LOTS 8-10, BLOCK 762, CENTRAL LAND COMPANY SUBDIVISION NO. 1, LOTS 7-11, BLOCK 751, LOTS 7-11, BLOCK 751, REVISED PLAT OF THE CITY OF MUSKEGON, ALL LYING WITHIN SECTION 28, TOWN 10 NORTH, RANGE 17 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN. SAID 66-FOOT WIDE RIGHT-OF-WAY LYING 33 FEET EACH SIDE, AS MEASURED AT RIGHT ANGLES, OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 747 OF THE REVISED PLAT OF THE CITY OF MUSKEGON;

THENCE SOUTH 84 DEGREES 05 MINUTES 58 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF FULTON STREET, A DISTANCE OF 49.65 FEET;

THENCE NORTH 33 DEGREES 31 MINUTES 25 SECONDS WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF BLUFF STREET, A DISTANCE OF 38.76 FEET FOR THE POINT OF BEGINNING. SAID POINT OF BEGINNING LYING SOUTH 31 DEGREES 02 MINUTES 08 SECONDS WEST, A DISTANCE OF 52.14 FEET FROM THE CENTERLINE OF RELOCATED FULTON STREET.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE SOUTH 31 DEGREES 02 MINUTES 08 SECONDS WEST, A DISTANCE OF 135.73 FEET TO A POINT OF CURVATURE;

THENCE LONG A 513.97 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 216.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 18 DEGREES 57 MINUTES 19 SECONDS WEST, 215.13 FEET;

THENCE SOUTH 06 DEGREES 52 MINUTES 30 SECONDS WEST, A DISTANCE OF 609.04 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 385.61 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 399.85 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 22 DEGREES 49 MINUTES 51 SECONDS EAST, 382.18 FEET;

THENCE SOUTH 52 DEGREES 31 MINUTES 12 SECONDS EAST, A DISTANCE OF 30.07 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B";

THENCE CONTINUING SOUTH 52 DEGREES 31 MINUTES 12 SECONDS EAST, A DISTANCE OF 94.93 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 405.21 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 51.01 FEET TO A POINT HEREINAFTER DESCRIBED AS POINT "C"; SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 48 DEGREES 55 MINUTES 47 SECONDS EAST, 50.98 FEET;

RECOMMENCING AT THE AFOREMENTIONED POINT OF CURVATURE, THENCE ALONG SAID 405.21 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 269.59 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 33 DEGREES 28 MINUTES 36 SECONDS EAST, 264.65 FEET;

THENCE SOUTH 14 DEGREES 25 MINUTES 00 SECONDS EAST, A DISTANCE OF 111.72 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 1161.51 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 218.67 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 19 DEGREES 48 MINUTES 36 SECONDS EAST, 218.35 FEET;

THENCE SOUTH 25 DEGREES 12 MINUTES 12 SECONDS EAST PARALLEL WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF DEWEY STREET, A DISTANCE OF 304.19 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 298.26 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 337.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 57 DEGREES 35 MINUTES 31 SECONDS EAST, 319.53 FEET;

THENCE SOUTH 89 DEGREES 58 MINUTES 46 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF BLOCK 737, REVISED PLAT OF THE CITY OF MUSKEGON, A DISTANCE OF 105.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 361.28 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 365.33 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 61 DEGREES 03 MINUTES 07 SECONDS EAST, 349.96 FEET;

THENCE NORTH 32 DEGREES 05 MINUTES 00 SECONDS EAST, A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 583.32 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 367.36 FEET TO A POINT OF REVERSE CURVATURE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 14 DEGREES 02 MINUTES 30 SECONDS EAST, 361.32 FEET;

FROM SAID POINT OF REVERSE CURVATURE THENCE ALONG A 564.06 FOOT RADIUS TO THE RIGHT, AN ARC DISTANCE OF 283.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 10 DEGREES 25 MINUTES 00 SECONDS EAST, 280.87 FEET;

THENCE NORTH 24 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 106.16 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 344.70 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 69.98 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; SAID CURVE HAVING A CHORD BEARING AND A DISTANCE OF NORTH 19 DEGREES 01 MINUTES 06 SECONDS EAST, 96.86 FEET;

RECOMMENCING AT THE AFOREMENTIONED POINT OF CURVATURE, THENCE ALONG SAID 344.70 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 138.12 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 13 DEGREES 21 MINUTES 15 SECONDS EAST, 137.20 FEET;

THENCE NORTH 01 DEGREES 52 MINUTES 29 SECONDS EAST, A DISTANCE OF 145.39 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 412.04 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 271.12 FEET TO THE POINT OF TANGENCY. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 16 DEGREES 58 MINUTES 32 SECONDS WEST 266.25 FEET;

THENCE NORTH 35 DEGREES 49 MINUTES 31 SECONDS WEST, A DISTANCE OF 5.82 FEET TO A

POINT HEREINAFTER REFERRED TO AS POINT "E";

THENCE CONTINUE NORTH 35 DEGREES 49 MINUTES 31 SECONDS WEST, A DISTANCE OF 77.10 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 271.01 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 222.59 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 59 DEGREES 21 MINUTES 15 SECONDS WEST, 216.38 FEET;

THENCE NORTH 82 DEGREES 53 MINUTES 01 SECONDS WEST, A DISTANCE OF 186.90 FEET TO THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION. SAID TERMINUS POINT ALSO BEING THE RADIUS OF A 50 FOOT RADIUS CUL-DE-SAC.

PIGEON HILL COURT
A 66-FOOT RIGHT-OF-WAY

A 66-FOOT WIDE RIGHT-OF-WAY FOR THE USE OF THE PUBLIC LYING 33 FEET EACH SIDE, AS MEASURED AT RIGHT ANGLES, OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE AFOREMENTIONED POINT "E", THENCE SOUTH 54 DEGREES 55 MINUTES 29 SECONDS WEST, A DISTANCE OF 92.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 241.56 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 86.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 65 DEGREES 07 MINUTES 59 SECONDS WEST, 85.62 FEET;

THENCE SOUTH 75 DEGREES 20 MINUTES 29 SECONDS WEST, A DISTANCE OF 96.50 FEET TO THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION. SAID TERMINUS POINT ALSO BEING THE RADIUS POINT OF A 50 FOOT RADIUS CUL-DE-SAC.

SAND DOCK COURT
SOUTHERLY CUL-DE-SAC EAST OF LAGOON
A 66-FOOT RIGHT-OF-WAY

A 66-FOOT WIDE RIGHT-OF-WAY FOR THE USE OF THE PUBLIC LYING 33 FEET EACH SIDE, AS MEASURED AT RIGHT ANGLES, OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE AFOREMENTIONED POINT "D," THENCE NORTH 69 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 89.00 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 301.19 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 156.39 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 84 DEGREES 02 MINUTES 30 SECONDS WEST, 154.64 FEET;

THENCE SOUTH 81 DEGREES 05 MINUTES 00 SECONDS WEST, A DISTANCE OF 91.00 FEET TO THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION. SAID TERMINUS POINT ALSO BEING THE RADIUS POINT OF A 50 FOOT RADIUS CUL-DE-SAC.

