# CITY OF MUSKEGON

## CITY COMMISSION MEETING

### MAY 26, 2009

### CITY COMMISSION CHAMBERS @ 5:30 P.M.

## AGENDA

- **CALL TO ORDER:**
- **PRAYER:**
- **PLEDGE OF ALLEGIANCE:**
- **ROLL CALL:**
- **HONORS AND AWARDS:**
- **INTRODUCTIONS/PRESENTATION:**
- **CONSENT AGENDA:**

  A. **Approval of Minutes.** CITY CLERK

  B. **Acceptance of First Street into the City's Street System.** ENGINEERING

  C. **Request to Submit a Grant Application for Getty Street, Laketon to Evanston.** ENGINEERING

  D. **Rezoning Request for Property Located at 1221 W. Laketon Avenue.** PLANNING & ECONOMIC DEVELOPMENT

  E. **Gaming License Request.** CITY CLERK

  F. **Paying Agent Services.** FINANCE DIRECTOR

  G. **Aggregates, Highway Maintenance Materials.** PUBLIC WORKS

  H. **Purchase of Properties Through the City's Neighborhood Stabilization Program.** COMMUNITY & NEIGHBORHOOD SERVICES

  I. **Approval of Contractor for Rehabilitation of House at 940 Wood.** COMMUNITY & NEIGHBORHOOD SERVICES

  J. **Approval of Contractor for Lead Abatement of House at 940 Wood.** COMMUNITY & NEIGHBORHOOD SERVICES

- **PUBLIC HEARINGS:**

  A. **Request for an Industrial Facilities Exemption Certificate – Great Lakes Die Cast.** PLANNING & ECONOMIC DEVELOPMENT

- **COMMUNICATIONS:**
- **CITY MANAGER'S REPORT:**
- **UNFINISHED BUSINESS:**
- **NEW BUSINESS:**

  A. **Concurrence with the Housing Board of Appeals Notice and Order to Demolish 1692 Hoyt Street and 1451 Leahy Street.** PUBLIC SAFETY

- **ANY OTHER BUSINESS:**
- **PUBLIC PARTICIPATION:**

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

- **CLOSED SESSION:**
- **ADJOURNMENT:**

ADA POLICY: The City of Muskegon will provide necessary auxiliary aids and services to individuals who want to attend the meeting upon twenty four hour notice to the City of Muskegon. Please contact Ann Marie Becker, City Clerk, 933 Terrace Street, Muskegon, MI 49440 or by calling (231) 724-6705 or TDD: (231) 724-4172.

Date: May 26, 2009

To: Honorable Mayor and City Commissioners

From: Ann Marie Becker, City Clerk

RE: Approval of Minutes

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SUMMARY OF REQUEST: To approve minutes for the May 11th Commission Worksession, and the May 12th Regular Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

City of Muskegon
City Commission Worksession
May 11, 2009
City Commission Chambers
5:30 PM

# MINUTES

2009-40
Present: Commissioners Warmington, Carter (arrived 5:35 p.m.), Wierengo, Shepherd, Wisneski, Gawron, and Spataro.
Absent: None.

**Amoco Seawall Presentation.**
Sidock Group, Inc. presented a report regarding the seawall located at the Amoco Terminal site. Sidock Group has been asked to recommend alternatives to the city seawall that has failed in some locations. Three alternatives were offered. They include partial replacement, complete replacement, and shoreline re-naturalization.

Mohammad Al-Shatel reminded the Commission that a fourth option is to do nothing.

The City Commission received the report and will give it further consideration.

**Richards Park – Muskegon Conservation District.**
Jeff Hout and Harry Wierenga, of the Muskegon Conservation District, made a conceptual presentation to the City Commission to build a 6,000 to 8,000 square foot building at Richards Park to host a variety of events and activities.

Muskegon Conservation District raises most of their funding through grants.

The Commission agreed that it is worth looking into further.

**Retirement Prescription Program.**
**Moved by Commissioner Spataro, seconded by Commissioner Wisneski to approve the police and fire prescription services for retirees as presented.**

***ROLL CALL VOTE:***

**Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, and Spataro.**
**Nays: None.**
**Absent: Shepherd.**

***MOTION PASSES***

**Assessor's Office Move.**
Muskegon County has approached the City of Muskegon asking that the city's assessing office be moved to the Muskegon County Equalization Department.

Tim Paul, Finance Director, stated that he can not recommend approval of the request at this time. He indicated that staff has concerns that information will not be available electronically making it difficult for departments who access the information on a regular basis.

Commissioners indicated they will review the request once Muskegon County is able to have a computer system up and running so information will be available in electronic format to city staff.

**National League of Cities Update.**
The National League of Cities Economic Steering Committee has indicated an interest in hosting its September meeting in Muskegon. A list of host responsibilities has been presented and the cost is estimated to be $5,000.

City Clerk, Ann Marie Becker, informed the Commission that $3,000 in sponsorships has been secured. They include:

DTE $1,000
Muskegon Convention Visitors Bureau $750
City of North Muskegon $250
Michigan Municipal League $1,000

The City of Norton Shores will consider a $250 sponsorship at its May meeting.

All tours for the committee have been donated as well.

Commissioners Spataro, Wierengo, and Gawron volunteered funds from their travel budget.

**Motion by Commissioner Spataro, seconded by Commissioner Wierengo to sponsor the National League of Cities Economic Steering Committee's September visit and contribute $1,000 toward the cost.**

***MOTION PASSES***

**Resolution of Support – Bike Time.**
**Motion by Commissioner Shepherd, seconded by Commissioner Spataro to approve the resolution supporting Bike Time 2009 contingent upon approval of the application from the Leisure Services Board.**

***MOTION PASSES***

**Deficit Elimination Plan for Home Rehabilitation Fund and Brownfield Redevelopment Authority Fund.**

**Motion by Commissioner Wisneski, seconded by Vice Mayor Gawron to adopt the Deficit Elimination Plan for Home Rehabilitation Fund and Brownfield Redevelopment Authority Fund resolution as presented.**

***MOTION PASSES***

**<u>Any Other Business.</u>**

**<u>Milwaukee Clipper</u>**

**Motion by Commissioner Carter, seconded by Commissioner Spataro to extend the deadline for a business plan for the Milwaukee Clipper until August 15, 2009.**

**Ayes: Warmington, Wierengo, Carter, Gawron, Shepherd, and Spataro.**
**Nays: Wisneski.**

***MOTION PASSES***

**<u>Adjournment</u>**

**Motion by Commissioner Carter, seconded by Commissioner Shepherd to adjourn at 7:03 p.m.**

***MOTION PASSES***

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**Ann Marie Becker, MMC**
**City Clerk**

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

## MAY 12, 2009

### 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, May 12, 2009.

Mayor Warmington opened the meeting with a prayer from Public Works Director Robert Kuhn 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.

**2009-41 HONORS AND AWARDS:**

**A. Darl Staley.**

Mayor Warmington introduced Glen, Peg and Bonnie Jorgenson (Darl's family); and our firefighters Pete Hughes and Mark Kincaid. He then read the resolution commemorating the life and giving of Darl Staley, who was a firefighter for the City for 29 years. The resolution will be displayed in the new Central Fire Station.

**2009-42 CONSENT AGENDA:**

**A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, April 28th.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

**B. Revocation of a Neighborhood Enterprise Zone Certificate.** PLANNING & ECONOMIC DEVELOPMENT

Removed per staff request.

**C. Granting of Easement to Pro Fab, Inc.** PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To grant an easement across the City-owned property located at 1690 Creston to Pro Fab, Inc., 1608 Creston Avenue. The easement will be used as a driveway for trucks to access the loading dock area at the side of their building. The only other access they have is through their parking lot. Although Pro Fab, Inc. is in Muskegon Township, by granting this easement, Pro Fab, Inc. will be able to expand on their building and provide for more jobs.

FINANCIAL IMPACT: Pro Fab, Inc. has agreed to pay a one-time amount of $500 for this easement.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To grant the easement to Pro Fab, Inc. and have the Mayor and Clerk sign the agreement.

**D. Concession Contract for Pere Marquette Park.** PUBLIC WORKS

SUMMARY OF REQUEST: Permission to enter into a one-year contractual agreement with Ken Huston of Amazing Gift Direct, LLC for operating a concession (The Island Concession) at P.M. Park.

