

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 11, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ **CALL TO ORDER:**
- ❑ **PRAYER:**
- ❑ **PLEDGE OF ALLEGIANCE:**
- ❑ **ROLL CALL:**
- ❑ **HONORS AND AWARDS:**
- ❑ **PRESENTATIONS:**
- ❑ **CONSENT AGENDA:**
 - a. Approval of Minutes. CITY CLERK
 - b. Fireworks Display at Summer Celebration Concert. CITY CLERK
 - c. Consideration of Bids, Houston Ave. from Third to First.
ENGINEERING
 - d. Approval of Economic Development Revolving Fund Program Policies and Guidelines PLANNING & ECONOMIC DEVELOPMENT
 - e. Adoption of Michigan Vehicle Code. POLICE
 - f. Light Fixture & Exit Signs Replacement in the basement a City Hall.
ENGINEERING
 - g. Shoreline Drive East Rail Purchase. ENGINEERING
- ❑ **PUBLIC HEARINGS:**
- ❑ **COMMUNICATIONS:**
- ❑ **CITY MANAGER'S REPORT:**
- ❑ **UNFINISHED BUSINESS:**
- ❑ **NEW BUSINESS:**
 - a. TEDF Category F-Grant Applications. ENGINEERING
 - b. Black Creek Road Project. ENGINEERING
 - c. Request for Proposals for Buildable Large Vacant Parcel at the Northeast Corner of Marquette and Getty. PLANNING & ECONOMIC DEVELOPMENT

- d. Extension of time – Fisherman's landing Relocation. CITY MANAGER
- e. Concurrence With the Housing Board of Appeals Notice and Order to Demolish the Following:
 - 1. 1961 Leahy
 - 2. 2082 Estes
 - 3. 318 E. Apple
 - 4. 1836 Nevada
 - 5. 1458 Sixth
 - 6. 1715 Superior
- f. MOU Agreement with MDOT for the Construction of Shoreline Drive East. ENGINEERING
- g. Traffic Signal Support Pole Painting. CITY MANAGER
- h. Employment Agreement between the city of Muskegon and Bryon L. Mazade. CITY MANAGER

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

☐ **CLOSED SESSION: To discuss pending litigation**

➤ *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.

Date: June 11, 2002
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 Special Commission Meeting that was held on Tuesday, May 21, 2002, and the Regular Commission Meeting that was held on Tuesday, May 28, 2002.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 11, 2002

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City of Muskegon was held at the City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30pm, Tuesday June 11, 2002.

Mayor Warmington opened the meeting with a prayer from Pastor Bierenga of the Allen Ave. Christian Reformed Church, after which members of the City Commission and members of the public joined in reciting the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington; Vice-Mayor Karen Buie; Commissioners Stephen Gawron, William Larson, Robert Schweifler, and Lawrence Spataro; City Manager Bryon Mazade, City Attorney Thomas Johnson and City Clerk Gail Kundinger. Excused: Commissioner Clara Shepherd.

2002-69 HONORS AND AWARDS: Vice Mayor Buie presented a Proclamation to Keisha Martinez, Mrs. Muskegon County 2002, congratulating her for her accomplishments in the Mrs. International Competition.

2002-70 INTRODUCTIONS/PRESENTATION: Ken James from Affirmative Action introduced the Julia Hackley Fund interns for 2002.

2002-71 CONSENT AGENDA:

a. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Special Commission Meeting that was held on Tuesday, May 21, 2002, and the Regular Commission Meeting that was held on Tuesday, May 28, 2002.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

b. Fireworks Display at Summer Celebration Concert. CITY CLERK

SUMMARY OF REQUEST: Rachel Kane is requesting approval of a fireworks display for the July 2, 2002, 'Nickelback' concert at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection

of the fireworks. Risk Management has approved the insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

c. Consideration of Bids, Houston Ave from Third to First. ENGINEERING

SUMMARY OF REQUEST: The reconstruction of Houston from 3rd to 1st contract (H-1542), including the watermain, be awarded to Lakeside Construction out of Grand Haven since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$104,276.75.

FINANCIAL IMPACT: The construction cost of \$104,276.75 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Award the contract to Lakeside Construction.

COMMITTEE RECOMMENDATION:

d. Approval of Economic Development Revolving Fund Program Policies and Guidelines. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To adopt the amended policy for the Economic Development Revolving Fund Program.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the policy.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended adoption of the policy at their June 3, 2002 meeting.

e. Adoption of Michigan Vehicle Code. POLICE

SUMMARY OF REQUEST: To adopt the Michigan Vehicle Code by reference.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the ordinance

f. Light Fixture & Exit Signs Replacement in the basement at City Hall. ENGINEERING

SUMMARY OF REQUEST: Authorization to enter into a \$16,970 contract with Belasco Electric, out of Muskegon, to replace a total of 177 outdated fixtures in the basement of City Hall with a T8 lamp & electronic ballast in accordance with the recommendation outlined in the energy analysis report prepared by Tower Pinkster Titus Associates earlier this year. According to the report, the fixture replacement will have a 5.72 years payback and an expected life of 25 years.

FINANCIAL IMPACT: The cost of \$16,970

BUDGET ACTION REQUIRED: None at this time. The cost will come out of the City Hall

budget and any necessary revision, if one becomes necessary, will be reflected on a future quarterly update.

STAFF RECOMMENDATION: To approve a contract with Belasco.

COMMITTEE RECOMMENDATION:

g. Shoreline Drive East Rail Purchase. ENGINEERING

SUMMARY OF REQUEST: Authorize the sole source purchase of 7,542.9 feet of rails necessary to construct the new railroad as part of the proposed Shoreline Dr. East for a total cost of \$72,439.44 in accordance with the City/CSX agreement which was executed back in 1999. The rails will be sold to the successful contractor.

FINANCIAL IMPACT: The cost of purchasing the rails for \$72,439.44.

BUDGET ACTION REQUIRED: None at this time. The cost is expected to be a part of the anticipated grant from MDOT.

STAFF RECOMMENDATION: Approve the purchase of the rail and authorize staff to issue a purchase order to buy the rails.

COMMITTEE RECOMMENDATION:

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the minutes.

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

Nays: None

Absent: Commissioner Shepherd

MOTION PASSED

2002-72 NEW BUSINESS:

a. TEDF Category F-Grant Applications. ENGINEERING

SUMMARY OF REQUEST: Your permission to submit TEDF Category F Grant application for the Milling & Resurfacing of Sherman Blvd. from Lincoln to Beach Street. Estimated cost is \$300,000.

FINANCIAL IMPACT: A 20% match plus engineering cost which are estimated at \$100,000 if the project is approved.

BUDGET ACTION REQUIRED: None at this time. However, should the project get approval, we would have to include it in the 2003 Capital Improvement Budget.

STAFF RECOMMENDATION: Approve the submittal of the grant application.

Motion by Vice Mayor Buie, second by Commissioner Larson to approve the submittal of the TEDF Category F Grant application for the Milling & Resurfacing of Sherman Blvd., from Lincoln to Beach Street.

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

Nays: None

Absent: Commissioner Shepherd

MOTION PASSED

b. Black Creek Road Project. ENGINEERING

SUMMARY OF REQUEST: Direction as to whether or not a special assessment should be created to mill and resurface Black Creek Rd., between Sherman & Latimer. As instructed, the engineering department mailed letters to all business owners abutting Black Creek Rd., between Sherman & Latimer to gauge their interest in paving the aforementioned section of Black Creek Rd. in the light of the recent commission action to limit the assessable amount to 45% of the total cost of improvements.

FINANCIAL IMPACT: None at this time.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to proceed with preparation for a public hearing to create a special assessment district.

COMMITTEE RECOMMENDATION:

Motion by Commissioner Larson , second by Vice Mayor Buie to authorize staff to not proceed with preparation for a public hearing to create a special assessment district.

MOTION WITHDRAWN BY COMMISSIONER LARSON

Motion by Commissioner Schweifler, second by Commissioner Gawron to authorize staff to proceed with preparation for a public hearing to create a special assessment district for Black Creek Rd., between Sherman & Latimer.

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

Nays: None

Absent: Shepherd

MOTION PASSED

c. Request for Proposals for Buildable Large Vacant Parcel at the Northeast corner of Marquette and Getty. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the advertising of a Request for Proposal (RFP) for a large parcel of land on the Northeast corner of Marquette and Getty described as Lot 655 and 658 and the south 60' of Lot 659 (As measured at right angles to the south line of Lot 659) Muskegon Urban Renewal Plat No. 4, as recorded on Liber 19, Pages 19-22, Muskegon County Records.

FINANCIAL IMPACT: The sale of this large parcel for a housing development will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance cost.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION: The Land Reutilization Committee (LRC) recommended advertising of a Request for Proposals for this large parcel of land at their May 28, 2002 meeting.

Motion by Commissioner Spataro, second by Vice Mayor Buie to refer this item for further review at the next Worksession Meeting.

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

Nays: None

Absent: Shepherd

MOTION PASSED

d. Extension of time - Fisherman's Landing Relocation. CITY MANAGER

SUMMARY OF REQUEST: To authorize an additional 90 days for staff to negotiate a development agreement with Great Lakes Dock & Materials to relocate Fisherman's Landing. The original 90 days has expired and while significant progress has been made on this project, additional time is necessary to complete this transaction.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Larson, second by Commissioner Gawron to authorize an additional 90 days for staff to negotiate a development agreement with Great Lakes Dock & Materials to relocate Fisherman's Landing.

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

Nays: None

Absent: Shepherd

MOTION PASSED

e. Concurrence with the Housing Board of Appeals Notice and Order to demolish for the following:

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the following structures are unsafe, substandard, a public nuisance and that they be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structures and that the Mayor and City Clerk be authorized and directed to execute contracts for demolition with lowest responsible bidders.

1) 1961 Leahy

Case # & Project Address: #00-63 1916 Leahy, Muskegon, MI

Location and ownership: This structure is a church (Revival Temple) located on Leahy in the Marsh Neighborhood between E. Holbrook and Keating Avenue.

Staff Correspondence: A dangerous building inspection was conducted on 7/11/00, a notice and order to repair was issued 8/18/00. The case was brought before the HBA in January 2002. The case was tabled for 30 days because Rev. Duncan called the Inspection Department and spoke with Bob Grabinski, stating that repairs were finished and he would call for a final inspection. A final inspection was scheduled, but the Rev. failed to appear for it. The building inspector said repairs are started, but not finished. The case was brought before the HBA again in March 2002 and no one from the church appeared. The case was declared substandard, a public nuisance, and dangerous

building on that date. There has been no contact from the church since scheduling the inspection.

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

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED None

State equalized value: N/A – church

Estimated cost to repair: \$3,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

REQUESTED BY STAFF TO HAVE ITEM REMOVED FROM AGENDA

2) 2082 Estes

Case # & Project Address: #00-57 2082 Estes.

Location and ownership: This structure is located on Estes in the Lakeside Neighborhood. It is owned by David Vankammen, who lives next door.

Staff Correspondence: A dangerous building inspection was conducted on 7/20/00. A notice and order to repair was issued 8/1/00. The case was brought before the HBA in on 10/5/00, 5/3/01, 12/6/01 and 5/2/02. Mr. VanKammen has repeatedly stated repairs will be completed, but they have not. There have been many complaints from neighbors in regard to this property being a disgrace to the neighborhood.

Owner Contact: Mr. VanKammen has been in contact with Bob Grabinski and has promised to complete repairs, but does not follow through.

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED None

State equalized value: \$31,200

Estimated cost to repair: \$8,000 plus cost of interior renovation.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the Housing Board of Appeals decision to demolish.

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

Nays: None

Absent: Shepherd

MOTION PASSED

3) 318 E. Apple

Case # & Project Address: #01-049, 318 Apple

Location and ownership: This structure is located on Apple Ave., between Fork and Emerald in the Angell Neighborhood. It is owned by George Dobben.

Staff Correspondence: A dangerous building inspection was conducted on 11/8/01. A

notice and order to repair was issued 11/19/01. A notice of hearing before the Housing Board of Appeals was issued 12/21/01. An order to demolish was issued 2/11/02.

Owner Contact: Bruce Austin was present at the HBA meeting 1/3/02 to represent Mr. Dobben. He had been hired to work on the building. There has been no contact since that date.

FINANCIAL IMPACT: CDBG Fund

BUDGET ACTION REQUIRED None

State equalized value: \$190,800

Estimated cost to repair: \$25,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Vice Mayor Buie to concur with the Housing Board of Appeals decision to demolish.

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

Nays: None

Absent: Shepherd

MOTION PASSED

4) 1836 Nevada

Case # & Project Address: #02-06 1836 Nevada, Muskegon MI

Location and ownership: This structure is located on Nevada between Laketon and Windsor. It is owned by MLA Inc.

Staff Correspondence: A dangerous building inspection was conducted on 3/15/02 and a notice and order to repair was issued 3/25/02. On 5/2/02 the HBA declared the structure a public nuisance, substandard, and dangerous building. An interior inspection was scheduled by a realtor for 5/8/02 and their contact person did not appear for the inspection.

Owner Contact: The realtor's office has been in contact and scheduled the interior inspection. They called again and were not aware their maintenance man had not appeared for the inspection.

FINANCIAL IMPACT: General Fund

BUDGET ACTION REQUIRED None

State equalized value: \$12,900

Estimated cost to repair: \$15,000 plus cost of interior rehabilitation.

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Gawron, second by Commissioner Larson to concur with the Housing Board of Appeals decision to demolish.

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

Nays: None

Absent: Shepherd

MOTION PASSED

5) 1458 Sixth

Case # & Project Address: #01-053, 1458 Sixth St.

Location and ownership: This structure is located on Sixth Street between Grand and Washington. It is owned by Daniel Herrema of Grandville.

Staff Correspondence: A dangerous building inspection was conducted on 12/12/01. A notice and order to repair was issued 12/18/01. HBA on 02/07/02 found the structure to be dangerous and unsafe..

Owner Contact: The owner talked to Bob Grabinski on 3/6/02 and was given a 60/day extension to complete repairs. No permits have been pulled and there has been no contact with the owner since then.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED None

State equalized value: \$17,200

Estimated cost to repair: \$25,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

Motion by Commissioner Spataro, second by Commissioner Schweifler to concur with the Housing Board of Appeals decision to demolish, with the condition that if the Building Inspector, upon inspection of building, finds it up to code then the demolition will not proceed.

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

Nays: None

Absent: Shepherd

MOTION PASSED

6) 1715 Superior.

Case # & Project Address: #02-01, 1715 Superior.

Location and ownership: This structure is located in the Marsh Neighborhood and is owned by Amy Bradley of Fruitport, MI.

Staff Correspondence: A dangerous building inspection was conducted on 6/23/98. Some work was done without permits after that time. Another inspection was conducted 1/22/02 after a fire. A Notice and Order to Repair was issued on 1/30/02. No one was present to represent the case before the HBA on 3/7/02 and the structure was declared substandard and dangerous. The owner called the Inspection Dept. after that date and scheduled an interior inspection, which was conducted 3/25/02. On 4/29/02 the owner called the office and inquired on what to do next. She was informed she needed to

submit a schedule of repairs and apply for permits. There has been no contact since that date. The city has had the structure boarded on 3 separate occasions.

Owner Contact: Owner has not been in contact with this office since 7/20/01. At the HBA meeting in September, he was told he could stop this from going before the City Commission by scheduling an interior inspection and supplying this office with a time line for repairs.

FINANCIAL IMPACT: CDBG

BUDGET ACTION REQUIRED None

State equalized value: \$14,000

Estimated cost to repair: \$20,000

STAFF RECOMMENDATION: To concur with the Housing Board of Appeals decision to demolish.

REQUESTED BY STAFF TO HAVE ITEM BE REMOVED FROM AGENDA.

f. MOU Agreement with MDOT for the Construction of Shoreline Drive East.
ENGINEERING

SUMMARY OF REQUEST: Enter into agreements with the Michigan Department of Transportation to provide funding for the proposed Shoreline Dr. East Project. Furthermore, due to the timing constraints, it is requested that your approval, if granted, be contingent upon compliance with the City Attorney's review. Also, it is respectfully requested that the Mayor & City Clerk be authorized to execute said agreements and the necessary resolution.

FINANCIAL IMPACT: The estimated cost of the project, including the existing section of Shoreline Dr., from Terrace to Southern Ave. is \$11,850,000 of which the City is responsible for an estimated total of \$650,000.

BUDGET ACTION REQUIRED: None at this time. The City's share would come out of Major Street Fund (\$500,000). Sewer Fund (\$75,000) and Water Fund (\$75,000).

STAFF RECOMMENDATION: Conditional approval of the agreements and resolution.

COMMITTEE RECOMMENDATION:

Motion by Commissioner Larson, second by Vice Mayor Buie to enter into agreements with MDOT to provide funding for the proposed Shoreline Dr. East Project, and have the Mayor and City Clerk authorized to execute agreements and necessary resolution.

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

Nays: None

Absent: Shepherd

MOTION PASSED

g. Traffic Signal Support Pole Painting. CITY MANAGER

SUMMARY OF REQUEST: To approve the painting of 32 traffic signal support poles in the downtown area utilizing Consumers Energy's contract with Pennington Bros. (Twin Lake, MI.) These poles are in need of painting and doing so will accomplish another component of the Blight Fight effort.

FINANCIAL IMPACT:	32 poles @ \$354.00 each	\$11,328.00
	40 brackets @ \$40.00 Each	<u>1,600.00</u>
	TOTAL	<u>\$12,928.00</u>

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request

COMMITTEE RECOMMENDATION: None

Motion by Commissioner Spataro, second by Commissioner Schweifler to approve the painting of 32 traffic signal support poles in the downtown area utilizing Consumers Energy's contract with Pennington Brothers, Twin Lake, MI.

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

Nays: None

Absent: Shepherd

MOTION PASSED

h. Employment Agreement between the City of Muskegon and Bryon L. Mazade, City Manager.

SUMMARY OF REQUEST: To approve the employment agreement between the City of Muskegon and Bryon L. Mazade, City Manager, effective July 1, 2002.

Motion by Commissioner Schweifler, second by Commissioner Gawron to approve the employment agreement between the City of Muskegon and Bryon L. Mazade, City Manager, effective July 1, 2002.

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

Nays: None

Absent: Shepherd

MOTION PASSED

ADJOURNMENT: The Regular Commission Meeting for the City of Muskegon was adjourned at 7:04pm.

Respectfully submitted,



Gail Kunderinger, CMC/AEE
City Clerk

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Gail A. Kunding, City Clerk
RE: Fireworks Display – Nickelback Concert

SUMMARY OF REQUEST: Rachel Kane is requesting approval of a fireworks display for the July 2, 2002, 'Nickelback' concert at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks. Risk Management has approved the insurance.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks.

2002-71(b)

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: ☒ PUBLIC DISPLAY ☐ AGRICULTURAL PEST CONTROL

ISSUED TO: Rachel Kane - Nickelback Concert

NAME Mark Castle

ADDRESS 24932 Avenue Kearny, #1 AGE 30
Valencia, CA 91355

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION

Muskegon Summer Celebration

ADDRESS

NUMBER & TYPES OF FIREWORKS:

Please see attached

DISPLAY: Heritage Park Landing

EXACT LOCATION

Muskegon, MI 49440 July 2, 2002 9p.m. - 11p.m.
CITY, VILLAGE, TOWNSHIP DATE TIME

BOND OR INSURANCE FILED: ☒ YES ☐ NO AMOUNT \$1,000,000.

ISSUED BY:

Issued by action of the MUSKEGON CITY COMMISSION

(council, commission, board)

of the CITY of MUSKEGON
(city, village, township) (name of city, village, township)

on the 11th day of June, 2002

[Signature]
Steve Warmington, Mayor

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

Stage & Effects Engineering, Inc.

Subject: Proposed effects Plan, Nickelback Concert, 7/02/ 2002; Muskegon Summer Celebration

To whom it May Concern:

I have been referred to your office in regards to the proposed effects plan for the 'Nickelback' concert. I would like to submit for your review our intended effects plan, and to request your approval and advisement on ensuring we meet the requirements of all authorities having jurisdiction.

The proposed effects include both pyrotechnic and flame effect elements. We have not finalized the pyrotechnic effects list for this venue, as it will be contingent on meeting the approval and parameters of all parties invested.

The proposed pyrotechnic effects may include:

- 5 Mortar Hits, T3
- 9 Helicopter Bullet Hits
- 3 Stage Mines, 15', Red
- 3 Stage Mines, 15', White
- 3 Stage Mines, 15', Blue
- 5 Silver Flash Trays, 6"
- 45 Waterfalls, 15s x 25'
- 13 Airbursts, Sm., Popcorn
- 3 Airbursts, Sm., Red
- 3 Airbursts, Sm., Blue
- 10 A/B Concussions
- 5 Flame Projectors, #200, Blue

In Venues that do not support propane flame effects, we may use;

24 Flame Projectors, #200, orange

In venues not allowing A/B concussions, we may use;

10 SB-20

Thus far, we are considering the use of two (2) accumulators, which each support four (4) flame effects, for a total of eight (8) positions for flame. The height and duration of the effect is controlled by the operator, and is predetermined according to the parameters of the venue, the cue, and the Authorities Having Jurisdiction.

Please find included the effects data package for your review. Please let me know if you would like a copy of our equipment registration, and by what means would be most convenient.

Please advise of any additional information or documentation you will require to approve of this plan, as well as any parties required to be named as additionally insured. Please also advise as to any specific restrictions or concerns regarding the use of propane.

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

Best regards,
Rachel Kane
Tour Coordinator
Stage & Effects Engineering
rkane@jemfx.com

FM-32(12-88)

APPLICATION

FOR FIREWORKS DISPLAY PERMIT

Act 358, P.A. 1968

DATE OF APPLICATION

05/02/02

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Rachel Kane

ADDRESS

24932 Ave Kearny, Suite #1,

AGE: Must be 21 or over

31

IF A CORPORATION: Name of President

Elin Popov

ADDRESS

Valencia, CA, 91355

3. PYROTECHNIC OPERATOR

NAME

Mark Castle

ADDRESS

41461 E. Snowbird, Carrizos, CA 90703

AGE: Must be 21 or over

30

EXPERIENCE:

NUMBER OF YEARS

8

NUMBER OF DISPLAYS

50+

WHERE

See resume in data book

NAMES OF ASSISTANTS:

NAME

Stephen Joseph

ADDRESS

4951 River Rd. Jefferson, CA 70121

AGE

38

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

Mark Castle

ADDRESS

41461 E. Snowbird, Carrizos, CA 90703

Name of Michigan Attorney or Resident Agent

Kevin Meyer

ADDRESS

333 N. Cedar St. Lansing, MI 48912

TELEPHONE NUMBER

(517) 267-1502

5. EXACT LOCATION OF PROPOSED DISPLAY

Heritage Park Landing, Muskegon MI 49440

DATE

07/02/02

TIME

9pm/11pm

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

please see attached - section E

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

see attached - section G

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

A. AMOUNT OF BOND OR INSURANCE
(to be set by municipality)

\$4,000,000

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

Acordia of California

ADDRESS

15760 Ventura Blvd Ste 1400 Encino, CA 91436

05/02 10:44

81818 377 3899

ACORDIA OF CAL

0004/0005

ACORD CERTIFICATE OF LIABILITY INSURANCEOF ID IN
STAGE-2DATE (MM/DD/YY)
08/05/02

PRODUCED BY
Acordia of California
Insurance Services, Inc.
15760 Ventura Blvd., Ste. 1400
Encino, CA 91436-3007
Phone: 818-377-3800 Fax: 818-377-3899

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.

INSURERS AFFORDING COVERAGE

INSURED
Stage & Effects Engineering, I
David Green
24932 Avenue Kearny, #1
Valencia CA 91355

INSURER A: Constitution Insurance Co.
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 BE REQUIRED, 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.

ITEM LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE ☒ OCCUR	C1CLO4010520	02/09/02	12/31/02	EACH OCCURRENCE \$1,000,000 FIRE DAMAGE (Any one fire) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPRISE AGG \$1,000,000
	AGGREGATE LIMIT APPLIES PER: ANY ☐ PRO- JECT ☐ LOC ☐				
	AUTOMOBILE LIABILITY OWNED AUTOS LEASED AUTOS SCHEDULED AUTOS HIREN AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EA ACCIDENT) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GENERAL LIABILITY OWNED AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY EA AGG \$ AGG \$
A	EXCESS LIABILITY OWNED AUTO CLAIMS MADE	C1CLO4010530	02/09/02	12/31/02	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 REDUCTIBLE \$ RETENTION \$10,000 WORKERS COMPENSATION AND EMPLOYERS' LIABILITY
					WC STATE- TORY LIMITS ☐ OTH- ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

Venue: Heritage Park Landing, Show: Nickelback Jim Beam Tour 2002, Show
Date: 7/02/02. 10 DAY NOTICE OF CANCELLATION FOR NON-PAYMENT OF PREMIUM
APPLIES.

SEE PAGE 2

CERTIFICATE HOLDER

Y ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

CTYMUSK

City of Muskegon
933 Terrace
Muskegon MI 49440

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Michael LoCelso

Law

ACORD 624-S (7/97)

©ACORD CORPORATION 1998

05/02 10:44 21818 377 3899

ACORDIA OF CAL

0005/0005

NOTE PAD:

INSURED'S NAME Stage 1 Effects Engineering, I

STAGE-2

CPID LW

PAGE 2

DATE 06/05/02

Additional Insured:

Heritage Park Landing; Michigan; County of Muskegon, Michigan.; Muskegon
Summer Celebration.; M&CS, Inc. dba Meridian Entertainment Group; Heritage
Park Landing

933 Terrace Street
Muskegon, MI 49440

OFFICE 231-724-6705
FAX 231-724-4178

City of Muskegon Clerk's Office

Fax Cover Sheet

To: <u>Tim or Keith</u>	From: <u>Linda</u>
Fax: _____	Pages: <u>35</u>
Phone: _____	Date: <u>5-28-02</u>
Re: _____	CC: _____

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

Please check insurance for a pyrotechnic display during a concert at the Muskegon Summer Celebration. This is an outside concert at a County Park located in the city.

Thanks,

Linda

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids
Houston Ave. from Third to First

SUMMARY OF REQUEST:

The reconstruction of Houston from 3rd to 1st contract (H-1542), including the watermain, be awarded to Lakeside Construction out of Grand Haven since they were the lowest (see bid tabulation) responsible bidder with a bid price of \$104,276.75.

FINANCIAL IMPACT:

The construction cost of \$104,276.75 plus associated engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Lakeside Construction.

COMMITTEE RECOMMENDATION:

**HOUSTON, THIRD TO FIRST
BID TABULATION
4-Jun-02**

		CONTRACTO ADDRESS CITY, S		FELCO 874 PULASKI AVE MUSKEGON, MI		K & R 3435 BROADMOOR GRAND RAPIDS, MI		DIVERSIFIED 41 WASHINGTON - STE 268 GRAND HAVEN, MI		LAKESIDE 13840 172ND AVE GRAND HAVEN, MI		JACKSON-MERKEY 555 E WESTERN AVE MUSKEGON, MI	
	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	ABANDON WATER SERVICE	1	EACH	\$500.00	\$500.00	\$250.00	\$250.00	\$150.00	\$150.00	\$500.00	\$500.00	\$590.00	\$590.00
2	ADJUST MANHOLE CASTING	6	EACH	\$490.00	\$2,940.00	\$525.00	\$3,150.00	\$400.00	\$2,400.00	\$350.00	\$2,100.00	\$535.00	\$3,210.00
3	AGGREGATE BASE COURSE, 22A, 8" C.I.P.	1512	SYD	\$6.95	\$10,508.40	\$6.00	\$9,072.00	\$6.50	\$9,828.00	\$6.00	\$9,072.00	\$8.45	\$12,776.40
4	BENDS, 8", 45 DEGREE, DI M.J.	4	EACH	\$300.00	\$1,200.00	\$400.00	\$1,600.00	\$300.00	\$1,200.00	\$250.00	\$1,000.00	\$475.00	\$1,900.00
5	BIT APPROACH	1	TON	\$200.00	\$200.00	\$100.00	\$100.00	\$400.00	\$400.00	\$100.00	\$100.00	\$110.00	\$110.00
6	BIT. LEVELING MIX 3C @ 220#/SYD	180	TON	\$60.00	\$10,800.00	\$47.35	\$8,523.00	\$52.00	\$9,360.00	\$48.00	\$8,640.00	\$48.00	\$8,640.00
7	BIT. TOP MIX 4C @ 165#/SYD	135	TON	\$72.00	\$9,720.00	\$48.15	\$6,500.25	\$52.00	\$7,020.00	\$48.25	\$6,513.75	\$53.00	\$7,155.00
8	CATCH BASIN CASTING EAST JORDAN #7045 OR EQUAL	4	EACH	\$515.00	\$2,060.00	\$815.00	\$3,260.00	\$400.00	\$1,600.00	\$500.00	\$2,000.00	\$640.00	\$2,560.00
9	CATCH BASIN SPECIAL DETAIL	4	EACH	\$1,500.00	\$6,000.00	\$1,500.00	\$6,000.00	\$1,250.00	\$5,000.00	\$1,000.00	\$4,000.00	\$1,680.00	\$6,720.00
10	CONCRETE CURB & GUTTER, DETAIL F-4 MODIFIED	950	LFT	\$11.00	\$10,450.00	\$11.00	\$10,450.00	\$22.00	\$20,900.00	\$8.50	\$8,075.00	\$8.20	\$7,790.00
11	CONCRETE DRIVE APPROACH, 6", STD.	207	SYD	\$32.00	\$6,624.00	\$30.00	\$6,210.00	\$26.00	\$5,382.00	\$24.50	\$5,071.50	\$25.25	\$5,226.75
12	CONCRETE SIDEWALK, 4"	550	SFT	\$4.50	\$2,475.00	\$3.00	\$1,650.00	\$3.00	\$1,650.00	\$2.15	\$1,182.50	\$2.30	\$1,265.00
13	CONCRETE SIDEWALK, 6"	390	SFT	\$5.60	\$2,184.00	\$3.50	\$1,365.00	\$5.00	\$1,950.00	\$2.90	\$1,131.00	\$3.25	\$1,267.50
14	CORPORATION STOP 1" MUELLER #15000 OR EQUAL	8	EACH	\$280.00	\$2,240.00	\$200.00	\$1,600.00	\$150.00	\$1,200.00	\$450.00	\$3,600.00	\$250.00	\$2,000.00
15	CURB STOP 1" & BOX MUELLER #15150 OR EQUAL	7	EACH	\$290.00	\$2,030.00	\$265.00	\$1,855.00	\$150.00	\$1,050.00	\$450.00	\$3,150.00	\$270.00	\$1,890.00
16	MACHINE GRADING	4.9	STA.	\$695.00	\$3,405.50	\$1,835.00	\$8,991.50	\$500.00	\$2,450.00	\$750.00	\$3,675.00	\$1,130.00	\$5,537.00
17	MANHOLE CASTING EAST JORDAN #1000 OR EQUAL	3	EACH	\$580.00	\$1,740.00	\$225.00	\$675.00	\$400.00	\$1,200.00	\$400.00	\$1,200.00	\$645.00	\$1,935.00
18	PAVT MRKG, OVERLAY COLD PLASTIC, 6", CROSS WALK	150	LFT	\$4.80	\$720.00	\$2.50	\$375.00	\$10.00	\$1,500.00	\$2.50	\$375.00	\$3.60	\$540.00
19	PAVT MRKG, OVERLAY COLD PLASTIC, 18", STOP BAR	26	LFT	\$8.90	\$231.40	\$7.50	\$195.00	\$15.00	\$390.00	\$7.50	\$195.00	\$11.65	\$302.90
20	PAVT MRKG WATERBORNE, 4", YELLOW	125	LFT	\$6.00	\$750.00	\$2.50	\$312.50	\$8.00	\$1,000.00	\$2.50	\$312.50	\$2.50	\$312.50
21	RECONSTRUCTING MANHOLE	2	VFT	\$280.00	\$560.00	\$350.00	\$700.00	\$200.00	\$400.00	\$350.00	\$700.00	\$490.00	\$980.00
22	REDUCER 8" X 6" D.I. M.J.	1	EACH	\$350.00	\$350.00	\$350.00	\$350.00	\$400.00	\$400.00	\$250.00	\$250.00	\$225.00	\$225.00
23	REMOVING CATCH BASIN	7	EACH	\$590.00	\$4,130.00	\$275.00	\$1,925.00	\$300.00	\$2,100.00	\$200.00	\$1,400.00	\$535.00	\$3,745.00
24	REMOVING CONC. SIDEWALK	750	SFT	\$2.90	\$2,175.00	\$0.90	\$675.00	\$2.00	\$1,500.00	\$0.75	\$562.50	\$1.50	\$1,125.00
25	REMOVING DRIVE APPROACH	135	SYD	\$12.00	\$1,620.00	\$6.00	\$810.00	\$10.00	\$1,350.00	\$5.00	\$675.00	\$10.60	\$1,431.00
26	REMOVING PAVEMENT (INCLUDING CURB)	1760	SYD	\$8.00	\$14,080.00	\$10.00	\$17,600.00	\$5.00	\$8,800.00	\$8.00	\$14,080.00	\$9.35	\$16,456.00
27	REMOVING TREES, 25" TO 36"	1	EACH	\$1,300.00	\$1,300.00	\$300.00	\$300.00	\$800.00	\$800.00	\$500.00	\$500.00	\$1,270.00	\$1,270.00
28	SLEEVES LONG, 8", D.I. M.J.	2	EACH	\$500.00	\$1,000.00	\$1,100.00	\$2,200.00	\$300.00	\$600.00	\$250.00	\$500.00	\$575.00	\$1,150.00
29	STORM SEWER, 12", C-76 CLASS V	108	LFT	\$29.00	\$3,132.00	\$35.00	\$3,780.00	\$30.00	\$3,240.00	\$22.00	\$2,376.00	\$28.00	\$3,024.00
30	TERRACE GRADING	458	LFT	\$13.00	\$5,954.00	\$6.00	\$2,748.00	\$8.00	\$3,664.00	\$10.00	\$4,580.00	\$9.75	\$4,465.50
31	TRAFFIC CONTROL	1	LUMP	\$4,000.00	\$4,000.00	\$9,900.00	\$9,900.00	\$1,000.00	\$1,000.00	\$5,000.00	\$5,000.00	\$4,445.00	\$4,445.00
32	WATERMAIN, 8", D.I. CLASS 52	270	LFT	\$29.00	\$7,830.00	\$40.00	\$10,800.00	\$30.00	\$8,100.00	\$27.00	\$7,290.00	\$48.50	\$13,095.00
33	WATER METER PIT, COMPLETE	1	EACH	\$450.00	\$450.00	\$750.00	\$750.00	\$800.00	\$800.00	\$850.00	\$850.00	\$830.00	\$830.00
34	WATER SERVICE, 1", TYPE "K" COPPER	260	LFT	\$19.00	\$4,940.00	\$25.00	\$6,500.00	\$10.00	\$2,600.00	\$12.00	\$3,120.00	\$22.50	\$5,850.00
35	WATER VALVE BOX AND COVER, COMPLETE	4	EACH	\$350.00	\$1,400.00	\$450.00	\$1,800.00	\$250.00	\$1,000.00	\$125.00	\$500.00	\$485.00	\$1,940.00
TOTAL AMOUNT					\$129,699.30		\$132,972.25		\$111,984.00		\$104,276.75		\$131,759.55