SANDBAR COURT
CUL-DE-SAC WEST OF LAGOON
A 66-FOOT RIGHT-OF-WAY

A 66-FOOT WIDE RIGHT-OF-WAY FOR THE USE OF THE PUBLIC LYING 33 FEET EACH SIDE, AS MEASURED AT RIGHT ANGLES, OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE AFOREMENTIONED POINT "C," THENCE NORTH 41 DEGREES 27 MINUTES 48 SECONDS WEST, A DISTANCE OF 113.21 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 114.65 FOOT RADIUS TO THE LEFT, AN ARC DISTANCE OF 110.55 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 13 DEGREES 50 MINUTES 18 SECONDS WEST, 106.32 FEET;

THENCE NORTH 13 DEGREES 47 MINUTES 12 SECONDS WEST, A DISTANCE OF 30.00 FEET TO THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION. SAID TERMINUS POINT ALSO BEING THE RADIUS POINT OF A 50 FOOT RADIUS CUL-DE-SAC;

DRAINAGE EASEMENT ON THE NORTH SIDE OF THE PROPOSED MARINA

AN EASEMENT BEING 20 FEET IN WIDTH FOR THE PURPOSES OF CONSTRUCTION AND MAINTENANCE OF STORM SEWER AND PUBLIC UTILITIES LYING WITHIN SECTION 28, TOWN 10 NORTH, RANGE 17 WEST, CITY OF MUSKEGON, MUSKEGON COUNTY, MICHIGAN. SAID EASEMENT BEING 10.00 FEET LEFT OF AND 10.00 FEET RIGHT OF, AS MEASURED AT RIGHT ANGLES TO THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT A POINT BEING THE NORTHWEST CORNER OF BLOCK 747, 1903 REVISED PLAT OF THE CITY OF MUSKEGON AS RECORDED IN LIBER 3 OF PLATS, PAGE 71, MUSKEGON COUNTY RECORDS, MUSKEGON COUNTY, MICHIGAN;

THENCE SOUTH 84 DEGREES 05 MINUTES 58 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF FULTON STREET, A DISTANCE OF 49.65 FEET;

THENCE NORTH 33 DEGREES 31 MINUTES 25 SECONDS WEST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF BLUFF STREET, A DISTANCE OF 38.76 FEET;

THENCE SOUTH 31 DEGREES 02 MINUTES 08 SECONDS WEST, A DISTANCE OF 135.73 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT (SAID CURVE DATA BEING: DELTA = 21 DEGREES 09 MINUTES 38 SECONDS, R = 513.97 FEET, ARC = 216.73 FEET, T = 110.00 FEET, L.C. = 215.13 FEET, L.C.B. = SOUTH 18 DEGREES 57 MINUTES 19 SECONDS WEST);

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 216.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE TO THE LEFT;

THENCE SOUTH 06 DEGREES 52 MINUTES 30 SECONDS WEST, A DISTANCE OF 187.15 FEET;

THENCE SOUTH 87 DEGREES 21 MINUTES 34 SECONDS EAST, A DISTANCE OF 33.09 FEET FOR THE POINT OF BEGINNING.

SAID POINT OF BEGINNING BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WEST HARBOUR TOWNE CIRCLE.

THENCE CONTINUE SOUTH 87 DEGREES 21 MINUTES 34 SECONDS EAST, A DISTANCE OF 100.00 FEET;

THENCE NORTH 67 DEGREES 38 MINUTES 26 SECONDS EAST, A DISTANCE OF 146.00 FEET TO A POINT OF TERMINUS.

INDIANA STREET EXTENSION

A 66-FOOT WIDE RIGHT-OF-WAY FOR THE USE OF THE PUBLIC BEING AN EXTENSION OF INDIANA STREET, LYING 33 FEET EACH SIDE, AS MEASURED AT RIGHT ANGLES, OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE AFOREMENTIONED POINT "B" FOR THE POINT OF BEGINNING,

THENCE SOUTH 57 DEGREES 40 MINUTES 18 SECONDS WEST, A DISTANCE OF 44.45 FEET TO A POINT OF CURVATURE;

THENCE ALONG AN 803.11 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 99.87 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF SOUTH 61 DEGREES 14 MINUTES 03 SECONDS WEST, 99.81 FEET, TO THE TERMINUS POINT OF SAID CENTERLINE DESCRIPTION.

SAID TERMINUS POINT LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF INDIANA STREET AS PLATTED, AND LYING SOUTH 64 DEGREES 47 MINUTES 48 SECONDS WEST, A DISTANCE OF 413.50 FEET FROM A POINT ON THE CENTERLINE OF THE RIGHT-OF-WAY OF BEACH STREET.

ALSO EXCEPT:

COMMENCING AT THE NORTHWEST CORNER OF PLAT OF EDGEWATER SUBDIVISION , ALSO BEING THE EAST LINE OF BLOCK 740, REVISED PLAT OF CITY OF MUSKEGON;

THENCE SOUTH 89 DEGREES 37 MINUTES 27 SECONDS WEST, PARALLEL WITH THE NORTH LINE OF PLAT OF EDGEWATER, A DISTANCE OF 105.00 FEET;

THENCE SOUTH 01 DEGREES 52 MINUTES 29 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID PLAT OF EDGEWATER, A DISTANCE OF 130.00 FEET;

THENCE NORTH 88 DEGREES 07 MINUTES 31 SECONDS WEST, A DISTANCE OF 574.00 FEET;

THENCE NORTH 57 DEGREES 52 MINUTES 07 SECONDS WEST, A DISTANCE OF 18.02 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE SOUTH 20 DEGREES 22 MINUTES 29 SECONDS WEST, A DISTANCE OF 569.74 FEET;

THENCE NORTH 87 DEGREES 21 MINUTES 34 SECONDS WEST, A DISTANCE OF 725.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HARBOUR TOWNE DRIVE;

THENCE ALONG A 352.61 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 39.86 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 03 DEGREES 38 MINUTES 13 SECONDS EAST, 39.84 FEET;

THENCE NORTH 06 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 609.104 FEET TO A POINT OF CURVATURE;

THENCE ALONG A 480.97 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 202.82 FEET TO THE POINT OF TANGENCY OF SAID CURVE. SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 18 DEGREES 57 MINUTES 19 SECONDS EAST, 201.32 FEET;

THENCE NORTH 31 DEGREES 02 MINUTES 08 SECONDS EAST, A DISTANCE OF 120.03 FEET;

THENCE SOUTH 33 DEGREES 31 MINUTES 25 SECONDS EAST ALONG THE WESTERLY LINE OF BLUFF STREET, A DISTANCE OF 81.14 FEET;

THENCE NORTH 84 DEGREES 05 MINUTES 58 SECONDS EAST ALONG THE EXTENDED NORTH LINE OF LOT 5, BLOCK 747, A DISTANCE OF 266.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, BLOCK 747;

THENCE SOUTH 30 DEGREES 04 MINUTES 06 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 747, A DISTANCE OF 105.01 FEET;

THENCE SOUTH 00 DEGREES 22 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 27 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID PLAT OF EDGEWATER, A DISTANCE OF 210.00 FEET

THENCE SOUTH 57 DEGREES 52 MINUTES 07 SECONDS EAST, A DISTANCE OF 173.37 FEET TO THE POINT OF BEGINNING.

QUIT-CLAIM DEED

The Grantor, **JOHN DARIEN HOMES, INC.**, a Michigan corporation, of 3430 Pigeon Hill, Muskegon, Michigan 49441, conveys and quit-claims to the **CITY OF MUSKEGON**, a municipal corporation, of 993 Terrace, Muskegon, Michigan 49442, the following described premises situated in the City of Muskegon, County of Muskegon and State of Michigan, to-wit:

See attached Legal Description

Subject to easements, restrictions, reservations and highways of record, if any.

This deed is exempt from state and local transfer tax pursuant to MCL 207.505(a) and MCL 207.526(a).

for the sum of: Less than One Hundred (\$100.00) Dollars.

Dated this 10 day of may, 2001.

Signed in the Presence of:

Signed by:

Richard Trygstad

JOHN DARIEN HOMES, INC., a Michigan corporation

Collet L. Domine

By: John Darien
John Darien
Its President

STATE OF MICHIGAN)
 ss.
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged before me this 10 day of May, 2001, by John Darien, the duly elected President, of **JOHN DARIEN HOMES, INC.**, a Michigan corporation, on behalf of the corporation.

Jeanne M Rebedew
_____, Notary Public

Muskegon County, Michigan

My commission expires: JEANNE M. REBEDEW

NOTARY PUBLIC MUSKEGON CO., MI
MY COMMISSION EXPIRES Jun 25, 2004

Subsequent tax bills to: Grantee

DRAFTED BY AND RETURN TO:

David C. Jaunese

David C. Jaunese, P.C.

