

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 10, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

AGENDA

- ❑ CALL TO ORDER:
- ❑ PRAYER:
- ❑ PLEDGE OF ALLEGIANCE:
- ❑ ROLL CALL:
- ❑ HONORS AND AWARDS:
 - A. Honorary Ambassador.
- ❑ INTRODUCTIONS/PRESENTATION:
- ❑ CONSENT AGENDA:
 - A. Approval of Minutes. CITY CLERK
 - B. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK
 - C. One Year Extension to Construct a Single Family Home at 1259 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT
 - D. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT
 - E. Set Public Hearing for Amendment to Brownfield Plan – Parkland Muskegon, LLC. PLANNING & ECONOMIC DEVELOPMENT
 - F. Agreement for Processing Parking Citations and Revenue Collection. FINANCE
- ❑ PUBLIC HEARINGS:
 - A. Request to Revoke the Obsolete Property Rehabilitation Certificate – Kirksey Investment Corporation. PLANNING & ECONOMIC DEVELOPMENT
- ❑ COMMUNICATIONS:
- ❑ CITY MANAGER'S REPORT:
- ❑ UNFINISHED BUSINESS:

A. Consideration of Bids for Beidler Street, Laketon to Southern.
ENGINEERING

B. Repeal Vehicle for Hire Ordinance. CITY CLERK

☐ **NEW BUSINESS:**

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

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

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

☐ **ADJOURNMENT:**

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

Date: June 10, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Approval of Minutes

SUMMARY OF REQUEST: To approve minutes for the May 21st Special City Commission Meeting, and the May 27th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

CITY OF MUSKEGON

CITY COMMISSION MEETING

JUNE 10, 2008

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, June 10, 2008.

Mayor Warmington opened the meeting with a prayer from Commissioner Shepherd after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Chris Carter, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2008-51 HONORS AND AWARDS:

A. Honorary Ambassador. Commissioner Wisneski presented a certificate to the Greater Muskegon JC's.

2008-52 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve minutes for the May 21st Special City Commission Meeting, and the May 27th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. Fireworks Display Permit for Muskegon Summer Celebration. CITY CLERK

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th and July 6th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval contingent on inspection of the fireworks

and approval of the insurance.

C. One Year Extension to Construct a Single Family Home at 1259 Marquette Avenue. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve a one-year extension to allow Mr. Vernon and Mrs. Dorothy Harris to complete construction of a single-family home on Marquette Avenue. The original agreement between the City and Mr. and Mrs. Harris stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. and Mrs. Harris will be starting construction by July 2008. They were unable to start construction sooner due to Mr. Harris being in the military. He is now back.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the resolution.

E. Set Public Hearing for Amendment to Brownfield Plan – Parkland Muskegon, LLC. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve the resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Parkland Muskegon, LLC, located at 241, 255, and 285 W. Western Avenue, in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential/commercial development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on June 5, 2008, to review and approve the Brownfield Plan Amendment and make a recommendation for approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for June 24, 2008.

F. Agreement for Processing Parking Citations and Revenue Collection.
FINANCE

SUMMARY OF REQUEST: To authorize staff to enter into an agreement with Complus to provide the City parking citation processing and revenue collection. Complus along with providing handheld devices that will help ensure accuracy,

provide documentation and increase efficiency will supply the City with access to their on-line software to track and manage parking tickets and payments.

FINANCIAL IMPACT: The fee is 20% of all paid parking tickets which is an increase from the approximately 13% charged by the current provider. The increased fee will be offset by increased revenue.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Complus for Parking Citation processing and revenue collection.

Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the Consent Agenda as read minus item D.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington

Nays: None

MOTION PASSES

2008-53 ITEM REMOVED FROM THE CONSENT AGENDA:

D. Request to Purchase Tax-Reverted Properties. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The County Treasurer is responsible to sell the tax-reverted properties/boat slips. There are two boat slips on the tax-reverted list. Local municipalities have first option to pay the past-due taxes and fees prior to the first tax auction. The taxes owing on each of the boat slips are from 2005, 2006, and 2007. The application and fee must be turned in to the County Treasurer's Office by July 1, 2008.

FINANCIAL IMPACT: Total cost of the two boat slips is \$6,090.86. There will also be an annual maintenance fee for each boat slip.

BUDGET ACTION REQUIRED: To expend the \$6,090.86 necessary to purchase the boat slips from the Public Improvement Fund.

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

Motion by Commissioner Spataro, second by Commissioner Carter to approve the request to purchase the tax-reverted properties.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

2008-54 PUBLIC HEARINGS:

A. Request to Revoke the Obsolete Property Rehabilitation Certificate – Kirksey Investment Corporation. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the City of Muskegon requests that the Obsolete Property Rehabilitation Certificate for Kirksey Investment Corporation at 1133 W. Western Avenue be revoked. The certificate was issued on May 9, 2006, and the property owner failed to rehabilitate the building within the twelve month deadline.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the resolution revoking the Obsolete Property Rehabilitation Certificate.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Michael Kirksey, 1204 W. Western.

Motion by Commissioner Carter, second by Commissioner Wierengo to close the Public Hearing and grant the request to extend the Obsolete Property Rehabilitation Certificate for 18 months and for the work to be completed within that 18 month period.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, and Carter

Nays: Gawron and Wisneski

MOTION PASSES

2008-55 UNFINISHED BUSINESS:

A. Consideration of Bids for Beidler Street, Laketon to Southern.
ENGINEERING

SUMMARY OF REQUEST: Award the Beidler construction contract to Milbocker & Sons out of Allegan since they were the lowest responsible bidder with a total bid price of \$520,531.21.