ENGINEER'S ESTIMATE APRIL 12, 2002

H-1542, HOUSTON AVE from 1st St to 3rd St

STREET & WATERMAIN IMPROVEMENTS

	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	ABANDON WATER SERVICE	1	EACH	\$250.00	\$250.00
2	ADJUST MANHOLE CASTING	6	EACH	\$400.00	\$2,400.00
3	AGGREGATE BASE COURSE, 22A, 8" C.I.P.	1512	SYD	\$5.00	\$7,560.00
4	BENDS, 8", 45 DEGREE, DI M.J.	4	EACH	\$200.00	\$800.00
5	BIT APPROACH	1	TON	\$100.00	\$100.00
6	BIT. LEVELING MIX 3C @ 220#/SYD	180	TON	\$45.00	\$8,100.00
7	BIT. TOP MIX 4C @ 165#/SYD	135	TON	\$55.00	\$7,425.00
8	CATCH BASIN CASTING EAST JORDAN #7045 OR EQUAL	4	EACH	\$500.00	\$2,000.00
9	CATCH BASIN SPECIAL DETAIL	4	EACH	\$1,300.00	\$5,200.00
10	CONCRETE CURB & GUTTER, DETAIL F-4 MODIFIED	950	LIN. FT.	\$9.00	\$8,550.00
11	CONCRETE DRIVE APPROACH, 6", STD.	207	SYD	\$30.00	\$6,210.00
12	CONCRETE SIDEWALK, 4"	550	SFT	\$2.75	\$1,512.50
13	CONCRETE SIDEWALK, 6"	390	SFT	\$3.25	\$1,267.50
14	CORPORATION STOP 1" MUELLER #15000 OR EQUAL	8	EACH	\$300.00	\$2,400.00
15	CURB STOP 1" & BOX MUELLER #15150 OR EQUAL	7	EACH	\$300.00	\$2,100.00
16	MACHINE GRADING	4.9	STA.	\$500.00	\$2,450.00
17	MANHOLE CASTING EAST JORDAN #1000 OR EQUAL	3	EACH	\$500.00	\$1,500.00
18	PAVT MRKG, OVERLAY COLD PLASTIC, 6", CROSS WALK	150	LFT	\$1.50	\$225.00
19	PAVT MRKG, OVERLAY COLD PLASTIC, 18", STOP BAR	26	LFT	\$2.00	\$52.00
20	PAVT MRKG WATERBORNE, 4", YELLOW	125	LFT	\$1.00	\$125.00
21	RECONSTRUCTING MANHOLE	2	VFT	\$300.00	\$600.00
22	REDUCER 8" X 6" D.I. M.J.	1	EACH	\$200.00	\$200.00
23	REMOVING CATCH BASIN	7	EACH	\$500.00	\$3,500.00
24	REMOVING CONC. SIDEWALK	750	SFT	\$1.00	\$750.00
25	REMOVING DRIVE APPROACH	135	SYD	\$8.00	\$1,080.00
26	REMOVING PAVEMENT (INCLUDING CURB)	1760	SYD	\$9.00	\$15,840.00
27	REMOVING TREES, 25" TO 36"	1	EACH	\$1,000.00	\$1,000.00
28	SLEEVES LONG, 8", D.I. M.J.	2	EACH	\$300.00	\$600.00
29	STORM SEWER, 12", C-76 CLASS V	108	LFT	\$30.00	\$3,240.00
30	TERRACE GRADING	458	LFT	\$8.00	\$3,664.00
31	TRAFFIC CONTROL	1	LUMP	\$3,000.00	\$3,000.00
32	WATERMAIN, 8", D.I. CLASS 52	270	LFT	\$30.00	\$8,100.00
33	WATER METER PIT, COMPLETE	1	EACH	\$550.00	\$550.00
34	WATER SERVICE, 1", TYPE "K" COPPER	260	LFT	\$16.00	\$4,160.00
35	WATER VALVE BOX AND COVER, COMPLETE	4	EACH	\$300.00	\$1,200.00
	SUBTOTAL				\$106,261.00
	15% ENGINEERING				\$15,939.15
	TOTAL				\$122,200.15

Date: June 11, 2002
To: Honorable Mayor and City Commission
From: City Clerk Gail Kunding
**RE: Economic Development Revolving Fund Program
Policies and Guidelines**

SUMMARY OF REQUEST: To adopt the amended policy for the Economic Development Revolving Fund Program.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION:.. To adopt the policy.

COMMITTEE RECOMMENDATION: The Community Relations Committee recommended adoption of the policy at their June 3, 2002 meeting.

CITY OF MUSKEGON

ECONOMIC DEVELOPMENT REVOLVING FUND
PROGRAM POLICIES AND GUIDELINES

PURPOSE

The purpose of the City of Muskegon Revolving Loan Fund is to promote economic development in the City of Muskegon through the provision of capital for new and expanding locally-sited businesses, with a special emphasis on minority and female entrepreneurship. The Revolving Loan Fund is intended to supplement but in no way replace conventional financing sources.

POLICY

Financing will be made available for sound business purposes where there is a reasonable expectation of repayment, but where conventional lenders are unwilling or unable either to accept the total risk or to make financing available under terms and conditions which the applicant can afford. Priority under the program will be assigned to ventures with conventional participation and minimal use of public funds either for the project itself or for supporting public improvements. Principal and interest repayments on loans from the Fund will revert to the Fund for support of similar activities.

In extraordinary circumstances, the Fund may be used to finance public improvements necessary to support private developments, where those improvements are critical to the success of the project, and where the overall development will result in creation of permanent, full-time jobs. The Fund, however, is intended to be permanent and self-sustaining, and no disbursements should be made without the expectation of full and timely repayment.

I. ELIGIBLE ACTIVITIES

Loans from the Revolving Loan Fund can be used to finance acquisition and development, including land acquisitions as well as rehabilitation, modernization, and conversion of existing facilities and purchase of machinery and equipment. Working capital loans will only be made if essential to the creation or retention of jobs. Project must conform to local zoning and/or building codes.

Loans may be used to finance industrial, commercial and multi-family residential development which is conformance with the properties and restrictions established for this program.

A. Industrial Development

1. Job Creation or Retention – It shall be a goal to establish or retain one permanent job for Muskegon residents for each \$15,000 in financing provided by the Fund. Projects involving the hiring of City residents or long-term unemployed will be more favorably considered.
2. Project Location – Preference will be given to industrial projects which promote sound land use planning in one or more of the following ways: (i) location of a new industry in an industrial park; (ii) relocation of an industry to achieve conformance with an official land use plan; (iii) reuse, renovation, or modernization of facilities currently located in areas appropriately zoned.
3. Type of Industry – Priority will be assigned to growth industries with little or no negative impact on the environment.

B. Commercial Development

1. Job Creation or Retention – It shall be a goal to establish or retain one permanent job for Muskegon residents for each \$15,000 in financing provided by the Fund. Projects involving the hiring of City residents or long-term unemployed will be for favorably considered.
2. Project Location – Preference will be given to financing for commercial development projects to be located either in the downtown, or on the lakefront and in conformance with official land use plans. Also, preference will be given to projects involving the renovation or preservation of historic or architecturally significant structures.
3. Type of Business – Priority will be assigned to commercial development which contributes to a diversification of the area economy, with little or no negative impact on the environment.

C. Residential Development

Preference will be given to financing for market rate commercial housing to be located in the downtown. Also preferences will be given to projects involving the renovation or preservation of historic or architecturally significant structures.

II. LOAN POLICIES

- A. Assistance from the Revolving Fund may be made available in the form of loans or loan guarantees, under terms established by the City

Commission with the advice of the Loan Fund Advisory Committee. All loans should be secured by assets having a value equal to or exceeding the loan amount. No loan or loan guarantee shall be extended if funds are otherwise available from private lenders or other federal agencies on terms which will permit the accomplishment of the project.

- B. It is the City's intent that the RLF loan portfolio be well diversified. Accordingly no single loan or series of loans to a single recipient will be allowed which exceeds twenty percent (20%) of the net collectible assets of the Revolving Loan Fund, **with the exception of a significant public – private partnership project (in which case the amount may exceed 20%).**
- C. The applicant shall provide at least twenty percent (20%) equity in the total business or project. It is the intent of this program that loans be made to supplement (but not replace) private financing where such private financing alone is insufficient to make otherwise worthwhile projects feasible. Accordingly, no loan will be made unless private financing equal to at least fifty percent (50%) of the total project cost has been secured (or can be confirmed contingent upon RLF loan approval). No more than thirty percent (30%) of total project costs should be provided by the Revolving Fund for a new business, or forty percent (40%) of total assets for expansion of an existing business. "Total Assets" as used here includes those assets anticipated to be purchased or constructed with proceeds of the requested loan. Interest rates will normally be set at one-half of the prime rate (as quoted in the daily Wall Street Journal) plus two percent (2%). The term of a loan shall not exceed five (5) years, or three-fourths of the estimated economic life of the structure, whichever is less. A loan to a tenant may not extend beyond the unexpired term of the lease, excluding any options to extend the term of the lease that have not been exercised prior to loan approval.
- D. Applicants will be required to submit a business plan, financial statements, including balance sheets, income statements, and supporting statements, for the applicant's three (3) most recent fiscal years. A credit check will be conducted on all applicants and may be used in determining the applicant's credit worthiness. In addition, the City will require submission of projected pro forma balance sheets and income statements, cash flow, and supporting statements of the applicant on a quarterly basis. Applicants may also be required to submit additional information as determined by the City or the Advisory Committee.
- E. Loan conditions will include the following, as determined by the City:
 - 1. Fire, hazard, and normal business insurance on all assets for the term of the loan;
 - 2. Subordination of the applicant's shareholder debt and all debts of shareholders to the loan;
 - 3. Restrictions on salaries and dividends during the term of the loan;

4. Personal guarantees (including spouses and security in other assets);
 5. Such other conditions as the City determines are necessary to assure the safety and soundness of the loan.
 6. Favorable credit check;
 7. Adherence to the City of Muskegon's Affirmative Action policies and goals, including submission of an up-to-date affirmative action plan; and
 8. Current and projected employment profile detailing place of residence, racial and gender characteristics, and employee classifications.
- F. Loans will be approved only on the condition that the applicant not relocate facilities or employment outside of the City of Muskegon during the term of the loan. To the extent possible, loans will be approved only if it can be demonstrated that the collateral exceeds the loan amount.
- G. Principal and interest payments will commence on the date(s) set by the City. The applicant must submit quarterly financial statements in conformance with Generally Accepted Accounting Principles (GAAP).

III. ADDITIONAL LOANS

The RLF is intended to be a one time financing source for business start-ups and expansions. Requests for additional financing from the RLF will only be considered under extraordinary circumstances. Such requests, in addition to meeting all of the aforementioned loan criteria, will be considered only if (a) at least fifty percent (50%) of the original loan balance has been repaid; and (b) all payments required under the original loan repayment schedule were made in a timely fashion.

IV. LOAN FUND ADMINISTRATION

Prior to making any loan commitment from the Revolving Fund, the City will first obtain the advice of the Loan Fund Advisory Committee (LFAC), a committee of five members appointed by the Mayor and Commission approval. Membership on the committee will be as follows:

- A. Two representatives from the City Commission;
- B. One representative from area financial institutions;
- C. One public sector representative; and
- D. The Finance Director or Designee.

V. EXTRAORDINARY CIRCUMSTANCES

- A. It is the intent of the City Commission that all loans conform to the policies and guidelines outlined herein. Accordingly, each loan application submitted to the City Commission for approval must include a summary "scoresheet" indicating whether or not the proposed loan adheres to each of the specific policies and guidelines in this document.
- B. Notwithstanding the above, it is recognized that the assets of the Revolving Loan Fund may be used for projects or purposes not contemplated here or for loans that do not meet all of the policies and guidelines outlined. In such cases, approval by a two-thirds majority of the City Commission will be necessary. Commission approval shall be required for the use of funds for public improvements, purchase of land or equipment by the City, or other public purposes.

91-86e
Economic Development Revolving Loan Fund Policy 1
8-27-91

Adopted June 11, 2002.



Gail A. Kunding
City Clerk

*Needs
2nd Reading*

Date: June 11, 2002
To: Honorable Mayor and City Commission
From: City Clerk Gail Kunding
RE: An Ordinance to Adopt the Michigan Vehicle Code

SUMMARY OF REQUEST: To adopt the Michigan Vehicle Code by reference.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To adopt the ordinance.

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
**RE: Light Fixture & Exit Signs Replacement in the
basement @ City Hall**

SUMMARY OF REQUEST:

Authorization to enter into a \$16,970 contract with Belasco Electric, out of Muskegon, to replace a total of 177 outdated fixtures in the basement of City hall with a T8 lamps & electronic ballast in accordance with the recommendation outlined in the energy analysis report prepared by Tower Pinkster Titus Associates earlier this year. According to the report, the fixture replacement will have a 5.72-years payback and an expected life of 25-years.

FINANCIAL IMPACT:

The cost of \$16,970.

BUDGET ACTION REQUIRED:

None at this time. The cost will come out of the City Hall budget and any necessary revision, if one becomes necessary, will be reflected on a future quarterly update.

STAFF RECOMMENDATION:

To approve a contract with Belasco.

COMMITTEE RECOMMENDATION:

EXECUTIVE SUMMARY

The City of Muskegon agreed to participate in the State of Michigan's School and Local Government Energy Initiative program. An Introductory Energy Evaluation report was performed for the City Hall and eight other buildings, the report for which was published in January of 2001. In August of 2001, the City contracted with Tower Pinkster Titus Associates, Inc. to serve as the energy analyst to prepare the Technical Energy Analysis report which follows.

The building is approximately 30 years old and houses the City of Muskegon's municipal offices and police department. Its two floors and basement comprise an overall occupied area of approximately 60,000 square feet. The building envelope is primarily concrete masonry unit construction with double glazed windows and a low overall glass to wall ratio.

Natural gas and electricity are the two energy commodities which are used for supporting the building's internal functions and maintaining occupant thermal comfort. For the study period which covered the twelve consecutive utility billing months ending with June of 2001, energy consumption statistics were as follows:

Commodity	Annual Usage	Annual Cost	EUI*
Natural Gas	70,168 ccf	\$33,324	120,455
Electricity	1,112,056	\$64,102	63,239
Total		\$97,426	183,694

* Energy Utilization Index in BTU's per square foot

The energy analysis was performed using Elite Software's EZDOE program which is a "front end" for Berkley Laboratories' DOE 2.1. This tool was used to build a theoretical model of the building which emulated its energy performance. A base model having reasonable correlation with actual energy consumption data was subsequently manipulated to emulate the various energy conservation recommendations so as to define their individual and collective impact on future energy use.

Most of the recommendations defined in the report are related to the building's HVAC and lighting systems. A single recommendation is also proposed for the domestic water heating system. The envelope components were found to be performing satisfactorily and no recommendations are made. The entire program, which is recommended for full implementation, is summarized in the following table:

ECM & Page	Description	Cost (\$)	Savings (\$)	Payback (years)	Useful Life
DH-1/11	DDC control point for domestic hot water circulator	500	183	2.73	10
HC-1/12	New hot water boiler/summer shutdown of steam plant	42,600	3,001	14.20	20
HC-2/13	Occupancy-based outdoor air ventilation management	17,520	6,000	2.92	15
HC-3/14	Separate occupied/unoccupied control for reheat zones	9,570	1,488	6.43	15
L-1/15	Storage room occupancy sensors	1,136	1,165	0.98	10
L-2/16	Toilet/Janitor Closet/Conference Room occupancy sensors	852	270	3.16	10
L-3/17	Light fixture and EXIT sign replacement	17,302	3,023	5.72	25
PROGRAM TOTALS		89,480	15,130	5.91	

To: Mohammed Al-Shatel
From: JR Gann
Date: 4-8-02

This is to recommend Belasco Electric of Muskegon to replace our lighting fixtures in the basement of City Hall and Police dept. The energy audit advised us the cost would be \$17,302. And the low bid is from Belasco for the price of \$16,970. We will replace the existing fixtures with electronic ballasts and T-8 tubes.

JR Gann
Bldg. Maint. Supvr.
City of Muskegon

CITY OF MUSKEGON
TELEPHONE BID TABULATION

Date 2-19-02

Requisition _____

	Name of Bidder	Name of Bidder	Name of Bidder
Vendor	Ottawa Elect	Wirtz Elect.	Belasco Elect.
Telephone Number		773-0018	722-3997
Quoted By	Roger	Bill Kampenga	Rick

Quantity	Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	Replace old fixtures in basement		I have called him 3 times		18,891. ⁰⁰		16,970. ⁰⁰
	With T8 Tubes & Electronic Ballasts		in the last month to turn in bid for this project. And he has not responded				
TOTAL BID			\$		\$		\$
Cash Discount Terms							
F.O.B.							
Delivery Time From Receipt of Purchase Order							

**BELASCO
ELECTRIC**
Co., Inc.



(231) 722-3997
FAX 722-1814

1391 Peck St.
Muskegon, MI 49441

COMPLETE ELECTRICAL CONTRACTING

QUOTATION

CITY OF MUSKEGON
933 TERRACE
MUSKEGON, MI 49444

DATE 02-19-02

PAGE 1 OF 1

ATTENTION: R GANN

REFERENCE LIGHTING UPGRADE
FOR CITY HALL,

WE ARE PLEASED TO SUBMIT THE FOLLOWING QUOTATION FOR YOUR CONSIDERATION:

QUANTITY	DESCRIPTION	UNIT PRICE																		
1)	PRICE AS REQUESTED TO REPLACE LIGHT FIXTURES TO TO ENERGY SAVING STYLE. FIXTURE QUANTITY AND STYLE AS FOLLOWS: <table><tr><th>Description</th><th>Quantity</th></tr><tr><td>2L-20T12 vs. 2L-17T8</td><td>14</td></tr><tr><td>2L-40T12 vs. 2L-32T8</td><td>120</td></tr><tr><td>4L-40T12 vs. 4L-32T8</td><td>27</td></tr><tr><td>2L-24U vs. 2L-17T8</td><td>4</td></tr><tr><td>2L-96T12 vs. 2L-96T8</td><td>5</td></tr><tr><td>2L-96HO vs. 2L-96T8HO</td><td>4</td></tr><tr><td>1L-40T12 vs. L-32T8</td><td>1</td></tr><tr><td>Exit Inc. vs. Exit LED</td><td>2</td></tr></table>	Description	Quantity	2L-20T12 vs. 2L-17T8	14	2L-40T12 vs. 2L-32T8	120	4L-40T12 vs. 4L-32T8	27	2L-24U vs. 2L-17T8	4	2L-96T12 vs. 2L-96T8	5	2L-96HO vs. 2L-96T8HO	4	1L-40T12 vs. L-32T8	1	Exit Inc. vs. Exit LED	2	\$16,970.00
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2L-20T12 vs. 2L-17T8	14																			
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1L-40T12 vs. L-32T8	1																			
Exit Inc. vs. Exit LED	2																			
	PRICE INCLUDES: ALL LABOR, MATERIAL, DISPOSAL OF FIXTURES, AND PERMITS.																			
	ANY QUESTIONS PLEASE CALL.																			
	177	\$16,970.00																		
DELIVERY	F.O.B.	TERMS: 95-8 / cash																		

IMPORTANT

PRICES GOOD FOR ACCEPTANCE AND SHIPMENT IN 30
DAYS ONLY, UNLESS SUCH TIME IS EXTENDED IN WRITING.
QUANTITIES SHOWN ABOVE ARE NOT GUARANTEED.

RESPECTFULLY SUBMITTED,

THANKS,

BY

[Signature]

WIRTZ
ELECTRIC & COMMUNICATIONS
1675 S. Sheridan • Muskegon, MI 49442
Industrial and Commercial
Phone (231) 773-0016
Fax (231) 773-1897

March 11, 2002

Proposal No. 2478B

City of Muskegon
Attention: J.R. Gann
933 Terrace Street
Muskegon, MI 49443

Dear Mr. Gann:

Thank-you for the opportunity to submit a quote for the light fixture replacement in the basement area of the City Hall. Work includes the following:

- Disconnection, removal, and off-site disposal of 151 fixtures of various types.
- Replacement of the above fixtures with the following types of fixtures:
 - (24) 2x4 4—lamp troffers
 - (26) 2x4 2—lamp troffers
 - (16) 2x2 2—lamp troffers
 - (23) 1x4 2—lamp surface wrap
 - (4) 1x4 4—lamp surface wrap
 - (9) 1x4 1—lamp surface wrap
 - (16) 4' 2—lamp industrials
 - (4) 8' 2—lamp industrials
 - (23) 8' 2—lamp surface wrap
 - (2) 1x4 2—lamp strip
 - (4) LED exit signs

151
125/each
All new fixtures to have electronic ballasts and T8 lamps.

TOTAL \$18,891.00

This price is based upon fixture replacement only. Should any code violations be encountered in the existing wiring system, those repairs are not included.

Should you have any questions, please call.

Respectfully submitted,

William R. Kampenga
William R. Kampenga
Estimator

All materials are guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner. Any alternative or deviation from the above specifications involving extra cost, will be executed only upon written orders, and will become an extra charge over and above original estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance upon above work. Workman's Compensation and Public Liability Insurance on above work to be taken out by Wirtz Electric and Communications.

THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN 30 DAYS.

CITY OF MUSKEGON

AGREEMENT FOR SERVICES OR CONSTRUCTION
Small and Limited Projects

THIS IS AN AGREEMENT between the CITY OF MUSKEGON ("City"), 933 Terrace Street, Muskegon, Michigan, and Belasco Electric Co., Inc. ("Contractor"), of Muskegon, Michigan, for a small or limited project, and is made in the following terms:

Agreement and Performance

Contractor agrees to perform and supply all the services and materials set forth in the Statement of Work attached to this agreement, ("Performance"). Contractor's performance shall be accomplished in good and workmanlike manner, to the satisfaction of the City. Performance shall be completed on or before 7-31-02.

Price

Contractor will perform as set forth above for the complete contract price of \$ 16,970.00.

Conditions and Covenants

Contractor will comply with all laws, rules and regulations of the City, and any other local government of the State of Michigan and the United States Government. Contractor will supply insurance as required by separate written document, naming the City as an additional insured, if appropriate, and shall carry such additional insurance coverage's as are required by the City. Contractor shall hold the City harmless against any and all claims for damages or costs made against the City arising from Contractor's performance, including all costs of defense, attorneys' fees, expenses and the amount of any damage determined against the City.

Contractor certifies that it is eligible for performance of government work and has not been cited or listed for failure to comply with Wage and Hour or prevailing wage regulations of the State of Michigan or the Federal Government.

Termination and Cancellation

This contract may be terminated for failure to perform in accordance herewith, and Contractor shall be liable for normal contractual remedies available to the City. In the event liquidated damages for nonperformance age agreed to, the following amounts constitute liquidated damages:

\$ N/A per day of nonperformance.

Nondiscrimination Compliance

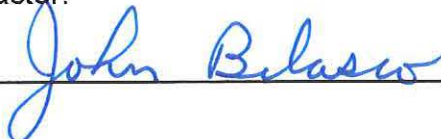
Contractor agrees to comply with all nondiscrimination laws, rules and regulations and policies of the City, State and Federal Governments including, but not limited to, the provisions of Executive Order 11246, Affirmative Action Requirements for Disabled Veterans and Veterans of the Viet Nam Era and for Handicapped Workers. If required by the City and appropriate for the services in this contract, Contractor shall comply with City oversight procedures. The provisions of all said policies, rules,

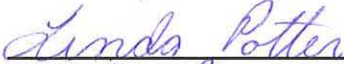
executive orders and laws regarding nondiscrimination and affirmative action are available from the City by contacting the Affirmative Action Director of the City, City Hall, 933 Terrace Street, Muskegon, Michigan, telephone 724-6703. The City may supply a copy with this contract in its discretion.

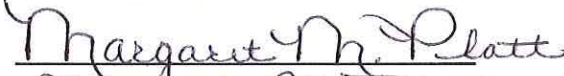
The parties agree to performance of this contract by signing below. The effective date of this agreement is June 17, 2002.

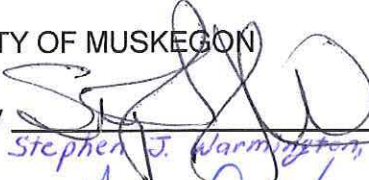
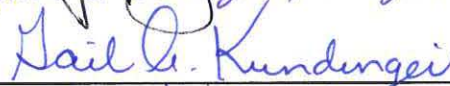
Witnesses:



Contractor:
By 


Linda Potter


Margaret M. Platt

CITY OF MUSKEGON
By 
Stephen J. Warmington, Mayor
and 
Gail A. Kunderger, City Clerk

CITY OF MUSKEGON

Contract Between
City of Muskegon
and
Belasco Electric Co. Inc.

STATEMENT OF WORK

See attached scope of services.

Initials:

Contractor:

R. G.

City:

(staff member)

**BELASCO
ELECTRIC**
Co., Inc.



(231) 722-3997
FAX 722-1814

1391 Peck St.
Muskegon, MI 49441

COMPLETE ELECTRICAL CONTRACTING

QUOTATION

CITY OF MUSKEGON
933 TERRACE
MUSKEGON, MI 49444

DATE 02-19-02

PAGE 1 OF 1

REFERENCE LIGHTING UPGRADE
FOR CITY HALL.

ATTENTION: KR GANN

WE ARE PLEASED TO SUBMIT THE FOLLOWING QUOTATION FOR YOUR CONSIDERATION:

QUANTITY	DESCRIPTION	UNIT PRICE																		
1)	PRICE AS REQUESTED TO REPLACE LIGHT FIXTURES TO TB ENERGY SAVING STYLE. FIXTURE QUANTITY AND STYLE AS FOLLOWS:	\$16,970.00																		
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	ANY QUESTIONS PLEASE CALL.	\$16,970.00																		
	177																			
DELIVERY	F.O.B.	TERMS: 95-8 / each																		

IMPORTANT

PRICES GOOD FOR ACCEPTANCE AND SHIPMENT IN 30
DAYS ONLY, UNLESS SUCH TIME IS EXTENDED IN WRITING.
QUANTITIES SHOWN ABOVE ARE NOT GUARANTEED.

RESPECTFULLY SUBMITTED

THANKS,

BY

[Signature]

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
06/19/2002

PRODUCER (616)454-7153 FAX (616)454-1718
Universal Insurance Services, Inc.
648 Monroe NW - Suite 300
Grand Rapids, MI 49503

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.

INSURERS AFFORDING COVERAGE

INSURED Belasco Electric, Inc.
1391 Peck St.
Muskegon, MI 49441-2123

INSURER A: Hastings Mutual Insurance Co.
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.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	CPP9369531	05/01/2002	05/01/2003	EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$ 100,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 2,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC				
A	AUTOMOBILE LIABILITY	ACV9369525	05/01/2002	05/01/2003	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO				BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	☒ HIRED AUTOS				
	☒ NON-OWNED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
A	EXCESS LIABILITY	ULC9369523	05/01/2002	05/01/2003	EACH OCCURRENCE \$ 2,000,000
	☒ OCCUR ☐ CLAIMS MADE				AGGREGATE \$
	☐ DEDUCTIBLE				2000000 \$ 2,000,000
	☐ RETENTION \$				\$
					\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC9369532	05/01/2002	05/01/2003	WC STATU-TORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$ 500,000
					E.L. DISEASE - EA EMPLOYEE \$ 500,000
					E.L. DISEASE - POLICY LIMIT \$ 500,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
City of Muskegon is added as Additional Insured.