FINANCIAL IMPACT: Contract revenue is unknown at this time. Approximately $325-$1,200 per year in revenue was received from previous vendor (Dan Etterman of Sandy Bottoms Concession) during the 2003-2008 contracts.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve request.

COMMITTEE RECOMMENDATION: The Leisure Services Board has been notified of intended contractual agreement.

**E. Consideration of Bids for Watermain Replacement on Barclay, Larch to Ireland (W-710).** ENGINEERING

SUMMARY OF REQUEST: Award the watermain replacement project on Barclay from Larch to Ireland (W-710) to Thompson Brothers, Inc. out of Twin Lake, MI since they were the lowest responsible bidder with a total bid price of $105,584.25.

FINANCIAL IMPACT: The construction cost of $105,584.25 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: This project was budgeted at $85,000 thus the budget will have to be revised in the second quarter reforecast to address the $35,000 shortfall between cost and budgeted numbers.

STAFF RECOMMENDATION: Award the contract to Thompson Brothers, Inc.

**F. Evergreen Cemetery Irrigation Well Bids.** CEMETERY/FORESTRY

SUMMARY OF REQUEST: Authorize staff to accept the alternate bid from Brass-Mar Water Wells. Their alternate bid of $23,402 is for the same size well (eight inch casing), but with a smaller pump motor, 15hp instead of the 25hp. The 15hp motor will adequately irrigate Evergreen Cemetery. The only additional cost will be to upgrade the electric service at Evergreen Cemetery from a 100 amp service to a 200 amp service to accommodate the new well pump for an estimated cost of $2,000.

FINANCIAL IMPACT: Less than $27,000 total.

BUDGET ACTION REQUIRED: This project is on the 2009 Capital Improvement Budget for $30,000.

STAFF RECOMMENDATION: Authorize staff to enter into an agreement with Brass-Mar Water Wells to drill well and install and connect with the present irrigation system.

**G. <u>Budgeted GPS Purchase.</u>** PUBLIC WORKS

SUMMARY OF REQUEST: Approval to purchase 11 GPS receivers from Advanced Tracking Technologies.

FINANCIAL IMPACT: Cost $9,558.45.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approve purchase of GPS receivers from Advanced Tracking Technologies.

**H. <u>Budgeted Vehicle Purchase.</u>** PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to purchase two Ford Rangers from Vanderhyde Ford.

FINANCIAL IMPACT: Cost $23,594.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Authorize staff to purchase the two trucks.

**I. <u>Request to Purchase Fire Engine.</u>** PUBLIC SAFETY

SUMMARY OF REQUEST: Fire Department staff solicited bids for the procurement of a fire engine. The engine would be a standard front-line engine which would replace our current Engine 25. The low bid, which meets all stated specifications, was submitted by Crimson Fire, 907 7th Avenue, Brandon, South Dakota. Crimson is a subsidiary of Spartan Motors of Charlotte, Michigan. The bid price submitted by Crimson is $507,963. This price is over the budget allotted for this purchase.

FINANCIAL IMPACT: Funds for this purchase would be drawn from the City's Public Improvement Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Reject the bid because it is over budget, but allow Fire Department staff to enter into negotiations with Crimson Fire to purchase a fire engine that would meet budget guidelines.

**J. <u>Interlocal Agreement – Justice Assistance Grant.</u>** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety requests that the Commission authorize the Director and the City Manager to enter into an agreement with the following municipalities and the County of Muskegon in regards to the disbursement of the 2009 Justice Assistance Grant. The municipalities include the Village of Fruitport, the City of Muskegon Heights, the City of Norton Shores and Muskegon Charter Township. The money in this grant will be shared by these entities. The funds allocated to our City will be used to pay for the following for the next two years:

- Reinstatement of the summer programs at Sheldon and McCrea Parks
- Development of an evening recreation program aimed at teens
- Development of a police cadet program
- Lease payments on narcotics vehicles

Total award amount to the City is $174,535.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

**Motion by Vice Mayor Gawron, second by Commissioner Wierengo to approve the Consent Agenda as presented.**

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

**Nays: None**

***MOTION PASSES***

**2009-43 NEW BUSINESS:**

**A. <u>Gaming License Request.</u>**

SUMMARY OF REQUEST: The Muskegon Junior Sailing Association is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**Motion by Commissioner Spataro, second by Commissioner Carter to approve the gaming license request.**

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

**Nays: None**

***MOTION PASSES***

**B. <u>2009 Assistance to Firefighters Grant.</u>** PUBLIC SAFETY

SUMMARY OF REQUEST: The Deputy Director of Public Safety for Fire Services requests that the Commission authorize the submission of this grant request. The request is for three pieces of equipment and is described as follows:

- A diesel exhaust system for Station 5 on Marquette. Such a system removes diesel fumes as the apparatus enters/leaves the station. This station has never had such a system. Cost: $55,000.
- A diesel exhaust system for Station 4 on Lakeshore Drive. A system was installed at the time this station was constructed but is no longer operable. Cost: $31,000.
- An emergency generator for Station 5. The current generator does not adequately power this station. Cost: $20,000.

Total cost for these three items is $106,000. The grant requires a 10% match equaling $10,600.

FINANCIAL IMPACT: The match money is available in the Public Improvement Fund.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of this request.

**Motion by Vice Mayor Gawron, second by Commissioner Carter to approve the grant submission.**

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

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Various comments were heard.

**ADJOURNMENT:** The City Commission Meeting adjourned at 5:49 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk

Date: May 26, 2009

To: Honorable Mayor and City Commissioners

From: Engineering

RE: Acceptance of First Street into the City’s Street System

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## SUMMARY OF REQUEST:

Adopt the attached resolution accepting First Street from the Alley south of Western to Morris into the City’s street system. The previously approved resolution of February 10, 2009 contained inaccurate descriptions of First Street limits.

## FINANCIAL IMPACT:

None.

## BUDGET ACTION REQUIRED:

None.

## STAFF RECOMMENDATION:

Adopt the attached resolution.

## COMMITTEE RECOMMENDATION:

CITY OF MUSKEGON

RESOLUTION NO.__________

At a regular meeting of the City Commission of Muskegon, Michigan, held at the City Commission Chambers on ______________________________, 2009

## RECITALS

THE CITY COMMISSION OF THE CITY OF MUSKEGON HEREBY RESOLVES:

1. The City of Muskegon has a perpetual easement/ownership over certain streets known as **First between Western Ave. & Morris; & First Street between from 123.65' south of Western Ave. (Alley) to Western Ave.**
2. It is necessary to furnish certain information to the State of Michigan to place this street within the City's Local Street System for the purpose of obtaining funds under Act 51, P.a. 1951, as amended.

NOW, THEREFORE, BE IT RESOLVED:

1. That the legal descriptions of said streets are described as:

**See attached Exhibits A (easement agreement – Burdened and Easement Property) and & B**

2. That said streets are located within a City's right-of-way, are on City controlled Properties, and are under the control of the City of Muskegon.

3. That said streets are public streets and are for public street purposes.

4. That said streets are accepted into the City Local Street System and were open to public traffic before December 31, 2008.

Resolution duly adopted.

YEAS______________________________________________________________________

______________________________________________________________________

NAYS__________________________________________________________________

*CITY OF MUSKEGON*

By__________________________

***Ann Marie Becker, City Clerk***

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the Board of Commissioners of the City of Muskegon, Michigan, held on the _____day of ______________, 20__, and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.

__________________________
Ann Marie Becker, City Clerk

Date: May 26, 2009

To: Honorable Mayor and City Commission

From: Engineering

RE: Request to Submit a Grant Application for Getty St.; Laketon to Evanston

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## SUMMARY OF REQUEST:

Authorize staff to submit a request for grant application to MDOT for TEDF-F funds to reconstruct Getty Street from Laketon to Evanston. The request is for $380,000 and will require a match of up to $150,000 which will be budgeted for in 2010 since the request is for 2011 funding year.

## FINANCIAL IMPACT:

A local share of $150,000 match plus engineering costs.

## BUDGET ACTION REQUIRED:

None at this time.

## STAFF RECOMMENDATION:

Authorize staff to submit the application.