Attorneys at Law

2 East Main, P.O. Box 168

Fremont, Michigan 49412

231/924-6200

CITY OF MUSKEGON

Resolution No. 2001-63(i)

A Resolution acknowledging conveyance of title to certain property involved in public roads and easements in the Harbour Towne Condominium development, and, further, accepting the dedication of the said public roads, streets and easements.

Recitals

- A. The Harbour Towne Condominium development was established in 1992.
- B. By a Grant and Assignment of Easement date June 9, 1992, John Darien Homes, Inc., a Michigan corporation, assigned its interests in certain areas involving streets and easements to the City of Muskegon for the purpose of constructing public roads and installing infrastructure, as well as operating drainage easements.
- C. The said Assignor, John Darien Homes, Inc., has now quit-claimed all its interest and title to the City of Muskegon in certain of the streets and drainage easements involved in the original assignment.
- D. The City of Muskegon deems it appropriate to accept the title conveyed and further the dedication made by the said Grantor, and to reserve its further rights and title in the event the said properties are no longer used for streets or easements.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF MUSKEGON
RESOLVES:

1. That the conveyance of the streets and easements set forth in the certain Quit-Claim Deed dated May 10, 2001, is hereby accepted. The legal description is set forth in attached Exhibit A.
2. That the dedication of the streets and easements is hereby accepted and made by the City of Muskegon in addition to the reservation of its rights as the owner of the said properties by virtue of the said deed.

THIS RESOLUTION PASSED

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

NAYS None

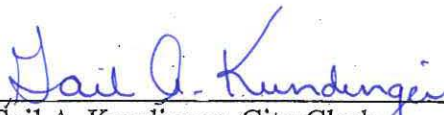
CITY OF MUSKEGON

By Gail A. Kunding
Gail A. Kunding, Clerk

CERTIFICATE
2001-63(i)

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the City Commissioners of the City of Muskegon, Michigan, held on the 12th day of June, 2001, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.


Gail A. Kunding, City Clerk

Date: June 12, 2001
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Summer Celebration

SUMMARY OF REQUEST: Steve Franklin, Summit Pyrotechnics, is requesting approval of a fireworks display for July 4, and July 8, 2001. Fire Marshall Grabinski has reviewed the request and recommends approval contingent on inspection of the fireworks and approval of the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks and approval of the insurance.

2001-63(j)
PERMIT
FOR FIREWORKS DISPLAY
Act 358, P.A. 1968

This permit is not transferable. Possession of this permit by the herein named person will authorize him to possess, transport and display fireworks in the amounts, for the purpose, and at the place listed below only.

TYPE OF DISPLAY: (X) PUBLIC DISPLAY () AGRICULTURAL PEST CONTROL

ISSUED TO: Summit Pyrotechnics

NAME Steven R. Franklin, 2866 Vandenberg Road

ADDRESS

AGE

REPRESENTING Summer Celebration

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

ADDRESS

NUMBER & TYPES OF FIREWORKS:

1200 - 3" ariel shells

350 - 6" ariel shells

25 - 12" ariel shells

400 - 4" ariel shells

40 - 8" ariel shells

250 - 5" ariel shells

24 - 10" ariel shells

DISPLAY: Barge - 800' N. of Heritage Landing Muskegon Lake

EXACT LOCATION

City of Muskegon July 4 & 8, 2001 (Rain Date 7-5 & 9, 2001) 10:20p.m.

CITY, VILLAGE, TOWNSHIP

DATE

TIME

BOND OR INSURANCE FILED: (X) YES () NO AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY

(city, village, township)

of MUSKEGON

(name of city, village, township)

on the 12th day of June, 2001 XBX

Fred J. Nielsen
Fred J. Nielsen, Mayor

(signature & position of council, commission or board representative)

PM-32(12-88)		APPLICATION FOR FIREWORKS DISPLAY PERMIT Act 358, P.A. 1968		DATE OF APPLICATION <u>May 28, 01</u>
1. TYPE OF DISPLAY: ☒ Public Display ☐ Agricultural Pest Control				
2. APPLICANT				
NAME OF PERSON <u>Steven R. Franklio</u>		ADDRESS <u>2866 Vandenberg Rd.</u>		AGE: Must be 21 or over
IF A CORPORATION: Name of President <u>Summit Pyrotechnics</u>		ADDRESS <u>2067029-7379903</u>		
3. PYROTECHNIC OPERATOR				
NAME <u>Steven R. Franklio</u>		ADDRESS		AGE: Must be 21 or over
EXPERIENCE:				
NUMBER OF YEARS <u>15</u>	NUMBER OF DISPLAYS <u>200+</u>	WHERE <u>ME 1000 PM FL WASH DC. N.H. MTS. W.I. S.D. AZ.</u>		
NAMES OF ASSISTANTS:				
NAME		ADDRESS		AGE
NAME		ADDRESS		AGE
4. NON-RESIDENT APPLICANT				
NAME		ADDRESS		
Name of Michigan Attorney or Resident Agent		ADDRESS		TELEPHONE NUMBER
5. EXACT LOCATION OF PROPOSED DISPLAY				
<u>Barge 800' N. OF Heritage Landing Muskegon Lake</u>				
DATE <u>July 4th & 8th</u>		TIME <u>10:20 pm</u>		
<u>Rain Date July 5th & 9th</u>				
6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED				
<u>1200 3" ariel shells</u>				
<u>400 4" " "</u>				
<u>250 5" " "</u>				
<u>350 6" " "</u>				
<u>40 8" " "</u>				
<u>25 10" " "</u>				
<u>25 12" " "</u>				
MANNER & PLACE OF STORAGE PRIOR TO DISPLAY <u>Shipped to site day of show</u>				
(Subject to Approval of Local Fire Authorities)				
7. FINANCIAL RESPONSIBILITY		A. AMOUNT OF BOND OR INSURANCE (to be set by municipality) \$ <u>1,000,000.00</u>		
B. BONDING CORPORATION OF INSURANCE COMPANY: NAME <u>Dolitt Inc. Ins.</u>		ADDRESS <u>6465 Warzata Blvd St. Louis Park</u>		

TOTAL P.02

CC: Bob Grabinski

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YY) 06/06/2001
PRODUCER (952)593-7400 FAX (952)593-7444 Oetliiff Inc. Insurance 6465 Wayzata Blvd. Ste. 450 Saint Louis Park, MN 55426 John Allen		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Summit Pyrotechnics Inc. 2866 Vandenberg Road Muskegon, MI 49444		INSURERS AFFORDING COVERAGE INSURER A: *Tudor Insurance Company INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☒ \$5,000 BI/PD Ded GENL AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ CUMULATIVE ☐ LOC	GLO0002360-D91	06/01/2001	06/01/2002	EACH OCCURRENCE	\$ 1,000,000
				FINE DAMAGE (Any one fire)	\$ 50,000
				MED EXP (Any one person)	\$ Excluded
				PERSONAL & ADV INJURY	\$ 1,000,000
				GENERAL AGGREGATE	\$ 2,000,000
				PRODUCTS - COMPOUND AGG	\$ 1,000,000
AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ex accident)	\$
				BODILY INJURY (Per person)	\$
				BODILY INJURY (Per accident)	\$
				PROPERTY DAMAGE (Per accident)	\$
GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
				OTHER THAN AUTO ONLY: EA ACC	\$
				AGG	\$
EXCESS LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE	\$
				AGGREGATE	\$
					\$
					\$
					\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				POLICY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$	
OTHER					

DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES, EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

The City of Muskegon & all elected & appointed, all employees & volunteers, all board commissions or authorities & their board members, employees & volunteer, County of Muskegon, Muskegon Summer Celebration & West Michigan Dock & Market Corp. are named as Additional Insureds with respect to 7/4-8/01 (Rain Date: 7/5-9/01) Pyrotechnic Display on a barge at Muskegon Lake.