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

City of Muskegon
Attn: J R Gann
933 Terrace Street
P O Box 536
Muskegon, MI 49443-0536

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 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

Walter Wendell

Walter Wendell

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Shoreline Dr. East Rail Purchase

SUMMARY OF REQUEST:

Authorize the sole source purchase of 7,542.9 feet of rails necessary to construct the new railroad as part of the proposed Shoreline Dr. East for a total cost of \$72,439.44 in accordance with the City/CSX agreement which was executed back in 1999. The rails will be sold to the successful contractor.

FINANCIAL IMPACT:

The cost of purchasing the rails of \$72,439.44.

BUDGET ACTION REQUIRED:

None at this time. The cost is expected to be a part of the anticipated grant from MDOT.

STAFF RECOMMENDATION:

Approve the purchase of the rail and authorize staff to issue a purchase order to buy the rails.

COMMITTEE RECOMMENDATION:

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: TEDF Category F-Grant Applications

SUMMARY OF REQUEST:

Your permission to submit TEDF Category F Grant application for the Milling & Resurfacing of **Sherman Blvd. from Lincoln to Beach Street**. Estimated cost is \$300,000.

FINANCIAL IMPACT:

A 20% match plus engineering cost which are estimated at \$100,000 if the project is approved.

BUDGET ACTION REQUIRED:

None at this time. However, should the project get approval, we would have to include it in the 2003 Capital Improvement Budget.

STAFF RECOMMENDATION:

Approve the submittal of the grant application.

COMMITTEE RECOMMENDATION:

Resolution No.
2002-72(a)
MUSKEGON CITY COMMISSION

RESOLUTION APPROVING APPLICATION TO THE STATE OF MICHIGAN
TRANSPORTATION AND ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, the Michigan Department of Transportation has made available grant funding for the roadway project deemed necessary to advance economic development projects; and

WHEREAS, the City of Muskegon desires to continue the improvements of its major street system; and

WHEREAS, preliminary cost estimates associated with each project have been identified,

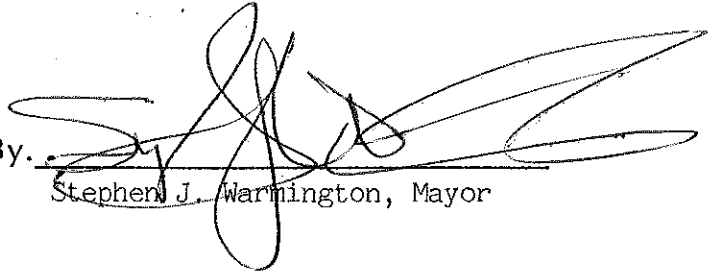
NOW, THEREFORE, BE IT RESOLVED, that Staff is authorized to submit application to the Michigan Department of Transportation - Transportation and Economic Development Corporation in various amounts to be matched with local resources.

Resolved this 11th day of June, 2002.

Ayes: Larson, Schweifler, Spataro, Warmington, Buie, Gawron

Nays: None

Abstentions: Shepherd (absent)

By. 

Stephen J. Warmington, Mayor

RC/g

CERTIFICATION
2002-72(a)

This resolution was adopted at a regular meeting of the City Commission, held on June 11, 2002. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

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

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Black Creek Road Project

SUMMARY OF REQUEST:

Direction as to whether or not a special assessment should be created to mill and resurface Black Creek Rd. between Sherman & Latimer. As instructed, the engineering department mailed letters to all business owners abutting Black Creek Rd. between Sherman & Latimer to gauge their interest in paving the aforementioned section of Black Creek Rd. in light of the recent commission action to limit the assessable amount to 45% of the total cost of improvements.

A report on the response from businesses will be provided during the meeting.

FINANCIAL IMPACT:

None at this time.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Authorize staff to proceed with preparation for a public hearing to create a special assessment district.

COMMITTEE RECOMMENDATION:

** Larson wants/asks again,
that verbiage on cards
letter - say - IF YOU
DO NOT RESPOND IT
MEANS YES "*

Affirmative Action
616/724-6703
FAX/724-1214

Assessor
616/724-6708
FAX/724-4178

Cemetery
616/724-6783
FAX/724-5617

Civil Service
616/724-6716
FAX/724-4055

Clerk
616/724-6705
FAX/724-4178

Comm. & Neigh.
Services
616/724-6717
FAX/726-2501

Engineering
616/724-6707
FAX/727-6904

Finance
616/724-6713
FAX/724-6768

Fire Dept.
616/724-6792
FAX/724-6985

Income Tax
616/724-6770
FAX/724-6768

Info. Systems
616/724-6706
FAX/722-4301

Leisure Service
616/724-6704
FAX/724-1196

Manager's Office
616/724-6724
FAX/722-1214

Mayor's Office
616/724-6701
FAX/722-1214

Neigh. & Const.
Services
616/724-6715
FAX/726-2501

Planning/Zoning
616/724-6702
FAX/724-6790

Police Dept.
616/724-6750
FAX/722-5140

Public Works
616/724-4100
FAX/722-4188

Treasurer
616/724-6720
FAX/724-6768

Water Billing Dept.
616/724-6718
FAX/724-6768

Water Filtration
616/724-4106
FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

May 30, 2002

RE: Black Creek Road, Sherman to Latimer

Dear Property Owner:

Recently, the City of Muskegon's Commission Board took action to amend the special assessment policy to limit the total assessment on any street improvement project to no more than 45% of actual cost associated with street pavement.

During that meeting and as a result of the aforementioned action, the engineering department was instructed to contact the property owners along Black Creek Road between Sherman & Latimer to seek their view on revisiting the previously proposed construction on Black Creek Road in light of the above mentioned changes.

To aid you in the evaluation process I submit the following figures;

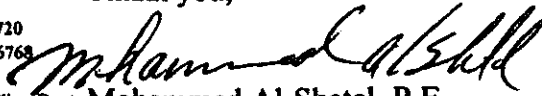
1. The total estimated cost of the project is \$140,000 (bid price of \$118,000 plus 20% engineering).
2. Assessable amount according to the amendment is \$63,000 (45% of \$140,000)
3. The total assessable footage along the proposed project is 4566'
4. Therefore, the per foot assessment is revised from \$17.70 to \$13.80

The Engineering Department intends to submit this issue to the City Commission on the 11th of June 2002, as to whether or not a special assessment district should be created and to proceed with the originally proposed improvements. We very much appreciate you taking the time to review this information and indicate on the attached response card your feeling (in favor or against) by signing in either area.

In order for your vote to be considered, please return your response to the Engineering Department no later than June 11th, 2002. Your response can be faxed to (231) 727-6904.

If you have any questions and/or comments, call (231) 724-6707.

Thank you,


Mohammed Al-Shatel, P.E.
City Engineer

S:\ENGINEERING\COMMON\2002 MASTER FILE\PROJECTS\black creek road-H1536\Commission Amendment.doc

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

BLACK CREEK 2ND REQUEST

<i>STREET</i>	<i>OWNERS_NAME</i>	<i>OWNERS_ADDRESS</i>	<i>OWNERS_CITY</i>	<i>OWNERS_STATE</i>
BLACK CREEK RD	SOUTH SHORE PROPERTIES ✓	2300 BLACK CREEK	MUSKEGON	MI
BLACK CREEK RD	CITY OF MUSKEGON ✓	933 TERRACE ST	MUSKEGON	MI
BLACK CREEK RD	BJE L L C ✓	1985 E LAKETON AVE	MUSKEGON	MI
BLACK CREEK RD	CITY OF MUSKEGON ✓	933 TERRACE ST	MUSKEGON	MI
BLACK CREEK RD	WESTSHORE ENG & SURVEY ✓	2534 BLACK CREEK ROAD	MUSKEGON	MI
BLACK CREEK RD	MUNN PROPERTIES LLC ✓	1489 US31 NORTH	TRAVERSE CITY	MI
BLACK CREEK RD	R S B PROPERTY L L C ✓	2265 BLACK CREEK RD.	MUSKEGON	MI
BLACK CREEK RD	SIGN CRAFTERS ✓	2325 BLACK CREEK	MUSKEGON	MI
BLACK CREEK RD	CITY OF MUSKEGON ✓	933 TERRACE ST	MUSKEGON	MI
BLACK CREEK RD	TRACE ENVIRONMENTAL SER ✓	2241 BLACK CREEK	MUSKEGON	MI
BLACK CREEK RD	CONSUMERS ENERGY ✓	4000 CLAY AVE SW	GRAND RAPIDS	MI
LATIMER DR	BEKAERT STEEL WIRE CORP ✓	2121 LATIMER DR	MUSKEGON	MI
OLTHOFF ST	REID TOOL SUPPLY CO ✓	2265 BLACK CREEK RD	MUSKEGON	MI
OLTHOFF ST	STATE OF MICHIGAN ✓	PO BOX 30050	LANSING	MI

RESPONSE CARD

Black Creek Road, Sherman to Latimer YOUR VOTE COUNTS!

Please vote in either favor of or opposed to the Special Assessment Street Paving Project

I AM IN FAVOR

☐

I AM OPPOSED

☐

Owner	_____	CoOwner/Spouse	_____
Address	_____	Address	_____
Signature	_____	Signature	_____

THANK YOU FOR TAKING TIME TO VOTE ON THIS IMPORTANT ISSUE

Mail to: City of Muskegon 933 Terrace St. Muskegon, MI 49442
OR
Fax To: (231) 727-6904

H-1536 BLACK CREEK, SHERMAN TO LATIMER

2ND PROPERTY OWNER SPECIAL ASSESSMENT RESPONSE TABULATION

	FEET	PERCENTAGE	FOR				TOTAL NUMBER OF PARCELS - 14					FEET
			LETTER#	ST#	ST NAME	PARCEL#	FEET	LETTER#	ST#	ST NAME	PARCEL#	
TOTAL ASSESSABLE FRONT FOOTAGE	4566.750 ***											
FRONT FEET OPPOSED	1832.63	40.13%							2451	BLACK CREEK	24-695-000-0056-00	309.33
									2350	BLACK CREEK	24-134-400-0006-00	285.00
									2300	BLACK CREEK	24-134-400-0003-00	658.30
									2325	BLACK CREEK	24-134-400-0002-10	300.00
									2534	BLACK CREEK	24-695-000-0055-00	280.00
RESPONDING FRONT FEET IN FAVOR	0.000	0.00%										
NOT RESPONDING - FRONT FEET IN FAVOR	2734.120	59.87%										
TOTAL FRONT FEET IN FAVOR	2734.120	59.87%										
TOTALS							0.00					1832.63

TABULATED AS OF: ##### 04:36 PM

(See June 11th)

RESPONSE CARD

Black Creek Road, Sherman to Latimer YOUR VOTE COUNTS!

Please vote in either favor of or opposed to the Special Assessment Street Paving Project

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Munn Properties

CoOwner/Spouse Robert Munn

Address 1489 U.S. 31. North

Address same

Signature Traverse City, Mich 49686

Signature Robert J. Munn

THANK YOU FOR TAKING TIME TO VOTE ON THIS IMPORTANT ISSUE

Mail to: City of Muskegon 933 Terrace St. Muskegon, MI 49442

OR

Fax To: (231) 727-6904

RESPONSE CARD**Black Creek Road, Sherman to Latimer
YOUR VOTE COUNTS!**

Please vote in either favor of or opposed to the Special Assessment Street Paving Project

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner

BRUCE J. ESSEX

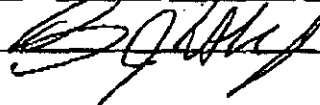
CoOwner/Spouse

Address

2350 BLACK CREEK RD

Address

Signature



Signature

THANK YOU FOR TAKING TIME TO VOTE ON THIS IMPORTANT ISSUE**Mail to: City of Muskegon 933 Terrace St. Muskegon, MI 49442****OR****Fax To: (231) 727-6904**

RESPONSE CARD

Black Creek Road, Sherman to Latimer YOUR VOTE COUNTS!

Please vote in either favor of or opposed to the Special Assessment Street Paving Project

I AM IN FAVOR

☐

I AM OPPOSED

☒

HARBOR FRONT INTERIORS

Owner JAMES A. DUNCAN

CoOwner/Spouse _____

Address 2300 BLACK CREEK

Address _____

Signature James A. Duncan

Signature _____

THANK YOU FOR TAKING TIME TO VOTE ON THIS IMPORTANT ISSUE

Mail to: City of Muskegon 933 Terrace St. Muskegon, MI 49442

OR

Fax To: (231) 727-6904

RESPONSE CARD

Black Creek Road, Sherman to Latimer YOUR VOTE COUNTS!

Please vote in either favor of or opposed to the Special Assessment Street Paving Project

I AM IN FAVOR

☐

I AM OPPOSED

☒

Owner Signcrafters Inc CoOwner/Spouse _____
Address 2325 Black Creek Address _____
Signature Stephen M. Carlson Signature _____

THANK YOU FOR TAKING TIME TO VOTE ON THIS IMPORTANT ISSUE

Mail to: City of Muskegon 933 Terrace St. Muskegon, MI 49442
OR
Fax To: (231) 727-6904



Westshore Consulting
2534 Black Creek Road • Muskegon, MI 49444
Ph: (231) 777-3447 • Fx: (231) 773-3453
Email: Westshore1@aol.com

MEMORANDUM

To: Engineering Department, City of Muskegon **Date:** June 11, 2002
From: Dennis W. Durlap, CEO *Dennis W. Durlap* **File No.** NA
Re: Assessment For Work on Black Creek Road

Westshore Consulting believes work proposed on Black Creek Road should be paid for from the LDFA II fund. It appears this fund has a significant balance, and the use of these dollars would seem appropriate. If these funds are not available, Westshore votes **no** on a Special Assessment.

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-134-400-0003-10	PLANNING DEPT C/O CITY OF M 933 TERRACE ST @ 2330 BLACK CREEK MUSKEGON MI 49443	ASSESSABLE FEET: 0 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$0.00
24-134-400-0006-00	BJE L L C 1985 E LAKETON AVE @ 2350 BLACK CREEK MUSKEGON MI 49442-000	ASSESSABLE FEET: 285 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$5,130.00
24-693-000-0036-00	BEKAERT STEEL WIRE CORP 2121 LATIMER DR @ 2121 LATIMER DR MUSKEGON MI 49442	ASSESSABLE FEET: 598.45 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$10,772.10
24-694-000-0038-00	R S B PROPERTY L L C 2265 BLACK CREEK RD. @ 2265 BLACK CREEK MUSKEGON MI 49444	ASSESSABLE FEET: 1045.56 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$18,820.08
24-694-000-0039-00	REID TOOL SUPPLY CO 2265 BLACK CREEK RD @ 2246 OLTHOFF ST MUSKEGON MI 49444	ASSESSABLE FEET: 366 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$6,588.00
24-694-000-0053-00	STATE OF MICHIGAN PO BOX 30050 @ 2225 OLTHOFF ST LANSING MI 48909	ASSESSABLE FEET: 0 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$0.00
24-695-000-0055-00	WESTSHORE ENG & SURVEY 2534 BLACK CREEK ROAD @ 2534 BLACK CREEK MUSKEGON MI 49442-000	ASSESSABLE FEET: 280 COST PER FOOT: \$18.00 <u>ESTIMATED P.O. COST:</u> \$5,040.00

SPECIAL ASSESSMENT

HEARING DATE JANUARY 22nd,2002 H-1536

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-134-400-0001-00	CONSUMERS ENERGY	ASSESSABLE FEET:	142.23
	4000 CLAY AVE SW	COST PER FOOT:	\$18.00
@ 2200	BLACK CREEK GRAND RAPIDS MI 49501-020	ESTIMATED P.O. COST:	\$2,560.14
24-134-400-0002-00	PLANNING DEPT C/O CITY OF M	ASSESSABLE FEET:	61.2
	933 TERRACE ST	COST PER FOOT:	\$18.00
@ 2285	BLACK CREEK MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$1,101.60
24-134-400-0002-10	SIGN CRAFTERS	ASSESSABLE FEET:	300
	2325 BLACK CREEK	COST PER FOOT:	\$18.00
@ 2325	BLACK CREEK MUSKEGON MI 49442-000	ESTIMATED P.O. COST:	\$5,400.00
24-134-400-0002-20	TRACE ENVIRONMENTAL SER	ASSESSABLE FEET:	396.33
	2241 BLACK CREEK	COST PER FOOT:	\$18.00
@ 2241	BLACK CREEK MUSKEGON MI 49442-000	ESTIMATED P.O. COST:	\$7,133.94
24-134-400-0002-30	PLANNING DEPT C/O CITY OF M	ASSESSABLE FEET:	124.35
	933 TERRACE ST	COST PER FOOT:	\$18.00
@ 2400	BLACK CREEK MUSKEGON MI 49443	ESTIMATED P.O. COST:	\$2,238.30
24-134-400-0003-00	SOUTH SHORE PROPERTIES	ASSESSABLE FEET:	658.3
	2300 BLACK CREEK	COST PER FOOT:	\$18.00
@ 2300	BLACK CREEK MUSKEGON MI 49444-000	ESTIMATED P.O. COST:	\$11,849.40

HEARING DATE JANUARY 22nd,2002 H-1536

Milling & Resurfacing-Black Creek, Sherman N to Latimer

24-695-000-0056-00	MUNN PROPERTIES LLC	ASSESSABLE FEET:	309.33
	1489 US31 NORTH	COST PER FOOT:	\$18.00
@ 2541	BLACK CREEK TRAVERSE CITY MI 49686	<u>ESTIMATED P.O. COST:</u>	<u>\$5,567.94</u>

SUM OF ASSESSABLE FOOTAGE:	<u>4566.75</u>	<u>SUM OF ESTIMATED P.O. COST:</u>	<u>\$82,201.50</u>
----------------------------	----------------	------------------------------------	--------------------

TOTAL NUMBER OF ASSESSABLE PARCELS 14

PARCEL WITH \$0.00 TOTAL ARE EXEMPT

Commission Meeting Date: June 11, 2002

Date: May 29, 2002
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *cbc*
RE: Request for Proposals for Buildable Large Vacant Parcel at the Northeast corner of Marquette and Getty

SUMMARY OF REQUEST:

To approve the advertising of a Request for Proposals (RFP) for a large parcel of land on the Northeast corner of Marquette and Getty described as:

LOT 655 AND 658, AND THE SOUTH 60' OF LOT 659 (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF LOT 659) MUSKEGON URGAN RENEWAL PLAT NO. 4, AS RECORDED ON LIBER 19, PAGES 19-22, MUSKEGON COUNTY RECORDS

FINANCIAL IMPACT:

The sale of this large parcel for a housing development will generate additional tax revenue for the City and will place the property back on the City's tax rolls thus relieving the City of continued maintenance costs.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

To approve the attached resolution and to authorize both the Mayor and the Clerk to sign said resolution.

COMMITTEE RECOMMENDATION:

The Land Reutilization Committee (LRC) recommended advertising of a Request for Proposals for this large parcel of land at their May 28, 2002 meeting.

Resolution No. _____

MUSKEGON CITY COMMISSION

RESOLUTION APPROVING THE ADVERTISEMENT OF A REQUEST FOR PROPOSALS (RFP) FOR A BUILDABLE LARGE VACANT PARCEL AT THE NORTHEAST CORNER OF MARQUETTE AND GETTY.

WHEREAS, the City-owned the buildable parcel located on the Northeast corner of Marquette and Getty is a potential development site for residential development; and

WHEREAS, City policy regarding the sale of large blocks of land states that it is the "preference of the City that these lots be sold as a single parcel to individuals with the means to develop the land for multiple single-family units or multi-family units..."; and

WHEREAS, the sale of this parcel would generate additional tax revenue for the City and relieve the City of further maintenance costs;

WHEREAS, the Land Reutilization Committee recommends to the Muskegon City Commission advertisement of a Request for Proposals for development of this parcel; and

WHEREAS, the Request for Proposals is consistent with City policy regarding the disposition of large blocks of City-owned land; and

NOW THEREFORE BE IT RESOLVED, that and Request for Proposals be advertised for the following property:

LOT 655 AND 658, AND THE SOUTH 60' OF LOT 659 (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF LOT 659) MUSKEGON URGAN RENEWAL PLAT NO. 4, AS RECORDED ON LIBER 19, PAGES 19-22, MUSKEGON COUNTY RECORDS

Adopted this _____ day of June, 2002.

Ayes:

Nays:

Absent

By: _____
Stephen J. Wamington, Mayor

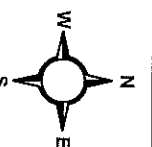
Attest: _____
Gail Kunding, Clerk

CERTIFICATION

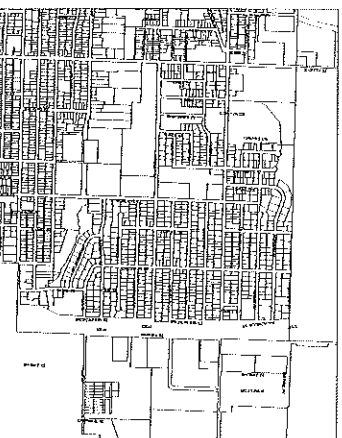
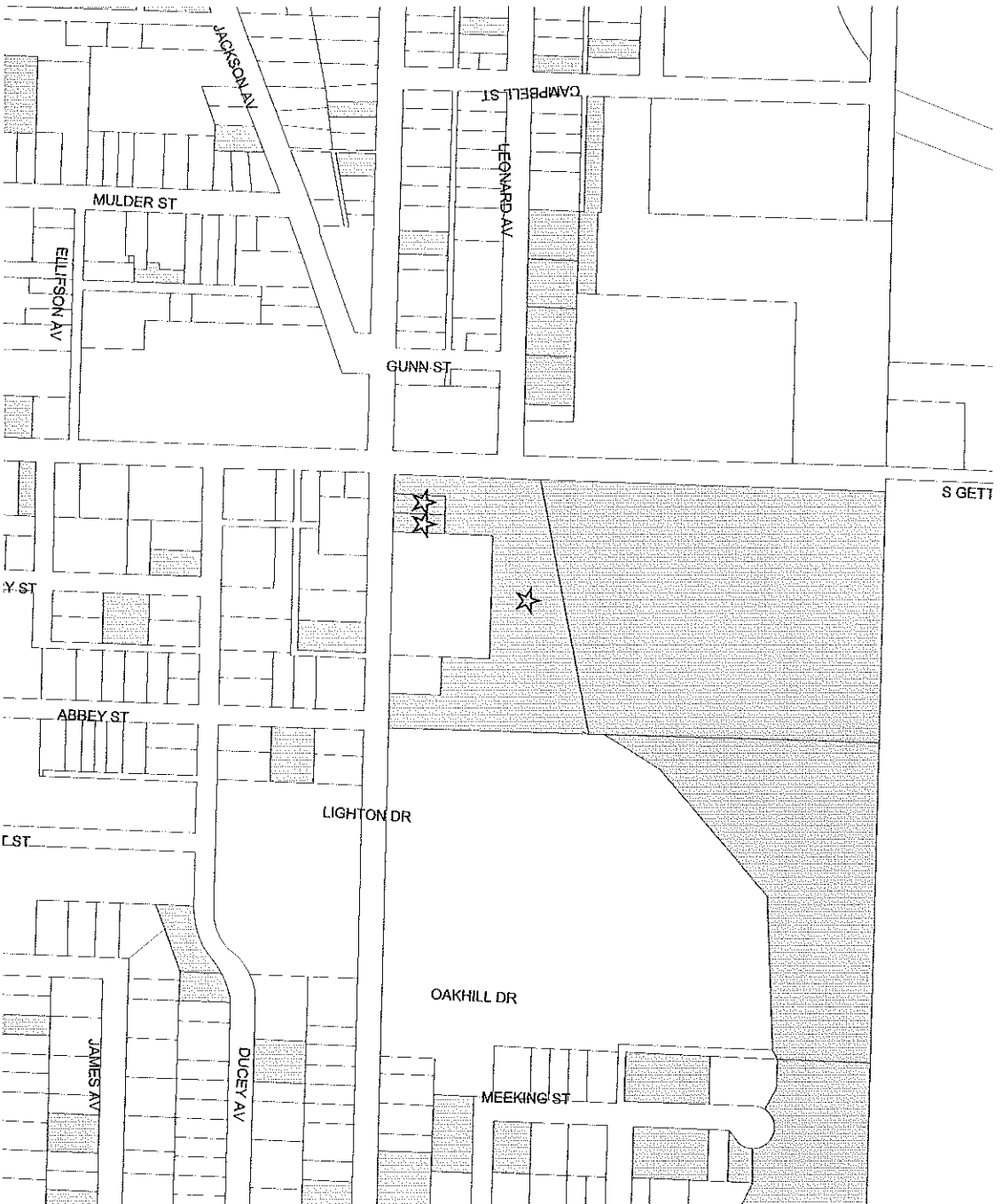
I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, Michigan at a regular meeting held on June 11, 2002.

By: _____
Gail Kunding, Clerk

Property recommended for Request for Proposals



☆ = Subject Property(ies)



AGENDA ITEM

CITY COMMISSION MEETING June 11, 2002

TO: MAYOR AND CITY COMMISSIONERS

FROM: Bryon L. Mazade, City Manager

DATE: June 4, 2002

RE: Fisherman's Landing Relocation

SUMMARY OF REQUEST

To authorize an additional 90 days for staff to negotiate a development agreement with Great Lakes Dock & Materials to relocate Fisherman's Landing. The original 90 days has expired and while significant progress has been made on this project, additional time is necessary to complete this transaction.

FINANCIAL IMPACT

None

BUDGET ACTION REQUIRED

None

STAFF RECOMMENDATION

To approve the request.

COMMITTEE RECOMMENDATION

None

designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions. The conditions are included in the Amendment Agreement, and include an extension of three years, at the inclusion of which a new building will be constructed on the site. Conditions include the requirement that a paved, landscaped parking lot will be constructed on the site in the interim. If the parking lot is not constructed, in accordance with requirements of the Engineering and Planning Departments, by May 31, 2002, the original staff recommendation of January 8, 2002 will be in effect.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Amendment Agreement and authorize the Mayor and Clerk to sign.

Motion by Commissioner Schweifler, second by Commissioner Larson to approve the written request from Holiday Inn Muskegon Harbor/Muskegon Hospitality Inc. to extend the construction time period designated in the Purchase Agreement between Muskegon Hospitality, Inc. and the City of Muskegon for the former Lakos property, with conditions.

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

Nays: None

MOTION PASSED

b. Fisherman's Landing RFP. LEISURE SERVICES

SUMMARY OF REQUEST: To direct staff as to which proposal, if either, to pursue for the use of Fisherman's Landing.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: See attached

COMMITTEE RECOMMENDATION: The Leisure Services Board recommended that to delay action for 30 days to allow both parties to work out an agreement, but to work with Great Lakes to determine what an equal swap may be during that time.

The public hearing opened at 6:13 p.m. to hear and consider any comments from the public. Public comments were heard from Chris Kelly (6:18), Mr. Burns (6:27), Dave Wendtland (6:44), Wayne Grossbeck (6:56), Skeeter Warner (7:01) (Charlevoix survey passed out), Debra Hawkins (7:01), Don Zutter (7:31), Jack Harrington (7:35), Greg Wagner (7:37), Thomas Hamilton (7:39), William Barefoot (7:43), and Joan Benedict (7:47). A recess was given at 7:19 and reconvened at 7:31.

Motion by Commissioner Spataro, second by Commissioner Schweifler to adopt in principal the proposal submitted by Great Lakes to relocate Fisherman's Landing and to present a Development Agreement to the Commission in 90 days.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 00-63 Address: 1916 Leahy.

*Removed
from Agenda
Staff request*

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1916 Leahy is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #00-63, 1916 Leahy, Muskegon, MI

Location and ownership: This structure is a church (Revival Temple) located on Leahy in the Marsh Neighborhood between E. Holbrook and Keating Avenue.

Staff Correspondence: A dangerous building inspection was conducted on 7/11/00, a notice and order to repair was issued 8/18/00. The case was brought before the HBA in January 2002. The case was tabled for 30 days because Rev. Duncan called the Inspection Department and spoke with Bob Grabinski, stating that repairs were finished and he would call for a final inspection. A final inspection was scheduled, but the Rev. failed to appear for it. The building inspector said repairs are started, but not finished. The case was brought before the HBA again in March 2002 and no one from the church appeared. The case was declared substandard, a public nuisance, and dangerous building on that date. There has been no contact from the church since scheduling the inspection.

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

Financial Impact: General Fund

Budget action required: None

State Equalized value: NA- church

Estimated cost to repair: \$3,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



1916 Leahy

JIROCH ST

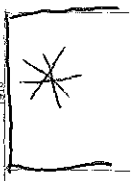
1985 1975 1967 1961 1953 1945 1937 1933 1925 1915 1907

0 1988 1976 1968 1960 1954 1946 1938 1932 1924 1916 1908

121

0 1985 1975 1967 1961 1953 1945 1937 1933 1925 1915 1907

0 0 1982 1972 1968 1960 1954 1946 1938 1930 1922 1912 1904



Keating

Leahy

Holbrook

REYNOLDS ST

0 1985 1975 1967 1961 1953 1945 1937 1933 1925 1915 1907

0 1988 1976 1968 1960 1954 1946 1938 1932 1924 1916 1908

HOWDEN ST

1979 0 1982 1972 1968 1960 1954 1946 1938 1930 1922 1912 1904

0 1985 1975 1967 1961 1953 1945 1937 1933 1925 1915 1907

0 1988 1976 1968 1960 1954 1946 1938 1932 1924 1916 1908

Laketon

TERK

For The Inspection Dept.
City of Muskegon

411523

FROM CITY ASSESSOR'S RECORDS

OWNER Revival Temple Church

PROPERTY 1916 Leahy

PLATE # 11313

DESCRIPTION Plat A Muskegon Hts 22 & 23 & 24 Blk 26

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 1987

PAGE: 367

DATE OF DEED: April 25, 1997

GRANTOR: Metropolitan Baptist Church, a Michigan Non-Profit Corporation

GRANTEE: Revival Temple Apostolic Faith Church, an Ecclesiastical Corporation

LIENS OR MORTGAGES: 1987-371 Mortgage

DATE: June 27, 2000 at 8:00 AM

ABSTRACTED BY: Diane McKrell
TRANSNATION TITLE INSURANCE COMPANY

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

TRANSNATION TITLE INSURANCE COMPANY

TAX REPORT
Affecting land in Muskegon County, Michigan
described as follows:

Lots 22, 23 and 24, Block 26, Plat A Muskegon Heights of the Revised Plat (of 1903) of the City of Muskegon, as recorded in Liber 3 of Plats, Page 71, Muskegon County Records.

Permanent Property No. 61-24-675-026-0022-00

An examination of the records for the period of fifteen years prior to the date hereof shows no Taxes or Special Improvement Assessments unpaid, sold, subject to redemption or deeded, except as specified below. This report includes information obtained from the records in the office of the Treasurers of Muskegon County and of the City of Muskegon after said information has been received by the Treasurer in the form of an assessment roll. This report also includes, but without any representation by Transnation Title Insurance Company as to the accuracy thereof, information obtained from Village and Township Treasurers, and from Treasurers of Cities other than the City of Muskegon, Inheritance or Estate Taxes and Federal Tax Liens, if any, are not included in this report.

Taxes are exempt, however, assessment and delinquent usage has been added to tax bill.

CITY OR VILLAGE TAXES

None.