FINANCIAL IMPACT: The construction cost of \$520,531.21 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Milbocker & Sons.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to award the Beidler construction contract to Milbocker & Sons.

ROLL VOTE: Ayes: Gawron, Shepherd, and Spataro

Nays: Wisneski, Carter, Warmington, and Wierengo

MOTION FAILS

Motion by Commissioner Carter, second by Commissioner Wierengo to award the Beidler construction contract to Jackson-Merkey.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, and Shepherd

Nays: Gawron and Spataro

MOTION PASSES

B. Repeal Vehicle for Hire Ordinance. CITY CLERK

SUMMARY OF REQUEST: At a Worksession Meeting held on June 11, 2007, the Commission considered a request to repeal the Vehicle for Hire Ordinance. At that time, the Commission determined to license taxicabs for one more year while Muskegon County established a county-wide licensing requirement. The Commission indicated they would visit the issue in one year. At the March 11, 2008, City Commission Meeting it was decided to extend the current licensing for cabs to June 11, 2008.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: That the Ordinance to Repeal Vehicles for Hire, Sections 102-200 through 102-260 of the Code of Ordinances be adopted.

Motion by Commissioner Carter, second by Commissioner Wierengo to repeal the vehicle for hire ordinance.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Various comments were heard from the public.

2008-56 CLOSED SESSION: To discuss pending litigation.

Motion by Commissioner Carter, second by Commissioner Wisneski to go into Closed Session to discuss pending litigation.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

Motion by Commissioner Shepherd, second by Commissioner Wierengo to come out of Closed Session.

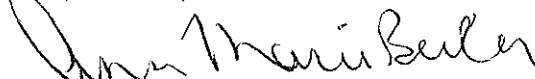
ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 6:40 p.m.

Respectfully submitted,



Ann Marie Becker, MMC
City Clerk

Date: June 10, 2008
To: Honorable Mayor and City Commissioners
From: Ann Marie Becker, City Clerk
RE: Fireworks Display Permit for Muskegon Summer Celebration

SUMMARY OF REQUEST: Summit Pyrotechnics is requesting approval of a fireworks display permit for July 4th and July 6th at the Muskegon Summer Celebration. Fire Marshall Metcalf has reviewed the request and recommends approval contingent on inspection of the fireworks.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

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

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: Summit Pyrotechnics

NAME Steve Franklin

ADDRESS 3500 S. Getty, Muskegon, MI AGE

REPRESENTING

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
Muskegon Summer Celebration

ADDRESS 587 W. Western Ave., Muskegon, MI

NUMBER & TYPES OF FIREWORKS:

20 - 12" 400 - 6" 1200 - 3"

20 - 10" 400 - 5"

80 - 8" 600 - 4"

DISPLAY: Barge, Muskegon Lake, 1,000 feet north of Heritage Landing.

EXACT LOCATION

City of Muskegon 7-4-08 & 7-6-08 (7-5-08 rain date) 10:20 p.m.

CITY, VILLAGE, TOWNSHIP DATE TIME

BOND OR INSURANCE FILED: () YES () NO AMOUNT

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 10th day of June, 2008

Stephen J. Warrington, Mayor
933 Terrace, Muskegon, MI 49440

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

for 2008

paid

FM-32(12-68)

APPLICATION
FOR FIREWORKS DISPLAY PERMIT
Act 358, P.A. 1968

5-30-08
DATE OF APPLICATION

10-14-07

1. TYPE OF DISPLAY:

☒ Public Display☐ Agricultural Pest Control

2. APPLICANT

NAME OF PERSON

Summit Pyrotechnics

ADDRESS

3500 S. Getty

AGE: Must be 21 or over

IF A CORPORATION: Name of President

ADDRESS

3. PYROTECHNIC OPERATOR

NAME

Steve Franklin

ADDRESS

3500 S. Getty

AGE: Must be 21 or over

EXPERIENCE:

NUMBER OF YEARS

20 years

NUMBER OF DISPLAYS

500+

WHERE

22 states

NAMES OF ASSISTANTS:

NAME

ADDRESS

AGE

NAME

ADDRESS

AGE

4. NON-RESIDENT APPLICANT

NAME

ADDRESS

Name of Michigan Attorney or Resident Agent

ADDRESS

TELEPHONE NUMBER

5. EXACT LOCATION OF PROPOSED DISPLAY

Barge, Muskegon Lake - 1000 Feet north of Heritage Landing

DATE

7-4-08 and 7-6-08

TIME

10:20 pm Rain date 7-5-08 ~~7-10-08~~

6. NUMBER AND KINDS OF FIREWORKS TO BE DISPLAYED

20-12"

20-10"

80-8"

400-6"

400-5"

600-4"

1200-3"

MANNER & PLACE OF STORAGE PRIOR TO DISPLAY

Shipped to site via truck

(Subject to Approval of Local Fire Authorities)

7. FINANCIAL RESPONSIBILITY

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

B. BONDING CORPORATION OF INSURANCE COMPANY: NAME

ADDRESS

(See other side for instructions)

STEVEN R. FRANKLIN
3500 S. GETTY ST.
MUSKEGON, MI 49444

74-1383/724
16000010

2867

DATE 6-14-07

PAY TO THE ORDER OF City of Muskegon \$ 150.00
One Hundred Fifty DOLLARS

 MUSKEGON
COMMERCE
BANK
Muskegon, MI

MEMO Permit-display Steven P. Franklin

⑆072413832⑆ ⑆6⑈000⑈010⑈ 2867

DELUXE WALLET OR DUPLICATE SAFETY PAPER
Security Features Included. Details on Back.