## COMMITTEE RECOMMENDATION:

**Commission Meeting Date: May 26, 2009**

**Date:** **May 18, 2009**

**To:** **Honorable Mayor and City Commissioners**

**From:** **Planning & Economic Development** CBC

**RE:** **Rezoning request for property located at 1221 W. Laketon Ave.**

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SUMMARY OF REQUEST:

Request to rezone property located at 1221 W. Laketon Avenue from R, One Family Residential to RM-2,Medium Density Multiple Family Residential.

FINANCIAL IMPACT:

None

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Staff recommends denial of the request due to lack of compliance with the future land use map, Master Land Use Plan and zoning district intent.

COMMITTEE RECOMMENDATION:

T. Harryman, J. The Planning Commission voted to recommend denial of the request at their 5/14/09 meeting. The motion was approved by unanimous vote, with B. Larson absent.

## CITY OF MUSKEGON

### RESOLUTION #2009-

RESOLUTION OF DENIAL FOR REZONING REQUEST

WHEREAS, a request to rezone property located at 1221 W. Laketon Avenue was considered by the Planning Commission, and;

WHEREAS, a public hearing on the request was held by the Planning Commission on May 14, 2009, and;

WHEREAS, the Planning Commission recommended denial of the request because it is not consistent with the future land use map, Master Land Use Plan and zoning district intent.

NOW, THEREFORE, BE IT RESOLVED that the rezoning request is hereby denied.

Adopted this 26th day of May, 2009.

Ayes:

Nays:

Absent:

By: ______________________________
Stephen J. Warmington
Mayor

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 May 26, 2009.

______________________________
Ann Marie Becker, MMC
City Clerk

**Staff Report**
CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING

May 14, 2009

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**Hearing; Case 2008-23:** Staff initiated request to rezone the property located at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential District to R, One Family Residential District.

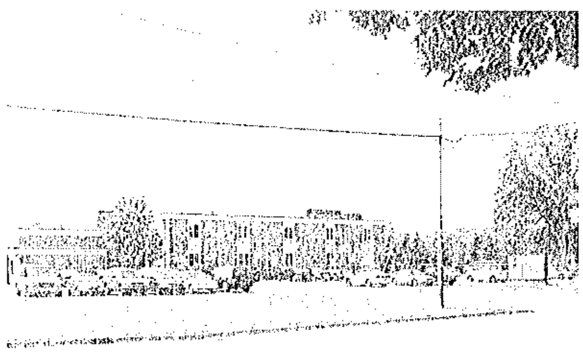
| | |
|---|---|
| Applicant: | Planning Staff |
| Property Address/Location: | 1221 W. Laketon Avenue |
| Request: | Rezone from RM-2, Medium Density Multiple Family Residential District to R, One Family Residential District |
| Present Land Use: | Women's Residential Shelter |
| Zoning: | RM-2, Medium Density Multiple Family Residential |

## STAFF OBSERVATIONS

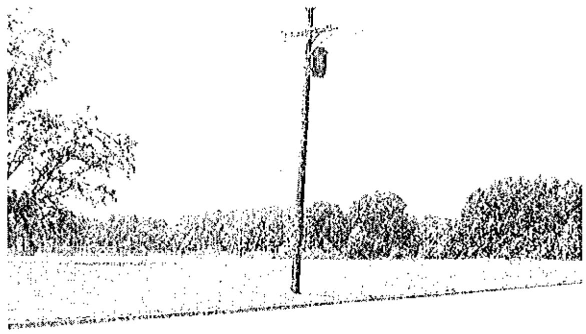
1. The property is a 5.63 acre parcel that presently contains a building owned and occupied by Every Woman's Place.
2. This property was rezoned in September 2007 at the request of Every Woman's Place from R-1 to RM-2. Their plans were for a multi-bed expansion to the present facility. However, it appears that any expansion plans have stalled, and at the request of some City Commissioners, this rezoning request is now before you.
3. Every Woman's Place submitted an application to Planning Commission for Site Plan Review in September 2007, but it was tabled because the site plan was not ready, and was then eventually withdrawn.
4. If rezoned to R-1, the agency would be able to continue in its present state as a legal non-conforming use. Any expansion would only be allowed up to 25%, and only with the permission of the Planning Commission.
5. The properties to the north, south and east are zoned, R-1 and the property to the west is zoned OSC, Open Space Conservation.
6. The Future Land Use Map shows this property (Sub-Area 6) as "Public/Quasi-Public". The Master Plan also states: "It is the goal of the Master Plan to retain the mixed-use character of Sub-Area 6 and to demonstrate how varying land uses may co-exist, as well as compliment each other."

7. Staff has had no comments regarding this request.

**8. This request was tabled at the September 2008 meeting and at the January 2009 meeting. Every Woman's Place obtained Site Plan Review approval from Planning Commission at the April 16, 2009 meeting and are moving forward with their plans.**



Every Woman's Place building.



Portion of property vacant to the west.

**STAFF RECOMMENDATION**

**Due to approval of the site plan for expansion of Every Woman's Place, staff now recommends denial of the request** to rezone the subject property from RM-2, Medium Density Multiple Family district to R, One Family Residential district, because the request doesn't conform to the goals and recommendation of the City's 1997 Master Plan and Future Land Use Plan and zoning district intent.

DELIBERATION

Criteria-based questions typically asked during a rezoning include:

1. **What**, if any, identifiable **conditions** related to the petition **have changed which justify** the petitioned **change in zoning**.

2. **What** are the **precedents and the possible effects** of precedent that might result from the approval **or denial** of the petition?

3. What is the **impact** of the amendment on the ability of the city to provide **adequate public services** and **facilities and/or programs** that might reasonably be required in the future if the petition is approved?

4. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?

5. Does the petitioned zoning change generally **comply with the adopted Future Land Use Plan of the City**?

6. Are there any **significant negative environmental impacts** which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:

   a. **Surface water** drainage problems
   b. **Waste water** disposal problems
   c. Adverse effect on surface or subsurface **water quality**
   d. The **loss of valuable natural resources** such as **forest, wetland, historic sites, or wildlife areas.**

7. Is the proposed zoning change a "**Spot Zone**"?

   a. Is the parcel **small in size relative to its surroundings?**
   b. Would the zoning change allow uses that are **inconsistent with those allowed in the vicinity?**
   c. Would the zoning change confer a **benefit to the property owner** that is **not generally available to other properties** in the area?
   d. A spot zone is **appropriate if it complies with the Master Plan.**

## DETERMINATION

The following motion is offered for consideration:

I move that the request to rezone the property located at 1221 W. Laketon Avenue from RM-2, Medium Density Multiple Family Residential district to R, One Family Residenital district, as described in the public notice, be recommended for (**approval/denial**) to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of (**compliance/lack of compliance**) with the intent of the City Master Land Use and zoning district intent.

Date: May 26, 2009

To: Honorable Mayor and City Commissioners

From: Ann Marie Becker, City Clerk

RE: Gaming License Request

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SUMMARY OF REQUEST: The Muskegon Big Red Athletic Foundation is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License to sell raffle-calendars. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

State of Michigan
**Bureau of State Lottery**
**101 E. Hillsdale • P.O. BOX 30023 • Lansing, Michigan 48909**
www.michigan.gov/cg • (517) 335-5780 • FAX (517) 267-2285

MICHIGAN LOTTERY

JENNIFER M. GRANHOLM
GOVERNOR

M. Scott Bowen
COMMISSIONER

May 13, 2009

Organization ID: 108820

Chris Emvall
Muskegon Big Red Athletic Foundation
80 West Southern Avenue
Muskegon, MI 49441

Dear Chris Emvall:

We have received documentation to qualify your organization as a Local Civic organization to conduct licensed gaming events as allowed by Act 382 of the Public Acts of 1972, as amended.

To complete the qualification process, please submit the following information:

1. A copy of a resolution passed by the local government stating the organization is a recognized nonprofit organization in the community; form enclosed.

2. A revenue and expense statement for the previous 12 month period to prove all assets are used for charitable purposes, i.e. 990's, treasurer's report, audit. Do not send check registers or cancelled checks. Explain the purpose of each expenditure made to an individual. Once the organization has conducted licensed gaming events, the Bureau may require the organization to provide additional proof that all assets are being used for charitable purposes.

3. A complete filed copy of your Articles of Incorporation including all amendments.

Also, we have reviewed your application for a Combination Raffle license. However, we are unable to process your application without the following information:

1. Please submit a sample of the calendar.

Please enclose a copy of this letter with the requested information and mail or fax to 517/267-2285. Be sure to include your organization ID number 108820 on all correspondence submitted to our office.