STATE AND COUNTY TAXES

1997 Sidewalk Assessment tax due in the amount of \$506.00, if paid by July 31, 2000, plus penalties and interest, if any.

1998 Sidewalk Assessment tax due in the amount of \$337.89 and

Delinquent water/sewer usage due in the amount of \$685.21, if paid by July 31, 2000, plus penalties and interest.

1999 Sidewalk Assessment tax due in the amount of \$355.14, if paid by July 31, 2000, plus penalties and interest.

Current status of sidewalk assessment: Payoff \$1,496.37, if paid by July 31, 2000.

Current status of Delinquent water/sewer usage due in the amount of \$1,722.37.

MEMBER OF MICHIGAN LAND TITLE ASSOCIATION AND AMERICAN LAND TITLE ASSOCIATION

Form No. M867.6
(Previous No. T814)

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

1916 Leahy
(Address of Property)

TO: All owners and interested parties:

Revival Temple Church, 1916 Leahy, Muskegon, MI 49442
(Name of Owner)

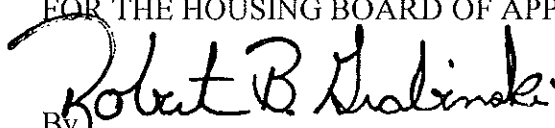
Rev. James Duncan Jr, 309 E. Hackley, Muskegon, MI 49444
(Other interested parties)

On March 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **June 11, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By


Robert B. Grabinski, Director of Inspections

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

Date: March 12, 2002

To: Revival Temple Church, 1916 Leahy, Muskegon, MI 49442
Owners Name & Address

Rev. James Duncan Jr. 309 E. Hackley, Muskegon, MI 49444
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, March 7, 2002 does hereby order that the following structure(s) located at 1916 Leahy, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

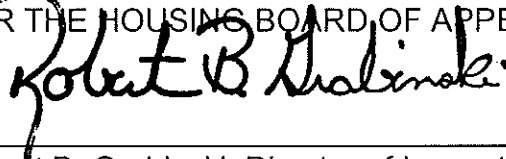
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: February 26, 2002

Address of the Property: 1916 Leahy, Muskegon MI

Description of the Structure: Plat A Musk. Heights Lots 22, 23, & 24 Blk 26

TO: Revival Temple Church, 1916 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Rev. James Duncan Jr. 309 E. Hackley, Muskegon, MI 49444
Names & Addresses of Other Interested Parties]

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

The reason for this hearing is that you have not complied with the Notice and Order issued 8/18/00.

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

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

By

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

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
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Manager's Office
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231/724-6715
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Planning/Zoning
231/724-6702
FAX/724-6790

Police Dept.
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Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 8, 2002

Revival Temple Church
1916 Leahy
Muskegon, MI 49442

Rev. James Duncan Jr.
309 E. Hackley
Muskegon, MI 49444

Re: 1916 Leahy

Dear Rev. Duncan:

On January 3, 2002 the Housing Board of Appeals heard your case on the above structure.

The board's determination on this case was to table this until the February meeting to allow you to call for final inspections on the repairs. Upon final inspections being approved, this building will be removed from the dangerous building list.

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

Sincerely,

Robert B. Grabinski
Director of Inspections
RBG/lg

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
HBA Out.	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Postmark Here	
Recipient's Name (Please Print Clearly) (To be completed by mailer)	
Rev. Temple Church	
Street, Apt. No.; or PO Box No.	
City, State, ZIP+ 4	
PS Form 3800, February 2000	
See Reverse for Instructions	

Start

Permit Details

Street Address:	1916 LEAHY ST
Prop No:	24-675-026-0022-00
Owners Name:	REVIVAL TEMPLE CHURCH
Owners Address:	1916 LEAHY ST MUSKEGON MI 49442
Permit Number:	EL-00-0612
Permit Type:	OTHER
Company Name:	FOSTER ELECTRIC
Contractor:	Yes
Owner:	n/a
Value:	n/a
Residential:	Yes
Commercial:	No
Industrial:	No
Description:	INSTALL CIRCUIT FOR SIGN
Category:	SIGN
Spec Cond:	n/a
Permit Date:	12/05/2000
Issued Date:	12/06/2000
Permit Fee:	\$0.00

12/26/2001

City of Muskegon

[Start](#)

Building Permit Application

[Edit](#)

Street Address:	1916 LEAHY ST
Property Number:	24-675-026-0022-00
Owners Name:	REVIVAL TEMPLE CHURCH
Owners Address:	1916 LEAHY ST MUSKEGON MI 49442
Permit No:	BD-01-6006
Requested by:	Owner
Contractor:	N/A
Architect:	N/A
Category:	BUILDING
Permit Type:	ROOFING
Type of Building:	P
Description:	REPLACE 9 SHINGLES IN CORNER OF ROOF
Dates:	App Date: 09/06/2000 Issue Date: 09/10/2001
Value:	\$100.00
Item	Quantity
Building Permit Fee	23.5

This application has been approved

Approved: Yes ☒ No ☐By: Henry Faltinowski Note:

Date: 09/15/2001

EDIT PERMIT

 Choose name PIN: [Edit](#)

12/26/2001

City of Muskegon

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

NOTICE OF HEARING

Date: December 21, 2001

Address of the Property: 1916 Leahy, Muskegon MI

Description of the Structure: Plat A Musk. Heights Lots 22, 23 & 24 Blk 26

TO: Revival Temple Church, 1916 Leahy, Muskegon, MI 49442
[Name & Address of Owner]

Rev. James Duncan Jr., 309 E. Hackley, Muskegon, MI 49444
Names & Addresses of Other Interested Parties]

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

The reason for this hearing is to review your progress on the stated property as required in the finding of facts order issued 10/16/00.

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

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

By _____

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

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
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FAX/724-6768

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

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FAX/724-6768

Info. Systems
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FAX/722-4301

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231/724-6704
FAX/724-1196

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

Mayor's Office
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FAX/722-1214

Inspection Services
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FAX/726-2501

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

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

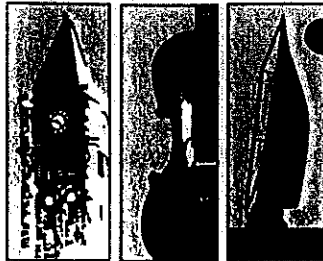
Public Works
231/724-4100
FAX/722-4188

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

FILE COPY

October 16, 2000

Revival Temple Church
1916 Leahy
Muskegon MI 49442

Rev. James Duncan Jr.
309 E Hackley
Muskegon MI 49444

Re: Dangerous Building Case # 00-63 – 1916 Leahy, Muskegon MI

MUSKEGON HOUSING BOARD OF APPEALS

FINDING OF FACTS AND ORDER

The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on October 5, 2000. The Inspection Services Department of the City of Muskegon, having inspected the building structure, located upon the property described as Plat A Muskegon Heights Lots 22 & 23 & 24, BLK 26, also known as, 1916 Leahy, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board has ordered for a work schedule to be submitted to the Inspections Department and an inspection is to be done by the Building Inspector.

Please contact the Inspection Services Dept. at (231) 724-6715 with any questions or concerns.

Sincerely,

Robert B. Grabinski
Fire Marshal/Inspection Services Dept.

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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231/724-6718
FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

CITY OF MUSKEGON

**NOTICE OF HEARING ON
DANGEROUS AND UNSAFE CONDITIONS
HOUSING BOARD OF APPEALS**

September 25, 2000

Revival Temple Church
1916 Leahy
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #00-63 – 1916 Leahy, Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, October 5, 2000 at 5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

Affirmative Action

231/724-6703
FAX/722-1214

Assessor

231/724-6708
FAX/726-5181

Cemetery

231/724-6783
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**Comm. & Neigh.
Services**

231/724-6717
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Treasurer

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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

FILE COPY

NOTICE AND ORDER

August 18, 2000

Revival Temple Church
1916 Leahy
Muskegon MI 49442

Dear Property Owner:

Subject: 1916 Leahy
Plat A Musk Heights Lots 22 & 23 & 24 Blk 26

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

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
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FAX/724-6768

Water Filtration
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FAX/755-5290

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

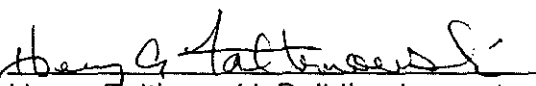
1916 Leahy

7/11/00

Inspection Noted:

1. Soffit and fascia falling off and missing on roof. Damaged shingles.
2. Electrical Hazard outdoor sign being powered with extension cord.
3. Open holes in exterior wall not sealed when mechanical was installed.
4. Exterior faucet not frost free and no vacuum breaker.

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


Henry Faltinowski, Building Inspector

7/18/2000
Date

CONCURRED IN:


Jerry McIntyre, Building Official

7-18-2000
Date

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #01-044 – 252 Allen Ave., William Pace, 2125 Howden, Muskegon

Mr. Pace and his step-daughter were present to represent this case. Mr. Grabinski gave a history of the case. Mr. Pace's step-daughter spoke with another daughter today and was told that the issue with Andy Johnson has been resolved and the 1999 taxes have now been paid. They need more time to get contractors lined up.

Staff Recommendation: Table for 30 days. In that 30 days Mr. Pace needs to supply the office with copy of the resolution of sale with Andy Johnson, submit a time line for repairs, and apply for permits.

Motion made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #00-63 – 1916 Leahy – Revival Temple Church

Mr. Grabinski stated that he spoke with the owner and he has repairs done and will call for inspections. They requested this case be tabled for 30 days.

Staff Recommendation: Table this case until the February meeting.

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

A roll call vote was taken:

AYES:

Greg Borgman
Randy Mackie
John Warner
Jerry Bever
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #01-034 – 412 Muskegon Ave. – Brian Cunningham 412 Muskegon Ave.

Mr. Cunningham was present to represent this case. He stated that he has not worked since October and he has had financial problems. He thinks he will be back to work soon and able to work on repairs. He also has to pay his taxes.

Mr. Grabinski stated that this case was heard in September and tabled for 90 days to allow time to repair all safety and fire hazards. As of December 26, 2001 no permits have been pulled. He asked Mr. Cunningham if he had a copy of the inspection report in front of him. Number one on the list is an interior inspection is required. The building inspectors verified that the interior inspection was conducted. Mr. Grabinski stated that we understand about not painting and scraping until warmer weather. However, the front porch and side steps are cracking, support columns need repair, floor joists on the porch and decking need to be repaired, and he asked if any has been done. Mr. Cunningham stated that they have not been done due to his financial situation. Mr. Grabinski inquired about the use of extension cords and the ceiling that was falling down.

Mr. Cunningham stated he is not using extension cords and the ceiling is held up pretty well. The furnace has not been certified by a mechanical contractor because no one is staying in the house. He stated that the house is vacant and he is using kerosene to heat so the pipes don't burst. He stated that he needs more time, but he can't give a timeline to get repairs done because of his finances.

Mr. Grabinski stated that he does not want anyone living in the house. Heating with kerosene could kill him. The furnace and water heater are not working now and the damage to the ceiling is dangerous. Mr. Cunningham is not to stay there. He asked Mr. Cunningham if he understands his recommendation to the board. Mr. Cunningham stated that he understands he has 90 days to repair the home or it will be forwarded to City Commission for their concurrence to demolish the house.

Staff Recommendation: Declare the property substandard, a public nuisance, dangerous building, but delay forwarding to the City Commission for 90 days.

A motion to accept staff recommendation was made by John Warner and seconded by Jerry Bever.

A roll call vote was taken:

AYES:

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

NAYES:

EXCUSED:

ABSENT:

The motion carried.

Case #99-09 – 240 Monroe – Walter Clark 3835 Ellis Rd. Muskegon

This case was pulled from the agenda. It had a final inspection 3/1/02 with approval, repairs are completed.

Case #00-63 – 1916 Leahy – Revival Temple Church, Rev. James Duncan Jr.

No one was present to represent this case. Mr. Grabinski stated this should be a repair case, but we can't get them to do the repairs. A permit was pulled in January to do repairs. Mr. Duncan said repairs are done and scheduled a final inspection, but failed to show up for it. Henry Faltinowski stated they are making progress, they started on the soffits.

Staff Recommendation: Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

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

A roll call vote was taken:

AYES:

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

NAYES:

EXCUSED:

ABSENT:

The motion carried.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:00-57 Address: 2082 Estes.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 2082 Estes, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #00-57, 2082 Estes.

Location and ownership: This structure is located on Estes in the Lakeside Neighborhood. It is owned by David VanKammen, who lives next door.

Staff Correspondence: A dangerous building inspection was conducted 7/20/00. A notice and order to repair or remove was issued 8/1/00. The case was heard before the HBA on 10/5/00, 5/3/01, 12/6/01, and 5/2/02. Mr. VanKammen has repeatedly stated repairs will be completed, but they have not. There have been many complaints from neighbors in regard to this property being a disgrace to the neighborhood.

Owner Contact: Mr. VanKammen has been in contact with Bob Grabinski and has promised to complete repairs, but does not follow through.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$31,200

Estimated cost to repair: \$8,000 plus cost of interior renovation

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



2082 Estes



BLODGETT ST

FAIR AV

MORTON AV

Bourdon

ADDISON ST

ESTES

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

2082 Estes
(Address of Property)

TO: All owners and interested parties:

David VanKammen, 2086 Estes, Muskegon, MI 49441
(Name of Owner)

Mercantile Mortgage Co. 246 East Janata Blvd, Suite 262, Lombard, IL 60148
(Other interested parties)

On May 2, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on June 11, 2002, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

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

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

Date: May 3, 2002

To: David VanKammen, 2086 Estes, Muskegon, MI 49441
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 2, 2002 does hereby order that the following structure(s) located at 2082 Estes, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

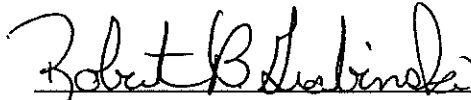
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

A handwritten signature in cursive script, reading "Robert B. Grabinski", is written over a horizontal line.

Robert B. Grabinski, Director of Inspections

May 2, 2002

Re: 2086 Estes

A neighbor of the above address called the office today to inquire about the HBA meeting. She was referred to me from the Planning/Zoning Dept. They have 2082 & 2086 Estes on their agenda (ZBA) because the owner has appealed their denial to split the parcel. The neighbors were sent letters to voice their opinions on that appeal.

When the neighbor found out it was also on our agenda this month she wanted the board to hear her opinion since she can't be at the meeting. She feels that the owner has been given so many years to repair his house and she can't understand why it's been going on for so many years. She is installing siding on her home this summer and feels that 2086 Estes is bringing the value of surrounding homes down. She would like to be neighborly and say yes, allow him to split his parcel, but only if he does some repairs on it.

Inspection Dept. Secretary
Lorraine Grabinski

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

NOTICE OF HEARING

Date: April 18, 2002

Address of the Property: 2082 Estes

Description of the Structure: Lot 12, Blk 622

TO: David VanKammen, 2086 Estes, Muskegon, MI 49441
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

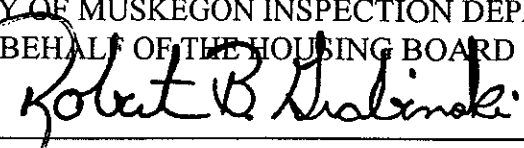
Please take notice that on **Thursday, May 2, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair dated 12/11/01.

At the hearing on Thursday, May 2, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By


Robert B. Grabinski, Director of Inspections

JOB ADDRESS 2082 1st St LOT 5 BLK 5 TRACT 5
 OWNER David L. Kamm MAIL ADDRESS 1062 Parkway PHONE 5702
 CON. NAME Burrington MAIL ADDRESS 1062 Parkway PHONE 5702
 ARCHITECT OR DESIGNER J. B. B. ADDRESS 1062 Parkway PH 5702 LIC # 5702 EXP 5/02
 LICENSE NUMBER 2101089079 EXPIRATION DATE 5/02

FEDERAL EMPLOYER ID# OR REASON FOR EXEMPTION _____

WORKERS COMP. INSURANCE CARRIER OR REASON FOR EXEMPTION _____

MESC EMPLOYER # OR REASON FOR EXEMPTION _____

ALL CONTRACTOR INFORMATION REGISTERED WITH THE CITY OF MUSKEGON YES ☐ NO ☐CLASS OF WORK NEW ADDITION ☐ ALTERATION ☒ REPAIR ☐RESIDENTIAL ☒ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER _____

SPECIAL CONDITIONS _____

DESCRIBE WORK Reconstruct porch - install footing
& foundation

USE OF BUILDING _____

CHANGE USE TO _____

STARTING DATE _____

DATE READY _____

INSPECTION REPORTS		
DATE	REMARKS	INSP.
APP. APPROVED BY	PLANS CK BY	APPROVED FOR ISS. BY
<u>M</u>		<u>1/11/2002</u>

NOTICE

SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 30 DAYS OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 30 DAYS AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

VALUATION OF WORK 1000PERMIT FEE 38.75

CALL ADMINISTRATIVE AUTHORITY A MINIMUM OF 24 HOURS PRIOR TO INSPECTION

SPECIAL CONDITION: POUR NO CONCRETE UNTIL FORMS ARE APPROX.

Type of Const. _____ Occupancy Group _____ Division _____

No. of Dwelling Units _____ Parking spaces _____ Bsmt _____

Front Yard _____ Side Yard _____ Rear Yard _____

Use Zone _____ Fire Sprinkler Required _____

Special Zoning _____

Footing Type _____ Size _____ Depth Below Grade _____

Foundation Wall _____ Size _____

Floor System _____ Size _____ City _____ Spacing _____ Span _____

Roof System _____ Size _____ City _____ Spacing _____ Span _____

Exterior Wall System _____ Size _____ City _____ Spacing _____ Span _____

Chimney Type _____ Size _____

Heating Type _____

TOTAL PERMIT FEE IS DOUBLED IF WORK IS STARTED BEFORE PERMIT IS APPLIED FOR

* SECTION 23a OF THE STATE CONSTRUCTION CODE ACT OF 1972, ACT NO. 230 OF THE PUBLIC ACTS 1972, BEING SECTION 125.1523a OF THE MICHIGAN COMPILED LAWS, PROHIBITS A PERSON FROM CONSPIRING TO CIRCUMVENT THE LICENSING REQUIREMENTS OF THIS STATE RELATING TO PERSONS WHO ARE ABLE TO PERFORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. VIOLATORS OF SECTION 23a ARE SUBJECT TO CIVIL FINES. NOTE TO HOMEOWNERS (WHEN NOT CONTRACTOR ASSISTANCE IS BEING USED), UNDER REASON FOR EXEMPTION STATE THAT YOU ARE HOMEOWNER AND WILL BE DOING THE WORK.

SIGNATURE OF APPLICANT David L. KammDATE 1-10-02

WHITE - INSPECTOR

YELLOW - APPLICANT

PINK - ASSESSOR

GOLD - AUDIT

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

ORDER TO REPAIR OR DEMOLISH

Date of Order: December 11, 2001

Address of the property: **2082 Estes**

Description of the structure: Lot 12 Blk 622

To: David VanKammen, 2086 Estes, Muskegon, MI 49441
(Name & Address of Owner)

None
(Names and Addresses of Other Interested Parties)

OPPORTUNITY TO REPAIR

The Housing Board of Appeals of the City of Muskegon has found that the above structures are dangerous or substandard buildings and a public nuisance. However, it is determined that the buildings are repairable, provided that permits are applied for and repairs performed in a timely manner. Therefore, it is ordered that the owner or interested parties shall, apply for permits required and commence with the repairs of the conditions found in the inspection report attached to this order within **30 days**. All said repairs shall be accomplished by **May 2002**. Repair must be commenced within the said 30 days of obtaining those permits.

**FAILURE TO COMPLY – DEMOLITION ORDER
TO BE SUBMITTED TO THE CITY COMMISSION**

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

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

CITY OF MUSKEGON
HOUSING BOARD OF APPEALS

By Robert Grabinski
Robert Grabinski, Director of Inspections

David Allen VanKammen C 6 DEC 2001
2086 ESTES ST
MUSKEGON MI 49441-1522

Sub: ~~2086 ESTES ST~~ "City of Muskegon Inspection"
~~PORCH RFR~~

Burrington Builder met with me and offered to Build my porch to code. I have to have the existing cement removed (New cement 14 feet x 16" x 20" wide and 26" deep) and have code footings poured and block laid. They do not do cement work.

I have called ~~three~~ companies for the cement work but, no one can come out to bid. until next week. The existing cement must be broken up and removed ^{new}. I have called four demolition companies to break up the cement; waiting for ^{one} meeting Monday and three call backs.

I am trying to ~~abid~~ by all the new Code but, I must move at the builders paces. I must hire these things done and everyone seems to be busy because of the good weather.

I hired (1 Nov) a man thru senior services that said he knew what he was doing and you know how that turned out. I Don't want to do that again.

Dave

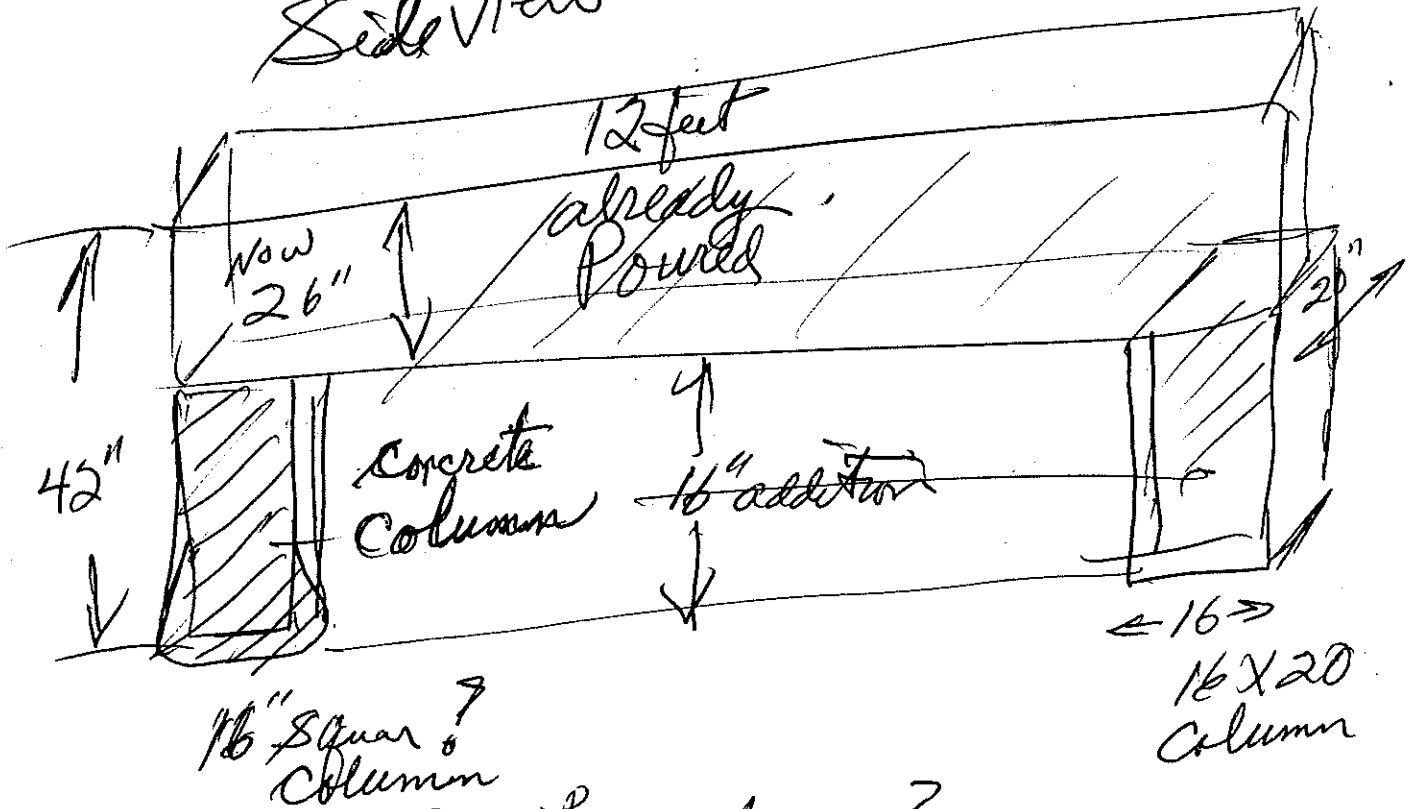
755-4303

2082 Este Porch Retrofit!

Question can I place columns

Possible. cost to remove \$300 ~~to~~ \$500⁺⁺

Side View



Size foot print for column?

would dig out earth & fill under cement
inspected before pouring cement

may I get by with two!?

What exceptions to the code are given?
foam insulation? etc.?

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

NOTICE OF HEARING

Date: November 19, 2001

Address of the Property: 2082 Estes, Muskegon MI

Description of the Structure: Lot 12, Block 622

TO: David VanKammen, 2086 Estes, Muskegon, MI 49442
[Name & Address of Owner]

None
Names & Addresses of Other Interested Parties]

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

The reason for this hearing is that you have not complied with the Notice and Order to Repair or Demolish a Structure issued by the City of Muskegon Building Inspection Department on 8/1/00.

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

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

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



CITY OF MUSKEGON

INSPECTION DEPARTMENT

(231) 724-6715

INSPECTION SHEET For

2082

RESID.

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

Inspector H. W. F. Date 11/6/2001 Approved ☐ yes ☒ no

Reason FOOTINGS NOT APPROVED

ALREADY POURED FOOTINGS AT
GRADE NOT FIRST PROTECTED

Correct prior to _____ and call for reinspection.

1-19-12
Meeting of Commission
gave until June to repair
With inspections to be done every 3rd
Day w. the progress reported to BD

11/1/00 2082 EStes #00-57
@ HBA on 10/5/00 Board decided to forward
the case to City Commission. Could go to meeting
on 11/24/00 (Cf93)

9/26/01 Met w/ David + new owner. Will complete
roof + porch repairs by 11/30. - Paint next spring.
to complete interior repairs (Not on list). RBS

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

Date: May 4, 2001

To: David VanKammen, 2086 Estes, Muskegon MI 49441
Owners Name & Address

None known at this time
Name & Address of other interested parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 4, 2001, does hereby order that the following structure(s) located at 2082 Estes., Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

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

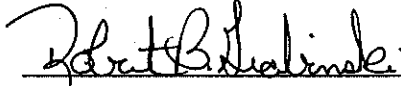
In addition, If you hire a contractor, permits are pulled and work is physically commenced with in the next 30 days, this case may not go to commission. Please call (231) 724-6715 with any questions.

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Fire Marshal/Inspections Dept

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

NOTICE OF HEARING

Date: April 19, 2001

Address of the Property: 2082 Estes, Muskegon, Michigan

Description of the Structure: City of Muskegon Revised Plat 1903 Lot 12, Block 622

TO: David Vankammen, 2086 Estes, Muskegon MI 49442
[Name & Address of Owner]

None known at this time

[Names of Other Interested Parties]

[Addresses]

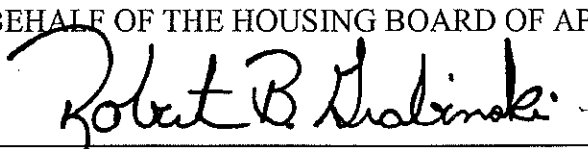
Please take notice that on Thursday, May 3, 2001, the City of Muskegon Housing Board of Appeals will hold a hearing at 5:30 p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is to review your case . On 10/5/00 the Board gave you six months to complete the project.

At the hearing on Thursday, May 3, 2001 at 5:30 p.m., at the **Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan**, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By


Robert B. Grabinski, Fire Marshal/Inspection Services

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

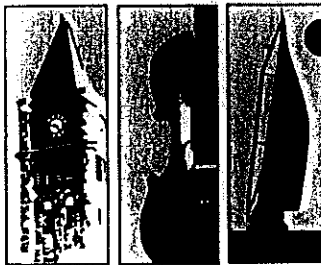
Public Works
231/724-4100
FAX/722-4188

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

FILE COPY

MUSKEGON HOUSING BOARD OF APPEALS

October 10, 2000
Case # 00-57 - 2082 Estes

David VanKammen
2086 Estes
Muskegon MI 49441

FINDING OF FACTS AND ORDER

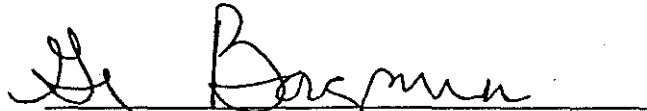
The following action was taken at a session of the Muskegon Housing Board of Appeals held at the Muskegon City Hall, 933 Terrace, Muskegon, Michigan on October 5, 2000. The Inspections Services Department of the City of Muskegon, having inspected the building structure located upon the property described as City of Muskegon Revised Plat 1903 Lot 12 Blk 622, also known as, 2082 Estes, found the conditions listed on the attached pages exist and that these conditions are hazardous as defined in Section 4-23 of the Code of Ordinances.

The Board further found that these conditions exist to the extent of endangering life, safety and the general welfare of the endangering life, safety and the general welfare of the public.

Therefore, in accordance with Section 4-25 of the Code of Ordinances, the structure is declared to be unsafe, substandard and a public nuisance.

It is, further ordered that if the owners or other interested parties fail to repair or remove said structure, or appeal this order within 20 days of the receipt of this order, the Building Official shall take bids and remove said structure.

If you wish to appeal this order you must do so within twenty days. You may obtain the appeal form at the City's Inspection Services Department, City Hall, 933 Terrace Street.



Greg Borgman, Chairman

MUSKEGON HOUSING BOARD OF APPEALS

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

Assessor
231/724-6708
FAX/726-5181

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Civil Service
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FAX/722-4301

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231/724-6704
FAX/724-1196

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231/724-6724
FAX/722-1214

Mayor's Office
231/724-6701
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231/724-6702
FAX/724-6790

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FAX/722-5140

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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

FILE COPY

CITY OF MUSKEGON

NOTICE OF HEARING ON DANGEROUS AND UNSAFE CONDITIONS HOUSING BOARD OF APPEALS

September 25, 2000

David Vankammen
2086 Estes St.
Muskegon MI 49441

Dear Property Owner:

SUBJECT: Dangerous Building Case #00-57 – 2086 Estes St., Muskegon MI

PLEASE TAKE NOTICE that a hearing before the Housing Board of Appeals for the City of Muskegon will be held on **Thursday, October 5, 2000** at **5:30 P.M.** in the Muskegon City Hall Commission Chambers on the first floor. Said hearing will be for the purpose of determining whether the structure should be demolished or otherwise made safe.

Officials from the Inspection Services Department have inspected the structure and it is alleged that it has defects as listed on the attached page(s).

The defects are violations of Section 4-23 of the Muskegon City Code, which defines dangerous buildings.

At the hearing, the Inspection Services Department will present testimony regarding the alleged defects. You are advised that you or your representative may cross examine the City's witnesses and you may present testimony in your own behalf and call witnesses in your own behalf. We encourage you to attend the meeting since it is always better if someone is available to answer any questions the Board may have.

Inspection Services
City of Muskegon

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

Assessor
231/724-6708
FAX/726-5181

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FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

FILE COPY

NOTICE AND ORDER

August 1, 2000

David Vankammen
2086 Estes
Muskegon MI 49441

Dear Property Owner:

Subject: 2086 Estes, Muskegon MI
City of Musk. Revised Plat 1903 Lot 12 Blk 622

The City of Muskegon Building Official has recently inspected the subject property and has found the buildings to be dangerous as defined under Section 4-23 of the Muskegon City Code.