100⁰⁰ for 2007

50⁰⁰ for 2008

4

933 Terrace Street
Muskegon, MI 49440

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

CITY OF MUSKEGON CLERK'S OFFICE

FAX COVER SHEET

To: Tim McClorey From: Linda

Fax: _____ Pages(including cover) 2

Phone: _____ Date: 6-27-08

Re: _____ CC: _____

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

Please check out the insurance coverage for a pyrotechnic display during the Muskegon Summer Celebration (permit only).
Thanks,
Linda

Coverage is good.

ACORDTM CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)

6/27/2008

PRODUCER Phone: 440-248-4711 Fax: 440-248-5406
Britton-Gallagher and Associates, Inc.
6240 SOM Center Rd.
Cleveland OH 44139

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Rozzi, Inc.
P.O. Box 5
Loveland OH 45140-0005

INSURERS AFFORDING COVERAGE**NAIC #**

INSURER A: Lexington Insurance Co

INSURER B: Granite State Insurance Co.

23809

INSURER C: Arch Specialty Ins Co

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 ADD'L LTR	INSRD	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 GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC	3443470	3/25/2008	3/25/2009	EACH OCCURRENCE	\$1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$50,000
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$1,000,000
						GENERAL AGGREGATE	\$2,000,000
						PRODUCTS - COMP/OP AGG	\$2,000,000
B		AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS	CA93837166	3/25/2008	3/25/2009	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
C		EXCESS/UMBRELLA LIABILITY ☒ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE ☒ RETENTION \$10,000	ULP0005180	3/25/2008	3/25/2009	EACH OCCURRENCE	\$9,000,000
						AGGREGATE	\$9,000,000
							\$
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
		OTHER					

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

Dates of Displays: July 4, 2008 and July 6, 2008
Additional insured: Muskegon Summer Celebration; City of Muskegon, all elected and appointed officials, all employees, volunteers; County of Muskegon and Great Lakes Dock are additional insured as respects to the July 4 and July 6 respectively (RD July 5 and July 9 respectively) Fireworks Display at Muskegon Lake 800' north of Heritage Landing; Summit Pyrotechnics

CERTIFICATE HOLDER

City of Muskegon
933 Terrace
Muskegon MI 49440 231-739-1226

CANCELLATION

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



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.

Commission Meeting Date: June 10, 2008

Date: June 2, 2007
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: One Year Extension to Construct a Single Family Home at
1259 Marquette Avenue.

SUMMARY OF REQUEST:

To approve a one year extension to allow Mr. Vernon & Mrs. Dorothy Harris to complete construction of a single-family home on Marquette Ave. The original agreement between the City and Mr. & Mrs. Harris stipulated that construction of the home was to be completed within 18 months. The City has customarily granted extensions to persons who have shown that they are dedicated to completing construction and contributing to the beautification of the City's residential areas. Mr. & Mrs. Harris will be starting construction by July 2008. They were unable to start construction sooner due to Mr. Harris being in the military. He is now back.

FINANCIAL IMPACT:

None.

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends approval of the time extension, as well as authorization for both the Mayor and the Clerk to sign the attached resolution.

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2008-52(c)

MUSKEGON CITY COMMISSION

**RESOLUTION APPROVING A ONE YEAR EXTENSION TO COMPLETE THE
CONSTRUCTION OF A SINGLE-FAMILY HOME LOCATED AT 1259 MARQUETTE
AVENUE.**

WHEREAS, Mr. & Mrs. Harris have submitted a request for a time extension; and

WHEREAS, Mr. & Mrs. Harris has shown a commitment to complete the construction of the home; and

WHEREAS, the completion of the construction of the home will further enhance the ambiance of the City's residential area.

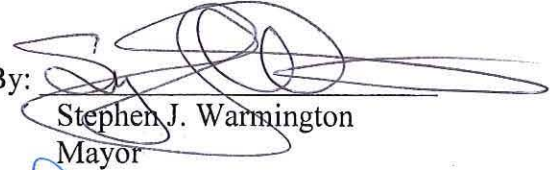
NOW THEREFORE BE IT RESOLVED, that Mr. & Mrs. Harris be granted an additional nine months to complete the construction of the home located at 1259 Marquette Avenue.

Adopted this 10th day of June 2008.

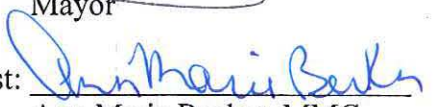
Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
and Warmington

Nays: None

Absent None

By: 

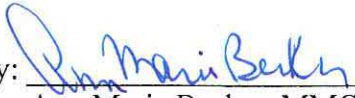
Stephen J. Warmington
Mayor

Attest: 

Ann Marie Becker, MMC
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 10, 2008.

By: 
Ann Marie Becker, MMC
Clerk

Commission Meeting Date: June 10, 2008

Date: June 5, 2008

To: Honorable Mayor & City Commission

From: Planning & Economic Development Department CBC

RE: Set Public Hearing for Amendment to Brownfield Plan - Parkland Muskegon, LLC

SUMMARY OF REQUEST: To approve the attached resolution setting a public hearing for an amendment for the Brownfield Plan, and notifying taxing jurisdictions of the Brownfield Plan Amendment including the opportunity to express their views and recommendations regarding the proposed amendment at the public hearing. The amendment is for the inclusion of property owned by Parkland Muskegon, LLC, located at 241, 255, and 285 W. Western Avenue., in the Brownfield Plan.