CERTIFICATE HOLDER	ADDITIONAL INSURED; INSURER LETTER	CANCELLATION
City of Muskegon		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>John W. Allen</i>

ACORD 25-B (7/97)

ACORD CORPORATION 1998

City of Muskegon Clerk's Office

Fax Cover Sheet

To: *Tim McCloney on Keith Potter* From: *Linda*
Fax: Pages : *2*
Phone: Date: *6-14-01*
Re: CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please check insurance for pyrotechnic display for Muskegon Summer Celebration.

Thanks,

Linda

*This is at ~~the~~ Heritage Landing -
a County Park - on a barge
at Muskegon Lake.*

TO: Honorable Mayor and City Commission
FROM: Ken James, Affirmative Action Director
DATE: June 4, 2001
RE: Julia Hackley Intern wages, 2001

Summary of request:

To approve an increased wage matrix for the 2001 interns in the Julia Hackley Internship program. An increased wage matrix will allow the City of Muskegon to remain competitive at attracting and retaining qualified candidates. The current wage matrix is \$5.50 to \$7.00 per hour. The proposed range or wage matrix is \$7.00 - \$10.00 per hour (which is comparable to our other seasonal non-union employees @ \$7.00 to \$14.30 per hour).

Financial Impact:

Any wage increases will come directly from the Julia Hackley funds allocated to the City of Muskegon. The City has received \$7,200.00 for 2001.

Budget Action Required:

None

Staff Recommendation:

Staff Recommends approval.

Committee Recommendation:

Julia Hackley Interns
Wage Matrix

<u>Job Title</u> (Current)	<u>Gd.1</u>	<u>Gd.2</u>	<u>Gd.3</u>	<u>Gd.4</u>	<u>Gd.5</u>	<u>Gd.6</u>	<u>Gd.7</u>
Julia Hackley Interns	5.50	5.75	6.00	6.25	6.50	6.75	7.00
(Proposed)							
Julia Hackley Interns	7.00	7.50	8.00	8.50	9.00	9.50	10.00

Commission Meeting Date: June 12, 2001

Date: 6/5/01
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Painters for the City Paint Program

SUMMARY OF REQUEST: To have the Commission approve three (3) selected paint contractors for this summers paint program through the Community and Neighborhood Services dept. The selected contractors are Orlando Brown, Ted Hill and Frank Wilkerson.

FINANCIAL IMPACT: Expense will be covered through the 2001-2002 CDBG Paint and Siding budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the selections

COMMITTEE RECOMMENDATION: N/A

2001

PAINT PROGRAM

COMPENSATION

HOUSE

TRIM

SINGLE STORY \$370.00

STORY AND ONE-HALF \$490.00

RANCH \$490.00

TWO STORY \$620.00

COMPLETE

SINGLE STORY \$735.00

STORY AND ONE-HALF \$980.00

RANCH \$980.00

TWO STORY \$1,245.00

TWO AND ONE-HALF STORY \$1,675.00

GARAGE

TRIM

DETACHED GARAGE \$100.00

COMPLETE

DETACHED GARAGE \$185.00
(ONE STALL)

DETACHED GARAGE \$220.00
(TWO STALL)

SHED \$100.00

AGENDA ITEM NO. _____

CITY COMMISSION MEETING May 22, 2001

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: May 8, 2001

RE: Donation Request from Miss Michigan Scholarship Program

SUMMARY OF REQUEST:

To consider a request from the Miss Michigan Scholarship Program for a \$10,000 cash donation for scholarships for competing contestants.

FINANCIAL IMPACT:

\$10,000.00

BUDGET ACTION REQUIRED:

Budget amendment would be required if request is approved.

STAFF RECOMMENDATION:

To deny the request and consider funding for 2002 budget year.

COMMITTEE RECOMMENDATION:

None.

Miss Michigan

SCHOLARSHIP PROGRAM

5154 McDowell • Muskegon, MI 49441
(231) 798-4272 • FAX (231) 799-9046

missmichigan.org

April 25, 2001

Mayor Fred Nielson
City of Muskegon
933 Terrace
Muskegon, MI 49440

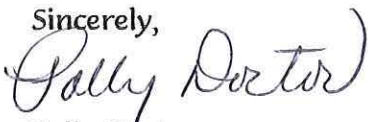
Dear Mayor Nielsen,

For the past 52 years, the Miss Michigan Scholarship Pageant has been a fixture in downtown Muskegon. Our franchise with the Miss America Organization is reviewed yearly and evaluated partly on community support, financial contribution, and media exposure. The Miss Michigan Scholarship Pageant Inc. is a non-profit 501C(4) corporation and our tax ID number is 38-1753186. Our fundraisers, along with generous sponsor support have enabled us to consistently be among the top 10 states in the Nation for scholarship awards. Over the last two years, the Miss Michigan Scholarship Program has awarded scholarships in excess of \$105,000.00 to its competing contestants from across the state of Michigan.

In order to continue awarding scholarships at this level, and secure our Muskegon franchise with the Miss America Organization, the Miss Michigan Scholarship Program needs the City of Muskegon's financial support. I am petitioning to the City of Muskegon for a \$10,000.00 cash donation to the Miss Michigan Scholarship Pageant, Inc. This donation would be deposited into our Scholarship Fund and dispersed to the 2001 competing contestants.

I would like the opportunity to meet with you, at your convenience, to discuss our request and more fully describe the Miss Michigan Scholarship Program. I will follow up, via phone, within the next week. Thank you in advance for your consideration.

Sincerely,



Polly Doctor
State Executive Director

Cc: Ric Scott, Director of Leisure Services
Bryon Mazade, City Manager



Date: May 25, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott 
RE: Pere Marquette RFP

SUMMARY OF REQUEST:

To authorize staff to prepare and send out a Request For Proposals for limited commercial development of Pere Marquette Park

FINANCIAL IMPACT:

Unknown

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approve

COMMITTEE RECOMMENDATION:

Leisure Services Board Recommends Approval

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

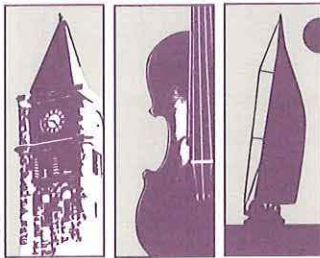
Public Works
231/724-4100
FAX/722-4188

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

Date: May 25, 2001
To: Honorable Mayor and City Commissioners
From: Ric Scott *[Signature]*
Re: Pere Marquette RFP

City staff has been approached about the possible commercial development of the ovals at Pere Marquette Park. The City commission requested that the Leisure Services Board review the matter and submit a recommendation to the Commission. At their meeting on Monday, May 21, the Board recommended that an RFP be prepared and sent out.

One question that has been raised is the possible difference between the Recreation master plan developed for the park by a committee in 1988 and the current Master Land Use plan. The Recreation Plan provides for 10,000-sq. ft. of retail space and an adventure golf course. The Master Land use plan suggests that permanent commercial development be restricted along the beach. It further suggests that the city "consider the restrictive leasing of limited, seasonal, space to vendors who utilize portable trailers which may be positioned and removed on a daily basis".

I do not believe that setting up a "trailer park" on the beach is a good idea. However, I do agree that any permanent commercial development within Pere Marquette Park should be restricted. The City Commission has the ability to restrict any development that might be proposed through the RFP process.

Consequently, I would recommend that an RFP be prepared and sent out. The City Commission always has the authority to reject all of the proposals, or to negotiate some portion of one of the proposals. While a lot of people would choose to make no changes to Pere Marquette, there might be some very positive changes that could be made, if we are at least open to the possibilities.

Thank you for your consideration.