We look forward to working with you in the future. If you have any questions or need further assistance, please contact us at 517/335-5780.

Sincerely,

Charitable Gaming Division

MICHIGAN LOTTERY
Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

# LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

At a ______________________ meeting of the ______________________
REGULAR OR SPECIAL — TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by ______________________ on ______________________
DATE

at______________ a.m./p.m. the following resolution was offered:
TIME

Moved by ______________________ and supported by ______________________

that the request from ______________________ of ______________________,
NAME OF ORGANIZATION — CITY

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

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

gaming licenses, be considered for ______________________.
APPROVAL/DISAPPROVAL

| APPROVAL | | DISAPPROVAL | |
|---|---|---|---|
| Yeas: | ________ | Yeas: | ________ |
| Nays: | ________ | Nays: | ________ |
| Absent: | ________ | Absent: | ________ |

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

adopted by the ______________________ at a ______________________
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD — REGULAR OR SPECIAL

meeting held on______________________.
DATE

SIGNED: ______________________
TOWNSHIP, CITY, OR VILLAGE CLERK

______________________
PRINTED NAME AND TITLE

______________________
ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

**Date:** May 26, 2009

**To:** Honorable Mayor and City Commissioners

**From:** Finance Director

**RE:** Paying Agent Services

---

**SUMMARY OF REQUEST:** When the City issues bonds, it hires a "paying agent" bank to do the recordkeeping and process principal/interest payments to bondholders over the life of the issue. This has become a niche market and only a couple of banks currently offer this service in the Midwest. We recently looked into consolidating our bond issues at a single bank and, in the process, were offered an extraordinary deal by Bank of New York. BONY is willing to perform paying agent services for an annual fee of $100/issue ($75/issue if paid in advance). We had been considering consolidating at US Bank in conjunction with Muskegon County for a fee of $300/issue. In further discussions with US Bank, it was clear that they were not prepared to match BONY's proposal.

| Bond Issue | Year Issued | Final Maturity | Current Bank | Current Annual Fee | Remaining Years | Current Fees Over Life | Termination Fee | Proposed Fees Over Life | Proposed Fees Over Life - Prepaid |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | 2009 | | | $ 100 | $ 75 |
| Water Supply System Bonds | 1993 | 2013 | US Bank | $ 750 | 4 | $ 3,000 | $ (250) | $ 400 | $ 300 |
| Water Supply System Bonds | 1999 | 2019 | US Bank | 350 | 10 | 3,500 | (250) | 1,000 | 750 |
| SA Improvement Bonds | 1998 | 2009 | US Bank | 350 | 0 | - | | - | - |
| SA Improvement Bonds | 2000 | 2010 | US Bank | 350 | 1 | 350 | (250) | 100 | 75 |
| Capital Improvement Bonds | 2003 | 2016 | US Bank | 250 | 7 | 1,750 | (250) | 700 | 525 |
| Capital Improvement Bonds | 2006 | 2032 | BONY | 200 | 23 | 4,600 | | 2,300 | 1,725 |
| DDA Bonds | 2001 | 2018 | BONY | 250 | 9 | 2,250 | | 900 | 675 |
| LDFA Bonds | 2002 | 2025 | US Bank | 350 | 16 | 5,600 | (250) | 1,600 | 1,200 |
| | | | | | | | | | |
| | | | | $ 2,850 | | $ 21,050 | $ (1,250) | $ 7,000 | $ 5,250 |

**FINANCIAL IMPACT:**

- $14,550 net savings over the life of current outstanding bonds
- Eliminate need to process future payables checks
- Lock in excellent rate for future bond issues

**BUDGET ACTION REQUIRED:** None.

**STAFF RECOMMENDATION:** Authorize staff to enter into the attached agreement with BONY, terminate current paying agent services with US Bank, consolidate all current and future paying agent services with BONY and advance pay for these services.

**COMMITTEE RECOMMENDATION:** None.

THE BANK OF NEW YORK MELLON

The Bank of New York Mellon Trust Company, N.A.

Proposal to serve as Bond Registrar, Paying Agent and Transfer Agent for

**City of Muskegon, MI - Current Outstanding Bonds with BNYM and other Institutions**

Fee Schedule
May 19, 2009

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The Bank of New York Mellon Trust Company, N.A. (BNYMTC) as ***Registrar, Paying Agent, and Transfer Agent*** shall be entitled to payment from the Obligor for the payment of the fees, expenses and charges as set forth in this Fee Schedule

**ANNUAL ADMINISTRATION FEE:**

| | |
|---|---|
| Bond Paying/Transfer Agent and Registrar (One time) | **$75/per year times number of years to maturity** |
| ***or*** Bond Paying/Transfer Agent and Registrar (Annually): | **$100** |

Our annual administration fee is billed for each series/bond issue annually in advance and is collected at the closing of the issue. This fee includes the below listed items, as applicable:

- Registrar, Transfer/Paying Agent
- Initial Bond Account Set-up
- Original Issuance of Bonds
- Routine Bond Administration
- Statements of Account/Trustee Reports
- Asset Principal and Income Collection
- Terminations
- Processing of Cash Receipts
- Routine Principal and Interest Payments to Bondholders

**Note: Disclosure Agent Services not included.**

**LEGAL FEES** **Waived**

We intend to review the contracts and all supporting documentation internally. There is no additional amount charged for the ordinary services we provide in conducting the initial legal review of the contracts and supporting documentation.

**INVESTMENT COMPENSATION**

We will be pleased to hold any investments. The short-term cash can be placed in a variety of money funds. A sweep fee of 37 basis points will be charged on all funds held. BNYMTC may receive compensation (12b1fee) from the money fund provider. The sweep fee and 12b1 fee compensate BNYMTC for handling the record keeping activities associated with any deposits held.

**DEFAULT ADMINISTRATION FEES AND EXPENSES**

In the event that a default occurs and is not cured within the appropriate time period required by the governing documents, BNYMTC shall be paid a Default Administration Fee calculated in accordance with BNYMTC's hourly rate in effect at the time of the default and as may be modified by BNYMTC in its sole discretion from time to time thereafter, plus all expenses incurred by BNYMTC, which expenses will include the fees and expenses of Counsel. In addition, if BNYMTC is required to advance any payments, BNYMTC shall be entitled to charge interest on such advances.

THE BANK OF NEW YORK MELLON

**MISCELLANEOUS FEES**

The fees for performing extraordinary or other services not contemplated at the time of the execution of the transaction or not specifically covered elsewhere in this schedule will be commensurate with the service to be provided and may be charged in BNYMTC's sole discretion. These extraordinary services may include, but are not limited to, supplemental agreements, consent operations, unusual releases, tender processing, sinking fund redemptions, failed remarketing processing, the preparation of special or interim reports, custody of collateral, a one-time fee to be charged upon termination of an engagement. Counsel, accountants, special agents and others will be charged at the actual amount of fees and expenses billed. The fee for non-interest bearing balances left uninvested with the Bank will be 10 basis points for the quarter, based on quarter-end spot balance levels, in excess of $1,000,000 (held in the U.S. offices of the Bank).

**OUT-OF-POCKET EXPENSES**

Additional out-of-pocket expenses may include, but are not limited to, telephone; facsimile; courier; copying; postage; supplies; statutory filing charges, including UCC amendments, continuations, and termination fees; and expenses of BNYMTC's representative(s) and Counsel for attending special meetings. Fees and expenses of BNYMTC's representatives and Counsel will be charged at the actual amount of fees and expenses charged and all other expenses will be charged at cost.

## TERMS AND DISCLOSURES

**TERMS OF PROPOSAL**

Final acceptance of the appointment as trustee under the Indenture is subject to approval of authorized officers of BNYMTC and full review and execution of all documentation related hereto. Please note that if this transaction does not close, you will be responsible for paying any expenses incurred, including Counsel fees. We reserve the right to terminate this offer if we do not enter into final written documents within three months from the date this document is first transmitted to you. Fees may be subject to adjustment during the life of the engagement.