FINANCIAL IMPACT: There is no direct financial impact in including the project in the Brownfield Plan, although the redevelopment of the site into a residential /commercial development will eventually add to the tax base in Muskegon.

BUDGET ACTION REQUIRED: None.

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

COMMITTEE RECOMMENDATION: The Brownfield Redevelopment Authority will meet on June 5, 2008 to review and approve the Brownfield Plan Amendment and make a recommendation for approval of the Brownfield Plan Amendment to the Muskegon City Commission. In addition, the Brownfield Redevelopment Authority recommends that the Muskegon City Commission set a public hearing on the Plan Amendment for June 24, 2008.

**RESOLUTION NOTIFYING TAXING UNITS
AND CALLING PUBLIC HEARING REGARDING
APPROVAL OF AMENDMENTS TO THE BROWNFIELD PLAN OF THE
CITY OF MUSKEGON BROWNFIELD REDEVELOPMENT AUTHORITY**

PARKLAND MUSKEGON LLC

City of Muskegon
County of Muskegon, Michigan

Minutes of a Regular Meeting of the City Commission of the City of Muskegon, County of Muskegon, Michigan (the "City"), held in the City offices, on the 10th day of June, 2008, at 5:30 o'clock p.m., prevailing Eastern Time.

PRESENT:

Members Carter, Gawron, Shepherd, Spataro, Warmington,
Wierengo, and Wisneski

ABSENT: Members

None

The following preamble and resolution were offered by Member Gawron and supported by Member Carter:

WHEREAS, the City of Muskegon, County of Muskegon, Michigan (the "City") is authorized by the provisions of Act 381, Public Acts of Michigan, 1996, as amended ("Act 381"), to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Commission of the City duly established the City of Muskegon Brownfield Redevelopment Authority (the "Authority"); and

WHEREAS, in accordance with the provisions of Act 381, the Authority has prepared and approved Brownfield Plan Amendments to include **Parkland Muskegon, LLC** on the DMDC site, and

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

WHEREAS, prior to approval of the Brownfield Plan Amendments, the Muskegon City Commission desires to hold a public hearing in connection with consideration of the Brownfield Plan Amendments as required by Act 381; and

WHEREAS, prior to approval of the Brownfield Plan Amendments, the City Commission is required to provide notice and a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture, to express their views and recommendations regarding the Brownfield Plan Amendments.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Commission hereby acknowledges receipt of the Brownfield Plan Amendments from the Authority and directs the City Clerk to send a copy of the proposed Brownfield Plan Amendments to the governing body of each taxing jurisdiction in the City, notifying them of the City Commission's intention to consider approval of the Brownfield Plan Amendments [after the public hearing described below].
2. A public hearing is hereby called on the 24th of June, 2008 at 5:30 p.m., prevailing Eastern Time, in the City Hall Commission Chambers to consider

adoption by the City Commission of a resolution approving the Brownfield Plan Amendments.

3. The City Clerk shall cause notice of said public hearing to be published in the Muskegon Chronicle, a newspaper of general circulation in the City, twice before the public hearing. The first publication of the notice shall be not less than 10 days or more than 40 days before the date set for the public hearing. The notice shall be published as a display advertisement prominent in size.

4. The notice of the hearing shall be in substantially the following form:

CITY OF MUSKEGON
COUNTY OF MUSKEGON, STATE OF MICHIGAN

PUBLIC HEARING ON AN AMENDMENT TO THE MUSKEGON BROWNFIELD
PLAN, AS APPROVED BY THE CITY OF MUSKEGON BROWNFIELD
REDEVELOPMENT AUTHORITY

TO ALL INTERESTED PERSONS IN THE CITY OF MUSKEGON:

PLEASE TAKE NOTICE that the Muskegon City Commission of the City of Muskegon, Michigan, will hold a public hearing on June 24, 2008, at 5:30 p.m., prevailing Eastern Time in the City Hall Commission Chambers located at 933 Terrace Street, Muskegon, Michigan, to consider the adoption of a resolution approving a Brownfield Plan Amendment for the City of Muskegon Brownfield Redevelopment Authority pursuant to Act 381 of the Public Acts of Michigan of 1996, as amended.

The property to which the proposed Brownfield Plan Amendment applies is:

Parkland Muskegon, LLC
241, 255, and 285 W. Western Ave.
located in the Downtown Muskegon Development Center
Muskegon, Michigan 49440

Copies of the proposed Brownfield Plan Amendment are on file at the office of the City Clerk for inspection during regular business hours.

At the public hearing, all interested persons desiring to address the City Commission shall be afforded an opportunity to be heard in regard to the approval of the Brownfield Plan Amendments for the City of Muskegon Brownfield Redevelopment Authority. All aspects of the Brownfield Plan Amendments will be open for discussion at the public hearing.

FURTHER INFORMATION may be obtained from the City Clerk.

This notice is given by order of the City Commission of the City of Muskegon, Michigan.

Ann Marie Becker, City Clerk

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

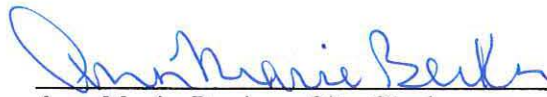
AYES: Members

Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro,
and Warmington

NAYS: Members

None

RESOLUTION DECLARED ADOPTED.