Date: June 12, 2001
To: Honorable Mayor and City Commissioners
From: Bryon Mazade, City Manager
RE: Cross Lake Ferry Committee (Tabled from May 22, 2001 Meeting)

SUMMARY OF REQUEST: A request was made to appoint two members of the City Commission to a committee to work on the Cross Lake Ferry project. There is currently a local work group made up of city staff and several other local agencies meeting together to work on this project. It is not necessary at this time to appoint two Commissioners to the work group.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To not appoint two Commissioners to the Cross Lake Ferry committee at this time.

Date: June 12, 2001

To: Honorable Mayor and City Commissioners

From: Finance Director

RE: DDA Bond Refunding – Parameters Resolution

SUMMARY OF REQUEST: The City Commission has previously adopted a resolution authorizing issuance of DDA “refunding” bonds. The second Commission action required in the refunding process is adoption of the attached “parameters resolution” which sets forth specific procedures and terms for selling the bonds and authorizes staff to undertake specific actions to accomplish the sale. A third City Commission action will be required in coming weeks to approve the actual sale of bonds.

FINANCIAL IMPACT: If the refunding is completed, interest savings (on a net present value basis) are projected to be \$1,525,000. This will help free up DDA tax increment dollars for use on other downtown projects.

BUDGET ACTION REQUIRED: None at this time. Once bonds are sold, debt service will be paid by DDA tax increments over the life of the bonds (18 years).

STAFF RECOMMENDATION: Approval of the attached resolution.

COMMITTEE RECOMMENDATION: There is no committee recommendation for this item.

Founded in 1852
by Sidney Davy Miller

Sidney T. Miller (1864-1940)
George L. Canfield (1866-1928)
Lewis H. Paddock (1866-1935)
Ferris D. Stone (1882-1945)

JOEL L. PIELL
TEL: (313) 496-7518
FAX: (313) 496-8450
E-MAIL: piell@millercanfield.com

MILLER CANFIELD

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL: (313) 963-6420
FAX: (313) 496-7500
www.millercanfield.com

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Howell • Kalamazoo
Lansing • Monroe • Troy

New York, N.Y.
Washington, D.C.
POLAND: Gdynia
Katowice • Warsaw

AFFILIATED OFFICE:
Pensacola, FL

May 25, 2001

Mr. Timothy J. Paul
Finance Director
City of Muskegon
933 Terrace St
PO Box 536
Muskegon, MI 49443-0536

Dear Tim:

Please find herewith enclosed a copy of the "parameters resolution" respecting the DDA refunding bonds. I would ask you to review this and if it meets with your approval, submit same to the City Commission for its consideration.

I am sending you a diskette of the resolution in the hope that it may prove of some benefit to the City Clerk.

It is my understanding that the resolution will be considered by the City Council at its meeting scheduled for June 12th. Assuming that the resolution is adopted, I would ask that you return three certified copies of same to me after its adoption. * City Clerk - Please Note

I understand Warren has furnished you with an application to the Municipal Finance Division. I would also ask that an executed copy of the resolution be returned to me so that I may file the application with the Municipal Finance Division.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: _____

Joel L. Piell

Enclosure (w/disk)

cc: Mr. Warren M. Creamer, III (w/enclosure)

DELIB:2237311.1\063684-00024

City of Muskegon
County of Muskegon, State of Michigan

Resolution Authorizing 2001 Downtown Development
Refunding Bonds (General Obligation Limited Tax)
2001-66(a)

Minutes of a regular meeting of the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, held on June 12, 2001, at 5:30 p.m., Eastern Daylight Savings Time.

PRESENT: Commissioners Benedict, Nielsen, Shepherd, Sieradzki,
Spataro, and Aslakson

ABSENT: Commissioners Schweifler

The following preamble and resolution were offered by Commissioner

Aslakson and supported by Commissioner Sieradzki:

WHEREAS, the Downtown Development Authority of the City of Muskegon, County of Muskegon (the "Authority") issued its 1989 Downtown Development Limited Obligation Tax Increment Bonds, Series A-1 Bonds dated as of August 30, 1990, in the original principal amount of \$4,100,000 and its 1989 Downtown Development Limited Obligation Tax Increment Bonds, Series D-1 dated as if August 30, 1990, in the original principal amount of \$1,920,000 (together the "Prior Bonds"), under the provisions of Act 197, Public Acts of Michigan, 1975, as amended, for the purpose of financing the costs of renovating, redeveloping, and expanding the Downtown Muskegon Mall; and

WHEREAS, the Prior Bonds are presently outstanding; and

WHEREAS, interest rates have declined to a level such that it is advantageous for the City to issue its bonds and refund all or a portion of the Prior Bonds; and

WHEREAS, the City Commission has previously adopted a resolution pledging the City's limited tax full faith and credit as secondary security for any refunding bonds issued to refund the Prior Bonds; and

WHEREAS, it is the determination of the City Commission that at this time that refunding bonds in the principal amount of not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) should be issued for the purpose of refunding all or a portion of the Prior Bonds;

AND WHEREAS, prior to the issuance of the Refunding Bonds the City must secure the approval of the Michigan Department of Treasury (the "Department") for the issuance of the bonds and secure certain waivers from the Department.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the Issuer designated 2001 Downtown Development Refunding Bonds, (General Obligation Limited Tax) (the "Refunding Bonds") are authorized to be issued in the aggregate principal sum of not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) or such lesser amount as shall be approved by this Commission upon receipt of a final offer to purchase the Refunding Bonds. The Refunding Bonds shall be issued for the purpose of paying part of the cost of refunding the Prior Bonds, including the costs incidental to the issuance, sale and delivery of the Refunding Bonds. The Refunding Bonds shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in

order of registration and dated as of July 1, 2001 or such other date as may be determined by this Commission. The Refunding Bonds shall bear interest, and be payable at the times and in the manner set forth in a bond purchase agreement (the "Agreement") respecting the purchase of such Refunding Bonds.

The Refunding Bonds may be subject to redemption prior to maturity as set forth in the Agreement.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Issuer to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent (as hereinafter defined) mailed to the registered owner at the registered address, as shown on the registration books of the Issuer maintained by the Transfer Agent. The principal of the Bonds shall be payable upon presentation and surrender to the Transfer Agent.

The City Finance Director is hereby authorized to select a bank or trust company located in the State of Michigan to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for this issue. The Issuer reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

2. The City Finance Director is hereby authorized to solicit proposals from underwriting and financial firms respecting the purchase of the Refunding Bonds and to select an underwriter for the bonds. The terms and conditions of the purchase of the Refunding Bonds,

including the Underwriter's compensation shall be as set forth in the Agreement which shall be approved by this Commission.

3. The Refunding Bonds shall be executed in the name of the City with the facsimile signatures of the Mayor and City Clerk shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Refunding Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the City Clerk or Treasurer upon payment of the purchase price for the Refunding Bonds in accordance with the Agreement.

4. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial

redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

5. The Refunding Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York.

6. The City Finance Director be and is hereby authorized to select an escrow agent (the "Agent") for the Refunding Bonds and negotiate an escrow agreement with the Agent for review and approval by this Commission.

7. The proceeds of the Refunding Bonds shall be used to pay the costs of issuance of the Refunding Bonds and to secure payment of the Prior Bonds as provided in this section. Upon receipt of the proceeds of the Refunding Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund established for the Refunding Bonds. From the proceeds of the Refunding Bonds there shall next be set aside a sum sufficient, together with other funds of the City to be allocated therefor, to effect the redemption of the Prior Bonds in the manner set forth in the resolution to be adopted to approve the Agreement (the "Sales Resolution"). The balance of the proceeds of the Refunding Bonds together with any other funds supplied by the City shall be used to pay the costs of the issuance of the Refunding Bonds. Any

amounts remaining from the proceeds of the Refunding Bonds after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Refunding Bonds.