**MISCELLANEOUS**

The terms of this Fee Schedule shall govern the matters set forth herein and shall not be superseded or modified by the terms of the Indenture. This Fee Schedule shall be governed by the laws of the State of Michigan without reference to laws governing conflicts. BNYMTC and the undersigned agree to jurisdiction of the federal and state courts located in the City of Detroit, State of Michigan.

**CUSTOMER NOTICE REQUIRED BY THE USA PATRIOT ACT***

To help the US government fight the funding of terrorism and money laundering activities, US Federal law requires all financial institutions to obtain, verify, and record information that identifies each person (whether an individual or organization) for which a relationship is established**.**

What this means to you: When you establish a relationship with BNYMTC we will ask you to provide certain information (and documents) that will help us to identify you. We will ask for your organization's name, physical address, tax identification or other government registration number and other information that will help us to identify you. We may also ask for a Certificate of Incorporation or similar document or other pertinent identifying documentation for your type of organization.

****Municipalities and other governmental organizations may be excluded from this notification requirement.***

| **Accepted By:** | | **For BNYMTC:** | |
|---|---|---|---|
| Signature | | Signature | |
| Date: | | Date: | May 18, 2009 |
| Name: | | Name: | Mike Higgins |
| Title | | Title | |

**AGENDA ITEM NO. __________**

**CITY COMMISSION MEETING ________________**

TO: Honorable Mayor and City Commission

FROM: Department of Public Works

DATE: May 26, 2009

SUBJECT: Aggregates, Highway Maintenance Materials

**SUMMARY OF REQUEST:**

Authorize staff to purchase crack sealing material from Lakeshore Parking Lot Maintenance, Inc. The estimated cost based on 2008 quantities is $55,566.

Earlier this year; approval to purchase crack sealing material from a different vendor was approved. However, after using said product for a short period of time, staff concluded that product was not the most suitable for our applications and would like to try a different product supplied by Lakeshore Parking to ensure optimization of tax payers' dollars.

**FINANCIAL IMPACT:**

$55,566 based on 2008 quantities at 2009 quotes.

**BUDGET ACTION REQUIRED:**

None; funds appropriated in several budgets.

**STAFF RECOMMENDATION:**

Authorize staff to purchase crack sealing material from Lakeshore Parking Lot Maintenance on an as needed bases.

**COMMITTEE RECOMMENDATION:**

**Commission Meeting Date: May 26, 2009**

**Date:** May 19, 2009

**To:** Honorable Mayor and City Commission

**From:** Community and Neighborhood Services

**Re:** Purchase of Properties through the City's Neighborhood Stabilization Program

---

**SUMMARY OF REQUEST:** To approve the purchase of the following structures for the City of Muskegon's Neighborhood Stabilization Program. The properties to be purchased are the following:

| | Address | Purchase Price | Proposed Interest |
|---|---|---|---|
| 1. | 1585 Hudson | $8,750 | Rehabilitation |
| 2. | 1733 Manz | $13,700 | Rehabilitation |
| 3. | 468 W. Forest | $8,500 | Demolition |
| 4. | 1500 Leahy | $11,875 | Demolition |
| 5. | 1868 Wood | $7,800 | Rehabilitation |
| 6. | 370 Catherine | $8,700 | Demolition |
| 7. | 1189 Terrace | $10,000 | Demolition |

The City of Muskegon's Neighborhood Stabilization Program has three main components: rehabilitation, demolition and new construction. The CNS goal, under the NSP, is to have 12 demolitions completed by August 31, 2009 and have six rehabilitations completed by the same date.

**FINANCIAL IMPACT:** Funding for the purchases will come from the City's $1,400,000 Neighborhood Stabilization Program Grant from the US Department of Housing and Urban Development and being administered through the Michigan State Housing Development Authority.

**BUDGET ACTION REQUIRED:** None.

**STAFF RECOMMENDATION:** To approve the purchases.

**COMMITTEE RECOMMENDATION:** None.

Purchase of Properties through the City's Neighborhood Stabilization Program

1585 Hudson

1733 Manz

468 W. Forest

1500 Leahy

1868 Wood

370 Catherine

1189 Terrace

**Commission Meeting Date: May 26, 2009**

**Date:** May 15, 2009

**To:** Honorable Mayor & City Commission

**From:** Community and Neighborhood Services Department

**RE:** Approval of Contractor for Rehabilitation of House at 940 Wood

---

**SUMMARY OF REQUEST:** To approve the contract with Murphy & Son Construction, 2519 MacArthur Road, Muskegon, Michigan, for the completion of the rehabilitation to be located at 940 Wood, for the cost of $64,917.50 (Sixty-four thousand nine hundred seventeen dollars and seventeen cents).

After the total rehabilitation is completed the home will be sold to a qualified homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angell neighborhood area under the Neighborhood Stabilization Program.

The City received two (2) additional bids:

- **LRS Enterprises Construction Company**, of 525 Dangl Road, Muskegon Michigan, for $84,380.00 (Eighty-four thousand three hundred eighty dollars). This bid was rejected because it was not submitted on the bid form supplied.

- **Beattie Bros. Construction**, of 2786 Holton Road, Twin Lake, Michigan, for $100,664.00 (One-hundred thousand six hundred sixty-four dollars)

**FINANCIAL IMPACT:** The funding for the project will be taken from the City's Neighborhood Stabilization Program funds.

**BUDGET ACTION REQUIRED:** None

**STAFF RECOMMENDATION:** To approve for the Community and Neighborhood Services office to develop a contract with Murphy & Son Construction of Muskegon, Michigan and direct the Mayor and Clerk to sign the contract.

**COMMITTEE RECOMMENDATION**: None needed.

# Approval of Contractor for
# Lead Abatement and Total Rehabilitation at
# 940 Wood

**Front**

**Side**

Commission Meeting Date: May 26, 2009

| | |
|---|---|
| Date: | May 15, 2009 |
| To: | Honorable Mayor & City Commission |
| From: | Community and Neighborhood Services Department |
| RE: | Approval of Contractor for Lead Abatement of House at 940 Wood |

---

**SUMMARY OF REQUEST:** To approve the contract with Murphy & Son Construction, 2519 MacArthur Road, Muskegon, Michigan, for the completion of the Lead abatement to be located at 940 Wood, for the cost of $22,550.00 (Twenty-two thousand five hundred fifty dollars).

After the Lead abatement is completed the home will be totally rehabilitated and then sold to a qualified homebuyer, continuing the City's aggressive neighborhood revitalization efforts in the Angell neighborhood area under the Neighborhood Stabilization Program.

The City received three (3) additional bids:

- **LRS Enterprises Construction Company**, of 525 Dangl Road, Muskegon Michigan, for $17,500 (Seventeen thousand five hundred dollars). The bid was rejected because it was not submitted on the bid form supplied.
- **Statewide Abatement**, of 1720 N. Creston, North Muskegon, Michigan, for $26,900.00 (Twenty-six thousand nine hundred dollars)
- **Beattie Bros. Construction**, of 2786 Holton Road, Twin Lake, Michigan, for $54,621.00 (Fifty-four thousand six hundred twenty-one dollars)

**FINANCIAL IMPACT:** The funding for the project will be taken from the City's Lead Grant funds.

**BUDGET ACTION REQUIRED:** None

**STAFF RECOMMENDATION:** To approve for the Community and Neighborhood Services office to develop a contract with Murphy & Son Construction of Muskegon, Michigan and direct the Mayor and Clerk to sign the contract.

**COMMITTEE RECOMMENDATION**: None needed.

# Approval of Contractor for
# Lead Abatement and Total Rehabilitation at
# 940 Wood

**Front**

**Side**

**Commission Meeting Date: May 26, 2009**

**Date:** **May 18, 2009**

**To:** **Honorable Mayor and City Commissioners**

**From:** **Planning & Economic Development** CBC

**RE:** **Public Hearing - Request for an Industrial Facilities Exemption Certificate – Great Lakes Die Cast**

---

SUMMARY OF REQUEST:

Pursuant to Public Act 198 of 1974, as amended, Great Lakes Die Cast, 701 W Laketon Ave, has requested the issuance of an Industrial Facilities Tax Exemption Certificate. The total capital investment will be $355,000 in personal property and will create up to 20 jobs. This qualifies them for a tax abatement of nine (9) years.

FINANCIAL IMPACT:

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

BUDGET ACTION REQUIRED:

None

STAFF RECOMMENDATION:

Approval of the attached resolution granting an Industrial Facilities Exemption Certificate for a term of nine (9) years for personal property.