Ann Marie Becker, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Muskegon, County of Muskegon, State of Michigan, at a regular meeting held on June 10, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.


City Clerk

Date: June 3, 2008

To: Honorable Mayor and City Commissioners

From: Assistant Finance Director

RE: Agreement for Processing Parking Citations and Revenue Collection

SUMMARY OF REQUEST: To authorize staff to enter into an agreement with Complus to provide the City parking citation processing and revenue collection. Complus along with providing handheld devices that will help ensure accuracy, provide documentation and increase efficiency will supply the City with access to their on-line software to track and manage parking tickets and payments.

FINANCIAL IMPACT: The fee is 20% of all paid parking tickets which is an increase from the approximately 13% charged by the current provider. The increased fee will be offset by increased revenue.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to enter into agreement with Complus for Parking Citation processing and revenue collection

COMMITTEE RECOMMENATION:

Memo

To: City Commission
From: Elizabeth Lewis
Cc: Bryon Mazade; Tim Paul
Date: 6/03/08
Re: Parking Citations Processing and Revenue Collections

The City of Muskegon has had an agreement with Data Tickets, Inc out of Newport Beach, California for the last five years to process parking tickets and parking ticket revenues. The City has experienced poor customer service and has received many service related complaints from customers. Our current contract expires in late August. A group of system users have had presentations by several other vendors that have Michigan clients. The City has received a quote from Complus Data Innovations, Inc located in Tarrytown, New York after an impressive presentation.

I am requesting authorization to enter into an agreement with Complus to provide the City's parking citations processing and revenue collections. Currently the City's fees for parking citation processing are approximately 13% of revenue collected. Complus has proposed a 20% fee of all paid parking tickets, although this is higher than our current fees it should be offset with higher parking ticket and impound fee revenues. Complus will provide the following:

- Two (2) one-piece handheld ticket writers with built in printers along with all maintenance, repair and replacement of the equipment. Handheld units will be replaced approximately every three years with improved equipment. Currently the City owns two handheld units that were purchased in 2003 and are out of date and in need of replacement.
- Increased collection of park tickets. The City's current collection rate is 74%. Complus' goal would be to drive the collection rate into the 90% range which is their national average.
- Payments processed to the parking ticket database are updated in real time. This will provide the most up to date information in impound cases.
- More accurate information can be provided by Complus because of their direct relationship with the Michigan Secretary of State and other state Secretary of State offices. It appears our current provider uses a third party to obtain information from the Secretary of State so information is not always current.
- The new handhelds have the capability of holding the City's entire Scofflaw List (impound list) the handhelds being used now only are capable of storing the current list plus two (2) previous

years. This additional information available to our parking enforcement officer will increase our Impound fee revenue.

- Timely customer service and support. Our current provider's location in California caused delays because of differing time zones. Complus is located in the eastern time zone.
- Complus' on-line parking ticket software will provide the City with the capability to generate reports that have not been available with our current provider.

Complus will increase the City's efficiency and accuracy thereby saving time and maximizing revenues.

Commission Meeting Date: June 10, 2008

Date: May 30, 2008
To: Honorable Mayor & City Commission
From: Planning & Economic Development Department *CBC*
RE: Request to Purchase Tax-Reverted Properties

SUMMARY OF REQUEST:

The County Treasurer is responsible to sell the tax reverted properties/boat slips. There are two boat slips on the tax reverted list. Local municipalities have first option to pay the past due taxes and fees prior to the first tax auction. The taxes owing on each of the boat slips are from 2005, 2006, and 2007. The application and fee must be turned in to County Treasurer's Office by July 1, 2008.

FINANCIAL IMPACT:

Total cost of the 2 boat slips is \$6,090.86. There will also be an annual maintenance fee for each boat slip.

BUDGET ACTION REQUIRED:

To expend the \$6,090.86 necessary to purchase the boat slips from the Public Improvement Fund.

STAFF RECOMMENDATION:

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

COMMITTEE RECOMMENDATION:

None.

Resolution No. 2008-53(d)

MUSKEGON CITY COMMISSION

RESOLUTION TO PURCHASE TAX REVERTED PROPERTY FROM THE COUNTY TREASURER.

WHEREAS, The City may make the properties available under the urban homestead act, 1999 PA 127, MCL 125.2701 to 125.2709, PA 123 of 1999, MCL 211.78M(6) or for any other lawful purpose, and;

WHEREAS, the City of Muskegon desires to acquire such boat slips in order to lease, alternate transient slips for Hartshorn customers, or to use as a possible satellite fire/sheriff's boat dock.

NOW THEREFORE BE IT RESOLVED, that the City of Muskegon shall set up necessary procedures and controls to provide for the property distribution of funds arising from the use of the acquired property in conformity with the above mentioned acts.