As a result of this finding, you are hereby ordered to REPAIR or DEMOLISH the structures within thirty (30) days.

If you elect to repair the structures, you must secure all required permits and physically commence the work within thirty (30) days from the date of this order.

Should you have any questions concerning this matter, please do not hesitate to contact our Building Official, Jerry McIntyre at 724-6715.

Sincerely yours,

Robert B. Grabinski
Fire Marshal/Inspection Services

Affirmative Action
231/724-6703
FAX 722-1214

Assessor
231/724-6708
FAX/726-5181

Cemetery
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FAX/726-5617

Civil Service
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FAX/724-4405

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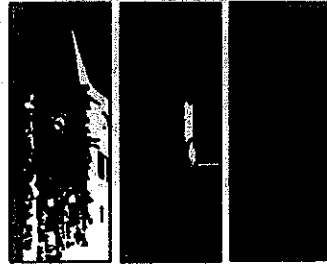
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Water Billing Dept.
231/724-6718
FAX/724-6768

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

MUSKEGON



West Michigan's Shoreline City

DANGEROUS BUILDING INSPECTION REPORT

JOE ESTES

7/20/00

Inspection Noted:

1. Home being used for storage.
2. Damaged vehicle left in yard – not current plates.
3. Roof covering severely deteriorated.
4. Chimney deteriorated.
5. Numerous broken out, boarded windows.
6. Front porch structural damage – repair – rebuild to code.
7. Debris thrown in yard.
8. Siding on garage and home (Storage) deteriorating.
9. Window frames need repair.
10. Side porch, landing need replace – repair to code.

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

Henry A. Faltinowski
Henry Faltinowski, Building Inspector

7/24/2000
Date

CONCURRED IN: *Jerry McIntyre*
Jerry McIntyre, Building Official

7-24-00
Date

HOUSING BOARD OF APPEALS
MEETING MINUTES
5/02/02
5:30 P.M.

ATTENDANCE: Greg Borgman, John Warner, Randy Mackie, Jerry Bever,
Jonathan Rolewicz, Nick Kroes, and Clara Shepherd

ABSENT:

EXCUSED:

STAFF: Robert Grabinski, Henry Faltinowski, Don LaBrenz, and
Lorraine Grabinski

GUESTS: Ray Morency (2086 Estes), James & Tamara Ward &
Maryjane Sanford (1166 Grand), Robert Parker (1836
Nevada), Patricia Strang (1979 8th), Chong Thomas (573
Orchard), David Vankammen (2086 Estes)

Meeting minutes: A motion was made by John Warner and seconded by Randy Mackie to approve the April minutes. The motion passed.

Property Maintenance Code Appeal

~~#01-007 – 1937 Austin – Lodaynia Wiseman (owner)~~

~~An appeal was filed in April by the tenant, Monique Bailey. The case was pulled from the agenda due to the eviction of the tenant.~~

REVIEW CASES:

#00-57 – 2082 Estes – David VanKammen – 2086 Estes, Muskegon

Mr. Vankammen was present to represent this property. He owns the house, but lives next door to it. He had previously been ordered to have repairs completed by 5/1/02. The repairs are not completed. This case was brought before the HBA in October 2000. A neighbor, Mr. Ray Morency was also present and expressed his views on the structure. He stated he does not believe the home is repairable and believes it should be demolished. He believes it is a disgrace to other homes and brings down the value of surrounding properties. Another neighbor called the office and voiced the same opinion, which Mr. Grabinski read to the board members.

Mr. Vankammen spoke of having to re-do the porch because of a botched job. He also spoke of financial problems which are keeping him from completing

repairs. Ms. Shepherd asked if the home is vacant and he replied that it is. Mr. Vankammen stated that he plans to rent it out or sell it after the repairs are completed.

Mr. Grabinski stated that on 9/26/01 he met with Mr. Vankammen and the new owner and noted that the roof and porch repairs would be completed by 11/30/01. The house would be painted and interior repairs completed by the spring. He stated this was an agreement made by Mr. Vankammen to Mr. Grabinski. In December 2001 it was brought back before the HBA and the board gave him until the 1st of May 2002 to complete the repairs. The repairs are not done. Mr. Grabinski asked if Mr. Vankammen has done anything with 1969 Hoyt. Mr. Vankammen stated he had not and Mr. Grabinski stated that case will also be back before the board, just to let him know.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building and forward to city commission for their concurrence. This will go before the City Commission in June.

A motion was made by Randy Mackie and seconded by Clara Shepherd to accept staff recommendation.

A roll call vote was taken:

AYES:

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

NAYES:

EXCUSED:

ABSENT:

The motion carried.

**Case #01-010 – 2112 Bourdon – Jason Blakeman, 2112 Bourdon,
Muskegon, MI**

Mr. Blakeman was not present to represent this case. He lives in the downstairs apartment and rents the upper out. He works out of town quite often and called Mr. Grabinski on Sunday to let him know he could not be at the meeting. Mr. Grabinski gave a history of this case. It is not a bad structure, Mr. Blakeman has done quite a bit of work, but has been busy since last fall and hasn't continued on repairs.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #:01-049 Address: 318 E. Apple Ave.

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 318 E. Apple is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #01-049, 318 E. Apple

Location and ownership: This structure is located on Apple Ave. between Fork and Emerald in the Angell Neighborhood. It is owned by George Dobben.

Staff Correspondence: A dangerous building inspection was conducted 11/8/01. A notice and order to repair or remove was issued 11/19/01. A notice of hearing before the Housing Board of Appeals was issued 12/21/01. An order to demolish was issued 2/11/02.

Owner Contact: ^{spoke} Bruce Austin was present at the HBA meeting 1/3/02 to represent Mr. Dobben. He had been hired to work on the building. There has been no contact since that date.

Financial Impact: CDBG Funds

Budget action required: None

State Equalized value: \$190,800

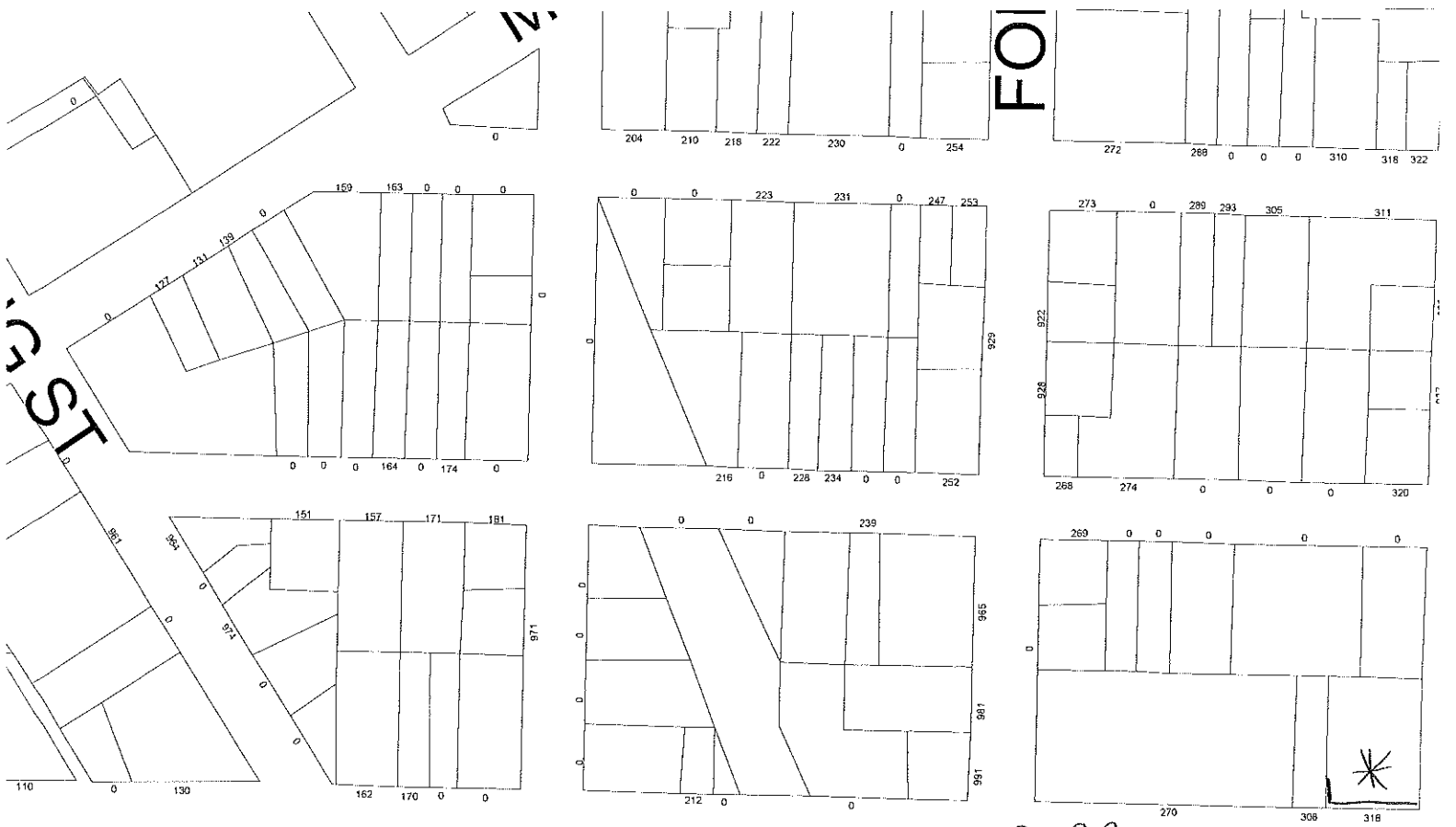
Estimated cost to repair: \$25,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



318 E. APPLE
Census# 3





Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122253
November 15, 2001

1. Beginning Date: 2/8/79, at 8:00 A.M.

Please See Attached Liber 1161, Page 177, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 10/18/2001, at 8:00 A.M.

Documents

Deeds:

Liber 1161, Page 177

Mortgages:

NONE

Taxes:

Possible Sidewalk Assessment in the year 2002.

Proof of payment of the Invoice Fees, due and payable to the city of Muskegon in the amount of \$1,250.60. (Invoice #'s 9816561; 6805732; 9810079; 9811189; 9811911; 9816329; 9817266; 9817267; 9820574; 9817072; 9810099)

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$6,674.25, if paid by November 30, 2001. (Base amount - \$5,893.14)

Note:

Permanent Parcel No.: 61-24-205-213-0001-00.

2001 State Equalized Value: \$196,200.00.

2001 Taxable Value: \$196,200.00.

Non-Homestead Property.

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

~~Dobben Enterprises~~, a Michigan Co-Partnership

4. No search has been made for any instrument, however designated, which has been filed as a financing statement pursuant to the Uniform Commercial Code.
5. No search has been made of the records of the Circuit, Probate or other Courts, or of any record other than those in the office of the Register of Deeds.
6. Under this form of search this company is not an insurer of above title, nor does it guarantee the title or any evidence of title thereto.

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

318 E. Apple Ave.
(Address of Property)

TO: All owners and interested parties:

Clifford Dobben, 664 Farr Rd, Muskegon, MI 49444
(Name of Owner)

Spoke

Bruce Austin, 388 W. 24th St. Baldwin, MI 49304
(Other interested parties)

On February 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **June 11, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

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

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

Date: February 11, 2002

To: Clifford Dobben, 664 Farr Rd, Muskegon, MI 49444
Owners Name & Address

Bruce Austin, 388 W. 24th St. Baldwin, MI 49304
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 7, 2002 does hereby order that the following structure(s) located at 318 E. Apple Ave, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

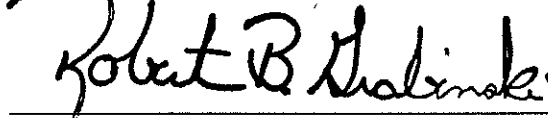
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall be considered by the City Commission. **This case will not be brought before the City Commission until April 23, 2002. This order is not final until concurred with by the City Commission.**

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Director of Inspections

January 25, 2002

Mr. Clifford Dobben
664 Farr Road
Muskegon, MI 49444

Re: Inspection – 318 Apple Avenue

Dear Mr. Dobben:

On 1/8/02 an inspection was conducted at 318 Apple Avenue. The owner, Mr. Dobben, states the building is used for storage and will be put on the market for sale. However, current fire and building codes shall be complied with.

1. Fire suppression system shall be maintained and should have been maintained in operative condition.
2. Fire extinguishers shall comply with N.F.P.A. 10.
3. Fire load presents a major problem with amount of combustibles stored throughout the facility. This is a major fire hazard.
4. Owner shall provide fire department with access at all times. Key box is needed.
5. Building shall be secured tightly. All openings shall be sealed.
6. Aisle ways shall be created and storage shall be maintained in an orderly fashion.
7. Dead load on flooring per square inch on 2nd floor storage shall be drastically reduced.
8. Roof leaks in various locations. Excess rain could cause floor collapse as well as roof.

318 Apple Avenue
January 25, 2002
Page 2

9. Tire storage shall be removed as soon as possible. Owner shall comply with fire code sections for tire storage.
10. Address shall be posted on street front side of building.
11. No smoking signs shall be posted in building to alert any visitors or workers.
12. Electrical shall be reviewed by City of Muskegon's Electrical Inspector. Call Inspection Services to schedule appointment.

Thank you,

Major Metcalf
Fire Marshal

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

318 E. Apple
(INTERIOR INSPECTION)

Inspection noted:

1. Roof parapets deteriorating – missing caps, exposed to weather elements. Loose brick falling off building on property and exposing pedestrians to danger of falling parapet. Roof covering installation incomplete, brick has been loosely laid on parapet caps. Finish roof covering in approved methods.
2. Interior ceiling coverings falling off ceiling joists.
3. Large amounts of combustibles stored in building; boxes of kindling, tires, burlaps, crates, boxes, plastics.
4. Boiler system not operational. No heat in buildings.
5. Fire suppression system not operational, S-1 occupancy moderate – hazard storage.
6. Unprotected elevator shaft.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

2/7/2002
DATE

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

NOTICE OF HEARING

Date: January 28, 2002

Address of the Property: 318 E. Apple, Muskegon MI

Description of the Structure: Lots 1 thru 12 Exc. The N ½ Lot 6, Blk 213

TO: George Dobben/Bruce Austin, Baldwin, MI
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

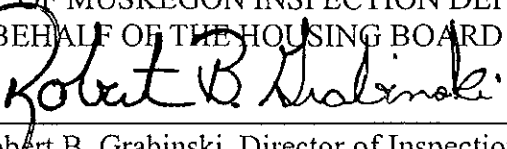
Please take notice that on **Thursday, February 7, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m, and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and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

The reason for this hearing is to review this case, which was heard on January 3, 2002.

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

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

By


Robert B. Grabinski, Director of Inspections

631-738-2737

Commercial



Residential

Northern Environmental Services

Demolition & Construction

Roll Off Dumpsters

Bruce Austin

Baldwin

231-745-3679

318 E. apple

Notify also

w/ George Dobben

Box 718

Baldwin

49304

388 W. 24th
Baldwin MI 49

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

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

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

January 7, 2002

George Dobben
270 E. Apple Ave.
Muskegon, MI 49442

Re: 318 E. Apple Ave.

Dear Mr. Dobben:

On January 3, 2002 the Housing Board of Appeals heard your case on the above structure. . .

The board's determination on this case was to table the case until the February meeting to allow you time to call for interior inspections that are necessary.

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

Sincerely,

Robert B. Grabinski
Director of Inspections
RBG/lg

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

Date: December 21, 2001

Address of the Property: 318 E. Apple Ave, Muskegon MI

Description of the Structure: Lots 1 thru 12 Exc the N ½ Lot 6, Blk 213

TO: George Dobben, 270 E. Apple Ave. Muskegon, MI 49442
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

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

The reason for this hearing is that you have not complied with the notice and order to repair issued 11/19/01.

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

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

By

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

CITY OF MUSKEGON

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

DATE: November 19, 2001

Address of the Property: 318 E. Apple Ave., Muskegon, Michigan

TO: George Dobben, 270 E. Apple, Muskegon, MI 49442
[Name & Address of Owner]

None
(Interested Parties)

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

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

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

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

FAILURE TO COMPLY

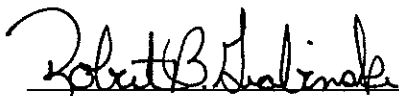
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **318 E. Apple**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

318 E. Apple Ave.

11/8/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Façade of building separating from side block. Open mortar gaps in blocks and brick. Top concrete caps shifting on cap. This situation causes a dangerous hazard as public sidewalk is directly below this area of deterioration.
3. Side walls on building missing parapet caps, deteriorating brick with open mortar gaps over public sidewalk.
4. Back of building has large amounts of brick deteriorating – falling brick.
5. Entire perimeter of building needs evaluation from structural engineer to assess damage and submit a repair plan.
6. Broken out windows.
7. Roof inspection required.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

11/8/2001
DATE

that the purchaser agrees to keep the said premises in accordance with all police, sanitary and other regulations imposed by any governmental authority.

Case #01-049 – 318 E. Apple Ave. George Dobben, 270 E. Apple, Muskegon

Mr. Dobben was not present to represent this case, but Bruce Austin was there on his behalf. Mr. Austin has been retained by Mr. Dobben to work on the building. Mr. Austin explained what his plans are for repairing the building. After looking at the pictures, Mr. Borgman stated that Mr. Austin really needs to work under the advisement of the inspectors. Mr. Grabinski went over the inspection report and stated that because of the tires and wood that is stored there, if there was ever a fire it would be spectacular. The pollutants from a fire would be of great significance. Mr. Austin stated that the building is strong and structurally very good. Henry Faltinowski stated because of the roof damage and neglect, there is more exterior, structural damage. He recommends a engineer design to get everything back into structural safety. Mr. Borgman stated there is quite a lot of potential for falling bricks. Mr. Grabinski inquired about how much authority Mr. Austin has in spending Mr. Dobben's money to do repairs. Mr. Austin stated there's not much money. He stated that Mr. Dobben will be back from Florida in April. Mr. Austin was to talk to Henry Faltinowski after the meeting about his intention to make the building safe.

Staff Recommendation:. Declare substandard, a public nuisance, and a dangerous building, delay action taking to City Commission until the second meeting in April, allowing Mr. Dobben time to return from Florida.

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

A roll cal vote was taken:

AYES:

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

NAYES:

EXCUSED:

Nick Kroes

ABSENT:

The motion carried.

It was also noted that DPW should be called to take care of blocking the sidewalk on the east side of the building.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert B. Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-06 Address: 1836 Nevada

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1836 Nevada is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: #02-06 – 1836 Nevada, Muskegon, MI

Location and ownership: This structure is located on Nevada between Laketon and Windsor. It is owned by MLA Inc.

Staff Correspondence: A dangerous building inspection was conducted on 3/15/02 and a notice and order to repair was issued 3/25/02. On 5/2/02 the HBA declared the structure a public nuisance, substandard, and dangerous building. An interior inspection was scheduled by a realtor for 5/8/02 and their contact person did not appear for the inspection.

Owner Contact: The realtor's office has been in contact and scheduled the interior inspection. They called again and were not aware their maintenance man had not appeared for the inspection.

Financial Impact: General Funds

Budget action required: None

State Equalized value: \$12,900

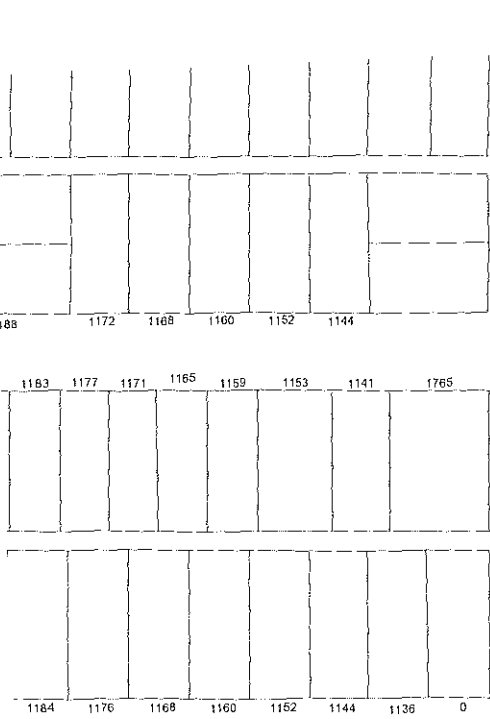
Estimated cost to repair: \$15,000 plus cost of interior rehabilitation.

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

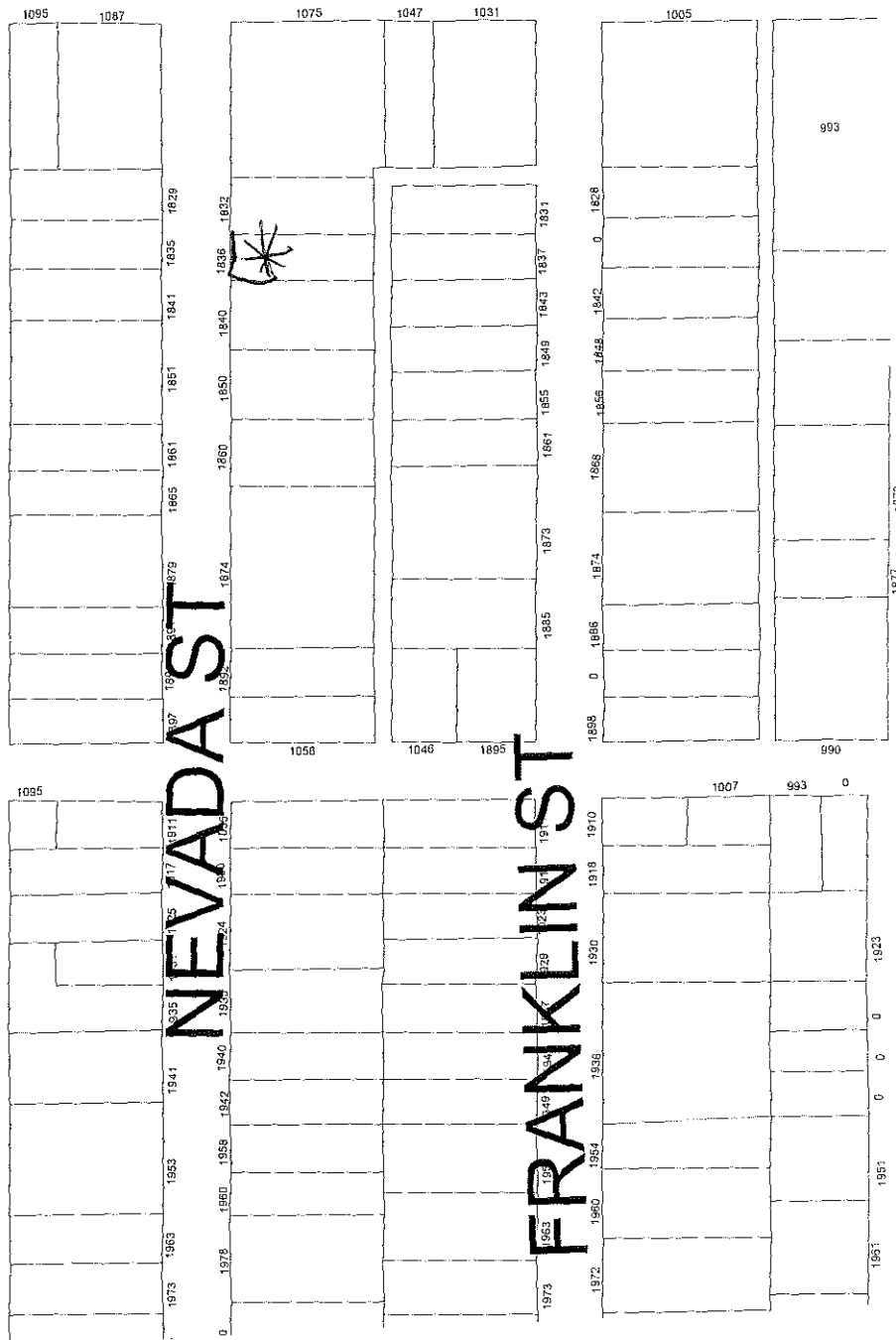
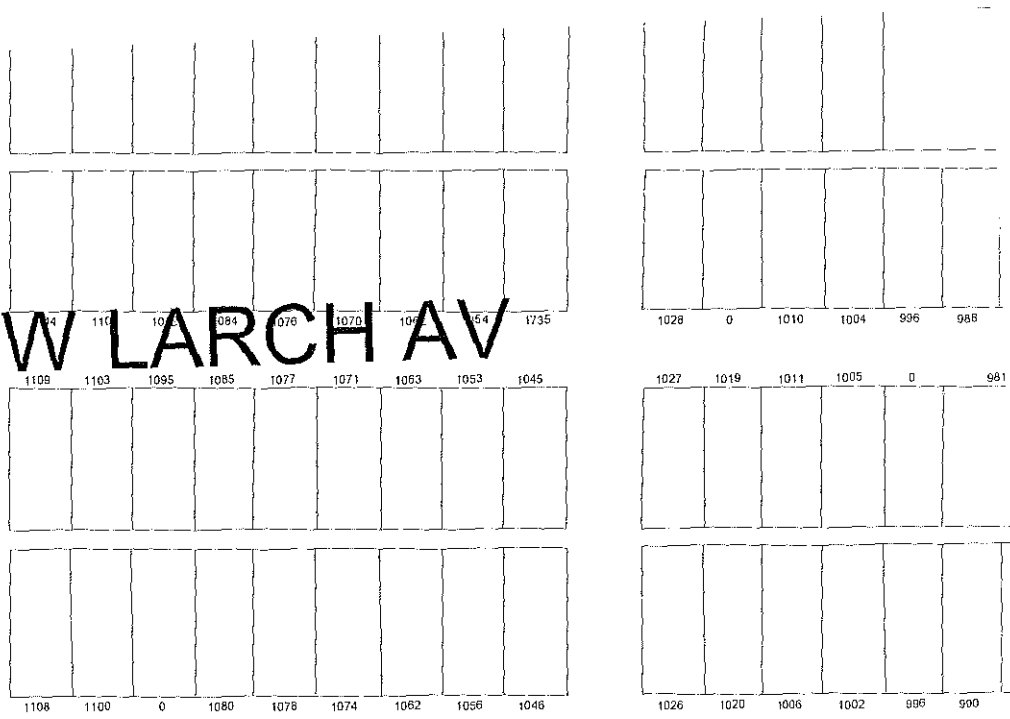
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



1836 Nevada
Census # 21



W LARCH AV



NEVADA ST

FRANKLIN ST

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

1836 Nevada
(Address of Property)

TO: All owners and interested parties:

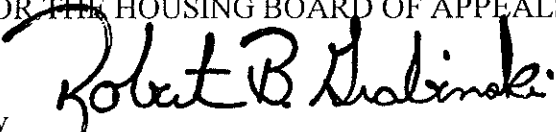
MLA Inc. 30521 Schoenherr, Warren, MI 48093
(Name of Owner)

None
(Other interested parties)

On May 2, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **June 11, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS

By 
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1836 Nevada
(INTERIOR INSPECTION)
5/8/02

Inspection noted:

1. Gas is shut off due to leaks.
2. Water piping in unheated crawl space.
3. Entire waste & vent system needs to be replaced.
4. Unable to determine mechanical condition due to no access.

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

Henry Faltinowski /HJ
HENRY FALTINOWSKI, BUILDING INSPECTOR

5-8-02
DATE

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

Date: May 3, 2002

To: MLA Inc. 30521 Schoenherr, Warren, MI 48093
Owners Name & Address

None
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, May 2, 2002 does hereby order that the following structure(s) located at **1836 Nevada**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

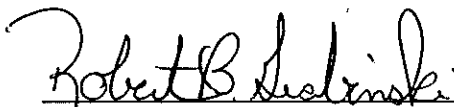
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: April 18, 2002

Address of the Property: 1836 Nevada

Description of the Structure: Jeannot Court Blk 2 Lot 8

TO: MLA Inc. 30521 Schoenherr, Warren, MI 48093
[Name & Address of Owner]

None

Names & Addresses of Other Interested Parties]

Please take notice that on **Thursday, May 2, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and a nuisance, and demolished, or repaired.

The reason for this hearing is that you have not complied with the Notice and Order to Repair dated 3/25/02.

At the hearing on Thursday, May 2, 2002, at 5:30 o'clock p.m., at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, you may appear and present any relevant evidence to the Housing Board of Appeals and have counsel of your choice present, if you desire, to show cause why the structure should not be allowed or ordered demolished.

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

By

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

CITY OF MUSKEGON

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

DATE: March 25, 2002

Address of the Property: 1836 Nevada, Muskegon, Michigan

TO: MLA, Inc. 30521 Schoenherr, Warren, MI 48093
[Name & Address of Owner]

None
(Interested Parties)

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

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

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

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

FAILURE TO COMPLY

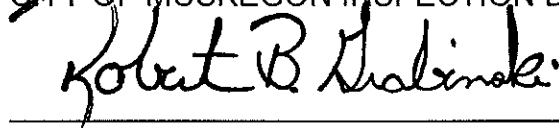
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1836 Nevada, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1836 Nevada

3/15/02

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Large hole exposing interior of home on south side of home, missing and rotted siding.
3. Incomplete insulation application on home exterior.
4. Siding is rotted around perimeter of home. There is no protection from decay incorporated.
5. Roof covering on home and garage incomplete.
6. Rotted window frames, boarded windows.
7. Large amounts of debris left in yard.
8. Shed in yard is deteriorating.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

3/18/2002
DATE

2001 AUG 23 AM 10: 54

Mark J. Fairchild
REGISTER OF DEEDS

STATE OF MICHIGAN)
COUNTY OF MUSKEGON) SS.

AFFIDAVIT OF ABANDONMENT

I, DALE MITCHELL, on May 5, 2001, as an employee of MLA, Inc., being first duly sworn, deposes and states as follows:

That I am the duly authorized agent of MLA, Inc.
That RUSSELL SWARTS AND JOANN SWARTS, executed a Mortgage to MLA, Inc., an Ohio Corporation, Mortgagee, dated August 25, 1999, and recorded September 8, 1999 in Liber 2285 on Page 991, Muskegon County Records, Michigan.

Said premises are situated in the City of Muskegon, Muskegon County, Michigan, and are described as:

LOT 8, BLOCK 2, JEANNOT CT., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 6, PAGE 24 PLATS, MUSKEGON COUNTY RECORDS.

Commonly Known As: 1836 NEVADA, MUSKEGON, MI

SIDEWELL NO.: 61-24-480-002-0008-00

That on May 5, 2001, the Mortgagee caused to be made a personal inspection of the mortgaged premises and the inspection did not reveal that the Mortgagor(s) or person claiming under the Mortgagor(s) were presently occupying the property, or will occupy the property.

That on May 5, 2001, the Mortgagee also caused to be posted, a Notice of Claim of Abandonment of Premises stating that the Mortgagee considered the premises to be abandoned and that the Mortgagor(s) would lose all rights to ownership thirty days after the date of said notice unless the Mortgagor, the Mortgagor's heirs, executor, or administrator, or person lawfully claiming from or under one of them provides the notice required by the Statute pursuant to MCL 600.3214a, being a part of the Michigan Compiled Laws.