The balance of the proceeds of the Refunding Bonds together with any moneys transferred by the City at the time of sale of the Refunding Bonds from the debt retirement funds for the Prior Bonds including the Remarketed Bonds Accounts, the Reserve Funds, and the Mandatory Purchase Sinking Funds established for the Prior Bonds and any other available funds of the City, shall be invested in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Funds") and used to pay principal, interest and redemption premiums on the Prior Bonds. The Escrow Funds shall be held by the Agent pursuant to an escrow agreement which shall irrevocably direct the Agent to take all necessary steps to call any Prior Bonds specified by the City upon sale of the Refunding Bonds for redemption, including publication and mailing of redemption notices. The investment held in the Escrow Funds shall be such that the principal and interest payments received thereon will be sufficient, without reinvestment, to pay the principal, interest and redemption premiums on the Prior Bonds as they become due by maturity or redemption. Following establishment of the Escrow Funds, any amounts remaining in the debt retirement funds for the Prior Bonds shall be transferred to the Debt Retirement Fund established for the Refunding Bonds.

8. The City Clerk and Finance Director are each authorized to make application to the Department for an order approving issuance and sale of the Refunding Bonds and the necessary waivers to negotiate the sale of the Refunding Bonds including waiver of notice of

sale and good faith deposit.

9. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Refunding Bonds pursuant to Sections 103(a) and 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder, in such a manner as to cause the Refunding Bonds to be "arbitrage bonds" within the meaning of said Sections 103(a) and 148 and the applicable regulations thereunder.

10. The City Finance Director is authorized to approve circulation of a Preliminary Official Statement describing the Refunding Bonds.

11. The officers, agents and employees of the City are authorized to take all other actions necessary and convenient to facilitate sale of the Refunding Bonds, including, if desirable, obtaining a policy of municipal bond insurance to secure the Refunding Bonds.

12. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exemption of the interest on the Bonds from general federal income taxation (as opposed to alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code") including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds.

13. The improvements financed with the proceeds of the Prior Bonds have an estimated remaining usable life of not less than twenty (20) years.

14. The City hereby designates the Refunding Bonds as "qualified tax exempt obligations" within the meaning of the Code for purposes of deduction of interest expense by financial institutions.

15. Defeasance. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier options redemption, the principal of, premium, if any, and interest on the Refunding Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

16. Disclosure. The City covenants it shall comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission regarding continuing disclosure as shall be more fully set forth in the Sales Resolution.

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

AYES: Commissioners Benedict, Nielsen, Shepherd, Sieradzki,
Spataro, and Aslakson

NAYS: Commissioners None

RESOLUTION DECLARED ADOPTED.

Dail Q. Kundinger
 City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on June 12, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dail Q. Kundergen
City Clerk

Commission Meeting Date: June 12, 2001

Date: 6/5/01
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Contractor for New Construction at
1706 Jarman

SUMMARY OF REQUEST: To select Nobles Inc. with Mark Thompson as the general contractor to construct a designated house at the city-owned tax-reverted site at 1706 Jarman under – Operation Phoenix. The city received three bids (see attached) with Nobles Inc being the lowest at \$111,000. Once the house is completed the City of Muskegon will sale the home to a qualified homebuyer in association with one of the City's Community Housing Development Organizations.

FINANCIAL IMPACT: Funding will be allocated from HOME budget 2000.

2. BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the awarding of the contract to Nobles Inc. to construct the house under project Operation Phoenix.

COMMITTEE RECOMMENDATION: N/A

Operation Phoenix

Final Results of bids for the construction of house at 1706 Jarman:

1. Nobles Inc.	\$111,000
2. Success Enterprise/Success Builders	\$121,750
3. Top Notch Design Contractors	\$124,652

Commission Meeting Date: June 12, 2001

Date: June 5, 2001
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Disclosure of Potential Conflict of Interest Under
CDBG Community Development Block Grant
Program

SUMMARY OF REQUEST: Under Community Development Block Grant regulations, potential conflicts of interest must be disclosed to the public prior to requesting a waiver from HUD. Michael & Evelyn Brown of 297 Washington, have applied for CDBG assistance under the City's Emergency Roof Program. They are the daughter and son-in-law of Clara Shepherd, a City Commissioner. The City Attorney has determined that no conflict of interest is present in this case; however, this must be disclosed to the public before any further action can be taken.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve for the City's Community and Neighborhood Services Dept, to submit the waiver of conflict of interest to the U. S. Department of Housing and Urban Development.

COMMITTEE RECOMMENDATION: Not Applicable

Affirmative Action
(231)724-6703
FAX: (231)722-1214

Assessor/Equalization
(231)724-6708
FAX: (231)726-5181

Cemetery Department
(231)724-6783
FAX: (231)726-5617

City Manager
(231)724-6724
FAX: (231)722-1214

Civil Service
(231)724-6716
FAX: (231)724-4405

Clerk
(231)724-6705
FAX: (231)724-4178

Community and
Neigh. Services
(231)724-6717
FAX: (231)726-2501

Computer Info.
Systems
(231)724-6744
FAX: (231)722-4301

Engineering Dept.
(231)724-6707
FAX: (231)727-6904

Finance Dept.
(231)724-6713
FAX: (231)724-6768

Fire Department
(231)724-6792
FAX: (231)724-6985

Income Tax
(231)724-6770
FAX: (231)724-6768

Inspection Services
(231)724-6715
FAX: (231)728-4371

Leisure Services
(231)724-6704
FAX: (231)724-1196

Mayor's Office
(231)724-6701
FAX: (231)722-1214

Planning/Zoning
(231)724-6702
FAX: (231)724-6790

Police Department
(231)724-6750
FAX: (231)722-5140

Public Works Dept.
(231)724-4100
FAX: (231)722-4188

Treasurer's Office
(231)724-6720
FAX: (231)724-6768

Water Billing Dept.
(231)724-6718
FAX: (231)724-6768

Water Filtration
(231)724-4106
FAX: (231)755-5290

MUSKEGON



West Michigan's Shoreline City

April 18, 2001

Mr. John Schrier
Parmenter, O'Toole
P.O. Box 786
Muskegon, MI 49443-0786

Dear Mr. Schrier:

I am requesting a legal opinion regarding a potential conflict of interest under the Community Development Emergency Program. Under CDBG regulations, if the potential for conflict exists related to the use of grant funds, the City must request a waiver of federal Conflict of Interest policies from HUD. Prior to requesting such a waiver, we must obtain a legal opinion which supports the waiver, and the potential conflict must be publicly disclosed.

The CNS Department has received an application for an emergency roof from Michael D. & Evelyn J. Brown of 297 Washington. They are the daughter and son-in-law of Clara Shepherd, City Commissioner. Because the applicant is a family member of a commissioner, this falls under the Conflict of Interest policy.

It is staff's position that this application merits a waiver of the Conflict of Interest provisions for the following reasons:

1. Michael & Evelyn Brown are low-income homeowners who qualify for CDBG assistance. Without CDBG assistance Mr. & Mrs. Brown would be unable to replace their roof which is leaking and causing damage to the inside of the home. This would be an undue burden on Mr. & Mrs. Brown which is contrary to the intent of the CDBG program. The Brown's have otherwise met all of the requirements of the program.
2. Michael & Evelyn Brown are an independent household, therefore, Commissioner Shepherd will not benefit directly or indirectly from any CDBG assistance provided to her daughter's household

Based on your opinion, I will notify the Brown's about proceeding with public disclosure.

Thank you for your assistance.

Sincerely,

Ardyce Haken
Ardyce Haken
Housing Counselor
Community & Neighborhood Services

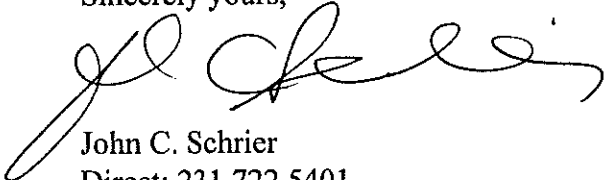
or the proceeds thereunder, either for themselves or those with whom they have family . . . ties....