Legal Descriptions are as Follows:

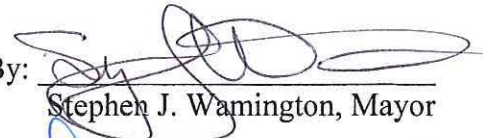
- 1) City of Muskegon Harbour Towne Marina Condominium Unit 8
Parcel # 24-420-000-0008-00
3429 Fulton Ave (boat slip) \$ 2,834.43
- 2) City of Muskegon Pigeon Key Marina Condominium Unit 11 Dock A
Parcel # 24-673-001-0011-00
3545 Marina View Point (boat slip) \$3,236.43

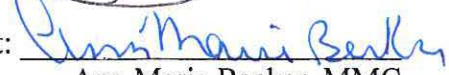
Adopted this 10th day of June, 2008

Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron,
and Shepherd

Nays: None

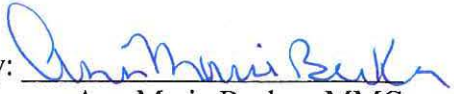
Absent: None

By: 
Stephen J. Warmington, Mayor

Attest: 
Ann Marie Becker, MMC
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 10, 2008.

By: 
Ann Marie Becker, MMC
Clerk

**NOTICE TO MUSKEGON COUNTY TREASURER, TONY MOULATSIOTIS,
THE FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO
PURCHASE FORECLOSED PROPERTY**

The CITY OF Muskegon hereby notifies Tony Moulatsiotis, Muskegon County Treasurer and Muskegon County Foreclosing Governmental Unit, that it intends to purchase for a public purpose property located in the city described as:

Parcel # 24-420-000-0008-00

Property Address: 3429 Fulton Avenue

Legal Description: City of Muskegon Harbour Towne Marina
Condominium unit 8

(you may attach printout from assessment roll in lieu of typing in
legal description here)

The purchase price is \$ \$2,834.43, which amount is the minimum bid as is defined in MCL 211.78m (1l).

The city agrees to pay a fee in the amount of \$10.00 to cover the cost of recording the deed transferring the above described property.

The public purpose for which the property is being purchased is:

To lease, alternate transient slips for Hartshorn customers,
or to use as a possible satellite fire/sheriff's boat dock.

The city agrees to notify the Foreclosing Governmental Unit (Muskegon County Treasurer) at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the city understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements or infrastructure development, the excess amount shall be returned to the Muskegon County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the said city.

Upon the request of the Foreclosing Governmental Unit, the city shall provide without cost to the Foreclosing Governmental unit information regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

The election by the said city is made subject to any prior right of election vested in the State of Michigan.

The city understands that neither Muskegon County or Tony Moulatsiotis, either individually and/or as Muskegon County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the city and will not indemnify, defend, save nor hold harmless the city from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the said city because of or related to its election to purchase the property above described.

The city agrees to indemnify, defend, save and hold harmless Muskegon County and Tony Moulatsiotis, individually and/or as Muskegon County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Muskegon County and/or Tony Moulatsiotis, individually and/or as Muskegon County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the city to purchase the property above described.

Date: 6-10-08

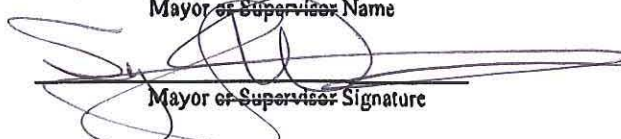
Date: 6-10-08

City of Muskegon

Name of Local Unit

Stephen J. Warmington

Mayor or Supervisor Name


Mayor or Supervisor Signature

Ann Marie Becker, MMC

Clerk Name


Clerk Signature

Application to obtain Real Estate for Public Purpose

Pursuant to Michigan Compiled Laws, Section 211.78m

Name, Address, Phone number and Contact Person of Local Unit making application:

City of Muskegon
933 Terrace St.
Muskegon, MI 49440

Hope Mitchell (231) 724-6938

Parcel Information:

Tax ID #: 24-420-000-0008-00

County: Muskegon City/Village/Township Name: Muskegon

Street address: 3429 Fulton Avenue

Public Purpose for acquiring this property is (describe in detail):

To lease, alternate transient slips for Hartshorn customers, or to use as a possible satellite fire/sheriff's boat dock.

This acquisition ☒ has ☐ has not been specifically authorized by resolution of the governing body of the Local Unit. (Attach minutes and resolution)

The Local Unit ☐ does ☒ does not plan to resell or transfer this property to another person, entity or group.

Entity is:

- ☐ Individual(s) ☐ A non-profit entity ☐ A for Profit entity
☒ A government Board, Commission, Agency or Department.

Name and address of Purchaser (if known at this time):

If property is being sold or transferred, please state end-users Public Purpose of this property:

Will property be returned to the tax roll within 24 months?

☐ Yes

☒ No

Applicable regulation Disclosure:

The Foreclosing Governmental Unit (FGU) discloses that MCL 211.78m requires:

- That a sale/transfer under this section must be for a "Public Purpose";
- That if the property is sold or transferred at a profit (as therein defined), that such profit **MUST** be returned to the FGU and deposited in its delinquent tax property sales proceeds account for the year in which the property was purchased by the city, village, township, or county.

The Foreclosing Governmental Unit (FGU) requires, as a condition of this application that the Local Unit agrees to:

- Report any sale or transfer of this property, at any time in the future that it may occur, within 90 days of such event.
- Provide copies of all transfer documents and financial settlement statements regarding same, during the same time period.
- Compensate the FGU for any "profit" (as defined in MCL 211.78m) in this same time period.

These conditions must be agreed to by the Applicant, and will be made covenants/restrictions to such transfer in the conveyance document.

The Applicant ☒ agrees ☐ does not agree to the terms disclosed above, and consents to their inclusion in the documents of conveyance .

Submitted by :

Signature: _____

Name and official capacity:

Stephen J. Warmington
Mayor

Application dated : / /

For FGU Use:

Received: / / ☐ Before ☐ During ☐ After - allowed period .