That on May 5, 2001, the Mortgagee caused to be mailed by certified mail, return receipt requested, to the Mortgagor(s) at his/her/their last known mailing address a notice which stated that the Mortgagee considered the premises to be abandoned and that the Mortgagor(s) would lose all rights of ownership thirty (30) days after recording of this document unless the Mortgagor(s), Mortgagor(s) heirs, executors, or administrators, or persons claiming under one of them provided the notice required by Statute prior to recording of this document.

That neither the Mortgagor(s), or the Mortgagor(s) heirs, executors, administrators, or person claiming under one of them has responded in a fifteen- (15) day period.

FURTHER DEPONENT SAITH NOT.

Deborah L. Zolnoski
Deborah L. Zolnoski

Donna J. Overton, Sr.
Donna J. Overton, Sr.

STATE OF MICHIGAN COUNTY OF MACOMB

The foregoing instrument was acknowledged before me on this 20th day of August, 2001, by DALE MITCHELL, agent for MLA, INC., an Ohio Corporation.

Dale Mitchell
Dale Mitchell
agent for : MLA, Inc.

Deborah L. Zolnoski
County, Notary Public
My Commission Expires: 11-18-2004

DRAFTED BY AND WHEN RECORDED RETURN TO:

(M) Dale Mitchell
MLA, Inc.
30521 Schoenherr
Warren, Michigan 48093

DEBORAH L. ZOLNOSKI
Notary Public, Macomb County, MI
My Commission Expires Nov. 18, 2004

1836 NEVADA

For The Inspection Dept.
City of Muskegon

419370

FROM CITY ASSESSOR'S RECORDS

OWNER MLA Inc.
PROPERTY 1836 Nevada
PLATE # 24-480-002-008-00
DESCRIPTION Jeannot Court Blk 2 Lot 8

FROM RECORDS OF TRANSNATION TITLE COMPANY

LIBER: 3267
PAGE: 291
DATE OF DEED: August 24, 2001
GRANTOR NAME & ADDRESS: Don Hulbert, Deputy Sheriff for Muskegon
County, 25 W. Walton
GRANTEE NAME & ADDRESS: MLA, Inc., an Ohio Corporation, 30521
Schoenherr, Warren, MI 48093
LIENS OR MORTGAGES: 3333/375, 3359/921, 3255/316
TODAY'S DATE: March 20, 2001
EFFECTIVE DATE: February 21, 2002 at 8:00 AM

ABSTRACTED BY: Debra K. Almas
TRANSNATION TITLE INSURANCE COMPANY

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

Motion made by Randy Mackie, supported by Jon Rolewicz to support staff's recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
John Warner			
Jerry Bever			
Jon Rolewicz			
Clara Shepherd			
Nick Kroes			

The motion carried.

Case #02-06- 1836 Nevada – MLA Inc. 30521 Schoenherr, Warren, MI 48093

Robert Parker was present to represent this property. He is considering buying it. Board stated this house looks very bad, they saw it last night. Mr. Grabinski stated the gas company was called yesterday (5/1/02) to shut the gas off because of a leak. Mr. Grabinski asked who is selling, Mr. Parker told him Ed Peters, R & R for MLA. Ms. Shepherd asked what he plans to do with the property if he buys it. He replied that he would consider buying after the interior inspection. If he bought it he would repair and sell. Since he legally has no interest, an interior inspection cannot be set up with Mr. Parker. Mr. Grabinski stated if Mr. Peters wants to proceed he must call.

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

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

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
John Warner			
Jerry Bever			
Jon Rolewicz			
Clara Shepherd			
Nick Kroes			

The motion carried.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 01-053 Address: 1458 Sixth

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at 1458 Sixth is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 01-053, 1458 Sixth St.

Location and ownership: This structure is located on Sixth Street between Grand and Washington. It is owned by Daniel Herrema of Grandville.

Staff Correspondence: A dangerous building inspection was conducted 12/12/01. A Notice and Order to repair or demolish was issued 12/18/01. HBA on 02/07/02 found the structure to be dangerous and unsafe.

Owner Contact: The owner talked to Bob Grabinski on 3/6/02 and was given a 60-day extension to complete repairs. No permits have been pulled and there has been no contact with the owner since then.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$17,200

Estimated cost to repair: \$25,000

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

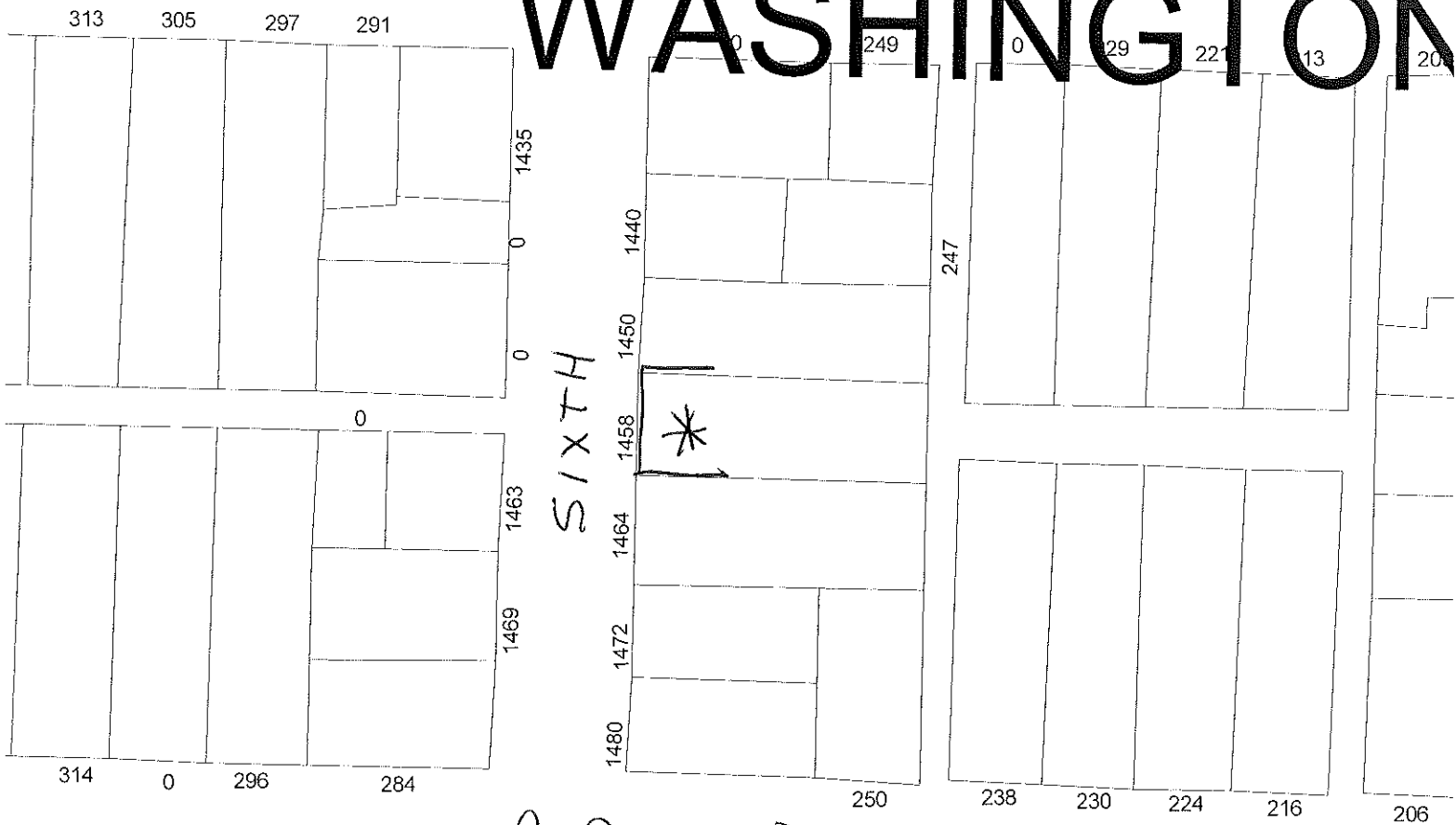
City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



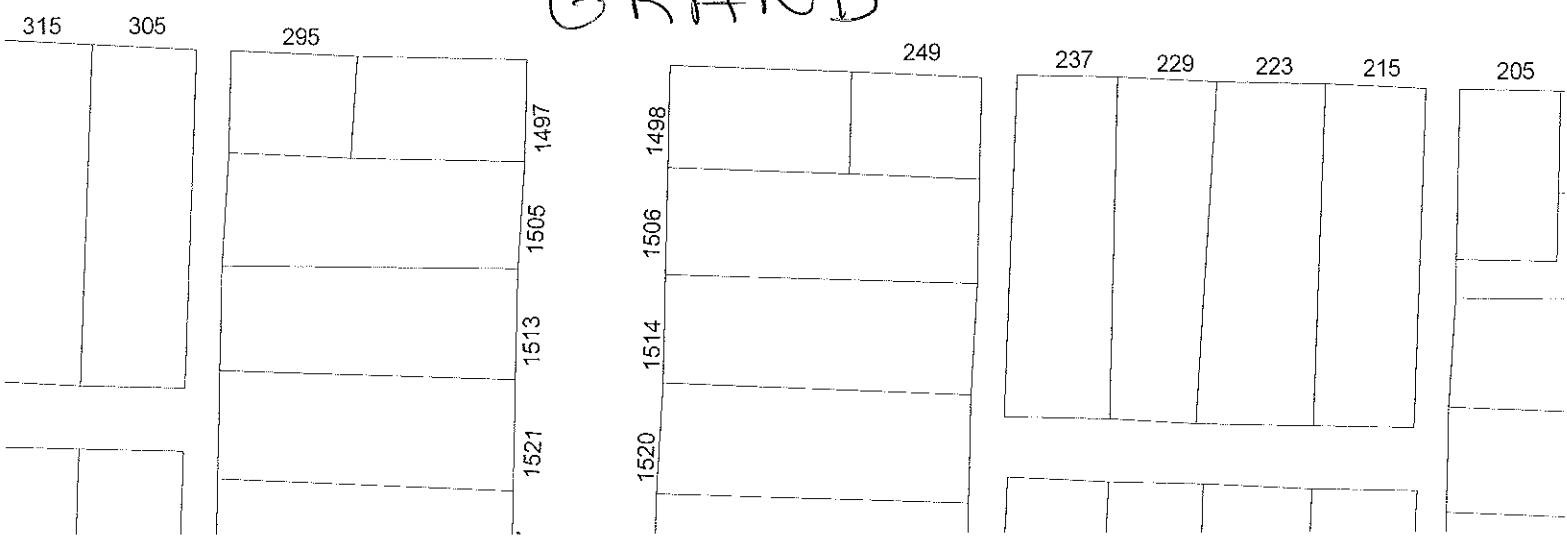
1458 SIXTH



WASHINGTON



GRAND





Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100122653
December 13, 2001

1. Beginning Date: 5/9/2000, at 8:00 A.M.

Please See Attached Liber 3042, Page 734, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 11/14/2001, at 8:00 A.M.

Documents

Deeds:

Liber 3042, Page 734

Mortgages:

Liber 3088, Page 592

Taxes:

Proof of payment of invoice fees, due and payable to the City of Muskegon in the amount of \$1,105.92 (Invoice #9816615, #9817031, #9817970, #9818482, #9819519, #9820206, #9821864, #9822822).

Proof of payment of delinquent water/sewer usage bill, due and payable to the City of Muskegon in the amount of \$503.80, if paid by December 31, 2001.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$663.00, if paid by December 31, 2001.

Payment of the 2001 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$1,167.13, if paid by February 14, 2002. (Base amount - \$606.55**)

Note:

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-205-405-0014-00.

2001 State Equalized Value: \$17,200.00.

2001 Taxable Value: \$10,825.00.

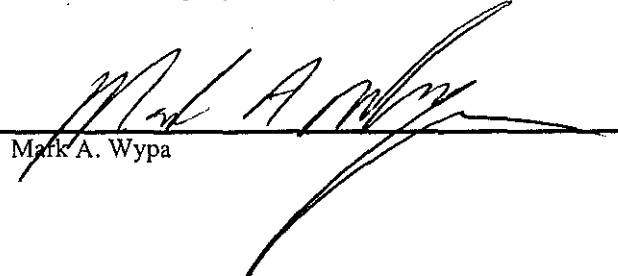
Non-Homestead Property.

****NOTE:** A Delinquent Water/Sewer Usage Bill in the amount of \$560.58 will be included in the 2001 Winter Tax Bill.

3. We find no United States Internal Revenue Liens recorded in the office of the Register of Deeds of Muskegon

Daniel Herrema

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


Mark A. Wypa

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

1458 Sixth

(Address of Property)

TO: All owners and interested parties:

Daniel Herrema, 455 Buckshot Dr. Grandville, MI 49418

(Name of Owner)

- spoke

Equicredit, 2851 Charlevoix Dr. SE Suite 304, Grand Rapids, MI 49546-7048

(Other interested parties)

On February 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on **June 11, 2002**, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS



By _____

Robert B. Grabinski, Director of Inspections

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

Assessor
231/724-6708
FAX/726-5181

Cemetery
231/724-6783
FAX/726-5617

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

Clerk
231/724-6705
FAX/724-4178

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

Engineering
231/724-6707
FAX/727-6904

Finance
231/724-6713
FAX/724-6768

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

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

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

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

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

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

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

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

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

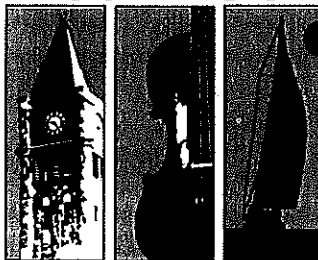
Public Works
231/724-4100
FAX/722-4188

Treasurer
231/724-6720
FAX/724-6768

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

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

MUSKEGON



West Michigan's Shoreline City

Daniel Herrema
455 Buckshot Dr.
Grandville, MI 49418

March 6, 2002

Re: 1458 Sixth St.

Dear Mr. Herrema:

The 60 day extension you requested for completion of repairs at 1458 Sixth Street has been granted. You are required to pull a minimal permit for the repairs that are in process, such as drywall and possibly the electrical work.

It is very important that you schedule your final inspection as soon as the work is completed. It must be conducted before the May 6, 2002 deadline.

Failure to comply with the deadline will result in the case being brought before the City Commission for their concurrence to demolish the structure.

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

Sincerely,

Robert B. Grabinski
Robert B. Grabinski
Director of Inspections

RBG/lg

*faxed
3-6-02*

Bob Grabinski,

3/5/02

I am requesting 60 days to repair
1458 6th St. in Muskegon as per our conversation.

I have started the work & have
an estimated completion time of May 5, 2002.

Thank You,

Don Krum

Approved
3/6/02.

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

Date: February 11, 2002

To: Daniel Herrema, 455 Buckshot Dr., Grandville, MI 49418
Owners Name & Address

Equicredit, 2851 Charlevoix Dr. SE, Suite 304, Grand Rapids, MI 49546-7048
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, February 7, 2002 does hereby order that the following structure(s) located at 1458 Sixth St. Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

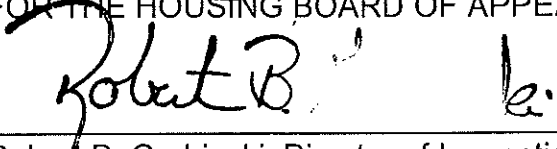
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:



Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: January 28, 2002

Address of the Property: 1458 Sixth, Muskegon MI

Description of the Structure: Lot 14, Blk 405

TO: Daniel Herrema, 455 Buckshot Dr. Grandville, MI 49418
[Name & Address of Owner]

Equicredit, 2851 Charlevoix Dr. SE Suite 304, Grand Rapids, MI 49546-7048
Names & Addresses of Other Interested Parties]

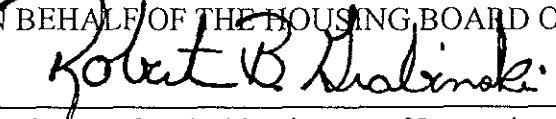
Please take notice that on **Thursday, February 7, 2002**, the City of Muskegon Housing Board of Appeals will hold a hearing at 933 Terrace, Muskegon, MI at 5:30 o'clock p.m., and at the said hearing consider whether or not the following structure should be determined to be dangerous, substandard and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

The reason for this hearing is that you have not complied with the notice and order to repair issued 12/17/01.

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

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

By


Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON

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

DATE: December 17, 2001

Address of the Property: 1458 Sixth, Muskegon, Michigan

TO: Daniel Herrema, 455 Buckshot Dr. Grandville, MI 49418
[Name & Address of Owner]

Equicredit, 2851 Charlevoix Dr. SE Suite 304 Grand Rapids, MI 49546-7048
(Interested Parties)

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

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

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

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

FAILURE TO COMPLY

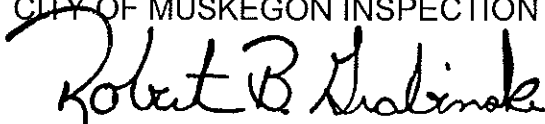
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at 1458 Sixth, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT

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

Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT

1458 Sixth St.

12/12/01

Inspection noted:

1. An interior inspection is required by all trade inspectors (plumbing, mechanical, electrical and building) before any permits or certificates of occupancy will be issued.
2. Home is boarded up.
3. Deteriorating roof covering, soffit, fascia.
4. Back porch rail knocked off porch.
5. Damaged siding corner cap.
6. Broken windows.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

12/12/2001
DATE

Jerry Bever
Jon Rolewicz
Clara Shepherd

The motion carried.

**Case #01-55 – 431 Monroe – Bennie Chambers, 1090 Langeland,
Muskegon**

No one was present to represent this case. There has been no contact with the owner. There has been no interior inspection. Ms. Shepherd stated the home has been vacant for 5-6 years.

Staff Recommendation:. Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

Motion made by Jerry Bever and seconded by John Warner to support staff's recommendation.

A roll cal vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

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

Nick Kroes

The motion carried.

**Case #01-053 – 1458 Sixth St. – Daniel Herrema, 455 Buckshot Dr.
Grandville, MI**

No one was present to represent this case. Mr. Grabinski gave a history on the case. Mr. Herrema did a nice job fixing the house. It was then left vacant and vandals ruined it. There have also been squatters.

Staff Recommendation:. Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

Motion made by Clara Shepherd and seconded by Randy Mackie to support staff's recommendation.

A roll cal vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

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

Nick Kroes

The motion carried.

Case #01-058 – 1525 Huizenga – Brian Miller, 1525 Huizenga, Muskegon

Mr. Grabinski gave a history of the case. It had a devastating fire. It is known as the "huff and puff" case. The owner is serving a year in jail because of the charges against him in this case. The back of the structure completely collapsed. The owner was huffing propane and smoking and blew the walls out. There has been no contact with the owner in regard to his house.

Staff Recommendation: Declare substandard, a public nuisance, and a dangerous building, and forward to City Commission for their concurrence.

Motion made by Clara Shepherd and seconded by Randy Mackie to support staff's recommendation.

A roll call vote was taken:

AYES:

NAYES:

EXCUSED:

ABSENT:

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

Nick Kroes

The motion carried.

Case #01-056 – 503 Octavius – Clayton National Inc. 4 Corporate Dr. 3rd Floor, Shelton, CT 06484

No one was present to represent this case. A board up request came from the MPD. There have been other issues. Inspections got in, the house was open. The city did do a rehab on this house for the former owners, but they are no longer involved. There has been no contact from Mortgage Company.

DATE: May 23, 2002

TO: Honorable Mayor and Commissioners

FROM: Robert Grabinski, Director of Inspection Services

RE: Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: 02-01 Address: 1715 Superior.

*Removed
from Agenda
Staff Request*

SUMMARY OF REQUEST: This is to request that the City Commission Concur with the findings of the Housing Board of Appeals that the structure located at **1715 Superior** is unsafe, substandard, a public nuisance and that it be demolished within thirty (30) days. It is further requested that administration be directed to obtain bids for the demolition of the structure and that the Mayor and City Clerk be authorized and directed to execute a contract for demolition with the lowest responsible bidder.

Case# & Project Address: 02-01, 1715 Superior

Location and ownership: This structure is located in the Marsh Neighborhood and is owned by Amy Bradley of Fruitport, MI.

Staff Correspondence: A dangerous building inspection was conducted on 6/23/98. Some work was done without permits after that time. Another inspection was conducted 1/22/02 after a fire. A Notice and Order to Repair was issued on 1/30/02. No one was present to represent the case before the HBA on 3/7/02 and the structure was declared substandard and dangerous. The owner called the Inspection Dept. after that date and scheduled an interior inspection, which was conducted 3/25/02. On 4/29/02 the owner called the office and inquired on what to do next. She was informed she needed to submit a schedule of repairs and apply for permits. There has been no contact since that date. The city has had the structure boarded on 3 separate occasions.

Owner Contact: Owner has not been in contact with this office since 7/20/01. At the HBA meeting in September, he was told he could stop this from going before the City Commission by scheduling an interior inspection and supplying this office with a time line for repairs.

Financial Impact: CDBG

Budget action required: None

State Equalized value: \$14,000

Estimated cost to repair: \$20,000

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

City Commission Recommendation: The commission will consider this item at it's meeting Tuesday, June 11, 2002.



1715 Superior

1981 0 1967 1955 1949 1945 1937 1927 0 1913 1907

0 1972 1962 1956 1948 0 1932 1926 1920

77 1971 1963 1949 1943 1937 1927 1919 1911 1907

1974 1964 1956 1944 1932 1926 1916 1908

1 1973 1961 1953 1949 1937 1923 1921 1919 1913 1905

1978 1962 1954 1936 1930 1926 1916 1912 1908

0

AV

667

1889 1883 1873 1866 1857 1847 1837 1831 1815 1819 1807

1892 1880 1874 1862 1856 1850 1844 1830 1820 1814 1808

1893 1885 1879 1869 1865 1849 1843 1817 1825 1813 0

1880 1874 1868 1862 1850 1844 1834

0 1875 1845 1843 1837 0 1825

0 1868 1860 1854 1846 1840 1832 1826 1818 1814

760

ELWOOD ST

SUPERIOR ST

RAY ST

AV

1785 1779

0 1786 1774

1785 1783 1773

0 1786 1780 1774

1785 1779

0 1786 1780 1774



Harbor Title

955 West Broadway
Muskegon, MI 49441

Title Search

Case No.: 100222980
January 25, 2002

1. Beginning Date: 12/16/97, at 8:00 A.M.

Please See Attached Liber 2048, Page 366, Muskegon County Records, for Legal Description:

2. We have searched the records in the office of the Register of Deeds for Muskegon County, Michigan covering the subject property, and find the following conveyances and undischarged encumbrances, from said beginning date to 1/4/2002, at 8:00 A.M.

Deeds:	Documents	Mortgages:
Liber 2048, Page 366.	Liber 3153, Page 835.	

Taxes:

Payment of the delinquent water and sewer usage, due and payable to the City of Muskegon in the amount of \$132.60, if paid by January 31, 2002.

Invoices due and payable to the Muskegon County 60th District Court in the amount of \$882.50.

1998 taxes SOLD TO STATE. The amount necessary to redeem in January is \$860.97.

Payment of the 1999 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$1,248.60, if redeemed by January 31, 2002.

Payment of the 2000 delinquent taxes, due and payable to the Muskegon County Treasurer in the amount of \$679.41, if paid by January 31, 2002.

Payment of the 2001 Winter taxes, due and payable to the City of Muskegon Treasurer in the amount of \$699.90, if paid by February 14, 2002. Note: Included in this amount is a delinquent water and sewer bill in the amount of \$88.20.

Note:

No 2001 Summer taxes were assessed.

Permanent Parcel No.: 61-24-185-110-0015-00.

2001 State Equalized Value: \$14,000.00.

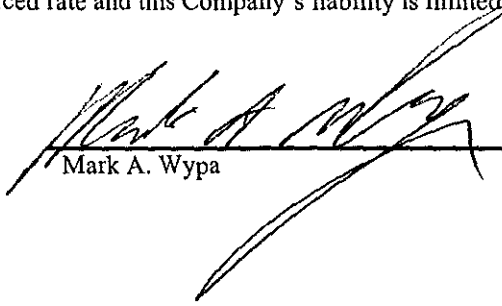
2001 Taxable Value: \$11,003.00.

Non-Homestead Property.

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

~~Amy Bradley~~

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


Mark A. Wypa

NOTICE OF HEARING BEFORE THE CITY COMMISSION

DATE: May 23, 2002

1715 Superior
(Address of Property)

TO: All owners and interested parties:

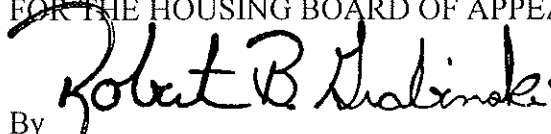
Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
(Name of Owner)

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Other interested parties)

On March 7, 2002, the Muskegon Housing Board of Appeals made a determination that the subject property is sub-standard, a public nuisance and a dangerous building under the City Code and ordered that it be repaired or demolished.

The City Commission will hold a hearing on June 11, 2002, to consider the above decision of the Housing Board of Appeals. You may appear at this hearing at 5:30 p.m. on June 11, 2002, at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, with counsel, if you desire, to present any relevant evidence and arguments concerning the decision to demolish the above structures.

CITY OF MUSKEGON INSPECTIONS DEPARTMENT,
FOR THE HOUSING BOARD OF APPEALS



By _____
Robert B. Grabinski, Director of Inspections

CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
Home Had Fire
1715 Superior
3/25/02

Inspection noted:

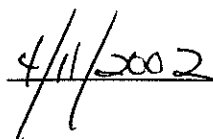
1. Dryer vent needs to be installed to code. Bath needs exhaust to code.
2. Duct work and furnace need to be cleaned.
3. Furnace needs to be certified and gas pipe tested.
4. Tub and shower valve needs to be anti-scald. All fixtures need to be cleaned and in working condition.
5. Water pipe installed to code.
6. Drains in working condition and to code.
7. Check water service and sewer main.
8. All floor joists that are damaged must be replaced or sistered to bearing points. Proper column support is needed on make-shift beams.
9. Replace all interior ceiling covering and insulation damaged by fire.
10. All smoke damage to be sealed with approved method.
11. Hot water heater is not properly wired.
12. Smoke detectors required.
13. Front porch lights not mounted on box.
14. Furnace improperly wired.
15. Incandescent fixture not permitted in front bedroom closet.

NOTE: COULD NOT SEE WHOLE HOUSE DUE TO LARGE AMOUNT OF GARBAGE IN HOUSE.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR

DATE



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

Date: March 12, 2002

To: Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
Owners Name & Address

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties

ORDER TO DEMOLISH STRUCTURE

The Housing Board of Appeals, having received evidence at a scheduled and noticed meeting held on Thursday, March 7, 2002 does hereby order that the following structure(s) located at **1715 Superior**, Muskegon, Michigan, shall be demolished for the reason that the said structure or structures are found, based upon the evidence before the Board of Appeals, to be dangerous, substandard and a public nuisance.

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

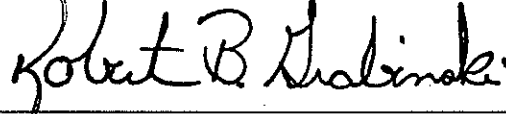
The director of inspections is ordered to place before the Muskegon City Commission this order and the record in this case to seek concurrence by the City Commission with the decision of this board, and further to give notice to the owner and interested parties of the date and time when this matter shall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

NOTICE TO OWNER AND INTERESTED PARTIES

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

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

FOR THE HOUSING BOARD OF APPEALS:

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

Robert B. Grabinski, Director of Inspections

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

NOTICE OF HEARING

Date: February 26, 2002

Address of the Property: 1715 Superior, Muskegon MI

Description of the Structure: Castenholz Sub. Div of Blks 100, 101, & 103 to 120 inclusive, Blk 110 Lot 15

TO: Amy Bradley, 4920 S. Brooks Rd. Fruitport, MI 49415
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
Names & Addresses of Other Interested Parties]

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

The reason for this hearing is that you have not complied with the Notice and Order issued 1/30/02.

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

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

By

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

CITY OF MUSKEGON

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

DATE: January 30, 2002

Address of the Property: 1715 Superior, Muskegon, Michigan

TO: Amy Bradley, 4920 S. Brooks, Fruitport, MI 49415
[Name & Address of Owner]

Muskegon County Treasurer, P.O. Box 177, Muskegon, MI 49443
(Interested Parties)

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

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

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

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

FAILURE TO COMPLY

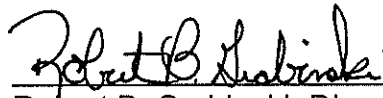
After 30 days from mailing this notice, if you have not complied with this notice, a hearing will be scheduled before the City of Muskegon Housing Board of Appeals for the purpose of enforcing this notice and order and instituting City action to remove the structure. You will receive notice of that hearing.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

SCHEDULE OF CONDITIONS

The following conditions are present at the structure at **1715 Superior**, Muskegon, Michigan, and cause said structure to be a dangerous or substandard building and a public nuisance.

Please see the attached inspection report

CITY OF MUSKEGON INSPECTION DEPARTMENT



Robert B. Grabinski, Director of Inspections

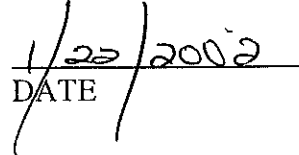
CITY OF MUSKEGON
DANGEROUS BUILDING INSPECTION REPORT
HOME HAD FIRE
1715 Superior
1/22/02

Inspection noted:

1. An interior inspection is required by all trade inspectors (this includes Plumbing, Mechanical, Electrical and Building) before any permits or certificates of occupancy will be issued.
2. Repair – replace all damaged roofing and siding on home.
3. Repair all foundation walls – tuck pointing.
4. Replace basement window frames – rotting.
5. Garage siding rotting, has peeling paint, unprotected.
6. Garage doors damaged need repair or replaced.
7. Large amount of debris left in open garage.
8. Broken out windows in garage and home need to be replaced.

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


HENRY FALTINOWSKI, BUILDING INSPECTOR


DATE

DANGEROUS BUILDING INSPECTION

1715 SUPERIOR

8/22/97

APPROXIMATELY 20 FT X 40 FT 1 1/2 STORY WOOD FRAME HOUSE AND GARAGE.