24 CFR 511.12(a). The operative prohibition is that relating to "family ties." As such, there is clearly a conflict.

I agree with staff the this warrants a waiver. Ms. Shepherd will not personally benefit from the grant. The benefit is provided to anyone, subject to budget constraints, who applies. Mr. and Mrs. Brown are intended to be the beneficiaries of the program and will receive, generally, the same benefit as is made available to others. Failure to provide the benefit to Mr. and Mrs. Brown will impose an undue hardship on them.

If you have any further questions or concerns, please feel free to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'John C. Schrier', with a stylized, flowing script.

John C. Schrier

Direct: 231.722.5401

Fax: 231.728.2206

E-Mail Address: jcs@parmenterlaw.com

Commission Meeting Date: June 12, 2001

Date: 6/5/01

To: Honorable Mayor & City Commission

**From: Community and Neighborhood Services
Department**

RE: Selection of Paint Supplier

SUMMARY OF REQUEST: To have the City Commission approve the CNS selection of O'leary paint as the supplier for the 2001 Summer paint program. CNS received two (2) quotes from suppliers – O'leary's Paint 3530 Airline Rd of Muskegon and Sherwin Williams 2425 Henry St. of Muskegon. Because of past success the CNS department would like to award the contract once again to O'leary Paint.

FINANCIAL IMPACT: Funds will be from the 2001 Community Development Block Grant Paint and Siding budget.

BUDGET ACTION REQUIRED: N/A

STAFF RECOMMENDATION: To approve the selection of O'leary Paint.

COMMITTEE RECOMMENDATION: N/A



PRICE QUOTATION

Date: 05/04/01

Customer Name: CITY OF MUSKEGON
Address: 933 TERRACE ST

Telephone: _____
Account #: _____

City: MUSKEGON

State: MI Zip: 49443

Authorized Representative: GAIL KUNDINGER

Project Name No: 2001 SUMMER PAINT PROGRAM

Project Start Date: 05/01/01

Project Completion Date: 09/15/01

Check one: Single Purchase ? : _

Annual Requirements ? : Y

WE ARE PLEASED TO QUOTE YOU AS FOLLOWS:

SALES No.	SIZE	PROD No.	DESCRIPTION	QTY	PRICE	EX PRICE
=====	=====	=====	=====	=====	=====	=====
6401-04378	GALLON	A6W16	A-100 FLT H&T WHT	0	11.95	.00
6401-04386	5 GAL	A6W16	A-100 FLT H&T WHT	0	11.95	.00
6401-22545	GALLON	A16W200	PM EX SC LX STN WHT	0	11.95	.00
6401-22552	5 GAL	A16W200	PM EX SC LX STN WHT	0	11.95	.00
600-0483	GALLON	B42W41	A100 EXT LTX PRIMER	0	12.99	.00
600-0491	5 GAL	B42W41	A100 EXT LTX PRIMER	0	12.99	.00
100-6261	GALLON	A82W510	A-100 STN H&T WHITE	0	12.95	.00
100-6279	5 GAL	A82W510	A-100 STN H&T WHITE	0	12.95	.00
1929-99993	GALLON	A40W5	CL99 ASG EN WH	0	15.95	.00
101-0487	GALLON	A2W26	SWP GLS WHITE	0	15.95	.00
104-5764	GALLON	A14T5	ST STN-ALK W PRESV	0	12.95	.00
104-5772	5 GAL	A14T5	ST STN-ALK W PRESV	0	12.95	.00
101-5452	GALLON	A14W534	EX AL SOL ST SNCP WT	0	13.95	.00
101-5403	5 GAL	A14W534	EX AL SOL ST SNCP WT	0	13.95	.00
710-8350	GALLON	Y24W20	A-100 ALK EXT WD PRM	0	14.95	.00
710-8376	5 GAL	Y24W20	A-100 ALK EXT WD PRM	0	14.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
102-1153	GALLON	A67V1	WOOD CLSC POLY GLS	0	15.95	.00
102-1153	GALLON	A67V1	WOOD CLSC POLY GLS	0	15.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
113-5318	GALLON	A24W15	ACR LTX FLR EN WHT	0	12.95	.00
7907-99993	GALLON	B54W101	IN EN PURE WHITE	0	13.95	.00
7912-99993	5 GAL	B54W101	IND EN PURE WHT	0	13.95	.00
113-0855	GALLON	A33W82	FLR EN WHT	0	13.95	.00
158-0257	GALLON		CLEAR WD SEAL-1'S	0	8.99	.00
151-8273	11 OZ		ACRY LTX CLK C850A	0	.99	.00
152-6854	GALLON		C66 GLZNG WHT - GL	0	7.99	.00
152-6847	QUART		C66 GLZNG WHT - QT	0	2.99	.00
180-1489	9 INCH		5 WIRE CAGE FRAME	0	1.75	.00
173-5349	9 INCH		METAL TRAY 9"	0	1.99	.00
155-1332	9 INCH		SHER-FAB COVER	0	1.99	.00
155-1340	9 INCH		SHER-FAB COVER	0	1.99	.00
171-4468	3 INCH		SW PREMIUM BRUSH	0	4.50	.00
171-4476	4 INCH		SW PREMIUM BRUSH	0	5.25	.00
153-8149	GALLON		PT THNNR-PLSTC GAL	0	1.99	.00
282-0199	EACH		5-IN-1 BL & SLVR	0	3.99	.00
180-1562	EACH		WIRE BRUSH-LONGHDL	0	1.99	.00
610-0028	GALLON	B79W10	PRBLK IN ALK PR/SLR	0	9.95	.00
610-0036	5 GAL	B79W10	PRBLK IN ALK PR/SLR	0	12.95	.00
144-2433	12 OZ		RESCUE WSP & HORNET	0	2.99	.00



**CITY OF MUSKEGON
2001 EXTERIOR PAINT PROGRAM
PAINT SUPPLIER BID**

<u>CATEGORY</u>	<u>PRODUCT DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT PRICE</u>
LATEX FLAT	PROTECH EXTERIOR LATEX FLAT	GAL	12.11
LATEX STAIN	RUSTIC EXTERIOR LATEX STAIN	GAL	12.35
LATEX PRIMER	PROTECH EXTERIOR LATEX PRIMER	GAL	13.50
LATEX SATIN	PROTECH EXTERIOR LATEX SATIN	GAL	13.11
OIL SEMI-GLOSS	DURAMAX OIL SEMI-GLOSS	GAL	16.95
OIL STAIN	ALL-WEATHER S.C. OIL STAIN	GAL	13.35
OIL PRIMER	PRIME LOCK EXT. OIL PRIMER	GAL	13.50
POLY ENAMEL	DURAMAX POLY. GLOSS OIL ENAMEL	GAL	16.95
GLOSS POLYURETHANE	ALLPRO GLOSS POLYURETHANE	GAL	14.95
POLY GLOSS	ALLPRO GLOSS POLYURETHANE	GAL	14.95
FLOOR ENAMEL	KIN-AMEL GLOSS ENAMEL	GAL	13.75
METAL ENAMEL	KIN-AMEL GLOSS ENAMEL	GAL	13.75
FLOOR GUARD	50 LINE ANTI-SLIP COATING	GAL	16.40
DECK OIL	NATURAL DECK OIL WATER-BASE	GAL	17.50
WINDOW CAULK	PAINTER'S ACRYLIC LATEX CAULK	EACH	1.09
WINDOW GLAZE	WINDOW GLAZING	QUART	4.00
WINDOW GLAZE	WINDOW GLAZING	GAL	13.49
ROLLER FRAMES	4-WIRE ROLLER FRAME	EACH	1.15
ROLLER PANS	METAL ROLLER PAN	EACH	1.95
PAINT ROLLERS 3/8	3/8" NAP ROLLER COVERS	EACH	1.25
PAINT ROLLERS 1/2	1/2" NAP ROLLER COVERS	EACH	1.25
PAINT BRUSHES 3"	3" ALL-PURPOSE PAINT BRUSH	EACH	2.95
PAINT BRUSHES 4"	4" ALL-PURPOSE PAINT BRUSH	EACH	3.95
PAINT THINNER	PAINT THINNER	GAL	2.29
PAINT SCRAPERS 5-way	5 IN 1 SCRAPER/ GLAZIER KNIFE	EACH	3.49
WIRE BRUSH	DQB WIRE BRUSH	EACH	1.65
KILZ	KILZ PRIMER AEROSOL	AERO	2.99
KILZ	** PRIME LOCK PRIMER	GAL	13.50
	(Equals or exceeds performance of Kilz)		
BEE SPRAY	LYN WASP AND HORNET SPRAY	EACH	3.50