Reviewed: / /

Reply Date: / /

Response: ☐ Approved ☐ Denied

Comments:

**NOTICE TO MUSKEGON COUNTY TREASURER, TONY MOULATSIOTIS,
THE FORECLOSING GOVERNMENTAL UNIT, OF ELECTION TO
PURCHASE FORECLOSED PROPERTY**

The CITY OF Muskegon hereby notifies Tony Moulatsiotis, Muskegon County Treasurer and Muskegon County Foreclosing Governmental Unit, that it intends to purchase for a public purpose property located in the city described as:

Parcel # 24-673-001-0011-00

Property Address: 3545 Marina View Point

Legal Description: City of Muskegon Marina View Point
Unit 11 Dock A

(you may attach printout from assessment roll in lieu of typing in
legal description here)

The purchase price is \$ \$3,236.43, which amount is the minimum bid as is defined in MCL 211.78m (1).

The city agrees to pay a fee in the amount of \$10.00 to cover the cost of recording the deed transferring the above described property.

The public purpose for which the property is being purchased is:

To lease, alternate transient slips for Hartshorn customers,
or to use as a possible satellite fire/sheriff's boat dock.

The city agrees to notify the Foreclosing Governmental Unit (Muskegon County Treasurer) at least seven days before the event if it ever sells or transfers to a third party all or any part of the above described property. Further, the city understands and agrees that if it should ever sell the purchased property above described for an amount in excess of the minimum bid and all costs incurred relating to demolition, renovation, improvements or infrastructure development, the excess amount shall be returned to the Muskegon County Treasurer for deposit into the delinquent tax property sales proceeds account for the year in which the property was purchased by the said city.

Upon the request of the Foreclosing Governmental Unit, the city shall provide without cost to the Foreclosing Governmental unit information regarding any subsequent sale or transfer of the above described property. The information shall be provided within seven days of receipt of the request.

The election by the said city is made subject to any prior right of election vested in the State of Michigan.

The city understands that neither Muskegon County or Tony Moulatsiotis, either individually and/or as Muskegon County Treasurer and/or as the Foreclosing Governmental Unit, makes any warranty of any kind as to the title transferred to the city and will not indemnify, defend, save nor hold harmless the city from any or all claims, liabilities, damages, losses, suits, fines, penalties, demands or expenses, including costs of suit and attorney fees, incurred by the said city because of or related to its election to purchase the property above described.

The city agrees to indemnify, defend, save and hold harmless Muskegon County and Tony Moulatsiotis, individually and/or as Muskegon County Treasurer and/or as Foreclosing Governmental Unit, from any and all claims, liabilities, damages, losses, suits, fines, penalties, demands and expenses, including costs of suit and attorney fees, which Muskegon County and/or Tony Moulatsiotis, individually and/or as Muskegon County Treasurer and/or as Foreclosing Governmental Unit incurred because of or related to the election of the city to purchase the property above described.

Date: 6-10-08

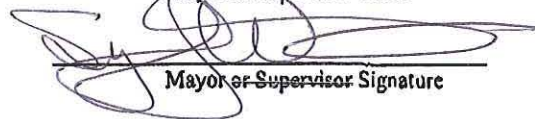
Date: 6-10-08

City of Muskegon

Name of Local Unit

Stephen J. Warmington

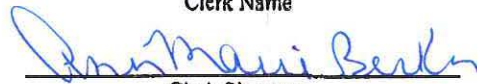
Mayor or Supervisor Name



Mayor or Supervisor Signature

Ann Marie Becker, MMC

Clerk Name



Clerk Signature

Application to obtain Real Estate for Public Purpose

Pursuant to Michigan Compiled Laws, Section 211.78m

Name, Address, Phone number and Contact Person of Local Unit making application:

City of Muskegon
933 Terrace St.
Muskegon, MI 49440

Hope Mitchell (231) 724-6938

Parcel Information:

Tax ID #: 24-673-001-0011-00

County: Muskegon City/Village/Township Name: Muskegon

Street address: 3545 Marina View Point

Public Purpose for acquiring this property is (describe in detail):

To lease, alternate transient slips for Hartshorn customers, or to use as a possible satellite fire/sheriff's boat dock.

This acquisition ☒ has ☐ has not been specifically authorized by resolution of the governing body of the Local Unit. (Attach minutes and resolution)

The Local Unit ☐ does ☒ does not plan to resell or transfer this property to another person, entity or group.

Entity is:

- ☐ Individual(s) ☐ A non-profit entity ☐ A for Profit entity
☒ A government Board, Commission, Agency or Department.

Name and address of Purchaser (if known at this time):

If property is being sold or transferred, please state end-users Public Purpose of this property:

Will property be returned to the tax roll within 24 months?

☐ Yes

☒ No

Applicable regulation Disclosure:

The Foreclosing Governmental Unit (FGU) discloses that MCL 211.78m requires:

- That a sale/transfer under this section must be for a "Public Purpose";
- That if the property is sold or transferred at a profit (as therein defined), that such profit **MUST** be returned to the FGU and deposited in its delinquent tax property sales proceeds account for the year in which the property was purchased by the city, village, township, or county.

The Foreclosing Governmental Unit (FGU) requires, as a condition of this application that the Local Unit agrees to:

- Report any sale or transfer of this property, at any time in the future that it may occur, within 90 days of such event.
- Provide copies of all transfer documents and financial settlement statements regarding same, during the same time period.
- Compensate the FGU for any "profit" (as defined in MCL 211.78m) in this same time period.