COMMITTEE RECOMMENDATION:

None

Resolution No. _______

**MUSKEGON CITY COMMISSION**

RESOLUTION APPROVING APPLICATION FOR ISSUANCE
OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
***Great Lakes Die Cast***

WHEREAS, pursuant to P.A. 198 of 1974 as amended, after duly noticed public hearing held on October 24, 1995, this Commission by resolution established an Industrial Development District No. 95-111(g) as requested by Dilesco Corporation, of 1806 Beidler St., Muskegon, Michigan 49441; and

WHERAS, in 2004, Great Lakes Die Cast Corporation, 701 W Laketon Avenue, Muskegon, Michigan, was granted the change in name of Industrial Development Certificate No. 95-724 for real and personal property located at 701 W Laketon Avenue, Muskegon, Michigan; and

WHEREAS, Great Lakes Die Cast has filed an application for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to new machinery and equipment that has been installed within said Industrial Development District ; and

WHEREAS, said application was filed no later than six months after project completion and the Muskegon City Commission held a public hearing on May 26, 2009, at the Muskegon City Hall in Muskegon, Michigan at 5:30 p.m. at which hearing the applicant, the assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

1) The Muskegon City Commission finds and determines that the Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Act of 1974 as amended and Act No. 255 of the Public Acts of 1978 as amended shall not have the effect of substantially impeding the operation of the City of Muskegon or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Muskegon.

2) The application of Great Lakes Die Cast, for the issuance of an Industrial Facilities Tax Exemption Certificate with respect to the installation of new machinery and equipment on the following described parcel of real property situated within the City of Muskegon to wit:

    CITY OF MUSKEGON MAP OF GLENCOE ADD PARCEL 1 LOTS 6 & 7 & LOTS 12 TO 18 INC BLK 2 LOTS 1-4 INC & LOTS 20-26 INCL BLK 3 LOTS 1-7 INCL & LOTS 21-26 INCL BLK 4 LOTS 1-6 INCL BLK 5 ALSO BEG AT INT OF NELY ROW LN OF C&O RR CO'S ROW (33 FT WIDE) & CL OF DUNCAN AVE (VAC) TH ELY ALG CL OF DUNCAN AVE TO INT OF CL OF DUNCAN AVE & E LN OF LOT 4 (EXTENDED N) BLK 10 TH S ALG E LN OF SD LOT 4 TO NELY ROW OF SD RR TH NWLY ALG NELY ROW LN TO POB INCL VAC STS & ALLEY ADJ EXC THAT PT THAT LIES E OF W ROW LN OF BUS HWY US-31 PARCEL 2 LOTS 8 & 9 & N ½ VAC ALLEY ADJ TO SD LOTS BLK 2 PARCEL 3 LOTS 10

&11 & N ½ OF VAC ALLEY & W ½ OF VAC BEIDLER ST ADJ TO SD LOTS BLK 2 PARCEL 4 LOTS 2-11 INCL & N ½ VAC ERIE ST ADJ TO LOTS 8-11 BLK 1 PARCEL 5 LOTS 1-3 BLK 6 & S ½ OF VAC ERIE ST ADJ TO LOT 1 PARCEL 6 LOTS 6-11 INCL & S ½ OF VAC ERIE ST ADJ TO BLK 6 & N ½ OF VAC ALLEY ADJ TO SD LOTS PARCEL 7 LOTS 4 & 5 BLK 6 & N ½ VAC ALLEY ADJ TO LOT 5 PARCEL 8 LOTS 17 & 18 & N ½ OF VAC DUNCAN AVE ADJ BLK 6 & S ½ OF VAC ALLEY ADJ PARCEL 9 LOTS 12-16 INCL & N ½ OF VAC DUNCAN AVE ADJ TO BLK 6 & S ½ OF VAC ALLEY ADJ TO LOTS 14-16 INCL & VAC ALLEY ADJ TO LOTS 12-14 INCL PARCEL 10 LOTS 1-4 & N ½ OF VAC ALLEY ADJ TO SD LOTS BLK 2 PARCEL 11 LOT 5 & N ½ OF VAC ALLEY ADJ TO SD LOT BLK 2 PARCEL 12 PART OF W ½ OF NW FRAC ½ OF SEC 31 T10N R16W DESC AS BEG AT INT OF E LN OF HENRY ST & C/L OF VAC DUNCAN AVE TH E ALG SD C/L 4464.5 FT TO WLY LN OF A PARCEL CONVEYED TO MI ST HWY COMMISSIONER BY A WD RECORDED IN L679 P38 TH SELY ALG SD WLY LN 413.38 FT TO W LN OF A PARCEL CONVEYED TO THE MI ST HWY COMMISSIONER BY A WD RECORDED IN L642 P227 TH S ALG SD W LN 222.36 FT TO N LN OF YOUNG AVE TH W ALG N LN OF YOUNG AVE 671.3 FT TO INT WITH E LN OF HENRY ST TH N ALG E LN OF HENRY ST 593.7 FT TO POB ALL OF THE ABOVE DESC PARCELS ARE MORE PARTICULARLY DESC AS PT OF THE PLAT OF GLENCOE ADD & PT OF THE NW FRAC ¼ OF NW ¼ SEC 31 T10N R16W DESC AS BEG A PT DISTANT S00D 00M 00S W 33 FT ALG W LN OF SEC 31 & N 89D 47M 06S E 33 FT PAR W N LN OF SEC 31 FROM NW COR OF SEC 31 N 89D 47M 06S E 633.17 FT ALG N LN OF BLKS 1 2 & 3 TH S 00D 00M 00S W 134.79 FT TH N 89D 56M 20S E 75.33 FT ALG C/L OF AN ALLEY TH S 00D 00M 00S W 320 FT (MEASURED 332 FT) ALG E LN OF LOT 20 BLK 3 & LOT 7 BLK 4 & THEIR EXTENSIONS TH S 89D 56M 20S W 25 FT ALG THE C/L OF AN ALLEY TH S 00D 00M 00S 379.02 FT TH S 05D 27M 22S W 133.47 FT TH S 00D 15M 07S W 221.20 FT (MEASURED 221.02 FT) ALG W ROW LN OF SEAWAY DR TH S 87D 48M 13S W 670.33 FT TH N 00D 00M 00S E 1222.95 FT ALG E LN OF W 33 FT OF SEC 31 TO POB EXC LOTS A & 1 BLK 1 EXC CSX RR ROW EXC LOTS 19-27 INCL BLK 6 GLENCOE ADD INCL N ½ VAC DUNCAN AVE & S ½ OF VAC ALLEY ABUTTING SD PREMISES EXC THE FOLLOWING PARCEL PARTS OF LOTS 2-4 20-25 & VAC ALLEY BLK 3 PLAT OF GLENCOE ADD TO THE CITY OF MUSKEGON BEING DESC AS COM AT NW COR OF SEC 31 T10N R16W TH S 00D 00M 00S W 33.00 FT ALG W LN OF SD SEC TH N 89D 47M 06S E 616.74 FT ALG S LN OF LAKETON AVE TO POB OF THE PARCEL OF LAND HEREIN DESC TH CONT ALG SD S LN N 89D 47M 06S E 49.43 FT TH S 00D 00M 00S W 134.79 FT ALG THE E LN OF SD LOT 4 AND THE SLY EXTENSION TH'OF TH N 89D 56M 20S E 75.33 FT ALG THE C/L OF SD ALLEY TH S 00D 00M 00S W 9.53 FT ALG THE E LN OF SD LOT 20 TH N 89D 49M 23S W 124.62 FT ALG THE N LN OF AN EXISTING BLDG AND THE ELY EXTENSION THEREOF TH N 00D 39M 59S E 44.63 FT ALG THE E LN OF AN EXISTING BLDG TH S 89D 20M 31S W 1.48 FT ALG THE N LN OF AN EXISTING BLDG TH N 00D 28M 32S E 99.06 FT ALG THE E LN OF AN EXISTING BLDG TO THE POB SUBJECT TO ESMT RESTRICTIONS AND R/W OF RECORD SUBJECT TO AN ESMT FOR INGRESS AND EGRESS OVER PART OF LOTS 2 3 20 21 22 23 24 25 AND THE VAC ALLEY BLK 3 PLAT OF GLENCOE ADDN BEING DESCRIBED AS COM AT THE NW COR OF SEC 31 T10N R16W TH S 00D 00M 00S W 33.00 FT ALG THE W LN OF SD SEC TH N 89D 47M 06S E 616.74 FT ALG THE S LN OF LAKETON AVE TO THE POB OF THE PARCEL OF LAND HEREIN DESCRIBED TH CONT ALG SD S LN N 89D 47M 06S E 10.00 FT TH S 00D 28M 32S W 98.99 FT TH N 89D 20M 31S E 1.48 FT TH S 00D 39M 59S W 34.77 FT TH S 89D 49M 23S E 39.18 FT TH S 00D 00M 00S W 0.78 FT ALG THE SLY EXTENSION OF THE E LN OF SD LOT 4 TH N 89D 56M 20S E 75.33 FT ALG THE C/L OF SD ALLEY TH S 00D 00M 00S W 9.53 FT ALG THE E LN OF SD LOT 20 TH N 89D 49M 23S W 124.62 FT ALG THE N LN OF AN EXISTING BLDG AND THE ELY EXTENSION THEREOF TH N 00D 39M 59S E 44.63 FT ALG THE E LN OF AN EXISTING BLDG TH S 89D 20M 31S W 1.48 FT ALG THE N LN OF AN EXISTING BLDG TH N 00D 28M 32S E 99.06 FT ALG THE E LN OF AN EXISTING BLDG TO THE POB. ALSO EXC LOT 5 & THAT PART OF LOTS 4, 6, 7, 8 & 9 OF GLENCOE ADDITION TO THE CITY OF MUSKEGON DESC AS COM AT A CAPPED IRON ROD (NO