Mark Johnson

5-11-01



3530 AIRLINE RD. MUSKEGON, MI 49444 (616) 733-2161
800-444-2161

Commission Meeting Date: June 12, 2001

Date: 6/5/01
To: Honorable Mayor & City Commission
From: Community and Neighborhood Services
Department
RE: Selection of Contractor for rehabilitation of City
owned structure at 315 Catawba

SUMMARY OF REQUEST: To approve the selection of Nobles Inc with the low bid of \$67,900 for the total rehabilitation of the tax-reverted structure at 315 Catawba. The City of Muskegon received four (4) bids for this project. (see attached).

After the total rehabilitation of the structure at 315 Catawba is completed, the structure will be sold to a qualified homebuyer in association with one of the City's Community Housing Development Organizations.

FINANCIAL IMPACT: Fund will be allocated from the City's HOME budget.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Nobles, Inc with Mark Thompson as the general contractor for the job of rehabilitating 315 Catawba.

COMMITTEE RECOMMENDATION: N/A

Operation Resurrection

Results of the bids for rehabilitation of tax-reverted property located at 315 Catawba:

1. Nobles Inc	\$67,900
2. Top Notch Design Contractors	\$85,950
3. David Reagan	\$86,125
4. Success Enterprise/Success Builders	\$88,225

City of
Muskegon
 State of Michigan

PROCLAMATION
Support of House Resolution #15
June 4, 2001

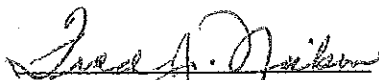
WHEREAS with the sensitive ecology of shorelands along the Great Lakes and the need to preserve the quality of these freshwater treasures, steps have been taken to put safeguards in place in the requirements for oil and gas leases and drilling permits. As new technologies emerge and because of the pressures from the marketplace that demands ever more energy, there continues to be interest in oil and gas deposits that may be under the lakes in sufficient quantities. With the ongoing interest in these resources, state officials have been reexamining this entire issue; and

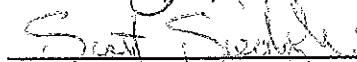
WHEREAS recently, the Department of Natural Resources has completed a two-year review of the procedures to be followed to secure a lease for the possible drilling under the Great Lakes. During this time, new leases have not been issued. Now, DNR-established work groups will be receiving and considering comments on the proposed revised procedures; and

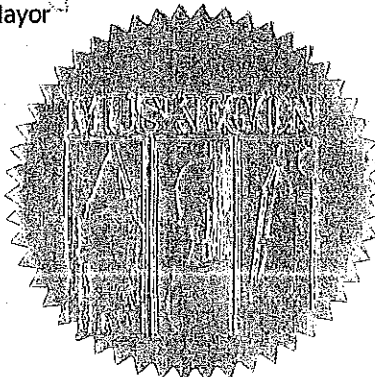
WHEREAS while there are few directionally drilled Great Lakes oil and gas wells in Michigan, there are many groups and individuals who worry that, without the strongest possible safeguards, the benefits of these operations do not justify the potential risks involved. The complexities of the entire process and the damage that could result make it prudent for the state to enter into a new lease agreements or to issue no new permits for directional drilling under the Great lakes without the most secure procedures and requirements possible; and

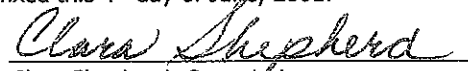
THEREFORE, NOW BE IT RESOLVED, that I, Fred J. Nielsen, Mayor of the City of Muskegon, and speaking on behalf of the City Commission, do send our support for the House Resolution #15 and urge the Department of Natural Resources and the Department of Environmental Quality to issue no new oil and gas leases or drilling permits that would allow directional drilling under the Great Lakes.

IN WITNESS WHEREOF, We hereunto set our hand and cause the seal of the City of Muskegon to be affixed this 4th day of June, 2001.

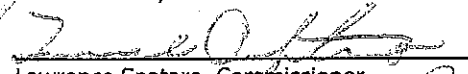

 Fred J. Nielsen, Mayor

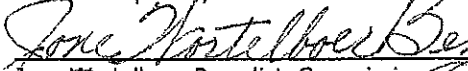

 Scott Sieradzki, Vice Mayor




 Clara Shepherd, Commissioner


 John Aslakson, Commissioner


 Lawrence Spataro, Commissioner


 Jane Wortelboer Benedict, Commissioner


 Robert Schweifler, Commissioner



CHARITABLE GAMING DIVISION
101 E. HILLSDALE, BOX 30023
LANSING, MICHIGAN 48909
(517) 335-5780
www.state.mi.us/mlottery

2001-66(g)

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a Regular meeting of the City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by Mayor Nielsen on June 12, 2001
DATE

at 5:30 ~~xxx~~ p.m. the following resolution was offered:
TIME

Moved by Commissioner Aslakson and supported by Commissioner Schweifler

that the request from Muskegon Western Little League of Muskegon
NAME OF ORGANIZATION CITY

county of Muskegon, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for Approval
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: 7

Nays: 0

Absent: 0

DISAPPROVAL

Yeas:

Nays:

Absent:

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City of Muskegon at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on June 12, 2001
DATE

SIGNED: Gail A. Kunderger
TOWNSHIP, CITY, OR VILLAGE CLERK

Gail A. Kunderger, City Clerk
PRINTED NAME AND TITLE

933 Terrace, Muskegon, MI 49440
ADDRESS

The Michigan Lottery will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, qualified disability or political belief in its activities or in its hiring or employment practices.

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R8/00)

Internal Revenue Service

Department of the Treasury

**P. O. Box 2508
Cincinnati, OH 45201**

Date: May 11, 2001

Little League Baseball, Inc.
1221208 Muskegon Western LL
% Jone Benedict Pres
2164 LeTarte
Muskegon, MI 49441

Person to Contact:

Ms. Smith #31-07262
Customer Service Representative

Toll Free Telephone Number:

8:00 A.M. to 9:30 P.M. EST
877-829-5500

Fax Number:

513-263-3756

Federal Identification Number:

38-2266485

Group Exemption Number:

3158

Dear Sir or Madam:

We have received your request for affirmation of your organization's tax exempt status.

Your organization is exempt under section 501(c)(3) of the Code because it is included in a group ruling issued to Little League Baseball Incorporated, located in Williamsport, Pennsylvania.

Individual exemption letters are not available to organizations included in group rulings. The group exemption letter applies to all of the subordinate organizations on whose behalf the Little League Baseball Incorporated has applied for recognition of exemption. If you want a copy of the group exemption letter, please contact your parent organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

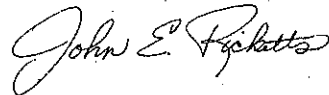
Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The law requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. You can charge only a reasonable fee for reproduction and actual postage costs for the copied materials. The law does not require you to provide copies of public inspection documents that are widely available, such as by posting them on the Internet (World Wide Web). You may be liable for a penalty of \$20 a day for each day you do not make these documents available for public inspection (up to a maximum of \$10,000 in the case of an annual return).

Little League Baseball Incorporated-1221208 Muskegon Western LL
38-2266485

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,

A handwritten signature in cursive script that reads "John E. Ricketts".

John E. Ricketts, Director, TE/GE
Customer Account Services