These conditions must be agreed to by the Applicant, and will be made covenants/restrictions to such transfer in the conveyance document.

The Applicant ☒ agrees ☐ does not agree to the terms disclosed above, and consents to their inclusion in the documents of conveyance .

Submitted by :

Signature: _____

Name and official capacity:

Stephen J. Warmington
Mayor

Application dated : / /

For FGU Use:

Received: / / ☐ Before ☐ During ☐ After - allowed period .

Reviewed: / /

Reply Date: / /

Response: ☐ Approved ☐ Denied

Comments:

Commission Meeting Date: June 10, 2008

Date: June 3, 2008
To: Honorable Mayor and City Commissioners
From: Planning & Economic Development *CB*
**RE: Public Hearing - Request to revoke the Obsolete Property
Rehabilitation Certificate – Kirksey Investment Corporation**

SUMMARY OF REQUEST:

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the City of Muskegon requests that the Obsolete Property Rehabilitation Certificate for Kirksey Investment Corporation at 1133 W Western Ave be revoked. The certificate was issued on May 9 2006, and the property owner failed to rehabilitate the building within the twelve (12) month deadline.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution revoking the Obsolete Property Rehabilitation Certificate

COMMITTEE RECOMMENDATION:

None

Resolution No. _____

MUSKEGON CITY COMMISSION

**RESOLUTION REVOKING THE OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE NO 3-06-0062
*KIRKSEY INVESTMENT CORPORATION***

WHEREAS, The City of Muskegon issued an Obsolete Property Rehabilitation Exemption Certificate to Kirksey Investment Corporation on May 9, 2006; and

WHEREAS, the resolution states that the applicant shall have twelve (12) months to complete the rehabilitation. It shall be completed by May 9, 2007, or one year after the Certificate is issued, whichever occurs later.

WHEREAS, appropriate certified notice has been sent to Kirksey Investment Corporation on May 29, 2008, notifying the company of the intent to revoke the Obsolete Property Rehabilitation Certificate.

NOW THEREFORE BE IT RESOLVED by the Muskegon City Commission that Obsolete Property Rehabilitation Exemption Certificate 3-06-0062, for Kirksey Investment Corporation, is revoked.

Adopted this _____ day of June, 2008

Ayes:

Nays:

Absent

By: _____
Stephen J. Warmington
Mayor

Attest: _____
Ann Marie Becker
City 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 10, 2008.

By: _____
Ann Marie Becker
City Clerk

CITY OF MUSKEGON
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held concerning the revocation of an **Obsolete Property Rehabilitation Exemption Certificate** from Kirskey Investment Corporation, 1204 W Western Ave, as provided by Public Act 146 of the Michigan Public Acts 2000, as amended, has been set for *Tuesday, June 10, 2008* at 5:30 p.m. at the Muskegon City Hall, 933 Terrace Street, Muskegon, Michigan, at which time the applicant, the City Assessor, and representatives of the affected taxing jurisdictions will have the opportunity to be heard.

Ann Marie Becker, City Clerk

Publish: ASAP

Date: May 27, 2008
To: Honorable Mayor and City Commissioners
From: Engineering
RE: Consideration of Bids for:
Beidler Street, Laketon to Southern (H-1577)

SUMMARY OF REQUEST:

Award the Beidler construction contract to Milbocker & Son out of Allegan since they were the lowest responsible bidder with a total bid price of \$520,531.21, see attached bid tabulation.

FINANCIAL IMPACT:

The construction cost of \$520,531.21 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED:

None.

STAFF RECOMMENDATION:

Award the contract to Milbocker & Sons.

COMMITTEE RECOMMENDATION:

Date: June 10, 2008
To: Honorable Mayor and City Commissioners
From: Ann Becker, City Clerk
RE: Repeal Vehicle for Hire Ordinance

SUMMARY OF REQUEST: At a Worksession meeting held on June 11, 2007, the Commission considered a request to repeal the Vehicle for Hire Ordinance. At that time, the Commission determined to license taxicabs for one more year while Muskegon County established a county-wide licensing requirement. The Commission indicated they would visit the issue in one year. At the March 11, 2008, City Commission Meeting it was decided to extend the current licensing for cabs to June 11, 2008.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: That the Ordinance to Repeal Vehicles for Hire, Sections 102-200 through 102-260 of the Code of Ordinances be adopted.

COMMITTEE RECOMMENDATION:

City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2243

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 102, Vehicles for Hire, Sections 102-200 through 102-260 of the Code of Ordinances of the City of Muskegon concerning the regulation of vehicles for hire is repealed in its entirety.

This ordinance adopted:

Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron
Nays: None

Adoption Date: June 10, 2008

Effective Date: June 24, 2008

First Reading: June 10, 2008

Second Reading: N/A

CITY OF MUSKEGON

By 
Ann Marie Becker, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 10th day of June, 2008, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: June 10, 2008



Ann Marie Becker, MMC
Clerk, City of Muskegon

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

CITY OF MUSKEGON
NOTICE OF ADOPTION

TO: ALL PERSONS INTERESTED

Please take notice that on June 10, 2008, the City Commission of the City of Muskegon adopted an amendment to Chapter 102, Vehicles for Hire, whereby Sections 102-200 through 102-260 were repealed.

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

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: June 14, 2008.

By _____
Ann Marie Becker, MMC, Its Clerk