- 1. FRONT PORCH MISSING SIDING AND UNPROTECTED WOOD EXPOSED TO GRADE.**
- 2. CONSTRUCTION WITH OUT A PERMIT.**
- 3. NEW WINDOWS DO NOT MEET CODE.**

GARAGE:

- 4. OVER HEAD DOOR BROKEN WITH A SECTION MISSING.**
- 5. SIDING MISSING.**

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

George Dood
GEORGE DOOD, BUILDING INSPECTOR

8/22/97
DATE

CONCURRED IN:

Jerry McIntyre
JERRY MCINTYRE, BUILDING OFFICIAL

BUILDING INSPECTION

1715 SUPERIOR

10/14/97

11:00
Thursday

Structural

1. Front porch requires footing. *NO*
2. Front porch has missing siding and unprotected wood exposed to grade. *NO*
3. Construction done without a permit being issued; new windows do not meet egress code.
4. Handrail required on stairs.
5. Basement walls bow in approximately 4". *OK*
6. Floor joist under living room needs proper support. *NO*
7. Floor joist in basement needs proper support. *OK*
8. Floor joist cut and split needs repair. *OK*
9. Holes in block need repair and tuckpointing.
10. Smoke detectors required per CABO I & II Family Code, 1995 Edition, Section 316. *NA*
11. Rear porch guardrail needs to be finished. *OK*
12. Garage overhead door broken with a section missing. *NO*
13. Siding missing on garage. *NO*

Electrical

1. Service drop pulled loose from building. *OK*
2. Service not properly grounded. *OK*
3. Exterior lights not mounted on boxes. *NO*
4. Front porch lights not mounted on box. *OK*
5. Kitchen outlets not GFI protected. *OK*
6. Service not mounted on wall. *NO*
7. Furnace improperly wired.
8. Dryer improperly wired. *OK*
9. Miscellaneous wires hanging down in basement. *NO*
10. Open junction boxes in basement. *OK*
11. Feeders to garage improperly wired. *NA*
12. Bathroom plug not GFI protected. *OK*
13. Incandescent fixture not permitted in front bedroom. *NO*

733-1824

Plumbing/Mechanical

1. Toilet needs new tank kit. *OK*
2. Kitchen sink needs faucets replaced. *OK*
3. Water piping to laundry sink needs to be secured to wall or sink. *OK*
4. Furnace needs to be certified safe for operation by licensed mechanical contractor. *OK*

h.w. h. not wired properly

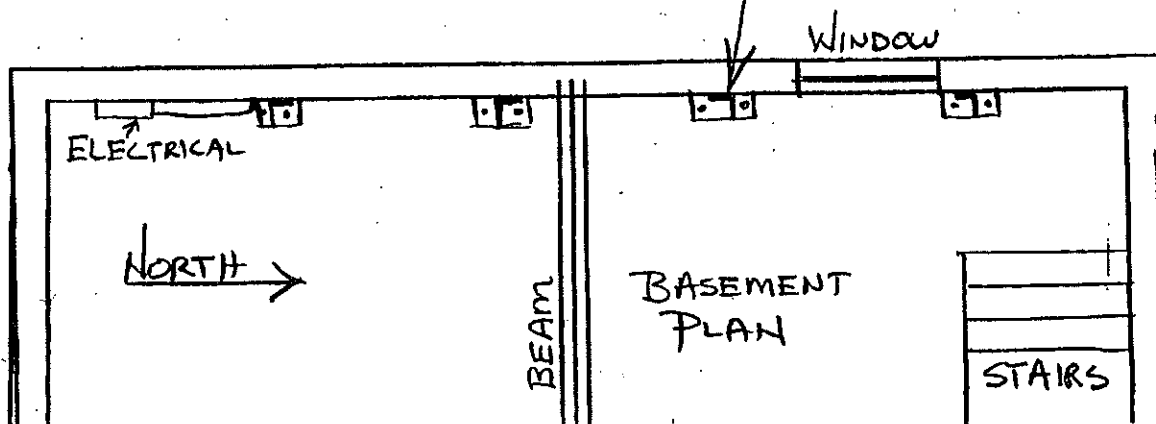
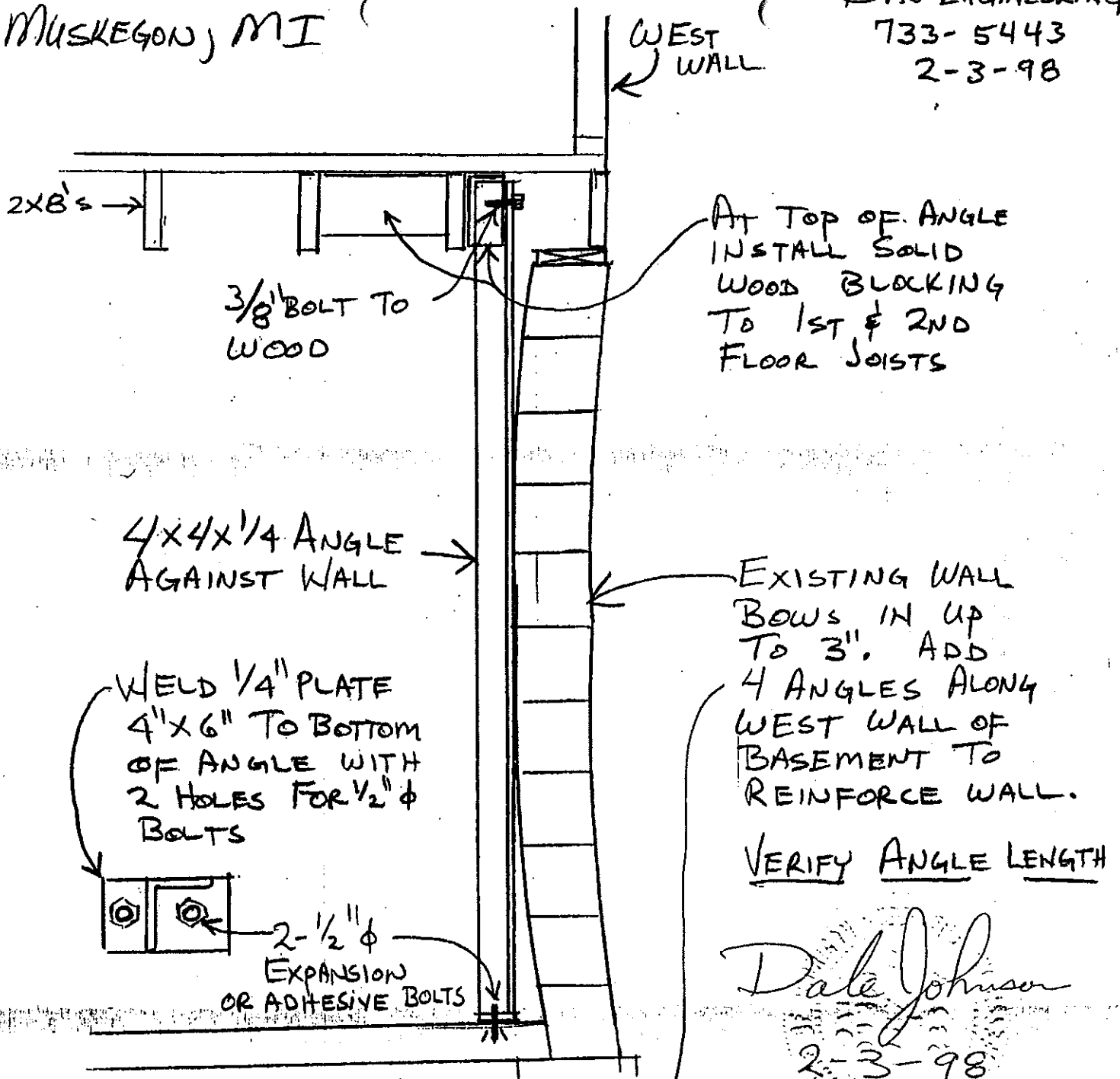
5. Furnace vent pipe needs screws in pipe connections. OK
6. Plastic dryer vent pipe is not to code-must be replaced.
7. CPVC pipe coming off water heater not to code; must be hard piped first 18" off water heater. OK
8. Chimney needs to be certified safe by licensed contractor.

George Dood/h
GEORGE DOOD,
BUILDING INSPECTOR

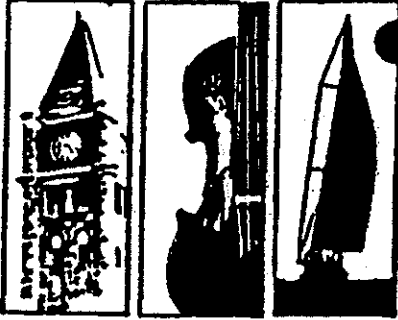
10-20-97
DATE

1715 SUPERIOR
MUSKEGON, MI

DAJ ENGINEERING
733-5443
2-3-98



MUSKEGON



West Michigan's Shoreline City

FAX COVER SHEET

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

Phone: (616) 724-6747
Fax: (616) 726-2501

To: DAVE Schlieve
From: JERRY McIntyre
Date: 6-23-98

Total number of pages sent, including cover sheet: 2

Please phone to verify receiving document: _____

Please review and phone/fax comments, etc.: _____

For your information only: _____

INSTRUCTIONS:

Affirmative Action
616/724-6703

Assessor
616/724-6708

Cemetery
616/724-6783

Civil Service
616/724-6716

Clerk
616/724-6705

C. N. Services
616/724-6717

Engineering
616/724-6707

Finance
616/724-6713

Fire Dept.
616/724-6792

Income Tax
616/724-6770

Inspections
616/724-6715

Leisure Service
616/724-6704

Manager's Office
616/724-6724

Mayor's Office
616/724-6701

Planning/Zoning
616/724-6702

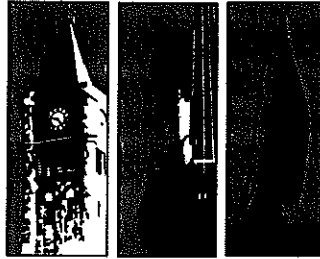
Police Dept.
616/724-6750

Public Works
616/726-4786

Treasurer
616/724-6720

Water Dept.
616/724-6718

MUSKEGON



West Michigan's Shoreline City

BUILDING INSPECTION 1715 SUPERIOR

6-23-1998

1. Front porch requires footing
2. Front porch has missing siding and unprotected wood exposed to grade.
3. Handrail on stairs not installed correctly.
4. Garage overhead door broken with a section missing.
5. Siding missing on garage.
6. Exterior lights not mounted in boxes.
7. Service panel not mounted securely to wall.
8. Feeders to garage not wired properly.
9. Incandescent light fixture not permitted in front bedroom closet.
10. Chimney needs to be certified safe by licensed contractor.

This is the list that is remaining. The one item I did not insert in the list is the hardwired smoke detectors we discussed on the phone. When the smoke detectors are completed and brought up to the codes' minimum requirements, we will issue a temporary occupancy for another 30 days. The thirty days will begin upon the date of issuance for the temporary occupancy. At the end of the extended time, another inspection will be made to make sure all items on the list are complete.

Jerry McIntyre

Building Official

Date: June 11, 2002
To: Honorable Mayor and City Commissioners
From: Engineering
RE: MOU / Agreement with MDOT for the Construction of
Shoreline Dr. East

SUMMARY OF REQUEST:

Enter into an agreements with Michigan Department of Transportation to provide funding for the proposed Shoreline Dr. East Project. Furthermore, due to the timing constrains, it is requested that your approval, if granted, be contingent upon compliance with the City attorney's review. Also, it is respectfully requested that the Mayor & City Clerk be authorize to execute said agreements and the necessary resolutions.

FINANCIAL IMPACT:

The estimated cost of the project, including the existing section of Shoreline Dr. from Terrace to Southern Ave. is \$11,850,000 of which the City is responsible for an estimated total of \$650,000.

BUDGET ACTION REQUIRED:

None at this time. The city's share would come out of Major Street Fund (\$500,000), Sewer Fund (\$75,000) and Water Fund (\$75,000).

STAFF RECOMMENDATION:

Conditional approval of the attached agreements and resolution.

COMMITTEE RECOMMENDATION:

ROADWAY JURISDICTIONAL TRANSFER
CITY OF MUSKEGON AND
MICHIGAN DEPARTMENT OF TRANSPORTATION
MEMORANDUM OF UNDERSTANDING
(MOU)

- WHEREAS, The City of Muskegon (the City) and the Michigan Department of Transportation (MDOT), are jointly developing these roadway jurisdictional transfers; and
- WHEREAS, the City has jurisdiction over Shoreline Drive from Southern Avenue to Terrace Street; and
- WHEREAS, The City shall construct a new segment of Shoreline Drive (Shoreline Dr. Extension) from Terrace Street to Business US 31 (*US-31BR*), as well as reconstruct and/or rehabilitate the existing segment between Southern Avenue and Terrace Street (see attached map); and
- WHEREAS, US-31BR, from south of Ninth Street to north of Eastern Street, are a pair of one-way State Trunklines under the jurisdiction of MDOT; and
- WHEREAS, the City and MDOT will exchange jurisdiction of the aforementioned streets upon completion and acceptance of construction, reconstruction, and/or rehabilitation of Shoreline Drive, as described above, and per the conditions described in this MOU.
- NOW, THEREFORE, the City and MDOT agree as follows:

1. The City shall acquire the necessary property at its expense, and complete environmental mitigation as required by the Phase II Environmental Review and by federal and state regulations, and obtain MDOT approval of the required environmental clearance issues, prior to and during construction. If additional costs are incurred during project construction, for either the Shoreline Drive Extension or the existing Shoreline Drive roadway, due to hazardous contaminated material disposal and/or other environmental issues, the City is required to pay 100% of the additional excavation costs, beyond that which would normally be classified as normal non-hazardous and/or non-hazardous contaminated material excavation, as it relates to all disposal, handling and mitigation for the Shoreline Drive Extension, as described above and on the attached map.
2. The City shall arrange for completion of design plans, engineering, and construction including construction engineering (CE) of the Shoreline Drive Extension as described herein, upon MDOT review and approval of final design plans; the City shall advertise, let, and award the project; MDOT also shall approve construction staging, in coordination with other Muskegon area projects to minimize impacts on the users of the system. The City will

be reimbursed for construction costs for the project through the transfer of state Build Michigan III funds to the City; specific terms and conditions of the fund transfer shall be addressed by separate agreement between the City and MDOT. The following items shall be the respective responsibilities of the City and MDOT:

3. MDOT shall provide Build Michigan III funds not to exceed \$11,850,000 for the following predetermined, eligible items within the limits of the Shoreline Drive Extension project and the reconstruction and rehabilitation of the existing section between Terrace Street and existing US-31BR (Southern Avenue): roadway construction, roadway reconstruction, roadway rehabilitation, PE for the portion of existing Shoreline Drive, CE, railroad relocation, standard traffic signals, street-lighting replacement, public utility pole relocation, relocation of existing public utility service (as per MDOT guidelines for utility relocations), with the following exceptions as listed in Items 2b, 2c, and 8 below;
2. The City shall provide the following items, including required audits, related to the Shoreline Drive at its expense: street-lighting operations and maintenance, including utility billings; all sanitary force-main modifications and/or upgrades resulting from existing condition defects; non-motorized trail construction and all future maintenance; expansion and upgrades of existing utility service beyond existing facilities unless replaced as a direct conflict to the new construction (all cost associated with replacement of existing utilities, due to age of the facility, will be shared evenly by MDOT and the City and all upgrades to replaced utilities will be at 100% city cost); and design engineering and environmental clearance per previous agreements, including mitigation and cleanup of any additional environmental issues discovered during the life of the construction project. MDOT shall have no responsibility for sanitary sewer force-main and its existing condition. The City shall be responsible for all needed sanitary sewer upgrades, and to assure its structural integrity for the Shoreline Drive Extension.
3. Local road (such as Western Avenue) modifications, outside the agreed on limits of direct tie-ins to the Shoreline Drive, shall be the responsibility of the City.
4. The City shall be responsible for the design of the reconstruction project (as approved by MDOT) on existing Shoreline Drive, from Fourth Street to Terrace Street. In addition, the City shall be responsible for the design of the rehabilitation project (as approved by MDOT) on existing Shoreline Drive, from existing US-31BR (north of Southern Avenue) to Fourth Street. The two segments mentioned in this section shall be done separately from the Shoreline Drive Extension construction project, but shall also be included in the Build Michigan III funding, with MDOT approval. This portion of the Build Michigan III funding will be part of the total funding limit mentioned in section "a" and any additional costs for these projects will

be at 100% City of Muskegon costs - per agreement).

3. The City shall obtain MDOT approval of final design plans and environmental mitigation plans prior to contract letting for construction, reconstruction, and rehabilitation of the Shoreline Drive project. The City will arrange for advertising, letting, CE, construction of the Shoreline Drive, designing, rehabilitation, and reconstruction of the existing Shoreline Drive from Terrace Street to Southern Avenue, and will be reimbursed with Build Michigan III funds, per Item #2a above.
4. Upon the completion of the Shoreline Drive Extension as described herein, and upon completion of existing Shoreline Drive improvements as described in Item #2 above, and acceptance of these projects by MDOT, the City will transfer jurisdictional control of Shoreline Drive, from south of Ninth Street to north of Eastern Avenue (MP to be assigned), to MDOT to be a State Trunkline, designated as a segment of the US 31BR.
5. The City shall, as long as the contract is in place for such procedures, perform trunkline highway maintenance of Shoreline Drive, for which jurisdictional control has been transferred to MDOT by this MOU, and receive reimbursement from the State for such maintenance in accordance with the duration, terms, and conditions of its existing Municipal Trunkline Maintenance contract, and in accordance with any future Municipal Trunkline Maintenance Contract as renewed and agreed upon by the City and MDOT.
6. MDOT arranged for rehabilitation, at its expense, of US 31BR from near Southern Avenue to north US 31 during 1999. MDOT also made repairs on southbound US- 31BR at Spring Street and on northbound US 31BR between Eighth and Ninth Streets; this project was completed and accepted by MDOT in 1999, per contract 61153 / 45782.
7. Upon completion of the Shoreline Drive Extension and reconstruction/rehabilitation of existing Shoreline Drive as described herein, MDOT will transfer jurisdiction of US-31BR, which includes the one-way pair of Webster Avenue and Muskegon Avenue, from south of Ninth Street to north of Eastern Avenue (MP: NB: South Spring Point of Ninth Street North to North Spring Point of Eastern Street - CS 61151 BMP = 5.796 EMP = 6.066 and CS 61153 BMP = 0.000 EMP 1.000; and SB: South Spring Point of Ninth Street North to approximately 500 feet South of Eastern Street CS 61151 BMP = 5.796 EMP 6.066 and CS 61153 BMP = 0.000 EMP 0.860), to the City. Upon completion of the transfer, the City shall have complete responsibility and authority over the referenced streets, including maintenance responsibility for these streets. MDOT will have no further maintenance responsibilities or obligations for these referenced streets. Upon transfer, the streets will become a part of the City's Street Plan and eligible for maintenance cost reimbursement under Act 51. A separate turnback agreement will be initiated between the City and MDOT.
8. After the transfer of jurisdiction is completed, ROW transfer will take place and will be done as an easement for highway purposes. This process will be initiated by MDOT and the City of Muskegon at a later date.
9. MDOT will not own the ROW for existing Shoreline Drive or the Shoreline Drive Extension. As such, the City, not MDOT will be liable and responsible for all

environmental and other issues related to all Shoreline Drive ROW. In the event MDOT is the fee owner of Muskegon and Webster, it shall convey ownership to the City. The respective environmental liabilities shall be governed by the laws of the State.

10. Liability and responsibility for the condition of the highway and streets under MCLA 691.1402 and the Liability Exemption Section of Part 201, ACT 451 (Section 20126) shall follow the transfers of jurisdiction, regardless of fee ownership. No liability under the highway exception to governmental immunity evidenced by that statute or any successor or amendment thereof shall remain with either party after jurisdiction has been transferred as set forth in this agreement.
8. Existing traffic and parking controls, including speed limits, parking regulations, truck restrictions, traffic signs and signals, and pavement markings (on the street segments defined, for which jurisdictional control has been transferred to MDOT by this MOU), will be retained by MDOT after the transfer, so long as traffic operations are not negatively affected. Any future changes to the existing traffic controls, or placement of new controls or devices, and maintenance on these transferred streets within the City, will be done in consultation with the City, per existing MDOT procedures, policies, and agreements for trunkline routes within the City.
 - a MDOT will participate in the cost of traffic signals which meet MDOT's current standards and as provided in the current signal maintenance agreements. Additional costs to provide decorative traffic signals shall be 100% paid by the City of Muskegon. The City of Muskegon will also be responsible for providing all replacement parts required for any and all decorative traffic signals, within this Shoreline Drive corridor.
 2. MDOT will not participate in the cost of placing new business informational or advertising signs as part of the Shoreline Drive Extension or existing roadway projects as described herein. If any existing signs are required to be moved, they will be moved by the City and shall be paid for by the City.
9. The transferred street segments as described herein, for which jurisdictional control has been transferred to MDOT by this MOU, will operate as existing state trunklines in all respects, per existing MDOT procedures, policies, and agreements for trunkline routes within the City.
10. In accordance with MDOT's guidelines for public participation in planning such projects, MDOT and the City will jointly provide opportunities for public input and involvement before implementing any future major improvement projects on the street segments described herein, for which jurisdictional control has been transferred to MDOT by this MOU.

Include map and/or attachment that shows turnback limits, stationing, and description.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed on this 11th day of June, 2002.

WITNESSES:

CITY OF MUSKEGON:

Linda Potter
Linda Potter

Margaret M. Platt
Margaret M. Platt

Steven Warmington

Steven Warmington, Mayor

Gail A. Kunderger

Gail A. Kunderger, Clerk

WITNESSES:

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION:

By: _____

Its: _____

JMS - 0: (STREETSWAP)

RESOLUTION 2002-72(f)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF SHORELINE DR. EAST FROM US-31BR TO THE EXISTING SHORELINE DR. , THE MILLING AND RESURFACING OF SHORELINE DR. FROM US-31BR NORTHERLY TO FOURTH STREET & THE RECONSTRUCTION OF SHORELINE DR. FROM FOURTH TO TERRACE TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Larson and supported by

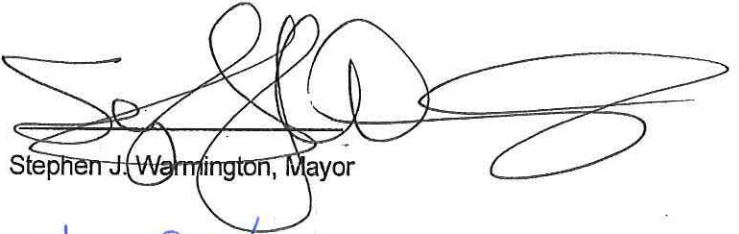
Commissioner Buie that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **02-5019** between the Michigan Department of Transportation and the City of Muskegon for the resurfacing & widening of the southbound exit ramp at US-31 and Sherman Blvd. within the City is in the best interests of the City of Muskegon.

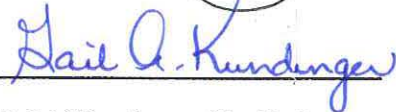
RESOLVED, that entry by the City into Contract Agreement Number **02-5019** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 11th day of June, 2002.

BY


Stephen J. Warmington, Mayor

ATTEST

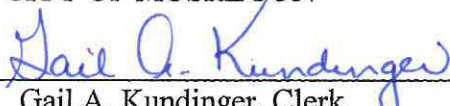

Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on June 11, **2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, Clerk



JOHN ENGLER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

GREGORY J. ROSINE
DIRECTOR

July 24, 2002

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

RECEIVED
SEP 05 2002
City Clerks Office

Dear Ms. Kunding:

RE: MDOT Contract Number: 02-5019
Control Section: MBS 61153; MBS 61151
Job Number: 56028; 59581

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

Sincerely,

Jackie Burch
Contract Processing Specialist
Design Division

Enclosure

cc: V. Weerstra, Grand Region and A. Suber, Economic Development
A. Christensen, Financial Operations Division
Grand Region Engineer

cc: Engineering

RECEIVED
CITY OF MUSKEGON

BUILD MICHIGAN III
NON FED

CAB

APR 15 2002

Job Number

56028; 59527

Control Section

MBS 61153; MBS 61151

Contract No.

02-5019

THIS CONTRACT is made and entered into this date of JUL 23 2002, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT;" and the CITY OF MUSKEGON, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY;" for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Muskegon, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I," dated March 26, 2002, attached hereto and made a part hereof:

PART A - MBS 61153; JOB# 56028

New construction work for the Shoreline Drive Connector from Highway US-31BR to the existing Shoreline Drive at Terrace Street; and all together with necessary related work.

PART B - MBS 61151; JOB# 59527

Coldmilling and bituminous resurfacing work along Shoreline Drive from the existing Highway US-31BR northerly to Fourth Street and Pavement and removal and replacement work along Shoreline Drive from Fourth Street northerly to Terrace Street; and all together with necessary related work.

WITNESSETH:

WHEREAS, the State of Michigan is hereinafter referred to as the "State;" and

WHEREAS, the PROJECT has been approved for financing in part with State Build Michigan III Funds; and

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

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

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

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CITY OF MUSKEGON

JUL 09 2002

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CITY OF MUSKEGON

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the construction or reconstruction of the PROJECT, including the costs of preliminary engineering, plans, and specifications for the PART B portion of the PROJECT; physical construction necessary for the completion of the PROJECT; and engineering, legal, appraisal, financing, and any and all other expenses in connection with any of the above, except for those costs otherwise specified in this contract.

The costs incurred by the REQUESTING PARTY for preliminary engineering for the PART A portion of the PROJECT and right-of-way are excluded from the PROJECT COST as defined by this contract. The preliminary engineering performed by the REQUESTING PARTY for the PART A portion of the PROJECT work is covered by a separate contract (#95-0842 as amended by #00-5445) under job number 38765.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to perform, at no cost to the PROJECT, such administration of PROJECTS covered by this contract as is necessary to assist the REQUESTING PARTY to qualify for funding. Such administration may include performing such review, legal, financing, any other PROJECT related activities as are necessary to assist the REQUESTING PARTY in meeting applicable State requirements.

The DEPARTMENT shall make a final acceptance inspection of the PROJECT as necessary to ensure the PROJECT meets State requirements. Failure to comply with State requirements may result in forfeiture of future distributions of the Michigan Transportation Fund as described in Section 8. No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

4. The REQUESTING PARTY shall perform or cause to be performed all the PROJECT work. It is understood that portions or all of the PROJECT work will be placed under contract by the REQUESTING PARTY. The performance of the PROJECT work will be subject to the following conditions:

- A. The REQUESTING PARTY, at PROJECT COST, shall appoint a project engineer who shall oversee the PROJECT and ensure the PROJECT work is performed in accordance with this contract.
- B. The REQUESTING PARTY will design or cause to be designed the PROJECT and shall accept full responsibility for that design. Any review undertaken by the DEPARTMENT is for its own purposes and is not to nor does it relieve the REQUESTING PARTY of liability for any claims, causes of action or judgments arising out of the design of the PROJECT.

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

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

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

- D. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 201, MCL 339.2001; MSA 18.425(2001).
- E. The REQUESTING PARTY, hereby, certifies to the DEPARTMENT that the plans, specifications, and estimates for the PROJECT have been prepared in compliance with applicable State laws, local ordinances, and State and local standards and regulations.
- F. The REQUESTING PARTY, hereby, certifies to the DEPARTMENT that the contracting procedures to be followed by the REQUESTING PARTY in connection with the solicitation of the construction contract for the PROJECT shall be based on an open competitive bid process. It is understood that the proposal for the PROJECT shall be publicly advertised and the contract awarded on the basis of the lowest responsive and responsible bid in accordance with applicable State statutes, local ordinances, and State and local regulations.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will comply with all applicable State statutes, local ordinances, and State and local regulations, including, but not limited to, those specifically relating to construction contract administration and obtain all permits and approvals with railway companies, utilities, concerned State, Federal, and local agencies, etc., and give appropriate notifications as may be necessary for the performance of work required for the PROJECT.

The REQUESTING PARTY agrees to comply with all applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended by 1995 PA 60 and 1996 PA 173, MCL 324.9101 et. seq., for all PROJECT work performed under this contract, and the REQUESTING PARTY shall require its contractors and subcontractors to comply with the same.

- H. The REQUESTING PARTY, at PROJECT COST, shall appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed, and shall perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

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

- I. The REQUESTING PARTY shall provide all construction engineering and inspection necessary for the PROJECT; however, the DEPARTMENT may, at its own expense, provide a competent inspector. Said inspector, acting through the REQUESTING PARTY'S engineer, shall have the right to reject any or all portions of the work which are not executed pursuant to the plans and specifications.
- J. The REQUESTING PARTY shall require the contractor who is awarded the contract for the construction of the PROJECT to provide, as a minimum, insurance in the amounts specified in and in accordance with the DEPARTMENT'S current Standard Specifications for Construction, and to:
- (1) Maintain bodily injury and property damage insurance for the duration of the PROJECT.

- (2) Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees, for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume either ownership of any portion of the PROJECT or jurisdiction of any REQUESTING PARTY highway as a result of being named as an insured on the owner's protective liability insurance policy.
 - (3) Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current Standard Specifications for Construction and to provide copies of notices and reports prepared to those insured.
- K. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of PROJECT work.
- L. The REQUESTING PARTY shall notify the DEPARTMENT:
 - (1) Within thirty (30) days of the completion of preliminary engineering for the PART B portion of the PROJECT.
 - (2) Thirty (30) days prior to the anticipated opening of the PROJECT to traffic and certify that the PROJECT has been constructed in accordance with the PROJECT plans, specifications, and construction contract.

5. The PART A and B portions of the PROJECT COST shall be met by contributions by State Build Michigan III Funds. State Build Michigan III Funds shall be applied to the eligible items of the PART A and B portions of the PROJECT COST up to an amount not to exceed \$8,800,000 and \$3,050,000, the respective grant amounts. The balance, if any, of the PART A and B portions of the PROJECT COST, after deduction of State Build Michigan III Funds, is the sole responsibility of the REQUESTING PARTY.

Costs for PROJECT work performed by the REQUESTING PARTY that are eligible for payment under this contract will be based on the actual labor, material, and equipment supplied by the REQUESTING PARTY for the PROJECT and under the REQUESTING PARTY'S direct control. Costs for PROJECT work performed under subcontract with the REQUESTING PARTY that are eligible for payment under this contract will be based on the terms and conditions set forth in the formal written agreement between the REQUESTING PARTY and the subcontractor and approved by the DEPARTMENT as applicable.

It is understood that payment of costs is subject to cost criteria set forth in Section 4C and any changes in the scope of work for the PROJECT will require approval by the DEPARTMENT.

Upon receipt of the "Request for Payment Form" from the REQUESTING PARTY, the DEPARTMENT will authorize payment to the REQUESTING PARTY for one half of the eligible grant amounts upon execution of this contract and the balance of the eligible grant amounts six (6) months after execution of this contract.

6. The REQUESTING PARTY shall begin the performance of the PROJECT work within six (6) months of the execution of this contract and proceed with the PROJECT work in accordance with a reasonable schedule as agreed upon by all parties to this contract.

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

8. The REQUESTING PARTY shall establish and maintain adequate records and accounts relative to the cost of the PROJECT. Said records shall be retained for a period of three (3) years after completion of construction of the PROJECT and shall be available for audit by the DEPARTMENT. In the event of a dispute with regard to allowable expenses or any other issue under this contract, the REQUESTING PARTY shall continue to maintain the records at least until that dispute has been finally decided and the time after all available challenges or appeals of that decision has expired.

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

The REQUESTING PARTY shall submit to the DEPARTMENT certified costs for preliminary engineering for the PART B portion of the PROJECT within three (3) months of completion and shall make a final reporting of construction costs and all items of PROJECT COST related thereto within six (6) months of completion of the PROJECT.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating

whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 998-502 and applicable State laws and regulations relative to audit requirements.

9. The DEPARTMENT is entering into this contract to enable the REQUESTING PARTY to obtain and use funds provided by the State.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds.

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

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

10. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of any REQUESTING PARTY highway for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rests with the REQUESTING PARTY.