37279) AT THE INTERSECTION OF THE C/L OF THE ALLEY ADJ TO SD LOT 5 WITH THE W LN OF SD BLK 6 FOR THE POB TH N 00D 00M 00S E ALG SD W LN BLK 6 A DIST OF 50 FT TO A CAPPED IRON ROD (NO. 34972) TH N 89D 48M 18S E PAR WITH C/L OF SD ALLEY A DIST OF 150 FT TO A CAPPED IRON ROD (NO 34972) TH S 56D 36M 10S E A DIST OF 90.37 FT TO A CAPPED IRON ROD (NO. (S) 18987 & 18435) TH S 890D 48M 18S W ALG SD C/L OF ALLEY A DIST OF 225.45 FT TO POB

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

Adopted this 26th Day of January 2009.

Ayes:

Nays:

Absent:

BY: ______________________________

Stephen J. Warmington
Mayor

ATTEST: ______________________________

Ann Marie Becker
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on May 26, 2009.

______________________________

Ann Marie Becker
Clerk

# CITY OF MUSKEGON

CONTRACT FOR TAX ABATEMENT
Act 198 Public Acts of 1974

AGREEMENT between CITY OF MUSKEGON, a municipal corporation of 933 Terrace Street, Muskegon, Michigan 49441, ("City") and Great Lakes Die Cast ("Company").

## Recitals:

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

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

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

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

NOW THEREFORE THE PARTIES AGREE:

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

1.1 That 100% of the jobs shall be filled and in existence with full-time employees by a date no later than two (2) years from the date of the granting of the certificate by the State Tax Commission.

1.2 The Company shall meet the affirmative action goal included in the application or in any documents supplied by the City and utilized by the Company, including any additional representations made to the City Commission on or before the date two (2) years after the granting of the certificate by the State Tax Commission. It shall maintain the said levels of employment diversity during the period of the certificate.

1.3 The Company, by the end of two (2) years from the date of the grant of the certificate by the State Tax Commission shall have completed the investment of $355,000 in the equipment and improvements as shown in the application.

1.4 That the improvements and equipment to receive the tax abatement treatment shall be completed on or before the date two (2) years from the date of granting of the certificate by the State Tax Commission.

1.5 The Company shall pay its specific taxes required by the act in a timely manner, and shall not delay payments so as to incur any penalties or interest.

1.6 The Company shall fully cooperate with the City representatives in supplying all requested and required documentation regarding jobs, investment, the meeting of all goals and the timely installation and utilization of equipment and improvements. The City shall be entitled to inspect at reasonable hours the Company's premises where the said improvements and equipment have been installed and where the said jobs are performed.

1.7 The Company shall maintain, during the entire period for which the tax abatement is granted, the level of jobs, affirmative action goals, production and utilization of the improvements and equipment at the site where the district has been created and for which the tax exemption has been granted.

1.8 The Company shall not cause or fail to cure the release of any hazardous substance, or the violation of any environmental law on its premises in the City. It shall report any releases to the appropriate governmental authority in a timely and complete manner, and provide copies of said report documentation to the City. It shall comply with all orders and actions of any governmental agency having authority.

1.9 The Company shall maintain the equipment and improvements so as to minimize physical or functional obsolescence.

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

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

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

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

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

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

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

3.5 The bankruptcy or insolvency of the Company.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF MUSKEGON

By ____________________
Steve Warmington, Mayor

Date ____________________

and ____________________
Ann Marie Becker, Clerk

Date ____________________

GREAT LAKES DIE CAST CORPORATION

By ____________________
Con J. Nolan
Its President

Date 5/5/09

MUSKEGON
West Michigan's Shoreline City

# City of Muskegon
# Industrial Facilities Exemption Application
# Summary Sheet

**Project Summary:**

Great Lakes Die Cast, located at 701 W Laketon Ave, Muskegon, Michigan, will be installing new machinery at its location to diversify its operation. The addition of up to 20 new employees qualifies the company for an abatement of nine (9) years.

**Employment Information:** **62 employees**

Racial Characteristics:

| | |
|---|---|
| White | 49 |
| Minority | 13 |
| Total | 62 |

Gender Characteristics:

| | |
|---|---|
| Male | 53 |
| Female | 9 |
| Total | 62 |

Total No. of Anticipated New Jobs: 20

**Investment Information:**

| | |
|---|---|
| Real Property: | $0 |
| Personal Property | $355,000 |
| Total: | $355,000 |

| **Property Tax Information:** (Annual) | All Jurisdictions | City Only |
|---|---|---|
| Total New Taxes Generated | $ 5,887 | $ 1,966 |
| Value of Abatement | $ 2,944 | $ 983 |
| Total New Taxes Collected | $ 2,944 | $ 983 |

**Income Tax Information:** (Annual)
Total Additional Income Tax Generated: $ 3,203

**Company Requirements:**

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

Mike Franzak
Planner II

Dwana Thompson
Dwana Thompson
Affirmative Action Director

**DATE:** 05/04/2009

**TO:** Honorable Mayor and Commissioners

**FROM:** Anthony L. Kleibecker, Director of Public Safety

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN080277

**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 **1692 HOYT ST Area 13** 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: # EN080277 – 1692 Hoyt St

Location and ownership: This structure is located on Hoyt Street between Larch and Dale Streets and is owned by Mark Anderson.

Staff Correspondence: A dangerous building inspection was conducted on 11/25/08. The Notice and Order to Repair was issued on 12/03/08. On 02/05/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 02/05/09. Notices were sent certified but returned unclaimed. All notices were resent to forwarding address provided by Post Office. The owner’s brother contacted the Inspection Department 03/14/09. No permits have been issued and no inspections scheduled.

**Financial Impact**: CDBG Funds

**Budget action required**: None

**State Equalized value**: $11,200 (Entire property)

**Estimated cost to repair**: $12,000 Exterior Only

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

**SUMMARY FOR: 1692 HOYT ST**

This is a single family wood frame structure that has been unoccupied since November 2008. An interior inspection was performed that showed a need for extensive repairs, including electrical, plumbing and mechanical systems. The building inspector noted a collapsed ceiling and damaged joists. A comprehensive list was not completed due to the amount of human waste and debris. To date no permits have been applied for at this time.

# CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

# DANGEROUS BUILDING INSPECTION REPORT

Wednesday, December 3, 2008

**Enforcement #** EN080277 **Property Address** 1692 HOYT ST
**Parcel #**24-205-292-0009-10 **Owner** ANDERSON MARK

**Inspector:** Henry Faltinowski

**Date completed:** 11/25/2008

**DEFICENCIES:**

**Uncorrected**

**1. Inspect & certify chimney, water heater, space heater.**
**2. Provide adequate heat system for dwelling gas pressure test gas line.**
**3. Inspect & repair all house plumbing, leaks, etc.**
**4. Inspect & certify water service & building sewer.**
**5. Plumbing & mechanical to be assessed & brought up to 06 code.**
**6. House to be rewired to code.**
**7. Smoke alarms to be installed to code.**
**8. Replace electric service to code.**
**9. Repair all structural damage on front back porches install proper piers for support replace all damaged joists and decking- columns and roof.**
**10. Repair chimney missing brick, tuck point open gaps in chimney.**
**11. Replace damaged worn roof coverings.**
**12. Interior ceiling collapsing.**
**13. Large amounts of debris, human waste - throughout**
**14. Broken out windows.**
**15. Remove all debris in home and provide interior inspection by all trade inspectors.**
**16. Provide rafter investigation when all debris is removed. Wooden shakes**
**17. Provide foundation inspection when all debris is removed.**

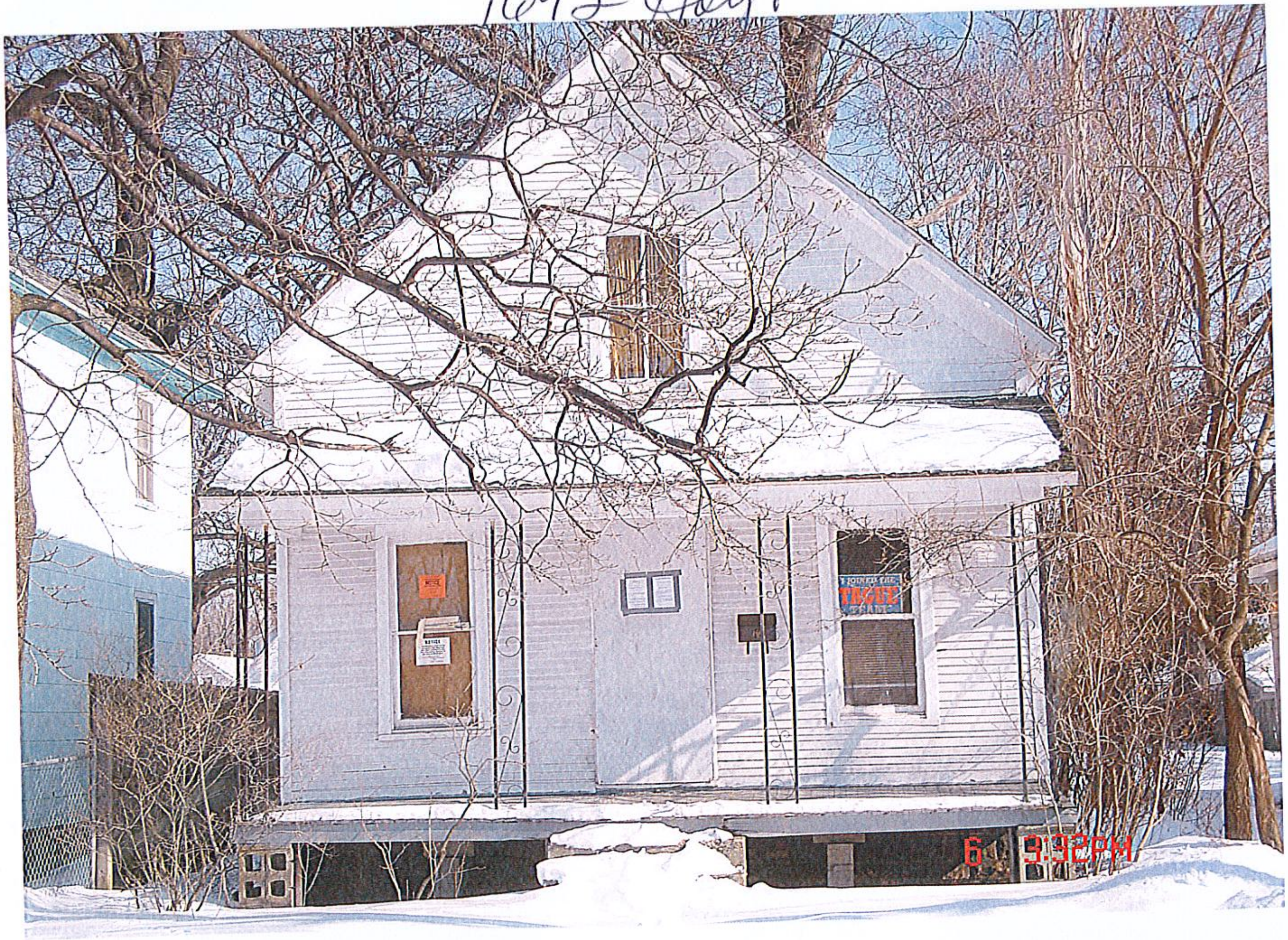
**Request interior inspection by all trades, electrical, mechanical and plumbing.  Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.**

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

________________________________ _________________

Henry Faltinowski, Building Inspector Date


1692 Hoyt



1692 Hoyt

**DATE:** 05/05/2009

**TO:** Honorable Mayor and Commissioners

**FROM:** Anthony L. Kleibecker, Director of Public Safety

**RE:** Concurrence with the Housing Board of Appeals Notice and Order to Demolish. Dangerous Building Case #: EN080278

**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 **1451 LEAHY ST Area 11** 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: # EN080278 – 1451 Leahy St

Location and ownership: This structure is located on Leahy Street between Grand and Irwin Streets and is owned by Evelyn McMillian.

Staff Correspondence: A dangerous building inspection was conducted on 11/14/07 based on a fire at the structure. The Notice and Order to Repair was issued on 12/03/08. On 02/05/09 the HBA declared the structure substandard and dangerous.

Owner Contact: No one was present for the HBA meeting dated 02/05/09. Owner called to say notices had been sent to wrong address. Spoke with owner 05/05/09 and it was indicated a contract had been signed with Franklin's to demolish structure but no permits have been issued for that work.

**Financial Impact**: CDBG Funds

**Budget action required**: None

**State Equalized value**: $24,900 (Entire property)

**Estimated cost to repair**: $40,000

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

**SUMMARY FOR: 1451 LEAHY ST**

This is a single family wood framed structure that was subjected to a fire in 2007. On November 27, 2007 a fire inspection was performed to assess the extent of the damage to the building. The building currently remains unrepaired and the property owner has indicated that she intends to have the building demolished.

# CITY OF MUSKEGON

933 Terrace St., P.O. Box 537, Muskegon, MI 49443 (231) 724-6715

# DANGEROUS BUILDING INSPECTION REPORT

Wednesday, November 26, 2008

**Enforcement #** EN080278 **Property Address** 1451 LEAHY ST
**Parcel #**24-205-274-0014-00 **Owner** MCMILLIAN EVELYN L

**Inspector:** Henry Faltinowski

**Date completed:** 11/14/2007

**DEFICENCIES:**

**Uncorrected**

**1. House to be rewired to code.**
**2. Smoke alarms to be installed to code.**
**3. Electric service to be replace/relocated to code.**
**4. Clean ductwork.**
**5. When water is established inspect plumbing in fire affected area - repair as necessary - any plumbing repairs to meet 2003 Michigan Code.**
**6. Need drainline on T & P for water heater.**
**7. Inspect & certify furnace & water heater.**
**8. Pressure test gas line.**
**9. Must have bath vent fan - if there are vent fans inspect fan ductwork to outside to insure it is ok.**
**10. Replace all charred roof rafters at north east corner of building.**
**11. Replace all water damaged drywall.**
**12. Provide egress window in basement.**
**13. Replace damaed siding, soffit, and facia.**
**14. Encapsulate or remove all smoke damage.**
**15. Replace or repair garage door.**
**16. Repair all damaged windows and doors**
**17. Install smoke detectors.**

**Request interior inspection by all trades, electrical, mechanical and plumbing. Please contact Inspection Services with any questions or to schedule an inspection at 933 Terrace St., Muskegon, MI 49440 (231) 724 6758.**

Based upon my recent inspection of the above property I determined that the structure meets the definition of a Dangerous Building and/or Substandard Building as set forth in Section 10-61 of the Muskegon City Code.

_______________________________ ________________

Henry Faltinowski, Building Inspector Date


1451 Leahy


1451 Leahy