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

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

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

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

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

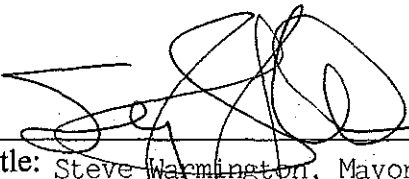
12. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts," as set forth in Appendix A, attached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

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

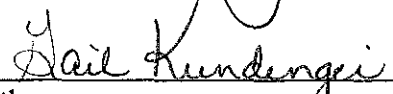
IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

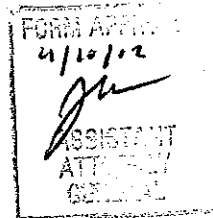
CITY OF MUSKEGON

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By 
Title: Steve Warmington, Mayor

By 
Department Director MDO

By 
Title: Gail Kunderger, City Clerk



March 26, 2002

EXHIBIT I

JOB NUMBER 56028; 59527
CONTROL SECTION MBS 61153; MBS 61151

ESTIMATED COST

	<u>PART A</u>	<u>PART B</u>	<u>TOTAL</u>
Estimated PROJECT COST	\$8,800,000	\$3,050,000	\$11,850,000

ESTIMATED COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$8,800,000	\$3,050,000	\$11,850,000
Less State Build Michigan III Funds*	<u>\$8,800,000</u>	<u>\$3,050,000</u>	<u>\$11,850,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$ -0-	\$ -0-	\$ -0-

NO DEPOSIT

*State Build Michigan III Funds for the PART A and B portions of the PROJECT are limited to \$8,800,000 and \$3,050,000, the respective grant amounts. PART A and B portions (funding amounts) can be modified with a future amendment to this agreement, with the total of PART A and PART B not to exceed \$11,850,000, as approved and processed by MDOT.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

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

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

March, 1998

EXHIBIT II

Revised 07/29/02

ROADWAY JURISDICTIONAL TRANSFER
CITY OF MUSKEGON AND
MICHIGAN DEPARTMENT OF TRANSPORTATION
MEMORANDUM OF UNDERSTANDING
(MOU)

- WHEREAS,** The City of Muskegon (the City) and the Michigan Department of Transportation (MDOT), are jointly developing these roadway jurisdictional transfers; and
- WHEREAS,** the City has jurisdiction over Shoreline Drive from Southern Avenue to Terrace Street; and
- WHEREAS,** The City shall construct a new segment of Shoreline Drive (Shoreline Dr. Extension) from Terrace Street to Business US-31 (*US-31BR*), as well as reconstruct and/or rehabilitate the existing segment between Southern Avenue and Terrace Street (see attached map); and
- WHEREAS,** US-31BR, from south of Ninth Street to north of Eastern Street, are a pair of one-way State Trunklines under the jurisdiction of MDOT; and
- WHEREAS,** the City and MDOT will exchange jurisdiction of the aforementioned streets upon completion and acceptance of construction, reconstruction, and/or rehabilitation of Shoreline Drive, as described above, and per the conditions described in this MOU, and this transfer will be done under a separate agreement at that time.

NOW, THEREFORE, the City and MDOT agree as follows:

1. The City shall acquire the necessary property at its expense, and complete environmental mitigation as required by the Phase II Environmental Review and by federal and state regulations, and obtain MDOT approval of the required environmental clearance issues, prior to and during construction. If additional costs are incurred during project construction, for either the Shoreline Drive Extension or the existing Shoreline Drive roadway, due to hazardous contaminated material disposal and/or other environmental issues, the City is required to pay 100% of the additional excavation costs, beyond that which would normally be classified as normal non-hazardous and/or non-hazardous contaminated material excavation, as it relates to all disposal, handling and mitigation for the Shoreline Drive Extension, as described above and on the attached map.
2. The City shall arrange for completion of design plans, engineering, and construction including construction engineering (CE) of the Shoreline Drive Extension as described herein, upon MDOT review and approval of final design plans; the City shall advertise, let, and award the project; MDOT also shall approve construction staging, in coordination with other Muskegon area projects to minimize impacts on the users of the system. The City will be reimbursed for construction costs for the project through the transfer of state Build Michigan III funds to the City; specific terms and conditions of the fund transfer shall be addressed by separate agreement between the City and MDOT. The following items shall be the respective responsibilities of the City and MDOT:

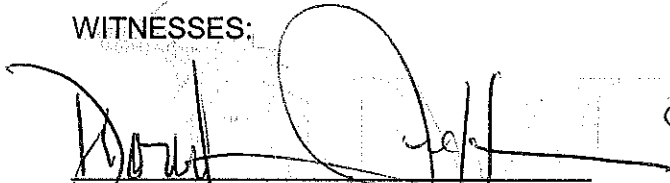
- a. MDOT shall provide Build Michigan III funds not to exceed \$11,850,000 for the following predetermined, eligible items within the limits of the Shoreline Drive Extension project and the reconstruction and rehabilitation of the existing section between Terrace Street and existing US-31BR (Southern Avenue): roadway construction, roadway reconstruction, roadway rehabilitation, PE for the portion of existing Shoreline Drive, CE, railroad relocation, standard traffic signals, street-lighting replacement, public utility pole relocation, relocation of existing public utility service (as per MDOT guidelines for utility relocations), with the following exceptions as listed in Items 2b, 2c, and 8 below;
 - b. The City shall provide the following items, including required audits, related to the Shoreline Drive at its expense: street-lighting operations and maintenance, including utility billings; all sanitary force-main modifications and/or upgrades resulting from existing condition defects; non-motorized trail construction and all future maintenance; expansion and upgrades of existing utility service beyond existing facilities unless replaced as a direct conflict to the new construction (all cost associated with replacement of existing utilities, due to age of the facility, will be shared evenly by MDOT and the City and all upgrades to replaced utilities will be at 100% city cost); and design engineering and environmental clearance per previous agreements, including mitigation and cleanup of any additional environmental issues discovered during the life of the construction project. MDOT shall have no responsibility for sanitary sewer force-main and its existing condition. The City shall be responsible for all needed sanitary sewer upgrades, and to assure its structural integrity for the Shoreline Drive Extension.
 - c. Local road (such as Western Avenue) modifications, outside the agreed on limits of direct tie-ins to the Shoreline Drive, shall be the responsibility of the City.
 - d. The City shall be responsible for the design of the reconstruction project (as approved by MDOT) on existing Shoreline Drive, from Fourth Street to Terrace Street. In addition, the City shall be responsible for the design of the rehabilitation project (as approved by MDOT) on existing Shoreline Drive, from existing US-31BR (north of Southern Avenue) to Fourth Street. The two segments mentioned in this section shall be done separately from the Shoreline Drive Extension construction project, but shall also be included in the Build Michigan III funding, with MDOT approval. This portion of the Build Michigan III funding will be part of the total funding limit mentioned in section "a" and any additional costs for these projects will be at 100% City of Muskegon costs - per agreement).
3. The City shall obtain MDOT approval of final design plans and environmental mitigation plans prior to contract letting for construction, reconstruction, and rehabilitation of the Shoreline Drive project. The City will arrange for advertising, letting, CE, construction of the Shoreline Drive, designing, rehabilitation, and reconstruction of the existing Shoreline Drive from Terrace Street to Southern Avenue, and will be reimbursed with Build Michigan III funds, per Item #2a above.
4. Upon the completion of the Shoreline Drive Extension as described herein, and upon completion of existing Shoreline Drive improvements as described in Item #2 above, and acceptance of these projects by MDOT, the City will transfer jurisdictional control of Shoreline Drive, from south of Ninth Street to north of Eastern Avenue (MP to be assigned), to MDOT to be a State Trunkline, designated as a segment of the US-31BR, under a separate agreement.

5. The City shall, as long as the contract is in place for such procedures, perform trunkline highway maintenance of Shoreline Drive, for which jurisdictional control will be transferred to MDOT under a separate agreement, and receive reimbursement from the State for such maintenance in accordance with the duration, terms, and conditions of its existing Municipal Trunkline Maintenance contract, and in accordance with any future Municipal Trunkline Maintenance Contract as renewed and agreed upon by the City and MDOT.
6. MDOT arranged for rehabilitation, at its expense, of US-31BR from near Southern Avenue to north US-31 during 1999. MDOT also made repairs on southbound US-31BR at Spring Street and on northbound US-31BR between Eighth and Ninth Streets; this project was completed and accepted by MDOT in 1999, per contract 61153 / 45782.
7. Upon completion of the Shoreline Drive Extension and reconstruction/rehabilitation of existing Shoreline Drive as described herein, MDOT will transfer jurisdiction of US-31BR, which includes the one-way pair of Webster Avenue and Muskegon Avenue, from south of Ninth Street to north of Eastern Avenue (NB: South Spring Point of Ninth Street North to North Spring Point of Eastern Street - CS 61151 BMP = 5.796 EMP = 6.066 and CS 61153 BMP = 0.000 EMP 1.000; and SB: South Spring Point of Ninth Street North to approximately 500 feet South of Eastern Street CS 61151 BMP = 5.796 EMP 6.066 and CS 61153 BMP = 0.000 EMP 0.860), to the City, under a separate agreement. Upon completion of the transfer, the City shall have complete responsibility and authority over the referenced streets, including maintenance responsibility for these streets. MDOT will have no further maintenance responsibilities or obligations for these referenced streets. Upon transfer, the streets will become a part of the City's Street Plan and eligible for maintenance cost reimbursement under Act 51. A separate agreement to transfer jurisdiction will be initiated between the City and MDOT.
 - a. After the transfer of jurisdiction is completed, ROW transfer will take place and will be done as an easement for highway purposes. This process will be initiated by MDOT and the City of Muskegon at a later date.
 - b. MDOT will not own fee ROW for existing Shoreline Drive or the Shoreline Drive Extension, but shall be in easement form for the above mentioned segments. As such, the City, not MDOT will be liable and responsible for all environmental and other issues related to all Shoreline Drive ROW. In the event MDOT is the fee owner of Muskegon and Webster, it shall convey ownership to the City. The respective environmental liabilities shall be governed by the laws of the State.
 - c. Liability and responsibility for the condition of the highway and streets under MCLA 691.1402 and the Liability Exemption Section of Part 201, ACT 451 (Section 20126) shall follow the transfers of jurisdiction, regardless of fee ownership. No liability under the highway exception to governmental immunity evidenced by that statute or any successor or amendment thereof shall remain with either party after jurisdiction has been transferred.
8. Existing traffic and parking controls, including speed limits, parking regulations, truck restrictions, traffic signs and signals, and pavement markings (on the street segments defined, for which jurisdictional control will be transferred to MDOT), will be retained by MDOT after the jurisdictional transfer occurs under a separate agreement, so long as traffic operations are not negatively affected. Any future changes to the existing traffic controls, or placement of new controls or devices, and maintenance on these transferred streets within the City, will be done in consultation with the City, per existing MDOT procedures, policies, and agreements for trunkline routes within the City.

- a. MDOT will participate in the cost of traffic signals which meet MDOT's current standards and as provided in the current signal maintenance agreements. Additional costs to provide decorative traffic signals shall be 100% paid by the City of Muskegon. The City of Muskegon will also be responsible for providing all replacement parts required for any and all decorative traffic signals, within this Shoreline Drive corridor.
 - b. MDOT will not participate in the cost of placing new business informational or advertising signs as part of the Shoreline Drive Extension or existing roadway projects as described herein. If any existing signs are required to be moved, they will be moved by the City and shall be paid for by the City.
9. In accordance with MDOT's guidelines for public participation in planning such projects, MDOT and the City will jointly provide opportunities for public input and involvement before implementing any future major improvement projects on the street segments described herein, for which jurisdictional control will be transferred to MDOT.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed on this ____ day of ____, 2002.

WITNESSES:


Donald Jefferson
Linda Potter
Linda Potter

CITY OF MUSKEGON:


Steven Warmington, Mayor
Gail A. Kunding
Gail A. Kunding, Clerk

WITNESSES:

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION:

By: _____

Its: _____

RESOLUTION 2002-72(f)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF SHORELINE DRIVE EAST FROM US-31BR TO THE EXISTING SHORELINE DRIVE, FOR THE MILLING & RESURFACING OF SHORELINE DRIVE FROM US31-BR NORTHERLY TO FOURTH STREET AND THE RECONSTRUCTION OF SHORELINE DRIVE FROM FOURTH TO TERRACE TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Larson and supported by

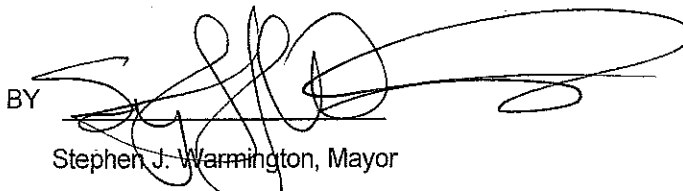
Commissioner Buie that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **2002-0672** between the Michigan Department of Transportation and the City of Muskegon for the purpose of exchanging jurisdictions of certain streets to accommodate new US-31BR. within the City is in the best interests of the City of Muskegon.

RESOLVED, that entry by the City into Contract Agreement Number **2002-0672** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 11th day of June, 2002.

BY


Stephen J. Warmington, Mayor

ATTEST

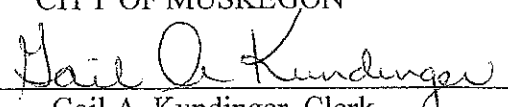

Gail A. Kunding, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on June 11, **2002**. 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, Clerk

MICHIGAN DEPARTMENT OF TRANSPORTATION

CITY OF MUSKEGON

AGREEMENT

- WHEREAS,** The City of Muskegon (the City) and the Michigan Department of Transportation (MDOT), are jointly developing these roadway jurisdictional transfers; and
- WHEREAS,** the City has jurisdiction over Shoreline Drive from Southern Avenue to Terrace Street; and
- WHEREAS,** The City shall construct a new segment of Shoreline Drive (Shoreline Dr. Extension) from Terrace Street to Business US-31 (*US-31BR*), as well as reconstruct and/or rehabilitate the existing segment between Southern Avenue and Terrace Street (see attached map); and
- WHEREAS,** US-31BR, from south of Ninth Street to north of Eastern Street, are a pair of one-way State Trunklines under the jurisdiction of MDOT; and
- WHEREAS,** the City and MDOT will exchange jurisdiction of the aforementioned streets upon completion and acceptance of construction, reconstruction, and/or rehabilitation of Shoreline Drive, as described above, and per the conditions described in this Agreement, and this transfer will be done under a separate agreement at that time.

NOW, THEREFORE, the City and MDOT agree as follows:

1. The City shall acquire the necessary property at its expense, and complete environmental mitigation as required by the Phase II Environmental Review and by federal and state regulations, and obtain MDOT approval of the required environmental clearance issues, prior to and during construction. If additional costs are incurred during project construction, for either the Shoreline Drive Extension or the existing Shoreline Drive roadway, due to hazardous contaminated material disposal and/or other environmental issues, the City is required to pay 100% of the additional excavation costs, beyond that which would normally be classified as normal non-hazardous and/or non-hazardous contaminated material excavation, as it relates to all disposal, handling and mitigation for the Shoreline Drive Extension, as described above and on the attached map.
2. The City shall arrange for completion of design plans, engineering, and construction including construction engineering (CE) of the Shoreline Drive Extension as described herein, upon MDOT review and approval of final design plans; the City shall advertise, let, and award the project to the lowest bidder; MDOT also shall approve construction staging, in coordination with other Muskegon area projects to minimize impacts on the users of the system. The City will be reimbursed for construction costs for the project through the transfer of state Build Michigan III funds to the City; specific terms and conditions of the

fund transfer shall be addressed by separate agreement between the City and MDOT. The following items shall be the respective responsibilities of the City and MDOT:

- a. MDOT shall provide Build Michigan III funds not to exceed \$11,850,000 for the following predetermined, eligible items within the limits of the Shoreline Drive Extension project and the reconstruction and rehabilitation of the existing section between Terrace Street and existing US-31BR (Southern Avenue): roadway construction, roadway reconstruction, roadway rehabilitation, PE for the portion of existing Shoreline Drive, CE, railroad relocation, standard traffic signals, street-lighting replacement, public utility pole relocation, relocation of existing public utility service (as per MDOT guidelines for utility relocations), with the following exceptions as listed in Items 2b, 2c, and 8 below;
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 - d. The City shall be responsible for the design of the reconstruction project (as approved by MDOT) on existing Shoreline Drive, from Fourth Street to Terrace Street. In addition, the City shall be responsible for the design of the rehabilitation project (as approved by MDOT) on existing Shoreline Drive, from existing US-31BR (north of Southern Avenue) to Fourth Street. The two segments mentioned in this section shall be done separately from the Shoreline Drive Extension construction project, but shall also be included in the Build Michigan III funding, with MDOT approval. This portion of the Build Michigan III funding will be part of the total funding limit mentioned in section "a" and any additional costs for these projects will be at 100% City of Muskegon costs - per agreement).
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4. Upon the completion of the Shoreline Drive Extension as described herein, and upon completion of existing Shoreline Drive improvements as described in Item #2 above, and acceptance of these projects by MDOT, the City will transfer jurisdictional control of Shoreline Drive, from south of Ninth Street to north of Eastern Avenue (MP to be assigned), to MDOT to be a State Trunkline, designated as a segment of the US-31BR, under a separate agreement.
5. The City shall, as long as the contract is in place for such procedures, perform trunkline highway maintenance of Shoreline Drive, for which jurisdictional control will be transferred to MDOT under a separate agreement, and receive reimbursement from the State for such maintenance in accordance with the duration, terms, and conditions of its existing Municipal Trunkline Maintenance contract, and in accordance with any future Municipal Trunkline Maintenance Contract as renewed and agreed upon by the City and MDOT.
6. MDOT arranged for rehabilitation, at its expense, of US-31BR from near Southern Avenue to north US-31 during 1999. MDOT also made repairs on southbound US-31BR at Spring Street and on northbound US-31BR between Eighth and Ninth Streets; this project was completed and accepted by MDOT in 1999, per contract 61153 / 45782.
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 - a. After the transfer of jurisdiction is completed, Right-of-Way (ROW) transfer will take place and will be done as an easement for highway purposes. This process will be initiated by MDOT and the City of Muskegon at a later date.
 - b. MDOT will not own fee ROW for existing Shoreline Drive or the Shoreline Drive Extension, but shall be in easement form for the above mentioned segments. As such, the City, not MDOT will be liable and responsible for all environmental and other issues related to all Shoreline Drive ROW. In the event MDOT is the fee owner of Muskegon and Webster, it shall convey ownership to the City. The respective environmental liabilities shall be governed by the laws of the State.
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jurisdiction has been transferred.

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 - b. MDOT will not participate in the cost of placing new business informational or advertising signs as part of the Shoreline Drive Extension or existing roadway projects as described herein. If any existing signs are required to be moved, they will be moved by the City and shall be paid for by the City.
9. In accordance with MDOT's guidelines for public participation in planning such projects, MDOT and the City will jointly provide opportunities for public input and involvement before implementing any future major improvement projects on the street segments described herein, for which jurisdictional control will be transferred to MDOT.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on this _____ day of _____, 2002.

WITNESSES:

Linda Potter
Linda Potter

Margaret M. Platt
Margaret M. Platt

CITY OF MUSKEGON:

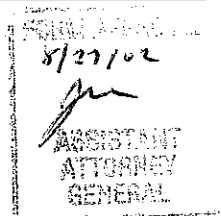
Steven Warrington
Steven Warrington, Mayor

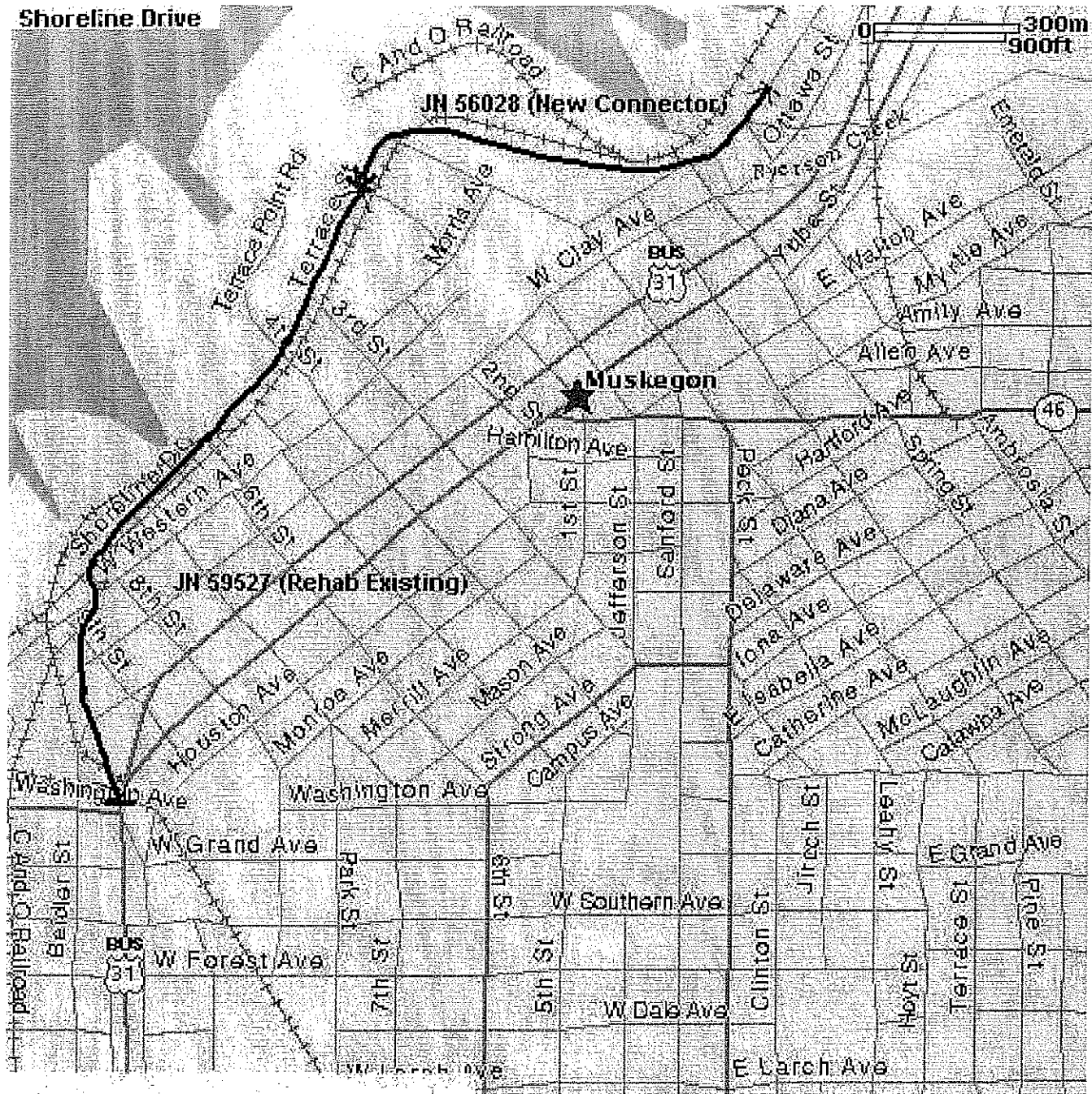
Gail A. Kunder
Gail A. Kunder, Clerk

WITNESSES:

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION:

By: _____





RESOLUTION 2002-72(f)

RESOLUTION FOR APPROVAL OF A CONTRACT AGREEMENT BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF MUSKEGON FOR THE CONSTRUCTION OF SHORELINE DRIVE EAST FROM US-31BR TO THE EXISTING SHORELINE DRIVE, FOR THE MILLING & RESURFACING OF SHORELINE DRIVE FROM US31-BR NORTHERLY TO FOURTH STREET AND THE RECONSTRUCTION OF SHORELINE DRIVE FROM FOURTH TO TERRACE TOGETHER WITH NECESSARY RELATED WORK AND AUTHORIZATION FOR MAYOR STEPHEN J. WARMINGTON AND CITY CLERK GAIL A KUNDINGER TO EXECUTE SAID CONTRACT

Moved by Commissioner Larson and supported by

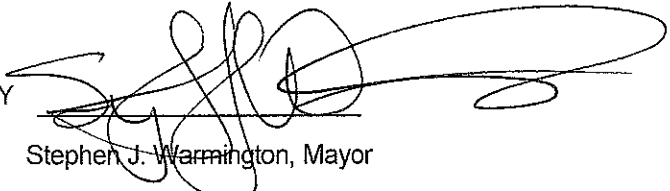
Commissioner Buie that the following Resolution be adopted:

WHEREAS, entry by the City of Muskegon into Contract no. **2002-0672** between the Michigan Department of Transportation and the City of Muskegon for the purpose of exchanging jurisdictions of certain streets to accommodate new US-31BR. within the City is in the best interests of the City of Muskegon.

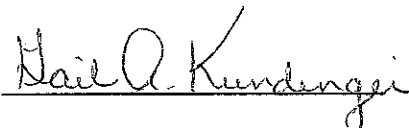
RESOLVED, that entry by the City into Contract Agreement Number **2002-0672** be and the same is hereby authorized and approved and the Mayor and Clerk are authorized to execute said contract for and on behalf of the City of Muskegon.

Adopted this 11th day of June, 2002.

BY


Stephen J. Warmington, Mayor

ATTEST

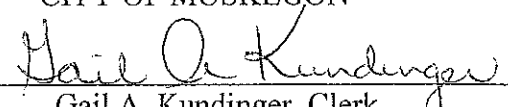

Gail A. Kunderger, City Clerk

CERTIFICATION

This resolution was adopted at a meeting of the City Commission, held on June 11, **2002**. The meeting was properly held and noticed pursuant to the Open Meetings Act of the State of Michigan, Act 267 of the Public Acts of 1976.

CITY OF MUSKEGON

By


Gail A. Kunderger, Clerk

AGENDA ITEM NO. _____

CITY COMMISSION MEETING 6/11/02

TO: Honorable Mayor and City Commissioners

FROM: Bryon L. Mazade, City Manager

DATE: June 11, 2002

RE: Traffic Signal Support Pole Painting

SUMMARY OF REQUEST:

To approve the painting of 32 traffic signal support poles in the downtown area utilizing Consumers Energy's contract with Pennington Bros. (Twin Lake, MI). These poles are in need of painting and doing so will accomplish another component of the Blight Fight effort.

FINANCIAL IMPACT:

32 poles @ \$354.00 each	-	\$11,328.00
40 brackets @ \$40.00 each	-	<u>1,600.00</u>
TOTAL:		<u>\$12,928.00</u>

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

To approve the request.

COMMITTEE RECOMMENDATION:

None.

EMPLOYMENT AGREEMENT

2002-72(h)
CITY OF MUSKEGON – BRYON L. MAZADE
Effective July 1, 2002

This employment agreement is made and entered into by and between the CITY OF MUSKEGON ("CITY") and BRYON L. MAZADE ("MANAGER").

Recitals

A. The CITY desires to employ the services of MANAGER as the City Manager of the City of Muskegon as provided in the Charter of the City of Muskegon and desires to establish conditions of employment, provide certain benefits and set working conditions for said MANAGER.

B. MANAGER desires to maintain the employment as City Manager of the City of Muskegon in accordance with the terms and provisions of the Agreement.

C. This Agreement supersedes all prior agreements.

Agreement

NOW THEREFORE, THE CITY AND MANAGER AGREE AS FOLLOWS:

1. EMPLOYMENT. CITY employs MANAGER as City Manager to perform the functions and duties specified in the City Charter and ordinances and to perform such other legally permissible and proper duties and functions as the City Commission may, from time to time, assign, and MANAGER accepts such employment.

MANAGER agrees to remain in the employ of the CITY until termination is effected as hereinafter provided. MANAGER agrees to devote full time to his duties as City Manager. MANAGER may undertake other incidental employment, subject to the right of the City to require Manager to terminate other incidental employment.

2. SALARY. Effective July 1, 2002, CITY agrees to pay MANAGER as compensation for services rendered an annual salary of \$105,256 per year. MANAGER shall be entitled to cost of living adjustments approved by the City Commission for department heads on the first of each year.

3. PENSION. It is understood by MANAGER that he will remain a member of the City's General Employees Retirement System and remain eligible for all benefits thereunder.

4. FRINGE BENEFITS. In addition to the base salary and deferred compensation established for MANAGER, CITY shall afford MANAGER the following:

(a) Sick Leave. The existing sick leave bank shall be continued, and shall continue to accrue at one (1) day per month, up to a maximum of 120 days.

(b) Disability Insurance. During employment, a disability insurance policy providing benefits for lost compensation until age sixty-five (65).

(c) Holidays. Eleven (11) holidays per annum.

(d) Vacation. Effective January 1, 2002, for each calendar year MANAGER shall be entitled to five weeks vacation. Vacation time may be accumulated and carried over to subsequent years, except that vacation time in excess of four weeks shall not be carried over and shall be lost.

(e) Life Insurance. A term life insurance policy during employment in the amount provided for exempt employees.

(f) Automobile Allowance. Effective July 1, 2002, an annual automobile allowance of \$6,000 for mileage shall be provided and payable in the 26 pay periods. In addition, there shall be reimbursement for mileage at the standard City rate for a round trip of 100 miles or more on behalf of the CITY.

(g) Hospitalization Insurance. Coverage under the CITY'S hospitalization and dental plan for MANAGER, MANAGER'S wife and children. MANAGER and MANAGER'S dependents will, however, be subject to plan amendments adopted from time to time by the City Commission.

(h) Membership Dues and Expenses. Payment of annual ICMA membership dues and payment of expenses to attend ICMA conferences within the State of Michigan. Payment of the expenses to attend the annual ICMA conference. All other out of state conferences must receive prior consent of City Commission.

(i) Civic Organizations. CITY will pay or reimburse MANAGER for membership dues and fees in one civic organizations, i.e. Rotary, Lions Club, etc., subject to the City's ability to review and eliminate this benefit.

(j) Miscellaneous. In addition to the fringe benefits set forth above, and to the extent that this subparagraph does not duplicate or conflict with the above fringe benefits, (which shall prevail), the MANAGER shall have the same fringe benefits as are available to the highest level department heads employed by the CITY from time to time.

5. TERM. It is understood by both CITY and MANAGER that employment may be terminated at the will of either party.

6. SEVERANCE PAY UPON TERMINATION BY CITY. If CITY terminates MANAGER'S employment, or if termination occurs pursuant to section 8 (except the last paragraph thereof), MANAGER shall receive severance pay in an amount equal to six (6) months' salary, 50% of any unused sick leave pay and payment for unused vacation time earned in that calendar year to the date of termination.

7. TERMINATION OF EMPLOYMENT BY MANAGER. MANAGER may terminate employment at any time after providing the CITY with a thirty (30) day notice.

8. SEVERANCE PAY UPON TERMINATION BY MANAGER. In the event the CITY refuses, following written notice, to comply with any material provisions of this agreement which financially benefit MANAGER, or MANAGER resigns following the simultaneous suggestion, whether formal or informal, by a majority of the members of the City Commission that he resign, then, in that event, the MANAGER may at his option be deemed to be terminated at the date of such failure to comply or simultaneous suggestion. In such case, the MANAGER shall be deemed to have been terminated by the CITY and entitled to the severance benefits set forth above.

In the event the MANAGER terminates his employment for reasons other than those stated in this paragraph, he shall receive one-half (1/2) of his unused sick leave bank and all earned vacation pay for that calendar year, but no other severance pay or benefit, except as required by law.

9. MERGER OF NEGOTIATIONS. This agreement constitutes the entire contract of employment between CITY and MANAGER. No statement, promise, agreement, or obligation that conflicts with the terms of this agreement shall modify, enlarge, or invalidate this agreement or any provisions hereof.

IN WITNESS WHEREOF, the CITY and MANAGER have executed this agreement this

14th day of June, 2002.

WITNESSES:

Linda Potter

Ann Krutowski

Jean Stone

CITY OF MUSKEGON

By

Stephen J. Warmington, Its Mayor

and

Gail A. Kunding, Its Clerk

MANAGER –

Bryon L. Mazade